

Special Report

## EU support to fight human trafficking in South/South-East Asia

(pursuant to Article 287(4), second subparagraph, TFEU)



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This performance audit was produced by Chamber III – headed by ECA Member Karel Pinxten – which is responsible for the audit of the external actions' and security and justice spending areas. The audit was led by ECA Member Bettina Jakobsen. She was supported in the preparation of the report by the Head of her office, Katja Mattfolk; Beatrix Lesiewicz, Principal manager; Francisco Javier de Miguel Rodriguez, Head of task; Kim Hublé, Alina Milasiute and Alexandre Tan, Auditors, and Kim Storup, Attaché.



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## **ACRONYMS AND ABBREVIATIONS**

	Action-Oriented Paper
ASEAN	Association of South-East Asian Nations
ASEM	Asia-Europe Meeting
DCI	Development Cooperation Instrument
DG DEVCO	Directorate-General for International Cooperation and Development
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
EUROPOL	European Police Office
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
ILO	International Labour Organization
The Directive	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1)
THB Strategy	EU Strategy towards the Eradication of Trafficking in Human Beings 2012
The Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
UNODC	United Nations Office on Drugs and Crime

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## **GLOSSARY**

**Baseline study:** A baseline study provides detailed information about a particular situation before a project starts. It is a valuable tool for comparing the situation before and after a project is implemented and for assessing other factors that may influence the changes observed during the implementation period.

**External dimension:** EU internal policies and actions can have significant impacts beyond the EU's borders, just as external events can also affect the EU's internal dynamics. The 'external dimension of internal policies' generally refers to situations where the external aspects of internal EU policies have a growing foreign and security policy dimension.

External aspects of justice and home affairs at global level contribute to creating an area of freedom, security and justice within the EU. For example, a weak rule of law in a third country may provide opportunities for traffickers active in Europe to launder criminal proceeds and make it more difficult to investigate their crimes. Promoting the rule of law in a third country may therefore have a positive impact all over the EU.

**Logframe:** A logframe (also called a logframe matrix) is a project management tool which provides a systematic and logical way of setting a project's overall and specific objectives and defining its activities. A logframe presents the causal relationships between the different levels of objectives, provides indicators to check whether those objectives have been achieved, and identifies the assumptions made.

**Mainstream:** A term used to refer to the integration (or 'mainstreaming') of some principles/considerations into the different policies and phases of the EU programme and project cycle. In the area of human rights, it refers to a process by which human rights shape policies, programmes, projects and other interventions.

**Programming:** An essential decision-making process which the EEAS and the Commission use to define aid strategies, priorities and allocations.

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## **EXECUTIVE SUMMARY**

I. Trafficking in human beings is a highly profitable crime, a gross violation of human rights and a global security threat. While fighting human trafficking remains the Member States' responsibility, the EU is also committed to eradicating it and has adopted several actions to support Member States in this regard.

II. While human trafficking is a global problem from which no country is immune, the EU is particularly vulnerable as it is an attractive destination for victims from a wide range of countries. Asia, the world's most populous region, is a significant region of origin for victims of transregional trafficking. Human trafficking cannot be isolated from poverty, education and health access, gender discrimination or minority injustices. It is commonly accepted that poverty, gender discrimination and conflict are among the most important root causes of trafficking.

III. The entry into force of the Lisbon Treaty reinforced the Commission's role in coordinating and steering the EU response. A Directive was adopted in 2011 and a human-trafficking strategy (THB Strategy 2012-2016) was issued shortly after. This strategy is complemented by a number of other policy documents which, taken as a whole, set out the EU's approach to fight human trafficking. A post-2016 anti-trafficking strategy has not yet been presented.

IV. In this report, we examine the effectiveness of EU support for the fight against human trafficking in South/South-East Asia. The audit examined the comprehensiveness of the EU's approach to fighting human trafficking in relation to these regions and whether EU human trafficking projects in South/South-East Asia during the 2009-2015 period contributed effectively to the fight against human trafficking.

V. Eradicating human trafficking is necessarily a long term process. It requires addressing a number of root causes (e.g. gender inequality, poverty, minority rights, education and health) and disrupting the activities of criminal networks. Human trafficking is by nature a clandestine crime, for which sufficient and comparable statistical data is rarely available. Given this complex context, numerous widespread priorities and limited resources, we found

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that the EU was partially effective in supporting the fight against human trafficking in South/South-East Asia.

VI. The EU's human trafficking policy framework provides for a comprehensive approach to addressing human trafficking, although some aspects are not yet fully developed or relevant to South/South-East Asia. The Commission and the EEAS use a variety of tools in fighting human trafficking, either directly or indirectly: human rights dialogues are particularly useful; other tools include bilateral dialogues and support to regional fora (i.e. ASEAN and ASEM in Asia). So far no new partnerships dedicated to combat human trafficking have been created between the EU and any of the countries in South/South-East Asia.

VII. Despite specific weaknesses, most of the examined projects in South/South-East Asia produced some positive results in the fight against human trafficking, although sustainability was a concern. Since 2009, the fight against human trafficking in the regions has improved overall, although there are significant differences between countries and it is difficult to link overall development to the results achieved by specific EU actions. The framework for selecting projects did not facilitate a comprehensive approach and project design had weaknesses, particularly in the formulation of objectives and indicators. Furthermore, implementation was hampered by local constraints and delays.

VIII. On the basis of the audit, we recommend that the Commission, in coordination with the EEAS, should:

- Develop the human trafficking strategic framework further, by making it more relevant to South/South-East Asia
  - Optimise the impact of projects by integrating them into a comprehensive framework.
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## **INTRODUCTION**

### ***Background information: Trafficking in human beings***

1. Trafficking in human beings is a serious crime and a gross violation of human rights. Victims are exploited in their own countries or abroad for the benefit of traffickers. No country is immune to the phenomenon, whether as a country of origin, transit and/or destination for victims. Human trafficking has become a global security threat as reflected in assessments made by the EU, UN and the US<sup>1</sup>.
2. There is broad consensus on the need to eradicate human trafficking. 170 countries<sup>2</sup> have ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime which was adopted in 2000 (the Palermo Protocol). The Palermo Protocol was the first international legally binding instrument with an agreed definition of human trafficking.
3. Human trafficking involves the recruitment, transportation, transfer, harbouring or receipt of persons through the use of force, fraud, or coercion for the purposes of exploitation<sup>3</sup>. Human trafficking has a strong gender dimension (i.e. most victims are women and girls). This need to be considered when designing support measures. Forced labour and

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<sup>1</sup> The 2013 EU Serious and Organised Crime Threat Assessment (SOCTA) report identified human trafficking as a key threat to the EU. Human trafficking is one of the topics included in the 2015 European Agenda on Security. UNODC states that 'Human trafficking is a global problem and one of the world's most shameful crimes' and that 'the underlying threat posed by human trafficking is why the issue is increasingly recognized as one of global security' (UNODC An Introduction to Human Trafficking Vulnerability, Impact and Action, Background Paper). Human trafficking is one of the crimes listed by the US National Security Council as a threat to national and international security.

<sup>2</sup> Status as of January 2017.

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. "The recruitment, transportation, transfer, harbouring or reception of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

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sexual exploitation are the most prevalent types of exploitation worldwide. Other types of human exploitation are child labour, organ removal and forced marriage.

4. Human trafficking, as other crimes, is a clandestine activity which is difficult to observe and measure. When borders are crossed, trafficking often occurs from less developed countries to more developed countries. The majority of victims are trafficked within the border of their own countries (42 %) or regions (36 %) and often victims and traffickers come from the same place, speak the same language or have the same ethnic background. Human trafficking cannot be isolated from poverty, education and health access, gender discrimination or minority injustices. It is commonly accepted that poverty, gender discrimination and conflict are among the most important root causes of the problem.

5. Human trafficking has been facilitated by economic globalisation. The wide market access for cheap labour and cheap products multiply the opportunities for traffickers to benefit from the exploitation of vulnerable victims. Globalisation has thus increased the probability that consumers of goods and services are indirectly connected to human trafficking, for instance to the child being forced to stitch football balls, to the migrant compelled to work as a fisherman in slave-like conditions and to the teenager who runs away from home and ends up a victim of sex trafficking near a tourist destination.

6. These factors explain the media attention given to the problem of human trafficking worldwide. In 2016, the Pulitzer Prize for Public Service was awarded to a group of journalists who did an international investigation of the fishing industry in Southeast Asia which led to the freeing of more than 2000 slaves. The seafood they caught could be traced to supermarkets and pet food providers in developed countries.

7. Indeed, human trafficking is a highly profitable crime. The European Police Office (Europol) estimates that annual proceeds from human trafficking exceed 29 billion euro<sup>4</sup>. While a lack of reliable statistics makes it difficult to ascertain the extent of human

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<sup>4</sup> Europol, "The THB Financial Business Model, Assessing the Current State of Knowledge, July 2015".

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trafficking, it is estimated that 46 million people are trapped in situations of modern slavery<sup>5</sup>.

### **Map 1 - Human trafficking transregional flows**

#### **■ Main destinations of transregional flows and their significant origins, 2012-2014**



Source: UNODC.

Source: UNODC, “Global Report on Trafficking in Persons 2016”.

8. Asia, the most populous region in the world, has an estimated two thirds of the total number of people living in modern slavery. Asia is also a significant region of origin for victims of transregional trafficking<sup>6</sup>. Media exposure of situations of human trafficking has focused attention on the fight against human trafficking in the region by national governments, international organisations, civil society and donors.

<sup>5</sup> Estimates provided by the Global Slavery Index 2016. While the term ‘modern slavery’ is widely used there is no agreed definition or common standard as noted in the 2016 UNODC Global Report on Trafficking in Persons.

<sup>6</sup> For most other parts of the world, the vast majority of the victims are trafficked within the same region. See Global Report on Trafficking in Persons (2014), UNODC, 2014.

9. Addressing human trafficking is a long term endeavour. It requires changes in attitudes, application of the rule of law and a strong civil society. Sustainability of human rights-driven projects is always a challenge as it often requires continuous support by donors and building up a national commitment to maintain the achieved results. Moreover, human trafficking flows and practices are dynamic and adaptable to law-enforcement initiatives. As it is common for other human rights issues, only in the long term will it be possible to assess whether actions implemented have contributed to its eradication.

***The EU's role and players in the fight against human trafficking beyond the EU's borders***

10. An EU strategic framework for combating human trafficking in third countries was introduced in 2009 when the Council adopted the Action-Oriented Paper on strengthening the EU external dimension against trafficking in human beings<sup>7</sup>. This document called for coordinated action by the EU and the Member States to prevent and fight human trafficking in partnership with third countries, regions and organisations at international level. This approach was confirmed by the broader multiannual programme regarding the areas of freedom, security and justice for 2010-2014 ('the Stockholm programme')<sup>8</sup>.

11. The Treaty of Lisbon extended the EU method to areas that previously came under the police and judicial cooperation pillar<sup>9</sup>, a change which increased the Commission's role in fighting human trafficking. Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims<sup>10</sup> (the Directive) repeats the call for a

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<sup>7</sup> Doc. 11450/5/09 REV 5.

<sup>8</sup> The Stockholm programme called for 'building up and strengthening partnerships with third countries, improving coordination and cooperation within the Union and with the mechanisms of the EU external dimension'. The Stockholm programme was prepared by the Swedish Presidency of the Council of the European Union and discussed during an informal meeting in July 2009. After decisions-making by the ministers of the interior and the ministers for justice, the European Council adopted the programme in December 2009.

<sup>9</sup> Under the EU method, police and judicial matters are handled by traditional EU instruments (regulations, directives and decisions) and the role of the European Parliament is reinforced (previously, it had only been consulted). Previously, police and judicial cooperation had been based on cooperation at intergovernmental rather than EU level. Articles 82 to 86 of the Treaty on the Functioning of the European Union.

<sup>10</sup> This Directive was the first EU criminal law measure adopted under the Lisbon Treaty.

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comprehensive EU approach combining the internal and external dimensions. The Directive calls on Member States to facilitate the work of the EU Anti-Trafficking Coordinator to contribute to ‘a coordinated and consolidated Union strategy’.

12. In 2012 the Commission adopted the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (the THB Strategy). This set the overall policy framework and identified five priorities the EU should focus on: protecting victims, preventing exploitation of vulnerable persons, prosecuting traffickers, enhancing coordination and cooperation, and knowledge-sharing. The THB Strategy included 40 actions to be implemented by EU institutions and Member States. A post-2016 anti-trafficking strategy is yet to be presented (as of April 2017).

13. There is no EU funding instrument that specifically targets human trafficking. That means that funding is provided by a dispersed range of instruments, from security-driven programmes to purely development instruments. Each instrument has a different legal basis; while some instruments include tackling human trafficking as one specific objective others make reference to broader issues like the fight against organised crime, application of the rule of law or illegal migration.

14. Overall, this means that it is difficult to produce comprehensive data about the overall funding granted by the EU to address human trafficking<sup>11</sup>. A 2016 Commission report on the progress made in the fight against trafficking in human beings<sup>12</sup> notes that the Directorate-General for International Cooperation and Development (DG DEVCO) funded 53 projects between 2011 and 2013 for approximately 37 million euro. It does not provide information on projects managed by the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) or the Service for Foreign Policy Instruments, nor information on

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<sup>11</sup> The 2016 Study on comprehensive policy review of anti-trafficking projects funded by the European Commission details that in the period 2004-2015 the Commission funded 321 human trafficking projects globally for a total amount of 158 million euro; however, the disclaimer included in the study suggests that these figures may underestimate the full extent of the EU support.

<sup>12</sup> COM(2016) 267 final and SWD(2016) 159 final.

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whether funding managed by the Directorate-General for Migration and Home Affairs benefited third countries.

15. As regards South/South-East Asia, DG DEVCO is the main department responsible for managing development assistance. The most important instruments used by DG DEVCO to support human trafficking projects are the Development and Cooperation Instrument (DCI) and the European Instrument for Democracy and Human Rights (EIDHR).

