



Making justice more survivor-centric

Applying alternative justice models to human trafficking in South East Asia

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How can alternative justice models help make a more survivor-centric justice system in South East Asia? Porticus Asia worked with Dalberg to understand the potential for change in six jurisdictions and practical next steps to put survivor needs at the heart of the justice system.

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Survivors must become the focus of the justice system

South East Asia remains a global center for human trafficking despite significant advances in anti-trafficking legislation and concerted efforts to improve detection and conviction. The focus on punishing offenders has diverted attention away from survivors' justice needs.

South East Asia remains a significant source, destination and transit hub for human trafficking.¹

According to some estimates, two-thirds of human trafficking victims globally or 25 million people are from the East Asia and Pacific region², and the largest share of global profits from the human trafficking trade accrue there as well (34%, or ~USD \$52 billion).³ Besides the Philippines and Singapore, all major South East Asia countries were ranked at Tier 2 or below in the 2020 U.S. Trafficking in Persons (TIP) report, indicating they have a long way to go before eradicating the practice.⁴

Despite significant advances in anti-trafficking legislation and concerted on-ground efforts to improve detection and conviction rates, the problem persists. Many countries in SEA including

Myanmar, Thailand, Vietnam, and Cambodia now comply with the Palermo Protocol, the globally recognised standard in combatting trafficking.⁵ In the last two decades, there has been a rising trend of SEA countries introducing specific offences



1 The ASEAN Post, ASEAN's human trafficking woes, May 2020.

2 IMF, A Hidden Scourge, 2018; additionally the Counter Trafficking Data Collaborative Global Victim Dataset shows 75% of Asian victims are from South East Asia.

3 International Labour Organisation, Profits and Poverty: The Economics of Forced Labour, 2014.

4 US Department of State, Trafficking in Persons Report 20th Edition, June 2020.

5 Lowy Institute, Australia and the anti-trafficking regime in Southeast Asia, November 2016.



related to trafficking in persons⁶, and the 2020 U.S. TIP report observes that the new penalties prescribed are reasonably stringent. However, despite these advances, victim detection rates in the region are approximately half the global average,⁷ and the gap between identified victims and convicted traffickers is widening. The combined figure of prosecutions and convictions dropped to 1% of total labour trafficking victims in 2019 compared to typical rates above 20% between 2013-18.⁸ Recorded average conviction rates are also lower than many regions, notably North Africa and the Middle East, despite a growing victim pool.⁹

The focus on retribution has not succeeded in reducing criminality and has instead diverted attention away from survivors' needs and perceptions of justice. Increased penalties, arrests, and prosecutions in the SEA context – aimed at combatting trafficking – have typically come at the expense of dedicating resources towards victims and survivors. For example, at least 10 countries in SEA have strict sentencing measures in place for convicted traffickers, but most lack a national referral mechanism to refer victims to social services, including countries

with more evolved anti-trafficking ecosystems like the Philippines.¹⁰ Interviews with anti-trafficking organisations in the region reveal that locking up perpetrators remains the primary concern of the justice process,¹¹ with survivors treated as a means to achieve this goal. Victim compensation remains a relatively minor component of the legal process,¹² despite the view of NGOs and interviewed survivors that this is critical, and the reparations offered via courts are often delayed and inadequate in even relatively evolved ecosystems like the Thailand¹³ and Philippines.¹⁴ In jurisdictions where the anti-trafficking ecosystem is more nascent, issues hampering compensation delivery like delays and non-compliance are even more pronounced.¹⁵ NGOs and survivors also indicated that law enforcement actors typically struggle to provide trauma-informed care, with the prosecution sometimes aggravating survivor traumatisation as survivors are compelled to recount their story numerous times to lawyers and judges and may sometimes be forced to interact with their trafficker.¹⁶ Further, even though more than sixty percent of survivors from Cambodia, Thailand and Vietnam report depression, health care services are hard to access.¹⁷

6 United Nations Office on Drugs and Crime (UNODC), Global Report on Trafficking in Persons, 2018.

7 UNODC, Global Report on Trafficking in Persons, 2020.

8 Dalberg analysis, US State Dept., "Trafficking in Persons", 2013-2020.

9 UNODC, Global Report on Trafficking in Persons, 2018.

10 Lowy Institute, Australia and the anti-trafficking regime in Southeast Asia, November 2016.

11 Dalberg interviews with anti-trafficking organisations in Myanmar, Hong Kong, Cambodia, Vietnam, Philippines, and Thailand conducted in January and February 2021.

