

# strategic

development group



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ASEAN-Australia Counter  
Trafficking Program  
Mid-Term Review (MTR)

26 January 2023

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# ACRONYMS

<b>Acronym</b>	<b>Definition</b>
ACTIP	ASEAN Convention Against Trafficking in Persons, Especially Women and Children
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AICHR	ASEAN Intergovernmental Commission on Human Rights
AMS	ASEAN Member State
ASEAN	Association of Southeast Asian Nations
ASEAN-ACT	ASEAN–Australia Counter Trafficking
AWP	Annual Work Plan
BWP	Bohol TIP Workplan 2017 -2020
BWP2.0	Bohol TIP Workplan 2022-2027
CACJ	Council of ASEAN Chief Justices
CDS	Capacity Development Strategy
CSO	Civil society organisation
CTIP	Counter–trafficking in persons
DFAT	Department of Foreign Affairs and Trade (Australia)
DSI	Department of Special Investigations
EOPO	End of program outcome
GEDSI	Gender Equality, Disability and Social Inclusion
LGBTIQ	Lesbian, gay, bisexual, transgender, gender diverse, intersex and queer
MEL	Monitoring, Evaluation and Learning
MSA	Memorandum of Subsidiary Arrangements
NPSC	National Program Steering Committee
NSAs	Non-State Actors
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OPD	Organisation of Disabled People
PEA	Political economy analysis
PEP	Policy Engagement Plan
PNP	Philippines National Police



<b>Acronym</b>	<b>Definition</b>
PPAs	Programmes, projects, and activities
RPSC	Regional Program Steering Committee
SOMTC	Senior Officials Meeting on Transnational Crime
TIP	Trafficking in Persons
ToC	Theory of Change
UNDP	United Nations Development Programme
UNODC	UN Office on Drugs and Crime
UNCRPD	UN Convention on the Rights of Persons with Disabilities
CEDAW	Committee on the Elimination of Discrimination against Women

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### **Disclaimer**

As the product of an Independent Review, this report reflects the views of the Mid-Term Review Team and does not necessarily represent the views of the Australian Government.



# EXECUTIVE SUMMARY

## Purpose of the MTR

The ASEAN-Australia Counter-Trafficking program (ASEAN-ACT) is an initiative between the Australian Government Department of Foreign Affairs and Trade (DFAT) and the Association of Southeast Asian Nations (ASEAN) targeting human trafficking throughout the ASEAN region. ASEAN-ACT is a 10-year (2018-2028), \$80 million program that works to strengthen criminal justice responses and protect victim rights. The program's goal is that ASEAN Member States (AMS) have effective justice systems that provide just punishment of traffickers and protect the human rights of victims. The expected end-of project outcomes (EOPOs) are:

- EOPO 1: ASEAN's planning, monitoring and reporting of ACTIP implementation is increasingly effective and advances the protection of victim rights.
- EOPO 2: ASEAN Member State criminal justice and related state agencies are increasingly capable of fulfilling their ACTIP obligations, in particular those that uphold victim rights.
- EOPO 3: ASEAN Member State justice and related state agencies' policies and practices are influenced by relevant stakeholders and better aligned with the ACTIP, especially in connection to victim rights obligations.

ASEAN-ACT works through three interrelated pathways that guide program implementation and support the achievement of EOPOs.

- Pathway 1: Enhance regional-level ASEAN capacity to oversee ACTIP implementation
- Pathway 2: Enhance national-level individual and organisational capacity for ACTIP implementation
- Pathway 3: Develop inclusive public policy processes to improve ACTIP implementation

The purpose of the MTR is for improvement and accountability by examining the program's relevance, effectiveness, efficiency, and contractor performance during the period November 2018 to June 2022. The MTR is intended to inform DFAT decision making to continue the program, including whether to renew the current Managing Contractor's contract for a further five years. It is a formative review to understand the elements of the program's design that are working well and where there are gaps and areas to enhance or change in the next phase.

The objectives of the MTR are:

1. To assess program effectiveness, relevance, and efficiency, including the outcomes achieved through DFAT's contract with DT Global to deliver the ASEAN-ACT program. Specific regard was made within the assessment to the following areas: adaptive management and flexible delivery in response to the COVID-19 pandemic, management of gender equality disability and social inclusion (GEDSI), and value for money.
2. To identify lessons and provide recommendations for improvements to program implementation and strategic focus.
3. To provide information and evidence supporting the findings from the assessment of relevance, effectiveness, and efficiency of ASEAN-ACT, to enable DFAT to make an informed decision on continuing the ASEAN-ACT program and whether to renew the Managing Contractor's contract for a further five years (Phase 2).



## Approach taken to the MTR

The MTR addresses the following key questions:

1. Is ASEAN-ACT doing the right things?
2. How effective has ASEAN-ACT been in achieving its outcomes?
3. To what extent can the program be considered operationally efficient and cost-effective?

The MTR employed a mixed-methods approach: desk-based document review, Key Informant Interviews, Focus Group Discussions and Small Workshops. All consultations took place online and informants were offered the opportunity to provide written responses. The MTR methodology also applied a case study approach to ground and focus its analysis. Case studies were intended to help frame the analysis, facilitate in-depth understanding, and illustrate key findings. The MTR team consulted with 58 people through individual and small group interviews, and a further 27 people across three focus groups. The team consulted DFAT and the ASEAN-ACT team representatives as well as program partners operating at the ASEAN regional and national levels (Brunei, Cambodia, Indonesia, Lao PDR, Philippines, Singapore, Thailand, and Vietnam, but not Malaysia or Myanmar)<sup>1</sup>; civil society organisations (CSOs) (grantees); Organisations of Disabled People (OPD); and other international partner organisations. There was adequate uptake of interview requests to ensure a representative and detailed view of the program. While not everyone responded to interview requests, the MTR team does not feel that this impacted significantly on the validity of the findings of the review.

## Key Findings

### *Relevance: Is ASEAN-ACT doing the right things?*

The program is considered highly relevant. There is broad consensus that anchoring the program in ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) and the Bohol Trafficking in Persons Workplan (2017 -2020) is the right thing to do. It is also widely agreed the program is consistent with DFAT's priorities for development in the ASEAN region, notably Australia's international engagement strategy on human trafficking and modern slavery and Australia's Partnerships for Recovery. There is a clear rationale for continued Australian investment, particularly in the context of the ASEAN-Australia Comprehensive Strategic Partnership. Over the course of the investment, the COVID-19 pandemic and formation of Memorandum of Subsidiary Agreements (MSA) with some partner governments, have emerged as key issues requiring flexibility, tailored approaches, and a shift in ways of working.

There are varying levels of commitment to ACTIP implementation and to engaging with the program. Changes in leadership also can derail commitment and priority accorded to countering trafficking in persons (CTIP). Efforts to address official corruption and the complicity of some government officials in trafficking in persons (TIP) are important. Labour migration is important in most of the economies of ASEAN Member States (AMS), and it is noted that much of this is informal or irregular which creates serious vulnerabilities for migrant workers and their families.

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<sup>1</sup> This is recognised as a constraint for the MTR. The Malaysia post was engaged through a FGD while World Vision Myanmar was consulted given that direct contact with the Government is not possible at this time.



*Effectiveness: How effective has ASEAN-ACT been in achieving its outcomes?*

As anticipated in the design, there are varying levels of commitment to ACTIP implementation, and to engaging with the program. All countries must consistently build on existing capacity to achieve regional benefits. This is clearly the rationale for ACTIP which has a strong normative focus. While it is reasonable to expect countries to be at different stages in ACTIP implementation and broader progress in combating TIP, there are emerging challenges for ASEAN-ACT in supporting the implementation of ACTIP in Indonesia (due to MSA arrangements), Malaysia (not considered in the original design under Pathway 2) and Myanmar (due to the 2021 coup) in addition to Brunei and Singapore. Linking National Action Plans with the BWP 2.0 Outcome areas will be important in this context.

The program's Capacity Development Strategy (CDS) (May 2020) outlines a broader definition of "capacity development" than outlined in the Investment Design Document. According to the CDS, these broad definitions will help address concerns about previous approaches that struggled to account for the system-wide barriers that constrain the capacity of law and justice sectors to respond to TIP, beyond just awareness-raising and technical skills. National projects are the main mechanism adopted for capacity development at the country level, complemented by other regional activities (e.g., webinars and studies). The CDS makes the valid observation that when contributing to transnational issues across different disciplines and sectors, links between capacity-related 'inputs' and 'outcomes' are particularly hard to plan for, discern and demonstrate attribution. In this connection, flexibility and adaptability are critical in the planning and delivery of meaningful contributions to organisational or network capacity development. All countries need to consistently build on existing capacity to achieve regional benefits. It is important that the program assess existing strengths and barriers to ACTIP implementation in each country and jointly select country-specific action plans for implementation. Overall, the MTR team is left with the impression that the CDS, and the more expansive approach to capacity development that it encourages, could be influencing program planning and implementation in more significant ways.

Through Pathway 3, ASEAN-ACT is promoting cooperation between a diverse range of stakeholders to support improvements in justice sector counter-trafficking policy and practice. Close engagement with CSOs is a valuable dimension of ASEAN-ACT and is a clear point of difference in the design from DFAT's previous counter-trafficking aid investments. ASEAN-ACT seeks to develop or enhance mechanisms to promote joint policy dialogue and learning to influence policies and practices across the justice sector. The focus is on ASEAN Member State justice and related state agencies to ensure that their CTIP policy and practices are better aligned with the ACTIP, especially in connection to victim rights obligations. While it was not a specific modality in the design document, the CSO grant program does provide an opportunity for inclusive engagement on ACTIP implementation, and specifically victim rights obligations. While valued, Pathway 3 is less familiar to ASEAN-ACT country staff and national counterparts. There is an opportunity to be clearer about how the Pathway can strengthen the evidence base and provide space for policy dialogue. Consideration on how inclusive public policy approaches could support Pathways 1 and 2 could also be a priority, in the overall context of ACTIP implementation. The objective of CSO and private sector engagement and how this buttresses ACTIP implementation (especially victim rights obligations) is not explicitly clear in the documents examined,



including the Policy Engagement Plan (PEP). This could point to a need to refocus Pathway 3 with clearer place in the Theory of Change (ToC) as an “enabler”.

There is a general enthusiasm for and commitment to the program’s emphasis on promoting the human rights of victims of trafficking across programming. This was a resounding message from DFAT and ASEAN-ACT representatives interviewed as well as government and civil society program partners across a number of countries. The focus on victim rights enhances program relevance (in terms of ACTIP alignment) as well as effectiveness, and there is opportunity to expand this focus in the program’s second phase. The program’s Victim Rights Strategy (2022) provides a clear roadmap for this expansion; prioritising and resourcing the full implementation of the strategy regionally and in each country will be key for the program’s second phase.

Civil society and private sector engagement presents opportunities to expand programming on victim rights. Expansion of the grants program provides an opportunity for greater emphasis on victim rights; grantees could be afforded greater resources to directly engage with victims, including for the provision of services. This aligns with the program’s Victim Rights Strategy which encourages holistic systems-based approaches. Interviews also revealed appetite from government partners for continued training on victim rights elements of criminal investigations and prosecutions; program partners interviewed reflected on the quality of this support.

The GEDSI and Victim Rights Strategy, approved in 2022, provides a strong and evidence-based framework for delivery of a twin-track approach to GEDSI. Use of gender criteria, or markers, to guide approval of program activities helps to focus the ASEAN ACT team and partners to assess GEDSI needs and priorities. GEDSI-specific indicators raise prominence through the MEL and reporting. Disability inclusion is less progressed. Critical challenges include: reference to GEDSI in ACTIP is limited to women and girls; Member State commitment to GEDSI is inconsistent and influenced by different cultural and attitudinal barriers, for example, trafficking of boys and men, LGBTIQ; and intersectionality of gender and disability is a challenge. Localisation creates a real opportunity for this to be nuanced but the capacity of the country teams to advocate and effectively include GEDSI with government and partners requires continued strengthening. There are high demands on the GEDSI adviser and her staff in managing both delivery of the strategy and supporting capacity of country teams and partners.

The Communications Strategy (Feb 2022) provides an opportunity to strengthen achievement of program EOPOs. Interviews revealed an opportunity to revise the program’s theory of change, including re-articulation of the outcomes, and strengthen monitoring, evaluation and learning in Phase 2.

*Efficiency: To what extent can the program be considered operationally efficient and cost-effective?*

Program efficiency and cost effectiveness are considered by the MTR team to be reasonable given the difficulties posed by the pandemic. The program has met expenditure targets and has adopted an adaptive approach to the evolving challenges of the pandemic. The MTR team notes the increasing proportion of expenditure on program activities over time. Also recognised are the budget limitations faced as the program works towards completion of Phase 1. Budget limitations can be attributed to demands following the COVID pivot, as well as overall costs increases due to inflation (travel costs for example).





There was a long inception phase which needs to be considered in tracking progress towards outcomes. The long inception phase is likely to have limited program implementation, combined with the pandemic hitting almost immediately after the inception phase finished. These challenges have largely been overcome and the MTR recognizes the strong leadership team that is in place which has contributed to program efficiency. The devolved program structure and localisation are generally considered to be strengths of the program by the ASEAN-ACT team and national program partners. The country teams are highly valued by government counterparts.

There could be a simplification of the ToC in support of clearer communication and understanding of program focus with partners. Rigid program logic does not work well for this program. Reporting requirements and strategies could be streamlined and refined with clear benefits for efficiency and in support of evidence-based decision making as well as accountability to program partners.

Implementation arrangements with ASEAN could be clarified, and efforts to continually reinforce the National and Regional Program Steering Committees will be important.

### **Recommendations**

The MTR team proposes the following recommendations:

#### **Regional Level (Pathway 1)**

1. **DFAT and ASEAN-ACT should develop an ASEAN Engagement Plan** to boost recognition of the program within the ASEAN Secretariat and AMS missions to ASEAN. The Engagement Plan would be well located within the ASEAN-ACT Diplomatic Strategy which is currently in draft form.

#### **National Level (Pathway 2)**

2. Recognising the importance and priority accorded to localisation, **ASEAN-ACT should invest further in strengthening the capacity (number of staff and their technical knowledge and skills) of country teams** to effectively lead on all aspects of the program, particularly in Pathways 2 and 3 which demand strong capacity in partnership brokering and management; MEL; GEDSI; and design and delivery of a broader suite of capacity development activities as well as the process of supporting the Political Economic Analysis (PEA) and its application including ongoing monitoring and updating, and on development and management of the CSO grantees.
3. **DFAT and ASEAN-ACT should increase the proportion of the investment allocated to country programs**, to enable increase in number of program staff, and/or increased use of local experience and expertise through contracting or partnership grants with NSAs to bolster technical capacity and contribute to program delivery.
4. Recognising the importance of regional collaboration to address TIP as a transnational crime, and in support of the normative dimensions of ACTIP, **DFAT and ASEAN-ACT should:**
  - a. **Develop a strategy to expedite MSA signing in Indonesia.** While noting the efforts that have already gone into this process and some of the obstacles being beyond immediate control, action on this should be prioritised.
  - b. **Examine opportunities to support CSOs operating in Myanmar** and/or seek ways to include Myanmar nationals' participation in activities with other AMS.
5. **DFAT and ASEAN-ACT should expand programming in Malaysia** through regional activities under Pathway 1, and/or deliver dedicated national activities under Pathway 2, noting that this will have budget implications.



### **Inclusive Policy Dialogue (Pathway 3)**

6. **ASEAN-ACT should develop a clearer articulation of the purpose of engagement of NSAs (CSO and private sector) under Pathway 3. ASEAN-ACT should reflect the analysis and advice in the PEA** in the selection of grantees, the areas of work, regional and national focus of the policy dialogues and the strategies applied to multistakeholder policy dialogue.
7. To maximise the benefits of grants with NSAs, **ASEAN-ACT, through the country teams, should invest appropriate level of capacity in identifying, selecting, and managing the relationships as well as the program inputs provided by the grantees**, and seek to develop enduring relationships over time with relevant and high performing actors to support effectiveness and sustainability of program outcomes. Clear criteria and a transparent process for selection of grantees, available for all stakeholders, would support effectiveness.

### **Gender equality, disability and social inclusion**

8. **ASEAN-ACT should strengthen capacity to deliver the GEDSI strategy** by country teams by:
  - a. **Continuing to develop strategic partnerships with relevant CSOs with experience and expertise in different aspects of GEDSI** that can support country teams and other partners' knowledge and commitment in their programming
  - b. **Engaging with other DFAT investments with effective GEDSI partnerships** with government and non-state actors for example in Philippines, Cambodia, Indonesia,
  - c. To progress disability inclusion in the program, **build on Australia's investment in disability inclusion and leadership in the ASEAN region** over the past decade by developing national level partnerships with OPDs and seeking involvement of relevant line ministries and agencies responsible for disability.

### **Monitoring Evaluation and Learning (MEL)**

9. **ASEAN-ACT should refine the MEL system through a reduction and streamlining of the performance indicators.** This will deliver clear benefits for efficiency, accessibility and utility for readers and users of the information. Enhancements (detailed in the report) will strengthen evidence-based decision making and promote learning, and accountability to program partners; assist a manageable progress and performance monitoring and support adaptive, strategic and activity level management by the ASEAN-ACT team and DFAT; and support more succinct and accessible program performance and progress reporting.

### **Capacity development**

10. **ASEAN-ACT should revisit and, if required, update the foundational strategies developed in the inception stage**, particularly the CDS to ensure it is relevant to the current context and the objectives are realistic given the demands being managed by the relatively lean country team that primarily hold responsibility for its delivery.



## Strategic direction

11. To strengthen overall effectiveness, **ASEAN-ACT should more clearly articulate the inter-dependence** Pathways 1 and 2 **and continue to strengthen programming** that demonstrates and reinforces this by:
  - a. Ensuring that **National Program Steering Committees (NPSC) consistently seek alignment of national activities with the ACTIP and the Bohol Workplan 2.0 (2022-27) outcomes** to support effectiveness and sustainability, while recognising ASEAN-ACT's ability to contribute to and influence National Actions Plans varies.
  - b. Explore options for embedding the NPSC with national peak inter-agency committees/councils by articulating this in the MSA with countries, which is building on the success in some countries, while recognising that the opportunities vary between the different countries.
12. **The planned review and revision of the ToC should seek to simplify and make clearer the relationship and interdependency of the different outcome areas and pathways of change**, particularly the connection of EOPO3 with the other outcome areas, including considering the rearticulating of this outcome area as part of improving clarity and understanding of Pathway 3. The review process may benefit from external facilitation and involve regional leadership and country teams and engage with DFAT and other critical partners.
13. **DFAT should ensure that there is sufficient commitment of available staff** to drive critical areas that advance Australia's political and diplomatic objectives and support effective, efficient program management, in particular:
  - a. Coordination and communication on TIP with other Commonwealth Government departments, regional and national leaders.
  - b. By ensuring time efficient approval based on well informed advice is provided to ASEAN-ACT on strategic, operational and program matters.
14. **DFAT and ASEAN-ACT should explore options to provide structure to the current, what appears to be *ad hoc*, information sharing and coordination** with development partners at the regional level on TIP initiatives and related policy and program areas
15. **ASEAN-ACT should ensure that implementation of the Communications Strategy and consolidation of communications provides an opportunity to strengthen progress towards EOPOs.** This will require dedicated resourcing and continued consideration of how communications can support policy engagement, advocacy, and capacity development in addition to valuable public diplomacy.



# INTRODUCTION

## Background to the MTR

The ASEAN-Australia Counter-Trafficking program (ASEAN-ACT) is an initiative between Australia and the Association of Southeast Asian Nations (ASEAN) targeting human trafficking throughout the ASEAN region. ASEAN-ACT is a 10-year (2018-2028), \$80 million program that works to strengthen criminal justice responses and protect victim rights. It builds on over 18 years of Australian Government support to combat trafficking in persons. ASEAN-ACT is supported by the Australian Government Department of Foreign Affairs and Trade (DFAT) and implemented by DT Global (previously Cardno Emerging Markets) as the Managing Contractor. ASEAN-ACT commenced on 19 November 2018 for an initial five-year phase, with an inception phase, and began implementation in 2020 for countries with signed Memorandum of Subsidiary Arrangements (MSAs): Cambodia, Lao PDR, the Philippines, Thailand, and Vietnam. Programming is planned for Indonesia and is currently on hold in Myanmar. ASEAN-ACT also works regionally with ASEAN.

The program's goal is that ASEAN Member States (AMS) have effective justice systems that provide just punishment of traffickers and protect the human rights of victims. The expected end-of project outcomes (EOPOs) are:

- EOPO 1: ASEAN's planning, monitoring and reporting of ACTIP implementation is increasingly effective and advances the protection of victim rights.
- EOPO 2: ASEAN Member State criminal justice and related state agencies are increasingly capable of fulfilling their ACTIP obligations, in particular those that uphold victim rights.
- EOPO 3: ASEAN Member State justice and related state agencies' policies and practices are influenced by relevant stakeholders and better aligned with the ACTIP, especially in connection to victim rights obligations.

ASEAN-ACT works through three interrelated pathways that guide program implementation and support the achievement of EOPOs.

- Pathway 1: Enhance regional-level ASEAN capacity to oversee ACTIP implementation
- Pathway 2: Enhance national-level individual and organisational capacity for ACTIP implementation
- Pathway 3: Develop inclusive public policy processes to improve ACTIP implementation

A program Gender Equality, Disability and Social Inclusion (GEDSI) strategy provides direction to ASEAN-ACT staff and partners and guides investment decisions. The GEDSI strategy recognises the specific and disproportionate risk to trafficking and gender-based violence related to gender, migration status, and by women, children and people with disability.

An Independent Review of ASEAN-ACT is required in year 4 of the program pursuant to the Investment Design Document. This independent MTR fulfills that requirement. The purpose of the MTR is for improvement and accountability by examining the program's relevance, effectiveness, efficiency, and contractor performance. The MTR is intended to inform DFAT decision making to continue the program, including renewal of the current Managing Contractor's contract for a further five years. It is a formative review to understand the elements of the program's design that are working well and where there are gaps and areas to enhance or change in the next phase.



The objectives of the MTR were:

1. To assess program effectiveness, relevance, and efficiency, including the outcomes achieved through DFAT funding of DT Global to deliver the ASEAN-ACT program. Specific regard was made within the assessment to the following areas: adaptive management and flexible delivery in response to the COVID-19 pandemic, management of gender equality disability and social inclusion (GEDSI), and value for money.
2. To identify lessons and provide recommendations for improvements to program implementation and strategic focus.
3. To provide information and evidence supporting the findings from the assessment of relevance, effectiveness, and efficiency of ASEAN-ACT, to enable DFAT to make an informed decision on continuing the ASEAN-ACT program and whether to renew the Managing Contractor's contract for a further five years (Phase 2).

The MTR findings are intended to support the information needs of stakeholders, as follows:

- DFAT (Australian Mission to ASEAN, DFAT Posts and relevant Divisions in Canberra) to inform improved development assistance for counter-trafficking efforts in support of the ASEAN Convention Against Trafficking in Persons (ACTIP) implementation across the ASEAN Region
- DT Global ASEAN-ACT team for improved implementation of the program
- The National Program Steering Committees and the Regional Program Steering Committee in support of enhanced program governance
- ASEAN-ACT program partners and other stakeholders to understand program progress and recommended changes in support of program quality
- Other donors in support of harmonisation and to avoid duplication.

## Evaluation Methodology

The MTR employed a mixed-methods approach: desk-based document review, Key Informant Interviews (KIIs), Focus Group Discussions (FGDs) and Small Workshops. Consultations took place online through video calls. Where informants were not available to participate in an online consultation, they were offered the opportunity to provide a written response (adapted from the interview guide at Annex 3). FGD participants were also invited to submit a follow-up written response to ensure their views were captured fully. 10 written responses were received. The MTR team has provided to DFAT separately an Excel spreadsheet listing all individuals and organisations consulted.

