

Evaluation of the Porticus Asia Anti-Trafficking Programme

Public Summary

June 2021

Appendix B

Extended findings and
case examples on
Programme outcomes
and effectiveness

Acknowledgement of Traditional Owners

As an Australian-based organisation, we acknowledge the Traditional Owners and Custodians of the lands on which we work, and pay our respects to Elders past, present and emerging. We acknowledge that this land, which we benefit from occupying, was and always will be Aboriginal land.

Acknowledgement of evaluation participants

We are deeply grateful to all stakeholders who participated in this evaluation for sharing their time, perspectives and expertise. In particular, we would like to thank Porticus, partner organisations, and external stakeholders, including people at risk of or affected by trafficking and exploitation.

About this report

Porticus Asia commissioned this evaluation of a three-year anti-trafficking programme that funded 16 implementing partners across the region between 2017-2021.

This **Appendix: Methodology** supplements the **Public Summary** and provides additional information about the evaluation's methodology.

Written by Lighthouse Partnerships

Lighthouse Partnerships is a not-for-profit organisation that supports for-purpose organisations to increase their effectiveness through participatory approaches to evaluation, strategy and program design. We have specialist expertise in migration and displacement in the Asia-Pacific region, including labour migration, human trafficking, refugees and people seeking asylum.

Commissioned by Porticus

Porticus is an international organisation that manages the philanthropic endeavours of the Brenninkmeijer family. Porticus collaborates with partners around the globe to build stronger systems and secure just and sustainable futures for all.

Designed by Design & Opinion

Disclaimer

The views expressed in this publication are those of the author and do not necessarily represent the views of Porticus.

Extended findings and case examples on Programme outcomes and effectiveness

Strength of evidence and triangulation of data sources

Due to limitations and variations in the availability of data related to funded projects, data sources were triangulated to reduce the risk of bias in single sources. To clearly identify limitations and variations in the strength of evidence about outcomes findings, 'strength of evidence' ratings are provided throughout this section. These ratings are based on the following definitions:

Ratings: Low: two independent sources; Medium: three independent sources; High: four or more sources

1. Main categories of Programme outcomes



a) Increased availability, accuracy and actionability of information about risks of trafficking in the private sector

The Programme contributed to increased availability, accuracy and actionability of information for businesses about risks of trafficking and exploitation in their industry and operations (low-high). This included:

- *In global supply chains:* increased information about *general* risks of trafficking and exploitation in recruitment and procurement, and information about *specific* risks in supply chains and operations of individual companies, including information from workers.
- *In the recruitment industry:* increased information about the general risk of trafficking and exploitation in the industry, how adopting ethical recruitment practices can reduce risks, and areas for improvement for specific businesses.
- *In the financial sector:* increased information about the general relevance of trafficking and forced labour to the industry, and information about specific indicators or 'red flags' for financial institutions and regulators to use in regulatory compliance (known as 'typologies').

Although all private sector stakeholders reported that *general* information provided by partners was useful to them, several stakeholders reported that *specific* information about risks to their business was most useful to them because it enabled them to take action to address those risks. Increased availability of *specific* information was also reported to be significant because this kind of information is often difficult to obtain. For example, obtaining information directly from workers in supply chains is reported to be a pervasive challenge.¹

According to private sector stakeholders, the most valuable contributions by partners to the increased availability of information was the provision of company-specific technical advice and support (e.g. assistance to use self-assessment or audit tools, grievance and remediation support). In addition, several private sector stakeholders reported that partners having experience in working directly with people affected by trafficking, or having partnerships with other organisations that do so, made the information partners provided more relevant and useful.

Most private sector stakeholders reported that other NGOs and industry bodies, along with internal company resources, also contributed to these outcomes.

However, there was limited evidence of the extent to which the increased availability of information ('transparency') contributed to private sector accountability. Although data from partners indicated that information products and activities by partners had wide reach among private sector stakeholders, there was limited evidence of the extent to which private sector stakeholders acted upon information, for example, by responding to specific problems or by changing their practices, or the extent to which they were held accountable by others, such as regulators or civil society. Academics Nolan & Boersma also report that there is a lack of evidence that greater transparency leads to greater accountability in the private sector more broadly:

The assumption that greater transparency and availability of information about companies will translate into improvements in practice and increased corporate accountability remains largely untested. (Nolan & Boersma, 2019)²

b) Action by private sector actors to address risks of trafficking and exploitation

The Programme contributed to instances of businesses taking steps to address specific problems or general risks of trafficking and exploitation related to their own operations or supply chains (*low-high*). This included:

- *Businesses in global supply chains*, including global brands and retailers and local employers, adopting new policies and codes of conduct, creating new internal processes and positions, conducting investigations and audits, implementing worker-centred grievance and remediation systems, and remediating specific worker grievances.³
- *Recruitment agencies* changing recruitment practices, including reducing fees charged to workers, providing more information to workers, and protecting worker privacy.⁴
- *Financial institutions* conducting more effective due diligence on risks of trafficking and forced labour in their operations.

