

**Review of the Bohol Trafficking in Persons Work Plan 2017-2020**  
**Final Report**

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<b>List of Abbreviations</b>	
<b>ACWC</b>	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
<b>ACTIP</b>	ASEAN Convention Against Trafficking in Persons, Especially Women and Children
<b>AICHR</b>	ASEAN Intergovernmental Commission on Human Rights
<b>AMMTC</b>	ASEAN Ministerial Meeting on Transnational Crime
<b>AMS</b>	ASEAN Member States
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>ASEAN-ACT</b>	ASEAN-Australia Counter Trafficking
<b>ASLOM</b>	ASEAN Senior Law Officials Meeting
<b>BWP</b>	ASEAN Cross-Sectoral Work Plan on Trafficking in Persons or the Bohol Trafficking in Persons Work Plan 2017-2020
<b>CSBO</b>	Co-operating Sectoral Body/Organ
<b>CSOs</b>	Civil Society Organisations
<b>DGICM</b>	ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs
<b>GESI</b>	Gender Equality and Social Inclusion
<b>LSBO</b>	Lead Sectoral Body/Organ
<b>MEL</b>	Monitoring, evaluation, and learning
<b>NGOs</b>	Non-governmental Organisation
<b>PPAs</b>	Programs, projects, and activities under the BWP
<b>SBOs</b>	ASEAN Sectoral Bodies/Organs
<b>SLOM</b>	ASEAN Senior Labour Officials Meeting
<b>SOM-ED</b>	ASEAN Senior Officials Meeting on Education
<b>SOMHD</b>	ASEAN Senior Officials Meeting on Health Development
<b>SOMSWD</b>	ASEAN Senior Officials Meeting on Social Welfare and Development
<b>SOMTC</b>	ASEAN Senior Officials Meeting on Transnational Crime
<b>SWP</b>	Successor Regional Trafficking in Persons Work Plan to the BWP
<b>TIP</b>	Trafficking in Persons

## 1. Introduction and Background

- 1.1. The ASEAN Convention against Trafficking in Persons, Especially Women and Children (“**ACTIP**”) was signed by the ASEAN Leaders during the 27<sup>th</sup> ASEAN Summit on 21 November 2015. Further to the ACTIP, the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (“**APA**”) was adopted to supplement the ACTIP by providing specific action plans within ASEAN Member States (“**AMS**”)’ domestic laws and policies, as well as relevant international obligations, to effectively address regional challenges common to all AMS in four common thematic areas of concern: (1) the prevention of TIP, (2) the protection of victims, (3) law enforcement and prosecution of crimes of TIP, and (4) regional and international cooperation and coordination.<sup>1</sup>
- 1.2. In November 2016, the ASEAN Cross-Sectoral Work Plan on Trafficking in Persons or the Bohol Trafficking in Persons Work Plan 2017-2020 (“**BWP**”) was developed under the initiative of the ASEAN Senior Officials Meeting on Transnational Crime (“**SOMTC**”) of the Philippines (“**SOMTC-Philippines**”) through the collaborative efforts of relevant ASEAN Sectoral Bodies / Organs (“**SBOs**”) working towards combatting TIP. The BWP aims to highlight harmonised regional activities to combat TIP consistent with the four thematic areas of the APA, and was envisioned to drive the work of ASEAN on TIP consistent with the APA timeline.<sup>2</sup>
- 1.3. The BWP sets out a series of proposed programmes, projects, and activities (“**PPAs**”), expected outputs of those PPAs, and assigns lead and co-operating SBOs to lead or participate in implementing those PPAs. These PPAs were to be carried out over the duration of the BWP from 2017-2020.
- 1.4. Further to the conclusion of the BWP in 2020, SOMTC-Philippines, in its role as the SOMTC Voluntary Lead Shepherd on TIP, and pursuant to the mandate of SOMTC under Article 24 of ACTIP to monitor and review the ACTIP, has been tasked to lead a review of the BWP. In undertaking this review, SOMTC-Philippines has been supported by ASEAN Australia Counter-Trafficking (“**ASEAN-ACT**”).
- 1.5. The review of the BWP has included the following activities:
  - (a) A monitoring matrix was compiled as at the end of 2018 that sought to determine the number of addressed and un-addressed PPAs by reference to each of the four thematic areas in the BWP (the “**2018 Matrix**”).<sup>3</sup> A copy of the 2018 Matrix is at **Annex 1**.

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<sup>1</sup> ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, Introduction.

<sup>2</sup> BWP, page 1.

