



REGIONAL SUPPORT OFFICE
THE BALI PROCESS

Concept Note

***Thematic Dialogue on Access to Remedies
and Launch of Regional Support Office
of the Bali Process Guide
for Victim Protection and Assistance***

Bangkok, Thailand / Hybrid

8 August 2023

Background

On March 8, 2017, the Association of Southeast Asian Nations (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children (ATIP) entered into force. It is the first regional binding instrument on Trafficking in Persons (TIP). The ATIP provides, amongst other things, the criminalisation of TIP and the laundering of its proceeds, addressing corruption and the establishment of comprehensive policies, programs and measures that will protect TIP victims. To provide a common approach in implementing their obligations specifically in providing protection and assistance to TIP victims, the ASEAN Commission on the Promotion of Rights of Women and Children (ACWC) issued the Regional Guidelines and Procedures to Address the Needs of TIP Victims in April 2018.

Southeast Asia's wide geographic scope and vibrant economy, compounded with conflict and natural disasters in some of ASEAN Member States led to a large scale population movement with an estimated 661 million migrant workers equally divided between genders. One third of the migrant population in the region have irregular status. Almost half of the migrant populations claimed to have experienced exploitation (CTDC, 2020). Despite the regional TIP treaty, Southeast Asia remains as a thriving hub for trafficking in persons, perpetrated by organised crime groups (UNODC, 2022). There is also a noticeable shift in trafficking profiles, with the emergence of forced criminality in the context of online fraud.

Six years into the implementation of the Convention, none of the State Parties have published data on victim support, legal assistance, compensation and restitution awarded to TIP victims. Guideline 9 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking provides that trafficked persons, as victims of human rights violations, have an international legal right to adequate and appropriate remedies. The dearth of data on the availability of victim assistance amongst ASEAN Member States, is emblematic of how challenging it is for TIP victims to access remedies. TIP victims are also reluctant to participate in criminal prosecution of their traffickers due to various reasons ranging from mistrust of the system to fear of reprisals from their traffickers (Housemann, et. al, 2018).

Acknowledging the importance of providing protection and assistance to TIP victims, the Regional Support Office of the Bali Process (RSO) in partnership with NEXUS Institute developed and published a series of Practitioners Guides on: 1) Identification of Victims of Trafficking, 2) Protection and Support of Victims of Trafficking, 3) Recovery and Reintegration of Victims of Trafficking, 4) Special and Additional Measures for Child Trafficking Victims, 5) Supporting Victims-Witnesses in Legal Proceeding, 6) Supporting Victims of Trafficking to Access Remedies. The Guides aim to provide knowledge and practical guidance to practitioners on how to provide effective, trauma informed and victim-centered services to TIP victims that will improve protection outcomes, help victims navigate the criminal justice system, be able to seek and achieve restitution, as well support victims in their recovery and healing.

The Thematic Dialogue and Regional Support Office of the Bali Process Guides

The Thematic Dialogue will bring together and provide a safe space for counter-trafficking practitioners, advocates, and consular officials to:

1. Discuss Challenges on Access to Remedies for TIP victims,
2. Exchange Best Practices and Innovative Solutions, and
3. Explore Areas for Collaboration.

The Launch of the Regional Support Office of the Bali Process Practice Guide for Victim Protection and Assistance

The launch of the Practitioners' Guides will introduce the Guides that the RSO has produced specifically for practitioners (social workers, psychologists, lawyers, and paralegals) especially those who are starting in their career. The Guides are intended to serve as a practical resource that provides guidance to help practitioners ensure that their assistance to victims is victim-centered and trauma-informed.

The Regional Support Office of the Bali Process

The Regional Support Office of the Bali Process (RSO) works to strengthen cooperation across Member States in addressing and responding to People Smuggling, Trafficking in Persons, and Related Transnational Crimes through knowledge transfers, sharing of information and best practices.

The RSO brings Practitioners together from Member States offering a regular programme of activities that covers research, policy development, development of Best Practice Tools, and capacity building designed to help Member States to keep abreast of issues, design, and work collaboratively on solutions, as well as responses to these issues.

Participants

Participants will be drawn from a broad range of counter-trafficking players, consular officials, government officials, NGOs and civil society practitioners and advocates specifically:

- 1) Thailand's Ministry of Social Development and Human Security
- 2) Thailand's Ministry of Foreign Affairs
- 3) Thailand's Ministry of Health
- 4) Thailand's Ministry of Labour
- 5) Royal Thai Police
- 6) Embassies of Australia, Austria, Bangladesh, Belgium, Bhutan, Brunei Darussalam, Cambodia, Canada, China, Denmark, European Commission, Fiji, Finland, French, Germany, India, Indonesia, Italy, Iran, Japan, Laos, Malaysia, Maldives, Mongolia, Nauru, Netherlands, Nepal, New Zealand, Pakistan, Papua New Guinea, Poland, Norway, the Philippines, Rep of Korea, Romania, Singapore, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Timor-Leste, Türkiye, United Arab Emirates, United Kingdom, United States of America, and Vietnam

- 7) The International Labour Organization (ILO)
- 8) The UN Refugee Agency (UNHCR)
- 9) The United Nations Office on Drugs and Crime (UNODC)
- 10) The International Organization for Migration (IOM)
- 11) UN Women
- 12) UNFPA
- 13) End Child Prostitution and Trafficking
- 14) A21
- 15) Global Alliance Against Trafficked of Women
- 16) Labor Protection Network
- 17) International Justice Mission
- 18) Caritas Thailand
- 19) International Thai Foundation
- 20) Issara Institute
- 21) ECPAT International
- 22) Other Partner organizations

The RSO provides technical support to Bali Process Members to strengthen cooperation on refugee protection and international migration, including combatting people smuggling, trafficking in persons, and related transnational crime. Get in touch to find out more and discuss new activity proposals.



info@rso.baliprocess.net



www.baliprocess.net



Regional Support Office
of the Bali Process



[@Baliprocessrso](https://twitter.com/Baliprocessrso)



facebook.com/baliprocessrso