





ASEAN-AUSTRALIA COUNTER-TRAFFICKING – INVESTMENT DESIGN

March 2018

LIST OF ACRONYMS

AAPTIP Australia-Asia Program to Combat Trafficking in Persons

ACTIP ASEAN Convention Against Trafficking In Persons, Especially Women and Children

AMMTC ASEAN Ministerial Meeting on Transnational Crime

AQC Aid Quality Check

ARCPPT Asia Regional Cooperation to Prevent People Trafficking program

ARTIP Asia Regional Trafficking In Persons project

ASEAN Association of Southeast Asian Nations

BOP Basis of Payment

C-TIP Counter-Trafficking In Persons

COMMIT Coordinated Mekong Ministerial Meeting on Trafficking In Persons

CoP Conference of the Parties

EOPO End-of-program outcome

EU European Union

HSU Heads of Specialist Anti-trafficking Units

ILO International Labour Organization

KEQ Key Evaluation Question

M&E Monitoring and evaluation

MC Managing Contractor

MEL Monitoring, evaluation and learning

MoU Memorandum of Understanding

MSA Memorandum of Subsidiary Arrangement

MTR Mid-Term Review

NGO Non-government organisation SDG Sustainable Development Goal

SOMTC Senior Officials Meeting on Transnational Crime

SOMTC WG-TIP SOMTC Working Group on Trafficking in Persons

SOS Scope of Services

TIP Trafficking in persons

UN United Kingdom
UN United Nations

UNSC United Nations Security Council

UNTOC United Nations Convention against Transnational Organized Crime

US United States

USAID United States Agency for International Development

WCPC Women and Children Protection Centre

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TERMINOLOGY

ASEAN bodies	In this investment design, a term used to describe ASEAN sectoral ministerial bodies (such as the ASEAN Ministerial Meeting on Transnational Crime) and relevant senior officials and subsidiary bodies (such as the Senior Officials Meeting on Transnational Crime).
Bohol TIP Work Plan	The cross-sectoral plan to guide the implementation of ACTIP's obligations by ASEAN bodies and Member States, endorsed by ASEAN leaders at the ASEAN Summit in November 2017.
Capacity development	The process of increasing the skills, knowledge and experience of individuals and improving the processes of the systems and institutions within which they operate.
Civil society organisations	The organisations and institutions that represent communities and their interests outside governments. In the context of trafficking and related crimes, these include organisations that deliver social welfare services to trafficking victims, represent migrant workers and/or advocate for gender equality and other forms of inclusion.
Equality and inclusion	The set of principles that underpin the investment's activities aimed at ensuring that the rights of individuals are protected regardless of their ethnicity, gender, sexuality, disability or migration status.
Irregular migrant	A person who undertakes movement outside the regulatory norms of the sending, transit or receiving countries. There is no clear or universally accepted definition of irregular migration.
Justice agencies	The government organisations principally responsible for implementing the criminal justice response to human trafficking, including law enforcement agencies, prosecutorial departments and Attorneys-General offices, superior and local courts, and associated administrative agencies.
Justice officials	The officials who work within justice agencies, including police, investigators and administrative officials in law enforcement agencies; prosecutors; judges and court administrators; and justice sector policymakers.
National referral mechanism	A formal government-run process by which potential trafficking victims are identified, assessed and (where found to be trafficking victims or otherwise eligible for assistance) connected to the support they need. National referral mechanisms, where they exist, operate differently in each country, but are central to the protection of the rights of trafficking victims.
Non-state actors	In this investment design, a term used to describe stakeholders outside government. Non-state actors include stakeholders from civil society and the private sector who can contribute to shaping the criminal justice response to trafficking. These include civil society organisations, particularly those that provide support services to trafficking victims and/or advocate

	for trafficking victim rights, and businesses seeking to address risks related to trafficking.
Related state agencies	The government organisations outside the justice sector that contribute to the criminal justice response to human trafficking and the protection of victim rights. These include ministries and agencies responsible for labour rights, social welfare, finance and administration, education, the promotion of human rights and countering corruption.
Related state officials	The officials who work within related state agencies, including labour inspectors, social service providers, state budget administrators, anticorruption officials and associated policymakers.
Remedies	The outcome of a court's enforcement of a person's rights when they have been breached in some fashion, commonly (though not exclusively, depending on the nature of the legal system) under civil law. In the context of trafficking and related crimes, common remedies include the payment of compensation, lost wages or costs by one party to another.

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1. EXECUTIVE SUMMARY

In 2016, an estimated 25 million people around the world were victims of forced labour or forced sexual exploitation, almost 70 per cent of whom were from the Asia-Pacific region. Australia is committed to being a regional leader in the eradication of human trafficking, which violates human rights and has a detrimental impact on sustainable development and regional security.

Australia has a 15-year history of investment and engagement in enhancing the criminal justice response to human trafficking, represented most recently by the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP, 2013–18). AAPTIP facilitated the training of more than 4,000 officials and enhanced capacity development across the region, as well as supported the development and implementation of the ASEAN Convention Against Trafficking In Persons, Especially Women and Children (ACTIP).

Over the past 15 years, the technical capacity of ASEAN Member State officials and agencies to address trafficking in persons has improved. The adoption of ACTIP has generated strong commitment among ASEAN Member States and at a regional level.

ASEAN-Australia Counter-Trafficking is a 10-year (2018–28) AUD 80 million investment intended to continue Australia's work in enhancing the criminal justice response to trafficking in persons, the implementation of ACTIP among ASEAN Member States, and supporting partnership and cooperation at the regional and national levels. The program will engage all 10 ASEAN Member States to some extent, and establish national-level programming in Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, Thailand and Vietnam.

The investment will work with key stakeholders – justice and related state officials – to enhance capability at regional and national levels. The investment will facilitate new approaches that engage a broader range of actors, such as civil society and the private sector, in policy dialogue and capacity development.

The investment's primary goal is the enhancement of ASEAN Member States' justice systems to ensure they are able to provide just punishment of traffickers, while also protecting the human rights of victims. In this, the investment adopts a greater focus on victim rights, and equality and diversity. In particular, the design attends to the differences among victims in terms of sex/gender, ethnicity, migration status, age and disability, and the need to address these differences in criminal justice responses to trafficking.

The expected investment outcomes will be enhanced capability in implementing ACTIP across ASEAN Member States and alignment of criminal justice agency policy and practice with ACTIP. The greater engagement of external stakeholders in development of policy and practice will maintain a focus on protecting victim rights. The investment is structured to deliver a staged transition over its 10 years of operation: from a program centred on capacity development and standard setting, to one focused on the institutionalisation of ASEAN-owned capacity development functions and policy dialogue which is inclusive of civil society and the private sector. Throughout, the investment will maintain the flexibility to adapt to

specific contexts and needs, accommodating changes in capacity and political will as needed, including responding to the evolving policy around modern slavery in Australia and ASEAN.

The long-term goal is to ensure sustainability of the investment, so that policy and practice change is driven and supported by mechanisms and bodies at regional and national levels. Options to support this work, including by establishing an ASEAN-owned mechanism to take forward regional cooperation, will be considered in the later stages of the investment.

ASEAN-Australia Counter-Trafficking will take a project-based approach, to be delivered by a Managing Contractor – either as the sole deliverer of the program or in consortium with sub-contracted partners. The investment will provide technical support for regional and national level capacity development and the facilitation of policy dialogue between justice officials and other stakeholders, including through innovative approaches to participation and deliberation.

The bulk of activity-related budget will initially be targeted at enhancing national level capability, with a smaller proportion dedicated to enhancing regional level capability and policy dialogue among partners, and inclusive public policy processes. However, by program completion a more equal distribution of expenditure is anticipated, as expected gains in partner capacity and the institutionalisation of capacity-building functions are achieved. This will transition Australian support for counter-trafficking engagement in Southeast Asia to a sustainable form of cooperation with partners in 2028.

Knowledge gained from 15 years of counter-trafficking programming in ASEAN and a formal risk assessment indicates that overall this investment is low risk. The program will not use partner government systems, builds on previous DFAT regional investments in counter-trafficking, and will largely comprise of technical assistance to government partners for capacity development and the facilitation of policy dialogue. Mitigation strategies will be put in place to address identified risks including the investment's potential to be associated with harm to victims, its inability to ensure procedural fairness in investigations and prosecutions and potential commencement delays because of subsidiary arrangements.

2. ANALYSIS AND STRATEGIC CONTEXT

This section describes the strategic analysis of the investment operating environment and covers:

- the development problem and issue analysis in Southeast Asia
- · criminal justice responses to human trafficking
- regional cooperation through ASEAN, international cooperation, and national approaches
- equality and inclusion, and effective governance
- international assistance and engagement
- past Australian investment and analysis and learning
- the rationale for further Australian engagement
- opportunities to engage innovation and the private sector.

2.1 DEVELOPMENT PROBLEM AND ISSUE ANALYSIS IN SOUTHEAST ASIA

Human trafficking involves moving people into (or keeping people within) a situation of exploitation. Distinct from people smuggling — a crime predicated on financially or materially benefiting from facilitating another person's illegal border crossing — human trafficking necessarily involves the exploitation of a person, most commonly for economic advantage.¹ Defined in international law in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* (the Palermo Protocol), supplementing the United Nations *Convention against Transnational Organized Crime* (UNTOC), human trafficking is 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'.

Trafficking is a crime that has a wide range of impacts on individuals, families and society. Trafficking victims may have been subjected to profound physical and psychological harm², including rape and sexual violence, grievous injuries sustained through workplace violence and dangerous working conditions, and substantial psychological injury. In addition to these injuries, trafficking victims are denied their rights and liberties and often incur large debts – all of which make recovering from the trafficking experience more difficult. Trafficking also has an economic impact on victims, in reducing or eliminating their incomes. Some victims are unable to recover from the experience of being trafficked, and the economic contribution they might have made later in life is lost or diminished. Long-term costs for society include the provision of rehabilitation and reintegration services for trafficking victims. These cumulative effects of trafficking and related forms of exploitation have a detrimental impact on sustainable development in Southeast Asia.

Global and regional trafficking prevalence is difficult to measure.³ In 2016, an estimated 25 million people around the world were considered to be victims of forced labour or forced sexual exploitation.⁴ A significant proportion of these would be considered victims of trafficking according to the Palermo Protocol. Nearly 70 per cent of these victims were from the Asia Pacific region.⁵ A separate study found evidence of human trafficking in all ASEAN Member States.⁶ The prevalence of forced labour in industries such as electronics and fishing in Southeast Asia is also instructive.⁷

Human trafficking and modern slavery

Human trafficking is one of a broad array of violations of human rights that is increasingly referred to as 'modern slavery'. Unlike the specific offence of human trafficking, modern slavery has no internationally accepted definition, but is generally understood to include distinct but related activities such as human trafficking, forced and child labour, forced and child marriage, and debt bondage. Though largely unused by ASEAN Member States at present, the concept of modern slavery is incorporated into a UN Sustainable Development Goal (SDG) Target 8.7, on ending human trafficking. All ASEAN Member States have endorsed the SDGs. This design requires the program to be responsive to the evolving policy around modern slavery in Australia and ASEAN.

In Southeast Asia, migrant men and women face a range of issues that increase their vulnerability to exploitation. These include: migrating from poverty, often from rural and remote communities; the need to support a family (and often large families); not having a formal registered identity in one's home country; migrating irregularly or without authority to work; indebtedness (including as a result of debt incurred to undertake migration); and simply being a child rather than an adult.

Men and women may migrate even when aware of the risk of exploitation, presenting a challenge for broad-based awareness-raising campaigns. Migrants may need to balance the risk of exploitation against the need to provide for their families and/or survive economically. Trafficking victims commonly return from exploitative migration with substantial debt. This increases their need to return overseas for work, and the likelihood of re-victimisation.

Other factors contribute to the risk of trafficking and exploitation. Easier and more affordable intra-ASEAN travel facilitates the movement of people, including for human trafficking. Limited state capacity to investigate and prosecute exploiters, limited regulation and oversight of hazardous jobs, official corruption, and prejudice and scepticism towards victims (including discriminatory attitudes towards women, children and minority communities such as particular ethnic groups) also contribute to the risk of trafficking and exploitation. There may also be strong economic and political incentives for governments to protect influential domestic industries that engage in exploitation.

In Southeast Asia, human traffickers are not a homogenous group. Little research exists on traffickers⁹; however, identified cases of trafficking within and beyond ASEAN countries implicate a diverse range of persons and groups, from individuals and loose networks, through to vertically integrated criminal organisations undertaking recruitment, movement and exploitation. Information about 'traffickers' is drawn principally from the observations, experiences and recollections of trafficking victims, and from traffickers who are prosecuted and convicted.

In most of the region, crimes associated with trafficking are rarely (if ever) prosecuted. Low rates of prosecution and conviction across the region mean that traffickers are unlikely to be punished through imprisonment, fines, asset confiscation or court-ordered restitution. ¹⁰

Key stakeholders

There are a range of stakeholders that are critical for a criminal justice response to human trafficking. These stakeholders can be broken down into three main groups and are referenced throughout the design.

Justice officials and agencies

Government organisations principally responsible for implementing the criminal justice response to human trafficking, including law enforcement agencies, prosecutorial departments and Attorneys-General offices, superior and local courts, and associated administrative agencies.

The officials who work within these agencies include: police, investigators and administrative officials in law enforcement agencies; prosecutors; judges and court administrators; and justice sector policymakers.

Related state officials and agencies

Government organisations outside the justice sector that contribute to the criminal justice response to human trafficking and the protection of victim rights. These include ministries and agencies responsible for labour rights, social welfare, finance and administration, education, the promotion of human rights and countering corruption.

The officials who work within these agencies include labour inspectors, social service providers, state budget administrators, anti-corruption officials and associated policymakers.

Non-state actors: civil society and the private sector

Non-state actors include stakeholders from civil society and the private sector who can contribute to the criminal justice response to trafficking. These include civil society organisations, particularly those organisations that provide support services to trafficking victims and/or advocate for trafficking victim rights, and businesses seeking to address risks to their business.

2.2 CRIMINAL JUSTICE RESPONSES TO HUMAN TRAFFICKING

Human trafficking is a serious criminal act that obliges states to pursue a criminal justice response. In the past 15 years, the technical capacity of ASEAN Member State officials to understand and address the crime of 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)¹¹, a critical area of reform is the protection of victims by justice officials.

Frameworks for comprehensive counter-trafficking strategies commonly involve some variant of the '3 Ps' – prevention, protection and prosecution (sometimes supplemented with policy or partnership). Within this framework, justice officials are critical actors – responsible for investigating, prosecuting, adjudicating and punishing trafficking crime. They are expected to deter potential offenders, punish (and rehabilitate) convicted traffickers, protect the rights of victims and promote public confidence in the rule of law. 12

Justice agencies in some ASEAN Member States are hampered by:

- insufficient resourcing and skills
- rapid and high turnover of staff, which affects knowledge and capacity retention
- a lack of operational cooperation between agencies responsible for criminal investigation, border security, labour regulation and social welfare

- inefficient investigative practices that do not use techniques such as financial investigations and intelligence analysis
- persistent attitudes among criminal justice practitioners that trafficking and related forms of exploitation are not particularly serious crimes
- inadequate response to victims of violence, sexual assault and trauma, both procedural and attitudinal
- insufficient gender balance of criminal justice officials, with inadequate numbers of women in police and immigration agencies
- official corruption
- discriminatory attitudes among criminal justice agencies and the community at large.

The total number of trafficking prosecutions in a jurisdiction is a poor metric for the effectiveness of a criminal justice response to the crime. Simple prosecution numbers do not reveal whether investigations are appropriately targeted, prosecutions are fairly run or trials are credibly adjudicated. Further, seeking to maximise the total number of trafficking prosecutions in a jurisdiction can lead to perverse outcomes: for example, officials may target the suspects most easily convicted, rather than those suspects whose conviction might disrupt a criminal network or deter potential future traffickers. This investment will support justice officials to incorporate victim rights as part of an effective and appropriate prosecution.

Trafficking victims and the criminal justice systems of ASEAN Member States

Adoption of ACTIP is ASEAN's strongest collective statement to date of the region's commitment to fighting the exploitation of its citizens. It has introduced unambiguous obligations upon Member States to provide for the rights, protection and assistance of victims. For example, ACTIP provides for victim identification in one country to be recognised automatically in another. ACTIP also provides for identified victims to have access to a defined range of assistance and that they not be held unreasonably in detention prior, during or after legal or administrative proceedings.

Victim rights and victim support

An important part of the criminal justice response to trafficking in person is to protect the human rights of victims. The protection of the rights of trafficking victims is reflected in a well-established framework of international law and policy. This framework includes conventions and legal instruments to which all, or some, ASEAN Member States are party, such as ACTIP and the UN *Convention on Transnational Organized Crime* (UNTOC) and its attendant protocol on human trafficking. These complement the broader framework of international human rights law, codified in instruments like the *International Covenant on Civil and Political Rights*, the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination Against Women*.

Resources have been developed to support these frameworks, including the UN Office of the High Commissioner for Human Rights *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, which outlines a criminal justice response that takes into account the individual needs of trafficking victims and tailors protection responses accordingly. It is important to note that these protections should be provided whether or not a victim participates in a criminal justice process. ASEAN Member States have endorsed a range of policies and guidelines that seek to protect victims, including the *ASEAN Practitioner Guides on the Criminal Justice Response to Trafficking In Persons* (2007), *ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases* (2010), and *ASEAN-COMMIT Guidelines on Identifying Victims of Trafficking and Associated Forms of Exploitation* (2016).

Victims of trafficking are a diverse group with differences of sex/gender, ethnicity, migration status, age and disability. The use of *victim rights* throughout this design takes into account the diversity of victims in ASEAN countries; the legal frameworks that set out trafficking victim rights, particularly ACTIP; and the principles and guidelines outlining a victim-centred approach to criminal justice responses (see below, 'Trafficking Victims and the Criminal Justice Systems of ASEAN'). *Victim support* includes services such as temporary shelters, counselling, financial assistance, compensation, vocational training and other forms of reintegration assistance.

At a national level, legislative frameworks exist in all ASEAN Member States. However, approaches to the rights of trafficking victims (relating to protection, compensation, restitution, mandatory shelter detention and participation in trials) are inconsistent. There are positive examples of progress on the protection of victim rights in the region, such as improved police interview techniques, enhanced admissibility of victim statements and the availability of in-court protections such as video-link testimony and segregated courtrooms.

Victim identification guidelines and policies exist across ASEAN Member States; however, victim identification is rarely consistent across the government agencies of a given Member State. Formal identification as a victim of trafficking is usually necessary for access to government-provided assistance. Law enforcement, border and labour inspection officials sometimes fail to identify indicators of trafficking. Therefore, victims that are not identified and assessed as irregular migrants may be subject to inappropriate involuntary return.

Moreover, in all ASEAN Member States, the number of identified victims of sexual exploitation far outstrips the number of identified labour trafficking victims, even though the volume of trafficking for labour exploitation is estimated to exceed that of trafficking for sexual exploitation in Southeast Asia. 14

Justice officials need to be able to investigate, prosecute and convict traffickers, while also protecting trafficking victims as potential witnesses. Unfortunately, officials commonly see trafficking victims as

necessary to achieving their goal of a successful prosecution, rather than as persons with rights and liberties. The provision of in-court victim testimony during trial is often seen as imperative for securing a trafficking conviction.¹⁵

Significant pressure is placed on police and prosecutors to secure trafficking convictions as evidence of a government's commitment to combating trafficking. This pressure can sometimes be exacerbated by international advocacy. This encourages officials and policymakers to maintain procedures that infringe the rights and liberties of trafficking victims, for example, by placing victims in closed shelters.¹⁶

Although justice officials have a duty to protect the rights of trafficking victims, some see victim rights as impediments to achieving convictions. Yet victim-sensitive approaches can actually serve to enhance the robustness and legitimacy of investigations and prosecutions by increasing the likelihood of victim participation in trials. Specialist investigative techniques, such as surveillance and financial investigations, can also reduce reliance on victim testimony to achieve convictions.

An additional obstacle is that there is little to no incentive for trafficking victims to participate as witnesses in criminal investigations of trafficking. Victims may want their exploiter formally punished. Long criminal trials and unwanted shelter accommodation may prevent victims from seeking family and other support or from pursuing employment opportunities.

In addition, participating in the investigation and trial of their trafficker can put victims and their families at risk of physical harm from the trafficker and their associates. When victims actively participate in the trial process, they are unlikely to receive compensation or restitution comparable to either the impact of their exploitation or their lost earnings. Victims are generally not updated on the progress of the case against their trafficker and, in some jurisdictions, prosecutors rarely file the necessary orders to secure restitution or other remedies for victims.

There are opportunities for justice officials to facilitate access to compensation, court-ordered restitution, unpaid wages and other forms of justice. They can also assist trafficking victims to return home. Criminal prosecution should not be sought at the expense of the rights and safety of victims.

Finally, support for victims is often explicitly gendered: different for men and women, and unequal. State officials across agencies commonly view a 'trafficking victim' as a role exclusive to women and girls, usually related to sexual exploitation. Even where men and boys are formally identified, there are few services they can access – support is generally limited to basic repatriation costs, with shelters and other forms of assistance (such as craft skills classes) designed and administered for presumed female victims and unavailable and/or inappropriate for men. Women and girls are more likely to be compelled to remain in shelter accommodation for longer periods than men, depriving them of opportunities to earn income and the freedom to return home (see also 2.5 Equality and Inclusion below).¹⁷

2.3 REGIONAL COOPERATION THROUGH ASEAN AND INTERNATIONAL COOPERATION

ASEAN is the principal international body through which the governments of Southeast Asia conduct policy dialogue on human trafficking. ACTIP has generated great shared commitment, with its ratification representing a milestone in the region. While responsibility for implementing ACTIP rests with national governments, ASEAN is also able to facilitate the sharing of better practice between Member States.

The ASEAN Ministerial Meeting on Transnational Crime (AMMTC) is the principal ASEAN body responsible for transnational crime, which includes trafficking in persons. The Senior Officials Meeting on Transnational Crime (SOMTC) reports to the AMMTC. SOMTC is responsible for overseeing the implementation of ACTIP's

ASEAN Plan of Action with the support of the SOMTC Working Group on Trafficking in Persons (SOMTC WG-TIP). The Chair of the SOMTC WG-TIP is known as the 'Lead Shepherd for Trafficking in Persons' (Lead Shepherd for TIP). More detail on the investment's key stakeholders can be found at Annex B.

Regional cooperation on trafficking has enhanced the profile of the issue among policymakers in ASEAN Member State governments. Consultations for this design indicated that, despite differing incentives, domestic constituencies, international pressures and migration profiles across ASEAN Member States, officials from these countries repeatedly highlight the value that ASEAN's endorsement and subsequent ratification of ACTIP has had on the continuing relevance and legitimacy of counter-trafficking efforts within domestic policy agendas.

The ASEAN bodies with mandates that encompass trafficking ¹⁸ generally focus on sharing practice and promoting dialogue on counter-trafficking activities, such as reintegration, repatriation and prosecutions. Existing mechanisms include the Heads of Specialist Anti-trafficking Units (HSU) meeting, established under the SOMTC WG-TIP with Australian support to promote operational international cooperation between practitioners; and ASEAN's Mutual Legal Assistance Treaty, an instrument intended to formalise and strengthen international cooperation. However, bilateral arrangements and informal relationships are more routinely used by officials.

ASEAN traditionally approached trafficking in persons as a transnational crime matter. Plans for ACTIP implementation are increasingly cross-sectoral, involving a broader array of ASEAN bodies, as ACTIP covers more than just the criminal justice aspects of trafficking.

ACTIP mandates that the SOMTC is responsible for promoting, monitoring, reviewing and reporting on the Convention's effective implementation. In this early phase of ACTIP implementation, these functions, including a monitoring/reporting mechanism, is still in development. The Lead Shepherd for TIP (a position held by the Philippines on an ongoing basis) remains a pivotal role in relation to coordinating implementation and a cross-sectoral approach.

Some or all ASEAN Member States also participate in forums like the Coordinated Mekong Ministerial Meeting on Trafficking In Persons (COMMIT) Process; the Bali Process on People Smuggling, Trafficking In Persons and Other Related Transnational Crimes (the Bali Process); and the UN Conference of the Parties (CoP) on the UN *Convention against Transnational Organised Crime* (UNTOC). Forums such as the Bali Process have also supported governments to produce relevant tools to identify and protect trafficking victims.¹⁹

2.4 NATIONAL APPROACHES TO HUMAN TRAFFICKING IN SOUTHEAST ASIA

Substantive policy and legal frameworks to address human trafficking already exist across Southeast Asia at the national level. All 10 ASEAN Member States have ratified the UNTOC and its relevant protocol on human trafficking (the Palermo Protocol), and nearly all have ratified ACTIP as at January 2018. In addition, all ASEAN countries have domestic counter-trafficking legislation. All criminalise trafficking in some form and provide a basis for criminal justice responses. However, these frameworks are not always implemented consistently and/or consistent with international standards (for example, in protecting victim rights as per ACTIP).

Government commitments to countering trafficking are generally strong. Technical capacity among justice officials to address trafficking has improved. International donors (including Australia) have directly delivered capacity development in some ASEAN countries since the ratification of the UNTOC in 2000, with a significant cohort of officers trained in countering human trafficking throughout law enforcement agencies,

including those in senior positions. Longstanding ASEAN-endorsed training packages on human trafficking are also being more widely incorporated into police, prosecutorial and judicial training academies. Justice agencies are becoming increasingly well-positioned to develop and deliver basic counter-trafficking skills and awareness among officials. Specialised

Despite national government commitments, there is often inadequate resourcing of justice agencies, as in the following examples:

- In late 2016, the Women and Children Protection Centre (WCPC) the Philippines National Police unit with central responsibility for trafficking investigations had only 71 out of 270 positions filled.
- As at end 2017, Cambodian courts had no electronic case administration system, leaving the Ministry of
 Justice to assemble statistics by collecting hardcopy records of every charge sheet and court judgement
 relating to trafficking.
- Police in several ASEAN countries cannot undertake transnational investigation cooperation without external budget supplementation.
- Most anti-trafficking units in the region cannot afford interpreters for interviews carried out with either witnesses or suspects.

Capacity development assistance is still highly valued by agency officials. It can be expected to assist with some key challenges faced by justice agencies in ASEAN countries, most importantly around:

- staff turnover
- the need for advanced skills
- gender and victim stereotyping
- the use of legislative provisions for aggravated crimes
- improving the quality of prosecution and ensuring 'safe convictions' 20
- improving case management to ensure the timely administration of justice
- access to legal advice and representation for accused traffickers
- effective targeting of criminal justice resources
- reducing incentives for corruption.

2.5 EQUALITY AND INCLUSION

A key principle underpinning this investment is to ensure that the differences among victims are recognised and accommodated. As outlined above, victims are a diverse group with differences in sex/gender, ethnicity, migration status, age and disability.

Gender and trafficking

The majority of trafficking victims identified in Southeast Asia are women and girls (commonly as victims of commercial sexual exploitation). Yet there is also evidence of significant trafficking of men and boys. ²¹ The criminal justice system does not adequately ensure justice and safety for victims, irrespective of their sex/gender. ²²

Documented accounts illustrate that female trafficking victims experience a range of secondary harms in the criminal justice process, including repeated and inappropriate questioning; victim blaming; predatory

behaviour, harassment and assault; and unethical, unnecessary forensic examination. There is also limited expertise among justice officials on sexual assault and trauma.²³

Men face particular risks and stigma. They are often not mentioned in trafficking laws, and few tailored services exist. The shame attached to perceptions of 'failed masculinity' means that men who have been trafficked can be reluctant to come forward to authorities or services, or disclose their ordeal to their family. Other characteristics such as sexuality, gender identity, ethnicity, migration status, age, disability and religious affiliation may compound the gender-related barriers and risks faced by men.²⁴

Criminal justice agencies in the region are typically male-dominated, and gendered attitudes remain entrenched within the criminal justice system, in terms of both staff understanding of the trafficking phenomenon and the roles played by men and women within criminal justice agencies.