### **AUDIT SCOPE AND APPROACH**

16. The EU's response to human trafficking can take many forms, e.g. financial assistance, policy dialogue or multilateral actions<sup>13</sup>. The EU has therefore the opportunity to draw on a full range of tools, instruments and resources to make its external action to fight human trafficking more consistent, more effective and more strategic. This is referred to as the EU comprehensive approach, which also addresses the shared responsibility of EU institutions and Member States<sup>14</sup>.

17. We decided to focus the audit on the regions of South and South-East Asia because of the pervasiveness of human trafficking in these regions and the priorities expressed by the Council. The 2016 Global Slavery Index found that there are nearly 46 million victims of human trafficking worldwide, nearly two-thirds in/from Asia; South and South-East Asia<sup>15</sup> together include a relatively large number of countries identified by the Council as human trafficking priorities.

18. The audit examined whether EU support for the fight against human trafficking in South/South-East Asia has been effective. For the purpose of this assessment, the audit answered the following sub-questions:

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<sup>13</sup> Multilateral actions can be pursued by supporting the work of international organisations such as the United Nations (UN) or the Association of Southeast Asian Nations (ASEAN), which are multilateral in nature, or by encouraging various countries to work towards a single goal.

<sup>14</sup> See Join (2013) 30 final for further detail on the EU comprehensive approach.

<sup>15</sup> The South Asia region includes Afghanistan, Bangladesh, Bhutan, Maldives, Nepal, India, Pakistan and Sri Lanka. The South-East Asia region includes Brunei, Cambodia, East Timor, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

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- (a) Did the EU have a comprehensive approach to human trafficking in South/South-East Asia?
- (b) Did EU projects contribute effectively to addressing human trafficking in South/South-East Asia?

19. We identified and examined all human trafficking-related projects implemented in South/South-East Asia over the 2009-2015 period (see ***Annex I***) with total funding of 31 million euro. 2009 was the year when EU adopted its first strategic framework for combatting human trafficking in third countries (the Action-Oriented Paper, see paragraph 10). The Commission provided us with a list of human trafficking projects in South/South-East Asia (22 projects for a total of 13 million euro) which we complemented with additional projects in South/South-East Asia which have a clear relation to human trafficking (13 additional projects for a total of 18 million euro). The 35 projects covered ten of the 19 countries in these regions<sup>16</sup>.

20. Our audit work consisted of a desk review of Commission and European External Action Service (EEAS) documentation, interviews of staff from the Commission and the EEAS, and an audit visit to Thailand which is the main centre of UN activity in Asia and the Pacific. The objective of the mission was to collect further information and interview staff of the EU delegation, representatives of national authorities, beneficiaries, other donors and civil society organisations. The mission also served to meet representatives of the regional headquarters of relevant UN agencies.

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<sup>16</sup> Bangladesh, Cambodia, India, Indonesia, Myanmar, Nepal, Pakistan, Philippines, Thailand and Vietnam.

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## **OBSERVATIONS**

***The EU human trafficking policy framework largely provides for a comprehensive approach to address human trafficking, although some aspects are not yet fully developed***

**The EU human trafficking policy framework is set out in a number of interlinked documents**

21. In this section, we examine whether the EU has based its strategy on relevant and reliable data on human trafficking; has set targets, as well as clear and relevant priorities covering criminal and human rights aspects; and has addressed human trafficking as a priority in the national human rights strategies.

The THB Strategy is a high level document which provides limited guidance on the external dimension of the fight against human trafficking

22. The preparation of the human trafficking strategy lacked sufficient and comparable statistical data. Besides the inherent difficulties of obtaining data on any criminal activity<sup>17</sup>, there is no human trafficking intelligence-sharing with countries in South/South-East Asia.

23. The THB Strategy includes 40 actions, split between the five priorities (protecting victims, prevention, prosecuting traffickers, enhancing coordination and cooperation, and knowledge-sharing). Only one of the 40 actions deals with the external dimension of the fight against human trafficking. As of April 2017 the Commission has not published a comprehensive evaluation of the results achieved under the THB Strategy; nor has it presented a post-2016 anti-trafficking policy framework<sup>18</sup>.

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<sup>17</sup> Eurostat produces human trafficking statistics of victims and traffickers in Europe and some third countries, none in South / South-East Asia. Eurostat methodological notes highlight the difficulties encountered to obtain comparable and reliable data (see “Trafficking in human beings – Eurostat 2015”). These difficulties are common with international crime statistics and UNODC reports three main reasons for that: different definitions for specific crime types in different countries, different levels of reporting and traditions of policing; and different social, economic and political contexts (*Source*: UNODC’s webpage section on Compiling and comparing International Crime Statistics).

<sup>18</sup> In 2016, the Commission published its ‘first Commission report on trafficking in human beings since the adoption of the anti-trafficking Directive’ (COM (2016) 267 final) as required by

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24. The THB Strategy did not include specific objectives and targets, which would have been helpful for preparing focused actions on the ground and evaluating the results achieved. The THB Strategy also stated that “a list of priority third countries and regions for future partnerships should be developed. Cooperation mechanisms in EU delegations on trafficking in human beings could be considered in priority third countries and regions in 2013 in order to strengthen cooperation, create partnerships and improve coordination and coherence”.

25. In December 2012, the Council agreed on such a list of priority regions and countries, based on a proposal by the Commission<sup>19</sup>. When considering the limited funding involved, we found that the geographical prioritisation was not sufficiently specific for guiding action as most developing countries were included either individually or as part of a geographical region. Furthermore, no follow up was done on the results achieved by this approach. This also included no regular update or confirmation whether the geographical priorities were still relevant. As regards South/South-East Asia, geographical priorities include Vietnam, the Silk route region<sup>20</sup> (in particular India) and South-East Asian countries (in particular Thailand, Laos, Cambodia and the Philippines).

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Article 20 of the THB Directive. This report recognizes ‘the difficulty of measuring the results and impact of anti-trafficking actions’, as well as the limited development of relevant indicators by Member States. Therefore, the report ‘highlights the main actions undertaken by the Member States in three key thematic areas laid down in the anti-trafficking Directive and the EU Strategy’. Previously, in 2014, the Commission published a mid-term report on the implementation of the THB Strategy. This report provided information about different actions taken by the Commission and Member States, but it did not include an evaluation of the results achieved so far by THB Strategy and it was not used to overcome the shortcomings of the THB Strategy, e.g. the lack of targets.

<sup>19</sup> Council conclusions 13661/3/12. This list is based on available statistics on human trafficking from different sources (such as Eurostat, Europol, Frontex and UN Agencies) and on the geographical and operational priorities identified in the Global Approach to Migration and Mobility (GAMM).

<sup>20</sup> The historic Silk road was an ancient network of trade routes that connected the East and West and stretched from the Korean peninsula and Japan to the Mediterranean Sea. Which countries are included under this term is not always clear as there were many different routes, or Silk routes. In 2013, the Commission and Member States participated in the launch of ‘a Silk Routes Partnership for Migration’. The project ‘Silk road partnership project’ supporting the initiative includes Afghanistan, Bangladesh, Iran, Iraq, and Pakistan.

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### The THB Strategy is complemented by other policy documents

26. Human trafficking is a complex phenomenon which can be addressed from different angles. As regards the human rights perspective, relevant documents to complement the EU approach to human trafficking are the European Agenda on Migration; the European Agenda on Security; the EU Action Plan against Migrant Smuggling 2015-2020; the Action Plan on Human Rights and Democracy 2015-2019; the new framework for the EU's activities on gender equality and women's empowerment in the EU's external relations for 2016-2020 and the EU's Strategic Engagement for Gender Equality 2016-2019.

27. The EU is committed to promoting human rights in all areas of its external action without exception<sup>21</sup>. When working with bilateral partners, the EU's preferred mechanism is to develop tailor-made approaches which are reflected in local human-rights country strategies<sup>22</sup>. These strategies are designed to be mainstreamed by the EU and the Member States, serve as basis for human rights dialogue and are regularly followed up by EU delegations and headquarters in annual progress reports and reviews.

28. The EU has developed human rights strategies for all the countries covered by the audit. The Member States have actively contributed to these strategies from the preparation to the endorsement stage. Member State involvement included representatives to the Council's Asia-Oceania Working Party (COASI) and the Working Party on Human Rights (COHOM) which are the working groups responsible for dealing with Asia or with human rights in general<sup>23</sup>. The participation of both working groups safeguarded regional and thematic consistency.

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<sup>21</sup> See Article 21 of the Treaty on European Union.

<sup>22</sup> As reflected in the EU Strategic Framework and Action Plan on Human Rights and Democracy, 11855/12.

<sup>23</sup> COHOM deals with all human rights aspects of the external relations of the EU and brings together the Directors for Human Rights and delegates from Member States, the EEAS and the Commission. COASI is responsible for the EU's relations with Asia and Oceania. Holding joint meetings ensures that all opinions are taken into consideration before documents reach the Political and Security Committee. The Commission was represented at the joint COHOM-COASI meetings.

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29. Human trafficking issues are generally included in human rights strategies in a manner which the EEAS considers most appropriate and acceptable for the EU and the counterpart country, ensuring an efficient balance between human trafficking and other priority issues. The human rights strategies that we reviewed adequately addressed relevant human trafficking issues in the sections dealing with women, children or minority rights.

30. As regards the fight against human trafficking as a crime, this perspective was primarily addressed by the 2013 EU Serious and Organised Crime Threat Assessment report which identified trafficking in human beings as a key threat to the EU (an assessment confirmed in 2017<sup>24</sup>). This led to the approval by the Council of a human trafficking-specific Multi-Annual Strategic Plan as well as yearly Operational Action Plans. These documents address the criminal perspective of human trafficking, which is not covered by the THB Strategy. They focus on the law enforcement aspect of the fight against human trafficking in Europe and therefore include a limited number of actions in third countries. None of these actions pertain to countries in South/South-East Asia.

**The EU policy framework is supported by a variety of tools: Human rights dialogue is particularly useful, while other tools could be used more to fight human trafficking in South/South-East Asia**

31. In this section, we examine whether the use of various tools (including programming, coordination and human rights dialogue) facilitated comprehensive action. We also assess whether human trafficking-partnerships were concluded with third countries, regions and international organisations in South/South-East Asia.

The EU provided financial assistance to fight human trafficking in South/South-East Asia, but the programming did not include an overall rationale and direction and was not used to its full potential

32. There is no EU funding instrument that specifically targets human trafficking. This means that existing instruments need to be used in a coordinated way to fund activities in this area. The audited projects were funded through the Development and Cooperation Instrument

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<sup>24</sup> 2017 Serious and organised Crime Threat Assessment, Europol, 2017.

(DCI) and the European Instrument for Democracy and Human Rights (EIDHR) which are able to fund activities linked to the human rights dimension of human trafficking in South/South-East Asia. The Commission is currently reviewing these external financing instruments (the mid-term evaluations of the DCI and EIDHR) which is expected to be finalised mid 2017.

33. The Commission, EEAS and Member States participate in the definition of aid strategies, priorities and allocations of financial instruments through the programming process. All the reviewed countries included at least one strategy paper adopted after the THB Strategy. The programming documents for the 10 countries covered by the audit did not include any references to the THB Strategy or the Council geographical priorities.

34. Furthermore, there are no comprehensive data on EU financial support provided for the fight against human trafficking in the 2009-2015 period<sup>25</sup>. The Commission maintains a database of human trafficking projects (the anti-trafficking website database). However, we found that the database was not complete as a source of information on funding. Thus, it cannot efficiently support relevant decision-makers and practitioners in setting priorities and steering actions. This is due to the lack of clear criteria defining what constitutes a human trafficking-relevant action (see [Annex III](#))<sup>26</sup>. This means that we cannot assess whether the distribution of funds between regions is in line with the Council priorities.

35. Most of the EU financial support to the fight against human trafficking in South/South-East Asia is done through EU grants (see paragraph 46). In 2014, the Commission formally instructed EU delegations to increase the minimum grant size for national calls for proposals

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<sup>25</sup> The report on the progress made in the fight against trafficking in human beings (2016) does not contain consolidated information and the information presented refers to different time periods or is insufficiently detailed.

<sup>26</sup> In September 2016, the Commission published a 'Study on Comprehensive Policy Review of Anti-Trafficking Projects' which was based on this database. The authors included a disclaimer stating that 'Whilst every effort was made by the office of the EU Anti-Trafficking Coordinator to provide information to the contractor on all funded projects by all services for the whole period examined, the study cannot be considered as a fully exhaustive overview of all European Commission-funded projects in the area of trafficking in human beings....The European Commission does not guarantee the accuracy of the data included in this study.', p. 2.

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in order to reduce the number of contracts<sup>27</sup>. The Commission expects that working with larger and more professional NGOs will ensure better management and better design. However, this decision does not fully recognise that the number of NGOs active in the fight against human trafficking varies from country to country and it may be difficult, in some countries, to form groups with the necessary experience.

Human rights dialogue has proven to be a useful tool for addressing human trafficking

36. Development assistance instruments can address human trafficking from a human rights perspective. One of the most important EU tools for promoting human rights is regular dialogues with partner countries. These dialogues are diplomatic tools which facilitate the discussion of sensitive human rights issues. The effectiveness of human rights dialogue resides in its capacity to feed other policy areas, such as development cooperation and trade, and higher level political dialogues.

37. Policy dialogue can be facilitated with concrete support through technical assistance instruments: the Technical Assistance and Information Exchange instrument and the Policy Dialogue Support Facility.

38. The EU pursues human rights dialogues with over 40 countries, including the 10 countries in South/South-East Asia covered by this audit. These dialogues are established in accordance with the EU Guidelines on Human Rights Dialogues, which give the EU delegations an important role in the preparation, implementation and communication phases. For the 10 countries covered by the audit, human rights dialogue has been held at regular intervals, providing the EU with opportunities to raise relevant human trafficking issues. The internal reporting on the discussions held during human rights dialogue is used by the EEAS as a reference for EIDHR programming.

