

**Australia-Asia Program to Combat  
Trafficking in Persons (AAPTIP)**

**Independent Mid-Term Review  
Final Report**

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## 1. Introduction

This mid-term review (MTR) of the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) assesses the program's progress to date and its prospects of achieving its intended results. It aims to identify lessons for the remainder of the program, as well as contribute to the Department of Foreign Affairs and Trade (DFAT) thinking on possible future interventions in the trafficking area.

### 1.1 Trafficking context

Human trafficking and the exploitation of migrant workers is a growing problem in Southeast Asia and a significant constraint on economic and social development.<sup>1</sup> United Nations agencies report that exploitation exists in many employment sectors, including prostitution, domestic service, fisheries, agriculture, mining and construction. While sexual exploitation of women and children is widespread, forced labour is thought to be more prevalent.

The available data suggests that trafficking is a diverse phenomenon, varying by geographic area (including within countries, across national borders and to other regions), industry, age and gender.<sup>2</sup> There are thought to be substantial variations in the nature of the criminal actors involved, from organised crime structures to loose networks of individuals.

Leaders of the Association of Southeast Asian Nations (ASEAN) have committed to combatting sexual and labour exploitation, in accordance with international protocols.<sup>3</sup> Yet with migrant labour and the resulting remittances such a significant feature of the regional economy, the fight against labour trafficking is not always recognised as a high priority. Some countries have only recently begun to criminalise debt bondage and forced labour.

#### Figure 1: Palermo Protocol definition of trafficking

'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'.<sup>4</sup>

<sup>1</sup> UNODC, Global Report on Trafficking in Persons, 2014, [http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP\\_2014\\_full\\_report.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf)

<sup>2</sup> Derks, Annuska et al., *Review of a Decade of Research on Trafficking in Persons, Cambodia, 2006*

<sup>3</sup> United Nations Convention against Transnational Organised Crime and Protocol to Suppress, Prevent and Punish Trafficking in Persons Especially Women and Children; ASEAN (2015) Convention on Trafficking in Persons

<sup>4</sup> *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Crime* ('Palermo Protocol'), November 2000, [https://treaties.un.org/doc/source/docs/A\\_55\\_383-E.pdf](https://treaties.un.org/doc/source/docs/A_55_383-E.pdf)

The United States Department of State publishes an annual report on trafficking in persons (TIP Report), classifying countries according to their performance against international anti-trafficking standards. Within Southeast Asia, Myanmar is currently ranked as Tier 3 (not complying with minimum standards nor making significant efforts to do so), while Malaysia, Lao PDR, Thailand and Cambodia are on the Tier 2 'watch list'.<sup>5</sup> In addition, the European Union has imposed 'yellow card' sanctions on Thailand's seafood industry, due partly to trafficking and poor labour practices.

## 1.2 Australia's investment in anti-trafficking programs

Since 2003, Australia has invested more than \$80 million (all figures in AUD) on programs that aim to combat human trafficking in the region (Figure 2). This has given Australia substantial accumulated expertise and high visibility among regional partners. Programs have focused on strengthening mechanisms for criminal prosecution and labour migration regulation.

**Figure 2: Australian anti-trafficking programs in Southeast Asia**

Program	Asia Regional Cooperation to Prevent People Trafficking (ARCPPT)	Asia Regional Trafficking in Persons Project (ARTIP)	Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)
Duration	2003-2006	2006-12	2013-18
Budget	\$12.43m	\$21m	\$50m

AAPTIP is intended to strengthen the capacity of criminal justice systems in ASEAN member countries to prosecute traffickers. It has a budget of \$50 million over a five-year period (2013-18) (Figure 3). It builds on the experience of two earlier programs: the Asia Regional Cooperation to Prevent People Trafficking (2003-06) and the Asia Regional Trafficking in Persons Project (2006-12).

**Figure 3: AAPTIP budget allocation**

Year	2013/14	2014/15	2015/16	2016/17	2017/18
Budget	\$5 million	\$10 million	\$14 million	\$13 million	\$8 million

AAPTIP is attempting to close 'capacity gaps' in criminal justice systems, covering law enforcement, prosecutors and judges, anchored in enhanced regional cooperation.<sup>6</sup> The design is premised on the theory that if the program can help to strengthen anti-trafficking structures (e.g. by establishing specialist anti-trafficking units), individual skills of criminal justice officials (e.g. victim interview techniques) and criminal justice processes (e.g. inter-agency referral mechanisms, victim management procedures), then these will contribute to more effective and ethical investigation, prosecution and adjudication of trafficking cases. This in turn will increase the risks and reduce

<sup>5</sup> US Department of State, *Trafficking in Persons Report*, July 2016, <http://www.state.gov/documents/organization/258876.pdf>

<sup>6</sup> Australia-Asia Program to Combat Trafficking in Persons: Project Design Document, Version 5.0 redacted

the opportunities facing traffickers in the region, leading to a reduction in the incidence of trafficking.<sup>7</sup>

The program uses a ‘hub and spoke’ delivery model, coordinating the provision of regional and national technical assistance from a regional hub in Bangkok. These include activities in seven countries (Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand and Vietnam) and a regional program.