12 Department of State, USA, Trafficking in Persons Report, 2020.

13 Liberty Global Asia, Turning possibilities into realities, 2018.

14 Department of State, USA, Trafficking in Persons Report, 2020.

15 Dalberg interviews with survivors (from Myanmar, Hong Kong, and Thailand), 1 anti-trafficking organisation in Cambodia, and 2 anti-trafficking organisations in Vietnam conducted in January and February 2021.

16 Dalberg interviews with anti-trafficking organisations in Myanmar, Vietnam, and a survivor interview in Thailand conducted in January and February 2021.

17 Trajano, "Combatting Human Trafficking in East Asia: Mind the gaps", 2018.

FIGURE 1

Excessive focus on conviction fails to meet survivors’ needs across the justice chain¹⁸

<p>What survivors want</p>	<p>Healing from trauma: Feeling safe and secure in the knowledge that they are not under arrest and can choose whether and how to participate in legal proceedings</p>	<p>Healing from trauma: Trauma-informed, culturally sensitive practices in legal and court procedures including victim identification and investigations</p> <p>Monetary support: Fair and timely reparations received through a simple process</p>	<p>Healing from trauma: Trauma-informed care (including therapy), ability to regain voice and agency (e.g. no curfew in rehabilitative homes)</p> <p>Monetary support: Access to skills training for sustainable livelihoods</p>	<p>Saving themselves: Avoiding re-trafficking and retaliation from perpetrator and participating in survivor-led therapy groups</p> <p>Saving others: Advocating for legal reforms with option to maintain anonymity</p> <p>Monetary support: Help attaining gainful, sustainable employment that aligns with their interests and aspirations</p>
	 <p>Rescue/exit exploitation</p>	 <p>Adjudication/sentencing</p>	 <p>Rehabilitation</p>	 <p>Reintegration/advocacy</p>
<p>What survivors experience</p>	<p>Many Survivors are prosecuted or excluded from the legal system altogether due to cumbersome, inadequate screening processes</p> <p>Lack of flexibility to incorporate survivors’ preferences’ such as allowing cross-border survivors to fight their cases from their origin country</p>	<p>Justice actors often do not treat survivors with dignity and survivors may be forced to relive trauma</p> <p>Processes are typically complex to understand, lengthy and expensive and even if trials are successful, outcome compliance can be low (e.g. delayed compensation)</p>	<p>Limited access to required high quality services, such as counselling, legal advice and immigration assistance</p> <p>Some lack agency at rehabilitation homes due to curfews, bedtimes and restrictions on movement</p>	<p>Drivers of exploitation may not all be removed, with risk of re-trafficking</p> <p>Short-term support is not sufficient to find suitable housing and employment</p> <p>Survivor’s fear social stigma/ isolation especially if they participate in advocacy</p>

¹⁸ Dalberg analysis based on US State Dept., “Trafficking in Persons”, 2020; Urban Institute, “Justice in Their Own Words”, 2018; Trajano, “Combatting Human Trafficking in East Asia: Mind the gaps”, 2018; Dalberg interviews with survivors and anti-trafficking organisations conducted in January and February 2021.



Focus of the study

Methodology and limitations

The study focuses on examining the potential of alternative justice models to drive survivor-centricity in anti-trafficking interventions in six jurisdictions – Cambodia, Hong Kong, Myanmar¹⁹, Philippines, Thailand, and Vietnam. These jurisdictions were picked because Porticus Asia had ongoing projects in all of them and many are interlinked as trafficking source and destination locations. The research was largely conducted in January and February 2021 and is informed by global literature review, interviews with 37 experts in the region and beyond, a survey with 19 anti-trafficking organisations and a workshop with 20 anti-trafficking organisations, 6 interviews with survivors of sex and labour trafficking.

In total, 30 virtual interviews were conducted with organisations across the region and the world (3 in Cambodia, 4 in Myanmar, 2 in Vietnam, 5 in Thailand, 5 in Philippines, 5 in Hong Kong, 3 regional and 3 global). Some interviews had multiple interviewees and hence, we eventually spoke with 37 experts from alternative justice organisations, funding organisations, and frontline anti-trafficking organisations.

We have examined alternative justice interventions, gathering data around their applicability to trafficking, analysing their impact, mapping them to outcomes survivors care about and highlighting promising interventions that would benefit from increased attention. Given the short timeframe and restrictions imposed by COVID-19 on field research, the study did not gather perspectives from a statistically representative sample of organisations and survivors. Additionally, rigorous evidence on alternative justice models in SEA is largely not available and hence we have relied on global literature in some places to gauge their applicability and impact.