<sup>3</sup> This matrix was included as Annex E from the Summary Record of the Planning Workshop in Preparation for the Cross-Sectoral Collaboration Meeting for the Final Review back-to-back with the Ways Forward of the Bohol TIP Work Plan 2017-2020 on 23-24 October 2019 in Tagaytay, Philippines.

- (b) In preparation for the Cross-Sectoral Collaboration Meeting, the Planning Workshop in Preparation for the Cross-Sectoral Collaboration Meeting for the Final Review back-to-back with the Ways Forward of the Bohol TIP Work Plan 2017-2020 was held on 23-24 October 2019 in Tagaytay (“**Planning Workshop**”). The purpose of the Planning Workshop was to gather inputs from SBOs representatives on the progress of implementing the PPAs under the BWP.<sup>4</sup>
- (c) On 11 December 2019, a table of monitoring (the “**2019 Table**”) was compiled based on inputs from SBOs representatives which sought to collate more qualitative information regarding the status and progress of implementation of each of the PPAs. A copy of the 2019 Table is at **Annex 2**.
- (d) On 27-28 May 2021, an inception workshop to consider the status of implementation of the BWP and ways forward for the review of the BWP was held. The workshop was attended by representatives from SOMTC-Philippines, the Philippines Department of Justice, Department of Foreign Affairs of the Philippines, the ASEAN Secretariat, The Asia Foundation and ASEAN-ACT (the “**Inception Workshop**”).
- (e) In September 2021, SOMTC-Philippines sent all SBOs a questionnaire and matrix designed (the “**Review Questionnaire**” and “**Review Matrix**”) to gather updated data on BWP activities, outcomes, strengths and weaknesses. Copies of the Review Questionnaire and Matrix are set out in **Annex 3**. A list of the SBOs who submitted responses to the Review Questionnaire and Review Matrix is set out in **Annex 4**.
- (f) On 12 and 13 October 2021, SOMTC-Philippines hosted an ASEAN Workshop for the Review of the Bohol TIP Work Plan 2017-2020 (the “**Review Workshop**”). The Review Workshop was attended by approximately 84 participants, including the following SBOs representatives:
  - a. ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (“**ACWC**”): Indonesia;
  - b. ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (“**DGICM**”): Indonesia and Philippines;
  - c. ASEAN Intergovernmental Commission on Human Rights (“**AICHR**”): Indonesia and Philippines;
  - d. ASEAN Senior Labour Officials Meeting (“**SLOM**”): Brunei Darussalam, Indonesia and Philippines;

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<sup>4</sup> Summary Record of Planning Workshop in Tagaytay.

- e. ASEAN Senior Law Officials Meeting (“**ASLOM**”): Brunei Darussalam, Malaysia, Myanmar;
  - f. ASEAN Senior Officials Meeting on Education (“**SOM-ED**”): Philippines;
  - g. ASEAN Senior Officials Meeting on Social Welfare and Development (“**SOMSWD**”): Philippines;
  - h. Senior Officials Meeting on Health Development (“**SOMHD**”): Indonesia and Philippines;
  - i. Senior Officials Meeting on Transnational Crime (“**SOMTC**”): Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Singapore, and Vietnam; and
  - j. the ASEAN Secretariat.
- 1.6. This final review report is structured as follows. The key findings and recommendations of the report are summarised in Section 2 below. The review methodology is set out in Section 3, Section 4 sets out the limitations of the review. The review findings are set out in section 5. Section 6 sets out key recommendations, based on the review findings, for the Successor regional TIP Work Plan to the BWP (the “**SWP**”). Section 7 sets out the key recommendations, based on the review findings, for the monitoring and evaluation framework for the SWP.

## 2. Summary of Key Findings and Recommendations

- 2.1. The key findings of the review, based on responses from participants at the Review Workshop, responses to the Review Questionnaire and Review Matrix received, as listed in **Annex 4**, and as reported in the other key documents listed in **Annex 5**, are set out below. It should be noted that these key findings are subject to the limitations of the review, as set out in Section 4 of this report. In particular, much of the information reported by SBOs during the review, which form the basis of these key findings, was not verified by supporting objective data or documentation.

