



The Identification, Recovery, and Reintegration of Victims of Child Trafficking within ASEAN: An Exploratory Study of Knowledge Gaps and Emerging Challenges

Yvonne Rafferty

To cite this article: Yvonne Rafferty (2019): The Identification, Recovery, and Reintegration of Victims of Child Trafficking within ASEAN: An Exploratory Study of Knowledge Gaps and Emerging Challenges, Journal of Human Trafficking

To link to this article: <https://doi.org/10.1080/23322705.2019.1689476>



Published online: 02 Dec 2019.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)



The Identification, Recovery, and Reintegration of Victims of Child Trafficking within ASEAN: An Exploratory Study of Knowledge Gaps and Emerging Challenges

Yvonne Rafferty

Department of Psychology, Pace University, New York, USA

ABSTRACT

Child trafficking is a critical public health and human rights issue within the Association of Southeast Asian Nations (ASEAN). Efforts to ensure the timely identification, successful recovery, and safe and sustainable reintegration of children within the ASEAN have been codified in a number of legal obligations at both the international and regional levels, as well as within non-binding guidelines. However, little research has focused on the extent to which these commitments have translated into the effective identification, recovery, and reintegration for child victims. The present exploratory study included semi-structured key informant interviews (N = 248) with representatives of the United Nations (UN), governmental agencies, and international and domestic non-governmental organizations (NGOs) in three ASEAN nations with a history of child trafficking: Cambodia, Lao People's Democratic Republic [Lao PDR], and Thailand. The interview data were analyzed and synthesized in order to identify current trends, knowledge gaps, and emerging challenges pertaining to the identification, successful recovery, and safe and sustainable reintegration of victims of child trafficking. Findings indicate that despite some noteworthy successes, the commitments that have been made in mandates and guidelines seldom translate into tangible actions. The majority of victims are not being formally identified, survivors rarely receive the psychosocial services that are outlined in international and regional guidelines, and safe and sustainable reintegration efforts often insufficiently address issues related to social inclusion, economic empowerment, and access to viable job opportunities to enable victims to reestablish their lives and prevent re-trafficking.

KEYWORDS

Child trafficking;
identification; recovery;
reintegration

"Safety and security don't just happen; they are the result of collective consensus and public investment ... We owe our children, the most vulnerable citizens in our society, a life free of violence and fear."

(Nelson Mandela et al., 2002, p. xix)

Human trafficking is a critical public health and human rights issue, and no region of the world is free of the practice (United Nations Office on Drugs and Crime [UNODC], 2018). This article focuses on child trafficking within the Association of Southeast Asian Nations (ASEAN) region, a regional and intergovernmental organization formed in 1967 to promote economic, social, and sociocultural development and stability among its Member States (Indonesia, Malaysia, the Philippines, Singapore, Thailand, Brunei, Cambodia, Lao People's Democratic Republic [Lao PDR], Myanmar, and Vietnam) (cf. Kranrattanasuit, 2014).

Child trafficking has been identified as a serious crime within the ASEAN (Kranrattanasuit, 2014), although little research has focused on the risk and protective factors within the region. Recent estimates of its scope, however, indicate that two thirds of the 40 million victims of human trafficking globally are

in South Asia and the Pacific (International Labour Office [ILO], 2017). In addition, the UNODC (2018) reports that 48% of the victims in East Asia and the Pacific are women, and that children comprise 23% of the total (19% female and 4% male). The UNODC (2018) also reports that 60% of the detected victims had been trafficked for commercial sexual exploitation. Estimates of human trafficking, however, must be interpreted with caution because the crimes are mostly unreported, making accurate data difficult to obtain (Mely Caballero, 2018).

Although the actual number of victims is unknown, East and Southeast Asia have long been considered to be regions of origin, transit, and destination for human trafficking, including sex trafficking (ECPAT, 2014). Within Southeast Asia, most of the movement of children is intra-regional, involving children from less developed countries (Capaldi, 2014; United States Department of State, 2018), with Thailand being the leading destination for victims of trafficking from Cambodia, Lao PDR, and Myanmar (Walk Free Foundation's Global Slavery Index, 2018). Significant levels of migration further afield have also been documented, however, with nationals of Southeast Asian countries seeking employment and migration opportunities in East Asia, the Middle East, Europe, and the United States (Davy, 2017; UN Women, 2017). In 2016, for example, Malaysia was identified as a trafficking destination for women and children from Southeast Asia and elsewhere, with countless numbers of young children being exploited in low-cost apartments in Kuala Lumpur, rather than brothels, to avoid detection (ECPAT International, 2016).

Despite the scope of trafficking within the ASEAN region, little attention has been paid to the identification and recovery of victims of child trafficking outside of the Mekong region. The United States Department of State (2018), for example, reports annually on the extent to which governments meet minimum standards for the elimination of human trafficking. In the 2018 report, no ASEAN country was ranked in Tier 1, 7 were ranked in Tier 2 (Brunei, Indonesia, Cambodia, Singapore, Thailand, Vietnam and the Philippines), indicating that their governments are making efforts to meet minimum standards, 1 was categorized at Tier 2-Watch List (Malaysia) indicating a failure to increase efforts from the prior year, and 2 countries (Myanmar and Lao PDR) were ranked in Tier 3, indicating governments' failure to neither meet minimum standards nor make significant efforts to do so.

Recognizing the need for a comprehensive regional approach to prevent and combat human trafficking for its member countries, the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children was adopted in 2004 (ASEAN, 2004). In 2015, the ASEAN recognized the need for a legal framework and adopted the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (ASEAN, 2015a). It also requires member countries to develop domestic legislation consistent with the requirements of this legal instrument. Although all ASEAN leaders signed and adopted this regional legal instrument in November 2015, it was not entered into force until March 2017.

The ACTIP recognizes human trafficking as a human rights violation and affirms the human rights-based approach (Rafferty, 2016a) as a vital strategy to combat it. Article 1, for example, outlines three key objectives:

- (a) prevent and combat trafficking in persons, especially women and children, and to ensure just and effective punishment of traffickers;
- (b) protect and assist victims of trafficking with full respect of their human rights;
- and (c) promote cooperation among the Parties, in order to meet these objectives.

The ACTIP also outlines a number of actions for member countries to accomplish. Article 11, for example, states that "The parties shall establish comprehensive policies, programmes, and other measures to: (a) prevent and combat trafficking in persons; and (b) to protect victims of trafficking in persons, especially women and children, from revictimization." Additional articles pertain to the identification and protection (Article 14) and to the repatriation and return (Article 15) of victims. To complement the ACTIP, the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA) outlines concrete actions and policies concerning protection of victims, prevention, prosecution of criminals, and cooperation and coordination at both the regional and

international levels (ASEAN, 2015b). Finally, following the ratification of the ACTIP in 2017, the ASEAN developed the Bohol Trafficking in Persons (TIP) Work Plan 2017–2020, designed to implement the ACTIP and to facilitate regional activities and coordination (ASEAN, 2017).

Decades of other treaties, laws, resolutions, and statements also highlight promises made to victims of child trafficking, including for example, the Worst Forms of Child Labor Convention adopted by the ILO in 1999 (ILO, 2009). Human trafficking is also specifically mentioned in several United Nations' Sustainable Goals (UN, 2015), including 5.2, 8.7, and 16.2. Finally, the UN Global Plan of Action (UNGA, 2010) called attention to prevention of trafficking in persons; protection of, and assistance to victims; prosecution of perpetrators; and strengthening of partnerships. It also requested that Member States and the international community take action on those fronts.

International and ASEAN Mandates and Guidelines

Victim Identification

Legal Definitions

The most widely accepted definition of 'trafficking in persons' is found in Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter Trafficking Protocol) (UN, 2000). In addition to being the first international instrument to explicitly provide a definition, it aims to prevent and combat human trafficking, protect and assist victims, and promote cooperation among States Parties. Notably, it has had the greatest impact on the wording of national laws that make it an offense to traffic human beings (UN-ACT, 2015; UN-OHCHR, 2014; Yusran, 2018). Article 3(a) outlines the three essential components within the definition, including the action, the means, and the purpose:

... 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, or 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. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Article 3(b) explains that 'consent' is irrelevant where any of the means set forth in Article 3(a) have been used. Article 3(c) stipulates that since children cannot consent under international law it is a case of trafficking if the victim is a child regardless of whether or not fraud and deception are used: "The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth above." The term 'child' is defined by the Convention on the Rights of the Child (CRC) Article 1 (UN, 1989), as an individual under the age of 18.

The ACTIP (ASEAN, 2015a), Article 2(a) – 2(d), is consistent with the international treaties, including the definition as it pertains to children. In both cases, the essential components within the definition include the action, the means, and the purpose, as well as stating that since children (persons under age 18) cannot consent under international law, it is a case of trafficking regardless of whether or not fraud, coercion or deception are used.

The Process of Identification

The identification of victims of human trafficking is not specifically discussed in the Trafficking Protocol (United Nations [UN], 2000), although other international documents provide insightful guidance on the process. The United Nations Office of the High Commissioner for Human Rights (UN-OHCHR) *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (Robinson, 2002), for example, identify a range of steps, including the use of guidelines and procedures, to facilitate timely and appropriate identification; they also highlight the importance of providing relevant personnel with suitable training to ensure that identification takes place.