The MTR methodology also applied a case study approach to ground and focus its analysis. Case studies were intended to help frame the analysis, facilitate in-depth understanding, and illustrate key findings. The case studies help provide depth and texture to critical discussions about the program, and they provide concrete evidence of program quality, with analysis pinned to specific examples.

To ensure a representative view, the MTR focused on the Philippines, Thailand, and Vietnam, as well as the ASEAN regional program. These case studies were selected in consultation with DFAT and the ASEAN-ACT program team as they have the longest period of implementation (based on MSA signing) and, related to this, larger portions of program financial allocation for projects. They are also considered to be representative of different stages in the development of responses to TIP (as guided by the 2021 State Department TIP Report for example) and implementation of the ACTIP. Given that the MTR was undertaken remotely, ease of communication and access to information by the MTR



team were also a consideration. Outcome Harvest (OH)<sup>1</sup> was applied as a framework to guide the analysis and validation of information collected through enquiry for each evaluation question. Discussion of the specific outcomes harvested is provided below in the Key Findings section, particularly in the response to Key Evaluation Question 2. The OH process involved application of a framework to capture and analyse the outcomes, as follows: (i) short description of the outcome; (ii) who are the main contributors to the outcome; (iii) what are the key strategies used to achieve the outcome; (iv) significance and implications of the result/outcome; (v) key lessons learned from this result and how it came about.

See the MTR Plan (Annex 2) for further details of the MTR methodology, with detail also on the approach to data collection and analysis. Note the way the review was conducted did not vary materially from the MTR Plan. The main difference was a few weeks delay due to the substantial number of informants and scheduling.

### Limitations and Reliability of the Data Obtained

The MTR was conducted remotely. Without face-to-face meetings, it was arguably more difficult for the MTR team to build a connection with the interviewees, which may have reduced the extent of openness of the discussion and ideas shared. Accessibility and equality of participation of informants due to issues of access to technology, language, and cultural and communication preferences are other potential barriers. Overall, the MTR team is satisfied that the adaptive processes applied meant the barrier risks were well managed. Adaptive processes included: seeking advice and responding to reasonable accommodation requests; flexibility of options to participate (individual interviews, small group discussions, focus groups and written responses); respect for time zones; providing written questions in advance of interviews and discussions; and provision of interpreters,

Given the scale of the program, the timeline for data collection and analysis was relatively short. This placed limitations on the depth of analysis for a regional program addressing highly complex TIP issues that include governance and law enforcement dimensions. Indonesia and Myanmar country programs were not addressed in detail due to constraints in implementation. Singapore, Brunei, and Malaysia do not have designated country programs. While the program does not work at the national level in Singapore and Brunei), they are engaged through the ASEAN-ACT regional program. While Singapore, Brunei, Malaysia, Indonesia, and Myanmar do not have specific case studies, they are covered through review of Pathway 1.

### Ethical Considerations

The MTR has been conducted in line with DFAT's Ethical Research and Evaluation Guidance.<sup>2</sup> For all interviews and discussions, the do no harm principle was applied. Overall, the safeguard risks and risk of subject matter that trigger trauma or distress for the interviewees is considered low as there was no direct engagement with victims. In line with Principle 2, 'Beneficence', the MTR was designed to benefit participants through the presentation of recommendations to improve the program; participants were not paid. In accordance with Principle 3 'Research merit and integrity', the MTR prioritised reporting findings accurately and truthfully. The results of the MTR will be shared with all

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<sup>2</sup> DFAT (July 2021), [Ethical Research and Evaluation Guidance Note](#).



who participate in the MTR. DFAT will publish on its website this full final MTR report. The report complies with DFAT's accessibility standards.<sup>3</sup>

## KEY FINDINGS

Interviews revealed that there is clear commitment to and valuing of ASEAN-ACT by state and non-state actors engaged in the program. The technical expertise and financial assistance on offer, and emphasis on demand-driven, contextually relevant, and politically possible approaches, is welcomed. This is bolstered by relationships of trust and confidence built over sustained (more than 18 years) Australian aid investment. There is strong demand across the board for more and continued program support to further ACTIP implementation.

KEQ 1 Relevance: Is ASEAN-ACT doing the right things?

The ASEAN-ACT program is highly relevant. Anchoring the program in ACTIP and the Bohol Trafficking in Persons (TIP) Work Plan (BWP) is the right thing to do. Both ACTIP and the BWP are regionally owned and led and are a clear articulation of agreed ASEAN TIP priorities.

### ***Consistency with DFAT's stated priorities for development in the ASEAN region***

It is widely agreed the program is consistent with DFAT's stated priorities for development in the ASEAN region, notably Australia's international engagement strategy on human trafficking and modern slavery<sup>4</sup> as well as Australia's Partnerships for Recovery<sup>5</sup> and COVID-19 Development Response Plan.<sup>6</sup> There is a clear rationale for continued Australian investment, particularly in the context of the ASEAN-Australia Comprehensive Strategic Partnership (2021). Over the course of the investment, the COVID-19 pandemic and formation of MSA with some partner governments, have emerged as key issues requiring flexibility, tailored approaches, and a shift in ways of working.

### ***Relevance to partner priorities in implementing the ACTIP***

Document review and interviews revealed the program to be highly relevant for ACTIP implementation. There is consensus that anchoring the program in ACTIP and the Bohol Trafficking in Persons (TIP) Work Plan (BWP) is important and the right thing to do. ACTIP and the BWP (and the associated work planning process) are regionally owned and led and clearly spell out AMS TIP priorities. So, they are a fitting focus and roadmap for Australia's development assistance on TIP within the ASEAN region.

While anchoring the program in ACTIP is, in principle, the right thing to do, there are risks. As anticipated in the design, there are varying levels of commitment to ACTIP implementation, and to engaging with the program. This also reflects different levels of awareness of ACTIP (evident from the program's assessment of partner familiarity with their country's ACTIP implementation obligations and review of the BWP). Also, while the program seeks to influence and engage the 7 of the 10 ASEAN

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<sup>3</sup> [Creating documents to meet accessibility guidelines](#)

<sup>4</sup> [DFAT, Australia's International engagement strategy on human trafficking and modern slavery: Delivering in partnership](#)

<sup>5</sup> [DFAT, Partnerships for Recovery: Australia's COVID-19 Development Response](#)

<sup>6</sup> [DFAT, COVID-19 Development Response Plan: ASEAN and Southeast Asia Regional](#)



Member States (AMS) under Pathway 2, only five MSAs (a requirement for national programming) are in place, arguably diluting the program's relevance and impact across AMS.

Providing technical assistance to the criminal justice sector while also establishing new partnerships with allied government agencies, civil society, and the private sector to uphold the rights of victims and vulnerable groups, supports full ACTIP implementation. Emphasis on victim rights supports the victim-centered obligations ASEAN Member States have assumed under ACTIP.<sup>7</sup> ASEAN-ACT's shift away from being a purely criminal justice program (characteristic of its predecessor programs) is compelling and relevant to the realities of low levels of prosecutions and convictions globally for trafficking in persons.<sup>8</sup> There is opportunity for the program to take further this approach and innovate around a broader conception of justice.

### ***Response to the COVID-19 pandemic***

The program's response to the pandemic has been strong and in line with the Australian Government's Partnerships for Recovery COVID-19 response strategy. COVID-19 disrupted the early inception foundational activities. Despite this significant progress was made particularly with national counterparts in Thailand, Philippines and Vietnam where the move to remote capacity building and training took place easily, however more significant delays are noted with ASEAN regional activities and in Laos and Cambodia due to challenges in engaging on-line and connectivity issues (e.g. p2 2020 – 23 AWP and Progress report 2019 / 20). A further example is the redirecting of resources to undertake desk-based Political Economy Analyses and Rapid Assessments. Since 2020 ASEAN-ACT has used a COVID-19 vulnerability and counter-trafficking program framework developed from the Situation Analysis conducted by ASEAN-ACT in 2020 (MTR TOR). Adaptive management and action for COVID took place in 2020, based on an analysis (June 2020) the impacts both on vulnerable groups and the justice sector in combatting and protecting victims during COVID informed on revisions to the work plan for 2020 / 21 (PPA 2021) and in first part of 2022 review the ToC to see if changes are required to accommodate shift in context. The APR 2021 indicates alignment of ASEAN-ACTs strategies with DFAT's COVID policy and performance framework.

### ***Addressing TIP exacerbated by COVID-19***

The MTR team acknowledges the reality that the impact of the pandemic on TIP in AMS requires greater understanding across the board. ASEAN-ACT's response to the shifting patterns of TIP has been strong within this context. There has been an observed shift in TIP towards scam centres that has affected the majority of AMS. Labour trafficking is also likely to have become a greater risk given the overall economic impact of the pandemic. Linked to this is also an opportunity identified of the raised awareness about the risks experienced by specific vulnerable groups that have been highlighted by COVID. This demonstrates the potential opportunities to increase focus on social protection. ASEAN-ACT will need to continue to remain responsive to the changing context to ensure it continues to retain relevance and the program approaches and focus will deliver results as anticipated.

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<sup>7</sup> Articles 11, 14 and 16

<sup>8</sup> See, for example, United Nations Office on Drugs and Crime, *Current low levels of prosecutions and convictions*,





### ***Promotion of gender equality, disability and social inclusion***

The ASEAN-ACT Gender Equality Social Inclusion (GEDSI) Strategy (revised version January 2022) overall is fulfilling its purpose that is to provide a conceptual framework and practical implementation approach for ASEAN-ACT staff and program partners, including AMS, civil society, and private sector partners, to analyse and respond to GEDSI challenges in the TIP sector. The GEDSI Strategy has provided a sound basis for delivering targeted and integrated / mainstreaming programming through raising awareness and reinforcing commitment to GEDSI and respect of human rights of victims in all aspects of the program, and by delivery of specifically targeted inclusive initiatives. In conjunction with the other key program strategic guiding documents,<sup>9</sup> the GEDSI Strategy provides direction to ASEAN-ACT staff and partners, and guides investment decisions and the monitoring and reporting of progress and performance. The strategy has overall been well socialized; many but not all partners who engaged in the review were aware of it and could give examples of if being applied in regard to their project design and through participation in training activities delivered by ASEAN-ACT in Philippines, Laos, Cambodia and Vietnam.

The understanding of GEDSI and commitment to universality and human rights-based approach varies widely between AMS. While there is overall strong commitment by AMS to relevant international conventions (UN CRPD and CEDAW) and regional frameworks, noting that ACTIP and the BWP specifically include women and children, the extent to which issues of gender (including LGBTIQ+) and disability rights and the intersectionality of exclusion risks are recognised and acted on by AMS varies. The strategy recognises this diversity across the region largely due to culture and religious beliefs, and the capacity and commitment of state partners that impacts on progressing inclusive human rights in TIP within the justice sector and more widely in other government policies and programs. The capacity of civil society and advocacy groups and the space they have to represent the views of their stakeholders and influence policy and program reform in different AMS is also acknowledged in the GEDSI strategy.

While noting the high-quality work and positive results, particularly on gender equality, achieved by the program, some concerns were raised during the review about the current level of resourcing and capacity to meet demand and sustain this level of progress. Concerns were also raised about emerging risks with respect to quality and effectiveness. Examples shared included inability to properly assess and provide guidance to ASEAN-ACT staff on GEDSI in the design of projects, and on quality and risks issues relating to a training event where images of women and children were being used without respect for privacy and safety.

### ***Promoting Victim Rights***

Discussion of the program's approach to promoting victim rights is interwoven throughout the analysis above. In summary, and to synthesis the key messages, there is general enthusiasm for and commitment to the program's expanded emphasis on promoting the human rights of victims of trafficking across programming. This was a resounding message from DFAT and ASEAN-ACT team representatives interviewed as well as government and civil society program partners across a number

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<sup>9</sup> Capacity Development Strategy, Victim Rights Strategy and Monitoring, Evaluation and Learning (MEL) Plan



of countries. As flagged above, the focus on victim rights enhances program relevance (in terms of ACTIP alignment) as well as effectiveness, and there is opportunity to expand this focus in the program's second phase. The program's Victim Rights Strategy (2022) provides a clear roadmap for this expansion; prioritising and resourcing the full implementation of the strategy regionally and in each country will be key for the program's second phase. Interviews also revealed appetite from government partners for continued training on victim rights elements of criminal investigations and prosecutions; program partners interviewed reflected on the quality of this support.

### ***Lessons to improve the program over its remaining years***

The relevance of the program differs across countries; the design's emphasis on victim rights and the human rights-based approach, and the specific focus on gender, disability and social inclusion requires nuancing to accommodate the diversity of perspectives of AMS on these issues. What works in one context and may be palatable and compelling may differ in another setting – there is a key role for ASEAN-ACT country program teams and staff to translate overarching program objectives and package program delivery in a way that is fit-for-context.

Civil society and private sector engagement presents opportunities to expand programming on victim rights. For example, CSOs may influence on human rights issues and deliver services to victims, justice services and shelter services. Private sector action on supply chain risks of modern slavery may directly impact on labour conditions and exploitation, and the ethical sourcing of slavery free goods and services. Expansion of the grants program provides an opportunity for greater emphasis on victim rights; grantees could be afforded greater resources to directly engage with victims. This aligns with the program's Victim Rights Strategy (2022) which encourages holistic systems-based approaches and exploration of “opportunities to work with a broader range of reform actors beyond the justice system”, for example, linking with social welfare agencies and CSOs that provide psychosocial support.<sup>10</sup>

While it is expected that GEDSI is the responsibility of all staff and across the ASEAN-ACT management team, there are staff designated as GEDSI champions, the reality is adjustments are needed to resourcing and structuring of the program's GEDSI system so that high and growing demand for support and capacity strengthening required to fulfill the GEDSI priorities set for a program of this scale and scope can be effectively met.

KEQ 2 Effectiveness: How effective has ASEAN-ACT been in achieving its Outcomes?

There is evidence of progress overall in line with expectations towards the end of program outcomes (EOPOs) for the majority of IOs, indicated by positive gains in line with plans at the output level and in some cases achievement of immediate outcomes. Evidence of progress and reporting progress reports (APR) for 2019/20 and 2021 indicates the validity of the ToC and the pathway in support of progress it articulates<sup>11</sup>. There is some incremental progress for certain intermediate outcomes evidenced by examples of behavioural and sustainable changes (addressed in more detail under each EOPO below).

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<sup>10</sup> ASEAN-ACT (January 2022), *Victim Rights Strategy*, 8.

<sup>11</sup> The reports are very detailed and long which limits the accessibility to the reader, however there is excellent and well-presented detailed data that provides strong evidence on the different aspects of progress and performance measurements. The summary of country level progress including dashboard data, change stories and quantitative output level and financial data in the APR annexes are very helpful.



Limitations in progress can be attributed to aspects of the context which impact the program and are outside the control of the ASEAN- ACT team. For example, the delay by some countries in taking up remote engagement and online training due to COVID situation (e.g. Laos and Cambodia), the loss of in-person engagement which has adversely impacted on fostering relationships between the team and some agencies and in support of developing and fostering transnational and regional networks for shared learning and exchanges of experience.

The program modality and approach, set out in the program design, supports effectiveness.

Specifically, the design features of a long-term and multilayered engagement at the ASEAN, AMS, and organisational levels, combined with some civil society and private sector engagement, is noteworthy. This modality is fitting and appropriate as it draws in the range of stakeholders, across AMS, required for and to enable full ACTIP implementation. The modality is unique as a DFAT design in how national programming is linked to regional architecture through ACTIP – its design strengthens and reinforces the relevance of program interventions. The program is well positioned to advance Australia’s interests: Australia receives much credit for ASEAN-ACT, it is widely considered by DFAT staff to be a sound investment. Moreover, the program’s being anchored in ACTIP builds on and leverages Australia’s previous and significant support for the development of ACTIP.

The program design and Capacity Development Strategy (CDS) emphasise the importance of AMS collectively making progress on addressing TIP, noting that all countries must consistently build on existing capacity to achieve regional benefits. This is clearly the rationale for ACTIP which has a strong normative focus. While it is reasonable to expect countries to be at different stages in ACTIP implementation and broader progress in combating TIP, there are emerging gaps in programming in support of ACTIP in Indonesia (due to MSA arrangements), Malaysia (not considered in the original design under Pathway 2) and Myanmar (due to the 2021 coup) in addition to Brunei and Singapore.

### **Progress towards the Immediate and Intermediate Outcomes (IOs)**

#### End-of-Program Outcome 1: Enhanced Regional Capacity

*ASEAN’s planning, monitoring and reporting of ACTIP implementation is increasingly effective and advances the protection of victim rights*

The program has made strong progress towards End of Program Outcome 1 (EOPO 1) as demonstrated by the achievement of Outcome Level 2 indicators (such as M1.6) related to the approval of the BWP review and work towards BWP 2.0 by SOMTC (O1.1) and the fulfilling of sectoral bodies responsibilities under the BWP (O1.4). National reporting by AMS is improving (O1.3). Working with the Senior Officials Meeting on Transnational Crime (SOMTC) as the main program counterpart, through the Lead Shepherd on Trafficking in Person, the program has made significant progress working across several ASEAN Sectoral bodies. These bodies include the Council of ASEAN Chief Justices (CACJ), Intergovernmental Commission on Human rights (IACHR), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), and the SOMTC Working Group on Trafficking in Persons (SOMTC WG on TIP), which serves as a permanent mechanism for monitoring and reviewing the implementation of ACTIP. Interviews revealed that ASEAN-ACT has been responsive to the complexity of the Member State-driven nature of ASEAN.

Different Directorates within the ASEAN Secretariat have different ways of working, each with different protocols. ASEAN-ACT works through the Lead Shepherd on TIP to support SOMTC rather than the



ASEAN Secretariat Directorate (Security Cooperation Division 1). In contrast, ASEAN-ACT does work directly with the Division supporting ACWC, but it does not work directly with the ASEAN Secretariat Directorate supporting SOMTC. It is not clear if this is the Secretariat's preferred working arrangements given these do not appear to have been agreed through formal arrangements.<sup>12</sup> The MTR team notes that ACTIP appoints the ASEAN Secretariat as the entity to provide the support for "supervising and coordinating the implementation of this Convention and assist the SOMTC in all matters thereto" (Article 24[2]). SOMTC-Philippines, with the support of ASEAN-ACT, appears to be fulfilling this role. The MTR team was informed by both DFAT and ASEAN-ACT that the ASEAN Secretariat is satisfied with this working relationship. However, the MTR team was unable to secure a meeting with the ASEAN Secretariat to discuss and understand their perspectives on these institutional arrangements.

While visibility of ASEAN-ACT seems high across ASEAN Sectoral Bodies, recognition of the program by senior management in the ASEAN Secretariat and AMS Permanent Missions to ASEAN is relatively lower. Further, the program is not formally recognised by ASEAN, for example by the Committee of Permanent Representatives to ASEAN (though it is recognised through the SOMTC joint annual progress report). This is an issue of visibility for Australian support for ASEAN but also potentially for effectiveness. From an effectiveness perspective, some interviews indicate that this is not considered to be a significant issue for the program. There is a feeling that formalising this arrangement may add unnecessary layers of complexity for both the ASEAN Secretariat and ASEAN-ACT. The MTR did not establish sufficient evidence to dismiss the notion that lack of recognition of the program, particularly at senior levels in the ASEAN Secretariat and AMS Permanent Missions to ASEAN (in Jakarta but potentially AMS Foreign Ministries more broadly), may diminish program effectiveness and impact. While not specifically within the timeframe of the review, the MTR team notes that the ASEAN Mission has prepared a draft ASEAN-ACT Diplomatic Strategy which highlights the strategic and integrated nature of Australia's engagement in this area. This provides an opportunity to consider an engagement plan with the ASEAN Secretariat that should ensure better individual program outcomes and support Australia's broader regional goals and interests.

Partners view positively the program's contribution to the review of the BWP and development of BWP 2.0. The MTR team acknowledges the significant work dedicated to this by ASEAN-ACT across ASEAN Sectoral Bodies, the 10 AMS and the Lead Shepherd in both the review of the BWP and in gaining agreement for the review report to be published. The challenges for the implementation of the first BWP are well documented in the review and provide important lessons for BWP 2.0. The BWP promotes harmonised regional activities to combat TIP consistent with the four thematic areas of 1) the prevention of TIP, 2) the protection of victims, 3) law enforcement and prosecution of crimes of TIP, and 4) regional and international cooperation and coordination. It was envisioned that the BWP would drive the work of ASEAN on TIP to effectively address regional challenges common to all AMS proposed through programmes, projects, and activities (PPAs). It is not evident the extent to which national members of the ASEAN Sectoral Bodies actively implement commitments under ACTIP in domestic policy. The BWP review makes the recommendations that "Serious consideration needs to be given as to how the SWP will align with AMS national TIP work plans, as well as the work plans of

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<sup>12</sup> The MTR team acknowledges that DFAT and ASEAN-ACT must respect ASEAN Secretariat practices and protocols, and have limited influence over these.



individual SBOs.”<sup>13</sup> ACTIP is clearly intended to influence domestic laws and policies in combatting TIP. So, while the BWP targets ASEAN Sectoral Bodies (and is valued as a tool for promoting cooperation and commitment among AMS in combatting TIP),<sup>14</sup> it should also drive ACTIP implementation at the national level. Ensuring continued cross-fertilisation of Pathways 1 and 2 (with Pathway 3 acting as an ‘enabler’) will be important in this context.

Another positive result is support for the Council of ASEAN Chief Justices (CACJ) which included brokering a relationship between the Secretariat of CACJ and the Philippines Supreme Court Chief Justice. Collaboration with other aid programs was key, for example, US Prospect supported CACJ to develop its 5-year action plan.<sup>15</sup>

Pathway 1 has also enabled support for Malaysia (a Malaysia country program was not contemplated in the program design), Brunei and Singapore. Pathway 1 enables ASEAN-ACT to work with all AMS, and the different political dimensions that have impacted on the program, as in Myanmar. It has supported implementation in Transnational Investigation Corporation and developing the informal police-to-police cooperation. There is strong interest for further regional/cross-border collaboration (for example under bilateral MOU arrangements) on different dimensions of TIP. The program’s contribution to creating fora for bilateral meetings and regional dialogue relating to TIP is appreciated by partners as a practical contribution and generated real results. The impact has been the forging and strengthening of a regional community of practice around TIP, and enhancing bilateral cooperation for positive results, for example supporting successful international/cross-border rescue missions.

#### **Recommendation for Pathway 1:**

**1. DFAT and ASEAN-ACT should develop an ASEAN Engagement Plan** to boost recognition of the program within the ASEAN Secretariat and AMS missions to ASEAN. The Engagement Plan would be well located within the ASEAN-ACT Diplomatic Strategy which is currently in draft form.

#### End-of-Program Outcome 2: Enhanced National Capacity

*ASEAN Member State justice and related state agencies are increasingly capable of implementing their ACTIP obligations, in particular those that uphold victim rights*

Overall progress towards EOPO 2 as measured against the achievement of O2.1 and 2.2 as well as O2.3 and 2.5 has been solid as evident through reporting against level 2 indicators (e.g M2.8, 2.12 and 2.13) at the national level in the AMS with MSA arrangements in place. Other IOs require deeper examination at the national level. The MTR team find it difficult to attribute change as measured by Level 3 indicators at an aggregate level, particularly given the context of implementing activities during the pandemic. Different starting points have resulted in different stages of progress and achievement across these countries which will need to be taken into account when assessing program achievement towards the Immediate and Intermediate Program Outcomes. A review of the country specific progress (in APRs) shows fairly consistent progress in line with expectation in all countries with the exception of Indonesia and Myanmar where delays experienced in setting up agreements. The indication is that

<sup>13</sup> Review of the Bohol Trafficking in Persons Work Plan 2017-2020 Final Report, p.40. See. <https://asean.org/wp-content/uploads/2022/09/Adopted-Final-Review-Report-of-Bohol-TIP-Work-Plan-2017-2020.pdf>

<sup>14</sup> Ibid.