The launch of the program was affected by delays in concluding Memoranda of Subsidiary Agreements (MSAs) with individual countries (Figure 4). The first was concluded with Myanmar in March 2014, followed by the Philippines in July 2014 and Thailand in January 2015. As a result, activities in different countries are at different levels of maturity. AAPTIP has launched 44 projects across the eight sub-programs, although some have since been discontinued. These include a mix of professional development projects for investigators, prosecutors and judges, delivered primarily through a ‘cascade model’<sup>8</sup> as well as thematic interventions relating to victim-witness support and inter-country and intra-agency coordination.

**Figure 4: Date when MSA was signed**

Country	Date
Myanmar	13 March 2014
Philippines	3 July 2014
Cambodia	8 July 2014
Lao PDR	18 September 2014
Thailand	26 January 2015
Vietnam	18 March 2015
Indonesia	13 November 2015

### 1.3 Methodology

This evaluation assesses the program against four dimensions: the relevance of its strategic objectives, the efficiency of its delivery system and the likely effectiveness and sustainability of interventions. These dimensions are adapted from standard OECD-DAC evaluation criteria.<sup>9</sup> Collectively, they have enabled the team to address a number of more specific review questions from the MTR terms of reference (Figure 5).

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<sup>7</sup> AAPTIP (2016) *Overarching Strategy* (revised) and AAPTIP (2013) *Capacity Development Strategy*

<sup>8</sup> The cascade model of professional development usually involves four key steps: (i) revision of ASEAN endorsed guidelines, training curriculum, standard operating procedures, official approval and integration to national training institutions, (ii) training of trainers, (iii) piloting in two hot spot provinces and (iv) partner-funded integration to annual training plans

<sup>9</sup> OECD DAC evaluation criteria: relevance, effectiveness, efficiency, impact and sustainability

**Figure 5: Key evaluation questions**

<ul style="list-style-type: none"><li>▪ How has the program adapted to Australia's changed aid policies and development priorities, how is the program promoting and supporting Australian national interests in the region, is the program relevant to development partner priorities including ASEAN priorities?</li><li>▪ Is the theory of change still valid and are the activities and outputs progressing towards achieving the overall program goal?</li><li>▪ Is the current model of delivery efficient in progressing the program outcomes, particularly the 'hub and spoke' model of technical advice? Is the program leveraging results at the regional level? Is the program gender sensitive?</li><li>▪ Do government partners have ownership? What evidence of lasting outcomes is available?</li></ul>
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The evaluation takes a theory-based approach, testing the plausibility of the assumptions underlying the program strategy and whether they have been borne out by experience. We conducted a brief literature review and analysed program reports and documentation. Fieldwork was conducted over a three-week period in March 2016 in Thailand, Philippines and Myanmar. The team conducted more than 140 semi-structured key informant interviews (Figure 6), covering officials from counterpart agencies, program implementers, Australian government officials and external stakeholders, such as UN agencies and international NGOs.

**Figure 6: Key stakeholder interviews**

<b>Key informant groups</b>	<b>No. of interviews</b>
AAPTIP management team and advisers	19
AAPTIP national staff	19
Thai government	11
Philippines government	31
Myanmar government	30
International partners	17
Australian government	15
<b>Total</b>	<b>142</b>

There were various limitations to the methodology. The team was unable to hear the perspectives of victims or traffickers. Access to government shelters or prisons was not possible to arrange during short research visits. While the team was able to attend a number of training events, there was limited engagement with participants from earlier trainings. Given the limited ambition in this mid-term review to reach final conclusions on impact, these limitations were considered acceptable.

## **2. Relevance**

This section of the evaluation assesses the relevance of a criminal justice-focused response to trafficking. It looks at relevance through three different lenses: fit with Australian government policies and priorities; responsiveness to partner country needs and priorities; and the program's overall strategic coherence and plausibility.

## 2.1 Fit with Australian priorities

**AAPTIP aligns well with Australian government priorities as set out in the Regional Aid Investment Plan, the National Action Plan on trafficking<sup>10</sup> and the International Strategy to Combat Human Trafficking and Slavery (Figure 7).**<sup>11</sup> The Action Plan draws together the various strands of Australian government activity on trafficking, both domestically and internationally. One of its principles is: “Australia strives to be a regional leader in deterring and combating human trafficking and slavery, and works cooperatively with other governments both regionally and internationally towards this end.” The International Strategy nominates Southeast Asia as Australia’s main geographical focus and mentions four pillars of engagement: prevention and deterrence; detection and investigation; prosecution and compliance; and victim support and protection. AAPTIP’s efforts to strengthen the regional legal framework and enforcement capacity are referenced, although there is no explicit rationale for the predominance of the investment going to the prosecution side. Some stakeholders described the International Strategy as a stocktake of ongoing activities, rather than a strategy against which to measure AAPTIP’s relevance.

One of the objectives of the regional aid program is addressing transboundary human security challenges, linked to uneven levels of development. Trafficking and labour exploitation fit squarely within that objective. AAPTIP is one of a suite of three programs, the others being:

- the Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE II), implemented by the International Labour Organization (\$20 million, 2015-25); and
- Preventing the Exploitation of Women Migrant Workers in ASEAN, implemented by UN Women (\$2 million, 2014-17).

The three programs are addressing different aspects of trafficking/irregular migration and in principle could form a strategic cluster of mutually reinforcing interventions. In practice, however, we did not see much evidence that the three programs were being managed as a package.

There are thematic linkages between AAPTIP and the work of whole-of-government partners, including the Australian Federal Police, the Attorney-General’s Department and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which is co-chaired by Australia and Indonesia.