Definitions

Transparency: Visibility or accessibility of information

Accountability: An obligation or willingness to accept responsibility or to account for one's actions

Two additional Programme outcomes that could potentially contribute to improved recruitment practices in the future were law reform in Indonesia that prohibits recruiters from charging recruitment fees to certain workers (*high*), and the development of a tool to support recruiters of domestic workers in Hong Kong SAR, China to improve their practices, which has since been adapted for use in other industries on a global level (*low*).

In some cases, there was evidence that actions by and practices of private sector actors resulted in direct benefits to workers. This included workers receiving greater information about their rights and entitlements, repayment of wages or recruitment fees, return of documents, and reduced recruitment fees. Reduced recruitment fees and greater transparency in recruitment were regarded by several partners and external stakeholders as significant because these issues are key factors contributing to debt bondage, coercion, and inability to enforce rights and entitlements.⁵

However, in many cases, there was limited evidence of private sector action or practices, and limited evidence of the extent to which action or changed practices contributed to greater accountability. For example, financial institutions reported that they were unable to disclose whether they took action against potential perpetrators on the basis of typologies and some companies did not have knowledge of the impact of their actions on workers (e.g. the impact of adopting new policies).⁶ Some private sector actions did not result in substantive benefits to workers (e.g. one company reported they were sometimes unable to remediate problems identified through audits because they lacked on-the-ground support in the local country, and it was reported that some companies remediated individual problems but did not make systemic changes to prevent future problems from arising).⁷ In relation to recruitment, the extent of improved practices was reported by some stakeholders to be relatively small with ethical recruitment practices still limited to a small minority of the industry in relevant countries and continued lack of support for ethical recruitment by employers. In addition, several partners and other stakeholders reported that recruitment practices are just one aspect of ensuring fair treatment for workers and, even where workers have not paid recruitment fees, they are often still vulnerable to exploitation.

Regarding what was effective in enabling private sector action, according to several private sector stakeholders, the most valuable contributions by partners were company-specific technical assistance and relationships of trust. Several companies reported that their ability to take action was reliant on partners having strong understanding of their specific business needs and

priorities, engaging in two-way exchange of information, and adapting their support based on feedback from companies.

Where there was evidence of direct benefits to workers, another enabling factor was partners having close relationships and trust with workers. Three companies reported that their ability to remediate worker grievances was (or would have been) facilitated by partners having staff on-the-ground in source or destination countries, who speak the language of workers, and who are trusted by the company and factory.

More broadly, among partner and external experts, there were differences of opinion about what is effective in influencing private sector practices, and private sector engagement is recognised as a field in need of greater research, evidence and learning.⁸ Several partners and external stakeholders reported that different approaches are required for different private sector stakeholders reflecting, for example, to account for differences in sensitivity to reputation risk and international pressure.

Several stakeholders argued that meaningful change in the private sector will require significant systemic change. This includes making fundamental and substantive changes to corporate structures, systems and cultures, shifting corporate attitudes towards profit and workers, changing corporate governance systems, and strengthening government regulation.⁹ According to one funder in the sector:

If we don't deal with the underlying fundamental substructures of our economic business model, everything else is just tinkering around the edges and enabling the system to hobble along. (Interview with a funder



CASE EXAMPLE: Worker voice grievance mechanism

Recognising the limitations of traditional social audits and other tools designed only for due diligence purposes, Issara Institute partners with global brands and retailers and provide continuous monitoring of workplaces in supply chains through direct engagement with workers, who can report issues through a public hotline or other communication channels and seek remediation of grievances or other counseling based on their preferences and needs.¹⁰

One company that implemented Issara's 'worker voice' systems in 2019 in a factory in Thailand reported that, before partnering with Issara, the company was not satisfied that their audit and grievance processes were providing them with accurate information about workers' experiences. As a result of implementing Issara's systems, they said they have been better able to understand the recruitment and management processes at the factory and have uncovered and resolved some systemic issues. According to the company, *"Issara have people on the ground who speak the language of the worker, they can call in and type in, use any number of channels to reach out to Issara... and Issara can come back to us and verify"*. The company also reported that trust between Issara and the factory was critical to facilitating resolution of issues.