People with disabilities and trafficking

Little is documented on the vulnerabilities to trafficking of people with disabilities. More broadly, it has been found that laws may not recognise the legal capacity of people with disabilities to be a plaintiff or to testify. ²⁵ In addition, the legal and other costs of being involved in proceedings are usually prohibitive for people with disabilities, who often have been discriminated against in employment or do not have the support of family. ²⁶

A number of physical and attitudinal barriers specific to people with disabilities can also impede their access to justice. These include: information about rights, legal options and procedures not being available in accessible formats (including Braille and sign language resources); prejudicial views that people with disabilities are not 'credible witnesses'; and justice officials lacking the skills or experience to address the needs of people with disabilities. Australian-funded criminal justice research in Indonesia confirmed the diminished access to justice of, and the low prioritisation of cases reported by, people with a disability.²⁷ Other barriers include: police posts, legal offices and courtrooms not being physically accessible; and the communication barriers faced by people with visual, hearing, psychological and learning impairments.

The experience of trafficking itself can result in a range of physical and psychological disabilities. It is therefore essential that justice officials use referral pathways so that victims can access appropriate support services.

Ethnic minorities and trafficking

Ethnic minority communities in ASEAN countries are especially vulnerable to trafficking. Compared with other communities, people from ethnic minority communities are more likely to: live in poverty; live in rural areas (with reduced access to employment opportunities); experience discrimination in gaining employment outside their own communities; and be stateless or not possess personal identification documents. They are also less likely to be able to access social services and processes that may lead to justice. International migration among ethnic minority communities is commonly irregular, exacerbating vulnerability (see below 'Irregular Migration and Trafficking'). Ethnic minority women and girls tend to face discrimination that compounds their vulnerability to trafficking (see above 'Gender and Trafficking').

The particular vulnerabilities and experiences of ethnic minorities in ASEAN countries have been documented, including that:

• Ethnic minority women and girls have been identified in commercial sexual exploitation in both Thailand and Lao PDR.

- Ethnic minority men and women from Thailand have been identified as trafficking victims in factories and on farms in Malaysia.
- Ethnic minority women from Vietnam, Myanmar and Lao PDR have been forced into marriage in China. 28

ACTIP does not include any specific obligations in relation to ethnic minorities. Nevertheless, in the context of victim rights, a person's ethnicity must be considered.

Irregular migration and trafficking

Irregular migrants face increased vulnerability to human trafficking in Southeast Asia when compared to regular migrants. This group is large: in Thailand alone, over a third of migrants resident in the country are believed to be irregular.29

Irregular migrants are generally limited to taking informal employment, which lacks the protections available to citizens or regular migrants/employees with regular status. Vulnerability to trafficking is further exacerbated by irregular migrants' limited or non-existent access to justice (including legal aid and representation) and the discrimination and stigmatisation facing migrant populations in some destination countries in the region.

Irregular migrants who are trafficked and come to the attention of law enforcement are more likely to be sanctioned for breaches of immigration law than identified as trafficking victims. This often prevents them from accessing services for recovery and reintegration either in the country in which they were exploited or upon return to their home country. This can result from inappropriate administrative incentives within justice agencies (such as quotas for the location and removal of irregular migrants, or administratively burdensome procedures for referring trafficking victims to services), as well as from negative attitudes among law enforcement officials towards the rights and value of migrants.

Efforts to address the vulnerability of irregular migrants to trafficking have faced challenges. In most ASEAN countries, domestic advocates for the rights of migrants exercise limited influence on policy and institutional reform. Moreover, efforts to reduce vulnerability through regularisation are commonly slow to progress or difficult to negotiate between destination and origin countries.

2.6 EFFECTIVE GOVERNANCE

The integrity of the justice system is weak in parts of Southeast Asia and corruption hampers counter-trafficking efforts. Political interference in some court systems has been alleged, and cases of direct bribery have been publicly reported. Officials in criminal justice agencies often have high levels of discretion and are sometimes subject to influence or direction by colleagues and others via extended patronage networks. The absence of administrative controls and transparency in decision-making around whether to pursue, continue, suspend or cease investigations, prosecutions and trials exacerbates these risks.

Past Australian investments in the criminal justice response to trafficking have identified corruption as a key impediment to improving outcomes, but have faced difficulty in addressing the issue directly. While corruption is criminalised in some form in the domestic law of ASEAN Member States (though not always in line with international law), prevailing cultural and economic incentives make enforcement of these laws challenging.

2.7 PAST AUSTRALIAN INVESTMENT

Australia's regional investments in the criminal justice response to human trafficking

Since 2003, Australia has assisted ASEAN's investigators, prosecutors, judges and court administrators to strengthen criminal justice responses to human trafficking in Southeast Asia. In that time, our aid program has supported more than 10,000 investigators, prosecutors, judges and court officials through training and capacity development; helped establish and support specialist units to investigate and prosecute trafficking throughout the region; facilitated cross-border cooperation in trafficking investigations and assisted trafficking victims involved in trials; and supported ASEAN's policy leadership, including the development of ACTIP.

The Asia Regional Cooperation to Prevent People Trafficking program (ARCPPT, 2003–6) delivered significant direct training to frontline law enforcement officers in four Southeast Asian countries (Thailand, Cambodia, Lao PDR and Myanmar). It also supported collaboration between investigators, prosecutors and judges, and took initial steps towards developing regional policymaking contributions.

The Asia Regional Trafficking In Persons project (ARTIP, 2006–13) expanded on the technical assistance provided to prosecutors and judges under ARCPPT, while strengthening ASEAN standards on the criminal justice response to human trafficking and associated standard-setting procedures. The program trained more than 8,300 officials between 2006 and 2011. ARTIP's achievements also included ASEAN endorsement of a comprehensive suite of training for criminal justice officials, the establishment of specialist anti-trafficking units within law enforcement agencies throughout the region, and assisting the development of nascent ASEAN policy dialogue on human trafficking.

The current program, the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP, **2013–18**), has complemented the training of more than 4,000 officials (to 2016) with more sustainable forms of capacity development. These have included helping institutionalise the new ASEAN standards at the national level, facilitating cross-border cooperation between investigators on complex cases, encouraging gender-responsive approaches among police, and supporting ASEAN-level policy dialogue on the treatment of trafficking victims. AAPTIP's timely provision of support to ASEAN leaders and experts helped facilitate the final draft of ASEAN's long-negotiated trafficking convention, ACTIP, paving the way for its subsequent adoption.

A DFAT-led design process was initiated in February 2017 to fulfil Australia's continuing commitment to countering human trafficking in Southeast Asia. This new program will be named **ASEAN-Australia Counter-Trafficking.**

2.8 ANALYSIS AND LEARNING FROM PAST AUSTRALIAN INVESTMENTS

ASEAN-Australia Counter-Trafficking draws on learning from 15 years of Australian investment in the sector, especially the formal evaluations (most recently AAPTIP's Mid-Term Review) and internal reviews of programs to date. The program has been designed in consultation with officials from criminal justice and related state agencies from each of the 10 ASEAN Member States; representatives of non-state actors, including non-government and international organisations; representatives of the private sector; and experts in human trafficking and exploitation in Australia and Southeast Asia.

The key lessons from past Australian investments that have informed ASEAN-Australia Counter-Trafficking are detailed below. A more comprehensive summary, along with themes identified from design consultations, is at Annex A.

Investing in ASEAN's regional commitment to combating human trafficking

ACTIP is the policy framework through which ASEAN Member States have agreed to work, and ASEAN bodies require support to fulfil their implementation and oversight obligations.

There is considerable optimism across the region about ACTIP, but also apprehension about its effective implementation. Supporting ASEAN's role in countering trafficking is crucial to building the policy environment necessary for international cooperation. Investment to support ASEAN to implement ACTIP is timely, and sufficient resources need to be allocated to ensure its effective implementation.

Promoting victim rights

Strategies used by AAPTIP to promote greater gender-responsiveness among justice officials can also be used to achieve better protection of victim rights.

There are examples of progress in the protection of victim rights in the region, such as improved police interview techniques, enhanced admissibility of victim statements and the availability of in-court protections like video-link testimony and segregated courtrooms. However, these advances need to be significantly scaled up within and between countries, as many victims still receive limited information on their legal options, assistance pathways, case progress (if they participated in investigations and prosecutions) and non-criminal remedies.

AAPTIP's approach to gender can be built on to advance a broader victim rights agenda. Key elements of this approach will include: an explicit victim rights strategy championed by DFAT and program leadership; an internal audit of program team attitudes to victim rights (equality and inclusion), and subsequent follow-up action to address knowledge, attitudes and practices; a focus on the investigations phase where a victim's options are set; and cultivation of relationships with key agencies in select countries to identify champions and allies.

Partner-owned capacity development

ASEAN-Australia Counter-Trafficking can support partner countries to strengthen governance over their own capacity development, acknowledging that partner country capability to do so varies across the region.

Successive programs have enhanced capacity among justice officials at the national level, and steps have been taken to institutionalise this capacity development in establishments like police academies and judicial training institutes. Where practical, the investment will continue to transition capacity development activities in this way, and to support partners to better identify and resource capacity development needs within their respective national systems.

Beyond capacity development

Improving justice officials' effectiveness in countering human trafficking requires both developing enhanced skills and overcoming impediments to using those skills.

The capacity development approaches of past programs have improved ASEAN Member States' capability to respond to human trafficking. However, limited capacity is not the sole barrier to justice sector reform, and other factors, such as governance and corruption, undermine or limit the ability of individuals and groups to use their enhanced skills.30 The investment should employ adaptive, agile approaches to testing, refining and implementing development strategies that address impediments.

Engaging stakeholders

Further reform in the justice sector's approach to trafficking requires the engagement of actors from outside the sector.

Justice officials are indispensable in investigating and prosecuting trafficking crime, but other stakeholders can also positively influence criminal justice outcomes. Where it has occurred, greater engagement with a wider array of government officials (particularly labour and social welfare officials) has improved justice outcomes and should be continued. Civil society organisations and businesses should be further engaged to contribute to justice sector reform efforts. Some national and regional mechanisms that facilitate this cooperation already exist (such as the Philippines Inter-Agency Council Against Trafficking and the Bali Process Government and Business Forum) and can be further supported. New mechanisms tailored to specific country contexts should also be considered.

Capturing and sharing information

Information from counter-trafficking programs can be captured and shared, and there is an audience for this information.

There are a significant number of stakeholders involved in countering human trafficking in Southeast Asia, including government officials, civil society organisations, and private sector and donor initiatives. These stakeholders value receiving updates on our programs' activities (so as to avoid duplication) and insights on program delivery and results, when these are available. The investment will continue to share good-quality information captured from program implementation with relevant counter-trafficking stakeholders.

Measuring progress effectively

ASEAN-Australia Counter-Trafficking's monitoring, evaluation and learning (MEL) Framework must be fit-for-purpose and build on past programs.

Past Australian counter-trafficking investments have employed a variety of techniques to measure program success. AAPTIP's current approach to MEL is informed by learning from program implementation and makes use of techniques such as tracer studies and assessments of policy influence to capture program results. The investment will work with AAPTIP's MEL team during the transition period to identify the best of the current approach that should be retained in ASEAN-Australia Counter-Trafficking's MEL Framework and Monitoring Plan.

Program Contribution to DFAT's International Counter-Trafficking Efforts

The model of program delivery by a Managing Contractor, augmented by DFAT engagement in advocacy and dialogue, has delivered good results.

AAPTIP has been clearly and repeatedly identified by ASEAN partners as a significant and valued Australian contribution to the region. The delivery of technical advice by highly qualified experts has been appreciated, and the program has maintained an important role in facilitating continued Australian engagement on trafficking throughout the region. Through this engagement, the investment will continue to support Australia's diplomatic network in the region.

2.9 STRATEGIC SETTING AND RATIONALE FOR FURTHER AUSTRALIAN ENGAGEMENT IN COMBATING HUMAN TRAFFICKING

Australia's Foreign Policy White Paper (2017) identifies an open, inclusive, stable and prosperous Indo-Pacific as a core objective of Australian foreign policy. ASEAN-Australia Counter-Trafficking responds to the high priority Australia places on our relationships in Southeast Asia and on our support for ASEAN, as highlighted in the White Paper.

The White Paper identifies transnational crime as a threat to Australia's national interest and to the regional stability on which Australia depends. It commits Australian development assistance to supporting governance, the rule of law, leadership training and capacity building to help prevent, investigate and prosecute transnational crime in ASEAN Member States. The investment forms part of this commitment to increasing our regional engagement on law and justice challenges. It also meets the four tests as set out by the White Paper for allocating development assistance: that the investment is in our national interest, promotes inclusive growth and reduces poverty, adds value and leverages partner funding, and delivers results and value for money.

Australia is a regional leader in the fight against human trafficking and slavery. Australia's *International Strategy to Combat Human Trafficking and Slavery* was launched in March 2016, and aims to enhance Australia's leadership in combating trafficking in Southeast Asia as a whole-of-government priority.

The investment will support our multilateral work at the global level to promote counter-trafficking efforts and address modern slavery challenges. Australia's commitment was reiterated at the launch of Alliance 8.7 during the United Nations General Assembly Leaders Week in September 2016, and through Australia's endorsement of the Call to Action to End Forced Labour, Modern Slavery and Human Trafficking in New York the following year. Australia co-sponsored the first-ever United Nations Security Council resolution on human trafficking (UNSC 2331) in 2016; established the Bali Process Government and Business Forum (with co-chair Indonesia); and is committed to incorporating responses to trafficking in the Global Compact on Migration, including by working with like-minded nations to strengthen the Global Plan of Action to Combat Trafficking in Persons.

The investment aligns with Australia's commitment to assisting our development partners to deliver the 2030 Agenda for Sustainable Development including the Sustainable Development Goals (SDGs). Specifically, the investment will contribute to the achievement of several targets under the SDGs:

- Target 5.2 to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- Target 8.7 to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.
- Target 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children.

Australia's contribution to countering human trafficking in Southeast Asia is directly aligned to its development policy *Australian Aid: Promoting Prosperity, Reducing Poverty, Enhancing Stability.* In particular, the investment will promote effective governance in law and justice systems in Southeast Asia and contribute to Australia's *Gender Equality and Women's Empowerment Strategy* and *Effective Governance: Strategy for Australia's Aid Investments*.

ASEAN-Australia Counter-Trafficking will deliver results for DFAT's Aid Investment Plan (AIP) for Southeast Asia Regional Economic Growth and Human Security Program 2015–16 to 2018–19 and any subsequent aid investment plans. The investment will support ASEAN and other regional mechanisms to address a cross-border problem. It will also complement bilateral and global investments. The investment will contribute to the AIP's mutual obligations including the ASEAN-Australia Strategic Partnership (2014) and commitments to implement ACTIP and the associated ASEAN Plan of Action.

Among ASEAN's Dialogue Partners, Australia has a unique history of cooperation with ASEAN and in contributing towards ASEAN's ongoing policy dialogue on trafficking in persons. This longstanding partnership will allow the investment to assist with challenging areas of reform, including around the duties of criminal justice officials to protect the rights of trafficking victims, to be gender-responsiveness and in promoting the need for greater transparency among these officials.

Australia has established itself as a key support to ASEAN in implementing ACTIP by facilitating policy development and implementation planning. Australia has worked closely with ASEAN's SOMTC Lead Shepherd for TIP. This support for regional policymaking is unique and would be difficult to replicate. Our ASEAN partners have been clear that they will appreciate the continuation of this support through 2018 and beyond.

An Australian counter-trafficking investment centred on criminal justice has particular advantages. It is able to build on the legacy of Australian support in this sector to progress reform related to victim rights and broaden engagement with related state agencies, civil society and the private sector.

Moreover, the investment's contribution to stronger law enforcement and criminal justice capacity will improve bilateral cooperation on justice matters, and facilitate Australia's international cooperation with criminal justice agencies in ASEAN countries.

2.10 PRIVATE SECTOR ENGAGEMENT

The Australian Government's approach to engaging the private sector through its aid program is centred on the creation of shared value – that businesses can deliver sustainable social impact in developing countries while achieving commercial returns.

The investment is well placed to engage with the private sector. Labour exploitation in ASEAN countries occurs largely in the private sector, in both legal and illicit enterprises, small and large.

There are strong incentives for some businesses to eliminate trafficking in their supply chains and service networks. These incentives include the need to establish stable supply chains (which may provide lower costs), manage reputational risk and improve consumer confidence. These businesses may seek to reduce unfair competition from unsustainable businesses that rely on trafficked labour.³¹ Both voluntary and mandatory reporting requirements around human rights, labour and supply chains³² have also become more common.

Not all industries in Southeast Asia are equally advanced in their responses to trafficking. Private sector groups report that sectors such as the apparel and extractives industries are more advanced on this path, in response to international pressure, but that progress is less evident in sectors such as agriculture and

construction. Despite being a focus of civil society advocacy and attention, the private employment of domestic workers is a sector in which addressing trafficking remains difficult.

Some businesses have indicated a willingness to participate in counter-trafficking initiatives if the value proposition of doing so is clear. The Bali Process Government and Business Forum is one example of counter-trafficking cooperation. This provides an opportunity for the private sector to discuss ways to prevent and combat trafficking, and share experiences on best practice. This investment will seek to engage private sector stakeholders with an interest in an effective criminal justice response to trafficking. Further detail on the investment's engagement with the private sector is in the Investment Description.

2.11 INNOVATION

This investment will be expected to complement the most effective elements of current programming with innovative approaches to counter-trafficking work. It will continue to support partnerships with justice officials (police, prosecutors, judges and court officials) and other stakeholders who can contribute to the criminal justice response, including: related state agencies (for example, labour and welfare ministries), civil society organisations and the private sector. This investment will provide opportunities to forge links between these stakeholders to create new and innovative spaces for policy dialogue. Further detail on this proposed work is in the Investment Description.

3. INVESTMENT DESCRIPTION

This section describes ASEAN-Australia Counter-Trafficking and covers the:

- program logic, program goal and expected outcomes
- main actors involved, the proposed ways of working and principles of engagement
- pathways and activities for achieving the outcomes
- key assumptions underpinning the program logic
- approach to program delivery
- **resourcing** for the program.

3.1 THE PROGRAM LOGIC, PROGRAM GOAL AND EXPECTED OUTCOMES

Program logic overview

ASEAN-Australia Counter-Trafficking's design is focused on the achievement of three objectives:

- To enhance the regional-level capability of ASEAN to oversee and implement ACTIP
- To enhance *national-level* capability of individuals, groups and organisations in ASEAN countries to implement ACTIP
- To engage a broader range of actors in public policy to improve ACTIP implementation.

These objectives fully align with ACTIP. The logic of this program has therefore been built around supporting ASEAN and its Member States to implement ACTIP, with a particular emphasis on its human rights obligations.

By building on what has worked in our past investments and coupling this with new approaches to supporting and engaging justice officials, this program logic is premised on the idea that *if* the investment:

- enhances the regional-level capability of ASEAN bodies to oversee ACTIP implementation; and
- enhances the capability of *national-level* justice and related agencies in ASEAN to implement ACTIP, particularly with regard to victim rights; *while*
- engaging a *broader range of actors* in public policy processes;

then the protections and obligations enshrined in ACTIP are more likely to be fully realised. The effective implementation of ACTIP will, among other things, facilitate the just punishment of traffickers through a victim-sensitive legal process that fully respects human rights. Figure 1 provides a summary overview of this logic which is explained in more detail below.

Program goal and expected outcomes

The overarching goal that the investment will contribute to is:

ASEAN Member States have effective justice systems that provide just punishment of traffickers and protect the human rights of victims.

This broader goal directly reflects ASEAN Member States' commitments under ACTIP. Its achievement will require inputs and effort *in addition* to the investment's work, including the ongoing commitment and engagement of the regional and global community, and the support of other donors in the sector.

The investment is designed to contribute to achieving this goal by committing to the following related end-of-program outcomes (EOPOs) by 2028:

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

Overall scope and program logic architecture

Following on from previous phases of Australia's regional aid investment in countering human trafficking, ASEAN-Australia Counter-Trafficking will principally engage in the criminal justice response to human trafficking, where Australia has the most to offer, rather than in the more crowded protection or prevention spheres. In terms of the program's *geographic* scope, the program is expected to be implemented at the regional and national levels, and will engage all 10 ASEAN Member States in some capacity. The investment will establish national-level programming in Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, Thailand and Vietnam.

This scope presents particular challenges for developing a cohesive program logic, as ASEAN Member States' interest in and capacity to implement ACTIP varies from country to country. As such, program activities will not be spread evenly or undertaken uniformly across ASEAN Member States. The program logic must also accommodate activities that support and engage a variety of stakeholders. These activities will be opportunities for policy engagement on relevant issues as they emerge. More innovative policy dialogue processes may take longer to establish than traditional capacity development activities. Factors, such as the appetite for, and resource commitment towards, reform will require a flexible approach to achieving change in countries and across the region.

EOPOs will be pursued through three corresponding pathways, each designed to be mutually reinforcing (refer Figure 1). These pathways contain activities to:

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

Within each pathway, a set of indicative immediate outcomes have been identified that are expected to be achieved between years 2 and 4. Their achievement will be strongly influenced by partner engagement and the timing of activity implementation across the region. All are expected to contribute towards the achievement of the intermediate outcomes, which are the necessary preconditions for achieving the EOPOs. It is expected that, by mid-way through the program (years 5–9), considerable progress will have been made towards their achievement.

While the broader goal and specific outcomes expected by the end of the investment are known, the exact activities through which outcomes can be achieved will need to be progressively determined according to ASEAN Member State needs and preferences. However, for the early years of the program, the investment

will include a series of recommended activities that follow on from initiatives implemented under AAPTIP. These activities will also inform the development of new activities. The activities are detailed under each pathway description below.

This approach provides a road map from which to plan future action on a rolling basis through a process of joint negotiation and refinement. This built-in flexibility is considered essential to the success of the program. In the context of a 10-year timeframe, this program logic will need to be revisited and refined by the investment's Managing Contractor, ASEAN partners and DFAT – based on available program monitoring and evaluation (M&E) data. Refinements will need to reflect implementation lessons, changes in the sociopolitical context within the region, and the emergence of new opportunities and challenges. ASEAN ownership of the program will be reinforced through these iterative and joint reassessments of the logic and mix of inputs to achieve the desired outcomes.

In addition to implementation of these activities, the program logic is underpinned by a set of foundational activities that are preparatory in nature and detailed in 4. Implementation Arrangements.

Main actors engaging with the program

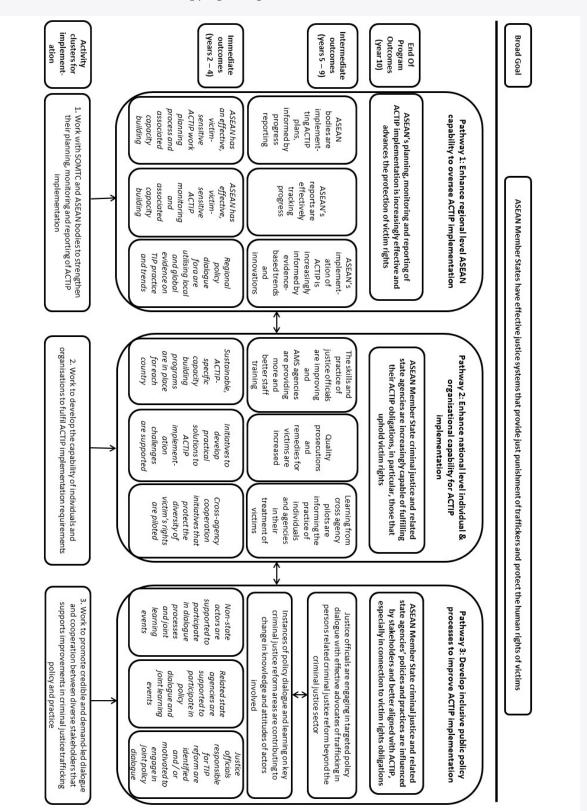
The target beneficiaries of ASEAN-Australia Counter-Trafficking are trafficking victims – principally, but not limited to, those who come into direct contact with the criminal justice system. In reaching these beneficiaries, the program will seek to directly engage with and influence a number of key individuals – primarily the justice officials responsible for the investigation, prosecution and adjudication of trafficking crimes, but also related ASEAN bodies, related state agencies, and key individuals within them. It will also seek to engage with civil society and the private sector. This approach recognises that 15 years of Australian investment in the sector has established strong relationships with justice officials throughout ASEAN. The new investment will build on these relationships to encourage engagement with a broader range of stakeholders.

Aligned with each EOPO and corresponding change pathway, engagement partners and those targeted for influence are:

- Pathway 1 Enhanced regional-level ASEAN capability principally among members of SOMTC (including the SOMTC WG-TIP and the HSU meeting), and ASEAN bodies responsible for supporting ACTIP implementation.
- Pathway 2 Enhanced national-level individual and organisational capability specifically among justice officials/agencies, and related officials/agencies involved in criminal justice responses.
- Pathway 3 Develop inclusive public policy processes to improve ACTIP implementation involving justice officials/agencies responsible for justice sector reform, related state officials/agencies, civil society and the private sector.

The specific partners who will be directly engaged, as well as an overview of the changes expected by program end as a result of this engagement, are detailed in Annex B.

Figure 1 ASEAN-Australia Counter-Trafficking program logic



3.2 WAYS OF WORKING AND ENGAGEMENT PRINCIPLES

During Australia's 15 years of investment and engagement in enhancing the criminal justice response to trafficking in persons among ASEAN Member States, relationship building has proven to be key to past program success in capability development. Cultivation of strong relationships in the region has facilitated dialogue on sometimes sensitive or contested concepts, providing opportunities for successive programs to engage partners on a reform agenda. For ASEAN-Australia Counter-Trafficking, reinforcing Australia's status as a trusted, constructive adviser, which has been built both on these relationships and on the provision of high-quality technical support, will be integral to the program's success.

Lessons from DFAT's Governance for Growth investment in the Pacific suggest that reform will be best achieved by encouraging and supporting the program team to 'think and work politically'.³³ This means opportunistically seeking engagement in reform-oriented dialogue – regionally across ASEAN, within the criminal justice sector, and cross-sectorally. Responding to locally identified priorities and leveraging high-quality local and international staff who have an entrée to reform-oriented decision-makers are essential to this process. The investment's long-term commitment to providing responsive capacity development and support where it is requested and valued most in the criminal justice sector also provides a means of continual engagement at times when political appetite for reform may be constrained. The program will seek to address corruption as an enabler and consequence of trafficking by focusing on institutional and procedural transparency and reform that makes corrupt practices more difficult. Most importantly, the investment's focus on the protection of human rights will require a program team to demonstrate a strong commitment to diversity and inclusive ways of working – starting from the team's own attitudes and practice – to ensure that gender equality and the needs of all trafficking victims are actively pursued, and that professionalisation of justice agency workforces promotes technical and leadership opportunities for women.

Other important engagement principles include:

- emphasising the benefits of evidence-informed programming, and identifying knowledge and experience from within the region and globally for potential testing within ASEAN
- being proactive in preventing, reducing and controlling the risk of harm to the human rights of all people who come into contact with trafficking criminal proceedings
- remaining accountable to victims, by ensuring commensurate resourcing and prioritisation, and by promoting systematic linkages with victim support agencies who can assist in mitigating any negative program impact
- acting as a connector for collaboration particularly broadening participation in the region's policy dialogue between the criminal justice and non–criminal justice sectors (such as the private sector) and, where possible, capitalising on joint learning to seek outcomes
- facilitating donor harmonisation around ACTIP support specifically, and around all program activities where relevant
- maintaining a clear focus on strengthening capacity of individuals, organisations and groups involved in the criminal justice response and resisting the temptation for the program to 'do' rather than support partners to undertake the task
- promoting transparency principles and messages with counterpart agencies to help address corruption and integrate transparency-enhancing measures into activities where possible
- planning for sustainability at the program's commencement, with a vision and strategy for transition from the outset.

3.3 PATHWAYS AND KEY ACTIVITIES

As described in the program logic architecture, three pathways have been identified to coordinate the achievement of each EOPO. The engagement partners and activities within these pathways link and reinforce each other in several key areas:

- 1. Representatives of relevant ASEAN bodies (Pathway 1) will have some responsibility for addressing trafficking at the national level. They will communicate the knowledge and perspectives of their country (Pathway 2) at the regional level to ensure that ACTIP implementation is feasible and regional-level reform is attuned to national concerns. They may advocate any relevant ideas gained through regional dialogue to their national agencies in order to inform attitudes and policy within their own country contexts.
- 2. Relevant lessons generated from cross-agency cooperation (between justice and related state agencies) and the development of practical solutions to national ACTIP implementation challenges (Pathway 2) will be packaged and drawn on as contributions to policy dialogue (Pathway 3) and in some cases will contribute to regional policy reform.
- 3. The lessons learned from all policy dialogue processes (Pathway 3) will be made available to state agencies involved in seeking better quality prosecutions and remedies that respect victim rights under ACTIP (Pathway 2), and will contribute to the evidence base informing regional ACTIP planning processes (Pathway 1).