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<sup>10</sup> Government of Australia, *Australia’s National Action Plan to Combat Human Trafficking and Slavery 2015-19*, 2014, <https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Documents/Trafficking-NationalActionPlanToCombatHumanTraffickingAndSlavery2015-19.pdf>

<sup>11</sup> Government of Australia, *Amplifying Our Impact: Australia’s International Strategy to Combat Human Trafficking and Slavery*, March 2016, <http://dfat.gov.au/about-us/publications/Documents/amplifying-our-impact-australias-international-strategy-to-combat-human-trafficking-and-slavery.pdf>

**Figure 7: Australian Government policy and strategic framework**

**Aid Investment Plan: Southeast Asia Regional Economic Growth and Human Security Program 2015-16 to 2018-19**

Australia's Southeast Asia regional aid program addresses challenges that are transboundary in nature and related to uneven levels of development across the region. Human trafficking and large-scale exploitation of migrant workers undermine the rule of law and threaten stability. The crimes involved are low risk and high reward, causing criminal networks to flourish. This calls for a combination of criminal prosecution and safe and legal migration routes.

**National Action Plan to Combat Human Trafficking and Slavery 2015-19**

"Australia strives to be a regional leader in deterring and combating human trafficking and slavery, and works cooperatively with other governments both regionally and internationally towards this end."

**AAPTIP is well regarded by the Australian Government for its visibility in the region and its ability to serve as a platform for engagement with ASEAN, member countries and their criminal justice agencies.** DFAT officials report receiving good feedback about the program from partner countries at a senior level. The sustained investment in the criminal justice response to trafficking has established a clear niche for Australia, with high visibility. It has also positioned Australia as a supportive partner to ASEAN. The predecessor program, ARTIP, made significant breakthroughs in helping to build a regional architecture for transnational criminal cooperation on trafficking. Structures that Australia helped to establish, such as the Heads of Specialist Units, have continued to function beyond the period of direct support. The program also had indirect influence on the ASEAN Convention on Trafficking in Persons; while donors were not invited to support the drafting of the Convention, some of AAPTIP's prior work was drawn on by the drafters.

**We nonetheless conclude that DFAT could use the diplomatic platform provided by the program in more effective ways.** Potentially, more diplomatic engagement with the program and its counterparts could help to advance Australia's objectives and enhance the program's influence. Part of AAPTIP's budget goes to fund a Partnerships and Advocacy Manager, situated in the Bangkok embassy, to manage internal and external stakeholder relationships. However, we saw little evidence that DFAT had used AAPTIP as a platform to pursue any particular external advocacy agenda. As advocacy was ad hoc, opportunities to work jointly with other actors – such as leveraging the results of the United States TIP Report to encourage action – were not utilised.

## **2.2 Relevance to partner country and counterpart priorities**

**AAPTIP's own analysis suggests that combatting trafficking has not been a high priority for countries of the region, but is becoming more important.** National criminal justice agencies give relatively little priority to trafficking cases, for a number of reasons. Prosecutions are complex and time consuming, particularly for labour trafficking. Criminal justice agencies therefore tend to focus their efforts on sex trafficking cases, usually through prosecution of low-level figures in prostitution or the sale of brides to China (Myanmar). There is a widespread view in these



agencies that only women and children can be victims of trafficking, which excludes most labour trafficking from the attention of the authorities. However, there is some evidence that labour trafficking may be emerging as a higher priority for some governments in the region. Economic interests in some sectors, such as fishing, have led to national action against labour trafficking. There is also growing pressure on international companies to eliminate slavery and trafficking from their supply chains.

**AAPTIP helps its partner countries respond to international pressures.** Regional partners such as Thailand and the Philippines are under significant pressure by the United States and the European Union to take action on trafficking. The United States TIP Report ranks governments for their level of effort in combatting trafficking. While there are no direct sanctions attached to a low ranking, countries fear it may affect their trade relationships. The European Union can issue ‘yellow cards’ for illegal practices in the fishing industry, including human trafficking. AAPTIP is well positioned to offer countries of the region support in responding to these pressures.

**However, there are risks that these external pressures may create unhelpful incentives.** The pressure to take visible action against trafficking could lead to superficial measures to boost prosecution numbers of low-level figures in trafficking. AAPTIP has recognised the need to guard against unsafe convictions.

### **2.3 Strategic coherence and plausibility**

**AAPTIP’s theory of change contains unrealistic elements.** AAPTIP’s design and strategy documents are very ambitious, calling for “transformative initiatives that spawn sustainable gains against the human trafficking phenomenon.”<sup>12</sup> Its goal is to “reduce the incentives and opportunities for trafficking of persons in the ASEAN region”. The program was designed to accomplish this by strengthening the capacity of the criminal justice system to prosecute trafficking cases, thereby shifting the risk/reward calculations of traffickers and reducing the incidence of trafficking. This theory of change is now recognised as unrealistic, for a number of reasons. The program’s own research shows a widespread perception among traffickers that the likelihood of sanction is low. The diffuse nature of the criminal networks involved in trafficking makes them difficult to target through prosecution. The theory of change also assumes that capacity shortfalls are the binding constraint on the performance of criminal justice institutions on trafficking. However, if other factors are at play, such as competing priorities, corruption or political protection for traffickers, then increased capacity may not lead to improved performance.