39. Before each dialogue, the EU position is established by the EEAS departments responsible for the respective region and human rights. This often requires topics to be prioritised. For all 10 countries, there was at least one dialogue which included at least one

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<sup>27</sup> In 2008 the minimum grant size for the EIDHR-funded human trafficking-project was 50 000 euro. In 2015, in compliance with the instruction, it was 250 000 euro.

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aspect related to human trafficking. We found that the participation of the relevant EEAS human rights departments at headquarters facilitated consistency between multilateral human trafficking initiatives and the EU's strategic human rights objectives for countries in South/South-East Asia.

The EU has supported regional initiatives at the highest level, but has not yet entered into dedicated partnerships to fight human trafficking with any of the countries in South/South-East Asia

40. A key EU partner in the region is the Association of South-East Asian Nations (ASEAN) which the Council considers “the major contributor for stability in the Asia-Pacific region”<sup>28</sup>. In this context, the EU has previously supported the development of an ASEAN human rights mechanism and the establishment of the ASEAN Intergovernmental Commission on Human Rights. A legally binding ASEAN Convention Against Trafficking in Persons, Especially Women and Children, was approved at the 27th ASEAN summit in 2015<sup>29</sup>. Following the ratification by the minimum six countries<sup>30</sup>, the Convention entered into force in March 2017.

41. The Bali Process is an initiative to address specific people-smuggling, human-trafficking, and irregular-migration issues in the region. It is steered by Indonesia and Australia and has more than 48 members, including the United Nations High Commissioner for Refugees, the International Organization for Migration (IOM) and the UNODC. The Commission and 12 EU Member States participate as observers. Although the Bali Process has mainly focused on migration issues (it has a roster of migration experts, but no roster of human trafficking experts), it established a Working Group on Trafficking in Persons which met for the first time in March 2015.

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<sup>28</sup> Council conclusions on EU-ASEAN relations, 22.6.2015.

<sup>29</sup> The convention was a regional response to growing trafficking concerns, in particular the thousands of Rohingya refugees and Bangladeshi migrants stranded in crowded boats offshore and the discovery of mass graves on the Malaysia-Thailand border thought to be mainly Rohingya victims of human traffickers.

<sup>30</sup> Cambodia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. The ratification by the Philippines on 6 February 2017, the sixth country to do so, triggered the entry into force of the convention.

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42. The absence of a strong community of experts on the fight against human trafficking has affected the promotion of knowledge sharing. The Commission prepared a list of human trafficking focal points<sup>31</sup>, but it was not complete (Indonesia, Myanmar, Nepal, Pakistan and Thailand were not included). These focal points were given only initial training and information packages. EU delegations made use of the existing structures of human rights focal points. While this made sense from an efficiency point of view, it meant that less specialised anti-trafficking expertise was developed.

43. All the countries in South/South-East Asia are parties to the Palermo Protocol (see paragraph 2), with the exception of Bangladesh, Bhutan, Laos and Nepal<sup>32</sup>. The THB Strategy calls for the use of partnerships to combat human trafficking beyond the EU's borders. The EU has longstanding relations and partnership with the ASEAN and Asia-Europe Meeting (ASEM) fora, in addition to bilateral dialogues. The EU uses these fora as structures for combatting human trafficking. So far no new partnerships dedicated to combat human trafficking have been created between the EU and any of the countries in South/South-East Asia.

***Despite identified weaknesses, most human trafficking projects produced positive results, although sustainability was a concern***

**The framework for selecting projects did not facilitate a comprehensive approach and project design had weaknesses, particularly in the formulation of objectives and indicators**

44. In this section, we examine whether the projects were consistent with EU policy strategy priorities and actions, whether the projects had adequate objectives and indicators<sup>33</sup> and whether design weaknesses were addressed by the Commission in good time.

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<sup>31</sup> Drawn up in 2014 but not regularly updated.

<sup>32</sup> As of February 2017.

<sup>33</sup> For this analysis, we used widely accepted SMART/RACER standards. SMART objectives are Specific, Measurable, Attainable, Relevant and Time-bound. RACER indicators are Relevant, Accepted, Credible, Easy and Robust.

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Projects were consistent with the overall THB Strategy, but were treated as one-off exercises

45. We found that all the 35 human trafficking related projects we examined were consistent with the THB Strategy (approved in 2012); the relevant EU country strategy and country human rights strategy; and programming documents for specific aid instruments. Projects were predominantly geared towards human rights aspects and consistently emphasised the rights and welfare of women and children.

46. Projects were selected primarily by calls for proposals (32 out of 35 projects). Proposals were evaluated and compared with other proposals submitted in response to the same call for proposals. The comparison mechanism aimed to select the best project proposal in each call, but did not consider possible synergies and interaction with other projects or tools.

47. By selecting projects through calls, each selection was a one-off exercise where the Commission had limited opportunity (in terms of time and guidance<sup>34</sup>) to ensure that its portfolio of projects addressed all the five priorities stated in the THB Strategy (see paragraph 22). We found that none of the sample projects concentrated primarily on prosecution or knowledge-sharing, while the majority concentrated on prevention and/or protection (31 projects in total). Only one project<sup>35</sup> addressed the criminal component of human trafficking, including activities to empower law-enforcement officials to fight human trafficking crimes by detecting and disrupting criminal networks.

Many projects had weak objectives and/or indicators

48. Many projects (23) had problems with the definition of their objectives and/or indicators<sup>36</sup>. The objectives were often not specific or measurable enough (14 and 8

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<sup>34</sup> As regards time, once a call is launched the Commission has no scope for encouraging applicants to submit proposals addressing a particular issue, targeting certain types of beneficiary or pursuing certain objectives. While the Commission can and does influence potential applicants through the preparation of the terms of reference for each call, the guidance cannot be too specific or it will distort the competitive nature of the mechanism.

<sup>35</sup> Regional3 EU-ASEAN Migration and Border Management II with Interpol.

<sup>36</sup> The 23 projects were distributed as follows: There were 11 projects with weaknesses as regards objectives and indicators; six projects with only weaknesses as regards indicators; and six projects with only weaknesses as regards objectives.

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projects, respectively). Indicators were particularly weak in terms of robustness, credibility and ease of use, and were occasionally quantified in a way which was not meaningful.

**Box 1 - Weak definitions of objectives and indicators**

*Examples of weak objectives*

Philippines<sup>1</sup> addressed the issues of domestic violence and trafficking in poor urban communities. It defined its overall objective as “to contribute to a human-rights centred governance environment...fulfilling obligations of local government units... to increase the rights-claiming capacities of women”. This objective is not sufficiently measurable or specific<sup>37</sup>.

*Examples of weak indicators*

Bangladesh<sup>5</sup> aimed to promote rights and fundamental freedoms of tea plantation workers in “tied situation”. It included such indicators as “different actions bring tea workers face to face with members of parliament”, “voice of tea workers becomes stronger”, and “final beneficiaries make informed choices in selecting candidates in the national elections”. The above mentioned indicators are not RACER, as they are not credible, easy or robust enough.

*Examples of indicators which were not meaningful*

Project India<sup>1</sup> included a “Decrease in average cost of emigration for the worker” indicator; however, at the time of the proposal the average cost of emigration could only be broadly estimated from a 2008 study conducted by another agency and by anecdotal evidence. The activity that should have produced the estimate (the survey of migrant families) was postponed and ultimately not undertaken because the project design did not allow sufficient time and resources to carry out the study.

49. Although 21 projects planned baseline studies, the effectiveness and value-added of these studies were mixed. In two cases, the baselines were not useful for the internal monitoring system or for improving the intervention logframe because they were too late,

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<sup>37</sup> The specific objectives were the identification of factors constraining the effective application of two laws and the building up of capacities of stakeholders to address these factors, also not sufficiently measurable or specific.

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not detailed enough or not fully in line with the project indicators<sup>38</sup>. However, for four projects (Bangladesh1, Bangladesh3, Nepal2 and Nepal3) the baselines were ready at the beginning of the project and served as a useful point of departure for monitoring and evaluating project results.

Some project design weaknesses were not corrected by the Commission in good time, in particular before signing the grant contract

50. Risks and lessons learnt were reflected in the design of most projects but only seven projects assessed risk likelihood scenarios (i.e. the likelihood of occurrence and the impact if materialised)<sup>39</sup>. For several projects, logframe weaknesses were noted by the evaluators<sup>40</sup> at the proposal stage but were not fully taken on board when the project was implemented.

- (a) In the case of Indonesia1, one of the evaluators of the full proposal drew attention to weak indicators, but this was not reflected in the evaluation report and the indicators were not modified.
- (b) The evaluators of project Philippines2 commented that the formulation of specific objectives was weak (“just a plethora of activities, very similar to expected results”); however, this was not addressed before the grant contract was signed.
- (c) The evaluator for Nepal3 noted that there was “no baseline survey or benchmarking” and that “the logframe should be redesigned with adequate quantitative indicators”. In this case the baseline survey was done as a project activity and the logframe was

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<sup>38</sup> In Cambodia1, the baseline that was produced was not detailed enough. In India2, the baseline data were not fully in sync with the project indicators and became available too late to be useful for the project.

<sup>39</sup> Projects that had some assessment of the likelihood or risk: Bangladesh1, Bangladesh2, Cambodia1, Cambodia4, Nepal1, Thailand1 and Thailand3.

<sup>40</sup> Evaluators are the members of the evaluation committee responsible for assessing proposals. They are personally appointed by the Commission. Evaluators in the sample projects were Commission staff.

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revised by the time of the second interim report; however, some of the indicators remained unquantifiable and subjective<sup>41</sup>.

51. In one case (project Bangladesh5) the EU delegation addressed the weak logframe while the project was being implemented and asked the beneficiary to correct it. However, the changes were made only six months before the project ended in April 2016; meaning that the delegation's intervention came too late (project duration was three years).

52. The expected results of most projects were reasonably realistic at the design stage<sup>42</sup>. However, there were exceptions:

- (a) In Bangladesh1, during the discussions of a project extension with the Commission, it became clear that the project design was too ambitious, especially with regard to the use of a database. As the project was carried out in remote areas, the unavailability of electricity and internet connectivity issues were important barriers to successful implementation of project activities, a fact which was underestimated at the project's design stage.
- (b) Several cancelled activities included in project India1 were overambitious at the design stage: the project intended to review expected legal amendments which had already been repeatedly postponed (since 2004), and which were not adopted during the implementation of the project (2011-2014).

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<sup>41</sup> Percentage of husband/family members who have a harmonious relationship with migrant women at destination (in UAE, Kuwait and Saudi Arabia), -increased number of NGO partners (no specification of increase), partner NGOs taking increased number of targeted actions along the mobility continuum... (no specification of increase) or percentage of the deportees from project districts rehabilitated (no specification of percentage).

<sup>42</sup> Overall, we found that nine projects included results which appear to be too optimistic at design stage: Bangladesh1, Bangladesh6, Bangladesh8, Cambodia3, India1, India2, Regional1, Thailand4, and Thailand6.

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### **Project implementation was hampered by local constraints and delays**

53. In this section, we examine, among other things, whether the Commission monitored the projects adequately and reacted to unexpected changes in a timely manner and whether projects were implemented according to plan (time, budget and activities).

The Commission monitored the projects adequately, but implementation was affected by limited ownership at national level, changes in the sequence of activities by partners and delays

54. We found that projects were adequately monitored by the Commission which carried out field visits for 26 projects and ‘results oriented monitoring’<sup>43</sup> for four projects. Generally, the Commission took timely corrective action to support the smooth implementation of the projects<sup>44</sup>. However, we found that the ongoing assessment of sustainability for 14 projects was weak (see paragraph 66), even though, at least in some cases, this was already clear at the design stage.

55. As of July 2016, 27 of the 35 projects had been completed. However, the implementation period for 10 projects<sup>45</sup> was extended by between three and twelve months. Half of the extensions were related to external factors such as late approvals by authorities, political unrest and security concerns; the other half were explained by internal project constraints related to the partners’ capacity.

56. Eight projects were subject to a change in the logical order of their activities. These changes affected the execution of related activities, meaning that it was not possible to

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<sup>43</sup> Results oriented monitoring provides a brief snapshot on the implementation of an intervention at a given moment. It serves not only as a support tool for project management by informing stakeholders about the performance of a specific intervention, but also contributes lessons learnt for further programming, design and implementation of interventions.

<sup>44</sup> Except in four cases where it took too long to process an addendum request, the nature of the partner made it necessary to wait for the publication of a ‘results monitoring’ to address known problems, treated a change of partner one month after the contract was signed as a formality, and did not react to the absence of a project manager for several months.

<sup>45</sup> Projects Nepal3, Bangladesh1, Bangladesh2, Thailand2, Vietnam1, India2, India3, Philippines2, Pakistan1 and Regional2.

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exploit the full potential for synergies. We found that baseline studies and assessments were not available when needed, training activities took place too late and the prioritisation of related activities was not ideal.

**Box 2 - Examples of the impact of changes in the sequence of activities**

*Change in order*

Project Cambodia2: Initially the sequence of activities was 1.1 Press review, observation, analysis of press coverage on child trafficking and monitoring, 1.2 Sensitisation and training of journalists on trafficking and child rights and 1.3 Promotion of national networking among specialised journalists. The fact that the project altered this order affected the execution of related activities, as the press analysis was supposed to reveal journalists' training needs, and the training should have been followed up by networking. Instead, the project started with networking activities before the press review and the training took place.

*Significant delay in one single activity*

Project India2: Vulnerability mapping (e.g. the locations where vulnerable people were most at risk of trafficking) was available in March 2011, but by February 2013 it had still not been approved by the relevant ministry. This put all activities on hold, including the baseline studies that were supposed to feed into project implementation. In the end, the revised baseline was too late to be useful.

57. In 10 of the cases<sup>46</sup> we examined, some important activities had not been carried out as planned. This was due to a lack of commitment, either from the government (five cases), the implementing partner (four cases) or both (one case), see **Box 3**.