The following descriptions elaborate each pathway's associated immediate and intermediate outcomes, activities the program is expected to maintain, as well as anticipated new activities.

Pathway 1: Enhanced regional-level ASEAN capability to oversee ACTIP implementation

Pathway 1 continues Australia's longstanding support for ASEAN's policy leadership in combating trafficking in Southeast Asia, through which a substantial contribution was made to the crafting of ACTIP as a comprehensive, unifying framework for the regional response to trafficking. Article 24 of ACTIP tasks SOMTC with responsibility for 'promoting, monitoring, reviewing and reporting periodically to the ASEAN Ministerial Meeting on Transnational Crime on the effective implementation of this Convention'. This pathway is therefore concerned with partnering with SOMTC to fulfil this mandate through the provision of a core program of trusted, high-quality advice and technical assistance that builds regional capacity. The program is expected to support SOMTC and relevant ASEAN bodies to access and engage with a broader community of practice, including from outside the region, to inform their implementation decisions. It will also potentially assist in advancing regional responses to the broader slate of related crimes falling under the umbrella of modern slavery as this concept evolves. ASEAN-Australia Counter-Trafficking will need to work in close partnership with the Lead Shepherd for TIP and relevant ASEAN bodies to identify opportunities for providing appropriate program support to progress sustainable ACTIP implementation.

Principally, the investment will continue to provide technical support to the ongoing ACTIP work planning and coordination process at the regional level. To date, AAPTIP has assisted in the finalisation of a promising and ambitious work plan (referred to as the Bohol Trafficking in Persons Work Plan 2017–2010, or Bohol TIP Work Plan) that was developed under the guidance of the Lead Shepherd for TIP. The Bohol TIP Work Plan covers many but not all of the regional-level activities required for ACTIP implementation. Opportunities to strengthen future planning processes based on ongoing monitoring and implementation review will need to be negotiated with SOMTC, and the corresponding resources required to facilitate effective future

planning/reporting progressively identified. Any technical support provided for SOMTC planning/reporting of ACTIP implementation is expected to involve the engagement of other, relevant ASEAN bodies (refer to Annex C) with a view to harnessing their particular perspectives on and expertise in victim rights. This will encourage cross-sectoral learning as well as ensuring effective planning for ACTIP implementation. It will also facilitate appropriate resourcing for implementation of the planned activities from ASEAN bodies' work plans. The investment will continue to work with SOMTC to identify activities within the Bohol TIP Work Plan (relating to criminal justice) that support key areas of implementation that align most closely with expected ASEAN-Australia Counter-Trafficking outcomes.

In support of the ASEAN planning/reporting process, development of ASEAN-driven, fit-for-purpose and coordinated monitoring/reporting activities will support complex multi-country and multi-sectoral reporting on ACTIP implementation.

Pathway 1 will also facilitate the sourcing, packaging and sharing of best practice and evidence to improve ACTIP planning, implementation and monitoring/reporting at regional forums in the form of briefing notes, technical papers, policy papers, and data presentations using a variety of accessible media formats. For example, AAPTIP is producing a practitioner's toolkit detailing gender barriers and recommendations for addressing these barriers which was an outcome of an ASEAN Gender Workshop that discussed promising gender- and victim-sensitive approaches in the region. Ongoing best practice examples and evidence will be drawn from the region (in particular from ACTIP monitoring data), from global experience and research in relation to trafficking prosecution trends, and from the program (principally from policy dialogue processes under Pathway 3). Information sharing and discussion are expected to take place through existing regional forums (such as the Bali Process), newly emerging forums, or specific forums convened by the program. Key regional stakeholders will also be supported to attend learning events of particular relevance to advancing ACTIP implementation. The program team will need to be proactive in identifying relevant best practice and evidence, and in facilitating its availability to regional stakeholders engaged in ACTIP planning, implementation and monitoring/reporting.

The Pathway 1 activities set out below include both those that are expected to be ongoing from AAPTIP throughout inception, and new activities that may be progressively developed following inception.

Existing program activities to be continued through the inception phase under Pathway 1

Activities directly supporting ASEAN's planning, implementation and monitoring/reporting of ACTIP:

- Provide technical support to SOMTC and the ASEAN Secretariat to assist further development of the architecture and governance arrangements of ACTIP implementation, where requested.
- Provide technical support to the Lead Shepherd for TIP to assist ACTIP implementation, where requested.
- Provide technical (and potentially financial) support to the Lead Shepherd for TIP and relevant ASEAN bodies to progress the *monitoring/reporting arrangements* for ACTIP implementation where requested.
- Progress priority Bohol TIP Work Plan activities that the program is supporting.
- Participate in and/or coordinate donor responses, where requested.

Other activities supporting ACTIP implementation more broadly, including:

• Support the production of relevant information products on good practice (such as gender-and victim-responsive approaches) and make them available to SOMTC and ASEAN bodies involved in ACTIP planning and implementation at a variety of regional and international policy dialogue forums (existing forums or those convened by the program).

- Support key ASEAN officials' representation and participation in multilateral forums relevant to innovations and trends in countering human trafficking, such as the Bali Process.
- Update regional assessments and technical advice on alternatives to detention-type shelter for victims, with a priority focus on women and children.
- Provide technical and financial support to ASEAN bodies to implement select ACTIP activities that address specific trafficking issues relevant to program outcomes, such as cross-sectoral responses to labour trafficking.
- Continue to promote international legal cooperation and mutual legal assistance on human trafficking among ASEAN Member States.

Likely activities to be developed and implemented under Pathway 1

- Assist with assessing the overall effectiveness and efficiency of country-level monitoring following the
 first few years of ACTIP implementation, and develop and promote options for improved
 monitoring/reporting.
- Review existing ASEAN plans and processes to identify opportunities to align with national SDG monitoring requirements in relation to criminal justice responses to human trafficking to achieve greater efficiencies.
- Conduct a gender and inclusion audit on country-level reporting to identify opportunities to assess the viability of collecting data on victim characteristics (such as sex/gender, disability, ethnicity, age and migration status), for reporting on outcomes related to ACTIP implementation especially for women and children.
- Identify strategies for promoting victim perspectives within the ASEAN bodies engaged in implementing and monitoring ACTIP.
- Assess and recommend the capacity requirements for the designated individuals and bodies with responsibility for planning and monitoring/reporting on ACTIP implementation, support capacity development planning, and provide financial and technical support to implement key related activities.
- Assist in the analysis of monitoring/reporting data on ACTIP implementation and facilitate its use in ACTIP planning forums.
- Facilitate the sharing of relevant information generated through Pathway 3 policy dialogue processes at relevant regional forums.

Pathway 2: Enhanced national-level individual and organisational capability for practical ACTIP implementation

Pathway 2 continues past programs' core capacity development initiatives undertaken in partnership with seven ASEAN Member States. These are targeted at increasing and operationalising the knowledge and skills of individuals and selected national agencies. This pathway will build on past capacity development approaches and activities (see text box below). It will also augment these with new approaches to fostering creative, case-based solutions to specific trafficking challenges identified in partnership with justice officials, including the development of solutions to ACTIP implementation barriers and productive cross-agency collaborations.

Examples of capacity development approaches undertaken by AAPTIP

- Skills training by technical advisers, such as the training of police in financial and reactive investigations techniques
- Peer-to-peer advisory support, such as support provided by one country's officials to those of another in the development of procedures
- Train the trainer, such as the training of officials to deliver a counter-trafficking skills program and training other officials to become trainers
- Coaching of officials, including one-on-one and in groups, such as the coaching of female police by a technical adviser

The investment will undertake detailed capacity assessments of criminal justice agencies and key staff within them, and assess the quality of supporting guidelines and procedures in each partner country. This process will draw on existing AAPTIP work plans, 'rapid assessments' (where they exist) and consultation with national partners, and be informed by briefings between AAPTIP and ASEAN-Australia Counter-Trafficking key personnel during the transition period. These assessments will position the program to develop tailored capacity development plans for each country that appropriately respond to identified capacity gaps and requests for assistance. Targeted (rather than basic) training programs will focus on operationalising skills and influencing practice change.

Specific attention will be given to the assistance required by national-level partner agencies to deliver standardised basic training on existing and revised guidelines that are progressively aligned with ACTIP obligations – particularly through police academies, judicial training institutes and prosecutorial schools. This may assist in addressing the basic training needs associated with high staff turnover.

As more standard forms of training become institutionalised, it is anticipated that program resources will be directed towards more problem-solving capacity development initiatives. Support will be provided to practical projects seeking specific justice outcomes – both within or beyond the criminal justice sector. Projects will be selected in line with agreed criteria and will be consistent with national capacity assessments and plans. These will include initiatives involving a single agency, as well as between-agency (or cross-sectoral) cooperative initiatives, aimed at addressing barriers to ACTIP implementation.

These initiatives will seek to overcome challenges that officials and agencies face in the investigation, prosecution and adjudication of specific cases. These challenges may be: geographic (such as barriers to the enforcement of trafficking law in a particular hotspot town or province); sectoral (for example, specific value chains that involve several countries and therefore jurisdictions); or organisational (such as a specific police unit needing to understand how to meet witness protection needs within a limited budget, or instigate improved transparency in administrative and procedural processes; or issues stemming from the paucity of women in investigative and/or frontline roles).

Activities under this pathway will continue the well-regarded work that connects police from different ASEAN Member States to progress international investigations. These initiatives principally seek effective and appropriate operational outcomes that result in the arrest and prosecution of traffickers and related criminals while also supporting victim rights. Intelligence-led investigations explicitly aimed at strengthening evidence collection and reducing reliance on victim-witness testimony in proactive investigations will also be supported.

Other such initiatives will focus on cross-agency cooperation that demonstrates more joined-up approaches to protecting victim rights. The Managing Contractor will proactively identify practical initiatives that promote effective cross-agency relationships and procedures. Examples include new ways of working that bring together criminal justice and social service agencies to improve information exchange and referral systems, and connecting labour inspectors, social welfare officials and police to better coordinate labour trafficking responses.

Under Pathway 2, the program will support initiatives that enhance the toolkit of officials responding to trafficking. This will include new approaches to investigating and prosecuting trafficking-related crime, such as money laundering and labour exploitation, and developing skills and approaches that equip staff to provide more victim-sensitive services and support. Information captured from such initiatives will be packaged and made available to other agencies (through activities in Pathway 1 and for use in policy and learning forums under Pathway 3).

The Pathway 2 activities set out below include those that are expected to be ongoing from AAPTIP throughout inception, and new activities that are expected to be progressively developed following inception.

Existing program activities to be continued through the inception phase under Pathway 2

- Continue transition programs of capacity development for prosecutors, judges and investigators (see Annex C for further details), while increasing the focus on skills application.
- Promote planning for the transition of capacity development responsibilities to national-level systems and support sustainable institutionalisation.
- Support international investigative cooperation through funding, technical support, tools and the convening of collaboration spaces in person and online.
- Undertake targeted work with women in criminal justice agencies, with a view to institutionalising improvements in workforce equality and professionalisation.
- Promote the authority and engagement of female police officers in trafficking investigations.
- Promote the use of legislative mechanisms for the confiscation of traffickers' assets.
- Identify and support the use of best practice law enforcement approaches, including intelligence-led policing models and financial investigation techniques.
- Support and strengthen administrative procedures in justice agencies, including by establishing and/or reviewing case management databases and promoting transparency measures in record-keeping and case management practices.
- Support informal international legal cooperation on specific identified cases.

Likely activities to be developed and implemented under Pathway 2

- Facilitate the assessment of current national guidelines and training programs to ensure they are adequately aligned with the requirements of ACTIP, and support revisions where needed.
- Review relevant AAPTIP material on capacity development, then undertake detailed capacity assessments
 of criminal justice agencies and key staff to develop capacity development strategies/plans for criminal
 justice agencies and update to include targeted, national-level capacity development programs
 addressing identified capacity.
- Provide support for ASEAN focal points (or other individuals/agencies) tasked with monitoring/reporting on ACTIP implementation.

- Develop a framework and/or mechanism for identifying, supporting and funding initiatives that address ACTIP implementation challenges especially those that improve transparency and piloting of procedural, structural or advocacy-centred measures that contribute towards protecting victim rights during criminal justice proceedings.
- Develop a framework and/or mechanism for identifying, supporting and funding cross-agency initiatives that promote systemic approaches to upholding victim rights.
- Analyse current trafficking legislation to identify opportunities for improved practice, such as broadening the admissibility of evidence and reducing reliance on in-court victim testimony, and support the piloting and evaluation of new practices.
- Develop and promote practical options for victims seeking compensation/restitution outside the criminal justice system.
- Work with private sector partners to encourage better targeting of trafficking and related crimes, for example, by compiling open-source data for the preparation of improved investigations briefs for law enforcement.

Pathway 3: Develop inclusive public policy processes to improve ACTIP implementation

Pathway 3 is designed to maximise the engagement of stakeholders outside criminal justice agencies with justice officials responsible for trafficking-related policy and reform processes. Stakeholders beyond the criminal justice sector are able to make valuable contributions to policy processes, but do not necessarily have strong links to the justice sector. Activities will provide opportunities to forge these links and create new and innovative spaces for policy dialogue, as well as to support and extend existing spaces that are effective. This pathway complements training and capacity development efforts directed towards the knowledge, attitudes and practice of justice officials.

As a starting point, the program will need to establish a menu of potential policy reforms in the criminal justice sector relevant both to the region and to each country. The investment will identify priority reform areas, drawing on AAPTIP work where useful. The menu might include policies related to: the provision of shelters for victim-witnesses; access to non-criminal justice remedies; and access to appropriate and available social services. Ideally, reform options and policies would be identified in close consultation with a range of stakeholders and be informed by evidence.

Central to achieving policy dialogue outcomes will be the effective identification of and engagement with justice officials involved in the development of reform processes, or those individuals responsible for shaping the scope, pace and quality of the criminal justice response to trafficking. A major challenge will be to support and motivate these important actors to engage in policy dialogue processes with stakeholders beyond their sector. The investment will need to build on the strength of relationships with justice officials established in past programs to inform the development of creative and persuasive approaches. These might include proactive efforts to connect criminal justice officials to upcoming policy dialogue opportunities, by, for example, developing and providing briefings, tailored background papers or making personal approaches.

Participants and forums for program-supported policy dialogue processes are expected to be identified by the program in one of three ways: 1) by staff who are familiar with stakeholders and promising dialogue processes in the region identifying existing opportunities and supporting access to them; 2) by staff creating innovative initiatives and dialogue opportunities, and identifying and inviting appropriate participants; or 3) by interested stakeholders approaching the program with ideas and requests for support. These stakeholders include those outlined below.

a. Related state agencies, particularly those engaged through Pathway 2 in capacity building initiatives centred on specific trafficking cases and practical cross-sector collaboration. It is anticipated that these agencies will be well-placed to contribute to reform processes based on their practical experience and evidence gathered from trials and pilots.

b. Civil society with an interest in priority areas of reform identified by the program – for example, those involved in advocating for migrant worker rights, domestic worker rights, freedom of association and an end to child labour. It may also include women's and child rights organisations, disabled people's organisations, and those representing particular ethnic groups affected by trafficking, as well as organisations contributing to and/or advocating for ACTIP implementation and those developing effective models for seeking justice for victims outside or in parallel with the criminal justice sector (including through civil claims to restitution and compensation).

c. Private sector stakeholders (including traders, suppliers, retailers, recruiters, banks and business associations) with an interest in an effective criminal justice response to trafficking. Areas where private sector stakeholders may engage include:

- encouraging better targeting of trafficking and related crimes, such as through sharing supply-chain data and business intelligence
- clarifying the limits and extent of criminal liability for companies with transnational supply chains in ASEAN jurisdictions
- collaborating with banks and financial services firms to improve the transmission of financial intelligence to investigators and prosecutors
- understanding and promoting the business case for best practice to other private sector stakeholders.

The program will produce a suite of support options for developing policy dialogue capacity and/or enabling participation by key stakeholders. These include pre-event preparatory meetings and briefings on government priorities and policy processes; influencing/advocacy training and coaching; providing support and funding to produce evidence from practice; funding attendance at key dialogue events; and funding promising counter-trafficking initiatives that are working towards interaction with the criminal justice system; briefings and advice on the value of the private sector's business intelligence holdings to law enforcement agencies, and support to collate, present and discuss evidence from their own work effectively.

Program support under this pathway will require engagement plans, describing the particular *reform* each activity relates to; *who* specifically is targeted for engagement; and *how* the activity is expected to contribute to policymaking. Where possible, partners would be assisted to contribute to the development of these plans.

The Pathway 3 activities set out below include new activities that are expected to be progressively developed following inception.

Likely activities to be developed and implemented under Pathway 3

- Develop a menu of priority areas of criminal justice sector reform that the program will support, consistent with ACTIP, including options for the types of reform that could be undertaken.
- Identify, cultivate relationships with and develop a program of capacity development for justice officials responsible for reform processes to consult/collaborate with actors outside the criminal justice sector in areas of mutual interest.
- Develop a program of capacity support to facilitate the participation of officials from related state agencies in policy dialogue.

- Develop a program of capacity support to facilitate civil society and private sector participation in policy dialogue.
- Identify opportunities to work with and/or enhance existing forums, or initiate opportunities for more inclusive forms of dialogue (nationally or regionally).
- Provide advocacy and technical support for the integration of national referral mechanisms into the policy and practice adopted by justice officials throughout the region.

3.4 KEY ASSUMPTIONS

The key assumptions outlined below need to hold true if the outcomes envisaged in this program logic are to be realised. These relate to specific pathways – albeit with significant overlap.

Pathway 1:

- Political will among ASEAN Member States and the ASEAN Secretariat to fully implement the ACTIP remains sufficiently strong to justify Australia's ongoing investment in strengthening the process.
- SOMTC and other ASEAN bodies engaged in ACTIP implementation are
 - sufficiently open to the support offered by the program and to working with each other
 - sufficiently motivated and able to use information from their own monitoring and international best practice to inform planning and cooperation
 - able to leverage their standing among Member States to motivate commitment to ACTIP implementation, including through monitoring/reporting.

Pathway 2:

- Relevant state actors remain committed to improving transparency and accountability in public sector governance and service delivery.
- Capacity development activities are sufficiently well-targeted, and staff remain in their jobs long enough to improve knowledge, skills and practices.
- Individuals with improved knowledge, skills and practices are sufficiently empowered by their organisations to do their jobs effectively.
- Values and attitudes, especially discriminatory ones, are amenable to change.
- Related state agencies have the financial resources and motivation to institutionalise core training programs in support of ACTIP implementation.
- Officials are sufficiently open to collaborating and sharing knowledge and information, both between agencies within their own state and with agencies from other states.
- Agency-level changes can be achieved through exposure to evidence of workable, culturally appropriate solutions to problems related to the administration of justice and victim rights.

Pathway 3:

- A broad range of stakeholders from civil society are sufficiently experienced, credible and motivated to engage with justice officials and organisations.
- There is sufficient interest from, and incentive for, businesses to engage in policy dialogue processes.
- The program can effectively identify and motivate justice officials to initiate policy dialogue with stakeholders.
- Attitudes, practice and policy change can be influenced based on exposure to evidence of workable, culturally appropriate solutions to protect victim rights.

These assumptions will need to be continually tested and monitored through the program MEL system. This will identify and address where they are impeding progress or require modifications to the causal relationships in the program logic.

3.5 PROGRAM DELIVERY APPROACH

ASEAN-Australia Counter-Trafficking will take a project-based approach and be delivered by a Managing Contractor. This delivery approach builds on Australia's past work in justice sector capacity development and the strong relationships developed with justice officials within ASEAN Member States and relevant regional level stakeholders. It will also provide the flexibility required for the suite of work proposed under the investment's Pathway 3.

To achieve the end-of-program-outcomes, the investment will provide:

- technical support for national, international and regional level capacity development
- facilitation of policy dialogue between justice officials and other stakeholders, including through innovative approaches to participation and deliberation
- managerial and administrative functions to support this work.

The investment will be implemented under the auspices of the relevant umbrella Memorandum of Understanding (MoU) on development cooperation between Australia and each respective partner country. Under the terms of these MoUs, DFAT will establish a Memorandum of Subsidiary Arrangement (MSA) with each partner country.

The investment will work at regional, international and national levels. Activities under the three pathways will be programmed through an Annual Work Plan process. A series of strategies will be established to underpin the activities to be delivered under the three pathways. More detail on these is provided in 4. Implementation Arrangements.

The primary financing arrangement will be a procurement agreement with the Managing Contractor.

The financial and in-kind contributions of individual partner countries will be specified in the MSAs or other formal agreements with DFAT. It is expected that partner governments will provide a designated focal point for program liaison and formal approvals, and will pay the salaries and reasonable costs to support officials' participation in national-level activities, as well as the costs of institutionalising products and systems developed in collaboration with the program.

Any activities with partners (such as non-state organisations) that require sub-contracts will be the responsibility of the Managing Contractor. Other mechanisms for financing delivery (such as co-funding) will be considered on a case-by-case basis. Where there is an opportunity to co-fund activities with a government partner (such as a government law enforcement agency), these should be pursued so as to encourage sustainability and mutual accountability.

This approach represents value for money as it provides an efficient, effective, economical and ethical use of public resources in line with Australia's *Public Governance*, *Performance and Accountability Act 2013*, and presents the best practical option for delivering results and impacting in a timely and cost-effective manner.

This design does not intend for ASEAN-Australia Counter-Trafficking to use partner government systems. However, it is expected that there will be opportunities, particularly through Pathway 3, for dialogue on the systems and processes that determine institutional resource allocation, to improve allocations to criminal justice policy and practice related to trafficking in persons.

3.6 RESOURCES

ASEAN-Australia Counter-Trafficking is expected to be an **AUD 80 million program delivered over 10 years** (2018–28).

As a guideline for expected expenditure by pathway, the bulk of activity-related budget following inception (around 60 per cent) is expected to be absorbed by Pathway 2 (enhanced national-level individual and organisational capability). This incorporates the program's capacity building work with justice officials and related agencies. Pathway 1 (enhanced regional-level ASEAN capability) and Pathway 3 (inclusive public policy processes) are each expected to account for a smaller proportion of initial activity expenditure. Pathway 3, in particular, may be slow to commence, but it is expected that the program will begin to engage civil society and private sector stakeholders during inception.

By the end of the investment's 10-year work effort, it is expected that there will be a more equal distribution of expenditure across the pathways. Pathways 1 and 3 will be allocated a slightly higher proportion of annual program expenditure. Expenditure on Pathway 2 is expected to reduce over the life of the program as expected gains in partner capacity and the institutionalisation of capacity building functions are achieved. This distribution is expected to assist in transitioning Australian support for counter-trafficking engagement in Southeast Asia to a sustainable form of cooperation with partners in 2028. As discussed in '4.11 Sustainability' below, a key development outcome will be the transition of capacity development from being donor-funded to partner-owned.

This transition over the life of the program will require active management by the Managing Contractor. It is expected that this will be reflected in the contractor's budget management approach.

4. IMPLEMENTATION ARRANGEMENTS

This section outlines:

- ASEAN-Australia Counter-Trafficking's management arrangements and staffing profile
- the respective roles and responsibilities of DFAT and the Managing Contractor, as well as DFAT's engagement with and through the program
- the program's transition, inception and implementation period
- the program's work plans and governance arrangements
- the program's **MEL**
- sustainability, risk management and safeguards.

4.1 MANAGEMENT ARRANGEMENTS

DFAT will procure the services of a single Managing Contractor to deliver ASEAN-Australia Counter-Trafficking through a competitive, open tender process. The Managing Contractor may be the sole deliverer of the program, or may deliver the program in consortium with other sub-contracted partners.

The investment is designed as a 10-year program, with the Managing Contractor engaged for an initial period of five years, with an option for DFAT to renew for a further period of up to five years.

An Independent Review (likely in year 4) will examine program effectiveness, relevance and contractor performance. This will inform DFAT's decision on the continuation of the program, and whether to renew the Managing Contractor's contract for a further five years or to go out to market.

The AUD 80 million investment includes DFAT's costs associated with managing the program. The Managing Contractor's obligations will be specified in a contractual agreement, which will include a Scope of Services (SOS) and Basis of Payment (BOP).

The Managing Contractor will provide technical, managerial and administrative resources to deliver the program. Specifically, the Managing Contractor will:

- plan and implement evidence-based program activities in partnership with identified stakeholders
- supply high-quality technical support to respond to partner-identified priorities within the sector and cultivate strong relationships
- provide tailored and innovative capacity development
- facilitate and support capacity for policy dialogue at the national and regional levels, between criminal justice agencies, related state agencies and non-state actors such as civil society and the private sector
- promote gender equality, inclusion and victim rights within trafficking and criminal justice sector programming
- provide high-quality reporting and communications products for DFAT's use, consistent with DFAT guidelines
- have strong operational, financial and administrative processes aligned with DFAT's policies on fraud, anti-corruption, child protection, disability and procurement practices.

The Managing Contractor will make provision for internal and external audits of the investment's operations, in line with DFAT requirements. A Statement of Requirements outlining the (non-activity-specific) responsibilities of the Managing Contractor will be released with the Request for Tender.

4.2 STAFFING OF ASEAN-AUSTRALIA COUNTER-TRAFFICKING

The Managing Contractor will be required to provide relevant staff and personnel to support the functions and delivery of the program, including for corporate services. It will have overall responsibility for recruitment and deployment of all international and national program staff and advisers.

The Managing Contractor is expected to establish a Leadership Team to oversee the delivery of the investment. The Leadership Team must be located in Bangkok in order to maintain close working relations and provide support to the Australian Mission to ASEAN in Bangkok, which will manage the investment (see further below). The team will have management capability that support the investment's engagement principles, particularly:

- experience in development practice that builds ownership and sustainability
- a strong commitment to and track record of promoting diversity and inclusive ways of working, through equal opportunity staffing/procurement, internal culture, program implementation and stakeholder engagement
- a demonstrated ability to encourage and support the program team to think and work politically and
- the ability to empower the program team to pursue evidence-informed programming.

It is mandatory for the Leadership Team to include personnel with skills that can adequately deliver the program's approach to advancing victim rights in the criminal justice system as well as MEL. More detail is provided in Annex D.

The Leadership Team will be headed by a Team Leader. The Team Leader will be responsible for establishing the program's strategic vision, ensuring program coherence and the overall delivery of EOPOs. The Team Leader will be the point of contact for DFAT—Managing Contractor communication. The Team Leader is a mandatory position and a position description is outlined in Annex D.

It is expected that there will also be approximately eight current AAPTIP personnel who will continue in their positions for a minimum of six months during the transition and inception period to ensure a successful handover between AAPTIP and ASEAN-Australia Counter-Trafficking (as detailed below).

DFAT requires that the Managing Contractor engage and retain personnel with sufficient technical expertise, analytical skill, communication abilities and a record of achieving development outcomes to deliver the EOPOs. The Managing Contractor should prioritise employment of local advisers to support the sustainability of the investment. These key requirements are set out in more detail in Annex D.

Table 1 ASEAN-Australia Counter-Trafficking staffing

Title	Roles and Responsibilities
Leadership Team	
Team Leader	Establish, share and promote the program's strategic vision among the Leadership Team, program staff and partners, especially the commitment to diversity and inclusive ways of working and the benefits of evidence-informed programming; ensure program coherence and delivery of EOPOs; lead in ensuring the quality of planning and reporting arrangements and products; build and maintain excellent relationships with key program stakeholders

	throughout ASEAN, including the Australian Government (DFAT and other Australian Government agencies).
Other positions in the Leadership Team	Hold responsibility for ensuring the delivery of results in specific outcome areas
	Oversee and deliver on the program's approach to advancing victim rights in the criminal justice system, aligned with the victim rights strategy
	Oversee and deliver on the program's approach to equality and inclusion aligned with the equality and inclusion strategy and action plan
	Ensure the investment's MEL Framework provides high-utility evidence that will be useful for continually improving the work of the program
	Produce good-quality information to be shared with relevant stakeholders
Other program staff	
Continued AAPTIP personnel	Country Program Coordinators (or an alternative staff member by negotiation) from the following AAPTIP national programs (Cambodia, Lao PDR, Myanmar, Vietnam, Thailand and Indonesia); the Philippines Country Program Director, and the TIP Adviser – ASEAN located in Jakarta.
	To be retained by the ASEAN-Australia Counter- Trafficking Managing Contractor for a minimum of six months from December 2018.
Other personnel	As proposed and negotiated with the Managing Contractor.