**Trafficking is not necessarily a promising entry point for tackling wider problems with criminal justice systems.** Some of the constraints on effective prosecution of trafficking are common to criminal systems as a whole (e.g. poor management of evidence, poor collaboration between agencies, corruption, high turnover of staff). It is not clear that a program focused on a single class of crime is capable of addressing systemic problems – particularly across seven countries simultaneously. In fact,

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<sup>12</sup> AAPTIP, *Overarching Strategy 2014-2018*, version August 2014, p. 1

there is limited evidence from the literature of any aid programs making much headway in these areas.

**AAPTIP has in practice focused on a more limited set of objectives around promoting fair trials.** The focus has shifted away from increasing prosecution rates to making existing prosecutions more professional and respectful of individual rights. This helps to manage the risk that external pressure will lead to unfair convictions. The program also includes initiatives to promote the rights of victim-witnesses. While this is a worthwhile objective, it is much narrower than the program's original purpose. Only a small subset of trafficking victims ever enters the criminal justice system. Helping them does not in itself impact on human trafficking as a phenomenon. We are concerned that improving the quality of trials is not sufficient to bring about the transformative impact called for in the design documents.

**AAPTIP has not concentrated its efforts on securing strategic prosecutions.** The program strategy document suggests that more strategic prosecutions should be a focus.<sup>13</sup> This implies a possible alternative theory of change. If the program focused on cases with the potential to disrupt key nodes in trafficking networks, set useful legal precedents or influence public attitudes, then it might achieve wider impact on the trafficking problem. This might involve focusing on how cases first enter the criminal justice system (e.g. by collaborating with NGOs on test cases) or supporting intelligence-led policing against criminal justice networks. In practice, however, the program has focused on training of staff, rather than on any particular type of trafficking case.

**The program is aware of the risk of harm to victims in the criminal justice system, but may not be doing enough.** In spite of AAPTIP's efforts, victim-witnesses (who are predominantly women and children) are still commonly treated as criminals and vulnerable to re-victimisation. This creates a dilemma for the program. By investing in capacity building on prosecution, the program is likely to increase the number of prosecutions in sex trafficking – especially given international pressure. This will increase the numbers of women and children potentially exposed to mistreatment at the hands of criminal justice agencies. While the program does not encourage individuals to enter the criminal justice system and is not directly responsible for any harm they might suffer, the 'do no harm' principle imposes an obligation to monitor for unintended negative consequences. We conclude that the program needs to manage this risk more proactively.

### 3. Delivery

The section analyses the efficiency of AAPTIP's delivery model in progressing the program's intended outcomes.

**Delays in starting up in an already ambitious program have created pressure to speed up delivery.** The AAPTIP design was always ambitious in scope, involving

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<sup>13</sup> AAPTIP, *Overarching Strategy 2014-2018*, version August 2014

parallel activities in seven countries. Following the design process, in the context of a wider scaling up of Australian aid, the program's budget was doubled, from \$21 million to \$50 million, without significant revisions. The program then had to deal with a substantial break in continuity from its predecessor, due mainly to delays in concluding agreements with partner countries (the last of which was signed in November 2015, more than two years after the start of the program).

**Delivery delays have also led to an expansion in international technical advisers.**

Faced with the challenge of delivering too many activities in too short a time, the program responded by increasing the number of international technical advisers. Between August 2013 and March 2016, the number of Short-term advisers increased from four to eight, while the overall number of international advisers increased from 12 to 19. Short-term advisers have the advantage of being deployable on an activity or output basis, which helps to manage the uncertainty of the work plan and the likelihood of activity slippage. However, it limits the program mainly to training events that can be delivered through short visits.

**Despite consultative planning processes, AAPTIP's plans have not always been well aligned with those of its partners.** To secure partner buy-in to its activities, AAPTIP adopted a bottom-up and demand-driven approach to its annual work planning, which allowed counterparts in each country to select activities from among those that AAPTIP was able to offer. However, the counterparts tend to plan their training activities only a short time in advance. As a result, during the delayed start-up and subsequently, the gap between AAPTIP's and counterparts' plans widened, causing many of the program's activities to be cancelled, postponed or changed. As a result, annual expenditure was 45 per cent under budget over the first two years.

**The resulting pressure to speed up delivery of activities and utilisation of funds has come at the expense of working strategically towards a set of outcomes.** AAPTIP management has been very efficient at cutting planned activities that were not progressing, to ensure that advisers spent their time on projects with the strongest delivery potential. The program therefore rates well for efficiency. However, activities prioritised on the basis of efficiency alone may not always be those with the greatest potential for achieving meaningful outcomes.

**The 'hub and spoke' delivery model, where activities are delivered across the region by international advisers from a central hub in Bangkok, is efficient at delivering training, but does not support much depth of engagement with counterparts.** AAPTIP's design document indicates a desire to move beyond classroom training into new forms of capacity development with more strategic impact, such as coaching and peer learning. However, the chosen delivery model does not readily support the more intensive engagement that this would require. It has also meant that AAPTIP has not made effective use of the knowledge of its national staff stationed in each country. The management remains highly centralised, with limited delegation of authority to country teams.<sup>14</sup>

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<sup>14</sup> Our findings echo those of a DFAT review undertaken during the latter part of 2015, following loss of some key country program staff. AAPTIP Country Program Coordinator Review, DFAT, October-November 2015.