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<sup>46</sup> The ten projects are Philippines2, Bangladesh1, Bangladesh2, Indonesia1, India2, Cambodia3, Nepal2, Myanmar1, India1 and Bangladesh4. Seven projects are still being implemented. Analysis is limited to what has been completed.

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**Box 3 - Examples of a lack of ownership/commitment***From the government*

Project Bangladesh1: The software for registering children was not activated by the government before the end of the project. For this reason, officials could not be trained while the project was operational.

Project Indonesia1: The project aimed to support the implementation of a national anti-trafficking plan. Meetings with high level government officials did not take place as foreseen due to a lack of political commitment, and had to be replaced by meetings with community-based officials.

*From the implementing partner*

Project Myanmar1: The expected training materials on migration or child protection were not developed under the project and no materials were systematically distributed during workshops for Child Protection Groups. Furthermore, recreational activities for children were not organised on a regular basis, as each community-based Child Protection Group worked independently on promoting and creating awareness of children's rights. Some groups were insufficiently active (e.g. three cases in one year compared to 20 in another village). The partner should have addressed both issues (availability of materials and level of engagement) in good time.

*On both sides*

Project India1: Two critical activities were cancelled. Firstly, analysis from a human rights perspective of the proposed Indian migration policy and amendments to the existing human trafficking law was initially delayed and then cancelled as the government did not approve a new migratory policy and the human trafficking law was not amended. The risk of such a delay was predictable based on the number of prior unsuccessful attempts to amend the legal framework. Secondly, the activity that involved channelling corporate social responsibility by airlines and banks towards disseminating information to and providing services for migrant workers was not implemented due to a lack of funds and logistical capabilities. This could also have been envisaged in the project design phase.

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Budget implementation was hampered by the local partners' limited capacity

58. We found seven cases of significant underspending and five other cases where budget consumption required time extensions<sup>47</sup>. Grant contracts set the maximum EU contribution and underspending is not necessarily negative, especially if all expected results are achieved. However, when the budget of a selected proposal has been significantly overestimated, and this is not corrected before a contract is drawn up, the Commission cannot take full advantage of the call for proposals (and available funds) to support other projects. In some cases, we found the partners' initial proposal was unrealistic (too ambitious/overestimated) compared to their capacity. For example:

- (a) For one project (Regional1) only 65 % of the original budget was used. The lead implementing partner agreed that many budget lines were initially overestimated (in particular, for equipment and campaign expenditure)<sup>48</sup>.
- (b) Nearly half of the contract value of project India3 had not been utilised by the original end-date of the project, partly because long-term victim-assistance activities were covered by potentially more attractive (longer-term, more targeted) State financing.
- (c) Project Regional2, the project needed two time extensions (from 36 to 48 months) to consume 90 % of the planned EU contribution<sup>49</sup>.

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<sup>47</sup> Projects significantly underspent: Thailand2, Bangladesh1, India2, India3, Philippines2, Regional1 and Regional2. Projects benefitting from time extensions: India1, Nepal3, Pakistan1, Bangladesh2 and Vietnam3.

<sup>48</sup> EU funding granted was 1.7 million euro, well in excess of the minimum grant size set of 500 000 euro. Planned results were largely achieved.

<sup>49</sup> EU funding granted was 470 902 euro, well in excess of the minimum grant size set of 300 000 euro. Planned results were largely achieved.

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**Projects produced some positive results in the fight against human trafficking, although sustainability was a concern**

59. In this section, we examine whether: planned outputs were/are delivered in a timely manner and within budget; projects have made a positive contribution to eradicating human trafficking; and project results are sustainable.

The projects produced some positive results in the area of human trafficking, but it is difficult to link these to the overall improvement of the fight against human trafficking in the region

60. Since 2009, the fight against human trafficking in the regions covered by the audit has improved overall, although there are significant differences between countries with only two fully meeting best standards. According to data from the US ‘Trafficking in Persons’ report (see **Table 1**), the countries which have improved are Bangladesh, Cambodia, India, the Philippines and Pakistan; four countries remain unchanged (Indonesia, Nepal, Myanmar and Vietnam); and only in one country (Thailand) did the situation deteriorate in the period covered by the audit.

**Table 1 - Sample countries’ efforts to fight human trafficking based on US ‘Trafficking in Persons’ (TIP) report**

	2009	2010	2011	2012	2013	2014	2015	2016
Cambodia	2WL	2	2	2	2WL	2WL	2WL	2
Indonesia	2	2	2	2	2	2	2	2
Nepal	2	2	2	2	2	2	2	2
Myanmar	3	3	3	2WL	2WL	2WL	2WL	3
Thailand	2	2WL	2WL	2WL	2WL	3	3	2WL
Vietnam	2	2WL	2WL	2	2	2	2	2
India	2WL	2WL	2	2	2	2	2	2
Philippines	2WL	2WL	2	2	2	2	2	1
Pakistan	2WL	2	2	2	2	1	1	1
Bangladesh	2WL	2WL	2WL	2	2	2	2	2

*Note:* The US ‘Trafficking in Persons’ report (US TIP report) places countries in four categories: Tier 1 (fully meeting standards), Tier 2 (not fully meeting standards but significant efforts are being made), Tier 2 Watch List (2WL, same as Tier 2 but impact is aggravated due to number of victims, failure to

provide evidence of increasing efforts or commitments not being respected) and Tier 3 (not meeting standards).

*Source:* U.S. Department of State ‘Trafficking in Persons Report’, 2016.

61. We found that for all the projects examined, we were able to identify some positive project results in the area of human trafficking which contribute to the fight against human trafficking. We also found that EU support, in particular targeted EIDHR funding, has helped to strengthen community-based NGOs dedicated to fighting human trafficking. Nevertheless, these results cannot be linked to the overall progress on the fight against human trafficking in the regions concerned. Moreover, it is difficult to identify the impact of human rights-driven initiatives, as they are supporting long-term changes which by their nature are often difficult to measure.

62. A good example of how EU support can contribute to a long-term change in attitudes and local engagement is project Indonesia1. This project served to consolidate an emerging coalition of local NGOs active in the fight against human trafficking by building the coalition’s capacity as well as improving its international visibility and outreach. As a result, the coalition was able to provide relevant input on human trafficking challenges in the context of the UN-led periodic review of the human rights record of Indonesia<sup>50</sup>.

63. Similarly, Cambodia2 and Cambodia3 were projects implemented by a coalition of national NGOs. The two projects have contributed to increase the coalition’s visibility, capacity and outreach with the result that the coalition and its members have improved their project management skills and have managed to continue to receive donor support for some of their activities.

64. As described above (see paragraph 47), selecting projects by calls for proposals provided limited scope for the Commission to integrate projects into a comprehensive approach. Nevertheless, we identified one project which managed to link development assistance with

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<sup>50</sup> The Universal Periodic Review is a unique process which involves a periodic review of the human rights records of all 193 UN Member States.

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other EU policy tools (see **Box 4**). Other donors are also addressing human trafficking by adopting a comprehensive approach which incorporates different types of support<sup>51</sup>.

**Box 4 - Project Thailand<sup>3</sup> – Successful cooperation among departments and effective use of available instruments to pursue human trafficking objectives – the example of a Thai fisheries project**

The EU IUU (illegal, unreported and unregulated fishing) Regulation<sup>52</sup> aims at ensuring that no illegally caught fisheries products end up on the EU market. The Commission began an informal dialogue with Thailand in 2011 as regards its compliance with the provisions of this regulation.

In 2015, a series of articles revealed the linkages between some Thai fishing companies and human trafficking. The media had ‘uncovered extensive role of authorities, fishermen and traffickers in enslaving thousands’.

The Commission considered that the informal dialogue with the Thai authorities was not ensuring satisfactory progress. Thus, on 21 April 2015 the Commission put Thailand on formal notice (a so-called ‘yellow card’) for not taking sufficient measures in the international fight against illegal fishing. Shortcomings had been identified in Thailand’s legal framework for sustainable fishing, and poor monitoring, control and traceability of catches. Besides these issues, media had accused the Thai fleet of severe labour and human rights abuses (see paragraph 6).

Although issuing a formal notice was not envisaged as a tool to fight human trafficking, it contributed to support the fight against human trafficking in Thailand. The decision was followed by a formal procedure of dialogue with the Thai authorities to agree on the necessary corrective measures. Not implementing these measures could lead to the EU’s banning of fisheries imports from Thailand, which added an incentive for the Thai authorities to act without delay.

<sup>51</sup> The Australia-Asia Program to Combat Trafficking in Persons (AATIP: 2013-2018) with funding of 50 million Australian dollar provides support for ASEAN and regional and national bodies, and addresses the lack of hard evidence data. US Aid has recently launched a regional human trafficking project which is designed to ensure that the interaction between interventions maximises the expected impact.

<sup>52</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999.

The Commission decision provided impetus for long-due reforms, e.g. of working labour conditions. The Directorate-General for Maritime Affairs and Fisheries and DG DEVCO alerted other Commission's departments (responsible for trade and labour standards) of the opportunity to design an intervention supporting the Thai authorities in their goal of reducing forced labour, child labour and other unacceptable forms of work, and of progressively eliminating the exploitation of workers in the Thai fishing and seafood processing sectors. The resulting project is part of a larger effort that comprises an EU-Thailand dialogue on fishing and labour matters.

The project is implemented by the International Labour Organization (ILO) which signed a contract in December 2015. Activities started in February 2016 and the foreseen duration is 42 months. The expectation is that it will help the Thai authorities by developing road maps for ratifying key ILO conventions, which is a positive spillover effect beyond the fisheries sector. The measures taken to protect fishery workers' rights are now being disseminated to other sectors of the economy in order to standardise employment rights within the country. Similarly, other donors are collecting information about the project to assess the possibility of replicating it in other countries in South/South-East Asia (e.g. Bangladesh which also has a relevant fisheries sector).

#### Sustainability of project results was not systematically ensured

65. We were able to assess the sustainability prospects of 25 projects<sup>53</sup>. For the remaining 10 projects, the project was either ongoing, the final report had not yet been approved or was insufficiently detailed. We found that sustainability can be demonstrated for 11 projects. For the remaining 14 projects, insufficient further contributions by donors (eight projects) and insufficient commitment by partners or government (six projects) are likely to affect sustainability.

#### **Box 5 - Examples of sustainability problems**

##### **Insufficient further contributions by donors**

For project Nepal1, the lead partner no longer works in three districts and has changed its territorial and thematic priorities. Although one partner continues microcredit activities with support from another donor, the activities with a more direct link to human trafficking have not been continued.

<sup>53</sup> See Annex II.

For project India1, direct financial sustainability for part of the activities was ensured by another donor but not all activities could be continued.

**Insufficient partner commitment and government ownership**

For project India2 to support Panchayats in maintaining vigilance committees and action centres, the implementing partners made no sustainability arrangements with the police and will be unable to support their actions financially after the programme has been completed.

For project Bangladesh3, the project will only become sustainable if the national government changes its position towards Rohingya refugees (i.e. no recognition, no access to labour and no access to secondary education). However, no further action was taken by the EU delegation. This lack of follow-up led to some human trafficking-related project activities being cancelled/delayed.

66. For the 14 projects where sustainability was uncertain, we found that the underlying factors affecting sustainability could have been better addressed at the design stage. In particular, projects did not include an exit strategy for the handover of project practices and delivered outputs as recommended by the Commission Guidelines on Project Cycle Management<sup>54</sup>, and exogenous factors/threats were not sufficiently mitigated and therefore persisted during the implementation phase. The Commission’s ongoing assessment of sustainability was also hampered by insufficient documentation on the impact of changes during implementation.

67. We did find a good example of a sustainable project, which illustrates the benefits of addressing sustainability issues early in the design phase (see **Box 6**).

**Box 6 - Shubha Yatra: Promotion and Protection of Rights of Nepali Migrant Women (Nepal3)**

**Good practice**

The project aims to promote and protect the rights of Nepali migrant women by organising awareness-raising initiatives and promoting knowledge-sharing. The exit strategy had been thoroughly discussed with key stakeholders at the design stage and had been continuously assessed

<sup>54</sup> There should be a “plan for the phase-out of any external assistance and the handover of any management responsibilities” European Commission, Aid Delivery Methods: Volume 1 Project Cycle Management Guidelines, 2004, p. 45.

during implementation. In particular, the project included activities prone to attract further donor support to ensure the sustainability of achieved results after project completion.

The results achieved by awareness-raising activities have been sustainable. With support from the International Labour Organization (ILO), one partner was running a safe migration programme in the Rupendhi district. Similarly, with financial support from the local authorities, the Migrant Women's Service Centre (Federation of Women Migrant workers established during the Shubha Yatra project) has been organising regular district coordination meetings focussed on defending the rights of migrant women.

In addition, information centres in District Administrative Offices (Hetauda and Bhairahawa) are still operating and collaborating with more than 22 local NGOs working for women's rights. Similarly, information desks at the international airport and borders have continued their operations with the support of various private donors and foundations. Both partners are actively leading these initiatives.

As regards the promotion of knowledge sharing, the key partner, an international NGO, has disseminated the model for promoting safe migration proposed by the project, and is currently implementing projects in Rupendhi and Makwanpur. These projects build on the work carried out under an EU-funded project to empower girls through education and reduce child marriage.

## **CONCLUSIONS AND RECOMMENDATIONS**

68. The audit examined the effectiveness of EU support for the fight against human trafficking in South/South-East Asia. Eradicating human trafficking is necessarily a long term process. It requires addressing a number of root causes (e.g. gender inequality, poor minority rights, education and health) and disrupting the activities of criminal networks. Human trafficking is by nature a clandestine crime, for which sufficient and comparable statistical data is rarely available. Given this complex context, numerous widespread priorities and limited resources, we found that the EU was partially effective in supporting the fight against human trafficking in South/South-East Asia.

69. The EU human trafficking policy framework largely provides for a comprehensive approach to addressing human trafficking, although some aspects are not yet fully developed. The THB Strategy (2012-2016) was a high-level document, providing limited

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guidance on the external dimension of the fight against human trafficking. As of April 2017 the Commission has not published a comprehensive evaluation of the results achieved under the THB Strategy; nor has it presented a post-2016 anti-trafficking policy framework.