4.3 DFAT CONSULTATION AND ENGAGEMENT

The Australian Mission to ASEAN in Bangkok will manage the ASEAN-Australia Counter-Trafficking investment for DFAT. Oversight will be provided by a First Secretary at the Australian Mission to ASEAN in Bangkok. A dedicated team, commensurate with the staffing and resources that currently support AAPTIP, will be responsible for program management and the delivery of a diplomatic strategy. This will ensure value for money and the necessary policy engagement and influence to achieve reform. DFAT's engagement in the ASEAN-Australia Counter-Trafficking program will be coordinated with the managing contractor's Team Leader.

Australia has strong interests in advocating the value of the program among our counterparts in the region and in nurturing productive relationships with the program's partners. DFAT will develop and implement a diplomatic strategy which sets out how DFAT will: 1) use its diplomatic network to support the investment's

outcomes; and 2) draw on the program to enhance Australia's capability to engage ASEAN in support of the international effort against human trafficking in the region and globally. The strategy will be developed by DFAT during investment's transition and inception period and updated as required.

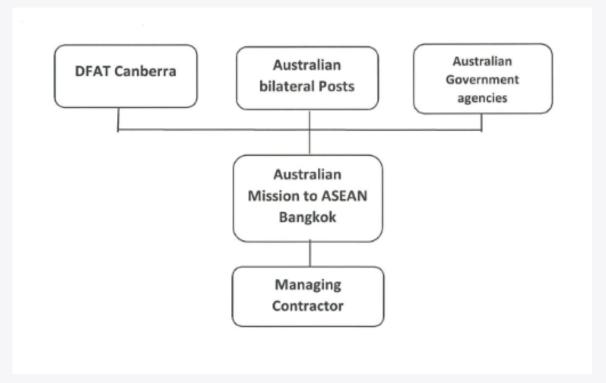
Guided by the diplomatic strategy, DFAT will:

- directly engage in regional policy dialogue
- seek to enhance Australian understanding of country contexts to ensure successful program implementation
- engage directly with ASEAN Member States on program outcomes
- work closely with relevant ASEAN bodies and the ASEAN Secretariat to support productive engagement between Australia and ASEAN
- connect the program to Australia's evolving whole-of-government approach to countering trafficking and exploitation internationally, including through the Bali Process, the Australian Government's Indo-Pacific Justice and Security Program, and Australia's Ambassador for People Smuggling and Human Trafficking as the lead on Australia's international engagement on human trafficking and modern slavery.

The Managing Contractor is expected to support this strategy, as outlined in '4.4 Roles and Responsibilities' below. This will include assisting DFAT to maintain strategic relationships with ASEAN-Australia Counter-Trafficking program partners, connecting DFAT with new partners, and finding opportunities to harness Australia's diplomatic network to support the investment's outcomes. The Managing Contractor will be required to report to DFAT on its efforts to support this work via regular strategic management meetings and program reporting.

As a regional program, ASEAN-Australia Counter-Trafficking requires a degree of coordination, ownership and buy-in from Australia's Embassies, High Commissions and Consulates-General in each country in which it operates. As the DFAT Post with responsibility for managing the investment, the Australian Mission to ASEAN in Bangkok will be the conduit for all initial communication with Australian bilateral Posts in the ASEAN region and internationally, as well as with DFAT Canberra. Similarly, the Australian Mission to ASEAN in Bangkok will be the conduit for communication with relevant Australian Government agencies. These arrangements are reflected in Figure 2 and '4.4 Roles and Responsibilities' below.

Figure 2 ASEAN-Australia Counter-Trafficking management



The Managing Contractor will participate in periodic ASEAN-Australia Counter-Trafficking roundtables and an Annual Review and Planning Workshop in Bangkok with a range of Australian Government agency stakeholders. These mechanisms will provide Australian Government stakeholders, including DFAT, with formal opportunities to be briefed on the investment's progress and participate in the investment's work planning.

These roundtables will be an opportunity for Australian bilateral Posts (primarily those in which the investment works at a national level) to be briefed on program progress, identify opportunities for diplomatic events and dialogue, and provide input and feedback on the program's strategic direction and work plans. The roundtables are designed to ensure that the investment is contributing to Australia's bilateral development cooperation priorities, including by increasing the opportunities to build cooperation between investment and other relevant work supported by Australia in each country. The roundtables will be open to DFAT and Australian Government agency staff based at the relevant Australian bilateral Post, and be convened by the Australian Mission to ASEAN and the Managing Contractor at the relevant Embassy or by videoconference.

An Annual Review and Planning Workshop will be held in Bangkok to coincide with ASEAN-Australia Counter-Trafficking's Regional Program Steering Committee meeting (see 'Governance committees' below), in order to facilitate DFAT input into the strategic direction and annual work-planning process. The workshop will be designed to enable interested stakeholders from across DFAT and relevant Australian Government agencies to be briefed on progress to date and likely directions, and to provide feedback and input on the program. It will seek attendance from DFAT and Australian Government agency staff based in the region and Canberra. The workshop will also provide a formal opportunity for DFAT and the Managing Contractor to learn about the work of Australian Government agencies, and explore potential cooperation with these agencies.

The Managing Contractor will also provide ad hoc briefings on the program as required.

The investment will need to develop and implement a strategy for public-facing communications, drawing on DFAT's communications policies and guidelines. The managing contractor will dedicate sufficient resources to producing high-quality content, such as photos and audio visual material, fact sheets, case studies, social media and other communication products, for DFAT use on a regular basis to highlight Australia's contribution to counter-trafficking in the ASEAN region. This content will be informed by the investment's reporting, be concise, easily understandable (including in local languages where appropriate), and have a focus on results.

4.4 ROLES AND RESPONSIBILITIES

The Managing Contractor will work in close partnership with DFAT on the delivery of the program. Regional programs present unique management challenges and require strong cooperation between donor and implementer to maximise their effectiveness. To promote clarity in this cooperation, the following table outlines DFAT's expectations of the respective roles and responsibilities of the Managing Contractor and DFAT.

Table 2 Roles and responsibilities under ASEAN-Australia Counter-Trafficking

Functions	DFAT	Managing Contractor (MC)
Activity Implementation	Oversee MC implementation of the investment and overall approval of MC work plan and budgets	Lead planning of regional, international and national-level activities and develop regional, international and national-level work plans
		Lead implementation of activities
		Ensure the investment's operations, team structure and profile are appropriate for activity implementation and make adjustments as necessary
Management and Reporting	Responsible for receiving and approving reports from the MC	Responsible for contract management and for delivering all
	Responsible for approving and paying invoices, approvals and DFAT	contractual obligations under the contract
	corporate reporting (including Aid Quality Checks and contractor performance assessments)	Meet regularly with DFAT to communicate program progress and challenges as well as provide updates on strategic issues such as relationship management and reform progress
	Convene and participate in regular meetings with the MC, including those that focus on strategic issues	
	such as relationship management and reform progress	Deliver strategically focused and evidence-based reports in line with DFAT guidelines

		Deliver progress and activity reports outside schedule as necessary Manage and track program expenditure and report on program spending
Strategic Relationships and Representation	Maintain strategic relationships between Australian Government and relevant program stakeholders Establish new relationships between relevant program stakeholders Support MC to identify and engage related state justice agencies and non-state actors such as civil society and the private sector through cooperative activities Liaise with other donors involved in the sector Identify, coordinate and lead opportunities to use Australia's diplomatic network to support the investment's outcomes and DFAT's diplomatic strategy Provide Australian Government representation or support Australian Government representation at the investment's events, investment-supported events and relevant sectoral events Provide Australian Government representation to share Australian Government policy insights with trafficking and exploitation communities of practice	Support DFAT to maintain strategic relationships between Australian Government and relevant program stakeholders Support DFAT to establish new relationships between relevant program stakeholders Connect DFAT with relevant program stakeholders, including implementers of other programs Identify and engage related state justice agencies and non-state actors such as civil society and the private sector through cooperative activities Support DFAT to liaise with other donors involved in the sector Provide support to DFAT's diplomatic engagement, including through high-quality communication products Organise and oversee the investment's events and engagements at the national and regional levels Support Australian Government representation at investment-supported events and relevant sectoral events Share program insights with relevant trafficking and related communities of practice and policy networks
Australian whole-of- government coordination	Support and oversee MC coordination with other relevant DFAT and Australian Government programs in ASEAN Member States	Coordinate investment activities with other relevant DFAT and Australian Government programs in ASEAN Member States Support DFAT to ensure that program activities are consistent with

	Support MC to integrate policy dialogue with existing Australian-supported initiatives Ensure that program activities are consistent with DFAT's International Strategy to Combat Human Trafficking and Slavery and any other relevant Australian Government policy	DFAT policy settings including Australia's Foreign Policy White Paper and International Strategy to Combat Human Trafficking and Slavery (current as at January 2018)
Internal communications	Manage and lead communication on the investment's activities with other DFAT Posts, DFAT Canberra and relevant Australian Government agencies Coordinate with MC to update DFAT stakeholders and relevant Australian Government agencies on the investment's progress and planning including through roundtables, an Annual Review and Planning Workshop, and ad hoc briefing Disseminate program communications through agreed DFAT platforms	Liaise and coordinate with program partners to support the investment's implementation Work with DFAT to update DFAT stakeholders and relevant Australian Government agencies on the investment's progress and planning including through roundtables, an Annual Review and Planning Workshop, and ad hoc briefings Deliver regular, high-quality fact sheets, newsletters and social media content that informs DFAT stakeholders
Public-facing communications	Inform the MC of DFAT's objectives for communication, to guide the MC's development of content Publish content provided by the MC through DFAT channels	Develop a communications strategy drawing on DFAT communications policies and guidelines Deliver high-quality photos and audio visual material, fact sheets, case studies, social media and other communication products for DFAT use on a regular basis Maintain an up-to-date and professional website Share with DFAT relevant content produced by the investment's partners

During the inception period, DFAT and the Managing Contractor will review this table, and will also review/revise it annually or as necessary over the life of the program. The table will form a part of the annual Partner Performance Assessments. Ongoing close communication between the Managing Contractor and DFAT is expected and will be supported.

4.5 TRANSITION, INCEPTION AND IMPLEMENTATION

A transition phase is to commence starting from the point at which the Managing Contractor enters into a contractual agreement with DFAT. It will end at the completion of AAPTIP which is expected in December 2018. The transition phase is required to ensure a seamless and successful transition from AAPTIP to ASEAN-Australia Counter-Trafficking.

The transition phase is also intended to ensure that the strength of the relationships established over successive Australian investments can be maintained under ASEAN-Australia Counter-Trafficking and that priority activities are continued (see Annex C for indicative transition/inception program activities).

During the transition phase, AAPTIP will hand over all relevant assets, information, networks and materials to ASEAN-Australia Counter-Trafficking. This will include providing technical briefings to the investment's staff on program and corporate management, as well as a series of briefings to facilitate introductions to key program stakeholders. As outlined under '4.2 Staffing of above, it is expected that several AAPTIP personnel will continue in their positions during the transition and inception period to ensure a successful handover between AAPTIP and ASEAN-Australia Counter-Trafficking.

The Managing Contractor will prepare an Inception Plan during the transition phase, adding any other activities they deem necessary for an effective inception, with full costs and timelines for implementation of the inception phase. The Managing Contractor will be required to present the Inception Plan for DFAT approval soon after it enters into a contractual agreement with DFAT. The Inception Plan will be superseded by an Annual Work Plan once it is approved. More detail on the transition phase activities is in Annex C.

A 12-month inception phase for the investment is expected, to start from the point at which the Managing Contractor enters into a contractual agreement with DFAT. It will overlap with part of the transition phase and end once key documents are delivered and approved by DFAT (see 'Foundational activities' below).

During this inception phase, the Managing Contractor will continue indicative transition/inception program activities and undertake a range of start-up activities in close cooperation with partner country and regional stakeholders. More detail is provided in Annex C. This will be dependent on DFAT's negotiation of an MSA with each partner country.

Foundational activities

Foundational activities are represented by key documents and tools that are action-oriented and will help govern, enable and guide the program's implementation. These include the development of:

- a Victim Rights Strategy (detailed below)
- a MEL Framework and Monitoring Plan (detailed below this will include a review of existing AAPTIP M&E)
- an Equality and Inclusion Strategy and Action Plan (including an internal audit of program team attitudes to gender equality and victim rights, expanding upon the work undertaken by AAPTIP)
- a Risk Assessment that includes Child Protection
- a Communications Strategy
- capacity development assessments and plans
- ASEAN-Australia Counter-Trafficking office policies and procedure manuals
- a Transition and Sustainability Strategy (further detail below).

As indicated above, many of these documents exist in some form in the current program but will need to be reviewed, updated or replaced.

The development of two of these key documents are considered of central importance to the new program: a Victim Rights Strategy, and a MEL Framework and Monitoring Plan.

The investment will be required to develop a Victim Rights Strategy. The strategy will address issues raised by the AAPTIP Mid-Term Review and foreground the investment's work on protecting and promoting victim rights, as well as establish an agreed approach for the investment's staff to adopt under the direction of the Leadership Team. The strategy will explicitly align the program's work with international standards, including but not limited to the UN Office of the High Commissioner for Human Rights' *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (2002). It will also assist with aligning technical advisory and budgetary resources (including dedicated budgets for equality and inclusion activities).

The existing AAPTIP M&E system will be assessed by the Managing Contractor for its alignment with the new design and revised accordingly, retaining those tools and processes that are useful to DFAT and ASEAN-Australia Counter-Trafficking program management. Based on this review, the Managing Contractor will then produce an MEL Framework which will provide evidence to measure progress towards outcomes and overall program goals. This will require finalising the baselines and any associated targets or measures of success. This is discussed further in '4.10 MEL Framework' below, and in Annex F.

Timeframes for the delivery of these foundational activities will be agreed with DFAT as part of the contract negotiations and in line with an expected 12-month inception phase. Once key documents have been approved by DFAT, the Managing Contractor will enter the Implementation Phase. All annual planning processes and reporting requirements will become operational at this point.

4.6 WORK PLANS

Activity programming will be conducted through joint annual planning processes facilitated by the Managing Contractor. This planning process will build on existing planning processes agreed by stakeholders under AAPTIP and must include some form of consultation with:

- in relation to Pathways 1 and 2, all partner government agencies involved in that country's response to human trafficking, including but not limited to justice agencies, and relevant ASEAN bodies, most notably SOMTC, and
- in relation to Pathway 3, identified related state agencies and non-state actors, such as civil society and the private sector, with identified significant interests in the criminal justice response to human trafficking.

The planning processes will result in an Annual Work Plan. Activities in each Annual Work Plan will be mapped against the program's three pathways, costed and presented with clear, measurable indicators from the program's M&E framework.

The activities relevant to each partner country (Cambodia, Indonesia, Lao PDR, Myanmar, the Philippines, Thailand and Vietnam) will be presented to each respective National Program Steering Committee for endorsement. Regional activities will be presented to the Regional Program Steering Committee for input ahead of its submission to SOMTC (via an ASEAN-Australia Counter-Trafficking Annual Plan). Following partner endorsements at the national and regional levels, the Annual Work Plan will be presented to DFAT for approval.

4.7 GOVERNANCE

Governance committees

ASEAN-Australia Counter-Trafficking will adapt the structure of the governance and oversight arrangements currently in place under AAPTIP. These include convening National Program Steering Committees in each of the program's seven partner countries, as well as an overarching Regional Program Steering Committee with members drawn from all 10 ASEAN Member States.

The National Program Steering Committees will meet annually to review the program's progress over the previous year and endorse the proposed Annual Work Plan for the coming year.

The Regional Program Steering Committee will meet annually to review the program's regional, international and national level progress over the previous year. It will continue to be co-chaired by the ASEAN SOMTC Lead Shepherd on TIP and a senior DFAT representative.

Indicative Terms of Reference for these committees are at Annex E. The Managing Contractor will review and update the Terms of Reference for the governance committees during the inception phase and submit them to the existing committees for approval.

The Regional Program Steering Committee may be expanded from its current membership (encompassing the chairs of the National Program Steering Committees and the ASEAN Secretariat) to include a small number of representatives of related state agencies or non-state actors that have ongoing and significant engagement with the program. Consideration will also be given to including these participants in the National Program Steering Committees. This would be intended to strengthen cooperation on the criminal justice response to human trafficking.

4.8 DONOR COORDINATION

DFAT will continue to support and participate in regional and international donor coordination mechanisms, including the Bangkok-based Trafficking In Persons Donor Working Group. At the national level, DFAT will coordinate with the Managing Contractor to manage participation (involving Post representation, where appropriate) in working groups that align and coordinate donor investments in trafficking, exploitation and emerging modern slavery initiatives, where relevant.

4.9 PROCUREMENT AND GRANT ARRANGEMENTS

The Managing Contractor will be required to use procurement and grant processes consistent with the Australian Government's Commonwealth Procurement Rules and Commonwealth Grant Guidelines and Rules. The Managing Contractor will also be required to act in accordance with the standards set out in the Commonwealth Fraud Control Guidelines.

4.10 MEL FRAMEWORK

MEL is expected to deliver accountability and demonstrate the effectiveness of program delivery and results. It will reflect best practice and the experience of its three predecessor investments. In particular, the MEL Framework will address the challenges of aggregating data across different countries to provide results for the region as a whole, achieve an appropriate balance between quantitative and qualitative data that does

not overly burden program staff, and use information as evidence for ongoing program improvement. The program team and partner capacity to provide high-quality data will require ongoing and targeted support and a strong learning culture within the team should be established and reinforced through practical utilisation of MEL data. The full details of the MEL Framework are included in Annex F.

Purpose of the MEL Framework

Under the ASEAN-Australia Counter-Trafficking program, MEL has four main objectives:

- To support the management of the program
- To generate program information that is sufficiently disaggregated
- To ensure accountability of ASEAN program partners and DFAT
- To build the MEL capacity of program partners.

Audience for MEL data and products

The primary users of M&E information will be the investment's program team, the DFAT ASEAN Mission staff managing the program, and the regional and national ASEAN stakeholders who are engaged directly in key aspects of program implementation. Secondary users will be the National Program Steering Committees, Regional Program Steering Committee, and other DFAT staff who wish to be informed about program progress and results.

A wider range of users may include the ASEAN Secretariat, ASEAN bodies engaged in the program, stakeholders with an interest in ACTIP implementation, and other donors and TIP programs.

Approach to M&E

The approach to M&E has been influenced by previous Australian investments, DFAT M&E standards, and the investment's design. The MEL Framework is largely focused on the need of the investment's program team to gather evidence that will be useful for the continual improvement of the program. This can be described as a utilisation-focused approach, which selects Key Evaluation Questions (KEQs) that relate closely to the information needs of the primary audience. Consequently, one of the first tasks of the Leadership Team will be to discuss and agree these needs with the program team and other primary users to confirm or refine the tentative KEQs and Results Framework presented below.

The following principles underpinning the MEL Framework build on the lessons learned from previous iterations of Australian investment in counter-trafficking:

- Focus on criteria MEL will direct resources to prioritised evaluation criteria and not seek to comprehensively address everything to the same degree (for example, all outcomes in the program logic).
- Mutual accountability MEL will generate information that allows for mutual assessment of progress against agreed outcomes.
- Learning there will be a focus on undertaking MEL for learning purposes, which will result in better utilisation of MEL information within the program team and with partners.
- Promoting equality and inclusion with a particular focus on gender equality, and the inclusion of people from diverse backgrounds (such as those with disabilities), the program's contribution to equality and inclusion will be mainstreamed throughout the investment's M&E system.

• Adherence to M&E quality standards – in particular, the framework will adhere to DFAT Monitoring and Evaluation Standards 2 and 3 (April 2017).

Key Evaluation Questions

Drawing from the AAPTIP M&E strategy, the ASEAN-Australia Counter-Trafficking MEL Framework utilises a set of interdependent evaluation criteria designed to enable an overall judgement to be made about the program's worth. These criteria are based on the Organisation for Economic Co-operation and Development – Development Assistance Committee's criteria, to which DFAT and other bilateral donors subscribe. The investment's evaluation criteria and KEQs also align with DFAT's Aid Quality Check (AQC) framework. These will provide the program with the ability to adapt its activities over time to meet the changing context and needs.

The M&E criteria for MEL include relevance, efficiency, effectiveness, M&E, sustainability, management of risk, innovation and private sector engagement. Inclusion and equality for victims (including, but not limited to, gender equality and disability) are included separately as well as incorporated across all criteria where relevant. The focus of each criteria is explained in more detail in the MEL Framework at Annex F.

Eight KEQs and related sub-questions have been developed against this criteria to guide the investment's M&E efforts. These are based on those utilised by AAPTIP in order to maintain continuity in performance measures over time, where possible. Slight revisions have been made to reflect the investment's pivot in focus, and these are highlighted in *italics* in the text box below. More detailed sub-questions, indicators and possible sources of data are included in the MEL Framework at Annex F.

Key M&E questions for ASEAN-Australia Counter-Trafficking

- 1. How relevant are ASEAN-Australia Counter-Trafficking's outcomes in terms of alignment with Australia's policy and the goals of ASEAN partners in relation to addressing trafficking in persons in the region *through the implementation of the ACTIP*?
- 2. How effective has ASEAN-Australia Counter-Trafficking been in contributing to the key outcomes in the overarching program logic?
- 3. To what extent can the program be considered operationally efficient and cost-effective?
- 4. To what extent is ASEAN-Australia Counter-Trafficking's M&E system generating credible, disaggregated information and using it for program improvement?
- 5. To what extent have the key practices and processes advocated by ASEAN-Australia Counter-Trafficking been sustained beyond the investment's support and institutionalised in the targeted locations?
- 6. How successful has ASEAN-Australia Counter-Trafficking been in promoting gender equality and *victim-inclusive* policies and practices?
- 7. How well did ASEAN-Australia Counter-Trafficking identify and manage risk and protect safeguards?
- 8. To what extent did the program utilise innovative practices and involve the private sector?

Results Framework

Underpinning the KEQ 2 on effectiveness (above) is the Results Framework, which is designed to capture data to test the program logic by measuring indicators of change linked to the three outcome levels: end-of-program outcomes, intermediate outcomes and immediate outcomes. The results expected reflect the more aspirational aspects of the investment's program logic. Outcome indicators, possible measures of success, and potential sources of data are included in the MEL Framework at Annex F.

Baselines and targets

Baselines and targets for the MEL Framework will need to be progressively established during inception. This will focus on two levels: 1) the macro level for data relating to the KEQ sub-questions and indicators; and 2) the micro level for the outcome levels of the Results Framework that report on effectiveness.

The KEQs in this indicative MEL Framework closely correspond to those in the AAPTIP M&E framework. The baselines and targets for these indicators will need to be informed by available AAPTIP M&E data.

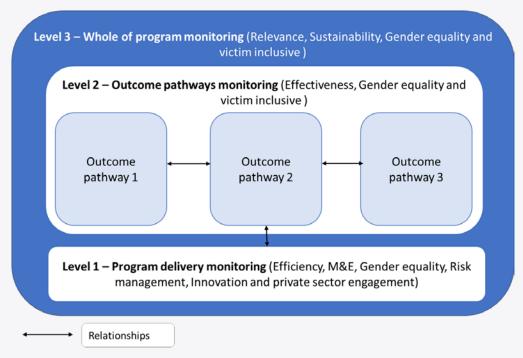
Refinements of Results Framework outcomes will require agreement on the definitions of concepts such as 'using evidence in planning', adequate representation of 'victim rights', policy and practice changes that 'protect rights', and indicators that policy/practice changes 'reflect stakeholder views'. For many of these concepts, there will be no immediately apparent baseline information. Target setting may require the development of performance rubrics which set out a shared understanding of what 'success' would look like. From these, markers of progress at various stages of program implementation could be identified and agreed to establish key baselines and realistic targets for the Results Framework.

MEL monitoring

The MEL architecture for program data collection has three dimensions: the whole-of-program level, the outcome pathways level, and the program delivery level. An overarching monitoring plan will be developed by the Managing Contractor during inception. It will need to incorporate approaches to monitoring the following program elements:

- Delivery monitoring this focuses on the 'doing' or delivery part and enabling functions of the program. It monitors the utilisation of inputs, quality, and efficiency of activities and outputs under each implementation strategy.
- Change monitoring this focuses on the program logic and tests the effectiveness of each outcome pathway, including the extent to which the program logic assumptions are holding true. This monitoring will largely collect data for the program's Results Framework.
- Whole-of-program monitoring this focuses on tracking the relevance of the program and aggregating
 monitoring information to tell a whole-of-program progress story. This will produce information on the
 strength of the demand for the support provided through the program, and the need to adjust this
 support in light of contextual and political changes.

Figure 3 Dimensions of the monitoring system



Effective monitoring will require the collection of data at both the country and regional levels. The system should enable the timely production of accessible program update reports, and must support disaggregation of program participant data by sex/gender to the extent that privacy and ethical obligations permit. Relevance and sustainability and, to the extent possible, contributions to the broader program goal, will be reported on through the evaluation activities.

Possible M&E tools

A diverse array of methods and tools will need to be developed to collect and capture the data necessary to monitor progress and answer the evaluation questions. These will be progressively assembled depending on the information needs of each activity (especially for new capacity development and policy dialogue support activities). Tools will be designed to capture data disaggregated by sex/gender and other factors (disability, migration status, age and ethnicity, where relevant and feasible). Indicative tools and methods include:

- Workshop and training M&E forms
- Event evaluation questionnaires
- Stakeholder satisfaction surveys
- Logs of requests for program support
- After-meeting participant interviews
- Independent expert reviews
- Media monitoring
- Pilot/trial evaluation tools
- Most significant change stories
- Tools for measuring the impact of policy influence.

As all pathways are working towards policy and system changes in complex contexts, retrospective monitoring techniques, such as Significant Policy Change, Process Tracing and Significant Instance of Policy Influence, will be essential for assessing the program's contribution to targeted policy/practice changes that take place over the life of the program. Applying these tools will involve interviews with key justice officials and others involved in reform processes to 'backwards map' the key events/policy dialogue processes that were thought to have influenced the change. In order to provide a foundation for verification, partners involved in policy dialogue processes will also be encouraged to use influence logs to record instances where they believe they influenced attitudes or change following their involvement in program-supported policy dialogue.

Reporting

The Managing Contractor is expected to provide two major progress reports each year: a six-monthly Progress Report and an Annual Report. These reports will provide information captured from the program's MEL Framework against agreed performance indicators, an up-to-date on financial expenditure, a review of important stakeholder relationships, and an up-to-date Risk Register.

Six-monthly Progress Reports will include information on the progress of the program in delivering on planned activities, on adjustments made to activity plans and on the program's performance (from inputs to immediate outcomes). This reporting should incorporate how equality and inclusion and promotion of victim rights have been advanced through program delivery and performance, as well as risk management and lessons learned.

Annual Reports will include information on program performance over the year against work plans, with a particular emphasis on how equality and inclusion, promotion of victim rights and the program's transition towards new ways of working have progressed. The report should include progress throughout the year against all M&E criteria, and compare performance to the previous year with a strong analysis of the causes of variations in performance. The report will also contain a brief assessment of the usefulness and quality of the MEL and the planned changes to the MEL for the following year. The delivery of these reports will need to consider DFAT's information cycle needs for annual reporting.

Reporting to DFAT should align with DFAT's reporting guidelines and support DFAT's reporting to partners and the public.

In addition, internal quarterly reporting should provide more real-time information to support program communications and management. The timing and reporting of outputs for program management will be established by the Managing Contractor.

The Managing Contractor will also provide ad hoc reports on activities at DFAT's request to contribute to DFAT's internal reporting, including AQCs, Partner Performance Assessments and Aid Program Performance Report. The Managing Contractor will also undertake exception reporting to highlight emerging risks and opportunities as needed.

DFAT may request reporting on specific case studies of change (for example, a justice official's attitude to victim rights) achieved through the program's activities. Such reports will use a robust methodology, demonstrate strong analytical quality and be presented in a form that facilitates dissemination and can be used to engage relevant stakeholders.

Finally, the program will be required to submit a Completion Report at the end of the program to provide the basis for a final aid quality assessment. This report will bring together the most up-to-date and comprehensive data to report against the KEQs and Results Framework.