Workers who have used Issara's worker voice systems report that they appreciate the ability to seek advice confidentially and the fact that Issara follows up with them about a case, *"One thing I like about Issara's work is that Issara values the confidentiality in phone call or even in giving comment and rating in Golden Dreams. Another thing I like about Issara is that... Issara always keep in touch with me and update the case progress."*¹¹

According to Issara Institute, a major challenge is that positive outcomes are highly dependent on willingness and commitment from global brands and retailers, which is often lacking.¹² In addition, remediation-oriented worker voice systems like theirs are currently limited in geographic and industry coverage and this is a disincentive to companies with diverse supply chains.¹³ Furthermore, Issara and others believe these systems should be supplemented by worker empowerment, labour organising and structural changes, such as Issara's work with civil society, trade unions, and the recruitment industry.¹⁴

c) Positive legal case outcomes in specific cases

The Programme contributed to positive outcomes in specific legal cases including penalties against perpetrators, remedies for victim-survivors, and improved legal precedent (*low-medium*). Between 2017-2020, partners reported that their work contributed to the handling of more than 5,000 legal cases by lawyers and legal networks. However, the total number and nature of legal outcomes across the Programme was not known.

Positive legal outcomes were reported by partners to include:

- *Penalties for perpetrators:* more than 210 new criminal convictions between 2017-2020 and penalties including imprisonment, fines, and asset seizures.
- *Remedies for victim-survivors:* financial compensation.
- *Legal precedent:* Some cases were reported to have established new legal precedent which was significant in an emerging and developing area of law.¹⁵

In general, there was limited data about the significance of legal penalties, remedies and precedents. Some partners reported that some penalties were significant because they were applied to particularly high profile or powerful offenders; some penalties and remedies were reported to be higher than average; and some positive outcomes were reported to have been achieved despite significant practical or legal barriers in a case. However, overall, there was limited data on comparisons to previous averages or comparable cases, proportionality to the offending behaviour and harm caused, impact on victim-survivors, and impact on offending behaviour.

Contextually, many systemic barriers remain to achieving positive legal outcomes. Reflecting this, although the Programme contributed to penalties being imposed in specific cases, during the Programme period, in each of the Programme's priority countries, the number of investigations, prosecutions and convictions has either decreased or remained low, according to the US Trafficking in Persons Report.¹⁶

Key contributions by partners to legal case outcomes were reported to be providing legal and multidisciplinary support services to victim-survivors, providing technical assistance to law enforcement, and facilitating collaboration among legal personnel. Two enabling factors of legal case outcomes reported by partners and external stakeholders were holistic support for victim-survivors, which was reported to have helped address barriers of financial insecurity and trauma, and effective communication and collaboration between lawyers and others handling cases. According to several stakeholders interviewed, financial and welfare services are important in enabling people affected by trafficking and exploitation to make free and informed decisions about their legal options and to participate in legal processes.

d) Improved practices by lawyers, frontline workers, and law enforcement

The Programme contributed to improved practices by lawyers, frontline workers, and law enforcement (low-medium). In specific instances, improved practices were reported by partners and key stakeholders to include:

- *Law enforcement:* improvements in the identify and interview victims, use victim-sensitive practices, conduct investigations, and analyse laws.
- *Lawyers:* more effective legal strategies and collaboration in cross-border cases.
- *Frontline workers* (e.g. social workers, unions): improved identification and referral of people with legal issues, taking preliminary steps to resolve an issue, and using person-centred practices to support victim-survivors.

Partners collectively reported that their capacity building work reached more than 10,000 legal personnel. However, the extent of improved practices across this cohort was unknown.

Key contributions by partners to improved practices by legal personnel, according to legal personnel, were partners providing on-the-job support and technical assistance, mentoring and coaching, and facilitating relationships and collaboration between legal personnel.

Relationships and coordination were regarded by lawyers and frontline workers as a critical enabler of effectively managing legal cases across borders. Another key enabling factor was reported to be long-term constructive relationships between legal personnel and the partner organisation. Frontline workers also reported that their case handling practices were supported by training and support from other NGOs and government agencies.