**AAPTIP has had considerable difficulty in formulating a strategy.** In the design of the program, it was clear that it was expected to take a different strategic direction to its predecessor, moving beyond individual training into new forms of capacity building. The contractor therefore offered a team that combined continuity with new faces. In practice, there was tension within the program team between those pushing for innovation and those who wished to continue with established ways of working. As a result, it took two years to develop a strategy, and at the time of our visit, the team still did not share a common narrative for the program (although we are told that this has since improved).

**AAPTIP pays close attention to gender issues, but has few levers at its disposal to challenge entrenched attitudes in its counterparts.** The program's gender strategy includes a strong analysis of how trafficking is understood in the region in gendered terms (i.e., the prevailing attitude that only women can be trafficked), of gendered roles within counterpart agencies and the challenges facing women who seek to progress into professional positions. It notes the risks facing women as victim-witnesses in the system, and that gender norms can also work against men, as male victims of labour trafficking may not be recognised as such. The strategy sets out a range of gender activities, and the program reports progress against most of these areas. However, from our interviews, it was clear that gendered attitudes remain entrenched among the counterparts, both in terms of their understanding of the trafficking phenomenon and in terms of the roles played by men and women within criminal justice agencies. The program has few levers at its disposal to challenge these attitudes, as the international evidence suggests that such attitudes are not usually affected by training programs – especially when staff in trafficking posts are regularly rotated to other duties.

However, there are two areas of concern where the program needs to intensify its efforts. One is to follow through on its stated intention to do more on labour trafficking. Otherwise, it risks reflecting rather than challenging the way its counterparts understand trafficking. The other is to intensify efforts on the protection of victim-witnesses (who are predominantly women and children) within the criminal justice process, through targeted initiatives on ending detention practices and promoting the use of videotaped evidence, so that victim-witnesses do not have to be held pending trial.

**AAPTIP's monitoring and evaluation (M&E) system is elaborate but has not contributed to any greater results-orientation.** One of the acknowledged weaknesses of the predecessor program, ARTIP, was poor results measurement.<sup>15</sup> AAPTIP was therefore provided with a much more substantial M&E resource. However, the lack of a clear intervention logic linking activities to outcomes has made it difficult for the M&E team to identify what to measure. It has attempted to fill the strategic gap through more problem analysis, but in the face of intense delivery pressures, there seems to have been limited appetite from management for this kind of reflection, or for the data generated by the M&E system. As a result, an

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<sup>15</sup> ICR, *ARTIP Independent Completion Report*, 2012

elaborate M&E system has emerged, with voluminous reporting, that is not integrated with the management of the program and is widely seen as burdensome.

## 4. Effectiveness

The section assesses AAPTIP's likelihood of achieving its intended results. As it is too early to evaluate actual outcomes and impact, we assess progress to date and the likelihood of it achieving its stated outcomes.

### 4.1 Approach to capacity building

**AAPTIP has a well-articulated 'cascade' model of capacity building that is strong at the technical level.** The model involves a series of defined steps, including initial partner dialogue meetings and sensitisation processes, 'write-shops' to adapt and revise investigative, prosecutorial or judicial manuals and guidelines, training of trainers, followed by shadowing and coaching of partners while they pilot training in designated 'hot spots'.<sup>16</sup> Key documents are endorsed by ASEAN, which facilitates their uptake at national level and helps promote regional consistency in areas such as victim identification.

**The model results in good quality training materials that are adapted to local conditions and owned by counterparts, making it more likely that they will be adopted into national training curricula.** We saw evidence of this occurring in the Philippines (see Figure 8), where many of the ASEAN modules have now been integrated into in-service training programs for new recruits and more experienced officers. AAPTIP has also worked hard to secure budgets for training. Feedback from counterparts and our own observations of training in Thailand, Philippines and Myanmar suggest that training is delivered to a high technical standard and draws on a range of good training practices, including a more interactive style of teaching than is common in the region.

#### Figure 8: Cascade training in the Philippines

In the Philippines, the cascade training system is well advanced. Partners are leading the process, including revision of training materials, co-facilitating training of trainers and piloting revised modules in 'hot spot' provinces.

The police trainers we spoke to from the School of Specialist Courses (one of four separate training schools under the training service of the Philippines National Police) were confident that the trafficking investigations course was having an effect on the behaviours of frontline officers. The head of the training unit believed that police officers were now more observant and more proactive in identifying trafficking cases. He believed there had been an increase in the number of reports filed with a trafficking component and an increase in the number of trafficking cases initiated in the provinces. The Ministry of Justice noted an increase in prosecution cases reported by the Inter-Agency Council Against Trafficking(IACAT)

<sup>16</sup> 'Hot spots' are usually provinces which have a high trafficking case load, usually made up of prostitution cases involving women and children.

units in the ‘hot spots’. We were not able to verify these claims.

Training participants we spoke with noted that training techniques on the courses are now more participatory, with more useful case studies, as compared to other trainings they have attended.

**AAPTIP is beginning to follow up its training with a hybrid form of coaching,** whereby participants in training sessions are offered either one-on-one support by advisers or group coaching. This is not coaching in the usual sense (i.e. sustained one-to-one support to build skills and professional behaviours). However, as it expands, it may provide the program with an entry point for addressing wider institutional challenges.