Evaluation and review

Along with the routine monitoring and exceptional reporting outlined above, ASEAN-Australia Counter-Trafficking will be subject to two major evaluations:

- An Independent Review (Phase 1) This evaluation will likely take place in year 4 and examine program effectiveness, relevance and contractor performance. The evaluation will inform DFAT's decisions on whether to continue the program or renew the Managing Contractor's contract for a further five years.
- A Final Independent Review (Phase 2) This evaluation may commence in year 7 and will provide a stocktake of the program's performance and achievements.

These evaluations will need to provide a robust assessment of the program's progress and strong recommendations on improvements and future directions. Evaluation quality will need to adhere to DFAT's M&E standards. In addition to these major evaluations, the Managing Contractor will undertake periodic internal reviews to develop the program's own evidence base.

Learning and analysis

As part of the MEL Framework, the investment will outline the ways in which information and reporting from the program will be analysed, made available to and used by the program team, program partners and the broader community of practice. Learning across the program will include the reflections and lessons from: a) the Managing Contractor's participation in activities; b) results generated by the M&E systems in place; and c) evidence generated through formal reviews and evaluations.

Regular reflection meetings and workshops involving the investment's staff are expected to form a key element of the approach to learning and analysis, and the Managing Contractor is expected to facilitate this process. This process should reflect a strong analytical effort in examining the 'so what' implications of the data and information produced by the M&E system, which reflects on whole-of-program progress and how improvements can be made, country-to-country learning, and specific thematic and/or issues-based learning.

4.11 SUSTAINABILITY

ASEAN-Australia Counter-Trafficking is explicitly structured to sustain the legacy of 15 years of Australian investment in the criminal justice response to trafficking in the Southeast Asia region. The program's strategies are deliberately structured to deliver a staged transition over the investment's 10 years of operation: from a program centred on capacity development and standard setting to one that also facilitates policy dialogue on the criminal justice response to trafficking that is inclusive and ASEAN-owned.

As part of ensuring the investment's sustainability, the Managing Contractor will establish and maintain a Transition and Sustainability Strategy. As distinct from the Inception Plan, which will cover the investment's activation and start-up, the Transition and Sustainability Strategy is to be focused on ensuring that the impacts of Australia's consecutive investments in regional counter-trafficking work are sustained beyond the investment's planned conclusion in 2028.

A significant part of Australia's past investment has been in the capacity of justice officials to investigate, prosecute and adjudicate trafficking crime. To promote sustainability, institutionalising capacity development for justice officials in national institutes is a central component of the investment's work under Pathway 2.

To further secure the program's legacy in the latter years of the program, the investment will develop options, in consultation with ASEAN and DFAT, for an ASEAN-owned entity that carries on the work of the program in a way that allows for an ongoing contribution by Australia. Drawing from examples of ASEAN-driven coordination mechanisms and regional hubs, such as the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) and other such centres of excellence, the mechanism would seek to: sustain the progress made on countering trafficking facilitated by 25 years of Australian support; transition the management and promotion of capacity development in the region to ASEAN; and provide continued entry points for Australian engagement on counter-trafficking, including with ASEAN Member States that are not, or cease to be, eligible for Official Development Assistance. The entity is expected to be established by ASEAN, in cooperation with Australia, in a location to be determined, and should promote recognition of Australia's contribution in this field. The 10-year investment timeframe provides adequate time to develop and test options for a plausible ASEAN-owned entity and/or mechanisms, build support and leadership to plan/implement, and establish a sustainable approach to resourcing. The Managing Contractor will include an approach to developing options for an ASEAN entity in the Transition and Sustainability Strategy.

4.12 RISK MANAGEMENT

Based on the experience of 15 years of regional counter-trafficking programming and a formal risk assessment, this investment is low risk. In line with DFAT policy, risks and safeguards have been preliminarily assessed against the required criteria and rated as *low, medium* or *high*. The overall risk and safeguards assessment is rated as low as ASEAN-Australia Counter-Trafficking will not use partner government financial systems, will build on previous DFAT regional investments in counter-trafficking, and will largely comprise technical assistance activities to government partners and policy work.

Identified risks and their treatments are captured in the Risk and Safeguards Assessment at Annex G. While this assessment did not rate any risks as high following treatment, the following risks were rated high prior to treatment and will be subject to close scrutiny over the life of the program:

- Political instability or changes in governance in key countries affects government political will to reform the criminal justice response to human trafficking.
- Delays in securing partner agreement to commence programming delays program delivery.
- High (though uneven) prevalence of corruption among criminal justice actors and related state regulators impedes program implementation.
- The program is negatively associated with state officials who have not fulfilled their duties relating to children as trafficking victims and the children of trafficking victims.
- Program funds are misappropriated by a contracted implementing partner, a sub-contracted organisation or a partner government.

Partners and stakeholders will be involved throughout implementation in the ongoing assessment of risk through the program's governance mechanisms, principally the NPSC and RPSC, as well through specific assessments undertaken prior to the commencement of program activities as needed.

The program will formally review its risk register as part of its biannual reporting requirement and incorporate standalone discussions of the program's risk environment into periodic team meetings.

4.13 SAFEGUARDS

As outlined in the Risk and Safeguards Assessment (at Annex G), there is little to no risk of displacement, resettlement or environmental issues arising from the program's activities. There is no need for a comprehensive environmental impact assessment to be undertaken in relation to this program as it will not involve any environmentally sensitive locations, sectors or interventions.

The only safeguards issues assessed as relevant to the investment involve the engagement of program partners (most notably, law enforcement officers) who have duties related to children – whether trafficking survivors or the family of a victim of crime. DFAT's Child Protection Policy (January 2018) mandates that child protection risks be fully considered in the development of all development initiatives, with special attention given to those programs that involve impact on children.³⁵

Overall, the impact on children of the investment is expected to be largely positive. The program's central focus on enhancing the protection of victim rights by justice officials is specifically designed to reduce the risk of harm caused by inadequate child protection measures. By the nature of the program, however, the Managing Contractor will be engaged with partners who do not employ adequate child protection measures. As a result, the Managing Contractor will need to undertake an assessment of child protection risk and, depending on the level of risk identified, apply the appropriate minimum child protection standards to manage the risk.

This is a separate issue to that of the safeguards risk of Managing Contractor staff directly causing or exacerbating harm to children, which is assessed as low. DFAT has zero tolerance for child abuse, as codified in DFAT's Child Protection Policy. In the event that any activities are developed that involve working with children, DFAT and the Managing Contractor will ensure risk management measures are put in place in accordance with the Child Protection Policy.

5. ANNEXES

ANNEX A – LEARNING/ANALYSIS FROM PAST PROGRAMMING AND DESIGN CONSULTATION THEMES

Learning/analysis from past programming

Lessons/issues from ARTIP ICR, AAPTIP design and Mid-Term Review (MTR), and AAPTIP program responses	Design response
Context	
Sustainability of the capacity building approach: The AAPTIP MTR concluded that the program was efficient at delivering quality training, but that individual skills are not the binding constraint on organisational performance. A problem-solving approach to capacity development was recommended, which requires diagnostic work to identify constraints, and more intensive engagement by the program's technical advisers to build on and complement formal training. Such an approach might also involve a wider range of interventions, including working with actors outside the criminal justice system.	ASEAN-Australia Counter-Trafficking's design is predicated (in part) on recognising both the strengths and limitations of training-focused capacity development models. The investment's approach to delivery will complement proven capacity development strategies with new ways of working. These new ways of working include providing capacity development support around discrete problems identified by stakeholders. Further, capacity assessments will be undertaken at the outset of the program to appropriately formulate and target the capacity development support provided. Acknowledging the complexity of reform in law enforcement and justice institutions, the
	investment has been designed to stage assistance over a 10-year delivery timeframe. A central component to this staged approach is a focus on the institutionalisation of partner-owned capacity development and on governance, policy dialogue and other reforms that complement this focus.
Targeted change: The AAPTIP design (Theory of Change) ToC focused on strengthening countertrafficking structures, justice officials' individual skills and justice agency processes to contribute to more effective and ethical investigation, prosecution and adjudication of trafficking cases. The AAPTIP MTR viewed this as insufficient because the diffuse nature of criminal networks lowered the likelihood of sanction; the justice	The investment's design recognises both the importance and the limitations of capacity building as a strategy for institutional reform. The investment complements past programs' focus on working directly with justice officials (at the national, cross-border and regional levels) with a new emphasis on increasing the contribution of stakeholders outside justice institutions on ACTIP implementation. The program is not intended to

Lessons/issues from ARTIP ICR, AAPTIP design and Mid-Term Review (MTR), and AAPTIP program responses	Design response
system's political economy is a more binding constraint than systemic capacity; and trafficking is not necessarily a promising entry point for broader reform of weak criminal justice institutions.	deliver wider-scale institutional criminal justice sector reform, but there is some evidence that a focus on justice agencies' capacity to address human trafficking can have broader influence on justice responses to other crimes against the
In response, the subsequently revised AAPTIP ToC focused on building more capable transnational partnerships.	person and justice administration.
Gender and trafficking: The AAPTIP MTR found that gendered attitudes remain entrenched within the criminal justice system, in terms of both staff understanding of the trafficking phenomenon and the roles played by men and women within criminal justice agencies. The MTR recommended testing new approaches (moving beyond training) to challenge entrenched gendered roles and attitudes within the criminal justice sector.	The investment will continue past programs' focus on gender and consider other populations vulnerable to trafficking, including children, people living with a disability and people from ethnic minority groups. An Equality and Inclusion Strategy will be prepared during inception.
AAPTIP's gender strategy adopted DFAT's recommended 'twin track' approach to integrating gender equality. The program mainstreamed gender considerations into its targeted capacity building training, while also undertaking targeted action on the position of women as justice makers through coaching of police women and the development and implementation of Gender Action Plans in justice agencies.	
Support to victims in the criminal justice system: The AAPTIP design sought to actively promote enhanced cooperation and collaboration between criminal justice officials and government agencies responsible for directing support to victims. The AAPTIP MTR recommended that AAPTIP intensify efforts on the protection of victim-witnesses (who are predominantly women and children) within the criminal justice process, and be more active in promoting measures to minimise risks to victim-witnesses.	Enhancing protection of the rights of trafficking victims through the practice of justice officials and agencies is central to the investment's ToC and program logic. In addition to explicitly identifying specific activities, the scope of the investment's design has broadened from that of past programs to incorporate a focus on inclusive policy dialogue. This is expected to give higher visibility of victim rights in the policy and practice of justice agencies.
AAPTIP's Annual Work Plan responded to this recommendation, including by developing a Victim Strategy and identifying specific activities in collaboration with NGOs in Myanmar and Indonesia.	

Lessons/issues from ARTIP ICR, AAPTIP design and Mid-Term Review (MTR), and AAPTIP program responses

Design response

Other DFAT-funded activity collaboration: The AAPTIP MTR found little evidence that there was a high degree of beneficial collaboration between AAPTIP and DFAT's other regional investments (principally GMS TRIANGLE / TRIANGLE in ASEAN).

AAPTIP subsequently reinvigorated collaboration with ILO, including through promoting previously established recommendations for the integration of law enforcement and labour officials' responses to human trafficking.

The investment's design includes a governance framework for the program to ensure a strong connection to Australian bilateral and regional investments. A program priority will be to carry forward the work AAPTIP has commenced in conjunction with ILO on enhancing cooperation between labour and law enforcement officials.

Appropriate level of regional/national focus: ARTIP engaged in setting regional priorities and standards and supporting their implementation at the national level. AAPTIP continued this balance, but the MTR contended that, as the focus of the program moved on from the development of regional norms and standards on trafficking to securing their implementation at the national level, the need for this kind of regional engagement diminished. The MTR identified a need to further focus on cross-border responses.

Subsequent AAPTIP Annual Work Plans have been more focused on the need to promote whole-of-sector responsibility, collaborative cross-border responses and improved coordination as a priority for AAPTIP's engagement.

DFAT is committed to continuing our support for formal ASEAN institutions. The design recognises that the implementation context for countertrafficking programs has changed since the MTR's completion, and that ACTIP's introduction provides significant opportunities for productive regional cooperation. The investment is designed, in part, around the importance of strengthening the framework through which ACTIP is overseen. The program will maximise the opportunities to support targeted cross-border cooperation to operationalise ASEAN Member States' commitments under ACTIP.

Sustainability of program reach: Noting the wide disparity in capacity and commitment between program countries, the AAPTIP MTR recommended exploring the possibilities for moving out of, or significantly reducing its presence in, some ASEAN Member States, to allow higher quality engagement in others.

A number of stakeholders consulted for the investment's design expressed that a regional focus could not succeed without substantial country-level support provided in parallel. The investment will provide flexibility to support regional ASEAN mechanisms where it makes sense to do so, to connect our partners across borders on issues of mutual interest and to support improved practice at the national level. This approach seeks to maintain ASEAN Member State engagement and to position the investment to take advantage of opportunities when they arise, accommodating changes in capacity and political will as they occur.

Lessons/issues from ARTIP ICR, AAPTIP design and Design response Mid-Term Review (MTR), and AAPTIP program responses Flexibility: Following on from ARTIP, which Building on experience with a Flexible Fund under allocated no more than 2% to a Flexible Fund, the AAPTIP, the investment has not incorporated a design intent of AAPTIP's 'Flexible Fund' was to specifically earmarked 'Flexible Fund'. An active ensure that AAPTIP is able to respond quickly to budget management approach is expected from new or emerging priorities to combat human the Managing Contractor, including identifying trafficking that arise outside previously agreed and seeking approval for activities that arise work planning. The administration of this fund between formal work planning approval proved administratively cumbersome when milestones. compared with alternative models of budget management, and did not substantially contribute to the program's responsiveness or flexibility. M&E approach and sustainability: The AAPTIP MTR The MEL Framework developed for the concluded that, like ARTIP, AAPTIP's M&E system investment is expected to incorporate was elaborate but did not significantly contribute improvements made by previous programs and to to improved reporting. build on the use of techniques that measure policy change. This issue was largely addressed in AAPTIP's revised M&E strategy, through the simplification of the program logic; the selection of intermediate outcomes for the overarching results framework; simplification of reporting; the addition of key qualitative reporting methods; and the realignment of program M&E and reporting with DFAT's quality criteria. **Inception phase and delays:** Despite a detailed The investment's risk assessment identifies this inception plan, AAPTIP had a substantial break in risk as likely. It will be mitigated through early program activities from ARTIP in several countries. commencement of negotiations and, where This was due mainly to delays in concluding feasible, through the early amendment of existing agreements with partner countries (the last of AAPTIP subsidiary arrangements to allow for the commencement of a new investment. which was signed in November 2015, more than two years after the start of the program). Prevalence and purpose of labour trafficking: The investment centres on assisting ASEAN During ARTIP implementation, the ICR noted that Member States to deliver on their commitment to there was insufficient focus on labour trafficking, implement ACTIP, which establishes a shared including crimes by employment agencies and commitment to addressing all forms of other institutional brokers that arrange exploitation, including labour trafficking. Specific employment abroad for migrant workers. While strategies to address the drivers of labour the AAPTIP design sought to address this, the MTR exploitation include seeking engagement with found that the program had not comprehensively labour ministries and the private sector. followed through on these intentions. AAPTIP's subsequent Annual Work Plan sought to

increase its focus on 'exploitation-focused

Lessons/issues from ARTIP ICR, AAPTIP design and Mid-Term Review (MTR), and AAPTIP program responses	Design response
prosecutions', involving investigations and prosecutions that include all types of exploitation, with a focus on labour cases.	
Management and organisation of project resources: The AAPTIP MTR called for more devolved management and better use of national experts.	The investment explicitly expects a strong role for suitably qualified national experts in the planning and delivery of the program.
AAPTIP devolved more quarterly reporting responsibility to Country Program Coordinators and established 'TIP Expert' positions to contribute to some country programs.	

Design consultation themes

ASEAN-Australia Counter-Trafficking undertook formal consultations with officials from criminal justice and related agencies from each of the 10 ASEAN Member States, representatives of civil society, representatives of the private sector, and experts in human trafficking and exploitation in Australia and Southeast Asia. The views of international counter-trafficking donors and Australian Government officials from relevant agencies in Australia and overseas were also canvassed. The main themes that arose from the consultations are summarised below.

Views on the **best uses of future Australian investment** fell into three broad areas: general technical assistance, support for ACTIP implementation and support for promoting cooperation between stakeholders.

General technical support was mostly related to capacity development, most specifically for lawyers, prosecutors and judges, and for victim identification (in line with one of the main perceived barriers to progress). Among justice officials, provision of victim support was seen as moderately important — particularly to enhance the likelihood of victims' involvement in prosecutions. Officials supported specialised capacity building initiatives, such as developing intelligence, surveillance and cross-border investigation skills. Stakeholders supported promoting transparency but advised caution, given the subject's sensitivity.

Support for ACTIP implementation was strongly favoured, focusing on generating senior-level awareness and providing planning and implementation support (with AAPTIP's support for the Bohol TIP Work Plan mentioned as an example).

Promoting cooperation between stakeholders was advocated repeatedly and strongly, especially between senior government officials / leaders, between government agencies and with civil society and business. One common suggestion centred on practical sub-regional cooperation, especially between direct bilateral counterparts of two or three countries with a specific shared problem to address. Experts recommended finding ways to bring justice officials into dialogue with business and to improve their cooperation with civil society, especially those NGOs providing services to victims or representing vulnerable groups. Most stakeholders thought engagement of the private sector was desirable, but needed to be demand-driven.

When considering human trafficking in Southeast Asia today, most officials perceived human trafficking as more serious / more prevalent than in the past, with an increase in countries of destination for trafficking and in the complexity of the methods used. They commonly noted that the issue had a higher profile and salience in their own countries than in the past. Officials identified commercial sexual exploitation of adults, forced marriage and cyber recruitment (both for labour trafficking and child sexual exploitation) as priorities for action. While officials demonstrated an evolving (but incremental and uneven) acceptance of the need to address labour trafficking, other stakeholders specifically identified domestic work, fisheries and manufacturing as sectors of particular concern.

Interviewees identified several advances in counter-trafficking efforts over the past five years. The introduction of the ASEAN Convention Against Trafficking In Persons, Especially Women and Children (ACTIP) was commonly seen as a major gain to counter-trafficking efforts, both as a springboard for action and a (potential) platform for increased state accountability. Interviewees identified a general increase in governments' willingness to address human trafficking through policy and programs, and an increased willingness among officials to work with civil society. Other identified gains included improved internal institutional cooperation on human trafficking (in some countries, this was between justice agencies; in others, it was seen in a broader improvement in cross-agency cooperation); an increase in specialist skills and capacity; and the passing of new laws in individual countries. Private sector representatives noted much improved executive awareness of trafficking among foreign multinationals with supply chains in ASEAN countries.

Among the identified approaches that work were regional and bilateral cooperation arrangements, either formally through MoUs or through other, less formal arrangements, bolstered by improved information sharing. Both NGOs and officials stressed the need for NGO—government partnerships, though views of what this entailed in practice differed. More and better cooperation with businesses was identified as important, yet few officials identified practical ways to achieve this. An infrequent but notable theme was integrating trafficking victims into the mainstream of social service provision, to avoid stigma and unsustainable service delivery models.

Of the **setbacks** or **existing barriers to success** canvassed, the most frequently mentioned was poor victim identification, including the conflation of trafficking with illegal immigration/people smuggling and an overfocus on sexual exploitation at the expense of labour trafficking. The general lack and poor quality of protection and reintegration support services was raised repeatedly. The issue of corruption was considered a significant contributor to setbacks, with vested interests preventing progress and protecting the 'big fish'. Poor or non-functioning interagency arrangements hamper progress, as does inadequate resourcing for investigations, low prioritisation of trafficking cases by prosecutors and judges, and a lack of legal aid for victims. Intra-regional cooperation is impeded by incompatibility between domestic legal frameworks, language barriers between officials, and difficulties associated with cooperating with non-ASEAN countries of destination. Private sector interviewees indicated that, despite greater general executive understanding of trafficking in supply chains and awareness of bribery and corruption risk, executives rarely understood their exposure to liability for crimes related to trafficking like money laundering.

Counter-trafficking approaches that don't work included those initiatives that advocated standard counter-trafficking approaches with little local contextualising, highlighting the need to test national-level responses all the way down to the experiences of trafficking victims at the community level. Approaches that do not account for the corruption and its distorting effects on official practice were criticised by both civil society and expert respondents.

On the subject of **regional engagement and cooperation**, interviewees saw **ASEAN** as offering great but not-yet-fulfilled potential to strengthen counter-trafficking responses. Officials often mentioned the organisation's lack of practical or operational mechanisms for cooperation to explain a preference for

bilateral cooperation; working-level officials favoured having more implementers than policymakers driving ASEAN. At the time of the consultations, the organisation was seen to lack an effective coordination role and the introduction of ACTIP was seen as an opportunity to remedy this. Stakeholders from all backgrounds identified external pressure and external engagement from countries outside ASEAN as crucial in holding states to account for their commitments. A number of stakeholders expressed that a regional focus could not succeed without substantial country-level support provided in parallel.

Consultations revealed some divergence in the medium-term (5–10 year) counter-trafficking priorities of governments, on the one hand, and NGOs, civil society and businesses, on the other. Officials expected activities were most easily characterised as continued national commitment to human trafficking as an issue in general. Some cited hopes for more in-country collaboration, including with NGOs and across agencies, as well as better protection of trafficking victims, including witness protection and support, using the ACTIP work plan as a coordinating mechanism and addressing specific capacity development needs among officials.

Civil society and experts most commonly prioritised enhanced victim support at all stages of a victim's experience. Much of this related to providing incentives to participate in investigations and prosecutions, and ensuring support for victims following repatriation, in order to reduce re-trafficking. Several civil society respondents sought greater dialogue and coordination with officials, including on case management. Experts favoured a focus on the private sector equally with victim support as a future area of focus. In the main, expert and civil society respondents were not clear on the exact mechanisms they preferred for pursuing this, though some respondents had experience with industry working groups, sectoral dialogues and mediated dialogues between civil society and business, including as convenors. Private sector representatives also indicated they were searching for effective cooperation strategies; and some flagged fatigue with poorly targeted dialogue efforts. Ways for businesses and peak bodies to engage with justice officials were considered of importance, and few such opportunities currently exist.

Australia was generally seen as a committed and trusted partner with 'longevity' in the region as a partner on countering human trafficking. AAPTIP in particular was seen as a connector, helping to support bilateral and multilateral cooperation. AAPTIP was also valued for its contribution to developing the capacity of specific groups in a professional manner, including through training of trainers; support to establish new incountry institutions, such as specialist investigative units; and a general focus on gender. Interviewees identified opportunities for donors to more closely integrate their respective approaches, including through the Bali Process. With respect to program implementation, the most commonly expressed theme was that there should be as little gap as possible between AAPTIP and any subsequent initiative.

ANNEX B – INDIVIDUALS AND AGENCIES ENGAGED BY THE PROGRAM AND ANTICIPATED CHANGES

Main individuals / agencies *directly* engaged by the program

Desired end-state changes for individuals, bodies or agencies engaged

EOPO/Pathway 1: Enhanced regional-level ASEAN capability to oversee ACTIP implementation

<u>SOMTC (and its TIP Working Group)</u> will be directly engaged.

ASEAN bodies who contribute to ACTIP implementation *may* be engaged.

ASEAN bodies under the Political-Security community:

AICHR (ASEAN Intergovernmental Commission on Human Rights)

ASLOM (ASEAN Senior Law Officials Meeting) DGICM (Directors-General of Immigration Departments & Heads of Consular Divisions)

ASEAN bodies under the Socio-Cultural community:

ACW (ASEAN Committee on Women)
ACWC (ASEAN Commission on Promotion &
Protection of The Rights of Women & Children)
SLOM (Senior Labour Officials Meeting)
AFML (ASEAN Forum on Migrant Labour)
ACMW (ASEAN Committee on the ASEAN
Declaration on the Protection and Promotion of
the Rights of Migrant Workers)
SOMHD (Senior Officials Meeting on Health
Development)
SOM-ED (Senior Officials Meeting on Education)

Entities associated with ASEAN:

Welfare & Development)

AIPA (ASEAN Inter-Parliamentary Assembly)
CACJ (Council of ASEAN Chief Justices)

SOM-SWD (Senior Officials Meeting on Social

Individual members of ASEAN bodies will be more aware of the human rights dimensions of human trafficking. Their attitudes towards upholding victim rights as an important consideration in ACTIP implementation will be increasingly positive. They will be committed to contributing to ACTIP implementation.

ASEAN bodies, including SOMTC, will be cooperating effectively in translating this knowledge and attitude change into ACTIP implementation, reflected in inclusive planning processes. Relevant sectoral body work plans would include the specific elements of any regional ACTIP work plans for which they are responsible, and these elements would be adequately funded and implemented. They will be able to identify the extent to which ACTIP implementation is effective, and is upholding the rights of all victims in the criminal justice sector. They will increasingly improve ACTIP implementation based on this data.

EOPO/Pathway 2: Enhanced national-level individual & organisational capability for practical ACTIP implementation

Justice officials and agencies

Government organisations principally responsible for implementing the criminal justice response to human trafficking, including law enforcement agencies; prosecutorial

Justice officials will have and use improved knowledge and skills that they need to fulfil their obligations under ACTIP. They will be more aware of the ways trafficking's impacts can differ depending on the victim and be able and willing to

Main individuals / agencies *directly* engaged by the program

departments and Attorneys-General offices; superior and local courts; and associated administrative agencies.

The officials that work within these agencies, particularly police, investigators and administrative officials in law enforcement agencies; prosecutors; and judges and court administrators.

Related officials and agencies

Government organisations that contribute to and influence the criminal justice response to human trafficking and the protection of victim rights therein, including those ministries and agencies responsible for labour rights, social welfare, finance and administration, education, the promotion of human rights and countering corruption. The officials that work within these agencies.

Desired end-state changes for individuals, bodies or agencies engaged

accommodate their needs sensitively. <u>Justice</u> <u>agencies</u> will be routinely identifying the capacity needs of their staff, as well as planning and delivering effective training and other support to address these needs. Agencies will be making the necessary changes to their institutional practices that enable their staff to conduct effective, victim-sensitive casework. They will be using lessons from innovative casework to improve their practical cooperation with other relevant agencies and international counterparts.

Related officials will be cooperating with justice officials on specifically identified issues of shared responsibility. Related agencies will be making the changes to their institutional practices that enable their staff to effectively support all trafficking victims during their interactions with the criminal justice sector.

EOPO/Pathway 3: Inclusive public policy processes to improve ACTIP implementation

Justice officials responsible for justice sector policy implementation and reform

Government organisations principally responsible for delivering the criminal justice response to human trafficking, and the officials that work within them (see EOPO 2 above)

Related officials and agencies

Government organisations outside the justice sector that contribute to the criminal justice response to human trafficking, and the officials that work within them (see EOPO 2 above).

Non-state actors

Those stakeholders from civil society and the private sector who can contribute to the criminal justice response to trafficking. These stakeholders include businesses and civil society

Justice officials will be more actively seeking the benefits of cooperation with stakeholders outside the justice sector, and will be actively engaging with them in responding to human trafficking. They will be developing and advocating for improved countertrafficking policies and practices that uphold and promote victim rights, and actively supporting their agencies' staff to implement them more effectively.

Related officials will be actively contributing to inclusive dialogue with non-state actors and justice officials that generates and/or shares best practice counter-trafficking approaches.

Non-state actors will be able to competently advocate their positive contribution to justice officials. Civil society organisations will be able to develop, test, and/or document evidence of effective approaches in supporting the trafficking victims engaged by justice officials and agencies. Businesses

Main individuals / agencies <i>directly</i> engaged by the program	Desired end-state changes for individuals, bodies or agencies engaged
organisations, particularly those organisations that provide support services to trafficking victims and/or advocate for trafficking victims' rights.	will understand the benefit of (and be identifying and participating in opportunities to contribute to) reform in criminal justice responses to human trafficking.

