**Preliminary Desk Review of Written Laws and Guidelines, Policies on Victim Protection Amongst COMMIT Signatory Countries**

The following preliminary review is based on written provisions held by GMS countries. This does not cover drafts or non government agencies. It is based on the main principles agreed upon in the COMMIT Memorandum of Understanding.

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| **International/Regional Principles and Practices** | | | | | | |
| **Victim Identification**  **⚫ 🔾- ⌧** | **Legend** | | | | | |
| **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Trafficking is defined in accordance with the Palermo Protocol | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| A child is defined as a person under the age of 18 years of age | **⚫** |  | **⚫** | 16th age. No | **⚫** | 16yrs |
| Written provisions are in place to ensure that rescue operations are carried out in a victim-sensitive manner and do not jeopardize the victim’s safety and dignity | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| A standardized victim identification checklist / victim screening form is used to identify trafficked victims | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| Written provisions are in place regarding victim-sensitive interview procedures, carried out by or in the presence of a trained victim supporter | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| Written provisions suggest that all illegal migrants be screened to determine if they are potential trafficked victims | **⚫** |  | **⚫** | **🔾** | **⚫** | **🔾** |
| Written provisions are in place regarding child-sensitive interview procedures | **⚫** |  | **⚫** | **⚫**Hv standard guideline | **⚫** | **⚫** |
| Written provisions provide victims with the option of a “reflection period” after screening before being subjected to further investigation interviews | **⚫**MoU for vietnam days, after |  | **🔾** | **🔾** | **⚫** | **⚫** |
| Written provisions are in place on age determination, and require that any doubt be resolved in favour of the child | **⚫** |  | **⚫** | **⚫** | **⚫** | **🔾** |
| Written provisions are in place that prevent the detention of victims in immigration detention or other forms of custody under law enforcement authorities | **⚫** |  | **⚫** | **⌧** | **⚫** | **🔾** |
| Written provisions are in place to ensure that screening interviews to be conducted in a non threatening secure, safe environment | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| Written provisions are in place providing for the counter- trafficking training for labour inspectors investigating workplace abuse | **⚫**  Also have WG |  | **⚫** | **🔾** | **🔾** | **🔾** |

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| **Interim Care and Protection (Destination Country)** | Legend | | | | | |
| **Temporary Accommodations and Assistance Services (in country of Destination)** |
| **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Written provisions are in place addressing victims right to security and protection | **⚫** ratified the convention so its in the law |  | **⚫** have in the law | **⚫** in the SOP | **⚫** in law | **⚫** in law |
| Written provisions are in place addressing victim’ rights to have their basic needs met (accommodation, food, health/medical) | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| Minimum standards have been established for all victim care providers, including standards for government and NGO-run shelters | **⚫** |  | **⚫** | **⚫** | **⚫** there is national criteria, but not always followed by Ngo-run shelters | **⚫** ongoing in the degree, not in law yet |
| Written provisions are in place governing the interim care specific to children, women and men and are applied equally to all trafficking victims | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| Written provisions provide for a range of temporary accommodation options for children, women and men, with Institutional care being used as a measure of last resort | **⚫** |  | **🔾** | **⚫** | **⚫** | **🔾** |
| Written provisions guarantee victims have access to social workers or similarly trained care providers | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| Victims receive medical treatment/ check up within the 1st week of identification | **⚫** |  | **⚫** | **🔾** | **⚫** | **⚫** |
| Written provisions support the principle of informed victim consent for all medical check-ups and prohibit mandatory testing from HIV and other diseases | **⚫** |  | **⚫** | **⚫** | **⚫** | **⚫** |
| The right to interim care and protection extends to all trafficked victims, regardless of their willingness to participate in the criminal investigation | **⚫** |  | **⚫** | **⚫** | **⚫** but difficult in case of dealing with women. | **⚫** |
| Victims are informed of their rights and options in their own language and have access to legal advice  Written provisions promote the principle of “informed consent” for victim’s participation in the criminal or civil court process. Victims may choose not to participate **⚫ 🔾- ⌧** | ●  ● |  | ●  ● | ●  ● | ●  ● | 🞅  ● |
| **Bilateral Case Management and Referral Mechanisms** | **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Written provisions are in place governing the intake, assessment and referral of trafficking of the victims amongst agencies | ● |  | ● | 🞅 | ● | ● |
| Intake/interview forms include background information and an initial assessment of the victims needs | ● |  | ● | ● | 🞅 | ● |
| Written provisions are in place supporting an individualized rehabilitation plan developed by the victim and the case worker | ● |  | ● | 🞅 | ● | ● |
| Written provisions require that all decisions about support and assistance for child victims be based on the vest interest of the child, and that children be informed and consulted | ● |  | ● | ● | ● | ● |
| Exit forms are utilized to assess the victims status on departure from a social support facility that include contact information, follow-up support plans, and sections for monitoring education, vocation training, health status, legal procedures, and family/social status, etc. | ● |  | ● | ☒ | 🞅 | 🞅 |
| Written provisions exist requiring that victim’ approval be sought prior to any transfer of case information takes place | ● |  | ● | 🞅 | ● | ● |
| Written provisions are in place that mandate appropriate interpretation/translation services for victims | ● |  | ● |  | 🞅 | ● |