<sup>15</sup> <https://cacj-ajp.org/>



program pathways and the ToC for the overall program is applicable to each of the AMS that the program focuses on under this Pathway. As noted above, some delays in outputs and immediate outcomes experienced in Cambodia and Laos due to willingness and connectivity issues impacting on take up of remote engagement due to COVID.

There is significant interest and demand from national counterparts for ASEAN-ACT support. The focus on victim rights, including promoting Victim Sensitive Courts, is appreciated across all the AMS consulted. Working with national partners, Pathway 2 seeks to strengthen national capacity to fulfil ACTIP implementation requirements by supporting justice agency partners in developing and implementing sustainable ACTIP-aligned initiatives, and practical solutions to ACTIP implementation challenges. This focuses on cross-agency cooperation to address barriers to ACTIP implementation. Key strategies:

- Developing AMS capacity to fulfil ACTIP implementation requirements in (at least five) target countries by implementing sustainable ACTIP-aligned initiatives (outcomes 2.1 and 2.3).
- Implementing multi-year projects and/or activities that will contribute to cross-agency cooperation addressing barriers to ACTIP implementation.
- Incorporate victim-centred and gender-responsive approaches as a standard session in training events.
- Collaboration with UNODC, building on the evidential training for judges in 2020 and 2021 in Thailand. In 2022, the AWP reported that UNODC will adapt the materials to train justice officials in other ASEAN member states.

Progress varies across the countries, which is to be expected and is recognised as a reality by ASEAN-ACT and DFAT. The MSAs with partner governments were signed at different times (Thailand November 2018; Philippines December 2018; Vietnam August 2019; Cambodia August 2019; and Laos September 2020). The MSA with Indonesia is still under negotiation and MSA preparation with Myanmar is on hold due to the military coup in 2021. These different starting points may have contributed to the different stages of progress across these countries. Other factors contributing to differing progress across the countries include: capacity, national TIP priorities, political will, budget allocation for ACTIP implementation, and the different experience and impact of the COVID-19 pandemic in each country. ACTIP implementation clearly requires constant support, including awareness raising, at the national level. There are often tensions in national priorities on TIP with varying levels of priority accorded to TIP at the national level (addressing drug trafficking as a priority rather than TIP) but also different priorities on TIP (such as responding to the US State Department TIP Report recommendations rather than ACTIP for example). Change in leadership and senior partners was also raised as a challenge. This can derail progress and shift priorities at the national level. For this reason, it is best to institutionalise the program and its objectives. It is also important to work with high-ranking officials and mid-level management to reinforce the international norms and obligations under the Convention.

As noted already, awareness of the ACTIP is mixed but overall, quite low. Many officials do not know the ACTIP (and therefore the BWP), which puts into question the extent to which the regional activities ‘trickle’ down to national level actions. The ACTIP focal point system and monitoring role is important in this context. Awareness of the BWP at the national level is low which is likely due to the focus on the BWP being at the regional level with ASEAN Sectoral Bodies.



Transnational investigative cooperation was clearly appreciated in the countries consulted (for example, between Thailand and Cambodia, Thailand and Malaysia and Malaysia and the Philippines). Consideration could be given to strengthening support in this area given the importance of cooperation to secure prosecutions and to address victim rights obligation.

### *Case studies*

These provide insights from three country programs (Philippines, Thailand, Vietnam) of the strategies applied by the ASEAN-ACT country teams, progress made, challenges experienced and the contributing factors (refer to Annex 5 for details).<sup>16</sup>

### *Philippines*

Progress towards EOPO 2 and ACTIP implementation in the Philippines has been particularly strong as demonstrated by the achievement of most of the program IOs. Data collection and reporting is evolving (M2.16) as is progress towards O2.2 and O2.6 (end of 2023 targets as per the MEL framework). Priorities identified by ASEAN-ACT and national partners in the August 2019 capacity assessment include localisation of TIP legislation capability, MIS and case management (including reporting) of cases, human resources (for prosecutors, the judiciary, social workers and psychosocial support), victim support and cross-agency and international (cross-border) police-to-police cooperation.

The Philippines adopts the incorporation doctrine so ACTIP is recognised in domestic law. ACTIP is also prominent in the work of the Inter-Agency Council Against Trafficking (IACAT). The prominence of the ACTIP is not just due to the convention but also because Philippines is the Lead Shepherd and TIP has high priority in media. Philippines retained its Tier 1 ranking in the United States' (U.S.) 2022 Trafficking in Persons Report (now for seven consecutive years). There is very clear valuing of the program and a recognition of Australia's sustained commitment to support Philippines on their TIP priorities over many years. This sustained commitment and feeling of continued support has helped to build trust and confidence between Philippines and Australia around progressing TIP priorities. Program work plans are guided and development by the program-partner, increasing the capability of institutions to fulfil ACTIP implementation, including protecting and promoting victim rights.

There is strong appetite for increased assistance from Australia on TIP, including the program's emphasis on victim rights and engagement with allied agencies providing social services to victims of TIP. There is also interest in support around managing burnout and enhancing wellbeing of Philippines officials, especially for those working at the frontline in law enforcement, prosecutions, and service delivery roles. There is a mixed level of clarity about program outcomes and objectives. There is a role for country teams to progress this issue with cultural and contextual nuancing. Some support of the GEDSI Adviser may be useful in this regard to equip the country team to progress this well. Philippines-based ASEAN-ACT team members conveyed their strong and nuanced understanding of the politically economy, and that this informed their ways of working and prioritising interventions that are politically possible. The physical location of regional program staff in the Philippines (Justice Systems Director and ASEAN Program Director) creates an opportunity for the Philippines program to easily access their

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<sup>16</sup> A regional case study was proposed under the MTR plan, however this has been subsumed into the broader assessment of Pathway 1.



expertise and advice and to further progress initiatives in these areas. The NPSC has a similar composition to the Interagency Council against Trafficking which supports influence and enables the program to support and engage at senior levels.

### *Thailand*

Progress has been made toward EOPO 2 in Thailand has been solid. This is particularly evident in the achievement of the level 2 indicators for the IOs and progress towards Level 3 indicators (based on country<sup>17</sup> and ASEAN-ACT reporting). National level projects have addressed the priorities identified in the June 2019 Capacity Assessment, under the areas of national plans/ACTIP, leadership capability, victim support and cross-agency cooperation. Thailand was the first country to sign MSA and the first country to have ASEAN-ACT capacity development workshop. ASEAN-ACT works with law enforcement agencies, prosecutors, courts, Ministry of Social Development and sub-committees on national referral mechanism and sub-committees to assess the law. While the MTR team acknowledges that attribution is difficult, ASEAN-ACT (Thailand) has clearly provided relevant assistance consistent with ACTIP obligations and made progress towards EOPO2. This includes: victim sensitive courts and trauma informed care (resulting the issuing of guidelines on how to handle TIP victims Chief of Supreme Court), Freedom of Movement (resulting that MSDHS guidelines), Reflection Period (MSDHS developed a guideline), Victim Impact Statement (MSDHS is requesting ASEAN-ACT to develop guidelines); and Transnational Investigative Cooperation bilateral meeting (between Thailand and Cambodia, and Thailand and Malaysia). Planning for the Counter Trafficking in Persons Centre of Excellence is also considered to be a strong initiative. These are clearly relevant and support the implementation of ACTIP and support the achievement of the Immediate and Intermediate Outcomes under Pathway 2.

Governance of the program is supportive of national ownership of the country program and effectiveness of activities. The NPSC is a sub-committee of the Anti-Trafficking in Persons Committee (ATP Committee). Government partners consulted appreciated the flexible and adaptive approach that ASEAN-ACT adopts. Partners expressed appreciation of the ASEAN-ACT Country Office, noting that Thai colleagues understand their culture and the nuances required for CTIP in Thailand, for example in dealing with the differences between the executive and judicial branches of government. Some government counterparts made the observation that at the national level, ASEAN level activities are not visible which reinforces a need for continued awareness raising related to the ACTIP convention. Financial support has been provided to UNODC to develop training curriculum on the evidential issues in trafficking in persons for Thailand's Court of Justice.

### *Vietnam*

Overall progress towards EOPO 2 in Vietnam has been solid. The August 2019 capacity assessment recognises important needs in ACTIP implementation, including localisation and alignment with international standards as well as addressing emerging TIP challenges such as recruitment through social media. Other priorities identified included victim support and cross-agency as well as international cooperation. These are consistent with the IOs under Pathway 2 and progress toward these is satisfactory. ASEAN-ACT's way of working, focus of programming and the quality and types of support and assistance provided is strongly endorsed by government partners in Vietnam. Partners

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<sup>17</sup> <https://aseanactpartnershiphub.com/wp-content/uploads/2022/02/Thailands-Country-Report-on-Anti-Human-Trafficking-Efforts-2021.pdf>





note the openness of ASEAN-ACT to be responsive to new and emerging issues – for example the heightened risks for vulnerable groups, particularly in child labour and trafficking within Vietnam and along borders with Cambodia and Laos (possibly with the involvement of Chinese nationals), and the new and growing area of cybercrime and trafficking. The program has already been responsive, and ASEAN- ACT through the regional program (Pathway 1) and the inclusive policy dialogue (Pathway 3) is well placed to respond to requests from Vietnam Government partners seeking greater cooperation between AMS on the cross-border issues, and engagement and sharing of experience and expertise in these areas within the region and more widely from other international actors. In Vietnam there is a relatively small number of non-state actors working in counter trafficking and although the government has a stated policy to engage with CSOs, the breadth and depth of engagement has been limited. Pathway 3 offers great potential for ASEAN-ACT to act as a “bridge” between state and non-state / CSO actors through both national and regional initiatives around areas of common interest.

In Vietnam the program has improved awareness and capacity in design and delivery of training programs on Victim Rights for frontline workers, support of development of NPA and implementation of elements of it, preparing to review and update the national anti-trafficking law. Support for Interagency Council Against Trafficking for developing the Strategic Plan was also noted, as well the development of guidelines for Victim Sensitive Courts. Local leadership on this, through the country team will be essential in order to manage the political sensitivities and dynamics, particularly in relation to supporting effective engagement and advocacy by non-state actors. The country team has very strong experience of both counter trafficking and on the civil society in Vietnam. The state partners spoke highly of the relevance and quality of the inputs provided by ASEAN-ACT. The majority of which are training and technical assistance and access to information resources in Vietnam, within the region and from international sources. The ASEAN-ACT team works hard with government counterparts to ensure high quality, relevant content, and processes are used to deliver the inputs. The most recent reports indicate that the activities are being delivered as planned (even managing restrictions of COVID) and virtually all of the intermediate outcome areas in Pathway 2 are progressing well in line with expectation.

#### **Recommendations on Pathway 2:**

2. Recognising the importance and priority accorded to localisation, **ASEAN-ACT should invest further in strengthening the capacity (number of staff and their technical knowledge and skills) of country teams** to effectively lead on all aspects of the program, particularly in Pathways 2 and 3 which demand strong capacity in partnership brokering and management; MEL; GEDSI; and design and delivery of a broader suite of capacity development activities as well as the process of supporting the Political Economic Analysis (PEA) and its application including ongoing monitoring and updating, and on development and management of the CSO grantees.

3. **DFAT and ASEAN-ACT should increase the proportion of the investment allocated to country programs**, to enable increase in number of program staff, and/or increased use of local experience and expertise through contracting or partnership grants with NSAs to bolster technical capacity and contribute to program delivery.

4. Recognising the importance of regional collaboration to address TIP as a transnational crime, and in support of the normative dimensions of ACTIP, **DFAT and ASEAN-ACT should:**



- a. **Develop a strategy to expedite MSA signing in Indonesia.** While noting the efforts that have already gone into this process and some of the obstacles being beyond immediate control, action on this should be prioritised.
- b. **Examine opportunities to support CSOs operating in Myanmar** and/or seek ways to include Myanmar nationals' participation in activities with other AMS.

**5. DFAT and ASEAN-ACT should expand programming in Malaysia** through regional activities under Pathway 1, and/or deliver dedicated national activities under Pathway 2, noting that this will have budget implications.

### End-of-Program Outcome 3: Inclusive Public Policy

*ASEAN Member State justice and related state agencies' policies and practices are influenced by stakeholders and better aligned with the ACTIP, especially in connection to victim rights obligations*

Progress towards EOPO 3 has not been as strong as EOPOs 1 and 2. However, this was expected as reflected under the program IOs and Outcome indicators (Level 2 and 3). ASEAN-ACT describes this pathway as offering an experimental, innovative, and flexible approach to responding to TIP. It started later than the other Pathways (basically on appointment of the Policy Dialogue & Partnerships Director in 2021). For this reason and given that this is a new approach, there has been less progress towards the EOPO 3. The review team found that overall, the level of understanding of the ASEAN-ACT team about the Pathway 3 is inconsistent, and team members (particularly at the country level) frequently expressed uncertainty about its alignment with Pathways 1 and 2. Pathway 3 may usefully be thought of as a kind of 'enabling pathway'. When the Theory of Change (ToC) is reviewed and updated, it will be important for the ASEAN-ACT team and DFAT to explore how EOPO3 and Pathway 3 fits with and supports the progress of the other pathways and program outcome areas. Consideration might usefully be given to determine whether to revise how Pathway 3 is articulated in the updated ToC.

Through Pathway 3, ASEAN-ACT is promoting cooperation between a diverse range of stakeholders to support improvements in justice sector counter-trafficking policy and practice. As a relatively new approach, progress towards the IOs under EOPO 3 has been more limited, and this is reflected in the MEL monitoring framework Measures of Success for IO 3.2 (which has end-2023 as the target for M3.10-3.12). Close engagement with civil society organisations (CSOs) is a valuable dimension of ASEAN-ACT and is a clear point of difference in the design from DFAT's previous counter-trafficking aid investments. Through this Pathway, key state and non-state actors involved in "TIP policy reform and key issues of mutual interest"<sup>18</sup> are to be identified. ASEAN-ACT seeks to develop or enhance mechanisms to promote joint policy dialogue and learning to influence policies and practices across the justice sector. The focus is on ASEAN Member State justice and related state agencies to ensure that their CTIP policy and practices are better aligned with the ACTIP, especially in connection to victim rights obligations. Based on information in the AWP, key strategies used to achieve this outcome are:

- Development of a Policy Engagement Plan (June 2021) and national policy engagement plans (planned)
- Stakeholder mapping and development of a directory (2021)
- Civil Society Organisation (CSO) grants program (established in June 2021)

<sup>18</sup> AWP 2022.



- Support for civil society advocacy, networking and coalition building
- Partnerships with international organisations (such as UNODC)
- Political Economy Analysis completed for ASEAN Act by the Overseas Development Institute (ODI)

The value of multi-stakeholder engagement between state and non-state actors is recognised to support the implementation of ACTIP, as is the potential for ASEAN-ACT to be a “bridge” to help this happen particularly where it currently does not, which is recognised in the program’s Policy Engagement Plan (PEP).

The stated purpose of the Political Economy Analysis (PEA) being undertaken by the Overseas Development Institute (ODI) is to: (1) improve the evidence base for ASEAN-ACT and partners’ programming and policy engagement; and (2) develop and implement a process for feeding that evidence into ASEAN-ACT and partners’ programming and consultations on a regular basis. It should be noted that the PEA is labour migration focused and does not examine ACTIP implementation in detail. The PEA was in process while the MTR was undertaken and will continue to evolve until to June 2023.

The MTR team sees the PEA as presenting an opportunity to inform the effective implementation of ACTIP by assessing the political economy barriers to ACTIP implementation and the role of non-state actors (NSAs) in this process. There is also opportunity to more closely involve ASEAN-ACT country teams and staff, early, in the validation of the PEA findings, and in informing strategy for the application of PEA findings. Indeed, ASEAN-ACT country teams and staff have a key role to play in nimbly navigating contextual factors that may be conducive or a hinderance to ACTIP implementation – this is an opportunity that efforts at localisation presents.

The ASEAN-ACT design document does not articulate the relationships with the CSOs that have been established through the grants program. While it was not a specific modality in the design document, the CSO grant program does provide an opportunity for inclusive engagement on ACTIP implementation, and specifically victim rights obligations. Grants have been disbursed to 9 CSOs. While the grants program is currently small scale and a relatively new dimension for the program, it has great potential that has not yet been demonstrated to strengthen engagement around ACTIP and existing state partners with civil society. However, effectiveness of this initiative will vary between the AMS due to factors in the different country local contexts that influence opportunities for CSO engagement with and influencing of the public sector.

While the provision of support to CSOs through the grants program to date is relatively modest, the partnerships and results achieved suggests that there is a good return on investment. For example, it seems the grants program has been helpful in achieving (or with good potential to achieve) policy changes and for developing partnerships with effective advocates who have strong experience and networks to contribute to policy development. There is potential to increase the grants program and maximise its associated results, however it will be important to consider the local contexts and apply rigorous selection criteria and grant tender processes that are transparent and align with the program objectives. The program’s M&E arrangements may need to be adapted as the grants scheme scales-up so that it may be more closely monitored, and lessons learned in support of continuous improvement; M&E arrangements must be fit-for-purpose for this flexible and experimental grants scheme mechanism.



In sum, it is clear civil society engagement presents great opportunity for impact for the program, and more could be done with civil society. Interviews indicate that if there is an intention to increase civil society engagement, this should be done ideally by consulting with CSOs on where they feel they could be best supported in counter-trafficking and policy engagement with ASEAN and AMS. Note, however, that there is a question to be considered as to whether the program's civil society engagement is for the purpose of public policy influence (including advocacy and accountability), or for other purposes such as service delivery. The PEP outlines three broad policy priority areas for overall engagement:

1. Effective identification of trafficked persons and provision of assistance
2. Addressing vulnerabilities of migrant workers and others at-risk to human trafficking
3. Effective justice responses against those engaged in trafficking and for victims

It notes that CSOs will work with ASEAN-ACT to implement activities towards the agreed policy engagement priorities which will be refined through consultations and engagement. It further notes that some partners will be supported with grants to further their engagement in the respective policy priorities, while others may be partners through coalitions and in convening policy dialogues. However, the grants provided to date do not reflect this clarity about whether the purpose is to influence policy dialogue, or for service delivery. The focus of the initial grant recipients suggests both, and this dual purpose may well be appropriate.

It is also important to be clear about the purpose of engaging with the private sector in Pathway 3 and give due consideration about the specific niche ASEAN-ACT can contribute to and the capacity needed for this to be done effectively. The MTR team notes the details provided on the potential role of the private sector outlined in the Policy Engagement Plan. However, it is important for the program to start to identify appropriate entry points, and to understand which other actors are already operating in this space. For example, the United Nations Development Programme (UNDP) has development initiatives in this space, and they may be well placed to manage the engagement in partnership with ASEAN-ACT. Alternatively, or additionally, there may be private sector actors that could contribute to program strategy on private sector engagement, and there may even be a role for private sector in leading or convening on this issue in close partnership with the program. Certainly, interviews and document review showed that the program's objective of private sector engagement is not sufficiently clear: why, how and, importantly, to what extent. Interviews also revealed an opportunity and imperative for *meaningful* private sector engagement on human rights due diligence issues (rather than mere corporate social responsibility surface-level interventions), for example addressing modern slavery risks in supply chains.

Pathway 3 seeks to foster stronger and long-term relationships. Given the importance of country-level engagement, it is important to assess whether the country teams have the capacity to progress relationships, not just administrative functions. This points to the need for wider capacity of the country teams given the delicate approach that needs to be taken in the various context between the state and non-state which requires nuance and sophistication of approach.



### Recommendations on Pathway 3:

6. **ASEAN-ACT should develop a clearer articulation of the purpose and scope of engagement with NSAs (CSO and private sector) under Pathway 3. ASEAN-ACT should reflect the analysis and advice in the PEA** in the selection of grantees, the areas of work, regional and national focus of the policy dialogues and the strategies applied to multistakeholder policy dialogue.

7. To maximise the benefits of grants with NSAs, **ASEAN-ACT, through the country teams, should invest appropriate level of capacity in identifying, selecting, and managing the relationships as well as the program inputs provided by the grantees**, and seek to develop enduring relationships over time with relevant and high performing actors to support effectiveness and sustainability of program outcomes. Clear criteria and a transparent process for selection of grantees, available for all stakeholders, would support effectiveness.

### *The role of the GEDSI and Victim Rights strategies in influencing policy and practice change*

The “Gender Equality, and Social Inclusion Strategy” (2022) provides a strong and evidence-based framework for delivery of a twin track approach to gender equality and disability social inclusion (GEDSI)<sup>19</sup>. The use of the gender criteria / markers to guide approval of program activities helps to focus the ASEAN-ACT team and partners to assess GEDSI needs and priorities. GEDSI-specific indicators raise prominence through the MEL and reporting. Positive practice examples include: support for the ACWC Work Plan, specifically the ASEAN “Do No Harm Guide for Working with Trafficked Persons” and shelter practices recommendations; CSO engagement with Legal Support for Children and Women in Cambodia (LSCW); promoting a gender equality focus in CSO programming, for example, with grantee Verite SE Asia on the vulnerabilities of LGBTQI+; training and capacity building on victim-centred approaches; and recognition of GEDSI in the national plans of action in Laos, Philippines Vietnam. The study of non-punishment principles for TIP victims (2021)<sup>20</sup> offers clear recommendations for law and justice practice and policy including on girls and women who are trafficked for prostitution.

Critical challenges to manage are: reference to GEDSI in ACTIP is limited to women and girls, the commitment more broadly to GEDSI by member states is inconsistent and influenced by different cultural and attitudinal barriers, for example, trafficking of boys and men, LGBTIQ, and intersectionality of gender and disability is a challenge. Localisation creates a real opportunity for this to be well-nuanced and context specific.

The capacity of the team and partners to advocate and effectively include GEDSI considerations in their dialogue with government and other program partners requires strengthening. There are high demands on the GEDSI advisor and the newly appointed GEDSI staff person. GEDSI is being driven more centrally by advisors than locally led by country program teams.

The program design seeks to address the diversity of contexts through the three pathways that enable action on GEDSI in line with regional commitments and through localised national approaches. The third pathway (yet to be fully realised) offers opportunities through the grant scheme and policy

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<sup>19</sup> Note the title does not include disability but the strategy content does

<sup>20</sup> McAdam, Marika (2001), *Implementation of the Non-Punishment Principle for Victims of Human Trafficking in ASEAN Member States*, ASEAN-ACT.



dialogue to enhance visibility and provide greater voice and agency of actors representing those most often excluded.

At this midpoint of the program, there is evidence of progressing recognition and action around gender equality. At a regional level, support of the ACWC's work (around implementation of gender sensitive approaches to victim protection) has contributed to improved understanding on GEDSI and protection of victims or frontline workers and within the justice system of AMS, and nationally led workshops have led to the development of "Do No Harm Guidelines". The regional work has supported a significant policy change of GEDSI approaches being incorporated for the first time into action plans on TIP in Indonesia, Malaysia and Vietnam. Partnerships with the Laos and Vietnam Women's Union has helped progress these government agencies mandate in regard to services for the protection of women and children. In the Philippines, inclusive guidelines for court process have been developed. Partnership with CSOs has progressed specific aspects of GEDSI, for example engagement with Legal Support for Children and Women in Cambodia (LSCW), and support of gender equality focus in programming of Verite SE Asia on the [vulnerabilities of LGBTQIAN+](#). Civil society partners also endorsed the training provided by ASEAN-ACT on GEDSI, noting it had increased their awareness, understanding and improved focus on inclusion and protection within their programming and their work practices at an organisational level.

The use of gender criteria / markers by ASEAN-ACT and partners as part of the design and approval of projects to guide approval of program activities helps to increase prominence and reinforce commitment and accountability for the team and partners delivering inclusive practice. This is further reinforced by the gender equality disability and social inclusion (GEDSI) specific indicators in the MEL system and requirement to report progress and outcomes. However, the ToC does not explicitly refer to GEDSI at any level of outcomes. The planned review and update of the ToC offers an opportunity to explore where GEDSI may be included.

