

**AGIR POUR LES FEMMES EN SITUATION PRECAIRE
ACTING FOR WOMEN IN DISTRESSING CIRCUMSTANCES**



**Protection of Trafficked Persons
Current practices in Lao PDR and
challenges**

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What is protection?

Ensuring that persons are safe and treated well

Preventing persons from all kinds of abuses

Objectives of protection

- Ensure safety and life without fear

Victims and family can live quietly without fear of aggression or retaliation

- Protection from traffickers, exploiters, pimps, recruiters

Legal reinforcement so that dangerous persons are prevented to act

- Victims receive compensation for the prejudices, suffering and consequences of exploitation.

Access to justice, better understanding of law and rights

- Restoration of the dignity of the victims

Victims can develop a better self esteem.

Protection from who?

- Traffickers
- Procurors
- Exploiters : pimps, employers
- Exploitative parents/family members

Protection from what ?

- ✿ Violence, abuses, exploitation
- ✿ Health risks
- ✿ Lack of freedom, coercion

- ✿ *Own risk taking behaviors*
- ✿ *Poverty, hunger, debts (as a cause and result of TIP)...*
- ✿ *Roles in family/lack of care from parents*

Protection is often dealing with consequences but needs to be linked with prevention

Protection has to deal also with causes

Protection should address experienced and potential dangers

Main groups to be protected

- Locally trafficked Lao citizens
- Lao victims repatriated from abroad
- Foreign victims in Lao PDR to be repatriated
- Lao deported (legally or wild deportation)
- Self returned victims (international or internal)
- Trafficked persons on their way (new group recently referred to AFESIP)

How to provide protection?

- Investigation/inspection to find places of exploitation
- Strict vigilance in bus stations, boat piers, border checkpoints
- Rescue of victims in situation of exploitation
- Arrest traffickers, recruiters, and owner of places of exploitation (from beer bars to factories).
- Ensure safe shelter for victims before to support them to go back home if it is safe and they wish so.
- Built and assess safe environment in community and family (watch dogs, anti-traffic vigilance committee).

Tools for protection in Lao PDR

- ❖ Laws (women/children) and penal code
- ❖ National Guideline of Victim Protection (to be achieved by 2010, LWU)
- ❖ Child protection networks CPN (MLSW-UNICEF)
- ❖ National Plan of Action CSEC
- ❖ National Plan of Action TIP (coming soon)

Main partners : government

- National secretariat for TIP
- Ministry of Labor and Social Welfare
- Anti Trafficking Department-Units,
(Ministry of National Security)
- Lao Women Union
- Ministry of Foreign Affairs (national
commission of mother and children)
- Ministry of Justice
- Prosecutors

Main partners: IO & NGO

- UNIAP
- UNICEF
- UNODC
- IOM

- AFESIP
- Friends International
- Norwegian Church Aid
- Plan International
- Village Focus International
- *World Vision Lao (MOU pending to be signed)*

Main partners: victims and families

- Victims themselves should be empowered to protect themselves and not to become harmful toward others.

Becoming recruiter is a way to cope with consequences of trafficking and protect oneself.

- Families to be informed and supported in their duty of care and protection for their children according to the law.

LAW

Development and protection of women (2004)

Section I

Prevention and combat against trafficking in women and children

- **Article 24. Trafficking in women and children**
- **Article 25. Rights of victims**
- **Article 26. Duties of the society**
- **Article 27. Prosecution of offenders**
- **Article 28. Official assistance to victim**

LAW

Development and protection of women (2004)

Article 28. Official assistance to victims

- While the criminal proceedings are undertaken, the police must cooperate, coordinate with and deliver the victim to concerned authorities such as doctors; social workers and other counterparts in order **to give necessary and urgent assistance, provide medical treatment services, counselling service to the victims and deliver them to safe shelter.**
- In cases where the victims are **children, the special treatment** shall be provided for those victims, which focused on the physical and mental recovery, response to special needs of children, provide and create conditions for children to return to their guardians, families and society.
- In cases where **victims are abroad and are Lao citizen**, the concerned Lao **embassy or consulate shall provide protection and necessary and urgent assistance** for those victims, mainly the safety and welfare of the victims, in the line with concerned authorities of that country, in order to prosecute offenders and the victims shall be repatriated thereafter.
- Regarding **foreign victims** who are citizens of other countries, in addition to the subject to the third clause of this article, Lao officials shall coordinate with the embassy or consulate of the victim's country through the Ministry of Foreign Affairs in order to repatriate the victims



LAW

Law on protection of rights and interests of children (2007)

Part I Protection and Assistance to Children

Chapter I responsibilities of the State in Protection and Assistance to Children. Art 35 to 37

MLSW issues regulations and instructions, establish a national committee on protection and assistance to children.

Chapter 2 Protection and Assistance to Children in Need of Special protection. Art 38 to 43

- Reinforcement of families
- Network system for reporting
- Urgent measures
- Procedures for protection and assistance
- Alternative care

LAW

Law on protection of rights and interests of children (2007)

Part VI :Administration and Inspection on the Protection of Rights and Interests of Children

Part VII: Measures Against Violators

- Disseminating child pornography art 86
- Using child labour 87
- Abandonment of children 88
- Sexual relations with a children art 89 by paying or with gift including procurement



LAW

New Penal code (2005)

- Art 132 Procuring
- Art 133 (new) Forcing in prostitution
- Art 134 (new) Human Trafficking

(Draft) National guidelines for the protection of trafficked persons

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(Draft) National Guideline of Victim Protection

The objective of the National Guideline of Victim Protection is to guide the operational response of relevant government agencies providing assistance to or handling cases of trafficked persons. Such assistance should be provided to trafficked persons or presumed trafficked persons, regardless of their sex, race, ethnicity, religion or nationality.