Additional guidance pertaining to the identification of children is provided by UNICEF (2006), including the participation of multidisciplinary teams, interviewers with effective communication skills, and the use of appropriate interview techniques. The UNICEF guidelines also recommend the implementation of pro-active measures (e.g., procedures for rapid identification) and presumption of age (e.g., if unsure, assume victim is a child until another determination is made); recognize that not all child victims of trafficking will present as such (e.g., in possession of false papers that misstate their age; have been coerced to lie). Finally, they indicate that the best interests of the child must be the primary consideration in all actions, and that a guardian should be appointed to safeguard the child's best interests and general well-being.

Guidelines for the effective identification of victims are also established by the ASEAN. The ACTIP, for example, requires Member States to establish guidelines or procedures for victim identification in Article 14(1), and to recognize the decisions made by another Member State in Article 14(2). Also noteworthy is the ASEAN collaboration with the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) to develop appropriate regional indicators of exploitation for first responders, as well as guidelines for policy and programming. The "Common Indicators of Trafficking and Associated Forms of Exploitation" (COMMIT, 2017a) was designed to support the initial screening of possible cases of human trafficking by frontline officials, and allow for cross-border cooperation as needed. The *Guidelines on Victim Identification and Referral Mechanisms* (COMMIT, 2017b) was designed to provide direction for policy and programming, and improve standards in the care and assistance provided to victims.

Recovery and Reintegration

Following identification, child survivors may require assistance to promote their successful psychosocial recovery and safe and sustainable reintegration (Rafferty, 2018). The term reintegration is used here to facilitate reintegration of survivors into their home community, or their integration into a new community. Returning to one's home setting may not be a viable or safe option for all survivors; some may fear for either their own safety, or for the safety of their family, anticipating that traffickers may be waiting for them; others may not wish to return because they ran away and do want further exposure to the same family or political issues. Assessment of international and regional commitments related to child recovery and reintegration are described below.

International Commitments

The Trafficking Protocol (UN, 2000) includes a number of articles that speak specifically to protection services, although it does not explicitly mention reintegration. Article 6(5), for example, requires States Parties to "endeavor to provide for the physical safety of victims of trafficking in persons while they are within its territory". Article 6(3) sets forth a number of support services that States Parties are required to consider implementing, including appropriate housing; counseling and information, particularly regarding their legal rights, in a language that the victims of trafficking in persons can understand; medical, psychological and material assistance; and employment, educational and training opportunities.

Guidance on support for survivors is also available. The UN-OHCHR *Principles and Guidelines* (Robinson, 2002), for example, requests that victims are "provided with the assistance and support necessary to ensure their well-being, facilitate their social reintegration and prevent re-trafficking," and outlines measures that "should also be taken to ensure the provision of appropriate physical and psychological health care, housing and educational and employment services for returned trafficking victims" (Guideline 6.8). Guideline 8 also recognizes the potential for physical, psychological, and psychosocial harm, and outlines special measures for the protection and support of children. Clarification of what is meant by "appropriate assistance and protection" is provided by UN-OHCHR (2014).

Appropriate assistance and protection would include the provision of immediate support, such as security, food and safe shelter. It would also include healthcare, counseling and social services delivered by trained professionals. The services should be appropriate for the child's age and any special needs, as well as for the child's sex, ethnic or cultural identity. (p. 21)

The UN-OHCHR (2014) also states that children should never be criminalized, placed in a law enforcement detention facility, or coerced into receiving care and protection, unless it can be demonstrated that this is in their best interests. Further, it states that children should be provided with information about their situation and entitlements, that their views should be respected, that care and support should be made available as a right, and that it should be ensured that the child's best interests remain the paramount consideration in all actions.

Various provisions of the Convention on the Rights of the Child (CRC) (UN, 1989) also recognize the need to protect child victims of trafficking, although the range of services to be provided to children who are in need of psychosocial recovery is not specifically described. Article 39, for example, requires member states to "take all appropriate measures to promote the physical and psychological recovery and social integration of children who have been victims of any form of neglect, exploitation or abuse, torture or degrading treatment, or of armed conflict." It clearly states that the best interests of the child must be a primary consideration in all actions and decisions to affect them, and requires those in positions of authority to review programs, policies, regulations, and legislation so that they have a positive influence on promoting or fulfilling children's rights (Article 3). It also stresses the importance of a human rights-based approach, which places human trafficking and exploitation as a violation of human rights, and the importance of responses that are designed to restore human rights. Additional guidance for the protection of children have been shared by both UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking* and ILO's (2006) *Child-Friendly Standards and Guidelines for the Recovery and Integration of Trafficked Children*. Finally, Asia Against Child Trafficking (Asia ACTs) (2006) provides specific guidelines developed by civil society policy advocates within the region and sets out minimum standards for victim-survivors from the point of identification to the recovery and reintegration process, and was approved by the ASEAN in 2007.

Regional Commitments

The ASEAN legal instruments also speak to the protection needs of child victims. Two articles of the ACTIP are consistent with the Trafficking Protocol (UN, 2000): Article 14(5) is consistent with Article 6(5), and Article 14(10) is consistent with Article 6(3). In contrast to the Trafficking Protocol, however, which does not refer explicitly to reintegration, Article 14(11), requires Member States to "make its best effort to assist in the reintegration of victims of trafficking". In addition, Article 15 focuses on the repatriation and return of victims, with a primary emphasis on legal proceedings, residence, etc.

Guidelines for protection actions and policies to promote recovery were also made under the APA (ASEAN, 2015b), with the commitment of the ASEAN Member States to "continue development of appropriate care, protection and support for victims of trafficking in persons" in line with Article 14, Paragraph 10 of the ACTIP. Part IVB(e), for example, discusses the protection of children and their access to assistance and services, and access to specialized care is discussed in Part IVB(c): "Provide specialised services to identified victims of trafficking in persons, consistent with the ACTIP and other relevant international instruments, including access to health services ... including sexual and reproductive health." In addition to its focus on services and appropriate care, the APA aims to promote reintegration ("develop and utilise an appropriate procedure for the rescue, protection, recovery, repatriation, and reintegration of the victim into his or her family and community, in accordance with domestic laws, with particular attention to child victims" (Part IV.B (f)), and to attend to the special needs of children ("take into account ... the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children" (Article 14(12)). Finally, the Bohol Trafficking in Persons (TIP) Work Plan 2017–2020 (ASEAN, 2017) includes a plan to share information and engage in regular dialog; conduct workshops;

develop reference documents on the rights of victims; improve access to healthcare services and treatment; ensure coordination in the provision of care and support services; improve access to information on rights and legal proceedings; and improve coordination to ensure sustainable and comprehensive care and support services.

Goals of the Present Study

A plethora of legal obligations at both the international and regional levels, as well as non-binding guidelines, aim to ensure timely identification, successful recovery, and safe and sustainable reintegration of victims of child trafficking within the ASEAN region. Little research, however, has focused on the extent to which these commitments and promises have translated into the effective identification, recovery, and reintegration of child victims. To address this research gap, the present exploratory study was aimed, first, at identifying current trends, knowledge gaps, and emerging challenges pertaining to the process of timely and appropriate victim identification and safe and sustainable recovery and reintegration among victims of child trafficking within the ASEAN. A secondary goal was to identify promising practices and recommendations to address emerging challenges and guide policy and practice related to identification, recovery, and reintegration within the ASEAN. Four questions were thus posed, including: (1) What are the current trends and emerging challenges related to the timely identification of victims of child trafficking within the ASEAN? (2) How can identification processes be improved to address emerging challenges to timely identification within the ASEAN? (3) What services and supports promote optimal recovery and what are the emerging challenges that hinder the successful recovery and safe and sustainable reintegration of victims of child trafficking within the ASEAN? (4) What programs and policies promote optimal recovery and reintegration of victims of child trafficking within the ASEAN?

Theoretical Overview

The theoretical framework guiding this work was based on the Human Rights Based Approach (HRBA). Human rights, as part of international law, are rights that every human being holds. The concept of a 'right' means that it is a legally enforceable entitlement, which governments are obliged to respect, promote, protect, and fulfill.

The key components of the HRBA emphasizes that an effective rights-based approach to child trafficking requires the translation of human rights embedded in treaties and into services on the ground. Translating principles from rhetoric to reality is at the core of a human rights based approach. (Rafferty, 2016a, p. 91)

Methodology

Participants

Field-based semi-structured interviews were conducted from October 2017 through April 2018 in three ASEAN nations with high levels of expertise about child trafficking among governmental and non-governmental officials: Cambodia, Lao PDR, and Thailand. Data were collected from 248 key informants representing United Nations' (UN) agencies ($n = 56$), government agencies ($n = 61$), and international and domestic non-governmental organizations (NGOs) ($n = 131$) involved with the protection of victims of child trafficking at both the regional and local levels. Key informants from UN agencies included representatives from the UN Children's Fund (UNICEF); the UN Entity for Gender Equality and the Empowerment of Women (UN Women); the UN Development Programme (UNDP), including its UN Action for Cooperation Against Trafficking in Persons (UN-ACT) project; the UN Population Fund (UNFPA); the UN Office on Drugs and Crime (UNODC); the International Labor Organization (ILO); and the International Office for Migration (IOM). Government representatives included those who were charged with implementing or overseeing international, regional, or local protections for victims of trafficking (e.g., ministerial heads, intergovernmental commission members,

local government, legal staff, service providers). Representatives from international and domestic NGOs involved with child protection included executive directors, program managers, and a variety of other program staff who work directly with child survivors (e.g., aftercare facility managers, program administrators, case managers, mental health counselors, outreach workers, project coordinators, rehabilitation officers, and other support staff such as legal and health care providers).