The MTR team heard that inconsistency of capacity (knowledge, experience of GEDSI in the TIP sector) of ASEAN-ACT country teams and partners is a factor that limits the consistency and quality of applying the gender markers. The GEDSI capacity of the ASEAN-ACT team (just one GEDSI Director and a recently appointed GEDSI Coordinator), limits the advice and guidance on GEDSI assessments and project implementation that can be provided for programming and operations. The vast majority of support provided by the GEDSI staff is through remote inputs to country teams. This way of working and the limited detailed knowledge of country specific contexts reduces the extent the advice provided is nuanced to local contexts. Enhancing locally based GEDSI capacity through increasing partnerships with relevant CSOs will help manage this challenge.

#### ***Disability inclusion and enabling people with disabilities to benefit equally from the program***

While important progress on gender equality has been made, there has been less progress on disability inclusion. There have been some initiatives, for example, some initial engagement with organisations of persons with disability (OPDs) in Indonesia in workshops and around discussions on contributions to research on disability and TIP. The research, which is not completed, is a positive step towards collaboration with and drawing on the experience of OPDs while building their awareness and understanding on people trafficking. There is potential to extend engagement and leadership with OPDs in the region particularly drawing on DFAT's existing strong relationships in many countries.



A view consistently expressed in review interviews and discussions is that there has been less progress made on disability inclusion. The ASEAN-ACT team has sought to address this by increasing capacity. A positive step is the formation of the ASEAN-ACT Disability Working Group to enhance awareness and to progress within the program and more widely operationally. Additional steps to enhance knowledge and to build capacity of disability inclusion knowledge and accessibility of the program include engagement with OPDs as part of the mapping and directory work undertaken in 2021 under Pathway 3; seeking to form working relationships and engage OPDs with interest and experience in gender, children and justice on TIP which for most is a new area; and supporting research and strengthening evidence base around disability and TIP. Research in this area is underway and the evidence generated is expected to enhance awareness, commitment and inform programming.

At an operational level, ASEAN-ACT has recently employed a sign language interpreter and strong efforts have been made to ensure accessibility of web-based materials in line with international standards. Drawing on advice from DFAT's 'DID4All' facility (managed by CBM) accessibility guidelines and a system for identifying adjustment needs for participants in events and activities has been established. These initiatives established by ASEAN-ACT are the rights ones to progress disability inclusion. The program team is encouraged to continue to expand these strategies, particularly country teams accessing expertise locally, through partnering with OPDs and CSOs.

#### **Recommendation on GEDSI:**

#### **8. ASEAN-ACT should strengthen capacity to deliver the GEDSI strategy by country teams by:**

- a. Continuing to develop strategic partnerships with relevant CSOs with experience and expertise in different aspects of GEDSI that can support country teams and other partners' knowledge and commitment in their programming
- b. Engaging with other DFAT investments with effective GEDSI partnerships with government and non-state actors for example in Philippines, Cambodia, Indonesia,
- c. To progress disability inclusion in the program, build on Australia's investment in disability inclusion and leadership in the ASEAN region over the past decade by developing national level partnerships with OPDs and seeking involvement of relevant line ministries and agencies responsible for disability.

#### ***MEL system: Measuring program results and progress against outcome<sup>21</sup>***

The program's MEL approach is detailed and thoughtful, though interviews revealed an opportunity to revise the program's ToC and strengthen monitoring, evaluation and learning in Phase 2. Related to this is the articulation of the outcomes. Specifically, there may be opportunity to make clearer and more concise the wording of outcomes (and the related pathways) 1 and 2 so that the program team and partners share a clear understanding of that which the program seeks to achieve. Most program partners interviewed could not articulate or did not have a clear understanding of the program outcomes or pathways. Outcome 3 could be folded into outcomes 1 and 2 and considered an 'enabler'. Moreover, the distinction between outcomes and pathways risks overcomplication and confusion, such that it may be advantageous to refer only to outcomes or pathways, but not both. This may help to reduce some of the complexity that was often referred to in interviews and demystify the program. Reporting requirements as well as strategies could be

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<sup>21</sup> Addresses the MTR sub-question on evidence-based decision making.



streamlined and refined with clear benefits for efficiency and in support of evidence-based decision making as well as accountability to program partners.

Rigid relatively linear program logic does not necessarily work well for this program given the interdependency between the different pathways and the adaptability and nuancing required for effective delivery. Further, a reduction and streamlining of the performance indicators may help achieve more manageable progress and performance monitoring and succinct reporting. Document review and interviews showed that M&E products, including the 6-monthly and annual progress reports prepared by the ASEAN-ACT team, provide useful information to DFAT on program progress. However, there is consensus that these reports are too long and so risk not being read or digested in full and make it difficult to convey or read on key points of interest related to given areas of the program. In terms of workplan and financial monitoring, key informants reported that the program systems are helpful in monthly progress meetings. Also, the structured Reflection and Review sessions conducted bi-annually with partners and program staff are helpful for reflection on progress, learning, and determining where adjustments are needed.

The program's interaction with some partner M&E systems is noteworthy and it is understood that this will be a priority for strengthening for Phase 2. In particular, efforts to share the program's M&E findings through the ASEAN-ACT website and development of an Annual Progress Report for partners is commendable in terms of promoting transparency and information sharing on ACTIP implementation. Also, the program's work and substantial effort to embed M&E within the BWP 2.0 process is noted, and there is opportunity to align the program's M&E, including sharing indicators and outcomes, with the BWP 2.0 M&E approach. This may strengthen M&E of BWP 2.0, which was noted to be an area of weakness in the independent review of BWP 1.0.

**Recommendation on Monitoring, Evaluation and Learning (MEL):**

**9. ASEAN-ACT should refine the MEL system through a reduction and streamlining of the performance indicators.** This will deliver clear benefits for efficiency, accessibility and utility for readers and users of the information. Enhancements (detailed in the report) will strengthen evidence-based decision making and promote learning, and accountability to program partners; assist a manageable progress and performance monitoring and support adaptive, strategic and activity level management by the ASEAN-ACT team and DFAT; and support more succinct and accessible program performance and progress reporting.

***Capacity Development***

The program's Capacity Development Strategy CDS (May 2020) features a broader definition of "capacity development" than the Investment Design Document. ASEAN-ACT uses the Organisation for Economic Co-operation and Development's (OECD) definition of capacity as "the ability of people, organisations and society as a whole to manage their affairs successfully", and capacity development as "the process whereby people, organisations and society as a whole unleash, strengthen, create, adapt and maintain capacity over time".<sup>22</sup> In this context, according to the CDS, "capacity development means the process whereby ASEAN member states are supported to fulfil their ACTIP implementation responsibilities successfully".<sup>23</sup> According to the CDS, these broad definitions help address concerns

<sup>22</sup> Capacity Development Strategy (CDS), 6.

<sup>23</sup> Ibid.





about previous approaches that failed to account for system-wide barriers constraining the capacity of justice sectors to respond to TIP, beyond just awareness-raising and technical skills.

The CDS uses the “Five Capabilities Framework (5Cs)” developed by the European Centre for Development Policy Management (ECDPM) and provides examples of capacity constraints in the justice sector ACTIP implementation.<sup>24</sup> The CDS makes the valid observation that when contributing to transnational issues across different disciplines and sectors, links between capacity-related “inputs” and “outcomes” are particularly hard to plan for, discern and demonstrate attribution. So, flexibility and adaptability are critical in the planning and delivery of meaningful contributions to organisational or network capacity development. The CDS also notes that those involved in trafficking activities are quickly able to find alternative means when a country’s capacity to counter TIP increases, so all countries need to consistently build on existing capacity to achieve regional benefits.

The MTR team acknowledges the importance of the three key steps referred to in the CDS:

- assess existing strengths and barriers to ACTIP implementation in each country
- jointly identify opportunities and priorities for action towards shared objectives
- jointly select country-specific action plans for implementation.

Progress reporting and AWP notes that program implementation is “guided by three strategic documents: the Capacity Development Strategy, Victim Rights Strategy, and Equality and Inclusion Strategy” but does not explain how.<sup>25</sup> The main modality for the implementation of the CDS appears to be the capacity assessments and Annual Work Plans which articulate how the individual pathways are implemented to ensure integration. The annual review and reflection workshops also examine capacity development. The MEL Plan documents how the program will measure and learn about each pathway’s progress towards meeting intermediate and end-of-program outcomes. What this means in practice and how the approach is used in the program planning cycle (Annual Planning, implementation, and reporting) is clearly critical.

However, the MTR team has found no clear evidence of the CDS approach (for example, application of the “Five Capabilities Framework”) in project planning and implementation. This may be due to the lack of detail in the AWP and APRs. The terms “capacity development” and “capacity building” are used interchangeably in planning and reporting documents, which raises questions for the MTR team about the extent to which there is consistent understanding and practice across ASEAN-ACT. Reviewing the capacity assessments to examine the strengths and barriers to ACTIP implementation would be valuable, particularly given the different levels of awareness of, and commitment to, ACTIP. Country teams have responsibility for “day-to-day” implementation of the CDS. This, again, points to the need for the country teams to have adequate capacity and resources to implement the strategy. No partners referred to the CDS in the interviews conducted. ASEAN-ACT staff at the regional and national levels also did not refer to the CDS in the interviews conducted (but did respond to questions on this in the FGD). Overall, the MTR team is left with the impression that the CDS, and the more expansive approach to capacity development that it encourages, is not influencing program planning and implementation

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<sup>24</sup> Table 1, page 7 of the CDS

<sup>25</sup> The MTR team was informed that this information is available in the AWP for 2020 but was not included in any further Annual Work Plans for the sake of brevity. The MTR team feels that this is important information that could be made more readily available to program partners.



in significant and concrete way in an ongoing manner. In this context the CDS could be reviewed to ensure that it is fit for purpose.



**Recommendation on the capacity development strategy, and other foundational strategies:**

**10. ASEAN-ACT should revisit and, if required, update the foundational strategies developed in the inception stage**, particularly the CDS to ensure it is relevant to the current context and the objectives are realistic given the demands being managed by the relatively lean country team that primarily hold responsibility for its delivery.

***Key lessons to strengthen effectiveness***

ASEAN-ACT is a respected partner across ASEAN Sectoral Bodies and has successfully navigated the complexities of working on TIP with ASEAN at the regional level in support of immediate and intermediate program outcomes. Implementation (including resourcing) as well as robust monitoring and evaluation (M&E) will be key for the successful implementation of the BWP 2.0. Regional activities should ultimately support strengthened national responses if AMS align their respective national TIP action plans to the ACTIP and with the outcomes of the BWP 2.0. Regional cooperation remains an important element of ACTIP implementation which would be strengthened by a formal mechanism for the coordination of support towards TIP and related areas among development partners or related processes (such as the Bali Process).<sup>26</sup> The ASEAN-ACT Diplomatic Strategy provides an opportunity to consider an engagement plan with the ASEAN Secretariat.

While valuable and a clear point of difference from previous Australian investments in CTIP, Pathway 3 is less familiar to ASEAN-ACT country staff and national counterparts. There is an opportunity to be clearer about how the Pathway can strengthen the evidence base and provide space for policy dialogue. Consideration on how inclusive public policy approaches could support Pathways 1 and 2 could also be a priority, in the overall context of ACTIP implementation. The objective of CSO and private sector engagement and how this buttresses ACTIP implementation (especially victim rights obligations) is not explicitly clear in the documents examined, including the PEP. This could point to a need to refocus Pathway 3 with clearer place in the TOC as an ‘enabler.’

There is an opportunity for Country Offices to play an important substantive role in the development of National Policy Engagement Plans and in guiding National Political Economy Analysis. This points to the importance of continuing to strengthen localisation efforts and ensuring that the country teams have sufficient capacity (and authority) to steer these processes at the national level. ACTIP is not mentioned in any of the Immediate or Intermediate Outcomes under Pathway 3 (though it is in the EOPO) which could allow ACTIP to get lost in implementation. ACTIP should be central to Pathway 3, as reflected in the EOPO. There is scope to increase the CSO grants. However, it will be important to give consideration to the selection criteria and grant tender process to ensure transparency and alignment with program objectives. The PEA appears to be focused on labour trafficking. This may be important, but the role of ASEAN-ACT with other partners (such as ILO TRIANGLE) will need to be clear. Again, this PEA work should be anchored in ACTIP implementation.

Continued integration of the three Pathways will be of importance to ensure that national activities are properly anchored in the ACTIP and to optimize the opportunities for inclusive public policy approaches to CTIP at the national level. Continued strengthening of the devolved management structure and localisation would strengthen effectiveness at the national level.

<sup>26</sup> This could include formalisation of the TIP Donor Coordination meeting (for example the adoption of TOR).



The importance of concluding the MSA with Indonesia is an issue that DFAT and ASEAN-ACT are explicitly aware of, which DFAT has been working to progress and conclude. Having this in place would support the effectiveness of the program, obviously in Indonesia but also regionally. The situation in Myanmar is clearly difficult. Opportunities to support CTIP activities for Myanmar should be considered, in accordance with DFAT policy. Supporting CSOs in Myanmar is one option, noting that a proposal from World Vision Myanmar is being assessed.

Consideration could be given to building on the transnational investigative cooperation given the interest expressed by national partners in this, and the importance of bilateral and regional cooperation to address TIP.

**Recommendation on alignment:**

11. To strengthen overall effectiveness, **ASEAN-ACT should more clearly articulate the inter-dependence** Pathways 1 and 2 **and continue to strengthen programming** that demonstrates and reinforces this by:

- a. Ensuring that **National Program Steering Committees (NPSC) consistently seek alignment of national activities with the ACTIP and the Bohol Workplan 2.0 (2022-27) outcomes** to support effectiveness and sustainability, while recognising ASEAN-ACT's ability to contribute to and influence National Actions Plans varies.
- b. Explore options for embedding the NPSC with national peak inter-agency committees/councils by articulating this in the MSA with countries, which is building on the success in some countries, while recognising that the opportunities vary between the different countries.

12. **The planned review and revision of the ToC should seek to simplify and make clearer the relationship and interdependency of the different outcome areas and pathways of change**, particularly the connection of EOPO3 with the other outcome areas, including considering the rearticulating of this outcome area as part of improving clarity and understanding of Pathway 3. The review process may benefit from external facilitation and involve regional leadership and country teams and engage with DFAT and other critical partners.

KEQ 3 Efficiency: To what extent can the program be considered operationally efficient and cost-effective?

Program efficiency and cost effectiveness are considered by the MTR team to be reasonable given the difficulties posed by the pandemic. The program has met expenditure targets and has adopted an adaptive approach to the evolving challenges of the pandemic. The balance of expenditure across the three pathways appears reasonable under the circumstances, and while national capacity needs should remain a clear priority for the program under Pathway 2, the MTR team recognises additional priorities for expenditure and that proposing additional expenditure (for example for activities in Malaysia) necessitates reducing the budget in other areas. The MTR team does not feel sufficiently qualified to make detailed budget recommendations based on the scope of the MTR, but we propose areas where we believe efficiency gains may be made through allocation of additional activities and management approaches. These are proposed for discussion between DFAT and DT Global.

**Structure and management in support of Program outcomes**



The devolved program structure and localisation are generally considered to be strengths of the program by the ASEAN-ACT team and national program partners. The country teams are highly valued by government counterparts. It is particularly helpful given the program's dealing with sensitive issues of trafficking, gender, treatment of children in the law, victim rights and human rights issues; the local offices are best placed to nuance these issues and tailor appropriate to context. The program could go further to maximise the effectiveness and efficiency dividends of this approach in support of policy engagement, partnership development, political economy analysis and capacity development (noting the expanded understanding of capacity in the CDS). Specifically, this could include larger budget and increased autonomy for country teams to decide how budget will be spent; access to professional development training / opportunities for country teams; and deep recognition of political economy knowledge of the teams. Country teams require sufficient agency, capacity, and an appropriate structure to meet the expectations placed on them through the devolved management approach. This requires a clear articulation of the purpose of localisation in the program, what the program seeks to achieve through localisation, and then consideration of how best to support it.

Implementation arrangements with ASEAN could be clarified. Some interview respondents posed the question as to whether ASEAN-ACT should have a presence in Jakarta to support Pathway 1 implementation with the ASEAN Secretariat - this is a management decision for DFAT and ASEAN-ACT. Efforts to continually reinforce the NPSCs and RPSC will be important (see below), particularly the alignment of NPSCs with national TIP committees/councils.

There is a question about the relevance of the Regional Program Steering Committee (RPSC) and National Program Steering Committees (NPSCs) in their current form, and how much these (are enabled to) inform program priorities. While arrangements differ between countries, meeting just once a year may limit meaningful partnership development and opportunities to align program priorities with national policy priorities and ASEAN-led regional initiatives.<sup>27</sup> For example, the MTR team notes that the RPSC will not meet for a period of 18 months, for a range of reasons. There is opportunity to expand and strengthen the role of the RPSC and NPSCs in program governance arrangements. Relatedly, over time, consideration might be given to expanding the membership of NPSCs to include civil society organisations to bolster civil society voice and influence for ACTIP implementation. The RPSC and NPSCs are critical to support AMS ownership and alignment with policy priorities. There is opportunity to strengthen the role and influence of the RPSC and NPSCs in program governance arrangements.

### ***COVID-19 pandemic adjustment***

The COVID response was managed comparatively well; the program and ASEAN-ACT team were already well set-up with national offices and appropriate technology and systems in place. Localisation helped with this response. The program adapted to the COVID-19 context well and in its programming is accounting for new and heightened risks particularly for more vulnerable groups. Activities pivoted to address this, and remote / online engagement was introduced, though uptake of online activities varied between countries. Challenges of government shifts in focus to immediate health issues and

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<sup>27</sup> The MTR team notes that the TOR for the NPSCs propose meeting once a year but there are some that meet more often. ASEAN-ACT informed the team that some meeting quarterly. This is encouraging and could be adopted in all countries with MSAs in place.



forming of relationships emerged, further delaying activity implementation after the long inception phase.

**How does the Program support and complement other DFAT and ASEAN work?**

The need for regional coordination and partnership arrangements was raised, particularly on related initiatives such as the Bali Process. Consideration could be given to organising a regional coordination group (possibly convened by the Regional Support Office in IOM Bangkok) that would include other entities addressing TIP and related issues at the regional level. This could be both at the development partner and policy-level (primarily DFAT but also with related Australian Government entities such as Department of Home Affairs and the Australian Federal Police) and at the program level (for ASEAN-ACT).

**How does the Program support and complement other related work on trafficking in persons?**

ASEAN-ACT complements the work of other entities focused on CTIP in AMS, but coordination processes could be strengthened and formalised. The MTR team recognises the clear complementarity between ASEAN-ACT and the work undertaken by the Asia Foundation on ACTIP implementation (June 2018 – June 2022). Also recognised is the relationship with ILO TRIANGLE (also co-funded by DFAT). The MTR team also recognises the ongoing work of UN entities (UNODC and IOM primarily) on CTIP as well as the US State Department. The complexity of the TIP issues involved across diverse AMS suggest that coordination would greatly strengthen the overall response to TIP in the region.

**Recommendations of coordination and coherence:**

**13. DFAT should ensure that there is sufficient commitment of available staff** to drive critical areas that advance Australia’s political and diplomatic objectives and support effective, efficient program management, in particular:

- a. Coordination and communication on TIP with other Commonwealth Government departments, regional and national leaders.
- b. By ensuring time efficient approval based on well informed advice is provided to ASEAN-ACT on strategic, operational and program matters.

**14. DFAT and ASEAN-ACT should explore options to provide structure to the current, what appears to be *ad hoc*, information sharing and coordination** with development partners at the regional level on TIP initiatives and related policy and program areas.

**Program performance against DFAT Value for Money Principles**

The program is delivering reasonably well under DFAT’s eight value for money principles. It must be recognised that the COVID pandemic has required the program (in consultation with DFAT) to make decisions on Cost Consciousness under difficult conditions of uncertainty. Noting that encouraging competition is central to value for money, the MTR team notes that the grants scheme selection (including criteria) could have been more transparent, but again, the contingencies required by the pandemic in the context are also recognised. Pathway 3 provides the program with opportunities for adaptive management and innovation, though as noted already the purpose of engagement with NSAs need to be clear and continually reinforced. There is opportunity potentially to do more on grants to build relationships and cooperation towards inclusive approaches to CTIP at the national and regional



levels. Continued emphasis on issues such as evidence-based decision making and accountability and transparency in the context of the MEL system orientation toward partners would benefit the program.

Value for money requires that organisational systems are proportional to the capacity and need to manage results and/or deliver better outcomes to maximise efficiency. Localisation is an excellent strategy in this context, and the MTR team has emphasised the potential efficiency and effectiveness dividends from an ongoing commitment to strengthening country teams. The MTR team recognises the efforts being made towards the establishment of risk systems such as the Risk Assessment Safeguard Screening Tool and encourages ASEAN-ACT to continue to strengthen risk management approaches, including the monitoring of risks. The program has a strong results focus (see the effectiveness and efficiency sections of this report) and departs from the previous focus of Australian CTIP investments that focused on criminal justice and engaging with state justice sector agencies. While a management decision for DFAT and ASEAN-ACT, the program could consider co-locating the ASEAN Director within ASEAN Secretariat as an issue of relationship building but also efficiency and effectiveness.<sup>28</sup> The MTR team also reiterates the value accorded to ASEAN-ACT considering the balance or regional and country capacity within the team, including the recommendation that the program invest further in strengthening the capacity of country teams to effectively lead on important aspects of the program (but particularly Pathways 2 and 3). The MTR team did not examine staffing profiles in detail but considers the regional team, including the leadership team, to be large with obvious cost implications for the program.

The MTR team notes the increasing proportion of expenditure on program activities over time. Also recognised are the budget limitations faced as the program works towards completion of Phase 1. Budget limitations can be attributed to demands following the COVID pivot, as well as overall costs increases due to inflation (travel costs for example). Noting that Malaysia was not included in the original program design, consideration should be given to an increase in the overall budget for further activities in Malaysia (either through more activities under Pathway 1 or dedicated projects under Pathway 2).<sup>29</sup>

### ***Lessons for improvement in efficiency and value for money***

There was a long inception phase which needs to be considered in tracking progress towards outcomes.<sup>30</sup> During this phase, foundational strategies were developed (with much back and forth between the managing contractor and DFAT), recruitment took place, MSAs were negotiated, and relationships were developed to reflect the broader shift in emphasis provided by ACTIP and the program design. Some activities were implemented, particularly in the Philippines and Thailand (where MSAs were concluded in 2018), and regionally through a strategic and opportunistic project implemented by The Asia Foundation to maintained momentum for ACTIP implementation; there was sufficient activity to demonstrate program continuity. Overall, however, the long inception phase is

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<sup>28</sup> The ASEAN-ACT team informed the MTR that an ASEAN Program Coordinator is based in Jakarta, while the ASEAN Director is co-located with the SOM-TC Lead Shepherd on TIP. It is not clear to the MTR team what the division of responsibility is between these positions.

<sup>29</sup> This was raised by DFAT staff consulted, including the post in Kuala Lumpur.

<sup>30</sup> One respondent referred to the inception phase as “long and bumpy”.



likely to have limited program implementation, combined with the pandemic hitting almost immediately after the inception phase finished.

### **Communications**

The Communications Strategy (Feb 2022) provides an opportunity to strengthen achievement of program EOPOs. This may require resourcing and better consideration of how communications can support policy engagement and advocacy as well as capacity development. ASEAN-ACT gives Australia strong credibility in international and domestic engagement on modern slavery, which helps build partnerships to tackle these issues. The Ambassador for People Smuggling and Human Trafficking highlights the program as a good practice in engagement with domestic and international counterparts, and consistently amplifies the program in her work with governments, civil society and the private sector. Also noteworthy under the Communications Strategy is the active social media presence of Will Nankervis (@AusAmbASEAN), Australian Ambassador to ASEAN. He has posted news and updates about ASEAN-ACT regularly to his large Twitter following. The Australian Ambassador to Indonesia, Penny Williams, has retweeted several posts, further extending the exposure of ASEAN-ACT messaging to her 28,000 followers. In future, it would be valuable to do more sophisticated tracking of social media analytics and metrics to understand more about reach and influence.