The main purpose of this report is to throw light on this nascent landscape and give funders, implementing organisations and researchers a roadmap as they explore alternative ways to access justice.

¹⁹ Please note the Myanmar coup occurred while the study was being conducted and hence, the specific findings for Myanmar will need to be further validated once the political situation stabilises.

2

Countries in SEA have made some progress in prioritising outcomes survivors care about, but more can be done

Human trafficking survivors prioritise monetary support, healing from trauma and saving themselves and others as justice outcomes. Countries in SEA have made some strides in delivering these outcomes; however, there is opportunity to do more.

“I had to ask my family for money for my visa, for transportation, and food. They sold the farm to send me money. When I found out, I can get compensation, I decided I want to fight for my rights”

Survivor

Human trafficking survivors prioritise three outcomes - monetary support, healing from trauma and saving themselves and others.

Global literature,²⁰ anti-trafficking organisations

operating in SEA, and survivors themselves²¹ were instrumental in surfacing these outcomes. Monetary support refers to compensation from the offender or the legal system as well as finding stable income.²² Survivors may need funds immediately after exiting trafficking for medical care, repaying of pre-trafficking debts and travel or living expenses. Thus, they identify long-term financial stability as an important goal post-rescue or exit.²³ Healing from trauma includes sensitive treatment from law enforcement actors as well as trauma-informed care in rehabilitation facilities. Survivors seek to avoid

20 Only 24% of trafficking victims in a US study defined justice in terms of seeing their traffickers incarcerated (Urban Institute, “Justice in Their Own Words”, 2018 (study based on 80 sex/ labour trafficking victims)).

21 These three outcomes were the top ranked priorities in a survey of 19 anti-trafficking NGOs, who were asked to rank 11 optional outcomes from the perspective of their beneficiaries. They also emerged strongly in interviews with six survivors of both labour and sex trafficking in the region asked to define what justice meant to them and global literature. Some outcomes may have been deprioritised because of a lack of existing interventions, resulting in survivors and NGOs being unable to gauge their impact. For example, NGOs did not rank saving others from harm highly, but survivors and global literature stated a strong preference for this outcome.

22 Global Alliance Against Traffic in Women, *Rebuilding Lives: The need for sustainable livelihoods after trafficking*, 2015.

23 Gozdziaik and Lowell, *After Rescue: Evaluation of Strategies to Stabilize and Integrate Adult Survivors of Human Trafficking to the United States*, 2016; Urban Institute, *Comprehensive Services for Survivors of Human Trafficking*, 2006; Dalberg interviews with survivors and anti-trafficking organisations conducted in January and February 2021.

lengthy and traumatic legal procedures and desire counselling that helps them gain a certain degree of closure.²⁴ Saving themselves and others from harm comprises interventions designed to prevent re-trafficking as well as deterrence measures, such as improving detection by sharing information on smuggling routes with law enforcement. Survivors stated a strong desire to participate in deterrence and prevention efforts and reported feeling empowered when advocating for large-scale reforms and working as changemakers in their communities.²⁵

“I would feel good knowing that I could help stop others from being abused, exploited, or forced to do anything against their will because I really don’t want other people to face the same situation as me”

Survivor

Countries in SEA have made reasonable progress in bringing survivor-centricity into their efforts to combat human trafficking. All six jurisdictions investigated have some provision

for victim compensation built into the state machinery.²⁶ Trauma-informed care in Thailand and Philippines is at a relatively advanced stage – for example, both have regular trauma-informed training for law enforcement officials and Thailand allows the admission of video testimonies.²⁷ Survivor-led advocacy is at a nascent stage in all six jurisdictions,²⁸ though Philippines has advocacy NGOs run by survivors²⁹ and the Hong Kong anti-trafficking taskforce is considering having an advisory board comprised of survivors to ensure that their advocacy aims align with what survivors want.³⁰

“Survivor advocacy is an area where more work can be done. This is true regionally. There are multiple reasons why this has not been explored - freedom of speech restrictions, fear of causing traumatisation and few organisations or platforms exist to push this agenda”

Anti-trafficking organisation, Hong Kong

However, there is more work to be completed to unlock the outcomes that survivors most care