70. The THB Strategy is complemented by other policy documents which together address the main aspects of human trafficking. The Commission and the EEAS use a variety of tools in fighting human trafficking, either directly or indirectly: human rights dialogues are particularly useful; other tools include bilateral dialogues and support to regional fora (i.e. ASEAN and ASEM in Asia). So far no new partnerships dedicated to combat human trafficking have been created between the EU and any of the countries in South/South-East Asia (see paragraphs 22 to 43).

**Recommendation 1 – Develop the human trafficking strategic framework further, by making it more relevant to South/South-East Asia**

The Commission, in coordination with the EEAS and considering the implications of the mid-term review on the external financing instruments, should develop the human trafficking strategic framework further, in particular by:

- proposing to the Council an updated list of priorities, which is based on the results achieved so far, the pervasiveness of human trafficking in individual countries/regions and thematic policy priorities;
- ensuring that sufficient and comparable data on supported anti-trafficking activities is available to decision-makers and practitioners;
- developing clear objectives and targets for the fight against human trafficking, thus facilitating the design of relevant, coherent and comprehensive actions in the agreed priority countries/regions. Objectives should be translated into more detailed operational guidance which is sufficiently clear to steer activities on the ground, e.g. by using relevant country frameworks, country strategies, programming exercises and existing management reports;

- identifying and subsequently evaluating and reporting on which objectives are best pursued through projects, by using another tool (e.g. human rights dialogue, technical assistance instruments, dedicated human trafficking partnerships etc.), or by a combination of several tools.

**Target date: Mid 2018**

71. Despite specific weaknesses, the examined projects in South/South-East Asia produced some positive results in the fight against human trafficking. The impact of these results might, however, have been greater if a comprehensive approach had been adopted, allowing increased interaction and synergies between projects and other human trafficking-relevant tools. Around two thirds of the sample projects had weaknesses as regards the formulation of objectives and/or indicators and some design weaknesses were not addressed in good time, in particular before the grant contract was signed (see paragraphs 45 to 52).

72. The Commission monitored the projects adequately, but implementation was affected by limited national ownership and weaknesses in partners' implementation of activities and capacity. There is an overall improvement in the fight against human trafficking in South/South-East Asia, but this is difficult to link to specific EU actions (both in terms of funding allocation and the results achieved). Although it was too early to assess the sustainability of all project results, we noted that their sustainability was not systematically ensured (14 projects out of 25 projects) (see paragraphs 54 to 67).

### **Recommendation 2 – Optimising the impact of projects by integrating them into a comprehensive framework**

During the preparation of calls for proposals and the selection and award procedure, the Commission should aim to support projects most likely to contribute to the objectives of fighting human trafficking in the relevant priority region/country by:

- including selection criteria which support a comprehensive approach in the region/country, adequate coverage of all defined priorities and the possibility of achieving interaction and synergies between projects and other tools;

- assessing the type and size of grants which best match the strength and capacity of civil society in the country;
- ensuring that the design of selected projects includes SMART objectives and RACER indicators and that the expected results are realistic in terms of time, budget and partners' capacity;
- placing greater emphasis on the sustainability of expected project results, from an early stage and throughout the entire project life- cycle, e.g. by including for instance, developing exit strategies which consider alternative sources of funding and encourage national ownership after project completion.

**Target date: Start 2018**

This Report was adopted by Chamber III, headed by Mr Karel PINXTEN, Member of the Court of Auditors, in Luxembourg at its meeting of 2 May 2017.

*For the Court of Auditors*

Klaus-Heiner LEHNE

*President*

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**Annex I****Overview projects**

<b>Country</b>	<b>Delegation in charge</b>	<b>CRIS Contract Ref</b>	<b>Reference in text</b>	<b>Project Title</b>	<b>Total planned amount (euro)</b>	<b>EU funds (euro)</b>
Cambodia	Cambodia	EIDHR/2011/272-402	Cambodia1	Safe migration and reduced trafficking (SMART)	333 261	244 855
Cambodia	Cambodia	EIDHR/2009/218-621	Cambodia2	Enhancing capacity to address trafficking especially in children from a human rights perspective in nine provinces and Phnom Penh municipality of Cambodia	285 580	188 483
Cambodia	Cambodia	EIDHR/2011/272-403	Cambodia3	Enhancing the Community to Prevent Human Trafficking, especially Women and Children and to Assist the Victims of Trafficking to Access to Justice	555 330	299 878
Cambodia	Cambodia	EIDHR/2015/369-068	Cambodia4	MIGRA ACTION- Advocate, Monitor and Communicate to Combat Human Trafficking and Unsafe Migration in Cambodia	500 000	475 000
Indonesia	Indonesia	EIDHR/2010/253-189	Indonesia1	Strengthening Advocacy Works and Young People Participation: A Supporting Action to the Implementation of the National Plan of Action on the Eradication of Criminal Acts of Trafficking in Person and Sexual Exploitation of Children 2009-2014	106 564	99 004
Nepal	Nepal	EIDHR/2009/158-139	Nepal1	Community Empowerment Action for Protection and Promotion of Rights of Women and Children	126 080	100 864
Nepal	Nepal	EIDHR/2009/158-158	Nepal2	Initiative to capacitate Local Institutions to combat human trafficking (ICLICHT)	49 000	49 000
Nepal	Nepal	DCI-MIGR/2010/228-798	Nepal3	Shubha Yatra: Promotion and Protection of Rights of Nepali Migrant Women	700 000	560 000

Country	Delegation in charge	CRIS Contract Ref	Reference in text	Project Title	Total planned amount (euro)	EU funds (euro)
Myanmar	Thailand	DCI-HUM/2009/155-012	Myanmar1	Protection of vulnerable children in Myanmar from trafficking and other forms of harm	663 293	596 963
Thailand	Thailand	DCI-HUM/2009/154-928	Thailand1	Protecting Migrant Children from Trafficking and Exploitation in the Mekong Sub-region	649 969	584 972
Thailand	Thailand	DCI-MIGR/2008/153-312	Thailand2	Going back - Moving on: Economic and Social Empowerment of Migrants Including Victims of Trafficking Returned from the EU countries.	2 199 813	1 758 813
Thailand	Thailand	DCI-HUM/2015/371-801	Thailand3	Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry	4 200 000	3 700 000
Vietnam	Vietnam	EIDHR/ 2010 /248-231	Vietnam1	Standing Up Against Violence (Stand Up)	205 649	195 366
Vietnam	Vietnam	EIDHR/2010/248-732	Vietnam2	Vesta II	279 902	251 912
India	DEVCO HQ/decentralised to EUD India in 2011	DCI-MIGR/2010/224-427	India1	Enhancing the Protection of Indian Migrant Workers in Oman through Evidence-Based Capacity-Building with Government and Civil Society	700 410	560 328
India	India	EIDHR/2010/232-393	India2	To support the Government of India's efforts to stop trafficking in women and girls through community action at the Panchayat level in partnership with the National Commission for Women	300 000	240 000
India	India	EIDHR/2012/278-640	India3	Strengthening law enforcement and mobilising community action to combat trafficking of women and children	345 518	293 690
Philippines	Philippines	EIDHR/2009/220-287	Philippines1	Private and Public Faces of Violence Against Women: Addressing Domestic Violence and Trafficking in the Urban Poor Communities and "Red Light Districts" of Angeles City and Olongapo City	175 151	140 121

Country	Delegation in charge	CRIS Contract Ref	Reference in text	Project Title	Total planned amount (euro)	EU funds (euro)
Philippines	Philippines	EIDHR/2010/246-141	Philippines2	Working towards better implementation of International and Local Laws on anti-child trafficking and other forms of child abuse in selected areas of the Philippines	207 557	172 364
Pakistan	Pakistan	EIDHR/2011/277-432	Pakistan1	HRG - "Meri Awaz Suno" (Listen to my voice)	493 949	443 295
India - Nepal - Bangladesh	India	DCI-MIGR/2009/153-330	Regional1	SANYUKT, "connected" – Regional project on case management and fight against trafficking within and from South Asia	2 199 704	1 759 763
India -Nepal	India	DCI-HUM/2008/155-098	Regional2	The Protection and Quality of Care - Anti-trafficking Action, piloted by Terre des hommes Child Relief with Sanlaap India	592 120	470 902
				<b>Subtotal (human trafficking core)</b>	<b>15 868 850</b>	<b>13 185 573</b>
Cambodia	Cambodia	DCI-MIGR/2013/282-889	Cambodia5	MIGRA-SAFE: Safe Labour Migration for Vulnerable Cambodian Migrant Workers to Thailand	714 300	571 000
Bangladesh	Bangladesh	DCI-NSAPVD/2011/270-442	Bangladesh1	Rural Urban Child Migration Project	1 349 994	998 996
Bangladesh	Bangladesh	EIDHR/2011/223-092	Bangladesh2	Improving child protection and rehabilitation of children from sexual abuse and exploitation in Bangladesh	1 403 971	1 094 915
Bangladesh	Bangladesh	DCI-ASIE/2013/314-090	Bangladesh3	Protection, essential services and durable solutions for refugees in Bangladesh	3 770 680	1 500 000
Bangladesh	Bangladesh	DCI-HUM/2013/323-276	Bangladesh4	Community actions for child protection from violence	1 854 538	1 483 445

Country	Delegation in charge	CRIS Contract Ref	Reference in text	Project Title	Total planned amount (euro)	EU funds (euro)
Bangladesh	Bangladesh	EIDHR/2013/297-201	Bangladesh5	Mapping and capacity-building of tea plantation workers and little-known ethnic communities of Bangladesh	299 999	239 999
Bangladesh	Bangladesh	DCI-ASIE/2014/337-018	Bangladesh6	Protection, essential services and durable solutions for refugees in Bangladesh; Phase IV	10 442 840	6 000 000
Bangladesh	Bangladesh	EIDHR/2015/367-497	Bangladesh7	Combatting commercial sexual exploitation of children (CCSEC) in Bangladesh	839 003	750 000
Bangladesh	Bangladesh	EIDHR/2010/254-352	Bangladesh8	Promotion of Human Rights for Preventing Violence and Discrimination against Women and Girls (PPVD)	300 000	285 000
Thailand	Thailand	DCI-NSAPVD/2011/280-905	Thailand4	Empowering Women's Networks to Improve Women's Rights Protection and Access to Reproductive Health Services	529 593	476 633
Thailand	Thailand	DCI-ASIE/2010/254-483	Thailand5	Protection Assistance to Myanmar Refugees in Thailand	1 204 213	963 370
Thailand	Thailand	DCI-NSAPVD/2011/280-903	Thailand6	To act toward a better inclusion of Burmese migrants and a better recognition of their rights in Thailand	665 775	499 331
Regional	Indonesia	DCI-ASIE/2015/360-522	Regional3	EU-ASEAN Migration and Border Management II	3 200 000	3 200 000
				<b>Subtotal (human trafficking additional)</b>	<b>26 574 906</b>	<b>18 062 690</b>
				<b>Grand total</b>	<b>42 443 755</b>	<b>31 248 263</b>

**Annex II****Projects' objectives and individual assessments**

			Adequacy of the design		Monitoring and implementation		Results and sustainability of project results	
Country	Reference in text	Project objective	SMART objectives / RACER Indicators	Other design aspects (e.g. baseline, lessons learnt, budget)	Monitoring	Implementation and other issues	Results	Sustainability concerns
Cambodia	Cambodia1	The project aims to promote safe migration in order to reduce the incidence of human trafficking (domestic and international) in Cambodia and to strengthen capacities of civil society agencies and local authorities (commune, district, provincial) to prevent unsafe migration and trafficking and empower at-risk groups to take informed decisions.						
Cambodia	Cambodia2	The project seeks to foster the integration of children's rights into the work of government authorities against trafficking, as well as into the practices of NGOs and communities, by promoting changes in social perceptions.						
Cambodia	Cambodia3	The Action addresses the extreme vulnerability of children who are on the move by preventing them from being exploited and appropriately enabling victim children to recover and get on with their lives. It strives not only to raise parent and community action about risks and vulnerability but to create opportunities and allows children personal development.						
Cambodia	Cambodia4	The project aims to increase knowledge to recognise cases of exploitation, advocacy and communication skills to CSOs, Local Authorities, migrants and their families to raise awareness at local, national and international level. A better prepared and equipped civil society will increase opportunities to give visibility to the real situation on the ground, underlining the gap of connections and circulation of information between local and national level.						
Indonesia	Indonesia1	The action aims to strengthen the advocacy works of CSOs on the issues of trafficking in persons and sexual exploitation of children through the participation of young people.						

			Adequacy of the design		Monitoring and implementation		Results and sustainability of project results	
Country	Reference in text	Project objective	SMART objectives / RACER Indicators	Other design aspects (e.g. baseline, lessons learnt, budget)	Monitoring	Implementation and other issues	Results	Sustainability concerns
Nepal	Nepal1	The project has aimed at empowering the most vulnerable groups of 3 districts of mid-western of Nepal for access to human rights and protection against violence.						
Nepal	Nepal2	To contribute to promoting the rights of vulnerable communities by combatting trafficking of women and girls in the Far- Western Region of Nepal.						
Nepal	Nepal3	Project aims at promoting safe migration and protecting rights of female migrant workers through mobilisation and strengthening the response of civil society.						
Myanmar	Myanmar1	The overall objective is to establish an effective national child protection system in Myanmar, benefiting 6 million vulnerable children.						
Thailand	Thailand1	The specific objective is to develop child protection systems at community and township levels that prevent trafficking and other forms of abuse, neglect, violence and exploitation and protect vulnerable children in three townships, contributing to the process of developing an effective child protection system at national level.						
Thailand	Thailand2	The project aims to contribute to the reduction of labour and sexual exploitation of migrants including victims of trafficking, through support for a humane return and reintegration process emphasising economic and social empowerment. By the end of the project, the capacities of service providers to return and reintegrate migrants who have experienced labour and sexual exploitation, including victims of trafficking, will have been improved in Thailand, Philippines and the EU and neighbouring countries through enhanced coordination and referral among focal agencies and key stakeholders.						
Thailand	Thailand3	The project aims to reduce forced labour, child labour and other unacceptable forms of work, and progressively eliminate the exploitation of workers, particularly migrant workers, in the Thai fishing and seafood sectors, and thereby improve compliance with fundamental rights at work.						