### **Recommendation on communications:**

15. ASEAN-ACT should ensure that implementation of the Communications Strategy and consolidation of communications provides an opportunity to strengthen progress towards EOPOs. This will require dedicated resourcing and continued consideration of how communications can support policy engagement, advocacy, and capacity development in addition to valuable public diplomacy.





## Contractor Performance

Based on the performance of the ASEAN-ACT program as measured by progress in the achievement of intermediate outcomes (IOs), the findings of the MTR team on progress towards the end of program outcomes (EOPOs) and the key evaluation questions (KEQs) the contractor has performed well. This is particularly noteworthy given the significant challenges posed by the COVID-19 pandemic. The MTR team recognises there were some challenges in program implementation in the inception phase, but these issues have been addressed adequately. There was broad agreement among those consulted that the current team is well placed to continue to strengthen implementation under strong leadership and very competent, professional, and responsive staff at the regional and national levels.



## ANNEX 1: TERMS OF REFERENCE

### ASEAN - AUSTRALIA COUNTER TRAFFICKING PROGRAM (ASEAN-ACT)

### INDEPENDENT MID-TERM REVIEW (2022)

#### TERMS OF REFERENCE

These Terms of Reference (ToR) outline the purpose, objectives, scope of work and requirements for conducting an Independent Mid-Term Review (MTR) of the ASEAN-Australia Counter Trafficking program (ASEAN-ACT), supported by the Australian Government Department of Foreign Affairs and Trade (DFAT) and implemented by Cardno Emerging Markets. ASEAN-ACT commenced on 19 November 2018 for an initial five-year phase, including a one-year inception phase during 2019, and began implementation in 2020 for those countries with signed Memorandum of Subsidiary Arrangements (MSA)s. The 2022 MTR will 'examine program effectiveness, relevance and contractor performance'<sup>31</sup> during the period of November 2018 to June 2022.

#### Background and Context

1. Australia has a direct interest in a stable, prosperous, and resilient Southeast Asia with strong rule of law and respect for human rights. Maintaining rules and norms across the region is particularly important in an environment of heightened strategic competition and concerning illiberal trends in some Southeast Asian countries.
2. Trafficking in persons (TIP), along with other transnational crimes, poses a significant threat to ASEAN Member States (AMS) and their communities – with groups in vulnerable situations. Trafficking leads to human rights abuses and is a form of gender-based violence. It is also often linked to other transnational crimes such as drug trafficking; illegal, unreported and unregulated fishing; and migrant smuggling – all of which directly threaten the stability and sovereignty of countries in the ASEAN region.
3. In previous years, the technical capacity of AMS justice and related officials to understand human trafficking has progressed, but institutional reform remains a slow process. Given the duties of justice officials to safeguard human rights, and the specific victim-centred obligations ASEAN Member States have assumed under the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), a critical area of reform is the protection of victims by justice officials.
4. The ASEAN-ACT program is a 10-year (2018–28) AUD80 million investment, which builds on the success of three previous programs; Asia Regional Cooperation to Prevent People Trafficking (ARCPPT); the Asia Regional Trafficking in Persons (ARTIP) and the Australian-Asia Program to Combat Trafficking in Person (AAPTIP), representing over 18 years of support by the Australian Government in countering trafficking in persons.
5. ASEAN-ACT supports efforts of the Bali Process Working Group on TIP and Australia's international engagement strategy on human trafficking and modern slavery. Its overall goal and outcomes align with Australia's Partnerships for Recovery<sup>32</sup> outcomes under the 'stability' action area, with an ultimate focus on the most vulnerable people: TIP victims, especially women and children. The Special ASEAN-Australia Foreign Ministers Meeting on COVID 19 (June 2020) reaffirmed ASEAN-

<sup>31</sup> DFAT, ASEAN-Australia Counter Trafficking Design, March 2018, p.89

<sup>32</sup> <https://www.dfat.gov.au/publications/aid/partnerships-recovery-australias-covid-19-development-response>



ACT's relevance. ASEAN-ACT contributes to the ASEAN and Southeast Asia COVID-19 Development Response Plan (October 2020) in addressing regional challenges posed by COVID-19 and supporting improved justice sector responses to TIP and transnational crime. ASEAN-ACT also complements other ASEAN Mission regional investments: TRIANGLE in ASEAN (supporting safe and fair labour migration) and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) Implementation Project (AIP).

6. ASEAN-ACT works regionally with ASEAN, including Sectoral Bodies, and nationally in Cambodia, Lao PDR, the Philippines, Thailand and Vietnam. The timing of the program's commencement in these countries vary, and as such the progress of implementation is at different stages. Programming is planned for Indonesia and on hold in Myanmar. ASEAN-ACT engages regionally with remaining AMS (Singapore, Brunei and Malaysia).
7. Three strategic plans guide ASEAN-ACT's programming: the Capacity Development Strategy, Victim Rights Strategy, and Gender Equality, Disability and Social Inclusion (GEDSI) Strategy, with Monitoring, Evaluation and Learning (MEL) an integral component of the whole process. The governance and oversight arrangements for ASEAN-ACT is comprised of National Program Steering Committees (NPSCs) in the partner countries, and a Regional Program Steering Committee (RPSC) with members drawn from 10 ASEAN member states.
8. ASEAN-ACT provides technical assistance for capacity development with AMS in the justice sector (police, investigators, judiciary and policymakers) and related state officials (may include labour rights ministries, social welfare, human rights and anti-corruption officials). ASEAN-ACT is also establishing new partnerships with allied government agencies, civil society, and the private sector to uphold the rights of victims and vulnerable groups.
9. The Program's **goal** is that AMS have effective justice systems that provide just punishment of traffickers and protect the human rights of victims. The Program's high-level End of Program Outcomes (**EOPOs**) are:
  - a) ASEAN's planning, monitoring and reporting of ACTIP implementation is increasingly effective and advances the protection of victim rights.
  - b) ASEAN Member State criminal justice and related state agencies are increasingly capable of fulfilling their ACTIP obligations, in particular those that uphold victim rights.
  - c) ASEAN Member State justice and related state agencies' policies and practices are influenced by relevant stakeholders and better aligned with the ACTIP, especially in connection to victim rights obligations.
10. The program aims to achieve the EOPOs through three corresponding pathways that will: (a) Enhance regional level ASEAN capability to oversee ACTIP implementation (Pathway 1); (b) Enhance national-level individual and organisational capability for ACTIP implementation (Pathway 2); and (c) Develop inclusive public policy processes to improve ACTIP implementation (Pathway 3). Of these three Pathways, Pathways 1 and 2 continued work from AAPTIP program while Pathway 3 is new and has been slower to start. The program has only worked to scope its Pathway 3 activities in 2020 and commence implementation in 2021. Please see further information on [ASEAN-ACT](#).
11. The program is managed by Cardno Emerging Markets. The implementing team has a regional office based in Bangkok and country offices in Laos, Thailand, Cambodia, Vietnam, and Philippines. The program delivers technical advice through a team of Long-Term and Short-Term Advisers recruited for their extensive experience of trafficking in persons (TIP) and criminal justice



sector reform. From the February 2022 Human Resource Report, 77% of the staffing positions are currently filled {33 out of 43 fulltime staff: 7 Long Term Advisers (5 female; 2 male) and 26 Locally Engaged Staff (22 female; 4 male)} plus 3 Short Term Advisers (2 female; 1 male). The Long Term Advisers position includes a designated Director for Inclusion & Victim Rights.

12. Key issues and contextual changes that should be considered as part of the review include:
  - a) The COVID-19 pandemic, and government responses to the pandemic, have created new challenges for the ASEAN justice sector in responding to trafficking cases. The pandemic also created a myriad risk for ASEAN-ACT, including:
    - Reprioritisation and reduced resources for justice agencies and related agencies from counter trafficking efforts to pandemic response.
    - Postponement of program activities because of the above and reluctance to continue activities virtually.

ASEAN-ACT adapted to mitigate the impact of these risks, but the risk of resultant underspend remains high. ASEAN-ACT has been innovative in redirecting budget to worthwhile activities feasible during COVID-19, such as desk-based Political Economy Analyses and Rapid Assessments. In addition to redirecting budget to mitigate these risks, since 2020 ASEAN-ACT have used a COVID-19 vulnerability and counter-trafficking program framework developed from the Situation Analysis conducted by ASEAN-ACT in 2020. See example of details and framework in Annual Work Plan (AWP) 2021, pages 4–5.

- b) Current Memorandum of Subsidiary Arrangement's (MSA) with partner governments (a requirement for national programming) were signed at different times – i.e., Thailand November 2018; Philippines December 2018; Vietnam August 2019; Cambodia August 2019; and Laos September 2020. The MSA with Indonesia is still under negotiation and MSA preparation with Myanmar is on hold due to the military coup in 2021. These different starting points have resulted in different stages of progress and achievement across these countries which will need to be taken into account when assessing program achievement towards the Immediate and Intermediate Program Outcomes.

### **Purpose and Audience**

13. The Investment Design document outlined a requirement for the program to be subject to two major evaluations. The first (Phase 1) was an Independent Review, envisaged for Year 4 of the program. The 2022 MTR fulfills this mandatory requirement.
14. The principal purpose of the MTR is to improve the investment and accountability by examining the program's relevance, effectiveness, efficiency, and contractor performance. The MTR will also be used to inform a decision making by DFAT to continue the program including renewal of the Managing Contractor's contract for a further five years.
15. DFAT's Australian Mission to ASEAN, relevant Divisions in Canberra and Cardno as the implementing partner will be the primary users of the MTR findings and recommendations. To ensure transparency, DFAT will publish the MTR Report and Management Response on the DFAT website in early 2023.

### **Scope of Work**

16. DFAT will contract an independent MTR team to undertake the review. The MTR team will work in consultation with the Australian Mission to ASEAN and Cardno's ASEAN-ACT team. Meetings



(virtual/online) with multi-country stakeholders will be arranged as agreed by DFAT and facilitated by the ASEAN-ACT team.

17. The objectives of the MTR are as follows:

- a) Undertake a review of DFAT's ASEAN-ACT program to assess program relevance, effectiveness and efficiency including the outcomes achieved through DFAT funding of Cardno to deliver the ASEAN-ACT program since commencement in November 2018.
  - i) The assessment of relevance will determine:
    - how relevant ASEAN-ACT program is to partner priorities in their implementation of the ACTIP.
    - the extent ASEAN-ACT is consistent with DFAT's Partnerships for Recovery, and specifically with the ASEAN and Southeast Asia Regional COVID-19 Development Response Plan.
    - the program's flexibility and adaptability within the context of the policy environment created by COVID-19.
    - the extent to which ASEAN-ACT has promoted GEDSI (including gender equality and women's empowerment, disability and social inclusion) and victim rights to achieve intended outcomes.
  - ii) The assessment of effectiveness will determine:
    - the extent to which ASEAN-ACT's progress is on track to meet program immediate and intermediate outcomes as outlined in the Theory of Change and Monitoring, Evaluation and Learning (MEL) Plan.
    - the major factors influencing achievement or non-achievement of outcomes, within the parameters of ASEAN-ACT's programming cycle or framework.
    - the extent to which the program uses its GEDSI strategy and Victim Rights strategy to influence policy and practice change.
  - iii) The assessment of efficiency will determine:
    - the extent to which timely inputs were converted into outputs.
    - the value for money of the DFAT-Cardno partnership in achieving DFAT objectives and implementing the program, following DFAT's Guidance on Value for Money Principles.
    - the extent of evidence-based decision-making in the program, contributing to organisational learning and continuous improvement.
    - if most efficient approaches have been used to achieve outputs.
- b) To identify lessons and provide recommendations for improvements to program implementation and strategic focus.
- c) To provide information and evidence supporting the findings from the assessment of relevance, effectiveness and efficiency of ASEAN-ACT, to enable DFAT to make an informed decision to continue the ASEAN-ACT program or renew the Managing Contractor's contract for a further five years (Phase 2).

18. DFAT considers that this will be a substantial review of the program that will focus on ASEAN-ACT implementation from November 2018 to June 2022.

19. As detailed below, it is expected that the review will focus on the overall program, however some specific countries should be selected to provide in- depth analysis of program implementation (refer Section D). The Indonesia and Myanmar national programs will be excluded from this



review: however, Indonesia and Myanmar can still be considered in the context of the regional program.

20. Indicative Key evaluation questions (KEQs) and sub-questions proposed include<sup>33</sup>:

Section 1: relevance and performance to date

KEQ1: Is ASEAN-ACT doing the right things?

- How consistent is the program with DFAT's Partnerships for Recovery, and specifically with the ASEAN and Southeast Asia Regional COVID-19 Development Response Plan?
- How relevant is the program to partners' priorities in implementing the ACTIP?
- Has the program successfully pivoted its activities following the onset of the COVID-19 pandemic, in line with the Australian Government's Partnerships for Recovery COVID-19 response strategy? Was that pivoting sufficient in addressing TIP which is exacerbated by COVID-19?
- How successful has the program been in promoting gender equality, disability and social inclusion and victim rights to achieve its intended outcomes?
- What lessons are there that can be applied to improve the program over its remaining years?

KEQ2: How effective has ASEAN-ACT been in achieving its outcomes?

- the extent to which ASEAN-ACT's progress on track to meet program's Immediate and Intermediate Outcomes (IOs) as outlined in the program's Theory of Change. Please consider the different stage across the target country.
- Are activities and outputs consistent with the Immediate and Intermediate Outcomes, and are outputs contributing to the achievement of end of the program outcomes?
- How did the program use its GEDSI and Victim Rights strategies to influence policy and practice change? Is DFAT's 'twin-track' approach to GEDSI being implemented effectively across ASEAN-ACT program?
- How did the program promote gender equality and women's empowerment in programming?
- How did the program promote disability inclusion?
  - o How actively has ASEAN-ACT involved people with disabilities and/or disabled person's organisations in planning, implementation and monitoring and evaluation
  - o To what extent does ASEAN-ACT identify and addresses barriers to inclusion and opportunities for participation for people with disabilities to enable them to benefit equally from the program?
- Has the MEL system generating credible information, captured data and information to measure program results and progress against outcomes?
- What lessons are there that can be applied to improve the program over its remaining years?

Section 2: structure, efficiency and value for money

KEQ3. To what extent can the program be considered operationally efficient and cost-effective?

- Is ASEAN-ACT structured in a way to be efficient and provide value for money?
- Is the Managing Contractor delivering the program in an efficient and cost-effective manner?
- How did evidence-based decision-making in the program contribute to organisational learning and continuous improvement? Is the MEL system supporting program management decision making?

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<sup>33</sup> The MTR team is expected to refine the KEQs and sub-questions and needs to consider with DFAT if the questions need to be prioritised



- How has the program promoted harmonisation and complemented other DFAT's human security program in ASEAN?
- What lessons are there that can provide opportunities for improvement in efficiency and value for money?

### Review Process and Timeline

19. The 2022 MTR is expected to be conducted during June 2022 - December 2022 (subject to Australian Government caretaker provisions, COVID-19 constraints and MTR team availability). The Review Plan (refer section E) will detail the review process including timeline and data collection. DFAT would expect sufficient time for desktop review (refer Section J), development of a Review Plan, interviews with countries and the program for data collection, e-presentation of Aide Memoire and preparation of the MTR report.
20. As part of the Review Plan, DFAT expects the review team to propose the number and selection of countries for in-depth analysis. ASEAN-ACT is implementing five country programs and a regional program. More detailed assessments of two or three of these programs should inform the broader review. The review team will determine which programs would provide the most representative view. The regional program should also be considered.

### 21. Indicative Timeline:

Key Steps	Timing
Virtual briefings between review team and clarifications on the ToR	Mid-June 2022 (TBC)
Review team conducts document review	Mid-June 2022
Review Plan development and finalisation (include consultation schedule) and approval, under consultation with DFAT and ASEAN-ACT	Mid-June to mid-July 2022
Discussion with DFAT (Desk and Post) prior to commencing virtual stakeholder consultations: Review team highlights key areas of interest/questions from document review, highlights any gaps	Late July 2022
Virtual consultations commence (both for Australia and ASEAN-based stakeholders)	July - August 2022
Aide Memoire and virtual presentation to DFAT (Post) on findings-to-date. Presentation to include a high-level overview of the structure and scope of the review as it currently stands	early September 2022
Submission of Draft MTR report to DFAT	mid-September 2022
Review the draft MTR Report and provide the comments to MTR team. In parallel DFAT prepares management response and seeks internal approval	Early October 2022
Final MTR report and recommendations submitted to DFAT	Late October 2022
Report approval by DFAT	mid-November 2022
DFAT seeks internal approval for the Management Response	late November 2022
Final report and management response approved by HOM and published on website	end December 2022

## Reporting and Output Requirements

22. Expected outputs of this MTR include:

- a) **Review Plan** of no more than ten pages. The Plan will detail the approach, scope and methodology of the review, based on this ToR, discussions with DFAT and the review of key documents. It will include the methodology for answering the key evaluation questions; the process for information collection and analysis, including tools such as questionnaires and/or detailed separate set of questions to be asked during the consultations; identification of any challenges anticipated in achieving the review objectives; allocation of tasks; key timelines; and other activities to be undertaken (as necessary).
  - If the review is conducted remotely, it should include specific details as to how a remote review will be managed effectively. DFAT can share some lessons from previous DFAT's evaluations conducted remotely.
  - the Review Plan should include detail on how the MTR process will be accessible to and inclusive of diverse participants, including whether and how reasonable accommodation will be provided to enable the participation of people with disabilities facing particular barriers (e.g., provision of sign language interpretation) as applicable.
- b) **Aide Memoire** of no more than five pages on key initial findings, feedback for DFAT, Cardno and ASEAN-ACT Cardno Bangkok office and other stakeholders at the end of the review mission. The Team Leader will present it to DFAT through a videoconference (e.g., Webex).
- c) **Draft Mid-Term Review Report** of no more than 25 pages, excluding an executive summary and annexes, should be submitted electronically to DFAT for comment. Structure of the report and submission date to be finalised when the Review Plan is agreed.
- d) **Final Report of the Mid-Term Review** of no more than 25 pages excluding an executive summary and annexes, should be submitted electronically to DFAT within two weeks after receiving DFAT comments. The Review Plan and the MTR Reports should be prepared and completed in line with DFAT's M&E Standards<sup>34</sup> and must meet DFAT's accessibility obligations<sup>35</sup>.

## Review Team Composition

23. Given the scope, importance, and potential for the results of the MTR to shape the future of the program, DFAT is seeking a team of 3-4 members (depending on input days and expertise required), including a team leader, based on the following criteria:

- a) The Review Team Leader should have:
  - Excellent evaluation skills including; practical experience in evaluating complex international development programs and the ability to present and use relevant quantitative and qualitative evaluation tools to answer key evaluation questions;
  - Excellent technical knowledge in evaluating criminal justice sector responses and interventions in complex multi-country implementation environments;
  - Demonstrated strong writing skills, including the ability to convey complex issues and

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<sup>34</sup> <https://www.dfat.gov.au/about-us/publications/Pages/dfat-monitoring-and-evaluation-standards>

<sup>35</sup> <https://www.dfat.gov.au/about-us/corporate/transparency>





- ideas in simple easy-to understand language;
  - Strong leadership, interpersonal and cross-cultural skills; as well as specific experience and knowledge of South East Asian countries;
  - Experience of Trafficking in Persons and migration is desirable but may be strengthened by other team members.
- b) Overall, the team should meet the following criteria:
- Have a practical and realistic approach to program recommendations;
  - Demonstrate M&E skills including; practical experience in monitoring and evaluating complex international development programs operating across multiple countries;
  - At least one member should have expertise in evaluating the gender and disability responsiveness of programs and a diverse team composition on gender and age is desirable;
  - Previous experience in the review of Australian Aid programs;
  - Expertise in Trafficking in Persons is desirable in at least one team member.

### **DFAT Roles and Responsibilities**

24. Counsellor (Development) at ASEAN Mission (the Review Owner) will be the evaluation delegate to review and approve the review plan and approve the procurement method and outcome. The delegate will also join briefing of the review team, review and provide comments on the draft report, and provide input into the development and implementation of the management response.
25. A DFAT Reference Group to be established for this review. The expected role of this group is to improve the quality assurance of the review and to advise of any risks or considerations regarding procurement, briefing, and implementation of the review process. Indicative schedule of inputs from the Reference Group as follows:
  - a) Inputs to the Review Plan: end June – mid July 2022
  - b) Inputs to the Aide Memoire: early September 2022
  - c) Inputs to the First Draft: mid-end September 2022
  - d) Inputs to the Final Report: late October 2022
  - e) Input to the Mngt Response: mid-late November 2022
26. The Desk Officer (Desk) will also review and provide comments on the review products set out above, as necessary, and assist with consultation across relevant areas of DFAT Canberra.
27. First Secretary at ASEAN Mission (the Review Manager) will manage the review process, including planning, procurement, coordinating input throughout the review and preparing a management response.
28. Locally Engaged staff in the ASEAN Mission Human Security team will support the Review Manager to manage the review process including by providing relevant documentation for the review, organising and participating in the virtual stakeholder meetings.
29. Head of Australian Mission to ASEAN, will approve the independent review, management response and publication of the final report and management response.

### **Publication and Management Response**

30. It is envisaged that DFAT will prepare a Management Response to the review and will publish both documents to the DFAT website prior to March 2023, as part of DFAT's mandatory



reporting guidelines.

### **Indicative Proposal Budget and Content**

31. The indicative budget for this review will be up to AUD 150,000.
32. Content of quote proposal. The written proposal should include the following:
  - a) An indicative financial proposal, including costs for proposed advisors/subcontractors for each piece of work identified
  - b) Experience Statement which details relevant skills and experience of the Supplier to provide the services (including the personnel CVs of team leader and team members).

Further details on the proposal requirements will be set out in the tender document.

### **List of Key Documents**

33. Below is a preliminary list of documents that will be provided to the Review Team to inform the development of the Review Plan, and where relevant and as identified by MTR team, appropriate data or information will also be provided by ASEAN-ACT.

- a) ASEAN-ACT documents
  - Investment Design
  - MEL Plan, included DFAT-approved Theory of Change
  - Baseline Study (November 2018 - December 2019)
  - COVID-19 Situation Analysis – The impact of COVID-19 on the counter-trafficking situations in seven Southeast Asian countries and ASEAN, July 2020
  - Capacity Development Strategy
  - Victim Rights and GEDSI Strategies
  - ASEAN-ACT Communication Strategy
  - Program Annual Work Plans (For Calendar Year 2019 – 2022)
  - Program Annual Reports (For Calendar Year 2019 - 2021) and Six-Monthly reports
  - Key products: Factsheets, key studies
  - Cardno policies as relevant
- b) DFAT
  - [Partnerships for Recovery: Australia’s COVID-19 Development Response](#)
  - [COVID-19 Development Response Plan: ASEAN and Southeast Asia Regional](#)
  - [Gender equality and women’s empowerment strategy](#)
  - [Development for All 2015-2020: Strategy for strengthening disability-inclusive development in Australia’s aid program \(extended to 2021\)](#)
  - [M&E Standards](#)
  - Guidance on Value for Money Principles
  - [DFAT’s Ethical Research and Evaluation Guidance. The review should be conducted in line with this guidance.](#)
  - DFAT Contract with Cardno – excluding commercial-in-confidence content
  - The 2019 and 2020 Aid Quality Checks and 2021 Investment Monitoring Report and corresponding Program Partnership Assessments.