Procedures

Data were collected via in-depth, individual ($n = 69$) and group ($n = 48$) interviews. Group interviews included a total of 179 participants and ranged in size from 2 to 15 individuals each, although only 9 of the 48 group interviews consisted of 6 or more individuals ($M = 3.6$; $SD = 1.8$). Interviews generally lasted for 75–90 minutes, although several lasted for 2 – 3 hours. Some individual interviews ($n = 6$), lasted only 15–20 minutes, and were subsequently followed up with an interview with personnel who had more expertise on the topic under investigation. The interviews generally took place in the key informants' places of work (i.e., a private office or conference room), although some interviews occurred in public settings (e.g., a quiet table in a local coffee shop). Most interviews were conducted in English, although in some cases the services of a local translator were required. Participant responses were typed into a word processing document in real-time. This investigation was approved by the Institutional Review Board (IRB) of the PI's university affiliation.

Interview Protocol

The interview protocol was designed to identify current trends, knowledge gaps, and emerging challenges germane to the protection of victims of child trafficking, and was divided into two sections. Part one focused on the process of victim identification and questions and probes were designed to elicit participants' views on: (a) the extent to which children are being identified; and (b) the major barriers that hinder their timely identification (e.g., emerging challenges including a profile of victims and traffickers and emerging risk/vulnerability factors; effective strategies and promising practices to overcome emerging challenges). Part two focused on recovery and reintegration (into home country/community) or integration into a new country/community. The open-ended questions and follow-up probes were aimed to elicit participants' perceptions of: (a) psychosocial services as a vital component of successful recovery and sustainable reintegration; and (b) emerging challenges to successful recovery and safe and sustainable reintegration, including effective strategies and promising practices to overcome identified challenges.

Data Analysis

Following each interview, qualitative coding methods, informed by grounded theory strategies, were used to identify and annotate key themes (categories, constructs, concepts), weigh and evaluate their importance, and to visualize relations among them. As part of this process, frequently occurring explanatory statements were identified, and theoretically-informed codes and subcodes were developed, adapted, broadened, and/or refined in an iterative process. Following the identification of broad categories or themes, a subsequent process involved combining the data from each topic under investigation (e.g., identification challenges; effective strategies) into a more cohesive summary.

Results

Within the backdrop of international and regional mandates and guidelines within the ASEAN, this exploratory study aimed to identify current trends, knowledge gaps, and emerging challenges related to the process of child victim identification – on the one hand, and the promotion of successful recovery and safe and sustainable reintegration on the other. A secondary goal was to identify

promising practices and recommendations to address emerging challenges and guide policy and practice related to identification, recovery, and reintegration within the ASEAN. Results of data analyses are described below.

Research Question 1: What are the current trends and emerging challenges related to the timely identification of victims of child trafficking within the ASEAN?

Current Trends

Key informants reported that most victims of child trafficking are not formally identified, suggesting a disparity between the enactment and implementation of the international and regional legislation and guidelines described above. In some cases, the children simply go unnoticed. In other cases, they are noticed, but are not identified as victims of trafficking. These unidentified victims may be pushed back as undocumented migrants, detained in inappropriate facilities (juvenile correctional facility, immigration detention centre), or prosecuted for crimes committed as a result of being trafficked (e.g., prostitution).

Emerging Challenges

Compounding the failure to adequately implement recommended guidelines for timely and effective identification, key informants highlighted a need to integrate into identification strategies the changes in vulnerability factors that have occurred within the region.

The Profile of Victims Has Changed

Key informants drew attention to policies and practices that do not adequately represent the reality of the settings into which children are currently being trafficked. They reported, for example, that assumptions about victims of child trafficking being primarily girls, who are trafficked into the commercial sex industry (CSI) for prostitution and other modes of sexual exploitation (e.g., karaoke entertainment establishments, massage parlors, brothels, hotels, private locations), are not entirely accurate, and has led to an oversight of the exploitation of those who are trafficked for other reasons (e.g., domestic servitude, factory work). Participants also underscored the failure of this perspective to acknowledge the trafficking of boys into the CSI, as well as the extent to which boys are trafficked for labor exploitation (unregulated factories, plantations, construction sites, logging, bricks, commercial fishing and related industries, agricultural industries, the poultry industry, casinos, restaurants, private households). Some also highlighted the additional challenges to identification that boys confront, such as stereotypical constructions of masculinity, assumptions that boys are not as vulnerable as girls, that they cannot be raped, and that if they are engaged in the sex industry it is only because they want to do so in order to generate income. Those who work with this population noted that a substantial proportion of these boys are orphans, or have been otherwise abandoned by their families.

Participants also drew attention to trafficking for other overlooked areas (e.g., organ removal, begging, selling flowers and panhandling, commercial surrogacy, baby selling) and its impact on identification. Several also reported that some students have been trafficked into sham colleges, or paid internships, in the fashion and information technology (IT) industries, which turned out to involve long days doing low-skilled work in restaurants or factories. Additionally, some key informants, and particularly those in Lao PDR, expressed concern with the alleged exploitation of children who are subject to sex trafficking and other forms of forced labor in factories, hotels, and casinos within Special or Specific Economic Zones. They cautioned that these establishments, designed to meet the demand of migrant workers and Asian tourists, and purported to have been launched with assistance from some corrupt government officials, offer restricted access, limited oversight, and are exempt from the jurisdiction of local laws. In northern Lao PDR, for example, the Chinese owned Kings Romans Group (a crime network) holds a 99-year lease on approximately

25,000 acres, where casinos and hotels catering to a Chinese clientele were established, and has been accused of engaging in a variety of illicit activities, including the trafficking of humans, wildlife, and drugs, as well as the commercial sexual exploitation of children, money laundering, and bribery.

Finally, key informants highlighted the need for greater attention to identify those engaged in emerging forms of cyber-based sexual violence, whereby children are involved with pornographic acts that are distributed online, as well as being exploited via live streaming. They further noted that although children may be trafficked for this purpose in “child sex webcam centers” (cf. We Protect Global Alliance, 2018), some young people sell themselves performing sexual acts on the dark web via mainstream apps (they make the video live and upload it to the web or make oneself available via live streaming), without the intervention of a trafficker or pimp, and obtain payment via bartering or bitcoin. Representatives from ECPAT International indicated that 65% of those who were exploited via online child sexual exploitation were girls, 31% were boys, and 4% included both boys and girls (cf. ECPAT International and Interpol, 2018).

The Profile of Traffickers Has Changed

Key informants noted that although traffickers may include members of highly organized criminal gangs, this profile is less accurate now than in the past. In many cases, they praised the awareness-raising campaigns that have warned about outsiders who recruit in their communities. They cautioned, however, that traffickers may include a local member of the community to assist, or the trafficker may be a former victim from the same province who returns to recruit unsuspecting others. They also reported that traffickers may include brokers, trusted members of the family, neighbors, friends, members from the religious community, those who run orphanages, hotel managers, or others who lure unsuspecting children in cyber cafes, coffee shops, or via social media.

The Process of Child Trafficking Has Changed

Key informants reported that the major risk factor for child trafficking is now within the context of unsafe migration. Potential victims include those of legal working age who are ‘voluntarily’ fleeing social and economic conditions in communities characterized by dire poverty. Participants often described the extraordinary resilience, capacity, and initiative on the part of these young migrants who leave their homes in search of gainful employment and economic opportunities elsewhere. They also reported that despite the voluntary nature of this movement, restrictions on legal migration, compounded by unsafe border and national immigration policies, force some migrants into risky and illegal situations (e.g., routes that are dangerous; vulnerable to abuse and exploitation), and into the clutches of unscrupulous traffickers who operate along the migration paths. These agents, or unlicensed brokers, may act alone, or as part of organized criminal groups that include recruitment agencies, and may operate with the support of corrupt government workers, including police or border security agents. Some are charged exorbitant fees to cross the border, provided with false information about work opportunities, or targeted for sexual exploitation or forced labor on farms or in factories where they are obliged to remain due to their debt bondage.

Definitional Ambiguities and Related Challenges

In discussing the impact of emerging challenges that hinder timely identification, key informants discussed the definition of select terms that are used within the ASEAN region, including child, exploitation, and victim. They also described the impact of these definitional dilemmas for the identification of children who do not wish to be identified because they do not consider themselves as being either a “child” or a “victim of exploitation”. These are discussed below.

Who Is a “Child”?