Sustainability of capacity building outcomes was recognised by many partners as a key challenge. Barriers to the extent and sustainability of improved case handling practices were reported to include turnover among law enforcement, frontline workers and pro bono lawyers; limited resources for law enforcement and NGOs; and competing priorities of target stakeholders.¹⁷ In addition, some stakeholders of funded projects still reported experiencing challenges with communication and collaboration on legal cases, particularly in communication between local and international legal personnel.

During the Programme, partners used a range of different strategies and approaches to try to increase the effectiveness and sustainability of capacity building. These approaches included:

- Using training as an opportunity to build longer-term relationships with and among participants
- Increasing the ownership of target groups through participatory design or experiential learning.

Although person-centred and rights-based approaches regarded as important by many partners and external stakeholders in legal case handling and other direct services, there were different views about what these approaches look like in practice. For example, for some stakeholders, it means supporting the psychosocial needs of people affected; for others, it means enabling people affected to make free and informed decisions about their engagement; for others, it means enhancing the power of people affected to advocate for their rights.

Another two Programme outcomes that could potentially contribute to improved practices of law enforcement in Vietnam were new curriculum content on human trafficking at the national police academy, and evidence emerging from a longitudinal study on effective training techniques. However, the impact of these initiatives is not yet known.



CASE EXAMPLE: Institutionalising police training on human trafficking

Blue Dragon Children's Foundation has worked closely with law enforcement officials in Vietnam for many years as part of their services and support for people affected by trafficking. Recognising that many law enforcement capacity building interventions in the anti-trafficking sector fail to result in sustained improvements, Blue Dragon partnered with the Vietnam People's Police Academy to co-develop a module for the national police curriculum about human trafficking law, court processes, and victim-friendly practices. The development process took around two and a half years and involved a needs assessment with local police in hotspot provinces; development of curriculum materials with the Academy; study tours and workshops to consult with senior instructors and officials; and training for senior instructors to deliver the curriculum.

The module has now been approved as an optional accredited course for all cadets majoring in criminal investigation and as a 5-day training course for serving criminal investigation officers in trafficking hot-spots. Forty-four police academy instructors have been trained in delivering the curriculum. In 2021, Blue Dragon will continue to collaborate with the Academy to monitor the rollout of the curriculum to cadets and will also assess the effectiveness of the module by monitoring the quality of course delivery and the impact on knowledge and skills of cadets and serving police.

According to both Blue Dragon and the Academy, key factors that enabled the successful curriculum development were Blue Dragon's relationships with local law enforcement agencies, their on-the-ground expertise in working with people affected by trafficking, and mutual collaboration and sharing of expertise between Blue Dragon and the Academy. According to an Academy representative: *"I think the way [Blue Dragon] support is fantastic. They let us use our expertise and provide feedback and ideas about what can be undertaken. This is a good way to collaborate."*



CASE EXAMPLE: Monitoring rights-based approaches by legal services

Save the Children (Thailand) collaborated with the Human Rights and Development Foundation to develop a tool for monitoring the extent to which child and gender sensitive approaches have been embedded in legal services. The tool includes three components: quality benchmarks for organisational policies, principles and practices; an interview template for legal staff (including social workers) about their understandings and approaches; and a client survey.

Save the Children began trialing the legal staff interview tool to assess whether there had been changes in the capacity of legal staff who were involved in their capacity building initiatives. Initial results indicated that legal staff increased their knowledge and capability to assess psychological impacts on child survivors and applied new tools in their work. However, there were ongoing limitations in their understanding of how psychological impacts can affect the survivors' ability to testify and participate in investigations.

e) Increased numbers of migrant workers seek help with migration and employment problems

The Programme contributed to increased numbers of migrant workers seeking information and assistance about migration and employment matters from partners (*low-high*). According to migrant workers, two key contributing factors to this outcome were reported to be increased knowledge among migrant workers about their rights and how to seek help, and positive relationships between partners and communities. These contributions were reported to have resulted from partners provided training, coaching, community outreach and engagement. In addition to partners, migrant workers also reported that other CSOs, government agencies, and community organisations played an important role in contributing to increased help-seeking.

This outcome was regarded as significant because, in the context of poor law enforcement, the justice system relies on individuals making complaints.