ANNEX C – INDICATIVE TRANSITION AND INCEPTION PHASE ACTIVITIES

Transition Activities

Partnership and Management

- Meet with AAPTIP program team and establish shared and respective obligations during transition from AAPTIP to ASEAN-Australia Counter-Trafficking, with reference to AAPTIP's Year Six Master Activity Plan and other relevant documents.
- Recruit, engage, induct and deploy program staff including establishing arrangements for retaining nominated AAPTIP personnel for a period of at least six months.
- Prepare and seek DFAT approval for an Inception Plan and other mobilisation documents such as operations manuals, administrative guidelines and procedures.
- Identify and undertake introductory meetings with key stakeholders identified in AAPTIP's Year Six Master Activity Plan, including but not limited to:
 - ASEAN stakeholders, especially the Chair of the Senior Officials Meeting on Transnational Crime Working Group on Trafficking In Persons (SOMTC WG-TIP)
 - existing chairs of AAPTIP National Program Steering Committees.
- Establish agreed lines of communication with these identified stakeholders with a view to maintaining and building on existing relationships.
- Confirm process for developing ASEAN ASEAN-Australia Counter-Trafficking Work Plans in consultation with SOMTC WG-TIP, as established under AAPTIP.
- Review existing AAPTIP monitoring and evaluation (in consultation with the AAPTIP MEL team) and begin work on ASEAN-Australia Counter-Trafficking MEL Framework and Monitoring Plan.
- Establish country offices (where necessary and in line with the Managing Contractor's proposed organisational structure) and undertake procurement for office materials and supplies.
- Undertake administration and logistics, including in relation to taxes, duties and legal obligations in countries of operation.
- Other activities as required.

Program activities

• Take over responsibility for transition activities identified in AAPTIP's Year Six Master Activity Plan, which are expected to include:

Regional Cooperation	Support for ACTIP implementation	Maintain relationships, provide technical advice and program resources to support the SOMTC, ASEAN Member States and the ASEAN Secretariat on ACTIP implementation and are expected to include, but are not limited to:
		 support for Bohol TIP Work Plan activities, such as: cooperation between the SOMTC TIP Working Group and the Bali Process on People Smuggling, Trafficking

		in Persons and related Transnational Crime (the Bali Process) on international legal cooperation; o support for donor coordination. • technical and other support for implementation activities and progress reporting. (For more background on relevant ASEAN TIP-related bodies and ACTIP implementation, see below.)
Transnational Cooperation	Support for Investigative Cooperation	Provide technical advice to active bilateral investigations of transnational human trafficking offences. This is likely to include cooperation between Thailand–Cambodia; Thailand–Lao PDR; Thailand–Myanmar; Malaysia–Indonesia; Malaysia–Philippines; Malaysia–Vietnam; and Malaysia–Thailand.
	Support for International Legal Cooperation	Provide technical advice and support through program resources for mutual legal assistance and the dissemination and implementation of guidelines on International Legal Cooperation.
National cooperation	Maintaining relationships with stakeholders in Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand and Vietnam	 Continue regular communication with key national-level stakeholders (as above) and provide technical advice if needed to complete/progress transition activities, potentially including: work between prosecutors and investigating judges on new TIP laws in Cambodia; provincial-level interagency cooperation in Indonesia to improve frontline victim support; work to develop a common understanding between investigators, prosecutors and judges of TIP laws in Lao PDR; dissemination/implementation of guidelines assisting noncriminal justice agencies (e.g. labour officials) to identify TIP cases and refer them for prosecution in the Philippines; increased joint activities between judges and prosecutors in Thailand to help embed the new procedures for the anti-TIP inquisitorial system; supporting cooperation in Vietnam between law enforcement and other regulatory authorities (e.g. labour inspectors).

• Other activities as required.

Inception activities

Partnership and management

- Deliver key documents and tools as listed in Foundational Activities for DFAT approval (see Implementation Arrangements).
- Facilitate, where necessary, DFAT's establishment of Memoranda of Subsidiary Arrangement for the commencement of program operations in each country program.
- Enact governance arrangements including convening an inaugural meeting/s of the ASEAN-Australia Counter-Trafficking Regional Program Steering Committee and National Program Steering Committees to introduce the new program and agree on work plans.
- Other activities as required.

Program activities

- Continue agreed transition phase activities as outlined above.
- Submit progress report on the investment's regional-level transition/inception activities (as above, regional cooperation, transnational cooperation and other relevant activities) and proposed 'ASEAN ASEAN-Australia Counter-Trafficking Work Plan' to the SOMTC WG-TIP for endorsement.
- Develop an Annual Work Plan (incorporating a Risk Management Strategy) to coordinate and manage the program's delivery of activities and inputs across agreed national and regional work plans in the first year of implementation, for DFAT approval.
- Other activities as required.

Background to ASEAN TIP-related bodies and implementation of ACTIP

Established under the ASEAN Charter, the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and its subsidiary Senior Officials Meeting on Transnational Crime (SOMTC) are the ASEAN mechanisms with principal responsibility for intra-ASEAN cooperation on transnational crime, including human trafficking.36 SOMTC appoints a Lead Shepherd for each of the 10 priority transnational crimes with which it deals; the Philippines became Lead Shepherd for Trafficking In Persons (TIP) in September 2004 and has retained the office since that time. The Lead Shepherd for TIP chairs SOMTC's Working Group on TIP.³⁷

The legally binding ASEAN Convention Against Trafficking In Persons, Especially Women and Children (ACTIP) was signed by all 10 ASEAN Member States in November 2015 and came into force in March 2017. ACTIP formally assigns SOMTC the responsibility for 'promoting, monitoring, reviewing and reporting periodically to [AMMTC] on the effective implementation' of the Convention, and charges the ASEAN Secretariat with providing support for 'supervising and coordinating' ACTIP's implementation.³⁸

The complementary ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA) was negotiated in parallel with ACTIP and highlights priority areas for ASEAN Member States' practical implementation of ACTIP. The APA calls for ASEAN Member States to 'endeavour to incorporate the relevant programmes and activities of this Plan of Action into the respective ASEAN Members States' national plans of action against trafficking in persons' and formally assigns SOMTC responsibility to oversee APA implementation.³⁹

In an effort to operationalise ACTIP and the APA, the Lead Shepherd on TIP convened a 'multi-sectoral' process to develop a broad work plan for ACTIP implementation. The process involved the wide range of ASEAN bodies responsible for some portion of ASEAN's counter-trafficking work and resulted in the *Bohol TIP*

Work Plan 2017-2020. Following the structure and format of the APA, it allocates responsibilities for specific outputs to specific ASEAN bodies.

The Bohol TIP Work Plan calls for 'a monitoring and evaluation tool' to be developed; ASEAN has yet to finalise their preferred approach to developing this tool. The Work Plan further states that this tool should 'tak[e] into consideration the tool used to monitor the APSC Blueprint'. This refers to an existing process through which ASEAN bodies (including SOMTC) each have work plans on which they report annually to their respective ministerial bodies, who in turn report to ASEAN Member State leaders at bi-annual ASEAN Summits.

The APA also proposes the identification of national focal points 'to facilitate communication, data sharing and exchange of information on trafficking in persons to strengthen prevention and protection policies and programmes among ASEAN Member States'. ASEAN is considering the most appropriate way to implement a system of national representatives with this function, taking into consideration existing reporting systems, the role of the existing Heads of Specialist Anti-trafficking Units (HSU) meeting and the need to facilitate cooperation across government agencies at the national level.

AAPTIP supported ASEAN over the development and negotiation of ACTIP. Since ACTIP came into force, AAPTIP has continued to support the Lead Shepherd for TIP to consider and work with ASEAN bodies on how best to monitor, review and report on ACTIP's progress into the future. This work has been reflected in an annual ASEAN-AAPTIP Work Plan, endorsed by SOMTC. With the endorsement and continued support of ASEAN, ASEAN-Australia Counter-Trafficking will be expected to continue this work into the future.

ANNEX D — STAFFING OF ASEAN-AUSTRALIA COUNTER-TRAFFICKING

The Managing Contractor should propose ASEAN-Australia Counter-Trafficking's staffing composition including the Leadership Team. Mandatory positions include the Team Leader and the AAPTIP personnel to be retained in the transition and inception phase.

Leadership Team

The Leadership Team must include personnel with skills that can adequately deliver the program's approach to capacity development, stakeholder engagement and policy dialogue. This includes:

- demonstrated experience in the design and delivery of capacity development approaches in ASEAN
- demonstrated experience in providing leadership on the application of human rights principles, especially in areas related to victim rights and considerations of sex/gender, ethnicity, migration status, age and disability
- experience in complex international policy settings that require engagement with diverse counterparts and institutions.

The Leadership Team must also include personnel with skills that can adequately deliver the program's approach to monitoring, evaluation and learning. This includes:

- extensive knowledge and demonstrated experience in designing and implementing effective MEL systems in ASEAN and/or regional settings
- extensive knowledge and experience in monitoring and evaluation capacity development
- demonstrated experience in incorporating gender and inclusion into MEL processes
- demonstrated knowledge of theories and tools for the measurement of policy and practice change.

Team Leader [mandated position]

The Team Leader is expected to have the following core competencies and experience:

- demonstrated success in leading high-performing teams, preferably in the delivery of national/agency-level capacity development
- high-level strategic planning and analytical skills
- exceptional corporate abilities, especially management of human resources and donor relations
- experience in law and justice (theory, systems and/or practice), especially related to trafficking
- demonstrated experience working with ASEAN or relevant regional bodies
- demonstrated ability to develop relationships with senior-level stakeholders from a variety of institutional (government, civil society, private sector) and sectoral (law, justice, welfare, social services) backgrounds
- demonstrated application of equality and inclusion principles in complex settings
- highly developed interpersonal and cross-cultural skills, complemented by excellent written and verbal communication skills
- demonstrated understanding of Australian aid policies and their practical implications with respect to aid project implementation.

Other program staff

The program will at a minimum consist of a combination of staff who possess the following skills and competencies sufficient to ensure the delivery of the expected EOPOs.

Pathway 1: enhanced ASEAN capability

Delivery of outcomes under **Pathway 1** will require a staffing profile with the following skills, competencies and experience:

- strong demonstrated experience working with ASEAN's institutional architecture (such as ASEAN bodies and/or the ASEAN Secretariat) and processes. Experience in ASEAN's approach to political-security engagement preferred.
- demonstrated experience in successfully collaborating with regional and multilateral institutions on criminal justice and/or human rights, social welfare policy and practice as it relates to trafficking.

Pathway 2: enhanced individual and organisation capability

Delivery of outcomes under **Pathway 2** will require a staffing profile with the following skills, competencies and experience:

- demonstrated high-level skills in developing and implementing capacity development programs
- demonstrated successes working with justice officials and related state agencies on institutional reform
- extensive knowledge and experience in the investigation, prosecution and adjudication of trafficking in persons
- demonstrated experience in justice sector reform to promote the protection of victim rights including capacity development and service provision.

Pathway 3: inclusive and influential policy dialogue

Delivery of outcomes under **Pathway 3** will require a staffing profile with the following skills, competencies and experience:

- extensive knowledge and experience in capacity development programs for policy dialogue
- strong facilitation and convening skills suitable for a range of dialogue process and events at the national, regional and international levels
- experience in working across sectors and agencies, and with diverse stakeholder groups.

Equality and inclusion

The program's effective delivery of an **Equality and Inclusion Strategy and Action Plan** will require a staffing profile with the following skills, competencies and experience:

- strong knowledge of theory and practice related to equality and inclusion in international development work
- demonstrated capacity to provide advice to counterparts on the application of contemporary equality and inclusion approaches, especially as related to victim rights.

Management and administration

In addition to the mandated Team Leader position, **management and administration** of the program will require a staffing profile with the following skills, competencies and experience:

- demonstrated expertise and success in program management and administration for large and complex programs, including of significant value
- demonstrated experience in media and communications
- demonstrated experience in human resource management
- demonstrated strong understanding of Australian aid policies and their practical implications with respect to aid project implementation, including necessary administrative and financial management, risk and procurement.

ANNEX E – INDICATIVE TERMS OF REFERENCE: GOVERNANCE COMMITTEES

National Program Steering Committee

Purpose

A National Program Steering Committee (NPSC) will be established in each country in which the program establishes a National Program.

Each NPSC will be established for the purposes of:

- providing strategic direction for the program
- ensuring the program's alignment with national policies and priorities for countering human trafficking and with the agreed approach to implementing the obligations arising from the ASEAN Convention Against Trafficking In Persons, Especially Women and Children
- ensuring the program's alignment with national and ASEAN-level commitments to gender equality and human rights
- reviewing the program's Annual Report on progress in that country
- endorsing a National Annual Work Plan for the following year
- sharing information and lessons from the implementation of program activities with other members of the NPSC.

Meeting schedule

The NPSC will meet annually in the program country at an agreed time that best facilitates planning for program implementation, and between annual sessions as necessary on a virtual basis. The Managing Contractor will put in place arrangements for decision-making out of session.

Membership

At establishment, the NPSC will include representatives drawn from the state agencies engaged in responding to human trafficking, exploitation and modern slavery in each country, including at a minimum those agencies responsible for the investigation, prosecution and adjudication of trafficking crime and for the protection of the rights of trafficking victims. DFAT and the Managing Contractor will also be members of each NPSC.

The NPSC will be chaired by the chair of the existing national peak body (council, committee) responsible for coordinating counter-trafficking activities in that country, or an alternate nominated by that person.

At each annual meeting, the NPSC will consider any proposal moved by an NPSC representative to expand the membership of the NPSC to include other program partners, including from related state agencies, civil society and the private sector. Such proposed members must be participants in program activities to be eligible to join the NPSC.

Other stakeholders may be afforded observer status at specific NPSC meetings, at the discretion of the Chair.

Secretariat and reporting

Secretariat support for the NPSC will be provided by the Managing Contractor.

The Managing Contractor will provide reports on progress and draft work plans for the consideration of the members in sufficient time prior to the meeting to allow for their consideration by members.

Summary minutes will be circulated following each NPSC meeting at the earliest possible opportunity.

Regional Program Steering Committee

Purpose

A Regional Program Steering Committee (RPSC) will be established for the purposes of:

- providing strategic direction for the program, particularly with regard to its regional initiatives
- ensuring program alignment with ASEAN policies and priorities on countering human trafficking, with specific reference to the strategies established by ASEAN and ASEAN Member States to implement the ASEAN Convention Against Trafficking In Persons, Especially Women and Children and ASEAN's commitments to gender equality and human rights
- reviewing the annual consolidated progress reports of the program
- reviewing the Annual Regional Work Plan ahead of its submission to the Senior Officials Meeting on Transnational Crime (SOMTC)
- sharing information and lessons from the implementation of national-level counter-trafficking strategies and activities
- providing input to the periodic assessment of the Managing Contractor, where requested.

Meeting schedule

The RPSC will meet annually, and between annual sessions as necessary on a virtual basis. The Managing Contractor will put in place arrangements for decision-making out of session.

The RPSC is to be consulted on the Annual Regional Work Plan which will be submitted to SOMTC each year.

Membership

At establishment, the RPSC will include nominated representatives, including provision for alternates, as follows:

- The Chair of the SOMTC Trafficking in Persons Working Group (SOMTC TIP-WG)
- The Chair from each NPSC established under the program
- A Representative from each ASEAN Member State without a national program
- A Representative of the ASEAN Secretariat
- A Representative from Australia's DFAT.

The RPSC will be jointly chaired by the Chair of the SOMTC TIP-WG and the representative from DFAT.

At each annual meeting, the RPSC will consider any proposal moved by an RPSC representative to expand the membership of the RPSC to include other program partners from related state agencies, civil society and the private sector. Such proposed members must be participants in program activities to be eligible to join the RPSC.

Other stakeholders may be afforded observer status at specific RPSC meetings, at the discretion of the chairs.

Secretariat and reporting

Secretariat support for the RPSC will be provided by the Managing Contractor.

Summary minutes will be circulated following each RPSC meeting at the earliest possible opportunity.

ANNEX F – MONITORING, EVALUATION AND LEARNING (MEL) FRAMEWORK

MEL is expected to deliver accountability and demonstrate the effectiveness of program delivery and results. It will reflect best practice and the experience of its three predecessor investments. In particular, the MEL Framework will address the challenges of aggregating data across different countries to provide results for the region as a whole, achieve an appropriate balance between quantitative and qualitative data that does not overly burden program staff, and use information as evidence for ongoing program improvement. The program team and partner capacity to provide high-quality data will require ongoing and targeted support and a strong learning culture within the team should be established and reinforced through practical utilisation of MEL data.

Purpose of the MEL Framework

Under the ASEAN-Australia Counter-Trafficking program, MEL has four main objectives:

- To support the management of the program MEL is undertaken to produce information that will assist the Managing Contractor to track and manage the program's progress and performance, ensure its quality, and inform programming decisions.
- To generate program information Monitoring and evaluation (M&E) activities include the production of MEL papers and other evidence-based products to inform, engage and influence program stakeholders.
- To ensure accountability to ASEAN program partners and DFAT DFAT has clear regular reporting expectations of the program and expects evidence-based stories of success/change from the program. It is anticipated that program partners will also be seeking updates and communication on the program's progress and performance at regular intervals.
- To build MEL capacity For both local MEL team members, and where relevant, program partners engaged in collecting key monitoring data on which the program will rely (such as ACTIP monitoring).

Audience for MEL data and products

The primary users of M&E information will be the investment's program team, DFAT ASEAN Mission staff managing the program, and the regional and national ASEAN stakeholders who are engaged directly in key aspects of program implementation. Secondary users will be the NPSCs, RPSC, and other DFAT staff who wish to be informed about progress and results.

A wider range of users may include the ASEAN Secretariat, ASEAN bodies engaged in the program, stakeholders with an interest in ACTIP implementation, and other donors and TIP programs.

Approach to M&E

The approach to M&E has been influenced by previous Australian investments, DFAT M&E standards, and investment's design. The MEL Framework is largely focused on the need of the investment's program team to gather evidence that will be useful for the continual improvement of the program. This can be described as a utilisation-focused approach, which selects Key Evaluation Questions (KEQs) that relate closely to the information needs of the primary audience. Consequently, one of the first tasks of the Leadership Team will be to discuss and agree these needs with the program team and other primary users to confirm or refine the tentative KEQs and Results Framework presented below.

Although this program is also interested in the outcomes of a strengthened criminal justice sector, it is not considered feasible to measure the impact of the program on achieving broader goals across the region as a whole. This is because obtaining reliable data on human trafficking and traffickers is problematic globally, and the causal link between program outcomes and the achievement of the investment's broad goal is prohibitively difficult to measure with confidence. Where feasible, however, reliable assessment of likely program contribution to goal-level outcomes will be made.

The following principles underpinning the MEL Framework build on the lessons learned from previous iterations of Australian investment in counter-trafficking:

- Focus on criteria MEL will direct resources to prioritised evaluation criteria and not seek to comprehensively address everything to the same degree (for example, all outcomes in the program logic). Focus should be on questions and areas of the program that are most pertinent (such as quality and quantity of inputs to achieve outputs) and critical to the success of the program (such as identifying gaps in the logic or constantly assessing contextual factors).
- Mutual accountability MEL will generate information that allows for mutual assessment of progress against agreed outcomes. MEL information, where appropriate, should be generated through or utilise partners' monitoring systems (in particular, ACTIP monitoring data) as much as possible, supporting mutual accountability.
- Learning there will be a focus on undertaking MEL for learning purposes, which will result in better utilisation of MEL information within the program team and with partners. This requires a strong analytical approach that encourages active reflection on what the data is suggesting about strengthening ways forward in activity delivery approaches.
- **Promoting equality and inclusion** with a particular focus on gender equality, and the inclusion of people from diverse backgrounds (such as those with disabilities), the program's contribution to equality and inclusion will be mainstreamed throughout the investment's M&E system.
- Adherence to M&E quality standards following internationally accepted professional ethical standards for M&E, including utility, feasibility, propriety, accuracy and competence, and in particular, adhering to DFAT Monitoring and Evaluation Standards 2 and 3 (April 2017).

KEQs

Drawing from the AAPTIP M&E strategy, the ASEAN-Australia Counter-Trafficking MEL Framework utilises a set of interdependent evaluation criteria designed to enable an overall judgement to be made about the program's worth. These criteria are based on the Organisation for Economic Co-operation and Development – Development Assistance Committee's criteria, to which DFAT and other bilateral donors subscribe. The investment's evaluation criteria and KEQs also align with DFAT's Aid Quality Check (AQC) framework. These will provide the program with the ability to adapt its activities over time to meet the changing context and needs.

The M&E criteria for MEL include relevance, efficiency, effectiveness, M&E, sustainability, management of risk, innovation and private sector engagement. Inclusion and equality for victims (including, but not limited to, gender equality and disability) are included separately as well as incorporated across all criteria where relevant. The focus of each criteria is explained in the box below.

Eight KEQs and related sub-questions have been developed against this criteria to guide the investment's M&E efforts. These are based on those utilised by AAPTIP in order to maintain continuity in performance measures over time, where possible. Slight revisions have been made to reflect the investment's pivot in focus, and these are highlighted in *italics* in the text box below.

Monitoring and Evaluation Criteria for the ASEAN-Australia Counter-Trafficking MEL system

Effectiveness: — relates to the degree to which the investment's immediate and intermediate outcomes are achieved, and concerns the relationship between outputs and outcomes. Outcomes include positive, negative, intended and unintended effects produced directly or indirectly by the program. Of particular interest are the results that relate to the **rights of trafficking victims**, **equality and inclusion** (especially **gender**) and **policy influence**. Specific indicators relating to effectiveness are further elaborated in the Results Framework below.

Efficiency: — concerns how economically and timely inputs (human and financial resources and equipment) were converted into sufficient quantity and quality outputs, including integration of **gender** and other **equality and inclusion** tenets. Therefore, it concerns management processes (of the Managing Contractor, direct implementing agencies, National Program Steering Committees and the Regional Program Steering Committee), as well as the speed of the program's transition towards new approaches that build momentum and environments in which key system changes can happen. This contributes to an understanding of value for money. This criterion should also consider the program team's technical expertise and resourcing against current and emerging program needs.

Relevance: — is the extent to which the program is aligned with delivering on Australian government policy and the goals of our partners — as expressed through the ACTIP. The program operates in a politically sensitive and dynamic context, facilitating cooperation between state and non-state actors (civil society and private sector). Current situational information on regional and national contexts will need to be captured and analysed to ensure that the program remains relevant to any significant changes. Equality and inclusion (particularly gender) and the rights of all victims should also be considered under the relevance criterion, especially in assessing the extent to which the ACTIP remains the best instrument through which Australia can pursue realisation of rights-based outcomes for trafficking responses.

Sustainability: – ASEAN-Australia Counter-Trafficking follows 15 years of continuous Australian investment. Over the next ten years, significant gains are expected in nationalisation of the capacity building activities and the establishment of self-sustaining processes and relationships. The MEL should enable reporting on which key elements are likely to be sustained, and if not, identify efforts that may increase this likelihood.

Monitoring and Evaluation: - is concerned with the M&E system, the quality and reliability of information generated, and the use of the information for program improvement, learning and accountability.

Inclusion and equality for victims (including gender and disability): - for victims of trafficking means ensuring the diversity of the type of trafficking victims (including men, women, girls, boys, ethnic minorities, irregular migrants, and people with other defining characteristics and vulnerabilities) have their needs equally considered in rights-based interventions supported by the program. This needs to be informed by proper analysis of differential experiences of trafficking and needs for protection. Equality and inclusivity in how the program is implemented means promoting equality of opportunities to participate in program activities for men, women, people with disabilities, people from minority groups and others experiencing access barriers. Monitoring equality of access also involves monitoring progress of the program in contributing to gender and socially inclusive policies and practices among counterpart agencies where possible.

Management of risk: - concerns the identification and active management of strategic and operational risks that may hamper the achievement of program outcomes, and making changes to the programs strategic approach where required.

Innovation and private sector engagement: - looks at whether new approaches in programming and processes are being identified, trialled and promoted, and whether private sector engagement is being sought to leverage their potential contribution to achieving quality outcomes.

Indicative key M&E questions, sub-questions and possible data sources

KEQs and sub-questions	Related indicators/measures*	Data sources / collection methods
	er-Trafficking's outcomes in terms of alignment rafficking in persons in the region <i>through the l</i>	
Sub-questions		
1.1 How well does ASEAN-Australia Counter-Trafficking align with Australia's and partner governments' priorities <i>in relation to implementation of the ACTIP</i> ?	Number (and %) of supported initiatives consistent with priorities and rating of alignment	Annual Planning Consultations DFAT AQC assessments Annual reporting Mid-Term Review
1.2 To what extent is the ACTIP the most relevant mechanism for ensuring the protection of victim rights?	Analysis of the ACTIP and rating of its compliance with other global conventions on trafficking over time	Independent expert review
1.3 What have we learned about enablers/constraints to change in the area of TIP in the region (context)?	Learning shared at annual reflection workshops and analysis of the implications for the program	Annual reflection workshops Six-monthly and annual reports
2. How effective has ASEAN-Australia Count program logic?	er-Trafficking been in contributing to key outco	omes in the overarching
Sub-questions		
2.1 To what extent were key outcomes achieved in each of the three pathways (refer to the Results Framework indicators)?	Progress towards key outcomes (see Results Framework)	Six-monthly and annual reports Results Framework Monitoring
2.2 How has ASEAN-Australia Counter- Trafficking contributed to the information sharing on TIP?	Instances of <i>evidence-based information products</i> / invitations / communications products compared to targets	Quarterly, six-monthly and annual reports
3. To what extent can the program be considered	dered operationally efficient and cost-effective	9?
Sub-questions		
3.1 How successful have efforts been to ensure ASEAN-Australia Counter-Trafficking is delivered in an efficient manner?	Examples of efficiencies provided in quarterly reports, such as co-locating to reduce accommodation costs, sharing costs for events/training, sharing resources, etc.	Annual budgets, and quarterly, six-monthly and annual reports

3.2 To what extent has the program been able to cost-effectively meet its objectives?	Value for money assessment	Independent VfM review Mid-Term Review
4. To what extent is ASEAN-Australia Counterfor program improvement?	er-Trafficking's M&E system generating credible	e information and using it
Sub-questions		
4.1 To what extent did the program monitoring system adequately monitor and assess the different experiences of victims and efforts to improve gender equity in program implementation?	Assessment of the adequacy of the MEL system in reporting on disaggregated data and producing evidence relevant to the different victims	ACTIP monitoring data Results Framework Monitoring Independent expert review Mid-Term Review
4.2 To what extent is information on results and learning available and accessible to partners?	Documented instances of information sharing and use in Steering Committee meetings and other partner activities	Quarterly reports Results Framework Monitoring
4.3 How effectively did ASEAN-Australia Counter-Trafficking adapt and improve, based on learning from M&E and/or analysis of achievement (or non-achievement) of results?	Instances of where data has been discussed at reflection workshops and change has occurred, been documented, and verified	After action reviews Quarterly reports
	d processes advocated by ASEAN-Australia Cou and institutionalised in the targeted locations?	
Sub-questions		
5.1 To what extent have partners contributed to the inputs and implementation of activities supported by ASEAN-Australia Counter-Trafficking?	Proportion of activities where direct implementing agencies are delivering content or leading	Workshop/ training database Training evaluations Quarterly, six-monthly and annual reports
5.2 To what extent have partners established and maintained arrangements for organisational reforms, and/or ongoing operational costs for initiatives?	Instances of embedding of curriculum, processes, initiatives (as verified in official documents)	Project Steering Committee minutes Official notifications Results Framework Monitoring Quarterly, six-monthly and annual reports
5.3 What partnerships have been created / supported that will endure beyond ASEAN-Australia Counter-Trafficking?	Number of new/lapsed partnerships established and evidence of ongoing partnership assessed	Six-monthly and annual reports

		Results Framework Monitoring
6. How successful has ASEAN-Australia Cour policies and practices?	nter-Trafficking been in promoting gender equa	ality and victim-inclusive
Sub-questions		
6.1 To what extent and how did women, men, people with disabilities, children and ethnic minorities participate in / benefit from ASEAN-Australia Counter-Trafficking activities?	Number of women, men, girls, boys, people with disabilities and ethnic minorities participating directly in, or indirectly benefiting from, program capacity development activities	Workshop and training databases Participation data from all events
	capacity development activities	Independent evaluations of key activities
		Results Framework Monitoring
		Quarterly, six-monthly and annual reports
6.2 Did the outcomes achieve positive change for women, men, girls, boys,	Ratings of encouragement / confidence of diverse training participants; <i>evidence of</i>	Workshop and training databases
people with disabilities and ethnic minorities?	impact from program interventions	Event Evaluation questionnaires
		Most significant change stories
		Quarterly, six-monthly and annual reports
6.3 How did ASEAN-Australia Counter- Trafficking influence policy and practice change to promote gender equality <i>and</i> <i>victim rights</i> ?	Number of <i>equality and inclusion related</i> changes in policy and practice recorded and verified	Results Framework Monitoring, including Contribution / most significant change stories, Tracer studies
		Quarterly, six-monthly and annual reports
7. How well did ASEAN-Australia Counter-Tr	rafficking identify and manage risk and protect	safeguards?
Sub-questions		
7.1 How effectively did ASEAN-Australia Counter-Trafficking identify and manage risks, including those related to child protection?	Proportion of risks either declining in severity or reported as being actively managed	Six-monthly and annual reports
8. To what extent did the program utilise in	novative practices and involve the private sect	or?
Sub-questions		

8.1 What innovative programs or processes have been trialled with partners?	Examples of program activities assessed as innovative	Results Framework Monitoring Pilot/trial evaluations Six-monthly and annual reports
8.2 To what extent was the program successful in engaging the private sector?	Instances of approaches made and assessment of actual engagement with private sector, compared to plans/targets	Results Framework Monitoring Six-monthly and Annual Reports

^{*}Baselines and targets to be drawn from AAPTIP completion reporting and monitoring data, where possible (see section on Baselines below)

Results Framework

Underpinning the KEQ 2 on effectiveness (above) is the Results Framework, which is designed to capture data to test the program logic by measuring indicators of change linked to the three outcome levels: end-of-program outcomes, intermediate outcomes and immediate outcomes. The results expected reflect the more aspirational aspects of the investment's program logic. The Managing Contractor will need to refine/revise/expand on the indicators proposed below to adequately measure the investment's influence on **equality and inclusion**, as well as to agree appropriate targets and, where possible, collect available baseline data (see section on Baselines below). The following table provides the framework for the expected results, possible measures of success, and potential sources of data.