**Most of AAPTIP’s training builds generic capacities, rather than tackling specific constraints on institutional performance.** AAPTIP’s capacity-building approach implicitly assumes that individual skills are the binding constraint on organisational performance, and that they can be overcome through training despite rapid rotation of staff in and out of trafficking units. There is little reflection in the program of contemporary thinking on capacity development, which suggests a more engaged process of identifying and brokering solutions to specific constraints on institutional performance. A problem-solving approach would require more investment in diagnostic work to identify such constraints, and more intensive engagement by advisers (usually embedded within counterpart institutions). It might also involve a wider range of interventions, including working with actors outside the criminal justice system. AAPTIP has begun to work this way in a few areas. For example, it has been working to strengthen inter-agency cooperation in Myanmar and the Philippines by helping to develop referral mechanisms. However, the program has not really articulated problem-solving as an approach to capacity development or pursued it in a systematic way.

#### **4.2 Transnational investigation co-operation (TIC)**

AAPTIP is supporting international cooperation in the investigation of transnational cases by running a series of bilateral and multilateral workshops between source and destination countries. AAPTIP’s own reporting shows that these efforts have yet to yield much benefit.<sup>17</sup> The program has not dedicated resources to follow-up on specific issues or cases raised at these meetings. The M&E system has not identified any instances of follow-up cooperation between participants on investigation. However, some of AAPTIP’s ad hoc interventions have generated results. Indonesian police sought AAPTIP’s help when they had a pressing need to collaborate with Myanmar police to resolve a large labour exploitation case involving trafficked Burmese workers on Thai fishing vessels operating in Indonesian waters. AAPTIP funded two investigators and a social worker from Yangon to travel to Benjina Island (part of Malacca province in the South China Sea) to interview and collect data from

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<sup>17</sup> AAPTIP Internal TIC Review. An internal AAPTIP email exchange from 26 January 2016 states that the program has “invested a lot of money since 2004 [in TIC] to improve information sharing [between partners] and [is] not seeing the results.”

Burmese victims. The testimony subsequently contributed to the convictions of eight Thai and three Indonesians traffickers.

The Benjina case is important because it highlights the importance of understanding underlying economic and political interests and incentives. The Indonesian government took action against Silver Seas, the Thai owner of the fishing vessels, primarily to protect its own economic interests and territorial waters. It introduced a moratorium on all foreign fishing licences and began insisting on compliance with labour standards. This helped to increase its export revenues from fishing, while at the same time reducing the use of slave labour in its territorial waters. This suggests that more targeted anti-trafficking initiatives could be built on such political openings and economic incentives. So far, AAPTIP has not positioned itself well to take advantage of such openings.

### **4.3 Victim-witness support**

One of AAPTIP's goals is to improve the integrity of trafficking prosecutions and to promote respect for the rights of victim-witnesses, whose participation is essential for convictions but who are routinely treated poorly within the criminal justice system. AAPTIP has helped to introduce Victim-Witness Coordinators in the Philippines and Cambodia. These are officials, currently paid by AAPTIP, who work within anti-trafficking police or prosecutorial units to coordinate the provision of support to victims within the criminal justice system.

While this model is widely used in Western countries, it has met with mixed success. In the Philippines, we saw that victim-witness coordinators were playing a different role to the one intended. Their primary focus seemed to be on keeping track of the victims and ensuring they were available to provide evidence. While they had also helped to identify victims with special psycho-socio support needs and referred them to support services, key stakeholders in the system told us that their work had not changed the negative experience of most victim-witnesses of the criminal justice system – including the practice of holding them in shelters.

One possible solution to this harm is to promote the use of videotaped testimony in trials, which would remove the need to detain victim-witnesses. AAPTIP has made some effort to promote this, by producing guidelines for courts in Thailand. However, the practice remains rare and the program has not promoted it actively.

As noted above, the lack of progress on protecting the rights of victim-witnesses raises some important concerns in connection with the 'do no harm' principle. AAPTIP is designed to augment the efficiency of the trafficking prosecutions, which is likely to increase the numbers of women and children in the criminal justice system. While AAPTIP does not encourage victims to bring criminal complaints and does not do them any direct harm, there is a risk of unintended negative impact. This risk needs to be carefully monitored and managed. It suggests the program should do more to analyse and actively pursue options for safeguarding victim-witnesses.

#### 4.4 Regional programming

**Earlier iterations of the program enjoyed considerable success in introducing trafficking onto the ASEAN agenda and establishing it within the regional architecture for transnational criminal cooperation.** ARTIP and AAPTIP have secured ASEAN endorsement of standard operating procedures and training modules, including current work on financial investigations. They have created various regional processes that have continued to operate. They also had an important, though indirect, influence on the development of the ASEAN Convention on Trafficking in Persons.

**However, as the focus of the program has 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 has diminished.** This is clear from the program's own work planning, where regional activities are now much less prominent. We heard from stakeholders that trafficking across borders involves specific combinations of countries (e.g. debt-bonded brides between Myanmar or Vietnam and China, or debt-bonded or forced labour between Myanmar, Thailand and Malaysia). Cooperation on these issues is best addressed at a bilateral level, rather than through regional mechanisms. We therefore conclude that, while the program (or, more accurately, its predecessor) has made important progress at the regional level, the need for this kind of engagement has diminished.

### 5. Sustainable impact

As there is limited evidence of achievement at the outcome level at this stage, we cannot make a direct assessment as to the sustainability of results. We have therefore explored the extent to which AAPTIP's activities are promoting the conditions for sustainability, at the organisational, financial and political levels.