However, partners and other stakeholders reported that most migrant workers still face significant barriers in doing so. Many migrant workers are still unwilling or unable to seek assistance due to fear of harm or stigma, lack of confidence in the legal system, or perceiving legal complaints as too much trouble.¹⁸ In addition, some communities were reported to face additional barriers to seeking help, for example, migrant workers in minority language populations. These continued systemic barriers highlight the importance of migrant worker community networks and systemic improvements to law enforcement for facilitating access to legal assistance.

Definition of access to justice

The ability to understand the law and how it applies to you, to get help when you have a legal problem, to have your legal problems dealt with through a process that is fair and reasonable, and to obtain a fair and reasonable result.

f) Increased power of migrant workers networks and leaders to support and advocate for the rights of migrant workers

The Programme contributed to migrant worker community networks and leaders in destination countries having increased capacity and opportunity to support and advocate for the rights of their community (*low-medium*). According to migrant worker leaders, this included having increased knowledge, skills and confidence to deal with minor problems with authorities and employers, increased ability to organise community support for disadvantaged community members, and increased connections and opportunities to advocate for their communities' priorities with government.

We can help directly with the language problem, cultural community problems and help the community with Thai authorities and how to get help from lawyers... We are no longer scared to speak to the Thai authorities. (Interview with migrant worker community leader in Thailand)

Migrant worker leaders and partners reported that a key contributing factor to these outcomes were long-term, mutually beneficial relationships between migrant workers and partners. These relationships facilitated two-way exchange of information, enabling partners to understand needs and priorities of communities and gain assistance in sharing information within communities, and enabling migrant workers to access information and resources, such as training and mentoring, network building, and advocacy support.

Some migrant workers reported that other NGOs also contributed by providing information and resources to their communities.

These outcomes were regarded as significant by partners and migrant workers because stronger migrant worker networks are critical for enabling migrant workers to access legal assistance and make complaints. Stronger migrant worker networks also contribute to addressing power imbalances between migrant workers and the private sector and authorities, which are widely regarded as key drivers of vulnerability to trafficking and exploitation. Some migrant workers also reported that stronger networks help ensure that NGOs better understand and address their needs.

However, many structural barriers to migrant worker rights and power remain. These include legal and practical restrictions on the ability of migrant workers to unionise and engage with employers and governments collectively, and weak legal protections in and enforcement of labour, recruitment and migration laws.¹⁹



CASE EXAMPLE: Supporting Cambodian migrant worker networks

Several years ago, CENTRAL helped to establish a network of Cambodian migrant workers in Thailand, known as CFAT, to help workers organise and build their power, share information, and advocate for the rights of people in the community. The network currently has more than 13,500 members. CENTRAL provided the network with financial, capacity building, legal and advocacy support. One CFAT leader explained the reason behind the network, *“Migration is living in another country and if we don’t know and have any knowledge of their culture, tradition, rules and regulation and come legally, it is important to self-protect and organise ourselves to be living in and with others.”*

Under the Porticus Programme, CENTRAL provided support to migrant workers in Malaysia to establish and strengthen similar networks. CENTRAL’s support included training on advocacy and case handling, negotiation with authorities and businesses, and partnership on advocacy to government. According to CENTRAL and migrant worker leaders, the networks in Thailand and Malaysia have resulted in workers having greater understanding about migration and legal processes, greater confidence in seeking help, the ability to resolve minor issues directly with employers, the ability to fundraise for the community, and more effective advocacy with authorities.

g) Improved law and policy related to prevention of and responses to human trafficking and exploitation

The Programme contributed to several improvements in law and policy that could potentially contribute to the Programme's strategic objectives. This included a new right to legal representation for victims of trafficking in Vietnam (*low*), a prohibition on recruitment agencies in Indonesia charging recruitment fees to migrant workers (*high*), and new national and bilateral policies on identification and referral (*low*). However, the impact of these reforms was not yet known.

Key contributions by partners to successful policy reform included providing technical advice and support, and facilitation of consultation and engagement with civil society. Other key enablers were reported to be positive relationships between the relevant government and civil society organisations, and on-the-ground expertise in providing direct services to people affected by trafficking and exploitation. The latter was reported by several policy-makers as highly valuable to the government and a key enabler of successful law reform and capacity building.