			Adequacy of the design		Monitoring and implementation		Results and sustainability of project results	
Country	Reference in text	Project objective	SMART objectives / RACER Indicators	Other design aspects (e.g. baseline, lessons learnt, budget)	Monitoring	Implementation and other issues	Results	Sustainability concerns
Vietnam	Vietnam1	The project aims to contribute to national efforts to reduce violence against women, by improving the protection and support for women who have experienced violence.						
Vietnam	Vietnam2	The project aims to promote and strengthen the respect of human rights and fundamental freedoms of women living in poor and remote areas in Vietnam, in particular those belonging to vulnerable groups such as national minorities, uneducated women and returned victims of trafficking.						
India	India1	The project aims to contribute to the rights of Indian migrant workers migrating to/in Gulf countries by building capacity of 20 Non-State actors and 50 government officials from relevant ministries (Immigration Department of the Home Ministry, Overseas Affairs, Labour, Women and Child Development, Social Welfare) in both India and the Gulf States for furthering the rights of migrant workers.						
India	India2	The action's overarching goal is that by 2015, the Government of India's efforts at creating institutionalised prevention mechanisms to stop trafficking at the source districts are supported and enhanced through community action.						
India	India3	Combatting trafficking of women and children through Capacity-Building , Training and sensitisation of Law-Enforcement agencies; Victim Support and Victim Protection; Prosecution and breaking of criminal networks involved in trafficking of women and children by creating networks and partnerships among agencies in source , transit and destination areas.						
Philippines	Philippines1	Contribute to a governance environment where the promotion of human rights is at the centre, particularly fulfilling the obligation of local government units (LGUs) to protect and promote the rights of vulnerable populations against trafficking and violence, and to increase the rights-claiming capacities of women.						
Philippines	Philippines2	The project aims to contribute to the implementation of the Optional Protocol on the Sale of Children, Child Prostitution and Pornography, Anti-trafficking in Persons Act of 2003 (Republic Act 9208) and other relevant laws in the Philippines.						

			Adequacy of the design		Monitoring and implementation		Results and sustainability of project results	
Country	Reference in text	Project objective	SMART objectives / RACER Indicators	Other design aspects (e.g. baseline, lessons learnt, budget)	Monitoring	Implementation and other issues	Results	Sustainability concerns
Pakistan	Pakistan1	The project has three objectives: 1) Mitigate child sexual abuse, commercial sexual exploitation of children and internal child trafficking; 2) Develop local capacities to respond to child abuse; and 3) Develop peaceful democratic processes based upon dialogue, solidarity and equity to promote Child protection.						
India - Nepal - Bangladesh	Regional1	Prevention of unsafe migration and trafficking in children and adolescents from India (West Bengal and Andhra Pradesh) and Bangladesh (high source districts and villages), rehabilitation of victims trafficked from India (West Bengal and Andhra Pradesh), Nepal and Bangladesh.						
India - Nepal	Regional2	The successful integration of child survivors of trafficking into the community. Specific objective: to improve the protection, quality of care and community integration of trafficked children in India and Nepal.						
Cambodia	Cambodia5	The overall objective of the project is to promote safe migration in order to protect the rights of Cambodian migrants (including women and children) and reduce their vulnerability to labour exploitation and human trafficking.						
Bangladesh	Bangladesh1	The project aims to strengthen the services of Local Government Institutions (LGIs) in cooperation with Non-State Actors (NSAs) to reduce unsafe rural-urban child migration and to improve the situation of migrant children.						
Bangladesh	Bangladesh2	The project aims to reduce cases of sexual abuse and sexual exploitation of children in the project areas and to successfully rehabilitate and reintegrate those children into society.						
Bangladesh	Bangladesh3	The overall objective and purpose of this project is to ensure that refugee rights are respected, leading to their empowerment and preparedness for future durable solutions. The specific objective is to empower refugees and help them to achieve a level of self-reliance necessary to lead constructive lives in a safe and secure environment.						

			Adequacy of the design		Monitoring and implementation		Results and sustainability of project results	
Country	Reference in text	Project objective	SMART objectives / RACER Indicators	Other design aspects (e.g. baseline, lessons learnt, budget)	Monitoring	Implementation and other issues	Results	Sustainability concerns
Bangladesh	Bangladesh4	The action aims at enhancing state and non-state actors capacity and capability to eliminate all forms of violence against children. This will be achieved through strengthening community actions from community people for child protection and through legal support and comprehensive rehabilitation for the reintegration of child victims of violence.						
Bangladesh	Bangladesh5	The project aims at promoting the rights, fundamental freedoms, and representation of tea plantation workers in “tied” situation and of little-know ethnic groups in the wider socio-cultural and politico-economic contexts in Bangladesh through action research (mapping), capacity building and awareness raising and advocacy.						
Bangladesh	Bangladesh6	The project aims at facilitating an environment in Bangladesh where Rohingya refugees are provided with adequate international protection, while the search for a durable solution is sustained.						
Bangladesh	Bangladesh7	The overall objective of the Action Combatting Commercial Sexual Exploitation of Children (CCSEC) in Bangladesh is to contribute to the elimination of commercial sexual exploitation of children. The specific objective of the Action is to protect and promote the rights of survivors and at risk children of CSEC through facilitating implementation of ILO Convention 182 (ILO-C182) and UNCRC Optional Protocol two (UNCRC-OP-2) in Bangladesh.						
Bangladesh	Bangladesh8	The overall objective is to prevent all forms of violence and discrimination against vulnerable groups, particularly women and girls by promoting human rights in specific areas of Bangladesh.						
Thailand	Thailand4	The overall objective of the project is that women in 12 Northeastern provinces in Thailand who are vulnerable to domestic or sexual violence and human trafficking, or who have difficulties accessing health services, especially for reproductive health, have improved access to legal protection and health services by project end in 4 years.						

			Adequacy of the design		Monitoring and implementation		Results and sustainability of project results	
Country	Reference in text	Project objective	SMART objectives / RACER Indicators	Other design aspects (e.g. baseline, lessons learnt, budget)	Monitoring	Implementation and other issues	Results	Sustainability concerns
Thailand	Thailand5	The project objective is that camp-based refugees and asylum-seekers from Myanmar enjoy an improved protection environment in Thailand.						
Thailand	Thailand6	The action aims to improve the capacity of 205 non-state migrant actors working in areas heavily-populated with Burmese migrants while advocating migrant rights and enabling legislative change (at local, provincial and national levels) through platforms for dialogue among local authorities, Thai civil society and Burmese communities.						
Regional	Regional3	The objective of the Programme aims at supporting ASEAN in its integration process through the implementation of the Master Plan on ASEAN Connectivity, in particular people to people connectivity and at strengthening law enforcement agencies' networks and cooperation at main regional transit hubs with the help of a study on easing visa requirements for ASEAN and Non-ASEAN Nationals within ASEAN.						

*Note:* When assessing these projects, we have considered the inherent challenges associated with human rights projects. For example, sustainability often requires continuous support by donors and building up a national ownership to maintain the achieved results.

*Note:* There were 10 projects for which we did not assess sustainability of project results either because they were ongoing (seven) or the final report had not been approved at the time of our examination (one) or was insufficiently detailed (two). Among these projects, we noted significant sustainability concerns in project Bangladesh6 where the national government was not sufficiently cooperative and Cambodia4 where the model of paid community ambassadors was particularly weak.

*Colour legend:*

	In all significant respects, standards have been fully met
	Some standards are not met
	Significant deviation from the standards

**Annex III****Weaknesses of the anti-trafficking website database**

1. The Commission’s Common Relex Information System (CRIS) does not record whether a project is human trafficking-relevant. In principle, human trafficking projects are systematically included in a human trafficking-specific database which is accessible through the anti-trafficking website. We have analysed the anti-trafficking website database and found that there is no consistency in classifying projects as human trafficking.
2. In September 2016 the Commission published the ‘Study on Comprehensive Policy Review of EC-funded anti-trafficking projects’. The author of this report included a caveat which also indicates that the database cannot be considered sufficiently robust or reliable: ‘Whilst every effort was made by the office of the EU Anti-Trafficking Coordinator to provide information to the contractor on all funded projects by all services for the whole period examined, the study cannot be considered as a fully exhaustive overview of all European Commission-funded projects in the area of trafficking in human beings’.
3. The lack of consistency within projects in the database can also be observed from the analysis of the sample. While project Cambodia5 was considered to be a human trafficking project by the Commission, project Cambodia4 - which was considered to be a continuation by one evaluator - was not.

<b>Examples of projects in/not in the anti-trafficking database</b>	
<b>Projects included in the anti-trafficking website database</b>	<b>Similar project not included</b>
<p><u>Facilitating Corporate Social Responsibility in the field of Human Trafficking</u> (HOME/2011/ISEC/AG/THB/4000001962)</p> <p>The main aim of the project is to improve the prevention of human trafficking for labour exploitation by translating and implementing the UN Guiding Principles on Business and Human Rights (UNGPs) in the field of Trafficking in Human Beings. Three sectors will</p>	<p><u>Partnerships to combat child labour through corporate social responsibility CSR in Bangladesh</u> (CRIS 266430)</p> <p>The project aims to improve the lives and livelihoods of child labourers in Bangladesh in both the formal and informal private sector.</p> <p>“Child labour is considered to be the most common child rights violation in Bangladesh, with around</p>

<p>be targeted: agriculture, construction and tourism (anti-trafficking website).</p>	<p>7.4 million children working regularly in hazardous environments...The overall problem the Action aims to address is insufficient awareness and application of CSR and social compliance standards in the private sector, which leads to hazardous child labour.” (Description of the action, 1.6.2)</p>
<p><u>Trafficking Prevention for Vulnerable Youth and Women in Kosovo (EIDHR/2008/168-436)</u></p> <p>The aim of the project was to enhance the prevention of trafficking through capacity building at local NGOs active in anti-trafficking programmes in Kosovo. Furthermore, the project aimed to raise awareness about trafficking among the most vulnerable groups – such as primary school pupils, victims of gender-based violence and girls who have dropped out of school - in rural areas of Kosovo. It also aimed to promote vocational training for young women so as to reduce their vulnerability to trafficking while building independent lives (anti-trafficking website).</p>	<p><u>Improving Child Protection and Rehabilitation of Children from Sexual Abuse and Exploitation in Bangladesh (CRIS 223-092)</u></p> <p>The project aims to reduce cases of sexual abuse and sexual exploitation of children in the project areas and to rehabilitate and reintegrate those children successfully into society.</p>

Source: ECA analysis of the anti-trafficking website database and CRIS.

## **REPLIES OF THE COMMISSION AND THE EEAS TO THE SPECIAL REPORT OF THE EUROPEAN COURT OF AUDITORS**

### **"EU SUPPORT TO FIGHT HUMAN TRAFFICKING IN SOUTH/SOUTH-EAST ASIA"**

#### **EXECUTIVE SUMMARY**

I. Trafficking in human beings (THB) is an integral part of the global commitment of the European Union in the field of foreign and security policy under which the EU engages to address a host of human rights violations and security challenges. THB is a relatively young area in the context of the EU external action, since 2009. Throughout this initial period, engagement has materialised at political, senior officials' and technical levels, globally and in South and South East Asia.

As stated by the Commission to the European Parliament: "We are currently taking stock of the experience and achievements of the current strategy, examining trends and problems, and assessing and discussing with stakeholders what future actions from all the different policy areas are needed. Our aim is to address the challenges created by the changing socio-political context. But we also want to maintain a coordinated, coherent and consistent approach and continuation of the efforts to fight this extremely pernicious but highly lucrative form of crime. The fight against the trafficking in human beings is an imperative for the EU to continue delivering: we owe this to the victims and to our societies".

II. The Court uses the term "attractive destination" for the victims in describing the EU. While the EU can be considered as an "attractive" destination, the role of the EU as demand generator must also be highlighted. As highlighted by Europol and the EU Serious and Organised Crime Threat Assessment (SOCTA 2013), "The constant demand for services associated with sexual and labour exploitation and persistent socio-economic inequalities between the developed and developing world drive human trafficking" (Commission Staff Working Document accompanying the Report on the progress made in the fight against trafficking in human beings (2016), SWD(2016) 159 final).

III. In relation to the observation that a "post-2016 anti-trafficking strategy has not yet been presented", the Commission wishes to note that as reflected in the European Agendas on Migration and Security, work is ongoing towards developing a post-2016 policy framework.

VI. The EEAS would like to stress that the path to dedicated trafficking in human beings partnerships goes through increasingly constructive dialogues with the countries, and regional formats as ASEAN and ASEM, on broader issues such as human rights and/or cooperation assistance, within which trafficking in human beings issues are currently being discussed. It is a process which requires time, resources and strong cooperation with the counterparts in the region.

It is worth reiterating that, considering the cross-cutting nature of trafficking in human beings, it is logical to address it in a wider context and to apply broader policies and instruments, for example addressing human rights, poverty reduction, support to rule of law, border management, countering organised crime or managing migration, as noted in the report by the Court. The work in these areas addresses a multitude of root causes and 'push factors' behind the trafficking in human beings, therefore tackling them is crucial.

VII. The Commission welcomes the positive assessment of the Court and although it agrees that it is difficult to link specific projects to the overall improvement on THB, it is clear that a combination of political dialogue, advocacy and complementary actions with important local actors have created a momentum that led to changes in several countries.