24 Yakushko, O. Human Trafficking: A Review for Mental Health Professionals, 2009.

25 Dalberg interviews with 6 survivors from Thailand, Myanmar and Hong Kong conducted in January and February 2021; Urban Institute, Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors, 2018.



about across the justice chain. Currently, the six investigated jurisdictions typically link the delivery of monetary support, trauma informed care and survivor protection to participation in the formal justice system and hence reach few survivors. Many choose to avoid approaching law enforcement because they fear retaliation from perpetrators or distrust the system. De-linking these benefits from participation in a trial will ensure that a wider group of survivors can access these benefits. Additionally, even those that go through the justice system cannot easily access these outcomes either because countries lack provisions or because of inconsistent delivery. For example, in Cambodia, there is no standard operating procedure for calculating compensation,³¹ court-ordered compensation is inadequate, seldom received or received after the

trafficker's sentence.³² The state does not provide adequate victim protection services in Vietnam and comprehensive rehabilitation support in Hong Kong.³³ Thailand and Philippines both do not have the provision for a reflection period post-rescue to allow survivors to decide if and how they want to participate in the justice process.³⁴

“The court tries to force the perpetrators to pay when a complaint is filed but it takes a lot of time and may not be enforced. We have many cases pending 1-2 years after the case was officially closed, and victims still have not received compensation. There is no good enforcement system”

Anti-trafficking organisation, Cambodia

26 Dalberg interviews with anti-trafficking organisations in Myanmar, Hong Kong, Cambodia, Vietnam, Philippines, and Thailand conducted in January and February 2021.

27 Ibid.

28 Dalberg interviews with anti-trafficking organisations in Cambodia, Philippines, Thailand, and Hong Kong conducted in January and February 2021.

29 Dalberg interviews with anti-trafficking organisation in Philippines conducted in January and February 2021.

30 Dalberg interviews with anti-trafficking organisation in Hong Kong conducted in January and February 2021.

31 Department of State, USA, Trafficking in Persons Report , 2020.

32 Dalberg interviews with anti-trafficking organisations in Cambodia conducted in January and February 2021.

33 Department of State, USA, Trafficking in Persons Report , 2020.

34 Dalberg interviews with anti-trafficking organisations in Philippines and Thailand conducted in January and February 2021.

3

We have identified three alternative pathways to make the justice system more survivor-centric

Survivors need justice delivery models that give them a say, reach all survivors – even those who have chosen not to partake in a trial – and go beyond punishment to support restoration and prevent further harm. Three alternative pathways can complement the existing system by better delivering outcomes that survivors care most about.



Alternative justice pathways can drive survivor-centricity within and beyond the legal system.

Procedural justice focuses on making incremental improvements to the existing system by focusing on simplifying legal processes, sensitising system actors, providing trauma-informed rehabilitation services and streamlining the delivery of outcomes, including those that matter most to survivors. It could include improving how survivors are treated by the legal system, simplifying processes to deliver justice more quickly and increasing fairness and transparency.³⁶ Restorative justice is any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime, participate actively together in the resolution of matters arising from

the crime, generally with the help of a facilitator.³⁷ It often sets up a parallel intervention within the system (i.e. state-run) or outside (i.e. civil-society-run), encompassing models like victim-offender mediation, family or community group conferences (applied in Thailand),³⁸ reparations, and apologies. Restorative approaches attempt to repair the relationship between the survivor and offender or restore harm caused.³⁹ Transformational justice seeks to overhaul the system by empowering survivors to advocate for long-term prevention and promoting community-based efforts that acknowledge and prevent the recurrence of harm. It also encompasses survivor-led therapy to allow for collective healing of trauma.

Each of these pathways have been applied in trafficking to different extents. Procedural justice interventions are widely used in trafficking with examples of trauma-informed sensitivity training for law enforcement officials in multiple countries. For example, the Myanmar government initiated a program in 2019 allowing **video testimony** for survivors to avoid testifying before their trafficker in a bid to be sensitive to those who might find the experience traumatic.⁴⁰ Restorative justice interventions have been applied in serious crimes like intimate partner violence, sexual assaults and hate crimes, but their applicability in human trafficking specifically has not been tested widely yet.⁴¹ Within trafficking, restorative approaches

FIGURE 2

Alternative justice models can complement the existing system by working within it or outside it