### Key Findings

- 2.2. **Up to 51% of PPAs under the BWP were reported as having been addressed by at least one SBO.** The PPAs under the thematic area of regional and international cooperation had the highest reported level of attainment (100%), followed by the law enforcement and prosecution crimes of TIP thematic area (42%), and then the thematic areas of prevention of TIP and protection of victims at 36% each.
- 2.3. SBOs reported that they **valued the usefulness of the BWP as a tool for promoting cooperation and commitment among AMS in combatting TIP.** SBOs rated the usefulness of the BWP as a tool to promote cooperation and commitment as being between 3 (fairly

useful) to 5 (very useful). SBOs ratings for ‘cooperation’ were marginally higher than those for ‘commitment’.

2.4. Based on the submitted Review Questionnaire and Review Matrix as well as discussion during the Review Workshop, reported key strengths of the BWP included:

- (a) Many SBOs respondents cited **the ability of the BWP to “bring people together” and enhance inter-agency and regional level cooperation to combat TIP** as a key strength of the BWP. Many of the completed PPAs related to the holding of regional-level meetings, workshops, and forums, and the establishment of guide/contact points, that brought together relevant ASEAN and national-level actors engaged in combatting TIP.<sup>5</sup>
- (b) Many SBOs reported that the BWP had been **useful as means to coordinate efforts to combat TIP at the ASEAN-level and promote the sharing of good practices**. Some SBOs pointed to the fact that the list of PPAs in the BWP enabled AMS Governments and national-level agencies involved in combatting TIP to align their work plans with the PPAs in the BWP. Other SBOs pointed to regional-level PPAs such as holding workshops, trainings, or tabletop exercises, as examples of how the BWP helped to coordinate regional level efforts to combat TIP. Many of the PPAs reported as addressed in the 2019 Table related to the publication of regional-level guidelines, and conducting regional-level capacity building activities.<sup>6</sup>
- (c) The **contribution of the BWP towards the implementation of ACTIP** was a commonly cited strength of the BWP by SBOs. However, most PPAs in the BWP are not expressly and clearly linked to specific provisions of ACTIP.<sup>7</sup> As a result, while it is likely that the activities under the BWP may have contributed to the fulfilment of the AMS’ obligations under the ACTIP, it is not possible to attribute specific BWP activities to the fulfilment of specific ACTIP provisions.

2.5. The reported key weaknesses of the BWP reported during the Review Workshop included:

- (a) **The BWP lacks an effective monitoring and reporting mechanism**. SBOs identified various weaknesses in the monitoring and reporting mechanism for the BWP. These included a lack of a clearly defined theory of change, expected outcomes, indicators, limited socialisation of the BWP among relevant actors, a lack of clear reporting channels, and a failure to implement periodic reporting and evaluation mechanisms that were contemplated in the text of the BWP. The lack of periodic reporting from SBOs on the implementation of the BWP is likely to have contributed to some of the other weaknesses identified by the SBOs. For example, a lack of funding to

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<sup>5</sup> 2019 Table, see, e.g., PPA A.a.3.1, A.b.3.1., B.a.1.2., B.a.3.1., D.g.1.1.

<sup>6</sup> 2019 Table, see, e.g., PPA A.a.3.1, A.b.3.1, A.e.1.1, A.e.1.3, B.a.2.1, B.a.3.1, B.b.1.1, C.b.1.3, C.e.1.1, C.k.1.2.

<sup>7</sup> There are some exceptions, see, e.g., row ‘b’ of thematic area B and row ‘c’ of thematic area C of the BWP.

implement PPAs, the limited flexibility of the BWP to respond to changing circumstances, and inconsistencies in understanding among AMS and SBOs as to the nature, purpose, and scope of the BWP.

- (b) The structure of the BWP as list of PPAs with no clearly defined outcomes or theory of change **limited the flexibility of the BWP to adapt and respond to new circumstances**. Nearly all SBOs considered the BWP needed to be more responsive and adaptable to changing circumstances. SBOs considered the BWP had not been adaptable enough to respond to COVID-19 – resulting in the non-implementation of many PPAs that were no longer feasible due to the impacts of the pandemic.
- (c) **As many as 40% of PPAs were not implemented due to a lack of funding**. The BWP's lack of flexibility may have contributed to challenges in securing funding. If an SBO could not secure funding to implement a given PPA, there was no mechanism in the BWP to allow that PPA to be adapted to make better use of what funding might be available. This increases the likelihood of the PPA not being implemented at all.
- (d) **Many SBOs were unclear as to whether the focus of the BWP was on national or regional-level activities**. Many SBOs reported purely national-level activities as evidence of the implementation of PPAs. It may be that these national level activities did in fact contribute towards the BWP, however the links between reported national-level activities and PPAs were not always clear.
- (e) **There were inconsistent levels of dissemination and socialisation of the BWP among SBOs and national-level agencies**. The lack of widespread dissemination and socialisation of the BWP – particularly at the national level – may have contributed to a lack of express incorporation of the BWP into national action plans. Many SBOs indicated that when implementing their organisational or national TIP action plans, they were implementing the BWP at the same time. While this may well have been the case, there was no clear evidence that SBOs had expressly sought to incorporate the BWP in their respective action plans.
- (f) **There was a lack of clarity on roles and responsibilities of different AMS and SBOs in the implementation of PPAs**. The BWP assigns the implementation of most PPAs to a lead SBO, with certain SBOs designated as cooperating SBOs to support the lead SBO. PPAs with no assigned lead SBO were more likely to not be implemented. SBOs are therefore likely to have contributed to the successful implementation of PPAs. However, the BWP did not clearly establish what the respective roles and responsibilities of the lead or cooperating SBOs were, including with respect to funding given PPAs. This had the potential to cause confusion and misunderstanding among SBOs as to their roles and responsibilities in achieving a given PPA.