The Programme also contributed to increased power and capacity of civil society organisations to advocate for policy reform (*low*). In Hong Kong SAR, China and Cambodia, Programme partners coordinated civil society networks that were reported to have increased the ability of local NGOs to access and influence government policy makers. This was regarded as significant because, in both of these contexts, local NGOs faced restrictions on their ability to conduct advocacy with the government. Several partners and external stakeholders also reported that increased civil society participation in policy development is a critical priority for ensuring that the local, on-the-ground knowledge of community needs and priorities informs policy development. In both contexts, key enablers of increased capacity for law reform were partnerships between local and international NGOs, and active facilitation of the NGO networks.



CASE EXAMPLE: Prohibiting recruitment fees in Indonesia

In 2020, the Indonesian government passed a new technical regulation to implement an existing law that prohibits recruitment fees being charged to migrant workers from Indonesia in 10 professions. Recruiters found to be violating the law can face sanctions including have their operating license suspended. According to government representatives, the International Organization for Migration (IOM) contributed to this outcome by providing technical support to the government, including conducting research, sharing international experience and guidance, and facilitating consultation and engagement within government and civil society. Other civil society organisations also contributed to the reform process, including previous years of civil society advocacy on the issue of recruitment fees. Private recruitment agencies were also engaged alongside governments and civil society organisations.

IOM, the government, and other stakeholders regard this reform as significant because the charging of recruitment fees is currently widespread and these fees contribute to vulnerability of migrant workers to exploitation. However, the government and IOM expect the implementation of the regulation to be challenging because it requires engagement with many stakeholders, including foreign governments that allow fees to be charged. Responding to challenges in the implementation of the regulation, the government and IOM continue to conduct outreach activities on the new policy with all relevant stakeholders, including foreign governments that allow fees to be charged.

2. Contribution towards ‘justice’ according to people affected by trafficking and exploitation

The Programme made positive contributions across many aspects of victim-survivor perceptions of justice. This included including increased knowledge of migrant workers about legal rights and how to seek help (‘Information and knowledge’), increased numbers of migrant workers seeking help (‘Voice’), financial compensation (‘Financial security’), and increased power of migrant worker networks and leaders to support and advocate or their communities (‘Contribution to change’).

However, there was limited evidence of positive contribution to ‘Choice and control’ and ‘Prevention of harm to others’. Furthermore, one project funded by the Programme was found to have had an adverse impact on the rights of vulnerable persons. One partner commissioned an external review which found that ‘rescue’ operations were breaching the rights of individuals working in the sex industry and putting them at risk of criminalisation or deportation. As a result of the review, the partner ceased those activities.

Table 1. Programme’s contribution to ‘justice’ according to people with lived experience

To what extent did the Programme outcomes support:		Comments
Information and knowledge	High	Partners and migrant workers reported that the Programme contributed to increased knowledge about legal rights and how to seek help in at-risk communities.
Safety	Low	One grant contributed to adverse human rights impacts for people working in the sex industry through ‘rescue’ operations. However, some survivors reported that welfare support provided by the same partner contributed to safety.
Voice and recognition	Medium	Some migrant workers reported that confidentiality of partners encouraged them to seek help. However, some migrant workers reported that partners’ priorities did not always align with their community’s priorities.
Choice and control	Low	Legal services reported that they supported clients to make informed decisions about their legal options and improved the ability of legal personnel to use person-centred practices. However, there were also several reports that people affected were not always kept up-to-date on their legal cases.
Autonomy and ‘moving on’	Unknown	Potential contributions to ‘autonomy’ included support for financial compensation and voluntary repatriation. However, there was limited data on actual contributions in this area.
Financial security and compensation	Medium	Some legal case outcomes resulted in compensation and some partners provided financial assistance to people affected. However, the perceived adequacy of this support was unknown.
Punishment of perpetrator	Medium	Some legal cases resulted in civil and criminal penalties on perpetrators.
Prevention of harm to others	Low	One person affected reported that imprisonment of a perpetrator did not stop the relevant offending. Data about prevention or deterrent impacts of other legal case outcomes was not available.
Contribution to change	Medium	Some partners contributed to increased power of migrant worker networks and leaders to support and advocate for the rights of their communities.
Assessment standards	<ul style="list-style-type: none"> • High – To a significant extent • Medium – To some extent • Low – To a minor extent, not at all, or adverse impact 	

3. Contribution of outcomes towards Programme systems change goal

The Programme's ultimate goal was to reduce the occurrence of human trafficking in Asia. Although plausible arguments could be made that many of the Programme's outcomes described above could contribute to the incidence of trafficking, there was insufficient evidence to make findings about the degree to which this did occur or might have occurred.