With regards to the specific weaknesses mentioned, it would like to stress that:

- Projects are by definition limited in time and sustainability of projects is a key concern for the Commission.
- The grant projects are designed by the applicant NGO's that own and implement the action. Any changes need to be agreed with the NGO's and should not change the conditions of the grant award. The assessment of design weaknesses is a qualitative assessment which depends on the individual assessment of the programme manager or monitoring staff. Changes are often triggered by external monitoring missions or evaluations that influence the grant beneficiary to adjust the project design.

Finally, many projects were implemented in difficult political and local environments and project management needs to be adjusted to local constraints, which inherently leads to delays in the implementation.

## **INTRODUCTION**

3. The Commission wishes to further stress that as stated in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 "Vulnerability to trafficking and to different forms of exploitation is shaped by gender. While women and girls tend to be trafficked for exploitation in the sex industry, in domestic work or the care sector, men and boys tend to be victims of forced labour, in particular in agriculture, construction, mining, forestry sectors and on fishing fleets. In addition, the short and long term consequences on trafficked women and men might differ, depending on the form of trafficking and gender".

7. In relation to the reference by the Court that "46 million people are trapped in situations of modern slavery", the Commission wishes to stress the need for interpretation of estimates and statistical data with caution, taking into account the latest UNODC Global Report on Trafficking in Human Beings (2016).

The figure quoted of 46 million people in modern slavery is only an estimate of not only trafficking in human beings, but other phenomena too, and does not represent the actual prevalence of trafficking in human beings or the number of victims of trafficking that have come in contact with the authorities. In addition, as stated by the Court in footnote 5, the term modern slavery does not have a legal qualification or definition.

12. As reflected in the European Agendas on Migration and Security, the Commission is working towards developing a post-2016 policy framework.

## **OBSERVATIONS**

22. The Commission wishes to highlight that the adoption of the EU Strategy towards the Eradication of THB 2012-2016 was the end result of a procedure that included targeted consultations as per the procedural requirements applicable. The EU Strategy was a result of consultations with a large variety of stakeholders (Member States, NGOs, International Organisations, EU agencies). Data on trafficking in human beings, including available statistical data, situation reports, legal and economic analysis such as SOCTA and EU agencies data and reports, were collected in this framework.

It is important to stress that the EU Strategy was welcomed by all stakeholders, including with Council Conclusions on the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, 3195th Justice and Home Affairs Council meeting in Luxembourg, on 25 October 2012.

23. Common reply to paragraphs 23 and 24.

The Commission has substantially reported on the actions delivered under the EU Strategy and closely monitored with reports and studies as relevant. The Commission would like to highlight that there is a Mid-term report on the implementation of the EU Strategy towards the Eradication of Trafficking in Human Beings, COM (2014) 635 final. While not legally required from the Commission, it contributed to taking stock of the progress made to implement the EU Strategy.

In particular, one section of the Mid-term report is dedicated on the steps taken since 2012 under the 2009 Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings. The report not only includes work carried out through cooperation between EU institutions, agencies and bodies, Member States, civil society organisations and the private sector; it also covers action taken within the EU and in cooperation with non-EU countries of origin, transit and destination. Moreover, the report includes an Annex on the important work of seven EU justice and home affairs agencies (EASO, FRONTEX, Europol, EIGE, FRA, CEPOL, Eurojust) to address THB, on the basis of the joint statement signed by the Directors of these agencies on the occasion of the EU Anti-Trafficking Day on 18 October 2011.

In addition the first Commission Report on the progress made in the fight against trafficking in human beings [COM(2016) 267 final] and its accompanying Staff Working Document [SWD(2016) 159 final], contain a plethora of information on actions and results delivered also in the context of the EU Anti-Trafficking Strategy.

All deliverables included in the EU Strategy were made public, as relevant, on the Commission's anti-trafficking website (<http://ec.europa.eu/anti-trafficking/>). These include the study on comprehensive policy review of anti-trafficking projects funded by the European Commission (2016), as well as a number of other relevant studies, guidelines and manuals.

25. With regard to the observation about the insufficient guidance provided by the parallel regional and bilateral prioritisation, the Commission and the EEAS would like to clarify that this comprehensive formulation allowed to utilise the widest possible range of available dialogues and/or partnerships - both bilateral and multilateral/regional - to address THB issues with the countries of South and South East Asia. The 2012 prioritisation was used as guidance in a wider sense, for policy dialogue and higher political engagement related to the fight against trafficking in human beings.

On the other hand, the Commission and the EEAS recognize the need for a follow up and review of the prioritisation. This can be considered in the context of developing a post-2016 policy framework.

33. The Commission would like to recall that the programming documents are limited in length and human rights are mentioned regularly with good governance/rule of law being selected in most countries as a focal sector.

34. The Commission maintains and develops an anti-trafficking website (<https://ec.europa.eu/anti-trafficking/>) which contains a database of projects on trafficking in human beings funded by the European Commission, as well as information on, inter alia, EU legal and policy instruments, anti-trafficking measures in the Member States, funding opportunities and EU initiatives. The information on projects is provided by different Directorates General responsible for the management of different funding instruments. Whether a project constitutes a human trafficking relevant action is assessed case by case by responsible services.

36. The EEAS appreciates that the Court recognises in this context the importance of the various Human Rights Dialogues which the EU has with countries of South and South East Asia. The EU raises such issues in both specific Human Rights Dialogues as well as in other policy fora as appropriate e.g. GSP+ Monitoring Missions, Joint Committees and ad hoc meetings. Such dialogues

with the individual countries are complemented by equivalent dialogues at the regional level between the EU and ASEAN and ASEM, for example.

38. The EEAS agrees with the conclusion and would like to clarify that the human rights issues may be discussed under different forms of dialogues with partners in the region. Namely, with Thailand, human rights issues are discussed under a Senior Official Meeting format, pending the implementation of the Partnership and Cooperation Agreement. In addition, some human rights issues are discussed in the context of the Illegal, unreported and unregulated fishing and Labour discussions led by the Commission. See also the reply to paragraph 36 above.

40. The EU is cooperating with all countries to fight trafficking in human beings as shown through the various projects. The Commission and the EEAS are very committed to the EU-ASEAN partnership and are ready to develop further its potential.

See also replies to paragraphs 36, 38, 43 and 70.

41. The Commission and the EEAS would like to confirm that the EU engages with the Bali Process through its Member States and the European Commission as observers and continues to assess the potential of the process. The Dutch Foreign Minister represented the High Representative and Vice President of the EU for Foreign Affairs and Security Policy (HRVP) at the 6th Ministerial Meeting of the Bali Process on 23 March 2016.

42. With regard to the Court's observation about the community of experts, the Commission and the EEAS would like to emphasise that trafficking in human beings has been consolidated as a focus area for the EU relatively recently – in 2009, with the adoption of the EU Action-Oriented Paper on the external aspects of trafficking in human beings. Throughout the subsequent, initial period, efforts have been made to create such expertise, e.g. through training for staff from EU Delegations and by distributing information packages to the concerned services and all EU Delegations.

In EU delegations, trafficking in human beings matters are usually addressed jointly by the Human Rights focal point and the Head of the Political Section. Therefore, focal points for human rights, which include trafficking in human beings, are known at all times.

The Commission and the EEAS are committed to continue disseminating information and enhance the understanding of its staff on the EU policy on trafficking in human beings, which is an integral part of the global strategic action of the EU.

43. When deciding how to implement the mandate related to partnerships against trafficking in human beings, often the most appropriate way has been to maximize the use of existing, or wider policy dialogues.

A more recent development has been the assignment of European Migration Liaison Officers to targeted countries (e.g. Pakistan and Bangladesh) as well as a dedicated Europol official in Singapore, all of whom deal inter alia with trafficking in human beings.

46. The Commission follows its rules and treats each proposal in the same manner to ensure a fair and equal treatment. Synergies and interaction with other projects are addressed through coordination activities carried out by EU Delegations.

47. The Council of the European Union adopted in November 2009 the "Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings" (AOP). The Commission would like to point out that the vast majority of projects in the sample selected in South/South-East Asia were designed in a period previous to the adoption of the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)". Furthermore, it should be taken into account that addressing trafficking in human beings was only one of several objectives in several projects. Finally, it is important to note, that according to information from the field,

working on the criminal component of trafficking in human beings is more difficult for NGOs, who rather opt to work on prevention and protection.

48. There are different ways to formulate indicators and it is a qualitative process which the project proponents carry out according to their best knowledge at the moment of the project design. Under calls for proposals, grants are selected through a competitive procedure after which the best proposals are selected. As data on trafficking in human beings is not always available, it makes it more difficult to define easily measurable objectives and indicators. Moreover, not all NGO's can employ the highest skilled proposal writers, however despite that, they usually still perform activities well and get tangible results.

### **Box 1**

In the case of the project Philippines<sup>1</sup> the Court makes reference to the overall objectives to which the project only needs to contribute. The specific objectives which the project needs to achieve are appropriately specific and the indicator to establish a baseline study about the implementation status of the relevant laws is measurable.

On Bangladesh<sup>5</sup>, the Commission would like to note that although tangible indicators were initially weak, changes were introduced later by the EU Delegation in the logical framework. The introduction of proper SMART objectives and RACER indicators supported the Delegation to measure the results better, both quantitatively and qualitatively, in the assessment of the final narrative and financial reports. The project successfully achieved the planned outcomes and outputs.

As regards India<sup>1</sup>, an estimation of the average cost of emigration was available when the proposal was submitted, based on a similar study conducted in 2008 by another agency. There was also sufficient anecdotal information available on the indebtedness faced by migrants and their families due to the high cost of migration, especially through unscrupulous recruitment agencies and middlemen, to make the proposed indicator and corresponding activities relevant.

Whilst it is correct that the final comprehensive survey could not be conducted as planned due to resources and logistics constraints, interactions/feedback meetings were organised with smaller groups to assess the impact. Therefore, an indicator on emigration cost is meaningful and many countries have policies to reduce the cost to be paid to agencies that burden poor labour migrants.

49. The Commission agrees that baseline studies are not always essential or effective.

50. The Commission would like to stress, that there are constraints in changing the logframe. It is very difficult to define indicators in the area of trafficking in human beings and changing the logframe need to be agreed with the grant beneficiaries. Changes to certain indicators might require additional budget, which is not available, and therefore such agreement cannot be reached.

(a) For the case of Indonesia<sup>1</sup>, the Commission would like to note that, whilst the individual evaluations are discussed within the evaluation, the specific comments of the evaluators do not need to be fully integrated in the evaluation report. At contracting stage, the Project manager consults the individual evaluation sheets to verify the weaknesses and the strengths of the project that could be addressed within the limit of the applicable rules (Procedures and practical guide - PRAG). Nevertheless, the Commission acknowledges the assessment on the indicators, but it also notes that the project was a small project with a small amount of EU funding (99,000 EUR) and short duration (18 months).

(b) Project Philippines<sup>2</sup> was selected through a competitive procedure (Call for Proposals) and the proposal was scrutinised based on the strengths as well as weaknesses of its design (including objectives and logframe). Indeed in PRAG Section 6.5.10.2, "The contracting authority may decide that other clarifications or minor corrections may be made to the description of the action or to the

budget in so far as they do not call into question the grant award decision, do not conflict with equal treatment of applicants". However, in the case of Philippines<sup>2</sup> changing parts of the document could have led to conflict in equal treatment of applicants. This project was selected as it was better compared to others in the same call for proposals.

(c) Regarding project Nepal<sup>3</sup>, the final evaluation report (page 20) states, that the project has established the base value for the indicators identified in the logframe. In addition, it has also mentioned that the logframe is well formulated with most of the indicators and targets being clear.

51. Regarding project Bangladesh<sup>5</sup>, although tangible indicators were formally introduced late in the logical framework, the project successfully achieved the planned outcomes and outputs. The introduction of proper SMART objectives and RACER indicators supported the Delegation to measure the results better, both quantitatively and qualitatively, in the assessment of the final narrative and financial reports.

52.

(a) Regarding Bangladesh<sup>1</sup>, the two areas of project design may have been ambitious; however, mitigating actions have been identified, such as: working in the early morning when electricity was available and by off-line use of the database (without access to internet, but with access to electricity). Although this led to initial delays, the Commission would like to stress that, after the end of the project cycle, the database has been taken on by the Ministry of local government and cooperatives. The database has been incorporated into the local government website, and its use became part of the training for the local government reform programme. This demonstrates that the project responded well to the initial set-backs.

(b) The Commission agrees that the project India<sup>1</sup> was overambitious as being implemented in a policy environment that can be very intricate and where law making takes time. However, at the time the proposal was evaluated, the risk was known and the assessment was that lobbying and advocacy efforts of the project would be valuable and eventually contribute to improved policies. Indeed, the project resulted in a number of policy level initiatives, such as the pre-departure training module developed by the project and incorporated into the Tamilnadu state's pre-departure orientation programme for low-skilled migrants by the Protector of Emigrants Office. Indian embassy officials in the Gulf states became more proactive and responsive in protecting migrants in distress, including intervening with host countries in the Gulf to ensure safe return of stranded Indians and the prosecution of a fraudulent Recruitment Agency.

The study produced by this project: 'Something is better than nothing: enhancing the protection of Indian migrant workers through bilateral agreements and Memorandum of Understanding (MoUs)', had a multiplier effect. It gained traction among the member states of the International Labour Organisation and, as a result, a number of South Asian governments organised training for their technical staff on how to draft MoUs, through the project partner. The signing of the MOU between India and Saudi Arabia on domestic service workers could also be attributed to policy advocacy supported by the project.

54. Many projects were implemented in difficult political and local environments and project management needs to be adjusted to local constraints and it is normal that delays occur due to specific situations.

From a general point of view, the Commission would also like to add, that the projects are designed by the applicants to their knowledge well before implementation. Tackling trafficking in human beings is politically sensitive in many countries and adjustments are often necessary according to the change in the situation in a country. Some activities in the area of trafficking in human beings such as victim assistance is not sustainable per se, but in some countries it is nevertheless important

to support such activities as there are no alternative support mechanisms leaving the victims without any support. The EU Delegations address sustainability in all their interactions with the implementing partners, but not all discussions are documented.