### Key Recommendations for Ways Forward

- 2.6. Based on the key findings set out above, the key recommendations of SOMTC-Philippines for the next steps from the BWP are set out below.
- 2.7. Given the overall positive responses of the SBOs to the BWP as a tool to promote cooperation and commitment among AMS in combatting TIP, it is the recommendation of SOMTC-Philippines that the AMS should work towards developing a SWP, based on the findings of this review.
- 2.8. Having regard to the key findings of the review set out above, SOMTC-Philippines' recommendations for the SWP, structured by theme, are set out below. The key questions, next steps, and considerations for the development of the SWP are set out in **Annex 6**.

Theme	Recommendation
Statement of purpose and principles	<p>The SWP must have a clear statement of its intended purpose, as well as the core principles that underpin all efforts of the SWP.<sup>8</sup></p> <p>These statements of purpose and principles could be drawn from the APA, as well as other ASEAN regional instruments such as the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration.</p>
Theory of Change	<p>The SWP should have a clearly stated theory of change. In developing the theory of change for the SWP, consideration should be given as to whether the SWP should be structured using thematic areas, and if so, what those thematic areas will be.</p> <p>To promote alignment with the SWP with the APA (and hence ACTIP), and with a view to promoting consistency and achieving consensus among the AMS, it is recommended that the SWP adopt similar thematic areas to the BWP.</p> <p>The theory of change will help to formulate outcomes and indicators of the SWP. They will form the basis of monitoring the implementation of the SWP and final evaluation of the SWP – to measure “success” of the SWP.</p>
Outcomes-based approach	No outcomes were defined in the BWP, which focuses solely on outputs (PPAs). Without clear outcomes, it is difficult to evaluate

<sup>8</sup> See., e.g., the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on Rights of Children in the Context of Migration for an example of an ASEAN plan of action with clear statements of overall and specific objectives and underlying principles.

	<p>the relative value of the output itself, and the extent to which the output may have contributed towards the achievement of the intended theory of change.<sup>9</sup> Having defined outcomes also helps to measure the impact of activities in terms of their significance and importance in contributing to the theory of change, as well as to identify any intended and unintended consequences of interventions.</p> <p>The SWP should therefore include clearly defined outcomes at the outset – including immediate, intermediate, and final outcomes to be achieved as the SWP progresses within a set time frame. There should be a clear and rational link between the activities, outputs and outcomes in the theory of change. The theory of change under each thematic area should be revisited at least annually to ensure that the assumptions remain valid and to assess its relevance in light of any contextual changes.</p> <p>Having clearly defined outcomes also enables greater flexibility for implementing SBOs to develop their own specific activities that they consider will contribute to the agreed upon outcomes, and revise those activities to reflect changing facts and circumstances (for example, the impact of COVID-19) while still working towards desired outcomes.</p> <p>Each outcome should in turn have measurable qualitative and quantitative indicators to help SBOs measure progress towards immediate, intermediate, and final outcomes within the timeframe of the next SWP.</p> <p>Ultimately, by adopting an outcomes-based approach, it is suggested that the SWP should not include specific PPAs. If individual SBOs wish to pursue or continue specific PPAs from the BWP under the SWP they are free to do so - provided they can demonstrate how these PPAs will contribute to the outcomes of the SWP.</p>
Alignment with ACTIP and APA	<p>The SWP should be clearly and expressly aligned with both the ACTIP and the APA. Outcomes could be formulated and prioritised based on the provisions in the APA (e.g. the seven key challenges in combatting TIP identified in the APA). Each outcome should also be expressly linked to provision(s) of the ACTIP that</p>

<sup>9</sup> See: Benjamin Harkins, *Constraints to a Robust Evidence Base for Anti-Trafficking Interventions*, Anti-Trafficking Review, Issue 8 (2017), pages 113-130.