◀ LOW ----- Degree of change in the legal system ----- HIGH ▶

Incremental change to the system	Parallel model within or outside the system	Reform the system
 <p>Procedural</p> <p>Justice achieved when the individual perceives the process to be fair, respectful, provides opportunities to tell their side of the story and participate in decisions (irrespective of the actual outcome of a case)</p>	 <p>Restorative</p> <p>Justice achieved by repairing or restoring the harm caused by criminal behaviour, which is best accomplished through cooperative processes that include all willing stakeholders (e.g, survivor, offender and community)</p>	 <p>Transformational</p> <p>Justice achieved through survivor-led approach with the premise that progress will be more sustainable and consistent through community-based efforts that acknowledge and prevent the recurrence of harms caused by crimes</p>

37 UNODC, Handbook on Restorative Justice Programmes, 2006.

38 International Institute for Restorative Practices (IIRP), News, Restorative Justice: Family and Community Group Conferencing (FCGC) in Thailand, November 2005.

39 Centre for Justice and Reconciliation, What is Restorative Justice?, 2015.

40 Department of State, USA, Trafficking in Persons Report , 2020.

41 UNODC, Handbook on restorative justice programmes, 2020.

are largely limited to reparations. The only other examples encountered occurred when the perpetrator was already incarcerated, and mediation was part of the healing process for survivors, who were related to their perpetrators.⁴² Lastly, transformational justice has seen some traction in trafficking through survivor-advocacy groups. For example, She Works in Philippines leads a survivor-led advocacy and community prevention intervention.

Different justice interventions map to varying survivor profiles. Trafficking victims differ based on the nature of trafficking (sex vs labour trafficking), trafficking experience (low vs high degree of coercion involved), age and nationality, among other factors. Alternative justice applies differently across these profiles. For instance, procedural justice interventions are particularly valuable in cases where survivors are deeply traumatised after experiencing high degrees of violence, but are still forced to undergo a trial because of country-specific laws or because they are keen to see the offender punished. In such cases, trauma-informed interrogation techniques and counselling during rehabilitation, both of which are procedural justice interventions, can play a significant role in reducing re-traumatisation.

“Making children agents of change requires protecting their safety and security (especially their mental safety). A lot of resources need to be deployed for that as we need to make sure that their advocacy does not adversely affect them”

Anti-trafficking organisation, Thailand

Restorative justice interventions in trafficking are largely limited to reparations, which, if implemented via a parallel civil-society-run model, are only applicable to less severe cases of labour exploitation. It is illegal in most countries to settle coercive cases out of court via compensation, particularly in cases involving sex trafficking. Restorative justice is largely used in connection with young adults and children in conflict with the law, first time offenders or for relatively minor offences.



However, there is growing evidence that restorative justice can be effectively used to combat serious offences.⁴³ In fact, research shows that restorative justice reduces recidivism with high-risk repeat offenders though we could not find many examples in trafficking beyond reparations in the region. Reconciliation models are also more applicable in cases where the victim and offender know each other.⁴⁴ Lastly, extreme care must be taken to protect the identities of child survivors if involved with survivor-advocacy under transformational justice, particularly if they are survivors of sex trafficking.

These approaches also impact the outcomes survivors care about to varying extents and in some instances de-link justice delivery from participation in a trial.

⁴² Dalberg interviews conducted with anti-trafficking organisations conducted in January and February 2021.

⁴³ UNODC, Overview of restorative justice processes, unknown.

⁴⁴ Centre for Justice and Reconciliation, Restorative Justice around the world, unknown.

Procedural justice: Interventions such as trauma-informed care during the trial and rehabilitation process contribute significantly to healing through dignified and sensitive treatment of survivors and have been known to reduce behavioral problems and depression.⁴⁵ They also improve the effectiveness of compensation procedures by simplifying the process for survivors (e.g. preparing survivors in advance of compensation hearings) and supporting them to fight the case (e.g. victim fund for living and transportation expenses while the compensation-focused case is going on).⁴⁶

“The NGO plays a crucial role in helping the survivor access compensation by preparing the victim, providing psychosocial support, accompanying the victim, and explaining the process”

Anti-trafficking organisation, Hong Kong

Restorative justice: Reparations given to survivors post victim-offender mediation can improve the resolution rate, make delivery quicker, and increase compliance with the compensation agreement. For example, a US study reported 80% compliance with restitution obligations reached through mediation versus 58% for those imposed by courts.⁴⁷ Additionally, research shows restorative

interventions help reduce post-traumatic stress and improve perceptions of feeling heard and having control over the process.⁴⁸ Such interventions also have high impact on prevention through reduced recidivism.⁴⁹ For example, post such interventions, 89% of intimate partner violence offenders in Austria had not reoffended in 2.5-3.5 years and child offenders in Thailand showed reduced recidivism from 15-19% to 3-4%.⁵⁰ Some studies even suggest that the effectiveness is higher among more serious offences or high-risk offenders.⁵¹