55. Project extensions were granted to ensure achieving results and to compensate with specific difficult situations, in line with good project management practice.

56. It is common practice that the timing of activities is adjusted by project management according to changes in the local situation and requirements of partners.

## **Box 2**

Regarding Cambodia<sup>2</sup>, the slight alteration of this sequence cannot automatically be judged to have a negative impact on the effectiveness of the project. Notably the delivery of a second training for journalists in the last semester benefitted from the full execution of the press review activity as planned.

In relation to the project India<sup>2</sup>, the Commission would like to stress, that the referred delays were outside the EU's remit and that the EU was not in a position to intervene. The EU Delegation's experience working with Government agencies, is that formal procedures often result in long delays. As a lesson learnt, the Delegation limited the eligibility of applicants to the subsequent thematic Calls for Proposals in India to only NGOs and excluded UN and other international organisations. The latter organisations require prior approval from their nodal ministries, a formality which is rarely received on time.

57. Actions addressing the issues of trafficking of human beings are sometimes necessary in view of a lack of Government commitment to tackle the problem and support victims. Therefore, it is in some cases required to engage with civil society to change the situation and create more national ownership.

As a consequence, project management needs to adjust the type and timing of activities to the changing needs according to the specific situation.

## **Box 3**

On the project Bangladesh<sup>1</sup>, the Commission would like to note, that the training activities were indeed conditional on the installation and activation of the software that had to be agreed by the government of Bangladesh. In spite of several contract extensions, the software could not be installed and activated before the end of the project; therefore, despite joint efforts from the partners and the EU Delegation, training on how to use this software could not be delivered to officials. However, shortly after the end of the project, the software for registering children (LINK Migration software) was included in the Local Government (LGSP-2) software, which is another project funded by the West Bengal government. The New government was going to start the training of officials in charge of the software.

As regards Indonesia<sup>1</sup>, the Commission would like to note, that the project managed to meet with stakeholders from the relevant government agencies through meetings organised by the Ministry of Women Empowerment and Children Protection, who was leading the implementation of the National Action Plan. It is also noted, that the adjustment made to the activities did not hamper the achievement of project's objectives.

The Commission would like to clarify, that on the project Myanmar<sup>1</sup> activities were conducted in operational challenges in the three ethnic minority regions with high level of poverty and in ethnic conflict with the Myanmar government. Resistance from local authorities (in Namkham and Hpa An) was also another challenge. Additionally, during the second year, activities were interrupted by national election and formation of a new government. Thus, many activities could not be organised

on a regular basis, e.g. recreational activities. Given different levels of commitment of communities, collaboration of the local authorities, and security situation, the 33 Child Protection Groups were running with different capacities in different townships. In spite of all these, overall implementation was satisfactory.

Regarding India1, given the policy making environment, there is always the risk that the expected policies/legislations will not come through during the project period. This is a risk that both implementing organisations and the Delegation are aware of, and consciously take, knowing that efforts by the projects are likely to have positive impact and eventually will contribute to influencing policy making in the long run, even if not in the immediate future. The project did a lot of lobbying and advocacy with policy makers – governments, parliamentarians, etc.

58. The project extensions were granted in all cases to achieve the planned results and ensure better sustainability. If a budget over-estimation is detected at the contracting stage, changes will be negotiated.

(a) In the case of the Regional1 project, the Commission would like to stress, that external factors impacted the implementation and absorption capacity of the project, and less the local partners' capacity:

i) The Indian government brought in new rules regarding receipt and management of foreign funding by Indian NGOs. Subsequently, NGOs had to re-strategise and re-organise how foreign funds were received and channelled in line with the new rules. Moreover, changes in partner and in management structure resulted in a long process of dialogue and discussion with the EU Delegation. Not all the proposed changes were acceptable as per EU rules and the entire process took time leading to delays in implementation. The overall project capacity to implement and spend was consequently reduced.

(ii) A no-cost extension requested by the project to make-up for the above delay was refused by the EU Delegation – as some of the proposed arrangements were not in line with the relevant procedures. This further impacted on the level of execution.

(b) Regarding India3, the increased state contribution was a positive development and is expected to contribute to the sustainability of the project. The Commission would like to stress that the project was granted a no-cost extension of one year, to implement activities that were delayed for political reasons. Also important to note that project underspending occurred at the beginning of the project and was addressed as the project progressed.

(c) Regarding the project Regional2, the project needed the first time extension for two reasons: lengthy procedure for obtaining permissions to work with 'government run shelter homes' and delays in victim repatriation, as most of the victims had to stand witness in courts of law, another lengthy process.

The second extension was agreed as the project had the opportunity to scale up activities based on demand from other state governments and contributing to the success and replicability of the project. Given the availability of funds with the project, the EU considered it a good opportunity to further strengthen the action.

60. The Commission is of the view that it contributed to the positive development.

61. While the Commission agrees that it is difficult to link specific projects to the overall improvement on trafficking in human beings, it is clear that a combination of political dialogue, advocacy and complementary actions with important local actors create a momentum that led to changes in several countries.

64. The EU Delegations try to link EU projects with other development partners' initiatives and government's efforts on a regular basis.

#### **Box 4**

The Commission wishes to highlight the importance given to the fight against Illegal Unreported and Unregulated fishing (IUU). The Commission's actions in this regard are based on the implementation of the EU IUU Regulation which foresees, amongst others, the possibility to cooperate with third countries in areas pertaining to its implementation.

On 21 April 2015, the Commission notified Thailand about the possibility of being identified as non-cooperating country in fighting against IUU fishing. This decision has been taken as a result of a thorough analysis and a series of discussions with Thai authorities since 2011. It is important to highlight, that such decision has been taken in view of the conclusions reached by the Commission with regard to the failure of Thailand to discharge its duties under international law as flag, port, coastal or market State and to take action to prevent, deter and eliminate IUU fishing.

The Commission wishes to highlight that effective fisheries control policies and efficient policy frameworks to counter illegal fishing practices can indirectly support and therefore can have positive effects in relation to the respect of working labour conditions and standards, reduce forced labour, child labour and other unacceptable forms of work.

65. The Commission has done its best to ensure sustainability, however local adverse situations and the lack of alternative funding made it impossible for all activities to continue.

As the EU cannot provide funds for victim assistance or other ongoing needs permanently, sustainability depends on other grant funding from other development partners or the national governments which is beyond the control of the EU.

#### **Box 5**

Regarding Nepal<sup>1</sup>, the EU has no control over the decisions of NGO's to change their scope of work, which depends to some extent on the availability of grant funding. It should be noted that one partner of the project Nepal<sup>1</sup> managed indeed to continue the activity, thanks to other funding. Although the lead partner does no longer work in the three districts, the local partner was empowered to do so. This should be counted as a positive impact aimed by any project implemented through an international NGO, namely the strengthening of the capacity building of local organisation or grassroots level beneficiary for sustainability. Local partner and local groups have been continuing activities introduced and initiated by the project in every possible way and subject to available support.

Concerning India<sup>2</sup>, common property resources of the Panchayats have been given to women self-help groups to run the action centres and other livelihood activities, which should continue post project, and contribute to both institutional and financial sustainability. Sufficient linkages have been established between police and the panchayat and women groups, which should also be sustained after project-end.

Concerning Bangladesh<sup>3</sup>, the EU Delegation closely follows the situation of the Rohingya refugees, however, no sustainable political situation has been found between the involved governments, which goes beyond the control of the EU.

66. EU Delegations discuss and monitor sustainability during their interactions with the project implementers. However, grant recipients are fully responsible for their own actions (therefore also with regard to sustainability and project management), which they normally co-fund.

### **CONCLUSIONS AND RECOMMENDATIONS**

68. The EEAS and the Commission agree with the Court that trafficking in human beings is a complex and long term process whereby tackling the root causes must be addressed. However, poverty, which the Court mentions in its observations, should also be taken into account as a very important root cause. The EU through its policy dialogues and assistance instruments has clearly helped the countries of South and South East Asia to tackle trafficking in human beings. This can be seen from the progressive quality of the dialogues with these countries on the issue and from the measures which many of them are taking. However, it is clear that although the situation has improved, the trafficking in human beings is not eradicated and continued action is needed.

69. The Commission would like to highlight, that although not legally required, it has substantially reported on the actions delivered under the Strategy and closely monitored progress made with reports and studies, as relevant. In this respect, there is a Mid-term report on the implementation of the EU Strategy towards the Eradication of Trafficking in Human Beings (COM (2014) 635 final). While not legally required from the Commission, it contributed to taking stock of the progress made to implement the Strategy.

In particular, one section of the Mid-term report is dedicated on the steps taken since 2012 under the 2009 Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings.

In addition, the first Commission report on the progress made in the fight against trafficking in human beings [COM(2016) 267 final] and its accompanying Staff Working Document [SWD(2016) 159 final], contain a plethora of information on actions and results delivered also in the context of the EU Anti-Trafficking Strategy.

The Commission wishes to highlight that some indicative reports and deliverables related to the EU Anti-Trafficking Strategy have been made publically available on the Commission's anti-trafficking website:

- Commission Staff Working Document, Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings (Brussels, 17.10.2014, SWD(2014) 318 final).
- Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Brussels, 19.5.2016 COM(2016) 267 final and the Accompanying Commission Staff Working Document ( Brussels, 19.5.2016 SWD(2016) 159 final).
- Commission Report assessing the extent to which Member States have taken the necessary measures in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims in accordance with Article 23 (1) COM(2016) 722.
- Commission Report assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, in accordance with Article 23 (2) of the Directive 2011/36/EU COM(2016) 719.

Indeed, all deliverables included in the Strategy were made public, as relevant, on the Commission's anti-trafficking website (<http://ec.europa.eu/anti-trafficking/>), such as the study on comprehensive policy review of anti-trafficking projects funded by the European Commission (2016), as well as a number of other relevant studies.

70. The EEAS would like to stress that the path to dedicated trafficking in human beings partnerships goes through increasingly constructive dialogues with the countries, and regional formats as ASEAN and ASEM, on broader issues such as human rights and/or cooperation assistance, within which trafficking in human beings issues are currently being discussed. It is a process which requires time, resources and strong cooperation with the counterparts in the region.

It is worth reiterating that, considering the cross-cutting nature of trafficking in human beings, it is logical to address it in wider contexts and to apply wider policies and instruments, for example addressing human rights, poverty reduction, support to rule of law, border management, countering organised crime or managing migration, as noted in the report by the Court. The work in these areas addresses a multitude of root causes and 'push factors' behind the trafficking in human beings therefore tackling them is crucial.

### **Recommendation 1**

The Commission and the EEAS accept the recommendation. In particular, the recommendation to propose to the Council a potential updated list of priorities (either geographical or thematic) will be considered when developing a post-2016 policy framework and interventions related to trafficking in human beings.

This strategic basis will be applied when considering objectives and targets for the trafficking in human beings projects for the region, within the preparation of the next financial programming cycle in 2019. The accompanying operational guidelines will reflect the revised objectives and targets. In addition, in the European Instrument for Democracy and Human Rights (EIDHR), efforts to eradicate trafficking in human beings could be set as one of the programme priorities in South/South East Asia.

The Commission and the EEAS will seek a stronger focus on trafficking in human beings within the on-going dialogues with individual countries, for example on Human Rights but also in other relevant policies. The existing political and technical reporting will be enhanced accordingly.

Finally, the Commission will make full use of the joint staff document "EU's activities on gender equality and women's empowerment in the EU's external relations", which includes trafficking in human beings of women and girls, and presents indicators and examples of positive activities.

71. The Commission recalls the difficulty and the subjectivity in formulating specific objectives and indicators due to the limited availability of data and the difficult area of intervention tackling illegal activities often linked with organised crime. Weaknesses were mostly addressed whenever discovered by the relevant Delegation in line with EU procedures applicable at the time. Almost all projects were implemented by NGO's and any revision of project contracts requires the agreement of the NGO's that might have different views. It is important to repeat that most projects achieved good results despite occasional weaknesses in indicators.

Finally, regarding synergies between projects and other tools, the EEAS and the Commission would like to stress that the EU policy dialogues on trafficking in human beings benefit greatly from the EU assistance projects on trafficking in human beings. This has been a mutually reinforcing process.

72. The Commission welcomes the positive assessment of the Court regarding monitoring of the projects and while agreeing that it is difficult to link specific projects to the overall improvement on trafficking in human beings, it is clear that a combination of political dialogue, advocacy and complementary actions with important local actors created a momentum that led to changes in several countries.

With regard to the limited national ownership, actions fighting trafficking of human beings are sometimes necessary in view of a lack of government commitment to tackle the problem and support victims. Therefore, it is in some cases required to engage with civil society to change the situation and create more national ownership.

The Commission makes every effort to ensure sustainability of projects. However, some activities such as victim assistance require funding that is often not sufficiently provided by governments which is beyond the control of the EU.

## **Recommendation 2**

The Commission and the EEAS accept the recommendation as far as the audited countries are concerned. The Commission and the EEAS consider all the measures listed by the Court as very relevant. An even greater focus will be put on these operational steps when preparing and implementing actions in the area of trafficking in human beings in the potential priority countries and regions in South/South-East Asia.

<b>Event</b>	<b>Date</b>
Adoption of Audit Planning Memorandum (APM) / Start of audit	15.3.2016
Official sending of draft report to Commission (or other auditee)	16.3.2017
Adoption of the final report after the adversarial procedure	2.5.2017
Commission's (or other auditee's) official replies received in all languages	8. .2017

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Human trafficking has been identified as a key threat to the EU which has committed itself to combat it, both within and beyond its borders. The audit examined the comprehensiveness of EU's approach to fighting human trafficking and whether EU projects contributed effectively to the fight against human trafficking in South/South-East Asia. Eradicating human trafficking is necessarily a long term process which demands addressing root causes and disrupting criminal networks. Given this, we found that the EU was partially effective in supporting the fight against human trafficking in South/South-East Asia. We make recommendations to further develop the human trafficking strategic framework and to optimise the impact of projects by integrating them into a comprehensive framework.

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