Some key informants were adamant in their resolve to maintain strict adherence to the international definition of “child” and to support the immediate removal of any individual under the age of 18

from settings deemed to be “exploitative”. They underscored, however, that it is vital to determine whether or not there is any evidence that the individual is being forced to speak or behave in a manner that does not reflect their true feelings. The concerns of many others, however, focused on the human rights of those who do not perceive themselves as a “child” and who do not wish to be “rescued for protection.” It was frequently remarked, for example, that if individuals at age 15 are legally able to both work and to consent to sexual activity, subjecting them to “forced protection” may be a violation of their human rights and individual agency. Related discussions focused on the human rights perspective and the need to respect individual agency when determinations of what is in a child’s “best interests” are being made, especially when the individual is over the age of 15. Participants also stressed the importance of being much more stringent in ensuring the identification and protection of children who are under the age of 15. Furthermore, they cautioned that regardless of definitional ambiguities, the consent of any survivor does not alter the offender’s criminal liability (UNODC, 2014, 2015; UN-OHCHR, 2014).

What Do “Exploitation” and “Victim” Mean?

As noted above, the ACTIP (ASEAN, 2015a) defines victim as “any natural person who is subject to an act of trafficking in persons as defined in this convention,” and adopts the same listings of “exploitation” offered by the Trafficking Protocol (UN, 2000). Representatives from the UNDP, however, reported that failures to define the various forms of exploitation, and other key terms in international law and relevant legislation within the ASEAN Member States, impede the ability of governments to effectively respond to human trafficking. In some cases, participants expressed apprehension pertaining to the identification of those who neither perceive themselves as being a “victim” or who have experienced “exploitation.” Some participants related encounters with youths who reported being engaged in a means of livelihood, that they had applied for their jobs, were free to leave at any time, and that they neither required nor desired any intervention to remove them from their sources of employment. They also described how some youths had secured bogus documentation to ensure their independence from those who might wish to identify them.

Finally, as with debates on this topic in the literature (Brysk, 2012; Donger & Bhabha, 2018; Howard, 2017; Liebel, 2013), the discussion of “willing” engagement in the sex industry among those who are legally able to both work and to consent to sexual activity was a source of considerable debate among participants. Some underscored the importance of taking steps to discourage those who are under the age of 18 from “choosing” prostitution. Other participants, however, reported that current policies pertaining to identification, as well as the prevailing belief that all sex work is exploitation, do not adequately take into account that sex work is often “freely” chosen by some individuals with limited available options. The following section focuses on the cultural context associated with child trafficking and the reasons why some youths may not perceive themselves as victims or their work to be exploitative.

Lack of Alternative Options. Discussions with participants regarding concepts such as “exploitation” and “victim” often focused on the lack of alternative options to make an income in areas characterized by extreme poverty, the question of choice when there is no choice, and how these real-life scenarios serve as the main drivers for decisions that are made. In many cases, they related that some teens had informed them that they “prefer” to be in the sex industry than being engaged in hard labor, working in a factory or in the fields, or being in a violent marriage with an older man. Some participants who work with youths engaged with commercial sex in karaoke bars and other venues, also contrasted current conditions with earlier days when children were trafficked into horrific brothels and experienced violence and complex trauma (cf. Rafferty, 2013, 2016b). They reported, for example, that individuals are generally free to come and go as they please, to select the hours they wish to be available, and to resign if they desire to do so. They also noted, for example, that if individuals have the capacity to state that this is what they want, are legally able to work, perceive their work as a legitimate strategy to overcome the challenges they confront, and it can be

established that there is no force or coercion, that we must respect their decision and come up with effective methods to support them. Finally, participants reported that they had come across many youths who had returned to their home communities after being “rescued” by well-intentioned others, and promptly migrated again as soon as they had enough money to do so. These young people had been officially labeled as victims of child trafficking, but they highlighted the fact that they had not been forced, kidnapped, or otherwise coerced, and that they did not wish to be “rescued.” They also reported that since they were legally able to work and had voluntarily migrated, they should not be subjected to “forced protection.”

Filial Piety. Within the context of children who do not view themselves as victims, the concept of filial piety was often raised. The term “filial piety” is used throughout Asia to refer to a strong cultural value of respect, obedience, and gratitude toward one’s parents, and the expectancy that children are obliged to support and assist their families (Chung, 2006; Montgomery, 2014; Smith-Brake, Lim, & Nhanh, 2015). The choice between forced versus voluntary entry into the sex industry, for example, was described by some as not existing in reality for many children under the age of 18, and particularly when viewed within the context of the structural limitations and cultural traditions they confront. In contrast with media reports whereby children engaged in commercial sex or exploitative labor are described as manipulated and passive victims at the mercy of unscrupulous traffickers, key informants often reported that youths had conveyed to them that they were free to leave their work setting anytime they wished, but that they remained in order to fulfill their family obligations and to help alleviate family hardship. Other participants, however, were adamant in noting that this cultural context must be viewed as a detrimental vulnerability factor for further exploitation and abuse, requiring action from a human rights perspective.

Research Question 2: How can identification processes be improved to address emerging challenges to timely identification within the ASEAN?

To facilitate the timely identification of victims, participants reported the need to improve the implementation of mandates, guidelines, and screening instruments, including inconsistencies between regions, interagency coordination and communication, and to effectively monitor programs and policies to ensure that Member States are in compliance. In addition to the need to enhance identification mechanisms and procedures, some participants also recommended that the language used in the legal mandates be strengthened, and that the relevant guidelines be more widely shared and uniformly used by all ASEAN nations. In some cases, they identified the need to address gaps in legislation (e.g., does not include all forms of trafficking), or to improve coordination between sending and receiving countries for victims of international trafficking (e.g., considered a victim in one country and not in the other). In other cases, the need to address corruption (e.g., complicit officials who accept bribes and/or impede effective law enforcement efforts) was highlighted.

Although the training programs that had been implemented by UN agencies (e.g., IOM, UN-ACT, etc.) were frequently praised, key informants recommended additional training programs for front-line staff, law enforcement personnel, immigration officials, staff at deportation and repatriation sites, multidisciplinary team members, health care workers, and all other personnel who come in contact with victims in order to enhance the capacity of those who might identify victims, ensure that their traffickers are investigated, prosecuted, convicted, and punished, and enhance effectiveness through interagency collaboration and communication. They further recommended enhanced implementation of outreach initiatives through NGOs and government law enforcement personnel into select establishments (factories, construction sites, internet cafes, massage parlors, karaoke bars); improved strategies to identify boys as well as girls and hard to reach victims, including those trafficked for domestic servitude, and commercial surrogacy; and expanded use of national emergency numbers and social media to enable children to identify themselves, or to be identified by others. Related discussions focused on the importance of screening all potential

victims, noting that some children who report that they do not wish to be identified may have been coerced to lie about their age, or the extent to which they are being exploited. They also reported that levels of trauma and experiences with broken promises among some victims may influence their ability to trust others and requires the skills of a trained interviewer. Finally, they noted the need to improve the availability and quality of interpretation services for all children and to ensure that all first responders are informed that children require a victim-centred approach to prevent revictimization or punishment.

Some participants identified promising practices that had been implemented to address the emerging challenges identified above. In one noteworthy example in Cambodia, Friends International (<https://friends-international.org/in-cambodia/>) aims to empower those who are reluctant to be identified as victims of trafficking. Their outreach teams work directly within the community to establish relationships with those living and working on the streets. They endeavor to provide them with basic protection services, including, food, shelter, basic health care, life skills awareness (e.g., HIV/AIDS, drugs), emotional support, non-formal education (e.g., mobile library and school), and help them to leave street life when they are ready to do so. Their training centres provide vocational skills training (e.g., cooking, welding, beauty, sewing, motorbike mechanics, as well as business management, literacy, and life skills) while their vocational training programs are run as small businesses, enabling students to gain experience in a real business environment, including restaurants and fair trade gift shops. They also provide a transitional home for children while they complete their training, and work with their families to prepare for their return. Their overall objective is to develop trusting relationships and inform children of available services, including transitional homes and drop-in centres, but they are never forced to come to the centre or to stay there.

In another noteworthy example, key informants in Thailand praised the work being done by various Children's Advocacy Centres (CACs). These collaborative projects include government agencies (e.g., United States Federal Bureau of Investigation; Royal Thai Police's Thailand Internet Crimes Against Children Task Force [TICAC]), and international organizations (e.g., International Justice Mission). Their strategies are designed to assist law enforcement officials with their cases against traffickers and online crimes against children, as well as assisting child victims throughout the judicial process. In addition, they aim to ensure that law enforcement and NGO personnel are adequately trained, as well as providing a child-friendly space where social workers conduct forensic interviews using a child-centred approach, and linking children with counseling and rehabilitation programs.

Research Question 3: What services and supports promote optimal recovery and what are the emerging challenges that hinder the successful recovery and safe and sustainable reintegration of victims of child trafficking within the ASEAN?

Services and Supports to Promote Optimal Recovery

Participants cautioned that since most survivors are never formally identified as victims, and either return to their home communities or relocate to a new community without assistance or support, little is known about their experiences. They also advised that little is known about those children who are wrongly identified as criminals, or as undocumented migrants, and arrested for crimes associated with illegal border crossings or for crimes associated with prostitution. These victims are generally placed into inappropriate facilities (e.g., detention centres, juvenile justice programs), where little, if any, psychosocial or reintegration support is available. Finally, they advised that what is known about recovery and reintegration assistance tends to be based on experiences with children who were placed in aftercare shelter programs for psychosocial care.