### **List of key stakeholders for Consultation**

34. The stakeholder list should at a minimum include consultation with ASEAN Mission, relevant DFAT posts, DFAT Canberra, ASEAN Secretariat, relevant ASEAN Sectoral bodies {e.g., ASEAN Senior Officials’ Meeting on Transnational Crime (SOMTC), ASEAN Intergovernmental Commission on Human Rights (AICHR), ASEAN Commission on the Promotion and Protection



of the Rights of Women (ACWC)}, ASEAN-ACT team and ASEAN-ACT partners (both government and non-governments).

35. The consultation should explore any opportunity to include the persons directly impacted by trafficking or any other indirect beneficiaries.
36. The consultation should aim to include people with disabilities and their representative organisations (DPOs). The original design document noted that DPOs may be included as key civil society stakeholders within policy dialogues for Pathway 3 of the program. It will be important to note whether this intention was achieved.
37. A detailed list should be developed during development of the Review Plan, with input from the ASEAN Mission and ASEAN-ACT team.



# strategic development group



ASEAN - Australia Counter Trafficking Program (ASEAN-ACT)

## Independent Mid-Term Review (MTR) Plan

30 September 2022

## Background to the MTR



The ASEAN-Australia Counter-Trafficking program (ASEAN-ACT) is an initiative between Australia and the Association of Southeast Asian Nations (ASEAN) targeting human trafficking, throughout the ASEAN region. ASEAN-ACT is a 10-year (2018-2028), \$80 million program that works to strengthen criminal justice responses and protect victim rights. It builds on three previous Australian aid programs: Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), Asia Regional Trafficking in Persons (ARTIP) and Australian-Asia Program to Combat Trafficking in Person (AAPTIP), representing over 18 years of Australian Government support to combat trafficking in persons.

ASEAN-ACT is supported by the Australian Government Department of Foreign Affairs and Trade (DFAT) and implemented by DT Global (previously Cardno Emerging Markets<sup>36</sup>) as the Managing Contractor. ASEAN-ACT commenced on 19 November 2018 for an initial five-year phase, with a one-year inception phase during 2019, and began implementation in 2020 for countries with signed Memorandum of Subsidiary Arrangements (MSA)s: Cambodia, Lao PDR, the Philippines, Thailand, and Vietnam. Programming is planned for Indonesia and is currently on hold in Myanmar. ASEAN-ACT also works regionally with ASEAN.

The program's goal is that ASEAN Member States (AMS) have effective justice systems that provide just punishment of traffickers and protect the human rights of victims. The expected end-of project outcomes (EOPOs) are:

- EOPO 1: ASEAN's planning, monitoring and reporting of ACTIP implementation is increasingly effective and advances the protection of victim rights.
- EOPO 2: ASEAN Member State criminal justice and related state agencies are increasingly capable of fulfilling their ACTIP obligations, in particular those that uphold victim rights.
- EOPO 3: ASEAN Member State justice and related state agencies' policies and practices are influenced by relevant stakeholders and better aligned with the ACTIP, especially in connection to victim rights obligations.

ASEAN-ACT works through three interrelated pathways that guide program implementation and support the achievement of EOPOs.

- Pathway 1: Enhance regional-level ASEAN capacity to oversee ACTIP implementation
- Pathway 2: Enhance national-level individual and organisational capacity for ACTIP implementation
- Pathway 3: Develop inclusive public policy processes to improve ACTIP implementation

A program Gender Equality and Social Inclusion (GESI) strategy provides direction to ASEAN-ACT staff and partners and guides investment decisions. The GESI strategy recognises the

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<sup>36</sup> DT Global from 31 August 2022 due to its acquisition of Cardno International Development.

specific and disproportionate risk to trafficking and gender-based violence related to gender, migration status, and by women, children and people with disability.



An Independent Review of ASEAN-ACT is required in year 4 of the program pursuant to the Investment Design Document.<sup>37</sup> This independent mid-term review (MTR) fulfills that requirement. The main purpose of the MTR is for improvement and accountability by examining the program's relevance, effectiveness, efficiency, and contractor performance. The MTR will also be used to inform DFAT decision making to continue the program, including renewal of the current Managing Contractor's contract for a further five years. It is a formative review to understand the elements of the program's design that are working well and where there are gaps and areas to enhance or change in the next phase.

### **A collaborative approach to developing the MTR Plan**

This MTR Plan has been developed collaboratively by the MTR team, in consultation with DFAT's Australian Mission to ASEAN and the ASEAN-ACT team.

### **Current state of knowledge about the effectiveness of ASEAN-ACT**

No independent review/evaluation has been conducted of ASEAN-ACT, giving rise to a need for a robust assessment of performance to inform continued Australian support. The MTR has been designed to respond to this gap in knowledge. However, there is relevant information available. First, an independent MTR of AAPTIP was completed in 2016 with findings and recommendations relating to program relevance, delivery, effectiveness, and sustainable impact. Second, there is substantial internal DFAT reporting on ASEAN-ACT progress and achievements including annual Investment Monitoring Reports (IMRs) and Partner performance Assessments (PPAs) (2020-2022) that report on the project's effectiveness, including progress towards project outcomes, efficiency, relevance, and sustainability as well as issues of gender equality, sustainability, risk, and disability inclusion. Third, there are very detailed six-monthly and annual program progress reports (2020-2022) prepared by the Managing Contractor.

### **Scope and Objectives of the MTR**

#### **In-scope**

The MTR will assess the performance of ASEAN-ACT from its inception in November 2018 through to June 2022. It will examine the program's effectiveness, relevance, and efficiency.

#### **Out-of-scope**

Indonesia and Myanmar country programs because implementation has not commenced (Indonesia) or is on hold (Myanmar). Also, Singapore, Brunei and Malaysia do not have designated country programs. Singapore and Brunei are not eligible for Official Development Assistance; however, they are reached through the ASEAN-ACT regional

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<sup>37</sup> DFAT (March 2018) *ASEAN-Australia Counter-Trafficking – Investment Design*, 52.

program. While Singapore, Brunei, Malaysia, Indonesia, and Myanmar will not have specific case studies, they will still be captured through the MTR for the regional case study (see explanation of the case study approach in the methodology below).



### **Objectives of the MTR**

The objectives of the MTR are three-fold:

1. To assess program effectiveness, relevance, and efficiency, including the outcomes achieved through DFAT funding of DT Global to deliver the ASEAN-ACT program, noting specific regard will be made within this assessment to the following areas of adaptive management and flexible delivery including program risks exacerbated by the COVID-19 pandemic; management of gender equality disability and social inclusion (GEDSI); and the value for money of the program
2. To identify lessons and provide recommendations for improvements to program implementation and strategic focus
3. To provide information and evidence supporting the findings from the assessment of relevance, effectiveness, and efficiency of ASEAN-ACT, to enable DFAT to make an informed decision on the next phase of the ASEAN-ACT program and whether to renew the Managing Contractor's contract for a further five years (Phase 2).

### **Evaluation Questions**

The MTR will address the following key questions:

1. Is ASEAN-ACT doing the right things?
2. How effective has ASEAN-ACT been in achieving its outcomes?
3. To what extent can the program be considered operationally efficient and cost-effective?

Sub-questions (based on the Terms of Reference) are elaborated in the MTR Matrix (see Annex 1). Based on this Matrix, Interview Guides have been developed for the major stakeholder groups (see Annex 5). Gender equality and disability and social inclusion (GEDSI) issues will be explored in the questions asked of informants through ensuring it is integrated into questions asked around the three main lines of enquiry on relevance, effectiveness and efficiency.

### **MTR Methodology**

To answer the evaluation questions, the MTR employs the following mixed-methods approach:

**Phase 1:** Document review: review and analysis of relevant ASEAN-ACT documentation (see list of documents for review below).<sup>38</sup>



**Phases 2 & 3:** Key Informant Interviews, Focus Group Discussions (FGD) and Small Workshops (DFAT): Qualitative, semi-structured interviews and FGD with ASEAN-ACT team representatives; semi-structured interviews, small on-line workshops and FGD (15-20 participants) with DFAT posts and Canberra (**Phase 2**), and key program partners and stakeholders (**Phase 3**) (see list of recommended interview respondents below and at Annex 3). Interviews will be approximately 45 minutes to one hour in duration. The workshops will be scheduled for two hours to give time to cover the scope of the review questions and for participants to contribute.

All interviews will be conducted remotely to help manage COVID-19 risks associated with travel and in person interaction and to support time and cost efficiencies in the delivery of the MTR. Respondents will be given the choice of video or voice call, or alternatively they may provide a written response if preferred. The ASEAN-ACT team will provide support for translation and interpretation where required.

The MTR Matrix is provided below at Annex 1. Interview questions will be provided to all informants prior to interviews and focus group discussions. While based on the MTR Matrix and MTR key questions, actual interview questions will be adjusted for different stakeholder groups to reflect their different roles and the specific MTR information needs (see the Interview Guides for major stakeholder groups in Annex 4).

The MTR methodology applies a case study approach to ground and focus its analysis. Case studies are intended to help frame the analysis, facilitate in-depth understanding, and illustrate key findings. Case studies help provide depth and texture to critical discussions about the program, and they provide concrete evidence of program quality, with analysis pinned to specific examples.<sup>39</sup>

To ensure a representative view, the MTR will focus on the Philippines, Thailand and Vietnam, as well as the ASEAN regional program. These three countries are proposed as they have the longest period of implementation (based on MSA signing) and, related to this, larger portions of program financial allocation for projects. They are also considered to be representative of different stages in the development of responses to TIP (as guided by the 2021 US State Department TIP Report for example) and implementation of the ACTIP. Given

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<sup>38</sup> Note that while a review of documentation informed the preparation of this MTR Plan, given the significant extent of detailed program documentation available, the methodology features a further in-depth phase of analysis. Document review will be used to identify key issues and themes to explore further through interviews.

<sup>39</sup> Robert B Burns, *Introduction to Research Methods* (Sage Publications, 4th ed, 2000); Joe R Feagin, Anthony M Orum and Gideon Sjoberg (eds), *A Case for the Case Study* (University of North Carolina Press, 1991).





that the MTR will be undertaken remotely, ease of communication and access to information is also a consideration in the selection of case studies.

Through the country and regional case studies, the MTR will look closely at the following strategic and thematic approaches:

- Application of the ASEAN-ACT Capacity Development, Victim Rights and Gender Equality and Social Inclusion (GESI) Strategies, as well as the role of the MEL system in guiding decision making.<sup>40</sup>
- The program's partnership approach and governance arrangements.
- Projects and activities in support of the three Pathways: Enhanced regional-level ASEAN capability to oversee ACTIP implementation (Pathway 1); Enhanced national-level individual and organisational capability for practical ACTIP implementation (Pathway 2); and Develop inclusive public policy processes to improve ACTIP implementation (Pathway 3).

Outcome Harvest (OH) methodology will be applied as a framework to guide the analysis and validation of information collected through enquiry undertaken for each of the evaluation questions. This methodology is a simple and systematic way that enables informants and stakeholders to identify, formulate, verify, analyse and interpret outcomes, particularly in programming contexts where relations of cause and effect are multifactorial and may not be readily clear or easily understood.<sup>41</sup>

Short simple OH examples on critical successful outcomes, and negative or unexpected results will be prepared. The OH examples will provide the basis for validating emergent findings, conclusions, and testing of preliminary evaluation recommendations through discussions that will take place with DFAT and possibly also the ASEAN-ACT team where relevant at key points during the MTR.

Periodic, informal, short discussions between DFAT and the MTR team. Purpose is for the MTR team to update DFAT on evaluation progress, emergent findings and to raise any questions, concerns, or risks early.

**Phase 4:** Validation meeting(s): interactive, participatory approach with DFAT staff, ASEAN-ACT team and partners to share and validate review findings. Involves an interactive, group-discussion to test and validate early findings. This could be one meeting with multiple stakeholders or a few smaller meetings; this will be decided depending on findings.

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<sup>40</sup> The MTR team will divide the analysis as follows: Capacity Development Strategy (Counter-Trafficking Programming Specialist), Victim Rights Strategy (Team Leader), GESI Strategy (Gender & Disability Specialist), MEL system (Strategic Advisor).

<sup>41</sup> INTRAC, (2017), Outcome Harvesting; Nigel Simister, Angela Napier (contributors).  
<https://www.intrac.org/wpcms/wp-content/uploads/2017/01/Outcome-harvesting.pdf>



## **A flexible methodological approach**

The methodology is designed to be sufficiently flexible to allow changes where necessary to respond to new or unexpected issues and ideas as they emerge. For example, the list of recommended interview respondents is not intended to be exhaustive. The MTR team may determine to request some additional interviews with people not listed (below), where recommended through the course of the review (snowballing interview technique). Also, the in-depth and more extensive document review to be undertaken in phase 1 will inform both key informant selection and specific lines of enquiry. As such, the proposed list of key informants and interview format may be adjusted based on the findings of phase 1 of the MTR.

## **Triangulation of methods**

The mixed-methods approach (combining document review and interviews with a subsequent participatory approach to validation) is intended to garner more nuanced, reliable, and valid MTR findings through the triangulation of data. That is to say, the combination of evaluative methods goes towards enhanced confidence in the ensuing findings. Moreover, the conduct of interviews with a diverse array of respondents representing different organisations and located in different countries is intended to allow for triangulation of interview findings and so heightened reliability.

## **Sampling Strategy and Recommended Respondents**

The sampling strategy used will be stratified sampling, capturing a diversity of perspectives of people representing a mixture of organisations and having different roles in the program:

- DFAT representatives
- ASEAN-ACT team representatives
- ASEAN Member States representatives at regional and national levels through the
  - The National Program Steering Committees
  - Regional Program Steering Committee representatives
- SOMTC representatives and representatives of other relevant ASEAN bodies with responsibility for implementation of the ACTIP and ASEAN TIP Work Plan.
- National government counterparts
- Grant recipient representatives
- Other development partners (including civil society organisations, multilateral organisations, and other donors) providing support for ACTIP implementation and counter-trafficking in the ASEAN Region.

The sample size of respondents to be interviewed is intended to allow for a diversity of views and experiences to be canvassed. Approximately 40 interviews are proposed to be

conducted and three FGDs. This number is expected to lead to the point of data saturation whereby similar messages are heard repeatedly and few new insights are gained by continuing interviewing. A complete list of key informants is included at Annex 2.



### **Documents for Review**

There is substantial documentation about the ASEAN-ACT program for review by the MTR team. This includes ASEAN-ACT program key documents including the Investment Design document, strategy documents, work plans and progress reports; DFAT policies and strategies; ASEAN-ACT selected key products including factsheets about the regional and country programs and grants; videos, studies, and research; policy briefs; and ASEAN documents. A complete list of all documents provided by DFAT's Australian Mission to ASEAN for review is included at the end of this MTR Plan at Annex 3.

### **Data Processing and Analysis**

The MTR team will use a simple and organised system of data processing and analysis as follows: for all interviews, an interview transcript will be created. At the conclusion of each interview, the transcript will be completed, and at the bottom of the transcript additional notes written capturing initial reactions and observations, key points, as well as any important contextual factors that may have affected the validity of the interview.

The transcripts will then be coded, with data entered in an Excel spreadsheet. Coding will be simple as an overly complicated coding system may result in less usable data. Coding will be done by the placement, in the margins of the transcript, of a number from one through three next to interview data, the numbers representing the three evaluation questions. Where interview data goes towards answering one or more of the questions, the corresponding number(s) will be placed in the margin next to the relevant text. The same coding process will be applied to the document analysis. Next, coded data will be interpreted and synthesised according to the evaluation questions, manipulating Excel to make meaning of quantitative results. Illustrative quotations will be used to make further meaning of the data and to enhance the narrative.

The report will provide a clear line of sight between the key evaluation questions, evidence and analysis, findings, conclusions, and recommendations.

### **Limitations and Constraints for the MTR**

There MTR team has considered the following limitations which will be addressed through the MTR approach.



MTR limitation	Mitigation approach	Level of impact
<p><b>The MTR is being conducted entirely remotely. In the absence of face-to-face meetings, it may be more difficult for the MTR team to build a connection with the interviewee, so they speak freely and frankly.</b></p>	<ul style="list-style-type: none"> <li>· Work with DFAT post and ASEAN-ACT team to ensure stakeholders are aware of the purpose of the MTR</li> <li>· Ensure that evaluation questions are provided in advance of KII and FGD</li> <li>· Identify stakeholders early and schedule consultations appropriate to local schedules</li> </ul>	<p>Low</p>
<p><b>Some interviewees may articulate (or seem to be articulating) what they feel the MTR team, DFAT or the ASEAN-ACT team wants to hear.</b></p>	<ul style="list-style-type: none"> <li>· Triangulation of data: multiple accounts, multiple types of data and methods of data collection will be used</li> <li>· Use of open-ended questions</li> <li>· Validation process</li> </ul>	<p>Low</p>
<p><b>Informants are not able or willing to participate in the MTR.</b></p>	<ul style="list-style-type: none"> <li>· Work with DFAT post and ASEAN-ACT team to ensure stakeholders are aware of the purpose of the MTR</li> <li>· Ensure that evaluation questions are provided in advance of KII and FGD</li> </ul>	<p>Low</p>
<p><b>Challenges of accessibility and equality of participation for some informants due to communication barriers including access to technology, language, culture and disability</b></p>	<ul style="list-style-type: none"> <li>· The MTR team will seek to manage any risk of exclusion and limits to participation in the MTR by actively checking any barriers that may present and putting in place adjustments</li> <li>· Offering different ways to participate, seeking advice from DFAT and the ASEAN-ACT team, and adjusting the interview approach</li> <li>· At the time of requesting and arranging interviews, the MTR team will actively check any barriers to participation for each informant and provide reasonable adjustments as required.</li> </ul>	<p>Low</p>
<p><b>Given the scale of the program, the timeline for data collection and analysis is relatively short</b></p>	<ul style="list-style-type: none"> <li>· Approach prioritises key stakeholders who are best placed to respond to evaluation questions</li> <li>· Assignment of evaluation focus within the team based on areas of expertise and experience</li> </ul>	<p>Low</p>
<p><b>ASEAN-ACT country teams will assist with translation and interpretation of the interview guide, written interview responses and spoken interviews. It is possible that interviewees may speak less openly about any program shortcomings.</b></p>	<ul style="list-style-type: none"> <li>· Work with the country teams to ensure the accuracy and objectivity of the MTR approach.</li> <li>· The presence of ASEAN-ACT team members may help to contextualise and clarify the purpose of the MTR and the MTR team's role.</li> </ul>	<p>Low</p>

## Ethical Considerations



The MTR will be conducted in line with DFAT's Ethical Research and Evaluation Guidance.<sup>42</sup> For example, in line with Principle 1: Respect for human beings, the MTR team will show due regard for the culture, values, customs, beliefs and practices of those involved in the MTR. The MTR team will prioritise honouring the rights, privacy, dignity, and diversity of those contributing to the MTR. And in line with Principle 4: Justice, the MTR will seek to include minority voices and (organisations representing) vulnerable and marginalised groups in recruiting MTR participants. This will be achieved by ensuring for all interviews reasonable accommodation principles are applied to remove barriers that may limit or prevent fair and equitable participation and contribution including language, access to technology and connectivity, timing and duration of the interview, number and make up of participants in the discussion and the location of the interview.

Advice will be sought at the time of planning the interviews and discussions about suitable and reasonable adjustments required. Advice on specific preferences and needs will sought when individuals are invited and at the start of each interview the suitability of accessibility and adjustments will be checked. In case of any challenges experienced adjustments will be made or if this is not possible an alternative option for the interview to take place will be offered to allow the necessary adjustments to be made.

The MTR team will start each interview with a clear and concise description of the purpose of the MTR and the use of information and opinions provided, including confidentiality and non-attribution. In case there is any risk of that informants may be identified in the final report, the review team will contact the informant and check the content and reference that may identify her / him prior to it being shared with an external audience including DFAT and ASEAN- ACT staff. Informants will be told that their participation in the MTR is voluntary, can be terminated at any time, and that they may decline to answer any questions. Informants will be thanked for their time and willingness to participate in the MTR as an important courtesy, demonstrating appreciation of effort.

A written record of the information provided by key informants in the interviews and discussions will be made. For the purposes of analysis, the informant's name, title and date of interview will be included on the record. The record and any associated information regarding the informant and correspondence will be stored securely in folders specifically set up for the duration of the MTR on Strategic Development Groups SharePoint. Access to this folder is limited to MTR team who through their contact obligations have made commitments to confidentiality of information.

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<sup>42</sup> DFAT (July 2021), *Ethical Research and Evaluation Guidance Note*.  
<<https://www.dfat.gov.au/aid/topics/development-issues/research>>.



For all interviews and discussions, the do no harm principle will be applied. Overall, the safeguard risks and risk of subject matter that trigger trauma or distress for the interviewees is considered low as there will not be any direct engagement with victims. However, in case of any occurrence of safeguard issues or distress during the interviews the interviewers will take steps to manage this by changing the line of enquiry, offering the interviewee to take a break or cease the interview. The interviewers are not trained to provide counselling or specific advice if informants are distressed or experience trauma or offer after interview support. If this does occur the interviewers will check that the informant has someone, they feel able to go to discuss or seek support from. The interviewer may also offer to let the informant's manager or colleague know that support may be needed but this will only be done with the consent of the informant. In case of any concerns about violation of DFAT's safeguard policies, the interviewer will follow DFAT's processes provided in the policy and guidance documents for PSEAH<sup>43</sup> and child protection<sup>44</sup>.

In line with Principle 2: Beneficence, the MTR is designed to benefit participants through the presentation of recommendations to improve the program. Participants will not be paid.

In accordance with Principle 3: Research merit and integrity, the MTR prioritises reporting findings accurately and truthfully. The results of the MTR will be shared with all who participate in the MTR. DFAT will publish on its website the full final MTR report, and the MTR team will develop a summary version for DFAT to distribute to all MTR participants. All reports will comply with DFAT's accessibility standards<sup>45</sup>.

## **MTR Outputs**

- MTR Plan September 2022.
- Aide Memoire of no more than five pages on key initial findings, feedback for DFAT, DT Global and ASEAN-ACT DT Global Bangkok office and other stakeholders. The MTR team will present the Aide Memoire to DFAT through videoconference.
- MTR Final Report, maximum 25 pages excluding an executive summary and annexes.
- Short summary version of the final MTR report for distribution by DFAT to all MTR participants. This is intended to support wide readership of the report's key messages, and knowledge of key MTR findings. It also aligns with ethical evaluation practice whereby findings are shared with participants.

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<sup>43</sup> <https://www.dfat.gov.au/sites/default/files/pseah-policy.pdf>

<sup>44</sup> <https://www.dfat.gov.au/sites/default/files/child-protection-notification-guidance-note.pdf>

<sup>45</sup> <https://www.dfat.gov.au/about-us/about-this-website/accessible-documents/creating-documents-meet-accessibility-guidelines>

The MTR report (and short summary version) will be fully de-identified for online publication. MTR products will be prepared in line with DFAT's M&E Standards<sup>46</sup> and meet DFAT's transparency obligations.<sup>47</sup>



## **Use of MTR Findings**

### **Intended users of the MTR**

The MTR findings will support the information needs of stakeholders, as follows:

- DFAT (Australian Mission to ASEAN and relevant Divisions in Canberra) to inform improved development assistance for counter-trafficking efforts in support of ACTIP implementation across the ASEAN Region
- DT Global ASEAN-ACT team for improved implementation of the program
- The National Program Steering Committees and the Regional Program Steering Committee in support of enhanced program governance
- ASEAN-ACT program partners and other stakeholders to understand program progress and recommended changes in support of program quality
- Other donors in support of harmonisation and to avoid duplication

To ensure transparency, DFAT will publish the MTR Report and Management Response on the DFAT website in early 2023.

### **MTR Team**

The MTR will be conducted jointly by a team of five independent evaluators: Team Leader, Gender & Disability Specialist, Counter-Trafficking Programming Specialist, Strategic Advisor, and Research Assistant.

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<sup>46</sup> DFAT (April 2017), *DFAT Monitoring and Evaluation Standards*. <<https://www.dfat.gov.au/about-us/publications/Pages/dfat-monitoring-and-evaluation-standards>>.