	<p>the outcome aims to fulfil or contribute towards.<sup>10</sup> This will help promote complementarity between the SWP and the APA and ACTIP.</p>
<p>Reconsider the respective roles and responsibilities of the AMS and SBOs with respect to the funding and implementation of the SWP</p>	<p>Serious consideration needs to be given as to how the SWP will align with AMS national TIP work plans, as well as the work plans of individual SBOs.</p> <p>While the BWP assigned primary responsibility to implement PPAs to SBOs, many SBOs did not have the organisational resources to implement PPAs on their own – as was borne out by the high number of un-implemented PPAs that did not receive funding. The funding to implement PPAs is largely derived from national budgets and national action plans on TIP.</p> <p>Due to these dynamics, it is important that:</p> <ol style="list-style-type: none"> <li>1. The SWP is closely aligned with the work plans of participating SBOs, so that SBOs do not commit to outcomes that they do not have the capacity and resources to achieve; and</li> <li>2. AMS align their respective national TIP action plans with the outcomes of the SWP.</li> </ol> <p>This will help promote implementation of the SWP as the SWP will not be seen as something that is additional to, or on top of, existing work plans, but something that is complementary to SBOs and AMS national action plans, and which seeks to harmonise those efforts on an ASEAN wide level.</p> <p>This harmonisation will be promoted by adopting a less prescriptive and more outcomes-based approach to the SWP. If the SWP is structured using an outcomes-based approach, individual SBOs and AMS can decide how best to develop outcomes and activities in their own action plans that contribute to the outcomes of the SWP.</p> <p>Regular reporting from the SBOs – potentially facilitated by designated focal points – will also allow AMS and SBOs to share how they are contributing to the outcomes of the SWP in their respective SBO and national work plans.</p>

<sup>10</sup> See the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on Rights of Children in the Context of Migration for an example of how outcomes can be clearly linked to the ACTIP.

<p>Prioritisation of outcomes</p>	<p>Outcomes under each agreed-upon thematic area should be prioritised based on context, perceived levels of immediacy, importance, and impact of each outcome.</p> <p>The APA could be used as a basis for agreeing on the prioritisation of outcomes. For example, the APA already identifies seven key challenges in combatting TIP that were agreed on by the AMS which could form a basis for discussions around prioritisation of outcomes.</p>
<p>Streamlining SWP</p>	<p>Adopting an outcomes-based approach, underpinned by a clearly stated theory of change for each thematic area, supported by outcomes and indicators, will help streamline the structure of the SWP. This in turn, will help ensure that the SWP is easier to understand and in turn promote greater dissemination and implementation of the SWP.</p> <p>The SWP's structure should avoid an overly prescriptive list of specific PPAs. Rather, by adopting an outcomes-based approach as set out above, the SWP can be significantly simplified.</p> <p>Adopting a streamlined and outcomes-based approach does not mean that the SBOs and AMS cannot still pursue specific activities, or that the un-implemented activities under the BWP cannot be continued under the SWP. Rather, SBOs and AMS will have greater flexibility to pursue activities that they consider best contribute to achieving the desired outcomes under the SWP.</p>
<p>Flexibility and adaptability</p>	<p>The SWP should be flexible and adaptable to changing circumstances. In many respects, this flexibility is achieved through the streamlined nature of the SWP, which enables SBOs to determine what specific activities they wish to pursue, as long as they can demonstrate how those activities will contribute towards the agreed outcomes.</p> <p>In addition, the SWP should have scope to be revised with consent of the AMS from time to time (e.g., by reframing, re-prioritising, adding, or removing outcomes). This could be achieved through a periodic review mechanism and regular (e.g., annual) meetings of AMS to review the theory of change and revise the SWP if it is clear that adaptations are necessary.</p> <p>To look at ways of promoting flexibility in implementing SWP, the SBOs may also have regard to the current Work Plan of the ASEAN Plan of Action to Prevent and Counter the Rise of Radicalisation</p>