Although some literature supports that legal penalties can deter offending behaviour in general terms,²⁰ according to some key stakeholders and literature, legal penalties often have limited effect on stopping or deterring trafficking in practice. For example, one victim-survivor interviewed in the evaluation reported that imprisonment did not stop an offender in their case from taking part in offending and not all relevant offenders were penalised. In relation to offending by private sector actors, although some partners and other stakeholders argued that major legal cases against private sector actors would deter offending within an industry, others argued that legal cases generally do not have such impact because the outcomes are limited to specific jurisdictional or factual circumstances. According to some research, legal sanctions can have a deterrent effect in the private sector when the expected likelihood and costs of legal sanctions are believed to outweigh the expected costs of compliance.²¹ However, achieving this in the Programme's priority countries would require significant improvements in government regulation and law enforcement related to the private sector. More fundamentally, some commentators also argue that legal penalties are generally insufficient for creating meaningful reductions in trafficking because they do not address key systemic drivers of trafficking, such as precarious and insecure work and wage disparities.²²

Although, in theory, private sector actions and changed practices could have reduced risks of trafficking, for example, improving recruitment and procurement policies and practices, as noted earlier, there was limited data on the extent of actions taken by private sector actors and the impact of those actions on workers.

Similarly, another plausible contribution by the Programme to reducing risks of trafficking and exploitation was increased power and knowledge of migrant worker networks and leaders. Several partners and external stakeholders reported that these kinds of networks can enable more effective monitoring of migration and employment conditions, and greater likelihood of workers making complaints about labour abuses. However, again, there was insufficient evidence of the nature and extent of the impact of such initiatives in this Programme. Evidence is also reported to be lacking for these initiatives elsewhere.²³

Endnotes

¹ Interviews with private sector stakeholders; difficulty of accessing information also reported by Berg, L, Farbenblum, B, and Kintominas, A, 2020, 'Addressing Exploitation in Supply Chains: Is technology a game changer for worker voice?', *Anti-Trafficking Review*, issue 14, pp. 47-66.

² Nolan, J., Boersma, M., 2019, *Addressing Modern Slavery*, UNSW Press, Sydney.

³ Partners collectively reported that, between 2017-2020, around 190 businesses took some form of action to address trafficking in their supply chains as a result of their work, ranging from global brands and local employers.

⁴ Programme partners worked with approximately 75 recruitment agency actors, primarily in Myanmar, Cambodia and Hong Kong SAR, China, during the Programme period. However, there was insufficient data to assess the degree and scope of changes across these actors.

⁵ See, for example, IHRB, 2016, Recruitment Fees, https://www.ihrb.org/uploads/briefings/2016-05%2C_IHRB_Briefing%2C_Recruitment_Fees.pdf.

⁶ Others have reported that financial industry due diligence activities often do not result in banks or regulators taking substantive action resulting in accountability: Partners; Pol, R.F., 2020, 'Anti-money laundering: The world's least effective policy experiment? Together, we can fix it', *Policy Design and Practice*, v3, n1, 73-94; Hallman, B, Woodman, S, Fitzgibbon, W, Kehoe, K, 2020, 6 money laundering reforms that experts say need to happen right now, *FinCEN Files*, <https://www.icij.org/investigations/fincen-files/6-money-laundering-reforms-that-experts-say-need-to-happen-right-now/>.

⁷ Also reported in: Issara Institute, 2020, *Assessing 5 Years of Impact and Trends in Worker Voice and Responsible Sourcing: 2014-2019*; Verite, 2019, *Remediation and Elimination of Recruitment Costs Charged to Migrant Workers*, <https://www.verite.org/remediation-of-recruitment-costs/>.

⁸ Ioannou, I., 2020, *Episode 91: Interview with Ioannis Iannou*, <http://www.thesustainabilityagenda.com/podcast/episode-91-interview-with-professor-ioannis-ioannou-leading-sustainability-researcher-at-london-business-school/>.

⁹ See also, Liberty Shared, 2020, *Cruel Outcomes: How weak corporate governance and internal controls in the palm oil industry allow abuse of foreign and local workers and how ESG investment fails to recognise these issues*.

¹⁰ Issara Institute, Inclusive Labour Monitoring, <https://www.issarainstitute.org/inclusive-labour-monitoring>.