Participants offered strong support for a comprehensive array of services to address survivors' psychosocial needs, ensure their successful recovery and reintegration, and promote their future social and economic success. They include a broad range of services involving education/schooling, vocational training/job skills, medical and mental health care, and legal services. Some highlighted the often-overlooked emotional needs of children and the importance of timely and appropriate services, including trauma-informed care and culturally appropriate services (cf. Rafferty, 2018), for

those who need them. However, despite the importance of a comprehensive needs assessment to tailor services to meet each child's unique needs, this is rarely conducted or, when completed, often by untrained personnel, who sometimes questioned victims in an inappropriate manner (e.g., do you have a mental problem?).

Participants also reported that services made available to survivors following their identification, range appreciably from basic services only (e.g., shelter, food) to the provision of a comprehensive array of services. Interestingly, although some participants reported that available services are generally inadequate to meet the needs of the children, and particularly for survivors placed in government-run facilities versus those that are privately operated, some government officials tended to be overly enthusiastic in their praises for the procedures that they had in place. They described their programs as including intake services, fact-finding, multidisciplinary meetings, comprehensive services, safe repatriation, follow-up, and evaluation. Others, however, contradicted these glowing descriptions and noted that while this impressive process may be delineated on paper, it is rarely, if ever, implemented as stated. In some exceptional cases, however, programs offered a comprehensive range of high quality and culturally relevant services, and were also particularly innovative in assisting survivors with practical tools to promote their sustainable reintegration through economic empowerment (e.g., providing start-up funds for a small business such as a sewing machine to help start a tailoring business; or partnering with the private sector where survivors receive training and employment). Participants cautioned, however, that some communities had been flooded with tailoring, hair dressing, or mechanics businesses, often in highly gendered fashions, and with a one-size-fits-all approach without market analyses or clear outcomes.

Emerging Concerns About Shelter-Based Care

Key informants raised concern regarding the routine placement of identified survivors into shelter facilities, and in some cases, referred to this practice as “forced protection”. At the same time, however, the importance of maintaining an aftercare shelter system was highlighted. Participants noted, for example, that shelters provide an excellent setting to conduct a needs assessment, and that some children cannot return home because of personal or safety concerns in their home communities, and therefore require an alternative placement. They also described a policy shift in recent years within some communities, away from the use of shelter-based facilities toward the provision of community-based assistance. The issue of diminished support for shelter-based care was discussed within the context of detention of residents and restrictive shelter policies; gender dimensions of contemporary forms of child trafficking; and aftercare program residents who are not victims of trafficking.

Detention of Residents and Restrictive Shelter Policies

Participants often expressed alarm with children detained in residential facilities for long periods of time, often against their will and best interests. They noted, for example, that although some children may require longer-term assistance, shorter-term support is sufficient to meet the needs of many others. The major concern raised focused on the habitual detention of children within shelter programs until they reached age 18. In some cases, shelter policies were also described as overly restrictive and abusive. Participants often reported that children complained about being detained in locked facilities, and prohibited from leaving, even if they choose to do so. Some UN officials pointed out that these practices are not in compliance with the human rights-based approach, that the routine detention of victims should occur only as a last resort and in response to credible threats to a child's safety, and that all cases of detention should be demonstrated to be in the child's best interests, occurring only whenever there is no reasonable alternative available (cf. UN-OHCHR, 2014).

Gender Dimensions of Contemporary Forms of Child Trafficking

According to participants, almost all of the children in residential aftercare programs for victims of child trafficking are female victims of commercial sexual exploitation, and in some cases, girls trafficked for forced marriage. Furthermore, and in contrast with programs for girls, available

programs for boys and members of the transgender community, tend to offer only drop-in assistance (e.g., food, showers, etc.) Traditionally, this gender-biased policy was a result of extensive outreach to brothels and other sex establishments, where the preponderance of victims was female, with little or no attention paid to other victims of child trafficking, as well as being based on flawed assumptions about boys.

Aftercare Program Residents are Not Always Victims of Trafficking

Participants reported that residents in many aftercare program facilities consist primarily of children who are not survivors of trafficking, but instead are victims of either sexual abuse or maltreatment, or those considered at risk for trafficking. Participants reported that the overuse of aftercare shelters for children who are deemed “at risk for trafficking” was problematic at best, and in some cases, unethical. Their concerns highlighted outreach activities in rural villages, whereby some NGOs actively encourage families to part with their children so that they might have greater opportunities for “a better life” (e.g., a good education). Although these children were being generally recruited from areas with extreme poverty, often with higher rates of school dropout and fewer economic opportunities, the concern was that they were unjustifiably removed from their families, and often for financial gain. Participants also expressed concern about how, in some cases, providing residential care had turned into a business with insufficient oversight and accountability. Apprehension was also expressed about policies whereby program donors were not routinely informed about the extent to which funding was used for children deemed “at risk for trafficking” rather than for actual survivors. Policies such as these (sometimes referred to described as “the social marketing of children”), were intended to make it easier to obtain funding from private donors.

Key informants often linked their apprehensions about aftercare shelter programs with the broader challenges associated with the number of children in residential care/orphanages, and unethical practices and policies within some facilities. In Cambodia, for example, research conducted by the government, in collaboration with UNICEF and the United States Agency for International Development (USAID), found that one in 350 Cambodian children ages 0–17 ($n = 16,579$) were living in one of 406 residential care institutions (UNICEF, 2017). These practices are not only in violation of the mandates and guidelines discussed above, but are also inconsistent with government policy stating that institutional care should be the last resort and temporary, and that family- or community-based care are preferred.

Some participants also expressed alarm with how the concept of “voluntourism” was generating huge profits for those who run the programs (e.g., private citizens, government agencies, faith-based organizations). They described the practice as involving the recruitment of naive volunteers from abroad, who subsequently pay a hefty fee to volunteer, and inadvertently partake in the ‘voluntourism’ industry. Related practices involve allowing them to interact with the children in exchange for a “donation” and without any protection policies, and in some cases, resulting in the abuse of children by visitors. Finally, some key informants described practices whereby some orphanages were being (or had been) run as a ploy to convert children to Christianity or as “baby factories for international adoption”.

Emerging Concerns About Community-Based Care

Participants often reported feeling that community-based care was superior to shelter-based care for most children, and that the priority should be to return children to their families (if in their best interests) or integrated into a new community, as soon as feasible. They cautioned, however, that the process and purpose of psychosocial recovery and return to community, as well as integration into a new community, was based on the flawed assumption that if victims are rehabilitated and trained with skills that they will be able to pursue options upon their return that were not available to them when they left home.

Structural vulnerabilities within high-risk settings were frequently identified as posing a serious threat to safe and sustainable reintegration by participants. The list of structural vulnerabilities

includes dire poverty, paucity of resources, a lack of viable job and economic opportunities, complicity and corruption among government officials, and gender inequities. Participants expressed grave concern that the impact of structural vulnerabilities is compounded by inadequate community services and resources that do not address returnees' long-term needs and may hinder their sustained reintegration. According to one informant, who echoed a concern raised by many: "The government is not ready for community care – the transition is very challenging and the children are not being served."

Research Question 4: What programs and policies promote optimal recovery and reintegration of victims of child trafficking within the ASEAN?

Key informants recommended that the shift from shelter-based care to community-based support needs to be expanded to address both the macro and micro barriers to a safe, successful, and sustainable reintegration. They cautioned that returning children to the same setting from which they departed, without adequate preparation and follow-up, places their safe and sustainable reintegration, as well as their long-term adjustment (economically, physically, emotionally, socially), into jeopardy. They underscored the fundamental importance of safety, and that a "best interests" determination should routinely occur to ensure that the correct decision is made pertaining to each child's ability to reintegrate safely into their home community or a new community if warranted. They highlighted the importance of a multidisciplinary assessment of each child's individual needs, including push and pull factors within the community, prior to their reintegration, in order to develop a viable comprehensive plan and strategy, and determine the necessary community supports and assistance they may require. Some participants also recommended a family assessment by a social worker, trained to interview in a culturally sensitive manner, in order to identify family strengths and weaknesses, and to assess the need for alternative placements (e.g., foster family, group home) if necessary.

Participants noted, however, that the psychosocial services that children need (e.g., array of psychosocial services to ensure employment readiness, access to paid and decent work) may not be available within the community. They highlighted access to: appropriate housing, suitable health care (including reproductive and sexual health care), mental health care, (including trauma-informed and culturally sensitive care, provided by trained service providers), legal support and services, (including due process and access to justice), and access to education and/or vocational training, life skills, and livelihood programs. They cautioned that services should be designed to appreciate that not all children share the same vulnerabilities and may differ according to age and gender. Furthermore, for victims of international trafficking, they emphasized the importance of coordination and communication between sending and receiving countries, and related agencies that work with the survivors, to help facilitate receipt of needed follow-up supports and assistance.

Participants also highlighted a number of policies and practices to facilitate safe and successful reintegration. In some areas, for example, where children are particularly susceptible to being re-trafficked as a result of dire poverty and a lack of education, several innovative programs aim to promote educational opportunities, including life skills workshops, training in agricultural skills, safe migration programs, and mentoring. Some noteworthy programs also aim to address family challenges (e.g., violence involvement with child's trafficking, stigma, and/or desire for child to work to support the family). These programs were designed to empower families with skills and understanding to promote their child's recovery and reintegration.