**AAPTIP's cascade training model of capacity development pays close attention to sustainability of outputs.** The program is effective at putting counterparts in charge of the development of procedures and tools. Its training courses are developed by national officials in workshops and successfully institutionalised into regular training institutions and curricula.

**AAPTIP has helped to put in place special anti-trafficking units within police forces and prosecutorial agencies. In our three country visits, we observed a commitment to sustaining these specialist units.** Most are underpinned by criminal justice legislation and enjoy high-level political support. For instance, the IACAT mechanism in the Philippines reports directly to the Office of the President. The structures are staffed by criminal justice officials appointed by the public service commission on long-term contracts.

**However, their functionality is impeded by a lack of staff and financial resources.** The Filipino Women and Children Protection Centre (WCPC), for example, is understaffed by approximately 73 per cent, having only 71 personnel of a planned 270. Only half of the Regional Anti-Trafficking Task Groups in the Philippines have



been established, despite repeated attempts to create them. Members of the Cambodia National Police cited a lack of operational funds and staff as the main reason it was unable to follow-up on Thai police requests for further information from Cambodian victims of trafficking in Thailand.

Prosecutorial counterparts voiced similar concerns. The Filipino Department of Justice, for instance, pointed to difficulties in securing sufficient funds from the national budget to cover the costs of the 13 regional trafficking units, despite Presidential support, which are only partially staffed. The Thai specialist prosecutorial unit, recently created in response to Tier 3 rating in the 2015 US TIP report, had only 22 prosecutors as at April 2016, 90 per cent of whom had no prior trafficking experience. This new unit currently handles 50 cases, with another 57 cases under indictment, or soon to be indicted, suggesting their backlog is likely to increase rapidly.

**In the judicial area, AAPTIP's support has focused more on improving judicial practice than creating separate structures.** For instance, in the Philippines, we were told that judges presiding over marathon court hearings had set aside one day a week to hear trafficking cases (although the caseload remained small). In Philippines, Lao PDR and Cambodia, AAPTIP technical advice, including a study tour to Cambodia for Lao judges, has gone some way to influencing judicial mind-sets as well as courtroom practice. In all three countries the judges have taken some concrete steps to becoming more 'child-friendly', including using partitions during closed hearings to ensure suspects could not intimidate juvenile victims and ensuring support from social welfare officers before, during and after hearings. The Thai judges we spoke to expressed their commitment to training younger judges to becoming more victim-centred and to finding tangible ways to reform court room practice. It is too early to arrive at any conclusions regarding the sustainability of such practices, but partners expressed hope they would endure, particularly if judges and court officials received more training.

**Overall, the creation of specialist trafficking units poses challenges regarding financial sustainability.** For many of the counterparts we spoke to, these units pose a dilemma. They were created to signal to domestic and international observers a greater commitment to trafficking. They have helped to circumvent some of the institutional bottlenecks involved in using mainstream criminal justice investigation and prosecution channels. However, they need substantial additional resources to function. These resources are not yet available from national budgets, leaving them unsustainable without external support.

**Political commitment is also uncertain at this point.** At present, much of the action against trafficking in the region is motivated by external pressure, and the associated reputational or economic risks. This has at times led to increased numbers of prosecutions, but not to better resourcing of anti-trafficking institutions or any attempt to use prosecution more strategically to disrupt trafficking networks. We found that the numbers of TIP prosecutions is stable in Myanmar and declining in Thailand. Only the Philippines has demonstrated consistent year-on-year increase in

convictions, from 29 in 2005 to 194 in 2015 – although 90 per cent of these were domestic sex trafficking cases. This suggests that, while external pressure is important, it needs to be harnessed to other measures if it is to lead to anything more than a superficial response.

## 6. Conclusions and recommendations

These conclusions and recommendations are organised around three themes: strategy and approach, operations, and advocacy and research.

### 1. *Strategy and approach*

**An updated theory of change.** AAPTIP has moved away from its original theory of change (increased prosecutions, to change the risk/return balance for traffickers), which has been recognised as unrealistic, towards a more limited focus on quality of prosecutions and protection of victims. However, this has left the program with a narrow remit and a lack of ambition regarding impact on the incidence of trafficking. There are references in its strategy documents to the need to focus on more strategic prosecutions, but this has not yet been operationalised.

**Recommendation 1.1: AAPTIP should analyse how trafficking prosecutions could have a strategic impact on trafficking, such as by setting legal precedents, disrupting key criminal networks or helping to shift public attitudes. It should then assess how its capacity building work can be reoriented to support such strategic impact.**

**Moving from generic capacity building to more focused interventions.** The AAPTIP approach of reducing trafficking in the region by building capacity in multiple criminal justice institutions across seven countries is slow and difficult, with uncertain prospects. The capacity building work is high quality and has built a valuable set of relationships with counterpart institutions, and should continue. However, it should be counterbalanced with more focused interventions that work with existing institutions and capacities to tackle specific trafficking issues, to generate more direct and immediate results.

**Recommendation 1.2: AAPTIP should use its knowledge of trafficking in the region and the capacities and interests of its counterpart institutions to identify a particular trafficking issue where a concentration of support could result in real impact within the life of the program.**

**Towards a problem-based approach to capacity development.** AAPTIP has helped to introduce better training techniques and good quality training content to its counterparts. Yet its capacity building approach remains narrow. It has not invested sufficiently in in-depth analysis of the most pressing constraints on counterpart performance, nor used its relationships to address them. Doing so would require empowering its national staff to use their knowledge and relationships to identify possible openings.