	and Violent Extremism (2019-2025) adopted by the 13 <sup>th</sup> ASEAN Ministerial Meeting on Transnational Crime (“ <b>AMMTC</b> ”) on 27 November 2019. The Work Plan uses a more flexible approach by designating certain priority areas for action, outlining focus areas of activities under each priority area, then suggests – rather than prescribes – indicative activities and outputs for each focus area.
Gender equality and social inclusion ( <b>GESI</b> ) mainstreaming	<p>Although not mentioned during the SBOs feedback, the BWP does not sufficiently incorporate GESI principles or clearly focus on the rights women or children – despite the focus of the ACTIP on the trafficking of women and children.</p> <p>Recognising that men and boys are also victims of trafficking, the SWP should ensure that it adopts a gender and age-sensitive approach and adheres to best practices on GESI in anti-trafficking interventions.<sup>11</sup> Recognising the distinct needs of victims is a critical aspect of victim protection and upholding the rights of victims.</p> <p>The SWP should also be aligned with other ASEAN-level action plans on child protection, including the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on Rights of Children in the Context of Migration. The SWP should also engage SBOs with relevant mandates, such as ACWC and AICHR in the development and implementation of the SWP.</p>
Broadening stakeholder engagement	<p>Broadening engagement with other actors in implementing SWP activities (e.g., civil society organisations (“<b>CSOs</b>”), the private sector, international organisations, and non-AMS) can help promote a more multi-sectoral and participatory approach towards combatting TIP and greater accountability for SBOs.</p> <p>There should be broader stakeholder engagement in the reporting, monitoring, and evaluation of the BWP. Reporting from SBOs and AMS on the implementation of the BWP should include data and reporting from multiple sources – including CSOs. CSOs should be invited to provide comments or submit their own reports in connection with the mid-term and final evaluation of the SWP.</p>
Structured monitoring,	The SWP should have a structured reporting, monitoring, and evaluation framework. This framework should include a clearly

<sup>11</sup> See, e.g., UNODC (2020) *Toolkit for mainstreaming human rights and gender equality into criminal justice interventions to address trafficking in persons and smuggling of migrants*.

reporting, and evaluation framework	<p>defined theory of change, outcomes (as described above), as well as indicators and tools to measure progress towards each outcome.</p> <p>This framework should be supported by, among other things, periodic reporting from SBOs using standardised tools and templates and through clear reporting channels. The SWP should undergo periodic (midway and final) external evaluation by an independent third party. Evaluations should be transparent, and made public. More details on the recommended reporting, monitoring, and evaluation framework are set out in <b>Annex 6</b> of this report.</p>
Coordination mechanism	<p>The SWP should establish a coordination mechanism, possibly facilitated by designated focal points, so that SBOs can have clear and regular channels of communication, share information, and coordinate activities. This coordination mechanism should be integrated within the monitoring and reporting mechanisms for the SWP.</p> <p>One manner in which such a coordination mechanism could be established would be for each SBO involved in the SWP to nominate a designated focal point responsible for receiving reports and coordinating that SBO's efforts under the SWP. The ongoing work of SOMTC and The Asia Foundation to develop National ACTIP Representatives in each AMS could be built upon or expanded as part of this mechanism.</p> <p>Each SBO's focal point would in turn form part of a working group. The working group, chaired by the Lead Shepherd on TIP, would serve as a standing body that would offer a platform for communication and information sharing among SBOs engaged in the SWP, as well as a channel to receive reports and concerns from SBOs on the implementation of the SWP and help resolve issues as they arise.</p> <p>More details on the recommended coordination mechanism are set out in <b>Annex 6</b> of this report.</p>

### **3. Review methodology**

#### **A. Scope and purpose of the review**

- 3.1. The purpose of this review is not to conduct a comprehensive evaluation<sup>12</sup> of the BWP. Although contemplated in the text of the BWP, there has never been any formal MEL framework established to measure or evaluate the implementation of the BWP. As such, expected outcomes have not been explicitly agreed at the outset of the BWP or monitored in a systematic way during its implementation. There has also been no baseline data collection or uniform periodic data collection to support a full evaluation process. There is an interest however, in understanding what has worked well and less well in terms of activities undertaken under the BWP, and to use this information to design a SWP that builds on the strengths of the BWP. This review's purpose therefore, is to:
- (a) Understand what has been done under the BWP and any outcomes of that work;
  - (b) Understand the value and use of the BWP; and
  - (c) Learn about the strengths and weaknesses of the BWP.
- 3.2. It is anticipated that the findings of this review will in turn inform the development of the SWP.