Transformational justice: Survivor-led advocacy or community prevention efforts have resulted in legal reforms, prevention, and rescues. For example, US anti-trafficking NGO CAST successfully advocated for \$100 million over a decade to provide survivors with support services and access to shelter.⁵² Survivor-led therapy also allows survivors to find psychosocial support and support others in their recovery.⁵³

“I want to fight for people suffering like me. I want to show them that they can fight for their rights. I would like to share my experience with others to warn them against becoming a victim of trafficking”

Survivor



45 NCBI, Project Kealahou: Improving Hawaii’s System of Care for At-Risk Girls and Young Women through Gender-Responsive, Trauma-Informed Care, 2014.

46 Dalberg interviews with anti-trafficking organisations in Vietnam, Philippines, and Thailand conducted in January and February 2021.

47 UN Office of the SRSG, Promoting restorative justice for children, 2016.

48 UN Office of the Special Representative of the Secretary-General on Violence Against Children, Promoting restorative justice for children, 2016

49 Multiple studies from Thailand, Austria, US showing reduction in re-offending rates including 80% IPV offenders not reoffending in 2.5-2.5 years (Ibid, Sherman et al., “Restorative justice: the evidence”, 2007; UNODC, “Overview of restorative justice processes”).

50 UN Office of the SRSG, Promoting restorative justice for children, 2016.

51 UNODC, “Overview of restorative justice processes”, 2019; Sherman et al., “Restorative justice: the evidence”, 2007.

52 Cast LA | Coalition to Abolish Slavery and Human Trafficking | Support Policy - Cast LA, 2020.

53 Urban Institute, “Justice in Their Own Words”, 2018.

4

Multiple interventions exist within these pathways with different impact potential and applicability

Nine interventions have been identified, of which four appear particularly promising for further support. These are improving the delivery of compensation within and outside the legal system, providing trauma-informed support to survivors and actively involving them in prevention efforts through survivor leadership. Other interventions can potentially be successfully implemented after tweaking their models or require further testing for the existing applicability to trafficking in the region.

Nine interventions, mapped to the three alternative justice pathways, emerged from our research that have the potential to better meet the three outcomes survivors care about. There could potentially be more than nine interventions; however, these appeared frequently during literature review and interviews. Each alternative justice model delivers these outcomes in different ways. For instance, procedural justice aids state-provided compensation by streamlining

and simplifying the process of applying for compensation and supporting survivors through the process. A survivor-centric livelihood model is a transformational intervention whose aim is also monetary support, but it relies on skilling survivors based on their interests and aspirations. Please note these are not exhaustive but have been identified as promising based on our research and the recommendations of local NGOs and survivors.

FIGURE 3

Alternative justice interventions to achieve outcomes survivors care about via the three alternative justice pathways

	 Procedural	 Restorative	 Transformational
 Monetary support	State-provided compensation Improve delivery of compensation through existing models embedded in legal system	Out-of-court compensation* Institute parallel compensation mechanisms with buy-in of top supply chain players in cases of labour exploitation	Survivor-centric livelihood model Help survivors support themselves by focusing on their interests and skillsets to become economically independent and reintegrate back into the community
 Saving themselves & others	Legal aid and deterrence Help survivors fearing retaliation in their home country with asylum claims and improve deterrence by collaborating with police to increase convictions	Victim impact panel Reduce recidivism by forcing trafficker to listen to panel of trafficking survivors, unrelated to their offence and explain impact of the abuse	Survivor-led advocacy Train survivors to become changemakers in their community working on deterrence
 Healing from trauma	Trauma-informed support Provide police officers with sensitivity training and trauma-informed interrogation techniques to avoid triggering PTSD	Reconciliation model* Support child survivors go through mediated sessions with incarcerated family members who trafficked them to gain closure	Peer-to-peer survivor therapy Invest in survivor-led therapy groups that provide peer-to-peer counselling

Note (*) These models apply only to specific survivor groups, e.g. restorative compensation applies only to labour trafficking while reconciliation model applies only when survivors want to reconcile because the trafficker and the survivor are part of the same community or family.