**Recommendation 1.3: AAPTIP should use its regular training work to build a stronger understanding of the performance constraints facing its counterpart institutions, including those related to the wider political economy, and make it an explicit function of advisers and national staff to identify opportunities to facilitate or broker solutions.**

**Transnational investigative cooperation.** AAPTIP's TIC initiatives have demonstrated minimal impact because they are not focused on areas where there are opportunities and appetite for bilateral or multilateral cooperation. It should adopt a more targeted approach, focusing on a limited number of bilateral initiatives where there is a real appetite for support. The advisers supporting the work should have the time to follow up on bilateral meetings with advisory and mentoring support around specific cases and issues raised at the meetings.

**Recommendation 1.4: AAPTIP should focus on a small number of Transnational Investigative Cooperation initiatives and provide a more complete package of support.**

**Do no harm.** Capacity building for trafficking prosecutions in the regional context raises the prospect that more women and children will become involved in the criminal justice system as victim-witnesses, where they will be exposed to risks of harm. The 'do no harm' principle obligates the program to monitor unintended harms and take more active steps to mitigate the risks.

**Recommendation 1.5: AAPTIP should be more active in promoting measures to minimise the risks to victim-witnesses, including by supporting the use of videotaped testimony, advocacy to end the system of compulsory shelters and linking criminal justice agencies to NGOs able to offer additional support and services.**

**Challenging entrenched gendered attitudes.** The program's gender strategy includes a strong analysis of how trafficking is understood in the region in gendered terms and sets out a range of gender activities. However, it is clear that gendered attitudes remain entrenched among the counterparts, both in terms of their understanding of the trafficking phenomenon and the roles played by men and women within criminal justice agencies.

**Recommendation 1.6: AAPTIP should test new approaches (moving beyond training) to challenge entrenched gendered roles and attitudes within the criminal justice sector. For example, a different approach to labour trafficking could lead to greater awareness that men are victims (not only women and children).**

## **2. Operations**

**Review of the ‘hub and spoke’ delivery model.** AAPTIP’s delivery model is driving a broad but shallow engagement with partners, and incentivising a generic professional development model over customised interventions. It increases dependence on short-term international advisers, while giving them little time to understand the context and needs of partner institutions and identify strategic opportunities.

**Recommendation 2.1: The AAPTIP team should explore the possibilities for moving out of or significantly reducing its presence in some countries, in order to allow higher quality engagement in others.**

**Monitoring and evaluation.** The program’s inability to develop a coherent results framework to underpin its interventions has meant that it has gained little value from its substantial investment in M&E. Given the difficulty of finding meaningful performance data, the M&E team has defaulted to measuring what can be measured, but the information has limited utility for decision making. It may be unfeasible at this point to develop a clear strategic narrative for the program as a whole. The M&E team may therefore be best advised to focus on developing clear intervention logics for a select group of projects (e.g., victim-witness support), focusing on identifying binding constraints on counterpart performance.

**Recommendation 2.2: The M&E team should reduce its ambition and focus on developing clear intervention logics and a small basket of effectiveness indicators for a limited number of interventions, based on overcoming binding constraints on institutional performance. It might also take forward management of the new research and data collection agenda (see recommendation 3.3).**

**More devolved management and better use of national experts.** AAPTIP’s highly centralised management structure facilitates efficient use of resources but disempowers country teams and devalues national expertise. AAPTIP has recruited high calibre national staff but has consistently underutilised them.

**Recommendation 2.3: AAPTIP should redevelop the position of Country Program Coordinator to give them more responsibility for identifying and managing strategic interventions, and should make greater use of national and regional experts in its team.**

**Lighter administrative processes.** AAPTIP’s administrative procedures and financial controls are rigorous but disproportionate. They detract value by taking too much time away from substantive delivery by country program teams.

**Recommendation 2.4: AAPTIP should undertake a ‘red tape’ review and suggest to DFAT which administrative and financial controls could be lightened.**

### **3. Research and advocacy**

**Developing an explicit advocacy agenda.** AAPTIP has taken the view that its relationships with its counterparts preclude it from pursuing an active advocacy and influencing agenda on trafficking. However, advocacy and influencing can take many forms; they do not have to be confrontational or pursued in public. AAPTIP is not taking full advantage of the opportunities its relationships offer to advance the anti-trafficking agenda. In particular, the program could leverage its position to try to influence how its partner countries respond to external pressures, encouraging and supporting them to implement meaningful reforms rather than superficial responses. DFAT could also do more to support the program through its diplomatic engagement.

**Recommendation 3.1: AAPTIP should work with DFAT to formulate an explicit advocacy and influencing agenda, relating to particular countries, institutions or issues, and ensure that advisers use the opportunities created by their relationships to advance that agenda.**

**Recommendation 3.2: DFAT should consider how it can reinforce the anti-trafficking agenda through its diplomatic engagements.**

**Research and evidence collection.** Given the size of the program, AAPTIP has underinvested in research and analysis. After so many years of operation, it should be in a position to fill gaps in knowledge on trafficking in the region, as a regional public good. Given the significant underspend on the program, there are resources available to address this.

**Recommendation 3.3: DFAT should work with the AAPTIP team and external stakeholders to identify a program of research and data collection that can make a significant contribution to wider efforts to fight trafficking, as well as to inform future DFAT investments.**