Concrete and low-cost interventions at the community level were also recommended to address stigma and discrimination, and to eliminate rejection of child trafficking survivors. Some participants emphasized the importance of developing awareness of detrimental gender norms and violence, including a larger child protection strategy to address the cross-cutting issues affecting children in vulnerable situations and high-risk settings. In Lao PDR, the Noi adolescent girl project has been designed to raise awareness about issues confronting adolescent girls throughout the

country and to promote awareness of the importance to invest in girls (UNFPA, 2018). This UNFPA (2018) project aims to both empower adolescent girls, raise awareness of cultural, social and gender norms and violence, and bring attention to the needs of adolescent girls (e.g., quality education, easy access to reproductive health services, employment, participation in decision-making processes).

Other noteworthy examples pertained to the urgent need to ensure safe migration, strengthen the capacities of countries for effective migration management, and ensure the safety of vulnerable youths (e.g., by increasing their awareness of migration risks and providing them strategies to protect themselves). They reported, for example, the need for governments to pay greater attention to how border and national immigration policies force youths into dangerous migration routes. As a result, many vulnerable migrants pay others to help them across borders, work in unsafe and exploitative settings for poverty wages, and are at risk for detention and deportation. In one initiative designed to ensure migrant safety, IOM launched MigApp in 2017 to provide them with travel information (e.g., visas, health, alerts), as well as contact numbers of counter-trafficking hotlines around the world. Key informants cautioned, however, that in many cases programs profiled as being anti-trafficking are actually anti-immigration in their scope, and may undermine the resilience of migrants in search of economic opportunities.

In another noteworthy example, the Chab Dai Coalition in Cambodia partners with the government to conduct minimum standards training (<https://chabdai.org/coalition-capacity-building>). The coalition also works toward having a collective impact against child trafficking by raising standards of care, promoting promising practices, and providing members of the coalition with opportunities for mentoring, training and collaboration. Their training programs focus on mental health, human rights, child participation, and organizational development. In some cases, innovative aftercare programs within the coalition provide ongoing care and support for both children and their families following the child's return home.

Other programs focus on poverty reduction and development strategies. In Lao PDR, for example, the GloACT (Global Action against Trafficking in Persons and the Smuggling of Migrants) project, implemented by both IOM and UNICEF, focuses on human trafficking and migrant smuggling and aims to assist governments, civil society organization, and victims of trafficking and smuggled migrants by developing and implementing comprehensive counter-trafficking and counter-smuggling responses (www.iom.int/gloact). One aspect of the program involves setting up a meaningful child protection policy at the village level. Other aspects include creating awareness of trafficking, providing outreach to families, offering parenting education programs, providing community-based services for children, and working with village level mediation committees.

In another initiative in Cambodia, the USAID and Winrock International Counter Trafficking in Persons (USAID Asia CTIP) Program (www.winrock.org/project/ctip-asia) aims to raise the capacity of service providers and access to community-based service networks (legal, job placement), offers skills training, information on safe migration, and livelihood support. The program is designed to “reduce human trafficking in Asia” by improving cooperation among law enforcement, healthcare providers, and social services to improve the lives of human trafficking survivors.

Discussion

Despite the commitments that have been made to protect victims of child trafficking within the ASEAN, little research has reported on binding and non-binding mandates within the region, and the extent to which these promises have ensured effective identification, recovery, and reintegration of victims. Findings from this exploratory study indicate that although some noteworthy efforts have been made, much remains to be achieved in order to ensure the international and regional commitments translate into effective practices on the ground.

In terms of identification, participants reported that the majority of child trafficking victims are not formally identified, suggesting a substantial disparity between the enactment and implementation of legislation, and noncompliance with available guidelines. And although they often praised some

noteworthy practices and effective strategies designed to identify victims (e.g., hotlines, social media, outreach), they also reported ongoing barriers (e.g., deficient implementation of mandates, guidelines and screening instruments; inadequate outreach; complicit government officials). They also emphasized how the current major risk factor for child trafficking within the ASEAN lies within the context of unsafe migration, dire poverty, and a lack of alternative options, whereby potential victims migrate for gainful employment and are subsequently exploited. Participants questioned the prevailing assumption that child victims are mostly girls lured into the CSI by traffickers who comprise highly organized gangs. They underscored how this perspective overlooks the trafficking of boys into the CSI, as well as for labor exploitation (e.g., unregulated factories, commercial fishing), including the trafficking of boys and girls for other reasons (e.g., domestic servitude, organ removal, commercial surrogacy).

Participants also raised a number of dilemmas that warrant additional discussion and research. One key topic pertains to key terms within international and regional definitions of child trafficking, and specifically regarding how to protect the human rights of individuals who do not perceive themselves as being a “child,” or a “victim of exploitation”. A second topic pertains to how the issue of coercion versus choice is more complex in developing countries than in those that are more affluent, and how to interpret the cultural context when defining who is, and who is not, a “victim of child trafficking”. Of particular importance is the reality of conditions within communities characterized by dire poverty, including a lack of alternative options, and how the concept of filial piety is used throughout Asia to refer to strong cultural values of respect, obedience, and gratitude toward one’s parents, and the expectancy that children are obliged to support and assist their families.

Other key findings pertain to the recovery and reintegration of children who have been trafficked. Key informants reported that quality psychosocial services are vital, and that a comprehensive array of services should be made available to address children’s psychosocial needs, ensure their successful recovery and reintegration, and promote their future social and economic success. And, although they praised some noteworthy programs, they also reported that child survivors are rarely offered the services outlined in international and regional guidelines. Finally, they cautioned that many survivors do not receive any services at all because they are not identified, or because existing programs cater only to girls.

In addition to discussing the availability and quality of psychosocial recovery services, participants questioned the practice of placing child victims into residential aftercare programs. In some areas, key informants reported that the aftercare shelter system is being dismantled in favor of community-based options, and discussed a number of problems associated with its demise. They expressed concern, for example, with overly restrictive and abusive shelter policies, and that children were frequently detained for long periods of time, often against their will and best interests. Apprehension was also expressed about practices whereby program donors were not informed about the extent to which their funding was used for children deemed “at risk for trafficking” rather than for actual survivors. Finally, participants expressed distress about the broader challenges associated with the number of children in residential care, and how, in some cases, programs had become businesses lacking sufficient oversight and accountability.

Finally, participants described a number of advantages associated with community-based support, including a belief that most children would thrive if they were returned to the community with follow-up community-based support versus languishing in aftercare shelter programs. They were circumspect, however, about the flawed assumptions that often guide the process of reintegration. They cautioned, for example, that returning children to the same settings from which they had departed, without adequate planning and follow-up, places into jeopardy their safe and sustainable reintegration, as well as their adjustment to life in society. Discussions highlighted the structural conditions that characterize high-risk settings and leave children vulnerable to re-trafficking. In particular, concern was expressed about dire poverty, a lack of viable job and economic opportunities, gender inequities, complicity and corruption among government officials, and the scarcity and inadequacy of community resources in many high-risk settings. Key informants further noted that children’s effective reintegration may be challenged by risk factors within the family setting, and

highlighted the importance of empowering families with skills and understanding to address conflicts and promote their child's recovery and reintegration.

Strengths and Limitations

Findings from this exploratory study suggest that, despite some noteworthy successes, commitments that have been made to victims of child trafficking in both international and regional mandates and guidelines within the ASEAN, as well as decades of other treaties, laws, resolutions, and statements, do not always translate into concrete action on the ground. The majority of victims of child trafficking are not formally identified, do not receive the psychosocial services outlined in international and regional guidelines, and safe and sustainable reintegration efforts often insufficiently address issues related to social inclusion, economic empowerment, and access to viable job opportunities to enable successful long-term adjustment. They also draw attention to a number of issues not generally described in the research literature on this topic (e.g., the changing profile of victims, traffickers, and process of child trafficking). Furthermore, the findings related to definitional ambiguities (child, victim, exploitation), and the broader ecological factors that influence “choice when there is no choice,” tackle difficult and extremely controversial topics that many in the child saving industry (including many involved with the modern ‘abolitionist’ movement) would prefer to keep buried. On the one hand, it might be argued that no young person should engage in prostitution – whether or not they “consent” to do so. On the other hand, the findings discussed here draw attention to the politics of child protection and the problematic premises underlying concepts of childhood driving the child protection movement. As noted by Howard and Okyere (2015), for example, many interventions designed by the child saving community to “save children” can be extremely damaging to the young people they are designed to support. In addition, they further fabricate those who are under the age of 18 as being unable to exercise meaningful agency, and construct such individuals within predominantly western norms of childhood from which all others deviate. This premise ignores the literature that discredits the exclusive reliance on calendar age as the basis for defining childhood and the child's best interests – and disrespects the diversity of childhoods (e.g., Howard & Okyere, 2015). This perspective also serves to target the symptoms, and not the underlying causes, of child trafficking. In contrast with the literature that focuses on the potential harm that might befall those who are migrating (McLeigh, 2013; O'Connell Davidson, 2013), this article recognizes the broader issues and acknowledges that children's work reflects the impoverishment of their home communities, as well as recognizing that many children rely on migration and work in order to access livelihood opportunities. Rescue and recovery interventions must therefore include an understanding of the economic, cultural, and social reasons for young people's movement and migration. Indeed, for many individuals under the age of 18, migration provides opportunities that are vital to their well-being.