While our report prioritises high-impact interventions in the short-term, these nine interventions should ideally be implemented holistically in the longer term as they complement each other. The four we have selected are ready for immediate support, whereas three require additional research to establish impact and two are being applied but would benefit from some modifications to be more survivor-centric. Victim impact panels and reconciliation models have been applied successfully in other geographies and for other crimes, but their applicability for trafficking in SEA needs to be studied further. Peer-to-peer survivor therapy is already being implemented in SEA and some of the survivors we spoke to seemed to have benefitted from it. Hence, it is an intervention that should be urgently investigated for evidence of impact in the trafficking space. Legal aid and deterrence already receives considerable attention from implementers, but should be adjusted to improve survivor centricity. For instance, it should extend beyond achieving a conviction and include

other legal processes important to survivors like attaining asylum or compensation. This is a good example of the importance of combining certain interventions like legal aid and state-provided compensation. Lastly, livelihood models came out strongly in survivor interviews, the workshop and the NGO survey, but we found very few models that provide long-term sustainable employment, income equivalent to what some survivors earned prior to rescue, and which invest in long-term trauma care before skilling survivors and matching them to jobs. Additionally, few models take survivor interests and aspirations into account. The anti-trafficking ecosystem should identify such models globally and in SEA and invest in scaling or exporting models that meet these criteria.

“We do survivor therapy in my shelter. We have different situations but expressing the emotion really helps”

Survivor

FIGURE 4

Four interventions appear promising for additional support in SEA and others need to be adapted or tested further

 <p>Test for applicability in the context of trafficking in SEA</p>	 <p>Re-orient to better meet survivor outcomes</p>	 <p>Prioritise for increased support in SEA</p>
<p>Peer-to-peer survivor therapy</p> <p>Legal aid and deterrence</p> <p>State-provided compensation</p>	<p>Victim impact panel</p> <p>Survivor-centric livelihoods</p>	<p>Out-of-court compensation</p> <p>Reconciliation models models</p> <p>Trauma-informed support</p> <p>Survivor-led advocacy</p>

Four of these interventions are particularly promising because of their high impact potential, fit with trafficking and need in the region. Firstly, state-provided compensation interventions can improve the success rate of claims. Such efforts can include supporting parallel funds to provide temporary monetary assistance to survivors while they are fighting for state compensation, improving survivors' understanding of their compensation rights, preparing survivors through mock compensation trials, building capacity of prosecutors and judges to calculate and provide fair compensation, and advocating for systemic sensitivity towards survivors' needs. Secondly, out-of-court compensation models can increase the number of cases reaching a compensation agreement and compliance with these agreements. Such efforts can include instituting an alternative dispute resolution mechanism for labour exploitation, which uses international supply chain pressure to prevent slavery and force higher labour standards in, including direct contractors and smaller subcontractors. Thirdly, trauma-informed care interventions can significantly improve survivors' experiences with the justice process. Such efforts could include training counsellors to provide trauma-focused behavioural therapy, creating practical guides that can be used to



provide trauma-informed care in low-resource environments and advocating for an extended reflection period post rescue to allow survivors to decide if and how they want to participate in the justice process. Finally, survivor-led advocacy models that innovatively and sensitively i.e. anonymously allow survivors to participate in advocacy and community prevention efforts can go a long way in boosting prevention and giving survivors a renewed sense of purpose.

“An alternative dispute resolution (ADR) mechanism provides an ecosystem for compromise where companies and migrant workers negotiate from the perspective of working together. The ADR model provides immediate, on-location relief for workers in precarious situations”

Anti-trafficking organisation, Hong Kong

These four promising interventions require different ecosystems to flourish. State-provided compensation and survivor-led advocacy efforts require strong legal systems with comprehensive anti-trafficking provisions, baseline implementation and freedom of speech for survivor advocates. We believe they are feasible in countries like Thailand and Philippines with higher TIP tier rankings⁵⁴ as well as greater receptivity to advocacy groups. Out-of-court compensation models, on the other hand, are urgently needed in countries where implementation of legal compensation is relatively undeveloped. However, instituting a functioning parallel model requires a supportive NGO ecosystem and buy-in from multiple parties. Cambodia, where there is no standard operating procedure for determining how to calculate restitution or compensation,⁵⁵ and Vietnam, where survivors settling out of court is very common,⁵⁶ are potential testing grounds for these interventions, especially because both countries have a robust NGO ecosystem. Trauma-informed care interventions can apply in all six jurisdictions, ranging from foundational interventions in evolving ecosystems, such as training counsellors in rehabilitation homes, to advanced interventions in more developed systems, such as introducing a reflection period post rescue for survivors to decide whether they want to participate in a trial.