<sup>47</sup> DFAT, *Corporate information and resources: Transparency*. <<https://www.dfat.gov.au/about-us/corporate/transparency>>.

## MTR Schedule

### Inception phase

Completion Date	Output/Activity
End of July 2022	Project inception / virtual briefings

### Review and planning phase

Completion Date	Output/Activity
31 August 2022	Initial document review
31 August 2022	Draft review plan submitted to DFAT

### Consultation, extended document review, and analysis phases

Completion Date	Output/Activity
16 September 2022	Phase 1: Extended document review
28 October 2022	Phase 2: Consultations with DFAT and ASEAN-ACT team representatives
28 October 2022	Phase 3: Consultations with all other key informants
End of October 2022	Phase 4: Validation meeting(s)
Throughout	Regular update calls between DFAT and MTR team to provide updates, analyse and distil thinking, test ideas, and ask questions. ASEAN-ACT team members may join some meetings where appropriate
Early November 2022 (by 11 November 2022)	Aide memoire and presentation to DFAT

### Reporting phase

Completion Date	Output/Activity
30 November 2022	Draft MTR report submitted to DFAT
9 December 2022	DFAT provides to MTR team consolidated feedback on draft MTR report
19 December 2022	Final MTR report submitted to DFAT





## ANNEX 1: MTR Matrix



### Section 1: Relevance and performance to date.

KEQ1: Is ASEAN-ACT doing the right things?

Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
<b>1. How consistent is the program with DFAT's stated priorities for development in the ASEAN region, including DFAT's Partnerships for Recovery, and specifically with the ASEAN and Southeast Asia Regional COVID-19 Development Response Plan?</b>	DFAT (Post and CBR) ASEAN-ACT Team	Document review KII Small Workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights
<b>2. How relevant is the program to partner priorities in implementing the ACTIP?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat ASEAN Sectoral Bodies Government partners Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights
<b>3. Has the program successfully pivoted its activities following the onset of the COVID-19 pandemic?</b> <b>a. Was this in line with the Australian Government's Partnerships for Recovery COVID-19 response strategy?</b> <b>b. Was that pivoting sufficient in addressing TIP which is exacerbated by COVID-19?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat ASEAN Sectoral Bodies Possibly select Government and Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights
<b>4. How successful has the program been in promoting gender equality, disability and social inclusion and victim rights to achieve its intended outcomes?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat ASEAN Sectoral Bodies Government partners Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights
<b>5. What lessons are there that can be applied to improve the program over its remaining years?</b>	DFAT ASEAN-ACT Team	KII	



Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
	ASEAN Secretariat ASEAN Sectoral Bodies Government partners Non-government partners	Small workshops and FGD (DFAT posts and CBR)	

KEQ 2: How effective has ASEAN-ACT been in achieving its outcomes?

Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
<b>6. What progress has been made under each pathway in the achievement of outcomes set out in the Program's Theory of Change?</b> <b>a. Do you observe any differences in progress across the different target countries?</b> <b>To what extent did the Program pivot to address trafficking that was exacerbated by COVID-19?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat ASEAN Sectoral Bodies Government partners Non-government partners	Document review. KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Outcome Harvesting Expert insights
<b>7. To what extent is the Program aligned to the (regional/national) priorities of ASEAN/your country?</b> <b>What steps has the Program taken to ensure that it supports your priorities?</b>	ASEAN Secretariat ASEAN Sectoral Bodies Government partners Non-government partners	KII	Triangulation Case study Expert insights
<b>8. To what extent are the individual activities and outputs helping to achieve Program outcomes?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat Government partners Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Outcome Harvesting Expert insights
<b>9. How successful is the Program in promoting gender equality and women's empowerment?</b> <b>a. What examples are there where the 'twin track' approach has been successfully applied to Program implementation?</b> <b>How has the Program incorporated Victim Rights obligations/strategies in its implementation?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat ASEAN Sectoral Bodies Government partners Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights



Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
<b>10. How is the Program inclusive of people with disability?</b> a. In involving people with disability in the planning and implementation? In addressing barriers to participation and equal benefit from the Program?	DFAT ASEAN-ACT Team ASEAN Secretariat ASEAN Sectoral Bodies Government partners Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights
<b>11. Does the monitoring, evaluation and learning (MEL) system generate useful information and data to measure how well the Program is progressing?</b>	DFAT ASEAN-ACT Team Possibly select ASEAN Secretariat & Government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Expert insights

**Section 2: Structure, efficiency and value for money**

*KEQ 3: To what extent can the program be considered operationally efficient and cost-effective?*

Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
<b>12. To what extent is ASEAN-ACT structured and managed to deliver the Program's outcomes?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat Government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Expert insights
<b>13. To what extent did the Program management adjust to COVID-19 pandemic effectively?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat Government partners Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights



Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
<b>14. How does the Program support and complement other DFAT and ASEAN work?</b>	DFAT ASEAN-ACT Team	KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Expert insights
<b>15. How does the Program support and complement other related work on trafficking in persons?</b>	ASEAN Secretariat Government partners	KII	Triangulation Expert insights
<b>16. How did evidence-based decision-making in the program contribute to organisational learning and continuous improvement? Is the MEL system supporting program management decision making?</b>	DFAT ASEAN-ACT Team	KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Expert insights
<b>17. Do you have any comment on how the Program is performing against any of DFAT's 8 Value for Money Principles?</b>	DFAT ASEAN-ACT Team	KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights
<b>18. What lessons are there that can provide opportunities for improvement in efficiency and value for money?</b>	DFAT ASEAN-ACT Team ASEAN Secretariat Government partners Non-government partners	Document review KII Small workshops and FGD (DFAT posts and CBR)	Triangulation Case study Expert insights

*Considering the answers given to GESI questions in KEQ2 above, the following GESI questions will also be explored with selected stakeholders*

Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
<b>1. The GESI strategy:</b>	DFAT	Document review	Triangulation
<b>a. The extent to which the GESI strategy has raised assisted in raising awareness and commitment and provided guidance for the ASEAN-ACT</b>	ASEAN-ACT Team	KII	Expert insights



Key Evaluation Questions and Sub-Questions	Source/Informant	Methods	Data analysis
<p>team and partners to address GESI through delivery of the program in each of the three pathways?</p> <p>b. What has worked well and why?</p> <p>c. Where are the challenges and need for improvement?</p> <p>d. Ideas on how the strategy and its implementation can be improved so it is more effective?</p>	<p>ASEAN Sectoral Bodies</p> <p>Government partners</p> <p>Non-government partners</p>		
<p>2. Effectiveness in addressing the equity and inclusion barriers identified in the program design:</p> <p>a. Share examples of progress that has been made in each of the three areas that ASEAN- ACT will seek to address. What contributed to this success?</p> <p>b. Where has success been lacking and why?</p> <p>c. Suggestions on improvements of changes to program strategies and delivery that may be needed? In regard to specific at risk, vulnerable or excluded victim groups?</p> <p>d. Are there any examples of how the program has made adjustments in response to experiences of implementation, changes in context and specifically in regard to the COVID-19 context – what has worked well, where have there been challenges or areas to improve in the future?</p>	<p>DFAT</p> <p>ASEAN-ACT Team</p> <p>ASEAN Secretariat</p> <p>ASEAN Sectoral Bodies</p> <p>Government partners</p> <p>Non-government partners</p>	<p>Document review</p> <p>KII</p>	<p>Outcome Harvest</p> <p>Triangulation</p> <p>Case study</p> <p>Expert insights</p>
<p>3. Capacity and resources to deliver GESI articulated in the program design and the GESI strategy:</p> <p>a. The skills and knowledge that the ASEAN-ACT team has to deliver GESI in the program (consider design, delivery and MEL) from within their own team, through advisory consultants and from partners with consideration the different countries, the range of focus groups?</p> <p>b. Where are the strengths? Where are there gaps and areas to improve?</p> <p>c. The prioritising and investment in GESI – how is the use of the equity and inclusion markers contributing to GESI programming? What have been challenges in implementing this approach within the team and with partners?</p>	<p>DFAT</p> <p>ASEAN-ACT Team</p> <p>ASEAN Secretariat</p> <p>ASEAN Sectoral Bodies</p> <p>Government partners</p> <p>Non-government partners</p>	<p>Document review</p> <p>KII</p>	<p>Triangulation</p> <p>Case study</p> <p>Expert insights</p>

## ANNEX 2: Key Informants for Interviews



Attached as a separate Excel spreadsheet.

## ANNEX 3: List of documents for review

### ASEAN-ACT Key Documents

- Investment Design
- ASEAN-ACT MEL Plan, included DFAT-approved Theory of Change
- ASEAN-ACT Capacity Development Strategy
- ASEAN-ACT Policy Engagement Plan
- ASEAN-ACT Victim Rights and GESI Strategies
- ASEAN-ACT Communication Strategy
- ASEAN-ACT Inception Work Plan and Report (2019)
- ASEAN-ACT Contract (Schedule 1)
- ASEAN-ACT Program Annual Work Plans (2020-2022)
- ASEAN-ACT Program Annual Reports and Six-Monthly reports (2020-2022) as well as example weekly reports.
- DFAT Partner Performance Assessments (PPA) for DT Global (2020-2022)
- DFAT Aid Quality Checks/Investment Monitoring Report (2020-2022)

### DFAT Policies/Strategies

- [Partnerships for Recovery: Australia's COVID-19 Development Response](#)
- [COVID-19 Development Response Plan: ASEAN and Southeast Asia Regional](#)
- [Gender equality and women's empowerment strategy](#)
- [Development for All 2015-2020: Strategy for strengthening disability-inclusive development in Australia's aid program \(extended to 2021\)](#)
- [M&E Standards](#)
- Guidance on Value for Money Principles
- [DFAT's Ethical Research and Evaluation Guidance](#). The review should be conducted in line with this guidance.
- DFAT Contract with DT Global – excluding commercial-in-confidence content
- [Amplifying Our Impact: Australia's International Strategy to Combat Human Trafficking and Slavery | Australian Government Department of Foreign Affairs and Trade \(dfat.gov.au\)](#)
- [National Action Plan to Combat Human Trafficking and Slavery 2015–19 \(homeaffairs.gov.au\)](#)
- Australia's International Engagement Strategy on Human Trafficking and Modern Slavery: Delivering in Partnership
- Australia with ASEAN: Comprehensive Strategic Partnership (CSP)
- Placemat – Australia's ASEAN Programs
- Placemat – Australia's Concrete Cooperation Under the ASEAN Outlook on The Indo-Pacific
- FM's Statement to ASEAN-Australia Ministerial Meeting: [Statement to ASEAN-Australia Ministerial meeting | Australian Minister for Foreign Affairs \(foreignminister.gov.au\)](#)

### ASEAN-ACT selected key products

#### Factsheets

- [ASEAN ACT Generic Factsheet](#)
- [ASEA ACT Grants Program Factsheet](#)
- [ASEAN-ACT Cambodia Fact Sheets \(aseanact.org\)](#)
- [ASEAN-ACT PDR Fact Sheets \(aseanact.org\)](#)



- [ASEAN-ACT Philippines Fact Sheets \(aseanact.org\)](http://aseanact.org)
- [ASEAN-ACT Vietnam Fact Sheets \(aseanact.org\)](http://aseanact.org)
- [ASEAN-ACT Thailand Fact Sheets \(aseanact.org\)](http://aseanact.org)

#### Videos

- [ACTIP Episode 1](#)
- [Victim Sensitive Court](#)

#### Studies/research

- [Non Punishment Study](#)
- [ASEAN Shelter Study – Freedom of movement for victims of trafficking](#)
- [ASEAN-ACT TIP Data Baseline Study \(November 2018 - December 2019\)](#)
- [COVID-19 Situation Analysis – The impact of COVID-19 on the counter-trafficking situations in seven Southeast Asian countries and ASEAN, July 2020](#)

#### Policy briefs

- Lessons from COVID-19 in responding to trafficking
- [Vulnerability, human trafficking and COVID-19](#)

#### ASEAN documents

- [ASEAN convention against trafficking in persons especially women and children](#)
- The Bohol TIP Work Plan 2017-2020

#### Documents provided by ASEAN-ACT/DT Global

- DT Global policies as relevant



## ANNEX 4: Interview Guides for major stakeholder groups

The following list gives examples of questions that will be posed during interviews for each major stakeholder group (DFAT, ASEAN-ACT staff and counterparts). The questions are intended as a guide only as the Evaluator(s) may choose to follow up specific lines of enquiry with different questions, and tailor the questions more specifically to each interview respondent. Each interview is expected to take between 45 minutes to one hour.

### Introduction:

#### 1. Purpose:

DFAT has engaged us to lead a mid-term review of the ASEAN-ACT program. We have asked to interview you as you have been involved with the program or you in a position to provide observations on the program.

#### 2. Ethics:

- a. We expect this meeting will take between 45 minutes and one hour.
- b. The information you provide will be included in a report that will be made available publicly, but your identity will be kept private.
- c. If we want to attribute any statements to you then we will ask for your approval before doing so.
- d. You can let us know if you do not want to answer any question and you can end the interview at any time.
- e. The information you provide will be used to inform DFAT and partners of the relevance, effectiveness and efficiency of the program and will assist in decision making by DFAT to continue the program including renewal of the Managing Contractor's contract.

#### 3. Key informant interview groupings

KII Grouping	Key informants
A	DFAT ASEAN Mission
B	DFAT Posts
C	DFAT Canberra
D	ASEAN Secretariat
E	ASEAN Sectoral bodies (SOMTC, AICHR, ACWC)
F	ASEAN-ACT team
G	ASEAN-ACT partners – government (regional and national programs)
I	ASEAN-ACT partners – non-government (regional and national programs)
J	Organisations for People with Disability (OPDs)
K	(People directly impacted by trafficking or other indirect beneficiaries – NOT PROPOSED TO BE INCLUDED IN INTERVIEWS)





## Interview Guide – DFAT (Canberra and Posts)

### ABOUT YOU

1. To begin, could you please tell us about your role and your connection to the ASEAN-ACT Program?

### INITIAL OVERALL OBSERVATIONS

2. From your perspective, what has gone well with ASEAN-ACT?
3. What do you see as the main challenges the Program has faced?

### EVALUATION QUESTION 1: Is ASEAN-ACT doing the right things?

4. How relevant is the Program to ASEAN's implementation of the Convention (ACTIP)?
5. How consistent is the Program with DFAT's stated priorities for development in the ASEAN region?

### EVALUATION QUESTION 2: How effective has ASEAN-ACT been in achieving its outcomes?

6. What progress has been made in the achievement of outcomes set out in the Program's Theory of Change?
  - a. Do you observe any differences in progress across the different target countries?
  - b. To what extent did the Program pivot to address trafficking that was exacerbated by COVID-19?
7. Are the individual activities and outputs helping to achieve Program outcomes?
8. How do you see the Program promoting gender equality, women's empowerment and victim rights?
9. How is the Program inclusive of people with disability?
  - a. In involving people with disability in the planning and implementation?
  - b. In addressing barriers to participation and equal benefit from the Program?
10. Does the monitoring, evaluation and learning (MEL) system generate useful information and data to measure how well the Program is progressing?

### EVALUATION QUESTION 3: To what extent can the program be considered operationally efficient and cost-effective?

11. Is ASEAN-ACT structured and managed to deliver the Program's outcomes? Do you have oversight of / insight into contractor performance, and if so, please comment?
  - a. Did the Program management adjust to COVID-19 pandemic effectively?
12. How does the Program support and complement other DFAT and ASEAN work?
13. Do you have any comment on how the Program is performing against any of DFAT's 8 Value for Money Principles?



<b>Evaluation topic</b>	<b>Questions</b>
Economy	1. Cost consciousness 2. Encouraging competition
Efficiency	3. Evidence based decision making 4. Proportionality
Effectiveness	5. Performance and risk management 6. Results focus 7. Experimentation and innovation
Ethics	8. Accountability and transparency

**To conclude:**

Do you have any final suggestion to improve the Program going forward?

- Is there anything further that you would like to comment on or emphasise that has not been covered in this conversation?
- Are there any other people / organisations that you would recommend we meet with to interview?
- Are there any documents, such as reports, research pieces or policies you think we should read that might help us with the evaluation?

***That concludes the interview. Thank you for your time and willingness to speak with us, the information you have provided is useful and we appreciate it.***



## Interview Guide – ASEAN-ACT staff

### ABOUT YOU

1. To begin, could you please tell us about your role in the ASEAN-ACT Program?

### INITIAL OVERALL OBSERVATIONS

2. From your perspective, what has gone well with ASEAN-ACT
3. What do you see as the main challenges the Program has faced?

### EVALUATION QUESTION 1: Is ASEAN-ACT doing the right things?

4. How relevant is the Program to ASEAN's implementation of the Convention (ACTIP)?
5. How consistent is the Program with DFAT's stated priorities for development in the ASEAN region?

### EVALUATION QUESTION 2: How effective has ASEAN-ACT been in achieving its outcomes?

6. What progress has been made in the achievement of outcomes set out in the Program's Theory of Change?
  - a. Do you observe any differences in progress across the different target countries?
  - b. To what extent did the Program pivot to address trafficking that was exacerbated by COVID-19?
7. Are the individual activities and outputs helping to achieve Program outcomes?
8. How do you see the Program promoting gender equality, women's empowerment and victim rights?
9. How is the Program inclusive of people with disability?
  - a. In involving people with disability in the planning and implementation?
  - b. In addressing barriers to participation and equal benefit from the Program?
10. How are the Capacity Development, Victim Rights and Gender Equality and Social Inclusion strategies used in Program planning?
11. To what extent does the monitoring, evaluation and learning (MEL) system generate useful information and data to measure how well the Program is progressing?

### EVALUATION QUESTION 3: To what extent can the program be considered operationally efficient and cost-effective?

12. Is ASEAN-ACT structured and managed to deliver the Program's outcomes?
  - a. Did the Program management adjust to COVID-19 pandemic effectively?
13. How does the Program support and complement other DFAT and ASEAN work?
14. Do you have any comment on how the Program is performing against any of DFAT's 8 Value for Money Principles?



<b>Evaluation topic</b>	<b>Questions</b>
Economy	1. Cost consciousness 2. Encouraging competition
Efficiency	3. Evidence based decision making 4. Proportionality
Effectiveness	5. Performance and risk management 6. Results focus 7. Experimentation and innovation
Ethics	8. Accountability and transparency

**To conclude:**

Do you have any final suggestion to improve the Program going forward?

- Is there anything further that you would like to comment on or emphasise that has not been covered in this conversation?
- Are there any other people / organisations that you would recommend we meet with to interview?
- Are there any documents, such as reports, research pieces or policies you think we should read that might help us with the evaluation?

***That concludes the interview. Thank you for your time and willingness to speak with us, the information you have provided is useful and we appreciate it.***



## Interview Guide – ASEAN and National Counterparts

### ABOUT YOU

1. To begin, could you please tell us about your role and your connection to the ASEAN-ACT Program?
2. What activities have you/your agency been involved in?

### INITIAL OVERALL OBSERVATIONS

3. From your perspective, what has gone well with ASEAN-ACT?
4. What do you see as the main challenges the Program has faced?

### EVALUATION QUESTION 1: Is ASEAN-ACT doing the right things?

5. How relevant is the Program to the implementation of the ASEAN Convention on trafficking in persons?
6. To what extent is the Program aligned to the (regional/national) priorities of ASEAN/your country?
  - a. What steps has the Program taken to ensure that it supports your priorities?

### EVALUATION QUESTION 2: How effective has ASEAN-ACT been in achieving its outcomes?

7. To what extent are you aware of the intended Outcomes of the Program?
8. What progress has been made in the achievement of outcomes set out in the Program?
9. What have been the factors that have contributed to successful activities under the Program?
10. To what extent have there been any barriers to progress or outcomes from the activity or program that you're aware of?
  - a. To what extent did the Program pivot to address trafficking that was exacerbated by COVID-19?
11. How do you see the Program promoting gender equality, women's empowerment and victim rights?
12. How is the Program inclusive of people with disability?

### EVALUATION QUESTION 3: To what extent can the program be considered operationally efficient and cost-effective?

13. To what extent is ASEAN-ACT structured and managed to deliver the Program's outcomes?
  - a. Did the Program management adjust to COVID-19 pandemic effectively?
14. How does the Program support and complement other related work on trafficking in persons?



15. What activities or interventions should be prioritised by the Program going forward? Why?

**To conclude:**

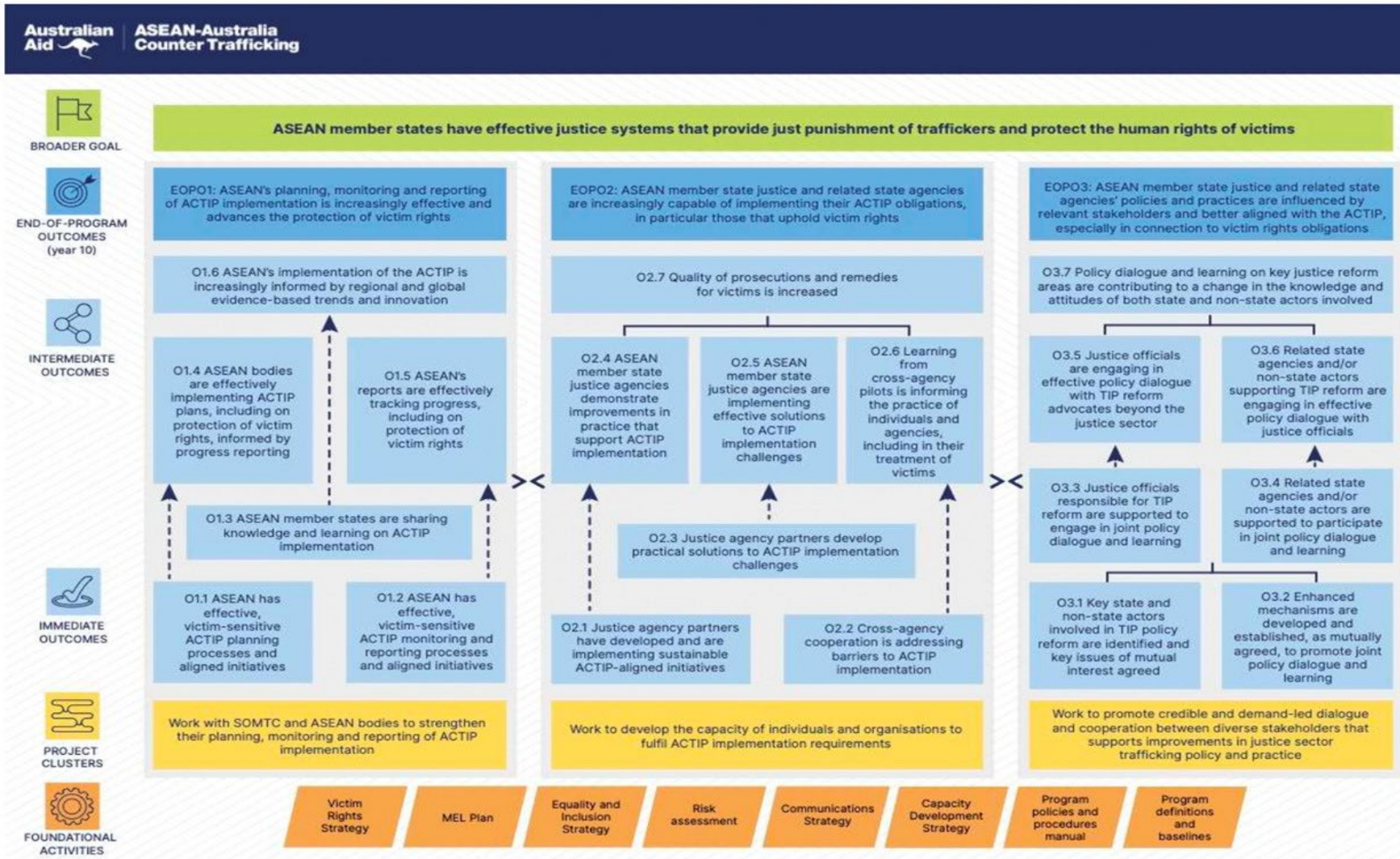
Do you have any final suggestion to improve the Program going forward?