The findings discussed above suggest that additional attention must be paid to the extent to which the prevailing mandates, guidelines, and policies are appropriate, including possibly reducing the 15- to 18-year old child's sense of autonomy in some cultures. Findings highlight a dire need for additional research on these debatable topics, as well as on the various processes identified here to address emerging challenges to timely identification within the ASEAN (adequacy of mandates and guidelines, implementation by governments, enhanced training, screening of potential victims using a victim-centred approach). Findings draw attention to a number of issues pertaining to shelter-based care that are rarely addressed and must be explored further (e.g., detention of residents, the contradictions between policies for girls vs. boys, the use of programs for children who are not victims of trafficking, and the related issues of the number of children in residential care, the use of unscreened volunteers, and the solicitation of funding from donors for questionable policies and programs). As noted by Davy (2017), for example, international travelers are increasingly serving as volunteers in residential programs and represent a major child

protection threat. In addition, she highlights the threat to child protection posed by lengthy trials and the preference of some children to be deported as an “irregular migrant” rather than being detained at a shelter.

There are a number of limitations, however, worth noting. First, this exploratory pilot project focused on three of the 10 ASEAN member countries in order to identify current perspectives and emerging trends within the region, with the intent that this strategy might guide the development of sound regional policies and practices, and serve as an impetus for additional research in the other countries in the region. Ideally, data collection would have included interviews with key informants in all of the ASEAN nations, but time and resource constraints limited the study to certain countries – those with a history of expertise in child trafficking and where the author was known and able to access key informants. Focusing on countries within the Mekong area, however, resulted in more attention being given to victims (primarily girls) of sex trafficking, leading to the neglect of other victims and vulnerable groups/sectors. Second, while a more sophisticated method of analyses for the immense volume of data that was generated may have been ideal (e.g., based on a multi-stage procedure of combining qualitative analysis with basic quantification of the main themes and dimensions), the strategy that was used was the only viable one due to limited financial and human resources. Finally, there were no individual quotes from children or their providers included since this addition was beyond the scope of the current investigation. A review of secondary data, however, suggests that the voices of children and adult survivors would be consistent with the findings reported above (cf. Cody, 2017; Hargitt, 2017).

Implications for Policy and Future Research

The following section highlights some key recommendations for social policy and future research to ensure the promotion of successful identification, recovery, and reintegration of victims of child trafficking.

Strengthen Language and Provide Training and Oversight

Legal policies and mandates present a vital opportunity to identify victims of child trafficking, ensure their recovery, and facilitate their safe and sustainable reintegration. They are also vital to effectively criminalize trafficking and related offenses. Thus, the first recommendation pertains to the need to strengthen the language that is used, as well as promote dialogue pertaining how various terms are defined. In terms of identification, for example, the Trafficking Protocol (UN, 2000) does not include a definition of either “victim” or “exploitation,” although it does offer an open-ended list of various forms of exploitation. The same open-ended list is adopted in the ACTIP (ASEAN, 2015a), but it also includes a definition of victim (“any natural person who is subjected to an act of trafficking in persons as defined in this Convention” (p.4).

The language pertaining to recovery following identification might also be strengthened. Current language requires Member States to “endeavor to provide for the safety of victims,” to “consider implementing” a range of services, and to provide care and support “where applicable.” Some terms may also be considered quite ambiguous. It is not clear, for example, what is meant by “where applicable” in Article 14(10) of the ACTIP (ASEAN, 2015a); is this referring to mandates and guidelines, or where it is needed by the child victims? In addition, Article 14(11), requires Member States to “make its best effort to assist in the reintegration of victims of trafficking,” and Article 14(12) calls on Member States to “take into account ... the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children.”

The need to provide all front-line personnel with training on the relevant mandates and guidelines, and ensure that they are knowledgeable about the emerging challenges to identification identified above is recommended. Enhanced implementation and greater oversight is also warranted, and promising practices should be evaluated and shared. As noted by Davy (2017), for example, some immigration officials fail to identify some children who have been trafficked because it will increase their workload, and instead simply drop them off over the border.

Mitigate Forced Labor and Promote a Decent Work Agenda

Some key informants described how the organizational practices within some work settings can have a substantial impact on the well-being of children who are of legal working age. Representatives from IOM, in particular, highlighted their Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) program (<https://crest.iom.int/corporate-responsibility-eliminating-slavery-and-trafficking>), including the importance of ensuring ethical recruitment and supply chain practices that are free of slave labor, as well as providing assistance and training to companies to ensure compliance with human rights and labor standards in supply chains. Workers should also be empowered via information about their labor rights, and how to protect themselves from unscrupulous brokers. In one noteworthy initiative in 2016, Ministers endorsed the Bali Process Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime (UN-ACT: United Nations Action for Cooperation Against Trafficking in Persons, 2015). This non-binding business-government partnership is designed to highlight the vital role of the private sector in preventing trafficking, and support both fair and transparent recruitment processes and non-abusive labor practices throughout supply chains in the Indo-Pacific region and beyond.

Finally, the ILO's Decent Work Agenda has social protection as a core element and addresses the need for governments to tackle the factors that make it profitable for companies to exploit children for forced labor. They include job placement fees that are charged to vulnerable youths in search of gainful employment, lack of a global minimum wage, lack of criminalization for the use of services provided by a victim of forced labor or trafficking, the existence of exploitable and unregulated labor, inadequate criminal justice responses, and corruption and complicity among some government officials. Key informants often noted that governments must take drastic steps to work alongside others to protect worker's rights.

Conclusions

In conclusion, the ultimate goal of any recovery strategy is to promote safe and sustainable reintegration. For many victims of child trafficking, the experience has included physical and/or sexual abuse that has left them in need of services to promote their psychosocial recovery. Many also confront challenges associated with marginalization and dishonor upon their return to their communities as a result of their mistreatment and abuse. Thus, safe and sustainable reintegration requires the implementation of strategies to ensure victims' social inclusion, economic empowerment, and access to viable job opportunities to enable them to reestablish their lives and prevent re-trafficking.

This article has described current perspectives and emerging trends pertaining to child trafficking within the ASEAN region. In addition to the challenges associated with identification and recovery described above, participants highlighted a number of promising strategies that implemented to overcome challenges, promote successful recovery, and facilitate safe and sustained reintegration of child victims into a former or new community. The time has come for the ASEAN to effectively address child trafficking and ensure the safety of all the children in the region.

Acknowledgments

The present study was possibly due to the generous support of the Fulbright Scholar Program. The author would like to thank the many key informants who welcomed the author and offered their expertise and insights; the reviewers (colleagues who provided feedback on early drafts and the anonymous reviewers who gave critical feedback on the submitted manuscript); and the JHT editor for her support and encouragement throughout the submission and review process.

References

- ASEAN. (2004). ASEAN declaration against trafficking in persons, particularly women and children. Jakarta: Author. Retrieved from https://asean.org/?static_post=asean-declaration-against-trafficking-in-persons-particularly-women-and-children