(Draft) National guidelines for the protection of trafficked persons

General Principles

- Placement of the rights of trafficked persons at the centre of all efforts to prevent and combat trafficking, giving appropriate weight to the rights and obligations recognized in the international human rights instruments (CRC, CEDAW, etc), and **ensuring that actions taken in relation to victims are guided by a rights-based and victim-centered approach.**
- Development of policies and practices to ensure that all victims of trafficking have **access to comprehensive, high quality support services** that are age, gender, language and culturally appropriate, that are responsive to the victim's needs and respect their right of choice, that are provided by adequately trained professionals or paraprofessionals, and that aim to restore the victim's dignity and decision-making power.
- In all actions concerning child victims, **the best interests of the child** is a primary consideration.
- **Progressive commitment of government resources to support victim return and reintegration, having regard to existing government resources.**

(Draft)National guidelines : protection of children

- Best Interest of the Child
- Special rights and needs
- Right to Non-discrimination Right to Confidentiality
- Rights to be protected
- Right for asylum request
- Access to education and vocational training, health care and employment

Child Protection network

MLSW/PLSW/DLSW and UNICEF

5 provinces, 15 districts

Focus area

- Child protection from violence, exploitation and abuse

Purpose

- To pilot an initiative to utilise community networks to monitor children at risk of commercial sexual exploitation trafficking, physical and sexual abuses, UXO accidents, and other situations that put the health and safety of the child at risk.

NPA against CSEC in Lao PDR 2009

Protection

To develop and improve related legislations to be systematic and comprehensive such as legislations on immigration, tourism, entertainment places, guesthouse and hotels; and to ensure its dissemination and implementations including the improvement of the procedures for effectively processing the CSEC, to strengthen roles and responsibilities of concerned agencies in the protection of the rights and interests of child victims within country and Lao victims in foreign countries and to collaborate and coordinate with the neighboring countries and to ensure that the offenders/perpetrators are prosecuted.

NPA to fight against trafficking in persons

Coming soon !

Chap IV Protection (Provision of assistance in repatriation, rehabilitation and reintegration in societies)

4.1 Build and improve systems of protection of victims at the time of identification

4.2 Set up and strengthen the systems of provision of assistance of victims with consideration of their human rights

4.3 Provide complete assistance to victims after they are freed from the control of traffickers with consideration of their human rights

4.4 Ensure that victims receive assistance in the rehabilitation and reintegration into society with consideration of their human rights.

Cover the provision of immediate assistance to victims from the time of identification to the time of safe reintegration. They compose of the provision of temporary safe shelter, provision of psychological, medical, legal and social counseling, rehabilitation and safe reintegration into society, post reintegration follow up, development and uses of manuals, handbooks and guidelines of victim protection, setting up systems and mechanisms of repatriation, establishment of repatriation and reintegration focal points, development of relevant regulations, cooperation with destination countries, provision of training related to victim assistance, monitoring and evaluation and development of special programmes for child victims.

Challenges in providing protection

Victims and families

- Victims sometimes do not want to receive protection and prefer to stay in places of exploitation or to intend migration at risks again for various reasons notably need for money.
- Poverty and debt (debt being sometimes an obstacle for police intervention)
- Increasing number of ethnic minorities in remote mountainous areas lack of access to market economy, migration seen as only option to survive
- Age determination for children in sexual exploitation pretending to be over 18 years old
- Lack of legal information, do not claim their rights for various reasons

Challenges in providing protection

For Authorities

- Capacity building specially for district level staff from various stakeholders
- Deep investigation related to complex forms of trafficking or sexual exploitation
- More inspections in working sites to check recruitment process and level of exploitation
- General lack of means (for transport, communication, emergency support,.)

Challenges in providing protection

Service providers

- Find creative answers to victims needs to avoid re-trafficking situation or new attends for migration at risks
- Provide appropriate psychological and legal counselling toward victim empowerment.
- Link with private sector for job creations

Conclusion I

Lao developed a comprehensive legal framework and definition of actions to be set up some being under way to be finalised.

- National Plan of Action on TIP to be promulgated soon
- Guidelines on protection to be finalised in 2010
- Effective cooperation with China and Vietnam to be finalised in bilateral MOU probably this year
- Close monitoring of the implementation of the Lao Thai MOU
- Good cooperation with various actors close partnership between government IO and NGO
- Child protection networks a good practice ensuring both prevention and protection.

Conclusion II

Remaining problems to be addressed

- Geographical dispersion requires improved international or inter-provincial cooperation for immediate and improved protection
- Lack of boarding places for emergency protection
- Legal process new and lengthy impedes the protection process while traffickers still be around..
- Difficult access to community in term of road (if any) and language/cultures (more than half of cases met by AFESIP are from ethnic minorities)
- Official system to refer and follow up cases to be reinforced with close monitoring by concerned stakeholders (social work, health, justice..)
- CPN on few districts/villages only to be set up at national level
- Insufficient funding for most of official actors cannot be solved by NGO and IO only
- Lack of jobs for young people in Lao PDR and vocational training.

Final Conclusion

Tremendous improvements in the recent years, need to mobilise more national or international resources to ensure reinforced implementation of policies and processes.

Rethink protection and prevention as a global victims/families/communities intervention

Local job creation and easy access to safe migration process nurture the protection process



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THANK YOU FOR your ATTENTION

Merci

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