- Is there anything further that you would like to comment on or emphasise that has not been covered in this conversation?
- Are there any other people / organisations that you would recommend we meet with to interview?
- Are there any documents, such as reports, research pieces or policies you think we should read that might help us with the evaluation?

***That concludes the interview. Thank you for your time and willingness to speak with us, the information you have provided is useful and we appreciate it.***



# ANNEX 5: Theory of Change





## ANNEX 3: INTERVIEW AND FOCUS GROUP DISCUSSION GUIDE

### Interview Guide – Indicative Questions

#### Purpose

DFAT has engaged us to lead a mid-term review of the ASEAN-ACT program. We have asked to interview you as you have been involved with the program or you in a position to provide observations on the program.

#### Ethics

- a) We expect this meeting will take between 45 minutes and one hour.
- b) The information you provide will be included in a report that will be made available publicly, but your identity will be kept private.
- c) If we want to attribute any statements to you then we will ask for your approval before doing so.
- d) You can let us know if you do not want to answer any question and you can end the interview at any time.
- e) The information you provide will be used to inform DFAT and partners of the relevance, effectiveness and efficiency of the program and will assist in decision making by DFAT to continue the program including renewal of the Managing Contractor's contract.

#### ABOUT YOU

2. To begin, could you please tell us about your role and your connection to the ASEAN-ACT Program?
3. What activities have you/your agency been involved in?

#### INITIAL OVERALL OBSERVATIONS

4. From your perspective, what has gone well with ASEAN-ACT?
5. What do you see as the main challenges the Program has faced?

#### EVALUATION QUESTION 1: Is ASEAN-ACT doing the right things?

6. How relevant is the Program to the implementation of the ASEAN Convention on trafficking in persons?
7. To what extent is the Program aligned to the (regional/national) priorities of ASEAN/your country?
  - b. What steps has the Program taken to ensure that it supports your priorities?

#### EVALUATION QUESTION 2: How effective has ASEAN-ACT been in achieving its outcomes?

8. To what extent are you aware of the intended Outcomes of the Program?
9. What progress has been made in the achievement of outcomes set out in the Program?
10. What have been the factors that have contributed to successful activities under the Program?





11. To what extent have there been any barriers to progress or outcomes from the activity or program that you're aware of?
  - b. To what extent did the Program pivot to address trafficking that was exacerbated by COVID-19?
12. How do you see the Program promoting gender equality, women's empowerment and victim rights?
13. How is the Program inclusive of people with disability?

**EVALUATION QUESTION 3:** To what extent can the program be considered operationally efficient and cost-effective?

14. To what extent is ASEAN-ACT structured and managed to deliver the Program's outcomes?
  - b. Did the Program management adjust to COVID-19 pandemic effectively?
15. How does the Program support and complement other related work on trafficking in persons?
16. What activities or interventions should be prioritised by the Program going forward? Why?

**TO CONCLUDE:**

17. Do you have any final suggestion to improve the Program going forward?
  - Is there anything further that you would like to comment on or emphasise that has not been covered in this conversation?
  - Are there any other people / organisations that you would recommend we meet with to interview?
  - Are there any documents, such as reports, research pieces or policies you think we should read that might help us with the evaluation?



#### ANNEX 4: LIST OF KEY INFORMANTS

Organisation	Informants
DFAT	ASEAN Mission DFAT Canberra Jakarta Post Kuala Lumpur Post Manila Post Bangkok Post Vientiane Post ASEAN – ACT Country Managers Leadership team Contractor Representatives
Regional Partners	Senior Officials Meeting on Transnational Crime (SOMTC) ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) ASEAN Intergovernmental Commission on Human Rights (AICHR) Poverty Eradication and Gender Division, ASEAN Secretariat
Brunei	Human Trafficking Investigation Unit (HTU)
Cambodia	Department of Prosecution and Criminal Affairs, Ministry of Justice
Indonesia	Victim and Witness Protection Agency (LPSK) Supreme Court of the Republic of Indonesia
Lao PDR	Juvenile Chamber, People's Supreme Court (PSC) Philippines Supreme Court - Program Management Office (SC-PMO) National Bureau of Investigation (NBI) Academy Department of Social Welfare and Development (DSWD)
Thailand	Department of Special Investigation (DSI) Office of the Judiciary Office of the Attorney General Ministry of Social Development and Human Security (MSDHS) Ministry of Justice Vietnam Department of Foreign Relations, Ministry of Public Security Department of Criminal Police, Ministry of Public Security Department of General Affairs, Supreme People's Court Department of Social Evils Prevention, Ministry of Labour – Invalids and Social Affairs (MOLISA) Ha Long City Procuracy Agency Advocacy Department, Vietnam Women's Union
Civil Service Organisations	Labour Rights Promotion Network Foundation (LPN) Social Responsibility Law Office (SR Law) Human Rights and Development Foundation (HRDF)



Legal Support for Children and Women (LSCW) Blue Dragon Children’s Foundation Sentra Advokasi Perempuan, Difabel Dan Anak (SAPDA) Yogyakarta The Asia Foundation International Labour Organization / TRIANGLE World Vision Myanmar
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## ANNEX 5: COUNTRY CASE STUDIES

### *Philippines*

Pathway	CY 2018 (\$)	CY 2019 (\$)	CY 2020 (\$)	CY 2021 (\$)	CY 2022 (\$)	CY 2023 (\$)	Total (\$)
0 MEL and communications	-	2,497	-	-	-	-	<b>2,497</b>
1 Enhanced regional capacity	-	-	-	-	-	-	-
2 Enhanced national capacity	-	108,238	218,030	295,972	532,700	253,633	<b>1,408,573</b>
3 Inclusive public policy	-	162	1,156	-	3,000	-	<b>4,318</b>
<b>Total</b>	-	<b>110,897</b>	<b>219,186</b>	<b>295,972</b>	<b>535,700</b>	<b>253,633</b>	<b>1,415,388</b>

This Case Study is based on the most recent Country Annual Report (2021) and Six-month Progress Report (January – June 2022), and comments from the ASEAN-ACT national partners and representatives of the NSPC and CSO partners who participated in FGDs, and an interview with the Country Manager. The Philippines MSA signed in December 2018 – the second MSA signed for ASEAN-ACT, may be a factor impacting of the extent of program progress, compared with other ASEAN countries. The Philippines retained its Tier 1 ranking in the United States’ (U.S.) 2022 Trafficking in Persons Report released on July 19, 2022. Philippines has maintained its Tier 1 ranking for seven consecutive years. Progress towards EOPO 2 and ACTIP implementation in the Philippines has been particularly strong as demonstrated by the achievement of most of the program IOs. Data collection and reporting is evolving (M2.16) as is progress towards O2.2 and O2.6 (end of 2023 targets as per the MEL framework). Priorities identified by ASEAN-ACT and national partners in the August 2019 capacity assessment include localisation of TIP legislation capability, MIS and case management (including reporting) of cases, human resources (for prosecutors, the judiciary, social workers and psychosocial support), victim support and cross-agency and international (cross-border) police-to-police cooperation.

#### ***Localisation and the ASEAN-ACT Philippines country team***

Localisation: interviews indicated Philippines country team feel both well supported and the benefits of localisation in terms of the freedom and scope to lead their country programming and build relationships with country stakeholders, drawing on their extensive and strong networks. There is opportunity for greater autonomy for the ASEAN-ACT country team over decision-making on budget expenditure, and there is a signaling of an ability to absorb greater funding amounts.

The country team reported feeling well-supported by the regional ASEAN-ACT team and felt there was a positive and supportive, mutually respectful relationship, and the right balance in terms of support



provided by the regional team to progress country priorities while also enabling country teams to set and progress their priorities. Culture of the ASEAN-ACT team described as “comfortable and inclusive” which supports “creativity and experimentation” and enables personal and professional growth. Clear feeling conveyed by Philippines-based ASEAN-ACT team members of their strong and nuanced understanding of the political economy, and that this informed their ways of working and prioritising interventions that are politically possible.

The physical location of very effective regional program staff in the Philippines, namely the Justice Systems Director and ASEAN Program Director, creates an opportunity for the Philippines program to more easily and directly access their expertise and advice (compared to other country programs) and so to further progress initiatives in these areas.

The National Program Steering Committee (NPSC) has a similar composition to the Interagency Council against Trafficking – this supports influence and enables the program to support and engage at senior levels.

Program approach is to get behind priorities set by partners, rather than pushing a set agenda. This is appreciated by partners and suggested to differ from the approach of some other development partners. The technical expertise on offer through ASEAN-ACT are well recognised and in demand from partners.

#### ***Partner priorities and messages***

Program work plans are guided and development by the program-partner, increasing the capability of institutions to fulfil ACTIP implementation, including protecting and promoting victim rights.

Very clear valuing of the program and a recognition of Australia’s sustained commitment to support Philippines on their TIP priorities over many years. This sustained commitment and feeling of continued support has helped to build trust and confidence between Philippines and Australia around progressing TIP priorities. There is a strong appetite for increased assistance from Australia on TIP, and a clear appetite for the program’s newer emphasis on victim rights and engagement will allied agencies providing social services to victims of TIP.

Interest in and appetite for support around managing burnout and enhancing wellbeing of Philippines officials, especially for those working at the frontline in law enforcement, prosecutions and service delivery roles. The location of the Lead Shepherd being in Philippines seems to help elevate the profile of the program, and creates a clear entry point and brings momentum to the program.

Mixed level of clarity about program outcomes and objectives – one interviewee had the program’s Theory of Change printed out and displayed on their desk, whereas another interview could not articulate and had limited understanding of what the program was seeking to achieve.

#### ***Gender considerations – women’s professional participation in TIP investigations***

Some evidence from interviews that TIP investigations are considered the role and responsibility of female investigators, such that it is female officers that are more frequently encouraged to participate in TIP training provided through the program, particularly training pertaining to victim rights. To some extent this conception may be appropriate where a female victim may wish to be interviewed and supported by female officers, or at least have female officers present during investigative processes if also attended/led by male officers. However, male and female officers will need to be equipped to



effectively investigate TIP offences. There is a role for country teams to progress this issue with cultural and contextual nuancing. Some support of the GEDSI Adviser may be useful in this regard to equip the country team to progress this well.

### **Sustainability**

For Phase 2 of the program, some priority will need to be given to enhancing sustainability. That is, for the capacities that have been built at the individual level to be truly sustainable, to slowly convert to more policy-driven and systems building within the institutions, which are more sustainable than increasing capacity at the individual level.

Sustainability may also be enhanced by capacitating partners to access their internal budgets to co-invest in projects supported by ASEAN-ACT. The program may play a role in supporting creativity in accessing the budgets of program partners (national organisations), so that some of the activities towards the end of the phase will be (co)funded by partners. Lack of available program budget to support some partner government priorities and activities in phase 1 was advantageous – the program worked to influence partners to use their own budgets.

Investment in avoiding burnout and prioritising wellbeing may support sustainability where there is less turnover in those working at the frontline of countering and responding to TIP.

### **Thailand**

Pathway	CY 2018 (\$)		CY 2019 (\$)	CY 2020 (\$)	CY 2021 (\$)	CY 2022 (\$)	CY 2023 (\$)	Total (\$)
0 MEL and communications	-		57	-	-	-	-	57
1 Enhanced regional capacity	-		-	-	-	-	-	-
2 Enhanced national capacity	-		79,616	543,976	315,163	522,200	361,548	1,822,503
3 Inclusive public policy	-		-	13	-	-	-	13
Total Thailand	-		79,673	543,989	315,163	522,200	361,548	1,822,573

This Case Study is based on Royal Thai Government (RTG) reports and comments from ASEAN-ACT national and CSO partners who participated in interviews and FGDs, as well as a desk review of available documents. According to the RTG Country Report on Anti-Human Trafficking Efforts for 2021<sup>48</sup>, key progress on CTIP in Thailand include:

- Support for the development of victim-centric and trauma-informed approaches among judges overseeing trafficking case
- RTG has proactively investigated and prosecuted complicit officials involved in human trafficking cases
- Government continued to develop the National Referral Mechanism (NRM)
- Enhancing the Services for Potential Victims during the Reflection Period
- Financial Assistance for Victims

<sup>48</sup> <https://aseanactpartnershiphub.com/wp-content/uploads/2022/02/Thailands-Country-Report-on-Anti-Human-Trafficking-Efforts-2021.pdf>



- Government provided protection and assistance to 354 additional victims of human trafficking and forced labour
- 17 complicit officials were identified and are going through relevant process for disciplinary action and criminal prosecution
- Cooperation between RTP and the Cambodia National Police and the Royal Malaysia Police
- Cooperation between Law Enforcement Officials and NGOs in the Prosecution Process

The report appears oriented toward responding to the State Department TIP Report which, in 2021 made the observation that the RTG does “not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so”, ranking Thailand as Tier 2. The RTG report does not report against obligations under ACTIP but the ASEAN-ACT baseline report noted that Thailand had taken steps to comply with obligations under ACTIP. For example, Thailand published data on the outcomes for the first instance court cases finalised in 2020; the number of victims who were able to provide video testimony in advance of the court hearing; and victim data disaggregated by sex and age (but not disability). Planning for the Counter Trafficking in Persons Centre of Excellence is also recognised.

While the MTR team acknowledges that attribution to these achievements is difficult, ASEAN-ACT Thailand has clearly provided relevant assistance consistent with ACTIP obligations and made progress towards EOPO2. This includes: victim sensitive courts and trauma informed care (resulting the issuing of guidelines on how to handle TIP victims Chief of Supreme Court), Freedom of Movement (resulting that MSDHS guidelines), Reflection Period (MSDHS developed a guideline), Victim Impact Statement (MSDHS is requesting ASEAN-ACT to develop guidelines); and Transnational Investigative Cooperation bilateral meeting (between Thailand and Cambodia, and Thailand and Malaysia). Thailand enacted the ANTI-HUMAN TRAFFICKING ACT, B.E 2551 (2008) to be in alignment with Palermo Protocol but has not amended the law to be ACTIP compliant. Thailand has amended its anti-human trafficking law, adding “forced labour or service” as an offence.

The AWP reports that support for Thailand in 2022 would focus on:

- the Office of the Attorney General (OAG) training for prosecutors and supporting conduct of a TIP case review (project T202)
- A study of court decisions on TIP adjudication including victim sensitive courts on forced labour with the Court of Justice with a focus on gender-responsive and victim-centred approaches (project T201)
- Cross-agency CTIP cooperation through the roundtable discussion on TIP issues between judges, prosecutors and law enforcers, including an integrated and centralised TIP capacity development program for the justice sector (project T206)
- Cooperation with the Ministry of Social Development and Human Security (Division of Anti-Trafficking in Persons – victim protection and support) will include enhancement of the victim compensation mechanism, review and amendment of CTIP law, and development of guidelines on the reflection and recovery period for victims of trafficking in persons (project T208)

These are clearly relevant and support the implementation of ACTIP and support the achievement of the Immediate and Intermediate Outcomes under Pathway 2. Governance of the program appears



supportive of national ownership of country activities. In The NPSC is a sub-committee of the Anti-Trafficking in Persons Committee (ATP Committee). The National Program Steering Committee (NPSC) composes of broader agencies while ASEAN-ACT mainly worked with justice agencies and victim protection agencies so there is a question about the extent to which it is relevant to other non-justice sector and victim-rights focused agencies. There are no non-state actors invited to NPSC.

Government partners consulted appreciated the flexible and adaptive approach that ASEAN-ACT adopts. Partners expressed appreciation of the ASEAN-ACT Country Office, noting that Thai colleagues understand their culture and the nuances required (for example) in dealing with the differences between the executive and judicial branches of government. Some government counterparts made the observation that at the national level, ASEAN level activities are not visible which suggests a need to implement more activities related to the ACTIP convention to “galvanize AMS to pay more attention to the convention and make use of that.” There was also a sense that the focus on operations rather than training. The challenge of changing personnel on both the RTG and ASEAN-ACT side was acknowledged in the context of the consistency and continuity of the work. Noting that amendment to the anti-human trafficking law, it was noted that forced labour has been introduced as different form human trafficking and there would be a need to adapt and adjust to it. In the next phase, strengthened focus on social aspects which cover issues beyond the criminal justice system were raised in the context of victim protection. Increased cross-border cooperation was also raised with other AMS through a collaboration mechanism (“if we don’t have this mechanism due to political situation in different countries the problem of human trafficking will still persist or even exacerbate”). There is also scope to increase the understanding of Pathway 3 and how to translate its EOPO into plan and action, and in linking it to the implementation of ACTIP.

So far ASEAN-ACT has provided grants to CSOs to implement activities or to commission research. The grant applications to CSOs were not open to a competitive process. Financial support has been provided to UNODC to develop training curriculum on the evidential issues in trafficking in persons for Thailand's Court of Justice. In 2021, grants were provided to Social Responsibility Law (SR Law), Labour Rights Promotion Network (LPN), Human Rights and Development Foundation (HRDF) and Verite to research and advocate the vulnerabilities of migrant workers and provide direct assistance to victims of trafficking. The MTR teams notes that these grants were not specifically oriented towards inclusive public policy but were otherwise successful in brokering partnerships.

Progress has been made toward EOPO 2 in Thailand has been solid. This is particularly evident in the achievement of the level 2 indicators for the IOs and progress towards Level 3 indicators (based on country<sup>49</sup> and ASEAN-ACT reporting). National level projects have addressed the priorities identified in the June 2019 Capacity Assessment, under the areas of national plans/ACTIP, leadership capability, victim support and cross-agency cooperation.

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<sup>49</sup> [Thailand Country Report on anti human trafficking efforts](#)



## Vietnam

Pathway	CY 2018 (\$)	CY 2019 (\$)	CY 2020 (\$)	CY 2021 (\$)	CY 2022 (\$)	CY 2023 (\$)	Total (\$)
0 MEL and communications	-	4,050	-	-	-	-	<b>4,050</b>
1 Enhanced regional capacity	-	-	-	-	-	-	-
2 Enhanced national capacity	-	52,351	392,678	641,129	527,700	233,975	<b>1,847,833</b>
3 Inclusive public policy	-	50	19	-	-	-	<b>69</b>
Total		<b>56,451</b>	<b>392,697</b>	<b>641,129</b>	<b>527,700</b>	<b>233,975</b>	<b>1,851,952</b>

This Case Study is based on the most recent Country Annual Report (2021) and Six month Progress Report (January – June 2022), and comments from the ASEAN-ACT national partners and representatives of the NSPC and CSO partners who participated in FGDs, and an interview with the Vietnam Country Manager.

The fifth National Plan of Action (NPA) on counter trafficking (2021- 2025), was developed by the Government of Vietnam with the assistance of ASEAN-ACT particularly in providing guidance and support to ensure a victim centered approach and GEDSI consideration are reflected in the plan, and alignment with Vietnam’s commitment to ACTIP and other regional and international frameworks and conventions relevant to the TIP. The plan guides the implementation of counter trafficking across all parts of government through development of specific sector plans.

The country level ASEAN- ACT activities respond to and support government priorities articulated in the NPA. The NSPC approves the ASEAN-ACT plan which is then submitted to the ASEAN-ACT leadership team for approval and determination of budget with DFAT. The inputs of the NSP members helps ensure good alignment with government priorities and manages risk of duplication and supports complementarity of inputs with those provided by other donors and development partners, therefore supporting relevance, efficiency and effectiveness. The combination of both funding and technical assistance and capacity building offered by ASEAN-ACT sets it apart from most other donors supporting counter trafficking and generally their support is limited to funding.

Partners note the openness of ASEAN-ACT to be responsive to new and emerging issues – for example the heightened risks for vulnerable groups, particularly in child labour and trafficking within Cambodia and along borders with Cambodia and Laos (probably with the involvement of Chinese nationals), and the new and growing area of cybercrime and trafficking. The program has already been responsive, and ASEAN- ACT through the regional program (pathway 1) and the inclusive policy dialogue (pathway 3) is well placed to respond to requests from Vietnam Government partners seeking greater cooperation between AMS on the cross-border issues, and engagement and sharing of experience and expertise in these areas within the region and more widely from other international actors.

In Vietnam there is a relatively small number of non-state actors working in counter trafficking and although the government has a stated policy to engage with CSOs the breadth and depth of engagement has been limited. Pathway 3 offers great potential for ASEAN-ACT to act as “bridge” between state and non-state / CSO actors through both national and regional initiatives around areas of common interest.





The existing engagements with the Vietnam Women's Union and the NGO Blue Dragon are positive starting points already in place. It is noted that at this relatively early stage of the partnership with CSOs, the grantee viewed the arrangement with ASEAN-ACT as a funding relationship rather than a partnership with broader shared interests.

Local leadership on this, through the country team will be essential in order to manage the political sensitivities and dynamics particularly in relation to supporting effective engagement and advocacy by non-state actors. The country team manager has very strong experience of both counter trafficking and on the civil society in Vietnam. Her leadership role will be a very important element in supporting progress of this aspect of the program. It is noted that she leads a small team of only 5 staff (noting one position the Office Assistant is a new position in 2022). Clearly the team works cooperatively and is managing the demands of the program well, however it is noted by the review team that the country program team (consisting of the Country manager, Program Officer, Program Support Officer, Finance and Administrative Officer and Office Assistant) is small and the technical and strategic capacity on the whole sits with the country manager, which may not be sufficient to reasonably and maximally effectively manage the localisation approach that is the objective of this phase of the program to as part of the strategy to enhance relevance, effectiveness and efficiency gains.

The state partners spoke highly of the relevance and quality of the inputs provided by ASEAN-ACT. The majority of which are training and technical assistance and access to information resources in Vietnam, within the region and from international sources. The ASEAN-ACT team works hard with government counterparts to ensure high quality, relevant content, and processes are used to deliver the inputs. They contribute some technical inputs through the country manager, and draw on capacity from other actors in Vietnam and the support of regional colleagues. The most recent reports indicate that the activities are being delivered as planned (even managing restrictions of COVID) and virtually all of the intermediate outcome areas in pathway 2 are progressing well in line with expectation.

Partners provided limited examples of at outcome level, which makes it difficult to determine the extent that the investment in training and the ToC approach is effectively translating to changes in practice. Anecdotal evidence was shared in the discussions of changes in practice of locally based law enforcement officials in the area of victim rights. Judges are reported as engaging with and appreciating the training on victim rights and a handbook providing guidelines for implementation has been completed and socialised. However significant change in practice is not yet being seen. It is unclear to the review team if there is opportunity for the ASEAN-ACT country team to broaden its approach to capacity development (CD) in line with what is articulated in the program's CD strategy. It seems the preference of national government partners is to focus on training and more targeted engagement / exchange events, and there is a question of whether the team's current makeup and small number of staff allows for a more differentiated and integrated approach to capacity development.

The partnership with the NGO Blue Dragon, has contributed to research being undertaken in victim identification in trafficking cases to inform the review of Vietnam's TIP law. In addition, research into an under recognised area and one where there is limited data of trafficking of men and boys and of



LGBTIQ+ people is being undertaken. The findings should help inform government policy and programming and is an opportunity to strengthen cross sector and multi-stakeholder engagement.

The review of Vietnam's TIP law has been delayed probably to 2024. This in part is due to restrictions of COVID-19, however the delay is possibly influenced by different priorities of the government in addressing trafficking issues. ASEAN-ACT is ready and well placed to support engagement and consultation for this review.

Overall ASEAN-ACT's way of working, focus of programming and the quality and types of support and assistance provided is strongly endorsed by government partners in Vietnam. The small program team under the leadership of it experienced manager who knows the TIP sector very well, has formed positive working relationships that is helping to ensure the program is responsive to the new and emerging needs on trafficking, and is providing high quality training that is raising the level of knowledge and commitment to victim rights approach in counter trafficking, and supporting important steps towards system change in law enforcement and judicial areas.