#### **B. Approach**

- 3.3. This review takes a strengths-based approach recognising that the spirit of the BWP is to encourage commitment and cooperation on TIP among ASEAN Member States<sup>13</sup>, rather than function as an accountability or assessment tool. The reason for taking this approach was to ensure that stakeholders could share their experiences and lessons on what has worked well and why, and these lessons can be utilised in planning for the SWP. This review is not intended to assess the implementation of the BWP, but to identify good practices, successful strategies, and lessons learned.

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<sup>12</sup> In this review report, "evaluation" means the systemic and objective assessment of an ongoing or completed project, programme or policy, its design, implementation, and results.

<sup>13</sup> Summary Record of Inception Workshop.

## C. Methodology

- 3.4. Having regard to the scope, purpose, and audience of the review – and to a lesser extent the general approach – five key questions were developed to help frame the inquiry and ensure that necessary information was captured and prioritised. These are:
- (a) What was done under the auspices of the BWP?
  - (b) What were the outcomes?
  - (c) How useful was the BWP as a tool for promoting commitment and cooperation on TIP?
  - (d) What are the strengths and weaknesses of the BWP?
  - (e) What have we learned and what recommendations are there for the successor workplan?
- 3.5. Three main methods were used in this review. These were selected based on the key questions above and the realities of engaging with the SBOs to complete the review. Based on feedback received from the Inception Workshop, interviews were considered too burdensome, and travel is largely impossible due to COVID-19 restrictions in many AMS. The main review methods were:
- (a) Document review: Records and reports from AMS on activities undertaken under the BWP (e.g., the 2018 Matrix and 2019 Table). A list of documents reviewed is at **Annex 5**.
  - (b) Questionnaire: A Review Questionnaire and Review Matrix was sent to relevant stakeholders prior to the Review Workshop. Copies of the Review Questionnaire and Review Matrix are set out in **Annex 3**. A list of stakeholders who responded to the Review Questionnaire and Review Matrix can be found in **Annex 4**.
  - (c) Workshops: An Inception Workshop and Review Workshop have been conducted to gather qualitative feedback from the SBOs on the implementation of the BWP.

## 4. Limitations of the review

### A. Lack of predetermined evaluation framework

- 4.1. It was expected that a MEL tool that would take into account the tool used to monitor the APSC Blueprint would be developed for the BWP,<sup>14</sup> and that there would be twice-annual

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<sup>14</sup> BWP, page 1.



reporting, and a mid-term evaluation of the BWP. It appears that these activities did not occur.<sup>15</sup>

- 4.2. There is an absence of a clearly defined and stated theory of change underpinning the BWP that would inform the development of a MEL framework.<sup>16</sup> Had this been developed, a clear definition of success could have been agreed at the outset. Instead, AMS and SBOs are not clear what the outcomes that are expected to be attained at the end of the BWP are, or the stepping stones – immediate and intermediate outcomes – that should be achieved on the way to those final outcomes. Instead, the BWP is structured as a list of PPAs with (in most cases) defined expected outputs.
- 4.3. Due to the lack of a predetermined evaluation framework, data collection for the review of the BWP was retrospective. As a result, there was no baseline data that could be tracked or compared to measure performance, progress or success. The retrospective nature of the data collection exercise also impaired the amount and quality of information that could be obtained from the SBOs. As it had not been agreed at the outset what data sets the SBOs would need to collect and retain for the purposes of the evaluation of the BWP, SBOs did not necessarily have relevant data to hand that would be responsive to the questions asked in this review.
- 4.4. Without a predetermined monitoring and evaluation framework in place, it was also difficult to attribute any identified changes directly or exclusively to the BWP. For example, one of the PPAs listed as having been “addressed” in the 2019 Table is PPA b.2.1. under thematic area three. The expected output of this PPA is “*identity and location of person who may be involved in TIP determined through the assistance of foreign consular posts and/or government agencies attached to diplomatic missions*”. As evidence of this PPA having been addressed, the relevant SBO reported that a rescue operation had been conducted in August 2018, involving the rescue of 27 Filipino victims of trafficking in Malaysia.<sup>17</sup> While this activity does align with the expected output of PPA b.2.1., it is not clear to what extent this activity was an ordinary law enforcement action that would have occurred in any event, or whether this activity was driven or prompted by PPA b.2.1 and/or was undertaken to further the objectives of the third thematic area of the BWP. That is not to say that such activities were not driven by, or did not contribute towards, the BWP. Indeed, there may be significant alignment and overlap between national level efforts to combat TIP and national action plans and the BWP, which means that actions may be both contributing to national action plans and the BWP. However, without clear

<sup>15</sup> The 2018 Matrix and 2019 Table could be considered to be reporting activities, but it appears that no systematic twice-annual reporting occurred – as is contemplated by the text of the BWP.