54 Department of State, USA, Trafficking in Persons Report , 2020.

55 Ibid.

56 Ibid.

5

The time is right to start investing more in alternative justice models in the trafficking space

Traditionally, alternative justice models have been regarded with skepticism in the trafficking space because their applicability to serious crimes like trafficking have not been adequately established. The solution lies in seeing these models not as alternatives to the existing legal system but as parallel interventions, designed to help survivors access outcomes that they regard as meaningful. Funders, implementing organisations, researchers and survivors all have a role to play in furthering our understanding of this space and exploring its potential.

Traditionally, alternative justice models have been regarded with skepticism in the anti-trafficking space. Anti-trafficking organisations fear that in countries where offender accountability is already limited, whether because of rampant corruption or low access to justice, restorative models offering apologies or reconciliation may become avenues to help offenders evade punishment. Additionally, alternative justice models have not been adequately explored in this space, so understanding of their applicability and impact remains at a nascent stage. However, preliminary research shows that certain interventions,



particularly those tied to survivor outcomes, have powerful applications for trafficking and these models need not replace the existing justice system but can function in tandem. For instance, out-of-court compensation mechanisms can cater to labour exploitation disputes, which if not amicably resolved can be escalated to the court system. This would reduce the burden on the court system and improve delivery outcomes as alternative dispute resolution mechanisms are often more efficient. Additionally, survivors can become changemakers in their communities raising awareness of safe migration practices and counselling at-risk families; thereby, assisting deterrence measures carried out by law enforcement.

Going forward, funders, implementing organisations and researchers all have a role to play in furthering our understanding of these models. The four most promising interventions already exist to some extent in the region and are prime candidates for impact and scale research. Among other interventions, peer-to-peer survivor therapy appears very promising and in-line with what survivors want, and should be piloted, as it is a relatively low-cost investment that could potentially yield high benefits. This is also true for victim impact panels, which are commonly used to reduce drunk driving,⁵⁷ and may be especially applicable to trafficking as survivors interact with other offenders and not their own perpetrators. Additionally,

certain models like legal aid and deterrence are already widely implemented but must be adapted to improve their survivor-centricity. This could mean widening the gambit of legal aid to include asylum claims for survivors, who are in danger in their home countries.

“We can also feel pain. We deserve good treatment. I want to fight for people suffering like me”

Survivor

A concerted effort to implement alternative justice models and regularly consult survivors before developing their strategy is perhaps the best way to empower survivors and ensure that their voices remain at the heart of the justice process. Our interviews with survivors clearly highlighted the dissonance between their priorities and that of the existing legal system. So, we ensured that the outcomes they care about became the north star of our research, guiding our evaluation of alternative justice interventions.⁵⁸ A recurrent theme, across multiple interviews, was their selfless desire to “save others from harm”, underscoring the importance of working alongside survivors to battle the scourge of human trafficking. In fact, alternative justice interventions built by and for survivors may well be the best path forward.



57 Alcohol, Drugs and Driving Volume 11, Issue 1, Victim Impact Panels: Their Impact on DWI Recidivism, 1995.

58 Researchers and funders can also consider doing a further deep dive to validate and refine this study’s findings on outcomes survivors care about by speaking to a broader sample of organisations and survivors.

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Cambodia

Cambodian Human Rights and Development Association (ADHOC) Legal Support for Children and Women (LSCW)
Winrock International

Hong Kong

Branches of Hope
International Organization for Migration (IOM)
Justice Centre
PILnet
Remedy Project

Myanmar

Eden Ministries
Issara Institute
Kachin Women's Association Thailand (KWAT)
United Nations Office on Drugs and Crime (UNODC)

Philippines

ASEAN-Australia Counter Trafficking (ASEAN-ACT)
International Justice Mission (IJM)
International Organization for Migration (IOM)
Made in Hope/She Works
Talitha Kum

Thailand

Alliance Anti Traffic (AAT)
Human Rights & Development Foundation (HRDF)
Lift International
Save the Children (STC)
Solidarity Centre

Vietnam

Blue Dragon Children's Foundation (BDCF)
United Nations Office on Drugs and Crime (UNODC)

Regional and Global

Global Fund to End Modern Slavery (GFEMS)
International Justice Mission (IJM)
United Nations Office on Drugs and Crime (UNODC)
Lighthouse Partnerships
Ma Mawi Wi Chi Itata Centre
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