- ASEAN. (2015a). ASEAN convention against trafficking in persons, especially women and children. Jakarta: Author. Retrieved from <https://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children>
- ASEAN. (2015b). ASEAN plan of action against trafficking in persons, especially women and children. Jakarta: Author. Retrieved from <https://asean.org/wp-content/uploads/2012/05/APA-FINAL.pdf>
- ASEAN. (2017). The ASEAN convention against trafficking in persons, especially women and children (ACTIP): Multi-sectoral work plan (the “Bohol TIP work plan”) 2017 – 2020. Jakarta, Indonesia: Author. Retrieved from https://asean.org/.../Final-Version-of-Bohol-TIP-Work-Plan-2017-2020_13Nov2017
- Asia Against Child Trafficking (Asia ACTs). (2006). The ASEAN guidelines for the protection of the rights of trafficked children. Philippines: Author. Retrieved from <https://childhub.org/fr/child-protection-online-library/asia-against-child-trafficking-asia-acts-2006-southeast-asian>
- Brysk, A. (2012). Rethinking trafficking: Human rights and private wrongs. In A. Brysk & A. Choi-Fitzpatrick (Eds.), *From human trafficking to human rights: Reframing contemporary slavery* (pp. 73–85). Philadelphia: University of Pennsylvania Press.
- Capaldi, M., & Terre des Hommes. (2014). The child’s journey in search of rights: Determining and addressing points of vulnerability in independent child migration in Thailand: Summary report. Retrieved from https://www.terrede shommes.nl/sites/tdh/files/uploads/th_2014_childs_journey_in_search_of_rights_capaldi_tdhnl1.pdf
- Chung, R. (2006). Human trafficking for sexual exploitation: Psychological & cultural impacts. *Global Studies Review*, 2 (3), 10–11. Retrieved from www.globalitygmu.net
- Cody, C. (2017). Casting light on the care, recovery and (re)integration needs of commercially sexually exploited children: Thematic report. Bangkok, Thailand: ECPAT International. Retrieved from <https://www.ecpat.org/resources/>
- COMMIT: Coordinated Mekong Ministerial Initiative Against Trafficking. (2017a). Common indicators of trafficking and associated forms of exploitation. Retrieved from un-act.org/publication/view/identifying-victims-trafficking-associated-forms-exploitation-common-indicators-first-responders/
- COMMIT: Coordinated Mekong Ministerial Initiative Against Trafficking. (2017b). Guidelines on victim identification and referral mechanisms. Retrieved from <http://un-act.org/common-commit-indicators-human-trafficking/>
- Davidson, O. (2013). Telling tales: Child migration and child trafficking: The complicated story of children’s migration. *Child Abuse & Neglect*, 37(12), 1069–1079. doi:10.1016/j.chiabu.2013.10.012
- Davy, D. (2017). Regional overview: The sexual exploitation of children in Southeast Asia. Bangkok, Thailand: ECPAT International. Retrieved from <https://www.ecpat.org/resources/>
- Donger, E., & Bhabha, J. (2018). Dilemmas in rescue and reintegration: A critical assessment of India’s policies for children trafficked for labour exploitation. *Anti-Trafficking Review*, 10, 52–69. Retrieved from www.antitraffickingreview.org
- ECPAT International. (2014). The commercial sexual exploitation of children in East and South-East Asia. Bangkok, Thailand: ECPAT International. Retrieved from <https://www.ecpat.org/resources/>
- ECPAT International. (2016) Regional report on sexual exploitation of children in travel and tourism, 29. Bangkok, Thailand: Author. Retrieved from <http://www.ecpat.org/resources>
- ECPAT International. (2017). Connecting the dots: Supporting the recovery and reintegration of children affected by sexual exploitation. Bangkok, Thailand: Author. Retrieved from <http://www.ecpat.org/resources>
- ECPAT International and Interpol. (2018). Towards a global indicator on unidentified victims in child sexual exploitation materials: summary report. Bangkok, Thailand: ECPAT International. Retrieved from <http://www.ecpat.org/resources>
- Hargitt, K. (2017). Casting light on the care, recovery and (re)integration needs of commercially sexually exploited children. From the voices of children & adult survivors, and their service providers, in Nepal, the Philippines, and Thailand. Access to justice & right to remedies research project. Bangkok, Thailand: ECPAT International. Retrieved from <https://www.ecpat.org/resources/>
- Howard, N., & Okyere, S. (2015). Childhood and youth: Beyond trafficking and slavery. London, UK: Open Democracy. Retrieved from openDemocracy.net/beyondslavery
- Howard, N. P. (2017). *Child trafficking, youth labour mobility and the politics of protection*. London, UK: Palgrave Macmillan.
- ILO: International Labour Organization. (2006). Child-friendly standards and guidelines for the recovery and integration of trafficked children. Bangkok, Thailand: ILO Regional Office for Asia and the Pacific. Retrieved from www.ilo.org/wcmsp5/groups/public/—asia/—.../wcms_bk_pb_75_en.pdf
- ILO: International Labour Organization. (2009). Training manual to fight trafficking in children for labour, sexual, and other forms of exploitation: Textbook 1: Understanding child trafficking. International labour office, International Programme on the Elimination of Child Labour (IPEC). Geneva, Switzerland. Retrieved from www.ilo.org/ipeinfo/product/viewProduct.do?productId=10771
- ILO: International Labour Organization. (2017) Global estimates of modern slavery: Forced labour and forced marriage. Geneva, Switzerland. Retrieved from https://www.ilo.org/global/publications/books/WCMS_575479/lang-en/index.htm

- Kranrattanasuit, N. (2014). *ASEAN and human trafficking: Case studies of Cambodia, Thailand and Vietnam*. Boston, MA: Brill
- Liebel, M. (2013). Do children have a right to work? Working children's movements in the struggle for social justice. In K. Hanson & O. Nieuwenhuys (Eds.), *Reconceptualizing children's rights in international development* (pp. 225–249). Cambridge, UK: Cambridge University Press.
- Mandela, N. (2002). Foreword. In E. G. Krug, J.A. Mercy, L.L. Dahlberg, & A.B. Zwi. (eds). *World report on violence and health*. Geneva, Switzerland: World Health Organization. (p. ix). Retrieved from https://www.who.int/violence_injury_prevention/violence/world.../introduction.pdf
- McLeigh, J. (2013). Protecting children in the context of international migration: Children in migration require greater protection from violence, exploitation, and discrimination. *Child Abuse & Neglect*, 37(12), 1056–1068. doi:10.1016/j.chiabu.2013.10.011
- Mely Caballero, A. (2018). A hidden scourge. *Finance & development*, 55(3), 18–21.
- Montgomery, H. (2014). Child prostitution as filial duty? The morality of child-rearing in a slum community in Thailand. *Journal of Moral Education*, 43(2), 169–182. doi:10.1080/03057240.2014.893420
- Rafferty, Y. (2013). Child trafficking and commercial sexual exploitation: A review of promising prevention policies and programs. *American Journal of Orthopsychiatry*, 84(4), 1–17.
- Rafferty, Y. (2016a). Child trauma as an outcome of child trafficking for commercial sexual exploitation: A human rights based perspective. *Psychology & Society*, 8(2), 78–94.
- Rafferty, Y. (2016b). Challenges to the rapid identification of children who have been trafficked for commercial sexual exploitation. *Child Abuse & Neglect*, 52, 158–168. doi:10.1016/j.chiabu.2015.11.015
- Rafferty, Y. (2018). Mental health services as a vital component of psychosocial recovery for victims of child trafficking for commercial sexual exploitation. *American Journal of Orthopsychiatry*, 88(3), 249–260. doi:10.1037/ort0000268
- Robinson, M. (2002, May 20). *Recommended principles and guidelines on human rights and human trafficking*. Addendum to the United Nations high commissioner for human rights' report to the economic and social council. (E/2002/68/Add.1). New York, NY: United Nations Office of the High Commissioner for Human Rights. Retrieved from www.ohchr.org/Documents/Publications/Traffickingen.pdf
- Smith-Brake, J., Lim, V., & Nhanh, C. (2015). Economic reintegration of survivors of sex trafficking: Experiences and expressions of filial piety and financial anxiety'. Phnom Penh, Cambodia: Chab Dai. Retrieved from <https://healtrafficking.org/publications/economic-reintegration-of-survivors-of-sex-trafficking-experiences-and-expressions-of-filial-piety-and-financial-anxiety/>
- UN Women. (2017). Women migrant workers in the ASEAN economic community. Bangkok, Thailand. Retrieved from <http://asiapacific.unwomen.org>
- UN: United Nations. (1989). Convention on the rights of the child. Retrieved from www.unicef.org/crc
- UN: United Nations. (2000). Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime. Retrieved from www.osce.org/odihr/19223
- UN: United Nations. (2015). "Transforming our world: The 2030 agenda for sustainable development." Retrieved from <https://sustainabledevelopment.un.org/post2015/transformingourworld>
- UN-ACT: United Nations Action for Cooperation Against Trafficking in Persons. (2015). Policy guide on identifying victims of trafficking: The Bali process on people smuggling, trafficking in persons, and related transnational crimes. Bangkok, Thailand. Retrieved from <https://www.baliprocess.net/.../policy-guides-on-identification-and-protection-of-victims-of-trafficking>
- UNFPA: United Nations Population Fund. (2018). Noi – The adolescent girl in Lao PDR.
- UNGA: United Nations General Assembly. (2010). Resolution 64/293. *United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293)*. Retrieved from <https://digitallibrary.un.org/record/687201>
- UNICEF. (2006). Guidelines on the protection of child victims of trafficking. Retrieved from http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf
- UNICEF. (2017). Mapping of residential care facilities in the capital and 25 provinces of the Kingdom of Cambodia. Retrieved from https://www.unicef.org/cambodia/results_for_children_26320.html
- United States Department of State. (2018). Trafficking in persons report. Retrieved from <https://www.state.gov/reports/2018-trafficking-in-persons-report/>
- UNODC: United Nations Office on Drugs and Crime. (2014). The role of consent in the trafficking in persons protocol: Issue paper. Vienna, Austria: United Nations. Retrieved from https://www.unodc.org/documents/human-trafficking/2014/UNODC_2014_Issue_Paper_Consent.pdf
- UNODC: United Nations Office on Drugs and Crime. (2015). The concept of exploitation in the trafficking in persons protocol. Retrieved from https://www.unodc.org/.../Trafficking/UNODC_2015_Issue_Paper_Exploitation.pdf
- UNODC: United Nations Office on Drugs and Crime. (2018). Global report on trafficking in persons. Austria, Vienna: Author. Retrieved from <https://www.unodc.org/unodc/data-and-analysis/glotip.html>
- UN-OHCHR: United Nations Office of the High Commission for Human Rights. (2014). Human rights and human trafficking: Fact sheet 36. New York and Geneva, Switzerland: Author. Retrieved from <https://www.ohchr.org/en/publicationsresources/pages/factsheets.aspx>

- Walk Free Foundation. (2018). The 2018 global slavery index. Retrieved from <https://www.globalslaveryindex.org/2018/findings/global-findings/>
- WeProtect Global Alliance. (2018). Global threat assessment: Working together to end the sexual exploitation of children online. Retrieved from <https://www.weprotect.org/>
- Yusran, R. (2018). The ASEAN convention against trafficking in persons: A preliminary assessment. *Asian Journal of International Law*, 8(1), 258–292. doi:10.1017/S2044251317000108