ASEAN-Australia Counter-Trafficking Results Framework

Outcome	Indicators	Possible measures of success	Data sources / Collection methods
1. ASEAN's planning, monitoring and reporting of ACTIP implementation is increasingly effective and advances the protection of victim	Immediate outcome indicators: Inputs to ASEAN planning and coordination processes, supported by the program, have been rated as effective by partners	Increase in the number of requests for assistance in planning and coordination processes Partners rate assistance highly	Event evaluation questionnaires Periodic satisfaction surveys
rights	Inputs to ASEAN monitoring/reporting processes, supported by the program, rated as effective by partners	Increase in the number of requests for assistance in monitoring and reporting processes Partners rate assistance highly	Event evaluation questionnaires Periodic satisfaction surveys
	Positive feedback on the utility of evidence (either produced by the program or other external	Increase in the number of information products provided to regional forums (including at	Event-related records

experts) at regional dialogue forums supported by the program (disaggregated by sex)	least one related to equality and inclusion, and one related to victim rights) Participants rate these products as high-quality / useful (disaggregated by sex) Gender balance of speakers and participants in regional forums	Event evaluation questionnaires Periodic satisfaction surveys
Intermediate outcome indicators: Number of instances where ASEAN bodies (especially those advocating victim rights) have been included in ACTIP planning /coordination meetings and processes	Increase in the number of ASEAN bodies engaged in ACTIP planning/coordination/reporting processes Key ASEAN bodies (for example on women, human rights, welfare) have been involved in planning/coordination/reporting processes	Meeting records After-meeting participant reviews and feedback
Number of instances where ASEAN is tracking implementation progress and information is available for policy and decision-making	ACTIP implementation information is reported at least annually ACTIP implementation information is appropriately disaggregated, where relevant and feasible	Publications and record of distribution Meeting records
Number of instances where ACTIP-related planning and other forums have utilised information from the region and/or evidence on victim rights	ACTIP implementation and practice evidence is increasingly used at ACTIP-related forums and in planning Regional evidence is discussed in over 50% of relevant meetings	Meeting records After-meeting participant reviews and feedback
End-of-program outcome indicators: Level of ASEAN stakeholder satisfaction with progress on improving ACTIP implementation in key areas supported by the program (especially victim rights)	At least 75% of ASEAN stakeholders interviewed can identify improvements to ACTIP implementation At least 75% of ASEAN stakeholders interviewed can identify effective measures to protect victim rights	ASEAN stakeholder survey data National and regional TIP reports
Proportion/number of TIP- related activities in ASEAN body work plans, supported by ASEAN-Australia Counter-	At least 50% of these activities, supported by ASEAN-Australia Counter-Trafficking, are budgeted and implemented as planned	Periodic review of TIP planning products and reporting

	Trafficking, that are budgeted and implemented		
	The extent to which ASEAN plans and reporting are assessed as adequately protecting victim rights	Quality of ASEAN plans/reports is rated as adequate or above Adherence of ASEAN plans/reports to relevant human rights instruments is rated as adequate or above	Periodic review of plans/reports ASEAN stakeholder satisfaction survey
2. ASEAN Member State criminal justice and related state agencies are increasingly capable of fulfilling their ACTIP obligations, in particular, those	Immediate outcomes indicators: Proportion/number of participants who are satisfied with the appropriateness and quality of training and other capacity development initiatives supported by the program (disaggregated by sex)	At least 75% of participants rate training products as well targeted At least 75% of participants rate training delivery highly	Workshop and training databases Training evaluation questionnaires
that uphold victim rights	Proportion/number of initiatives, supported by the program, that address key challenges to ACTIP implementation, and identify practical solutions	At least 50% of agency initiatives result in practical solutions	Activity reviews
	Proportion/number of crossagency cooperation initiatives, supported by the program, that address victim rights	At least 50% of cross-sectoral initiatives result in practical solutions	Activity reviews
	Intermediate outcome indicators: Number of Member State agencies, supported by the program, who have instigated or strengthened basic staff training provision in key areas of ACTIP implementation	At least 75% of state agencies instigate new training activities in support of ACTIP At least 75% of state agencies have improved routine training activities in support of ACTIP	Periodic agency surveys
	Number/proportion of national state agencies/bodies responsible for ACTIP monitoring who are routinely tracking ACTIP implementation and including data reflecting victim rights	Monitoring data is reported at least annually Monitoring data is available and disaggregated by sex and age, and where appropriate, other markers of diversity	Monitoring records Periodic review of national monitoring reports

	Number of problem-solving initiatives that are integrated into agency practice	Evidence of at least one practical solution integrated into practice per country/year (from year 5)	Agency documents (meeting records, guidelines, procedures) Pilot / trial evaluation data
	End-of-program outcome indicators: Proportion of Member State agency staff undertaking program capacity development initiatives who report they have applied new skills and knowledge, which improved their ability to do their jobs	At least 50% of participants surveyed report application of new skills or knowledge At least 50% of participants surveyed report that they have been able to do their jobs better	Training evaluation questionnaires Follow-up participant tracer studies Most significant change stories (or equivalent)
	Proportion of Member State agency staff engaging with program capacity development initiatives who report they have applied new skills and knowledge specifically in the service of protecting victim rights in the criminal justice sector (disaggregated by sex)	At least 75% of participants surveyed can identify how new knowledge/skills improved the protection of victim rights	Training evaluation questionnaires Follow-up participant tracer studies Most significant change stories (or equivalent)
	Level of Member State agency (and other key stakeholder) satisfaction in improvements to Member State ability to effectively implement key areas of ACTIP	At least 75% of national stakeholders interviewed can identify improvements to ACTIP implementation At least 75% of national stakeholders interviewed can identify effective measures to protect victim rights	National stakeholder satisfaction surveys
3. ASEAN Member State criminal justice and related state agencies' policies and practices are influenced by stakeholders and better aligned with ACTIP, especially in connection to victim rights obligations	Immediate outcome indicators: Level of satisfaction of related state agencies with the support provided by the program to participate effectively in dialogue processes Level of satisfaction of non-state actors with the support provided by the program to participate effectively in dialogue processes	Increase in the number of requests for assistance in policy dialogue processes At least 75% of participants rate this assistance highly	Event evaluation questionnaires Participant surveys

Number of policy dialogue forums/joint learning events and proportion where stakeholders from two or more stakeholder groups and/or new stakeholders are participating	An increase in the number of policy dialogue events At least 50% of policy dialogue events include representatives from at least two stakeholder groups and/or new stakeholders	Event evaluation questionnaires Participant surveys
Intermediate outcome indicators: Extent to which policy dialogue processes supported by the program maintained focus on key reform areas	100% of policy dialogue processes supported can demonstrate direct relevance to key reform areas identified by the program	Follow-up participant surveys Event evaluation data Engagement plan monitoring
Number of instances where criminal justice officials consulted with stakeholders beyond the criminal justice sector on key areas of reform	An increase in instances where stakeholders perspectives were actively sought by justice officials on key areas of reform	Follow-up participant surveys Influence log data Engagement plan monitoring
Extent to which information/products generated through policy dialogue and joint learning events are documented and communicated to criminal justice officials responsible for reform	Information from events are made available to key stakeholders and criminal justice officials Number of engagement plans that are rated as being effectively implemented	Agency records on information dissemination Engagement plan monitoring
End-of-program outcome indicators: Number of criminal justice agency policies and practices that have considered perspectives from outside the criminal justice sector	Evidence of at least one consultation per reform process demonstrating contribution	Influence log data Periodic review of policy and practice change Policy influence case studies
Number of criminal justice agency policy and practice changes that have been influenced by stakeholders outside the criminal justice system	Evidence of at least one policy change where influence by stakeholders can be demonstrated in an increasing number of countries	Influence log data Periodic review of policy and practice change

	Evidence of at least one practice change where influence by stakeholders can be demonstrated in an increasing number of countries	Policy influence case studies
Number of criminal justice agency policy and practice changes that better align with ACTIP victim rights obligations	Evidence of at least one policy change that better protects victim rights in an increased number of countries Evidence of at least one practice change that better protects victim rights in an increased number of countries	Influence log data Periodic review of policy and practice change Policy influence case studies

Baselines and targets

Baselines and targets for the MEL Framework will need to be progressively established during inception. This will focus on two levels: 1) the macro level for data relating to the KEQ sub-questions and indicators; and 2) the micro level for the outcome levels of the Results Framework that report on effectiveness.

The KEQs in this indicative MEL Framework closely correspond to those in the AAPTIP M&E framework. The baselines and targets for these indicators will need to be informed by available AAPTIP M&E data.

Refinements of Results Framework outcomes will require agreement on the definitions of concepts such as 'using evidence in planning', adequate representation of 'victim rights', policy and practice changes that 'protect rights', and indicators that policy/practice changes 'reflect stakeholder views'. For many of these concepts, there will be no immediately apparent baseline information. Target setting may require the development of performance rubrics which set out a shared understanding of what 'success' would look like. From these, markers of progress at various stages of program implementation could be identified and agreed to establish key baselines and realistic targets for the Results Framework.

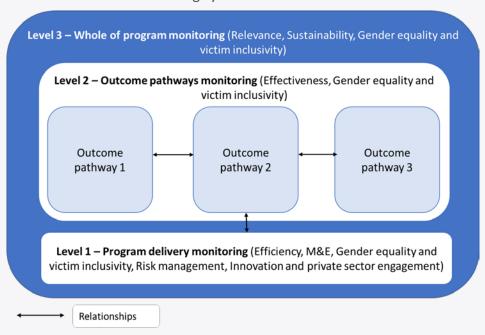
MEL monitoring

The MEL architecture for program data collection has three dimensions: the whole-of-program level, the outcome pathways level, and the program delivery level. An overarching monitoring plan will be developed by the Managing Contractor during inception. It will need to incorporate approaches to monitoring the following program elements:

- Delivery monitoring this focuses on the 'doing' or delivery part and enabling functions of the program. It monitors the utilisation of inputs, quality, and efficiency of activities and outputs under each implementation strategy.
- Change monitoring this focuses on the program logic and tests the effectiveness of each outcome pathway, including the extent to which the program logic assumptions are holding true. This monitoring will largely collect data for the program's Results Framework.
- Whole-of-program monitoring this focuses on tracking the relevance of the program and aggregating monitoring information to tell a whole-of-program progress story. This will produce information on the

strength of the demand for the support provided through the program, and the need to adjust this support in light of contextual and political changes.

Dimensions of the monitoring system



Effective monitoring will require the collection of data at both the country and regional levels. The system should enable the timely production of accessible program update reports, and must support disaggregation of program participant data by sex/gender to the extent that privacy and ethical obligations permit. Relevance and sustainability and, to the extent possible, contributions to the broader program goal, will be reported on through the evaluation activities.

Possible M&E tools

A diverse array of methods and tools will need to be developed to collect and capture the data necessary to monitor progress and answer the evaluation questions. These will be progressively assembled depending on the information needs of each activity (especially for new capacity development and policy dialogue support activities). Tools will be designed to capture data disaggregated by sex/gender and other factors (disability, migration status, age and ethnicity, where relevant and feasible).

The indicative list below has been provided based on the proposed Results Framework, KEQs and subquestions, and includes a mixture of routine self-reporting, independent evaluation, exceptional incidents/outcome reporting, and wider surveying.

Workshop and training M&E forms: will build on those used by the current AAPTIP program. They will need to provide for (where relevant) pre-testing and post-testing of changes to participants' knowledge, attitudes, intended behaviour changes, or impressions of training quality – as appropriate to the intended workshop or training event outcomes.

Event evaluation questionnaires: will be developed to provide information on the relevance and quality of the information provided at events, changes to participants' knowledge, attitudes, and intended behaviour changes – as appropriate to the intended outcomes of each event. They may be administered immediately

following an event or at an agreed time period after the event. These will be particularly relevant to capturing information on policy dialogue events.

Stakeholder surveys: will be conducted periodically at the regional and national levels and for specific agencies to assess select inputs and outcomes, particularly related to the quality of program support provided by the program, as well as perceptions of improvements across the trafficking sector as a whole.

Periodic state agency surveys: will be developed to track their progress on institutionalising training courses and other capacity building activities, as well as procedural and practice changes influenced by the program. Their administration would likely be through phone interview to improve the likelihood of participation and data accuracy.

Logs of requests: will be kept, recording the incidence of program partners requesting assistance, in order to track the demand for the program's services as an indicator of interest in engaging with the program on key issues and its ongoing relevance to stakeholders.

After-meeting participant survey/interviews: will be conducted, where possible, with participants engaged in ACTIP planning and monitoring meetings. These will provide valuable insights and information on aspects of meetings between key regional and national stakeholders which the program is seeking to influence, but in which program advisers may be unable to participate. After-meeting interviews will be key to filling important data gaps.

Independent expert reviews: specific Terms of Reference for short review/evaluation pieces will be developed for commissioning the input of specialists with experience in the criminal justice sector and rights-based approaches. This will ensure international best practice is being applied in the production of key outputs. They may also be used for more rigorous evaluation of trials and pilots (outcomes) before any findings are advocated more widely.

Media monitoring: may be undertaken around agreed issues or to track public perceptions of ACTIP implementation at the regional and national levels.

Most significant change stories: are methods for monitoring stakeholders' impressions of changes that occurred because of program activities, which therefore demonstrate perceived contribution to outcomes. These may be used to evaluate the intended and unintended outcomes of select program activities — particularly relating to the differential impacts on women, men, ethnic minorities and irregular migrants, for example.

Tools for measuring the impact of policy influence: as all pathways are working towards policy and system changes in complex contexts, retrospective monitoring techniques, such as Significant Policy Change, Process Tracing; and Significant Instance of Policy Influence, will be essential for assessing the program's contribution to targeted policy/practice changes that take place over the life of the program. Applying these tools would involve interviews with key justice officials and others involved in reform processes to 'backwards map' the key events/ policy dialogue processes that were thought to have influenced the change. In order to provide a foundation for verification, partners involved in policy dialogue processes would also be encouraged to use influence logs to record instances where they believed they influenced attitudes or change following their involvement in program-supported policy dialogue.

Pilot/trial evaluation: methodology will be developed using fit-for-purpose approaches to measure the success of trials (principally under Pathway 2), possibly modifying and combining some of the policy influence tools. These would be carried out by the program MEL team to supplement any periodic expert reviews and evaluations.

Reporting

The Managing Contractor is expected to provide two major progress reports each year: a six-monthly Progress Report and an Annual Report. These reports will provide information captured from the program's MEL Framework against agreed performance indicators, an up-to-date on financial expenditure, a review of important stakeholder relationships, and an up-to-date Risk Register.

Six-monthly Progress Reports will include information on the progress of the program in delivering on planned activities, on adjustments made to activity plans and on the program's performance (from inputs to immediate outcomes). This reporting should incorporate how equality and inclusion and promotion of victim rights have been advanced through program delivery and performance, as well as risk management and lessons learned.

Annual Reports will include information on program performance over the year against work plans, with a particular emphasis on how equality and inclusion, promotion of victim rights and the program's transition towards new ways of working have progressed. The report should include progress throughout the year against all M&E criteria, and compare performance to the previous year with a strong analysis of the causes of variations in performance. The report will also contain a brief assessment of the usefulness and quality of the MEL and the planned changes to the MEL for the following year. The delivery of these reports will need to consider DFAT's information cycle needs for annual reporting.

Reporting to DFAT should align with DFAT's reporting guidelines and support DFAT's reporting to partners and the public.

In addition, internal quarterly reporting should provide more real-time information to support program communications and management. The timing and reporting of outputs for program management will be established by the Managing Contractor.

The Managing Contractor will also provide ad hoc reports on activities at DFAT's request to contribute to DFAT's internal reporting, including AQCs, Partner Performance Assessments and Aid Program Performance Report. The Managing Contractor will also undertake exception reporting to highlight emerging risks and opportunities as needed.

DFAT may request reporting on specific case studies of change (for example, a justice official's attitude to victim rights) achieved through the program's activities. Such reports will use a robust methodology, demonstrate strong analytical quality and be presented in a form that facilitates dissemination and can be used to engage relevant stakeholders.

Finally, the program will be required to submit a Completion Report at the end of the program to provide the basis for a final aid quality assessment. This report will bring together the most up-to-date and comprehensive data to report against the KEQs and Results Framework.

DFAT reporting requirements are laid out in the Statement of Requirements at Annex E.

Evaluation and review

Along with the routine monitoring and exceptional reporting outlined above, ASEAN-Australia Counter-Trafficking will be subject to two major evaluations:

• An Independent Review (Phase 1) – This evaluation will likely take place in year 4 and examine program effectiveness, relevance and contractor performance. The evaluation will inform DFAT's decisions on whether to continue the program or renew the Managing Contractor's contract for a further five years.

• A Final Independent Review (Phase 2) – This evaluation may commence in year 7 and will provide a stocktake of the program's performance and achievements.

These evaluations will need to provide a robust assessment of the program's progress and strong recommendations on improvements and future directions. Evaluation quality will need to adhere to DFAT's M&E standards. In addition to these major evaluations, the Managing Contractor will undertake periodic internal reviews to develop the program's own evidence base.

Learning and analysis

As part of the MEL Framework, the investment will outline the ways in which information and reporting from the program will be analysed, made available to and used by the program team, program partners and the broader community of practice. Learning across the program will include the reflections and lessons from: a) the Managing Contractor's participation in activities; b) results generated by the M&E systems in place; and c) evidence generated through formal reviews and evaluations.

Regular reflection meetings and workshops involving the investments' staff are expected to form a key element of the approach to learning and analysis, and the Managing Contractor is expected to facilitate this process. This process should reflect a strong analytical effort in examining the 'so what' implications of the data and information produced by the M&E system, which reflects on whole-of-program progress and how improvements can be made, country-to-country learning, and specific thematic and/or issues-based learning.

ANNEX G – RISK, SAFEGUARDS AND CHILD PROTECTION ASSESSMENTS

Name:	Trafficking									Number:			
			Risk ratio	Risk rating before any controls	ontrols				Person Responsible	Implementation	Target rat	Target rating when Proposed Treatments are in place	posed
Risk Event - what could happen	Risk Source - what could cause the event to happen	Risk Impact - what would happen	(Influe	Complete (who to make)	Bak beday jude to meddy	Existing Controls (what's currently in place?)	Effectiveness	Proposed I restments (If no further treatment required or available, please explain why)	for Implementing Treatment/s	Date for Proposed Treatment/s	Deline a report	Company Co.	to mark)
Political instability or changes in governance in key countries (particularly in Thailand, the Bhilingian	Although South East Asia and the constituent in nations of ASEAN are generally considered politically stable, there have been notable periods d, of political unrefs in Thalland, Indonesia, the Philippoines and Catabookis in consent source wash.	While the impact of political instability on the delivery of seisting regional programs has been minimal to date, such been minimal to date.				DFAT, the existing Managing Contractor and counterparts urrently work closely and actively to: monitor regional and national dynamics; build relationships with key senior evel regional and national decision makers; share offermation amount bin independents are no no		Program work planning will prioritize flexible approaches that respond to changing context. Program work effort will continue to institutionalize straining and apportly building in sational institutionar, rather than directly definer broad-based capacity institutionar, rather than directly definer broad-based capacity institutionar, rather than directly definer broad-based capacity, while the program will complement transition building work will be considered to the contract that the program of the contract transition for the co					
Myanmar and Cambodia) affects government political will to reform the criminal justice response to human trafficking	u < u = = m	ž 2.5 "	Likely	Moderate	ģ.	impediments and evolving political dynamics; and discuss implications and adjust strategies and plana accordingly, including by meiting strates of focus. The signing of a shirtly approach commitment to counter trafficing (the ISCAN Convention Against Tafficialing in herzons, Especially Women and Children) represents a formal	Effective	with initiatives that engage actors of influence outside justice agencies, including businesses	Managing Contractor (Program Delivery Team): DFAT program manager	From commencement of implementation (following inception)	Possible	Minor	Medium
ď	intability in a number of the target countries.	9				orimitment from all ASEAN partners that can be used to recourage continued engagement.			manager				
Partier governments priorities countes, trafficier gwork but emphasize initiatives that contravene the rights of victims	A shift in policial commitment away from effective counter straighting interaction any effective counters of reliably priorities towards combining interaction priorities towards (combining the subject of enforcement of the commitment of the commi	*	Possible	Moderate	Medium	Edit monitor se policia sharion in edit target county, reporting and subject factors that on contribute to policia installin, and reseiva seator- pacifi, insight on purper commitment from use estiring Adrill insettement. This information helps to identify, region nick serly and enter this milipation strategis are in jates. A diplomatic strategi in expensed to build on the strong relationships with stabeloiders developed on the strong relationships with stabeloiders developed through previous courses-strifficing innestrement to consume contributy and early identification of risks.	Partially Effective	The investment scape will breader from a warrow crimital juricle focus on econogras at individual has and of the first production alternatives to a participating in prosecutions to secure establishes a program folgic set of principles, mendezed resourcing and governance arrangements to the incuments to gloid the Managing Contractor in extending the protection of strikinging crimin rights. Contractor in extending the protection of strikinging crimin rights. Contractor in extending the contractor of strikinging crimin rights. Contractor in extending deposits and its municipation and comments are considered, with contract protection of striking significant distributions of comments are considered with contract and	Managing Contractor (Program Delinery Team): DEAT program manager	From commencement of implementation (following inception)	Possible	Minor N	Medium
Delays in securing partner agreement to commence programming delays delivery.	and approved processes in partner countries, including the spiring of solidary have approved for horse caused delays in past trafficioly-related incustometrus (Thilland of ARTP), induced in ARTP), a situationare compounded in regional program by the control spiritudin and partner countries. Victorian has recently amended its procedures, slowing approvals.	Delays in partner approval for the investment can delay commencement, reducing the window in which outcomes can be secured.	Likely	Moderate	뜕	Side from past investments can be used in most AMS sets prioritation of SEA conceil; the new program, feet is sufficient time between design approval and proposed program commencement that program schildes could commence in almost all countries, even where delays were encountered in one partner's system.	Partially effective	A strategy to secure and streamine Sobolismy Amragements will be commerced upon the supponed of the deeply and sheed of transfering and procurements this review will consider the feability of amending equality SATIP SAS to encompast the feability of amending equality SATIP SAS to excompast the commercent. The program will be indeed to the ASSIP- James in SATIP AMENDE Administration of the SATIP capacities generated in most countries.	DFAT Program manager	From approval of the Investment Design Document	Possible	Minor	Medium
High (though uneven) prevalence of both grand and petty corruption among criminal justice actors and related state regulators (e.g. labour officials) impedes program objectives	Demetic retainers to reform from expolars of with exponent car polarist influence. untitudentialed parenage network operate in united agencies. Pregram highest affects impling so the interest of annion partner powerment efficials comply) benefiting from trafficialing crime.	Innovative initiatives involving data collection or alternative forms of victim restriction may more effectively highlight official complicity in strafficial complicity in crime. Official complicity in crime tamibuse damages the reputation of the program. DFAT or Australia.	Шкеју	Moderate	ą.	cisioning program has apported doner operational estimated and the Philippines and trafficing immedigate. This laids do the Philippines and trafficing immedigates and prosecutants to encourage appropriate as are referral. An elimitat immedia (cue disclaires that provinces transparents to administration (cue disclaires that provinces transparents as an enargement distalated) are already in place in some partner agencies.	Partially Effective	Prough policy diague, engage oil lockey opprisations that deally monitor cast as in distance in which complion may be a factor. Formally repand and captor to gram official initiation and that promote respansers (in liquid as distance) monitorial initiation, including the publication of court judgments.	Managing Contractor (Program Delivery Team): DFAT program manager	From commencement of implementation (following inception)	Possible N	Moderate	Medium
A trafficking-specific investment is unable to influence the lack of basic structures and process guiding investigations and prosecutions so as to assure fundamental fainness to suspects and sunnivors.	inchibional charge in criminal justes agencies is anquiede element of shiring the states of objectives took is difficult to achieve in the medium term. A single inforca on balliding justice officials' capacity will not address impediments to more officials' use of enhanced capacity.	Justice officials are unable to make use of expanded capacity and results are limited.	Possible	Moderate	Medium	loggs are recovered to the control policy procedure and logge are recovered to institute control in processes within their influence (including precisits units its counts). These has their demonstratin impact in specific circumstances that have not relied on overarching onthiconal strength.	Partially Effective	The program will regge non-government about in new partnership in order to influence activity prince efficials with substantial influence activity prince of first with substantial influence of correct. Program will formally opport and support program-orders intiliation that promotes from parency in justice administration, including the publication of court judgments.	Managing Contractor (Program Delivery Team)	From commencement of implementation (following inception)	Possible N	Moderate N	Medium