¹¹ Golden Dreams is a worker voice smartphone app designed by Issara Institute for migrant workers from Myanmar and Cambodia. See: <https://www.issarainstitute.org/issara-labs>.

¹² For analysis of worker raised grievances and related remediation through Issara's worker voice channels, see: *Top 5 Labour Abuses in 2019-2020: A Field-Based Analysis of Worker Reporting and Business Responses in Thailand*, <https://www.issarainstitute.org/covid19-update>.

¹³ Rende Taylor, L., Shih, E., 2019, 'Worker feedback technologies and combatting modern slavery in global supply chains: examining the effectiveness of remediation-oriented and due-diligence-oriented technologies in identifying and addressing forced labour and human trafficking', *Journal of the British Academy*, 7(s1), 131-165; Sassetti, F., Mera, S., Thinyane, H., 2019, *Apprise Audit Impact Assessment*, UNU-CS, The Mekong Club, https://docs.wixstatic.com/ugd/c9f85b_444675bbb94d4f06b19d6f2594ff098d.pdf?index=true.

¹⁴ Electronics Watch, Policy Brief, Worker Voice: From Talk to Action, https://electronicswatch.org/electronics-watch-policy-brief-2-worker-voices-from-talk-to-action_2557139.pdf; Shen, A, 2018, Worker voice without worker agency fails seafood workers, International Labor Rights Forum, <https://laborrights.org/blog/201805/worker-voice-without-worker-agency-fails-seafood-workers>; Kyritsis, P, LeBaron, G., Anner, M., 2019, New buzzword, same problem: How 'worker voice' initiatives are perpetuating the shortcomings of traditional social auditing, Business and Human Rights Center, <https://www.business-humanrights.org/en/blog/new-buzzword-same-problem-how-worker-voice-initiatives-are-perpetuating-the-shortcomings-of-traditional-social-auditing/>.

¹⁵ For example, a legal case in Hong Kong SAR, China, resulted in a High Court decision affirming

the right of claimants to testify by video-link from overseas in legal forums where migrant domestic workers commonly bring claims regarding labour abuses, a right which had been previously denied.

¹⁶ US Department of State, 2020, Trafficking in Persons Report, <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

¹⁷ ICAT, 2016, A Toolkit for guidance in designing and evaluating counter-trafficking programmes, Harnessing accumulated knowledge to respond to trafficking in persons, https://icat.network/sites/default/files/publications/documents/16-10273_ICAT_toolkit.pdf; US Department of State, 2020, Trafficking in Persons Report, <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>; Department of Foreign Affairs and Trade (DFAT), 2018, *ASEAN-Australia Counter-Trafficking: Investment Design*.

¹⁸ Interviews with partners; Harkins, B, Ahlberg, M, 2017, *Access to justice for migrant workers in South-East Asia*, <https://www.refworld.org/pdfid/597aec374.pdf>; ILO, 2020, *Endline research findings on fishers and seafood workers in Thailand*, <https://shiptoshorerights.org/wp-content/uploads/Endline-Research-Findings-on->

Fishers-and-Seafood-Workers-in-Thailand_EN.pdf.

¹⁹ Harkins, B. 2020, 'Base Motives: The case for an increased focus on wage theft against migrant workers', *Anti-Trafficking Review*, issue 15, pp. 42-62.

²⁰ For example, Australian Government, 2018, *ASEAN-Australia Counter Trafficking Investment Design*, Department of Foreign Affairs and Trade, March, <https://www.dfat.gov.au/sites/default/files/asean-australia-counter-trafficking-investment-design.pdf>.

²¹ Harkins, 2020.

²² See, for example: Chuang, J. A., 2014, 'Exploitation creep and the unmaking of human trafficking law', *The American Journal of International Law*, 108(4), pp. 609-649; Harkins, B. 2020, 'Base Motives: The case for an increased focus on wage theft against migrant workers', *Anti-Trafficking Review*, issue 15, pp. 42-62; Quirk, J., Robinson, C., & Thibos, C., 2020, 'Editorial: From Exceptional Cases to Everyday Abuses: Labour exploitation in the global economy', *Anti-Trafficking Review*, 15, pp.1-19. <https://doi.org/10.14197/atr.201220151>.

²³ ICAI, 2020, Literature Review, *The UK's approach to tackling modern slavery through the aid programme*, <https://icai.independent.gov.uk/wp-content/uploads/Modern-Slavery-Literature-Review.pdf>.