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| **Assessment and Best Interest Determination of “Re”-integration** | Legend | | | | | |
| **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Written procedures involving both sending and receiving parties are in place for timely identity and nationality confirmation | ● |  | ●  MOU | ● | 🞅 | 🞅 |
| Written procedures involving both sending and receiving parties are in place to trace and assess the families of child victims in a timely manner | ● |  | Not sure | ● | 🞅 | 🞅 |
| Written procedures involving both sending and receiving parties are in place that allow for family tracing and assessment for adult victims at their request/with their consent | ● |  | **●** | 🞅 | 🞅 | ● |
| Written provisions require that decisions about repatriation of child victims are based on a full assessment of their best interest | ● |  | ● | ● | 🞅 | ● |
| Legal alternatives to not return to home country are available in cases where repatriation would pose a serious risk to the victim’s safety and /or to the safety of their families | ● |  | ● |  | 🞅 |  |
| Written provisions ensure that the return of child victims of trafficking or other unaccompanied children do not take place without advance secure and concrete arrangements for their care and custody in the country of origin | ● |  | Not sure |  | 🞅 | ● |
| Victims are routinely informed of their rights and options in their own language and have access to legal advice | ● |  | ● | ● | 🞅 | 🞅 |

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| **Return and reception** | | | | | | |
| **Temporary/transit care and protection** | **Legend** | | | | | |
| **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Written provisions identify the designated agencies who should establish a return date, transportation arrangements and operational contingencies | **●** |  | **●** | **●** | **●** | **●** |
| Written provisions should outline arrangements that need to be made by designated agencies prior to departure so that immigration authorities, are aware of sensitivities, in both departure and arrival countries, are aware of sensitivities involving returnee and immigration /customs procedures are facilitated | **●** |  | **●** | **●** | **●** | **●** |
| Written provisions suggest that return transport should take place (only if in the victims best interest and there are no safety concerns) within a target time frame of 3-4 weeks after the trafficking victim has been identify and moved to a safe protective environment | **●** |  | **●** |  | **●** | **●** |
| A standardized victim identification checklist / victim screening form is used to identify trafficked victims that return voluntary via informal means | ● |  | ● |  | ● | ● |
| Written provisions involving both sending and receiving parties are in place for advanced coordination of safe and secure return transport | ● |  | ● | ● | ● | ● |
| Written provisions are in place ensuring that victims’ basic needs are met during transport (accommodation, food, health/medical) | ● |  | ● | ● | ● | ● |
| Victims are routinely informed of repatriation process. Legal support including travel documentation provided | ● |  | ● | ● | ● | ● |
| Written provisions are in place requiring that child victims be accompanied by a social worker of other victim supporter during return travel | ● |  | ● | ● | ● | 🞅 |
| Written provisions are in place regarding reception of victims that ensure respect for their privacy and dignity. Media presence is banned. | ● |  | ● | ● | ● | ● |
| Written provisions/minimum standards are in place governing transit accommodation for returning victims who cannot return immediately to their families. | ● |  | ● |  | ● | ● |
| Written provisions are in place prohibiting the detainment or temporary transiting of victims of trafficking in immigration detention center or other law enforcement facilities. | ● |  | ● |  | ● | 🞅 |
| Written provisions require the victim’s active transitory care and support, and allow adult victims to decline support and assistance | ● |  | ● | 🞅 | ● | ● |
| **Reintegration** | | | | | | |
| **Rights-Based Recovery and Reintegration Planning & Process** | **Legend** | | | | | |
| **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Written provisions/agreements are in place defining mechanisms for interagency referral and for monitoring a victim’s progress | ● |  | ● |  | 🞅 | ● |
| Written provisions require the victim’s active participation in all decision-making about their care and support, and allow adult victims to decline support and assistance | **●** |  | **●** | **🞅** | **🞅** | **●** |
| Written provisions require that all decisions about support and assistance for child victims be based on the best interest of the child, and that children be informed and consulted | **●** |  | **●** | **●** | **🞅** | **●** |
| Written provisions are in place requiring that an individualized reintegration plan be developed by the victim and the case worker | ● |  | **●** |  | **🞅** | **●** |
| Written provisions promote the right of victims to legal information and assistance | ● |  |  | ● | ● | ● |
| Written provisions establish basic standards for all specialist services provided to men, women, and child victims and promote respect for issues of confidentiality and ethical principles | ● |  | ● | ● | ● | 🞅 |
| Written provisions ensure culturally appropriate and personalized care and diminish risks for re-victimization, stigma and marginalization | ● |  | Not sure |  | 🞅 | ● |
| **Family/ Community Reintegration and Alternative Care** | **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Written provisions allow for follow up victim services once integrated back into the community | ● |  | ● | 🞅 | 🞅 | ● |
| Written provisions respect and uphold confidentiality and the rights of the victim after integration into the community | ● |  | ● | ● | ● | ● |
| Written provisions require that a family assessment be conducted before a child is returned  Written provisions provide for arrange of alternative care options for children who cannot return to their families; and recognize institutionalization as a measure of last resort | ● |  | ● | ●  ● | 🞅  ● | ●  ● |
| Written provisions advance the rights of victims to legal information and assistance | ● |  | ● | ● | ● | ● |
| **Economic Empowerment and Social Integration** | **Cambodia** | **China** | **Lao PDR** | **Myanmar** | **Thailand** | **Vietnam** |
| Written provisions address and provide for ongoing economic, social, legal, psychological/counseling services to be available for victims if needed | ● |  | ● | ● | ● | ● |