DFAT RISK REGISTER TEMPLATE

Blatform for supporting rodusive policy Galague was yellow for galague mitasives mitasives	8 7 7 A A				at .
2.6	Mailgred espectations among external and the member of the program's intended or potential impact.	Unrower of participants in AZEAN sectoral bodies with responsibilities for imprementing ALTP (rotuding the SQMTP) (rotuding the SQMTP) (ratificity the Responsibility of the Res	Fregram unable to productively engage ASEAN Member States ineligible for COA (Brunel and Singapore)	happen	Risk Event - what could
Butform Three does not receive sufficient technical input nid/or governance oversight to be seeked appropriate initiatives or to engage influential stakeholders.	Applify independent Mol-Term Review confirmed parties response to human trafficing in MSEAN, use described the interreptioning the statistics would not combinate to the statistics would not combinate to the solit-centered of statistics be solit-centered of statistics be solit-centered of statistics or independent of the criminal jurious patent but defining objective ju on the illustration to operation of the criminal jurious patent but a defining objective ju on the illustration to defining objective ju on the illustration of potention of the criminal jurious patents as defining objective ju on the illustration of potention of the criminal jurious patents as defining objective jurious patents as defining objective jurious patents as proposed on the proposed of proposed on the proposed on the proposed proposed on the proposed proposed on the proposed proposed on the proposed proposed on the proposed proposed proposed proposed proposed proposed proposed proposed proposed proposed proposed proposed proposed prop	Regular turnomer ti compounded by a wide variance in the degree of commitment among officials to participating in ASEAN institutions; purclopation in ASEAN events (par successful travel and international experience) is commitment distributed among many efficials in an agency.	Rolls on use OOA prevet program funds being spart to international travel for Burnel's being spart on international travel for Burnel's expension of organization of the sparting search of the sparting search of the sparting search of the sparting search travel from the sparting search of the spart	Risk Source - what could cause the event to happen	
ineffective initatiives generate an opportunity cost with regard to official: attention to other areas of cooperation.	Edwing processes that modely transmission victims of extrafficing crime and for support combused (or enhanced) impunity among exploiters and stafficians are not reformed.	Concitation in relationships with officials at the ASEAN level is more difficult to maintain. Corporate involveige and infra-ASEAN relationships are above. To develop, nathing policy progress above. Eviggenment in ACTIP implementation less effective or delayed.	Regoral policy making to hampered / Joseet by reduced participation by Singapore. and of branch people forms a COAL-eighte partner country to Singapore of branch as coal-eighte partner are unable to benefit from an COAL-eighte partner are unable to benefit from improved or coal-boxes of coal-eighte partner countries of origin and destination sponsored by the program.	if the event occurs?	Risk Impact - what would happen
Possible	Possible	Pozible	Pozzible	(Malbani) sales)	Risk ra
Moderate	Moderate	Moderate	Moderate	Complete (why to matrix)	Risk rating before any controls
Medium	Medium	Medium	Medium	But hading pater to matche	controls
Reviews of current programs and associated DFAT evaluations have provided a rightficant evidence base upon which to design proposed initiatives that complement part organic spacing building work. Design and procurement processes are sufficiently flexible to allow the experienced / specialised partner engagement resources to be engaged; or moloyed by the Managing Contractor to nun Pathway 3 mitatives.	The current program has a clear zoops centred on capacity building and regional policy support that it well understanded by counterparts. May decision makers in justice, agreericat are highly supports and continued Australian assistance in the criminal justice response to human trafficing, and have been consulted during the development of the design.	Program staff monitor turnoue of ley individuals and yudiate retinant jalar sud approaches; dermine degree of engagement from (and entry points for influence with) men incumblests; engage with new incumberts as early as possible to start building the relationship.	involve non-Oligonal-involve partners at the regional involve non-Oligonal-involve distribute, including AGEAN sectoral bodies (DOMTC, COMTC TIP WG and RSU) as well as regional policy and capacity building workshops.	(what's currently in place?)	Existing Controls
Partially Effective	Partially Effective	Effective	Partially Effective	Effectiveness	Overall Control
Provision for a robust monitoring & evaluation aptem has been made in the investment, modeled using featons drawn from past investment on the consequences of over- and under-investment in these systems.	Through Pathway 3, the program will broaden the counter- trafficing approaches of past investments to incorporate facilities reprovide initiatives that respond to political opportunities to accept from the justice sector's response to human trafficing, including shough more include policy of single monking influential normate stakeholdent. This is expected in time to resolve the proportion of the fineatment observation will be monitored carefully from the machine missing will be monitored carefully from the difference including through a governance mechanism that effectly involved DRAT in assessing technical strength, partner engagement, likely impact and scalability.	Senior program staff proactively meet, f engage regularly with really appointed staff in the agencies, no conditation and colaboration with DFAT, identify alternative interlocators for lary disloguest and engage potential participants in anticipation of routine tumover.	Support non-OOA Member Stater involvement in the SOMITO- driven process of monitoring ACTP Includes non-OOA ASSAU Member States in DRTT diplomatic strategy and prioritize sharing of pool practices and eleasent learnt, as well as in sharing in some of the states of the states of the states experig on-OOA ellipse partners. Engage practitioners from non-OOA countries through workloops or sub-regional meeting on the implementation of ACTP Machania and the energy entiring relationships with high-level staff in key justice in energy entire to the state of the state of the states approach in Segaptor as off those to encourage bisters (Justice regional engagements with source countries on specifically identified case colvert / identified problems.	(If no further treatment required or available, please explain why)	Proposed Treatments
Managing Contractor (Pergana Dislary Team): (PAII program manager	Managing Contractor (Program Delivery Team): DRAT program manager	Managing Contractor (Program Delivery Team)	Managing Contractor (Program Delivery Team): DRI program manager	for Implementing Treatment/s	Person Responsible
From commencement of implementation (following inception)	From outset of program, with an early incogram, with an early incogram of the date of ollowing establishment of inception plan	From commencement of injerimentation (following inception)	From outset of program, with an early inception review date following establishments of inception plan	Date for Proposed Treatment/s	Implementation
Unlikely M	Unillely	Possible	Possible	(Anthon Walds)	Target n
Moderate	Minor	Minor	Moderate	Consequence (who to match)	Target rating when Proposed Treatments are in place
Medium	Low	Medium	Medium	Statuding jeder to metriaj	roposed

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Publicate breather of human right by part of the partners who have directly benefited from the investment? arthlites, or zeroicus and publicate breather of human rights by officed breather of human rights by officed from the investment? achieves the investment? achieves the arms state agency (auch table as are employed by a semifoce of law as police of but as professor of publicated from the semifocement bodies).	Program funds are minappropriated by contracted implementing partner, a sub- contracted organisation or a partner government.	The program is associated with state officials who bear diotests resting so children, including sufficially within and the children of turnificing withins, to institute policy or procedure that infringes children's rights children's rights.	Doors in Southeast date make investments in initiatives that conflict or authoratively over the conflict or authorative that one program.	Risk Event - what could happen
hes of the ve we differ the of from the of officials rectly the birthes of by the cy (such the c		state produces in a duties in	D'	
West governance in crominal justice entitutions facilitate (enhances of victime frusance) fights by state efficials. Program implementers are unable to a dequately interfly ricks presented by program partners, including in relation to the treasment of trafficking victims.	Mraging Contractors or other fixed excipients that excipients that contractors or other fixed excipients. Mraging contractor staff are presented to make asymmetro or provides other baseful to fiscilitate participation in activities.	Official zazociates with the program have: a poor understanding of their responsibilities, inappropriate incernities for the rapid formal resolution of trafficing interligations: or cultimate positions that treat as safults persons who are tegally considered children.	Poor relationships and/or coordination between DRAT and major choors; personate overlapping investment in sease of limited partner capacity.	Risk Source - what could cause the event to happen
Off in its course gover from of reputations durings among of reputations durings among of reputations durings among the policies refugling performent parties in industrial a single performance of the during the single performance of funded partient.	Prade leading set the loss of program funds undermitted the investment. Fund and investment. Fund and funds of the loss of the funds) undermitted the funds) undermitted the funds) undermitted the funds) undermitted funds of the program objection and compromites relationships and compromites relationships with implementing partners.	Children in contact with the criminal justice system are of obtained, separated from faith infringed. Chiminal Justice officials tale advantage of victim vulnerability, including the property of and abuse.	Fairce engigenest becomes discharment of program objectives. I companible or produce or solicitation of the solicitation of the solicitation of the solicitation of the solicitation of solicitation of	Risk Impact - what would happen If the event occurs?
Possible	Possible	Possible	Possible	Risk rati
Moderate	Moderate	#\$	Moderate	Risk rating before any controls
Medium	Medium	香	Medium	controls material patron material
DRA understate brins and ongoing enalgated the political disked of partnership unbergomentar counterparts in each of the countries in which the program will operate, including on the security agencies with whom we partner. Longstanding collaboration will will have been partners to prepared in control to a poly describly direct partners understalling into promotive to enably describly potential reputation impacts.	DRAY a sero-benezes towards fraudent activity applier to all construction. Any content with an implementing partner will contain a fraud and complion clause fraud monitoring disposing in present partners of the control apply procurement obligations regarding fraud control apply to the engagement of any automation. The sepretions of implementing smiltr stratificing insustments with inviting partners using similar stratificing insustments and these successful section-specific self-should arranged can be shared with the closes implementing partners. The proposed project will transfer found only to socratication, of short as the section of the control of programment partners, lowering floation y rids relating to corruption.	Under DRAT only protection policy, DRAT expects any contracted service delivery partner to act in accordance with the principles outlined in our policy.	DRI to a recognized leaser in appropring the criminal justice response to human trafficing is Seakersta fair, and the program and proposed interments by the Global CHP program and proposed interments by the Global form to the Sansen) have been equicinly designed accommodate this in addition. DRI has accomed to be a season of the season of the season of the working existenchips with USAID officials responsible for utafficing released invastments (Bargiela and Washington), and doose these shared intermines to make appropriate use of partner capacity.	Existing Controls (what's currently in place?)
Partially Effective	Effective	Effective	Effective	Overall Control Effectiveness
Managing Contractor will be abled to export immediately to DRAT any instruction of great our human right bradeate by direct or partner official of which they become aware. Investment can be shifted within the region program in the sensit that working with particular partners becomes untenable.	ORAT program managers will actively monitors Managing Contractor compliance with fraud policies.	This program will not work decistly with children. The interest child procession risk or the incutence is too, and the organizations is the water and the procurement process, in the with action mig EAT coll effection. Compliance Section. The Managing Contraction will underside an assumement of helig procession risk and depending on the level of risk destribed, apply the appropriate minimum child protection standards to manage the risk.	ORAT opionist strategy will retagate the door coordination does for this insertment than showed DRIT- wide approach to advocary and coordination on countering human trafficing and modern slavery.	Proposed Treatments [If no further treatment required or available, please explain why]
Managing Commontor (Program Delivery Team): (PMI program manager	Managing Contractor (Pongram Delivery Tean): DRAT program manager	Managing Contractor (Program Delivery Team): OFAT program manager	DFAT Program manager	Person Responsible for Implementing Treatment/s
From outset of program, with an early inexpelion review data following establishment of inexplora plan	Franceted of program with a sealy program with a sealy incident with a sealy incident seal and a seal of incident seal of incident plan.	From outset of program, with an early inception review definition on the following establishment of inception plan	From outset of program, with an early inception review date following establishments of inception plan	Implementation Date for Proposed Treatment/s
Pozible IM	Unitiely	Uniliely	Unillely	Target ra
Moderate N	Minor	Ħgh	Minor	Target rating when Proposed Treatments are in place Consumer Treatments (Consumer Consumer Consumer)
Medium	woJ	Medium	wo	roposed place satural stratal

Procedural improvements and training on gender and training on gender and order new force and training on the service and serv	Significant/rapid changes in program budgets and consequently the scale and type of activities that benefit state counterparts	Events beyond DFAT's control may result in the (formal or de facto) suspension of development cooperation with an ASEAN partner government	A managing contractor implements stables in 2 way first does not should with a great GFAT and partner priorities a partner priorities.	happen	Risk Event - what could
No or limited standards and policies in the key government agencies are in place.	gigificant/ingid chages Poor bagginig and forecasing or uniforeseen in program baggest and four digitificant exhibition in departmental concequently this sciel prending on sid. And type of architect but benefit state counterparts!	Uranisipated breakflowns in broader bitateral relationships.	A managing contractor. Managing contractor cost control jard DAT implements satisfact in consequent of same jarour or communication area plant date on a light plantal down between the managing contractor with agreed DAT and control product or cody) benefit rate officials processally (puch as international strate).	Risk Source - what could cause the event to happen	
The rights of trafficing victions continue to be absorped with to be absorped with the window continue to be absorped from the window continue to the continue	Significant charges in program size and scope. Restrionships with program partners with program partners challenged. Reduction in partners commitment to the program, in turn reducing the Billenhood or scale of Billenhood or Billenhood or	Program implementation in our or or more countries is habitat; that country is participation in regional and cross-stakeholder events becomes less likely.	Peop program implementation leads to Failure to achieva- leads to Failure to achieva- plament essentia. DFAT sustains requestional damage from negative publicity.	if the event occurs?	Rick Impact - what would happen
Possible	Unlikely	Possible	Possible	(Swiftend polyr to model)	Risk ratir
Moderate	Moderate	Moderate	Minor	Consequence (where to market)	Risk rating before any controls
Medium	Medium	Medium	Medium	State to markly	controls
Comert program has established a haveing by doing model the recourages me and innovative way of learning about hair contributes to behaviour and attitudinal dange in relation to greder and victims. This model has been incorporated into the design.	Program allocations are aligned units piceline forecasting. Program design is afficiently feelblist to scale up and down in the event of budget change.	The program is designed with a feeable implementation model that is gareat arous countries with existing DFAT opportunite presence.	DMI overlight of investing contrasts cost control is paramet from the limited residual for pooring processes, including (but not inhered to) the 460 calling operation of the processes of the limited residual for the processes of the limited residual for the poductive working etisticologie with parameter poductive working etisticologie with parameter poverments and with DBM, as well as ensure the alignment of profests. These investings are constructed, in addition to the opportunity to secure fluxe work from DAM.	(what's currently in place?)	Existing Controls
Partially Effective	Effective	Effective	Effective	Effectiveness	Overall Control
Regularly months implementation of gender maintrashing strategy to learn of methods of shallout that accombinating to charge. Concluding the "berning and resident Jessions" in relation to gender to surprefer understanding of lesy listed and fairners to charge. Establish a position within the program delivery team with responsibility to glide and ensure integration of required behaviours in program activities.	in the central pligificant budget brange, DEAT will revise its diplomatic threshy to manage country part section and enume the maintenance of program outcomes where possible.	The proposed inestinents is regional, with partnerships to be established arous the countries. What a breakdown in Australia's bilateral indistination, with one partner country (for reasons the proposition country (for reasons the proposition in meatiment can shift reasoning to those partners and entity points where results can still be achieved.	DRAI program managers will further mitigate this risk through the institution of thoses planning and consultation processes between the managing contractors and the Australian Mission to ACSAN, Banglais. The Person Personneck Payment or parts thereof may not be paid where a constraint ober not meet agreed performance manderids.	(If no further treat	I Proposed Treatments
Managing Contractor (Program Delivery Team)	Managing Contractor (Program Delivery Team): DFAT program manager	Managing Contractor (Program Delivery Team): DFAI program manager	Managing Contractor (Program Delivery Team): GET program manager	Treatment/s	Person Responsible
From outset of program, with an early inception review dataly inception review dataly of inception plan.	From outset of program, with an early inception review date following establishment of inception plan	From outset of program, with an early inception review date following establishment of inception plan	From outset of program, with an early program, with an early inception review date following establishment of inception plan	Date for Proposed Treatment/s	Implementation
Pozsible	Unillely	Possible	Unillely	indicate model	Target ra Treatm
Moderate	Minor	Minor	Minor	Company St.	Target rating when Proposed Treatments are in place
Medium	low	Meďum	wol	terminal (see	oposed

	Consequences					
Likelihood	Negligible	Minor	Moderate	Major	Severe	
Almost Certain	Moderate	Moderate	High	Very High	Very High	
Likely	Moderate	Moderate	High	High	Very High	
Possible	Low	Moderate	High	High	High	
Unlikely	Low	Low	Moderate	Moderate	High	
Rare	Low	Low	Moderate	Moderate	High	

Safeguards Screening Checklist

	Yes	No	Not Sure
Child protection			
1.1 Did the outcome of the child protection risk context assessment indicate a full		Χ	
assessment is required?			
1.2 Is the investment likely to involve contact with or access to children (0-18		Χ	
years old) due to the nature of the activity or the working environment?			
1.3 Will the investment involve investment personnel working with children?		Χ	
Displacement and resettlement			
2.1 Does the investment involve construction on, exclusion from or repurposing		Χ	
of land that is occupied, accessed to generate livelihoods or of cultural or			
traditional importance?			
2.2 Does the investment's success depend on other development activities that		Χ	
may involve construction on, exclusion from or repurposing of land that is			
occupied, accessed to generate livelihoods, or of cultural or traditional			
importance?			
2.3 Does the investment involve planning for, advising on or designing the		X	
economic or physical displacement of people to make way for infrastructure			
development, disaster risk reduction or exclusion of the local population from			
land accessed to generate livelihoods?			
Environment			
3.1 Will the investment support any of the following:		X	
medium- to large-scale infrastructure such as roads, bridges, railways,			
ports, infrastructure for energy generation			
development of irrigation and drainage, diversion of water			
 land clearing, intensification of land use 			
 hazardous materials and wastes 			
or			
 activity in mining, energy, forestry, fisheries, water supply, urban 			
development, transport, tourism or manufacturing sectors?			
3.2 Will the investment support any of the following:		Χ	
 small- to medium-scale infrastructure such as localised water supply 			
and/or sanitation infrastructure; irrigation and drainage; rural			
electrification, rural roads			
 construction/renovation/refurbishment/demolition of any building for 			
example: schools, hospitals or public buildings			
or			

 localised use of natural resources, including small-scale water diversion, agriculture, or other types of land-use change? 			
 3.3 Will the investment contribute to, directly or indirectly, or facilitate, activities such as those listed above, including through: trust funds, procurement facilities co-financing contributions support for planning, change to regulatory frameworks, technical advice, training or applied research? 		X	
3.4 Has an environmental review of the proposed investment already been, or will be, completed by an implementing partner or donor?		Χ	
3.5 Does this investment need to meet any national environmental standards or requirements?		X	

Child Protection Risk Assessment

Part A - What is the level of working with or contact with children at the activity level?

Contact with Children - Assessment (No = nil contact)				
Inherent risk	Personnel will be deployed in-country?	Yes		
	Personnel will be working in a remote and/or rural location?	No		
Degree of Isolation	Involves being alone with children?	No		
	(not frequently enough to be working with children)			
	Involves activities that are away from organisation location?	Yes		
	Involves meeting one-on-one with children?	No		
	(not frequently enough to be working with children)			
	Involves unpredictable or remote settings?	No		
Online contact or	Involves direct one-on-one or group access to children online?	No		
access to personal details	Involves supervising child-to-child online contact?	No		
	Involves online access to a child's or children's personal and/or confidential information?	No		
	Inadequate/missing safe options for children to report unwanted attention or inappropriate behaviour by others?	No		
	Involves educating children and supporting adults on cyber safety?	No		
Working with Children - Assessment				
Vulnerability of child/children	Engages with children whose true or cognitive age impacts on their ability to protect themselves?	No		

	Engages with children who have challenges that contribute to their vulnerability? (e.g. psychological, situational)	No
	Engages with children who do not have many support systems?	No
Degree of physical	Involves demonstrating a skill to children?	No
contact	Position involves need for physical contact/touching children?	No
	Involves providing a personal service? (e.g. washing, dressing, toileting)	No
Degree of monopoly	Monopoly on provision of goods and/or services • Medical? • Food distribution? • Career training (sports/musical)?	No
Degree of supervision	Involves personnel having unsupervised contact with children?	No
	Activities/engagement with children is not observed or monitored?	No
	Insufficient number of trained staff to supervise activities/engagement with children?	No
Degree of trust	Involves developing close, personal, long-term relationships with children?	No
	Involves transporting youth?	No
	Involves one or more of the following:	No
	One-on-one supervision, overnight supervision, out-of-town activities, advising or offering guidance to youth or spending extended periods of time with youth e.g. camps?	
	Contributes to important decisions regarding the future of children?	No
Access to Property	Has access to personal/confidential information?	No
	Adult has a perceived or actual level of authority? (from child perspective)	No
Skills and knowledge required	Requires specific skills, knowledge, qualifications or service eligibility requirements to undertake a child-related position?	No
Child labour	Possibility that activity will lead to the employment of children?	No
	Possibility that activity will lead to the removal of children from school?	No
	Possibility that activity will lead to children being employed in hazardous work?	No
Vulnerability of parent/carer	Engages with parents whose true or cognitive age impacts on their ability to protect their children?	No
	Engages with parents who have challenges that contribute to their ability to provide care? (e.g. psychological, situational)	No
	Engages with parents who do not have many support systems?	No

Vulnerability can include:	Physical and mental disabilities, homelessness, child sex workers or parents who are sex workers, children and families impacted by disasters, displaced, migrants, refugees and asylum seekers, children in contact with the law,	
	children that have been subject to trafficking, orphans, unaccompanied minors and the very young?	

Part B – Activity Inherent Risk

Based on your responses in Part 1, identify the inherent risk of the activity using the table below. Activity Risk is the level of potential risks to children due to the nature of the activity (working with children) or the design of the activity (design of the activity introduces risks to children).			
LOW	No contact		The activity does not involve any individuals working in-country (Nil Contact) (you answered No to all questions in Step 1 Part A)
MODERATE	Contact with Children	X	The activity involves or may involve contact with children (working in-country, remote or rural area) (you answered Yes to <u>any</u> questions in 'Contact with Children - Assessment' but 'No' for all questions in 'Working with Children - Assessment')
HIGH	Working with Children		The activity involves working with children (you answered YES to any questions under 'Working with Children - Assessment')

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¹ These advantages come in a number of forms: profit generated for a business owner or shareholder; fees paid to someone in a trafficking chain, such as a transporter, recruiter or family member; or personal advantages (like promotion, bonuses or job security) accruing to managers in exploitative businesses.

² See Pocock, N.S. et al., (2016). Labour Trafficking among Men and Boys in the Greater Mekong Subregion: Exploitation, Violence, Occupational Health Risks and Injuries. PLoS ONE, 11: 12; Surtees, R. (2013). After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region. Bangkok.

³ See Brunner, J. (2015). *Inaccurate Numbers, Inadequate Policies: Enhancing Data to Evaluate the Prevalence of Human Trafficking in ASEAN*. Honolulu.

⁴ International Labour Organization (ILO) (2017). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. Geneva. ⁵ ILO (2017).

⁶ See United Nations Office on Drugs and Crime (UNODC), (2016). Global Report on Trafficking In Persons 2016, Vienna.

⁷ Sectoral examples include: 28 per cent of workers (and almost one in three foreign workers) in Malaysia's electronics industry were found to be in situations of forced labour in 2014. 16 per cent of fishers on Thailand's long-haul fishing boats were deceived or coerced into working and almost 17 per cent of a sample of the whole fleet in 2013 (an employment pool estimated to exceed 200,000 migrants) demonstrated indicators of forced labour. A 2015 sample of almost 7300 internal labour migrants in Myanmar identified 26 per cent of them as working (or having worked) in conditions of forced labour. ILO TRIANGLE & Asian Research Center for Migration (2103). *Employment Practices and Working Conditions in Thailand's Fishing Sector*. Bangkok; Verite (2014). *Forced Labour in the Production of Electronic Goods in Malaysia: A Comprehensive Study of Scope and Characteristics*, Washington D.C.; International Labour Organization (ILO) (2015). *Internal Labour Migration in Myanmar: Building an Evidence-base on Patterns in Migration, Human Trafficking and Forced Labour*. Yangon.

⁸ Zimmerman, C., McAlpine, A. & Kiss, L. (2015). *Safer Labour Migration and Community-based Prevention of Exploitation: The State of the Evidence for Programming*; Price, M., Hart, A. & Horwood, K. (2015). *The Vulnerability Report: Human Trafficking in the Greater Mekong Sub-region*. Bangkok; Marshall, P. (2011). *Re-thinking Trafficking Prevention: A Guide to Applying Behaviour Theory*. Bangkok. ⁹ Surtees, R. (2014). *Traffickers and Trafficking: Challenges in Researching Human Traffickers and Trafficking Operations*. Geneva & Washington D.C.; United Nations Office on Drugs and Crime (UNODC), (2016). *Global Report on Trafficking In Persons 2016*, Vienna. ¹⁰ Since deterrence of crime is commonly understood to rely on potential offenders' perceptions of the likelihood, severity and swiftness of punishment, current criminal justice responses to trafficking in Southeast Asia may have limited impact on reducing the prevalence of trafficking through deterrence. See Chalfin, A. & McCrary, J. (2017). Criminal Deterrence: A Review of the Literature. *Journal of Economic Literature* 55: 1.

¹¹ The full text of ACTIP can be found at http://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/.

¹² Cockayne, J. & Panaccione, K. (2015). *Fighting Modern Slavery: What Role for International Criminal Justice*?. New York: United Nations University.

¹³ Gallagher, A.T., 2016. Regional Review on Laws, Policies and Practices within ASEAN Relating to the Identification, Management and Treatment of Victims of Trafficking, especially Women and Children; Surtees (2013).

¹⁴ The UNODC (2016) holds that 61 per cent of identified ('detected') victims in East Asia and the Pacific were trafficked for sexual exploitation, while 32 per cent experienced labour trafficking.

¹⁵ In some jurisdictions outside Southeast Asia, prosecutors are encouraged to pursue non-trafficking offences (such as money laundering) against traffickers, where applicable. Jurisdictions that take this approach tend to have a commensurately lower reliance on the testimony of victims to secure convictions, reducing the burden on them in the administration of justice.

¹⁶ See UN Office of the High Commissioner for Human Rights (2002). *Recommended Principles and Guidelines on Human Rights and Human Trafficking*.

¹⁷ Gallagher, A.T. & Pearson, E. (2008). Detention of Trafficked Persons in Shelters: A Legal and Policy Analysis, Bangkok.

¹⁸ These sectoral bodies include (but are not limited to) the ASEAN Committee on Migrant Workers, the ASEAN Commission on the Rights of Women and Children, the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Committee on Women.

¹⁹ See, for example, the Bali Process *Policy Guides on Identification and Protection of Victims of Trafficking* ²⁰ UNODC (2106).

²¹ Data cited at the ASEAN (AAPTIP) Workshop on Addressing Barriers to Gender Equality in the Criminal Justice Response to Trafficking in Persons (Bangkok, May 2017).

²² Goodey, J. (2004). Sex Trafficking in Women from Central and East European Countries: Promoting a 'Victim-centred' and 'Woman-centred' Approach to Criminal Justice Intervention. *Feminist Review* 76: 27.

²³ UN Women at al. (forthcoming). *The Trial of Rape: Understanding the Criminal Justice System Response to Sexual Violence in Thailand and Vietnam*. Accounts are also drawn from presentations at the ASEAN Workshop on Addressing Barriers to Gender Equality in the Criminal Justice Response to Trafficking in Persons (Bangkok, May-June 2017).

²⁴ This draws on the presentation delivered by Dr Sallie Yea at the ASEAN (AAPTIP) Gender Equality Workshop (May 2017).

²⁵ United States Department of State. (2016). *Trafficking in Persons Report 2016*.

- ²⁶ Walji, F. (2012) revised by Keogh, A. & Down, E. (2014). *Trafficking and Commercial / Sexual Exploitation of People with a Disability:* A Review of the Literature: 21-23.
- ²⁷ Research commissioned by PUSHAM UII, quoted in AIPJ Completion Report, cited in DFAT, *Design for Australia Indonesia Partnership for Justice and Security 2017-2021*.
- ²⁸ See Feingold, D. (2005). Human trafficking. Foreign Policy, 150: 26-32.
- ²⁹ See International Labour Organization (ILO) (2015). *Review of the Effectiveness of the MOUs in Managing Labour Migration between Thailand and Neighbouring Countries*. ILO Regional Office for Asia and the Pacific Bangkok; Bylander, M. & Reid, G. (2017). *Criminalizing Irregular Migrant Labor: Thailand's Crackdown in Context*. Migration Policy Institute. Washington DC.
- ³⁰ World Development Report 2017 and DFAT's Effective Governance Strategy (2015).
- ³¹ See Pauly, DJ. 'Slavery is a subsidy': the market distortions of human trafficking. Presentation as part of Environmental Humanities Series: Captured at Sea: Trafficking, Slavery, and Illegal Fishing on the Open Ocean, How to reduce fishing costs at any cost at NYU Centre for the Humanities, New York, November 2, 2016.
- ³² Mandatory and voluntary reporting of this kind is carried out against mechanisms like the UN *Guiding Principles on Business and Human Rights, the GRI Sustainability Reporting Standards, the UK Modern Slavery Act 2015 and the 2010 California Transparency in Supply Chains Act.*
- ³³ See Australian Government, AusAid's Office of Development Effectiveness (2013), *Thinking and Working Politically: An evaluation of policy dialogue in AusAID*
- ³⁴ Standing mechanisms that facilitate policy dialogue between government, business and civil society (or some combination thereof) on trafficking and exploitation exist at the global, regional and local levels. Some are driven by international organisations and civil society (such as the Child Labour Platform established by the ILO, dialogues led by the Ethical Trading Initiative, or initiatives like Issara Institute's nascent Global Forum); some are business-led (like the Seafood Task Force and the ASEAN Corporate Social Responsibility Network); and some result from government action (such as the Bali Process Government and Business Forum and the OECD Taskforce on Countering Illicit Trade). Few mechanisms engage with justice officials and decision-makers.
- ³⁵ The policy defines 'impact' as 'The overall long-term effect produced by an investment. This includes positive and negative changes produced by an investment (directly or indirectly, intended or unintended)'.
- ³⁶ Per the ASEAN Ministerial Meeting on Transnational Crime Terms of Reference, Section II Paragraph 2, the mechanism's mandate is '[t]o facilitate and promote cooperation and coordination within ASEAN in preventing and combating existing and emerging transnational crime; strengthen and improve cross-sectoral coordination including information sharing on transnational crime issues with relevant ASEAN bodies; and enhance cooperation with ASEAN Dialogue Partners and relevant Stakeholders'.
- ³⁷ See ASEAN Senior Officials Meeting on Transnational Crime Working Group on Trafficking in Persons, Terms of Reference, Adopted during the 6th SOMTC Working Group on TIP, 25 July 2011, Singapore.
- ³⁸ See ACTIP, Article 24.
- ³⁹ See APA, Section V.