<sup>16</sup> The introductory text to the BWP states that the work plan serves as a “*way forward towards the implementation of both the ACTIP and the ASEAN Plan of Action against Trafficking in Persons*”, and that it is “*envisioned to drive the work of the ASEAN on trafficking in persons from 2017-2020 consistent with the APA timeline.*” However, these statements do not offer a clearly defined theory of change or definition of success.

<sup>17</sup> 2019 Table, thematic area 3, PPA b.2.1.

indicators of the kinds of metrics and activities should contribute towards the achievement of PPAs in the BWP, attribution is a challenge.

## **B. Source(s) and quality of data**

- 4.5. There is no central repository/database of information and activities conducted by the AMS or SBOs under the auspices of the BWP. This hinders the quality and consistency of information that can be collected from the various SBOs.
- 4.6. As noted at the Planning Workshop, there are challenges in the collection of data at the national level, which in turn affects the quality of data that is available at the ASEAN level (e.g., national bodies are not familiar with the ASEAN collaboration plan and no clear line of reporting has been set up to transmit national-level data to ASEAN bodies). There is also a lack of clarity as to whether national-level implementation programs should be included in data collection on efforts to implement the BWP.<sup>18</sup>
- 4.7. In addition, it seems that data is principally gathered and reported via the various national bodies. As such, data collection is conducted through a national-level lens rather than on a regional basis. This may mean that ASEAN-wide collaborative efforts are not fully captured.<sup>19</sup> It further appears that only SBOs have been involved in data collection efforts to date, and that other key stakeholders, including CSOs and intended beneficiaries of anti-trafficking interventions, have not been included in data collection efforts.
- 4.8. While recognising the inherent limitations above, as well as the challenges of coordinating and engaging with multiple stakeholders across ASEAN during the COVID-19 pandemic, the data collected in the course of this review was limited in volume and quality. Very few SBOs responded to the Review Questionnaire or Review Matrix. The Review Questionnaire and Review Matrix were circulated to all AMS SOMTCs, and SBOs participating in the BWP (SOMSWSD, SOMHD, SOMED, ACWC, AICHR, ASLOM, DGICM, and SLOM) on 16 September 2021 before the Review Workshop, and stakeholders were invited to submit their responses before the Review Workshop. The Review Questionnaire and Review Matrix were re-circulated to Review Workshop participants on 5 October 2021, and again on 13 October 2021. Guidance on how to complete the Review Questionnaire and Review Matrix were also provided to participants during the Feedback Workshop. Out of a maximum of 90 possible responses, only five individual SBOs responded to the Review Questionnaire and/or Review Matrix (a response rate of less than 6%).
- 4.9. Those that did respond generally provided high-level, qualitative responses, with little supporting data and no supporting documentation or evidence to verify the information

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<sup>18</sup> Summary Record of Planning Workshop in Tagaytay.

<sup>19</sup> Record of Feedback Workshop.

provided. One SBO simply repeated the information it provided in the 2019 Table in response to the Review Questionnaire and Review Matrix.

4.10. Given the limitations above, much of this review is based on qualitative information provided by the SBO representatives during the Review Workshop, as well as the earlier 2018 Matrix and 2019 Table. Each of these sources have their own limitations.

(a) **2018 Matrix:** The matrix was completed by the various SBOs, including: SOMTC, AIHCR, ASLOM, DGICM, SLOM, SOM-ED, SOMHD, SOMSWD and ACWC at the end of 2018. The Matrix seeks to identify the number of addressed and un-addressed PPAs – by reference to each of the four thematic areas in the BWP. The 2018 Matrix only involved a binary assessment by the relevant SBOs on whether each of the specific activities under each PPA had been “addressed” (meaning they had been “completed” or “on-going”) or have yet to be addressed – in which case the SBOs did not provide any input. No details have been provided on the methodology used by the SBOs to assess whether a PPA had been completed or on-going. There is therefore a real possibility that different SBOs (and different national representatives to the SBOs) would have differing understandings of what constituted “completion” of a PPA – particularly where the PPA did not contemplate undertaking a specific, defined activity, (e.g., to conduct a workshop or publish a guideline).

(b) **2019 Table:** This is a qualitative dataset comprising descriptions of activities conducted by the SBOs. The 2019 Table sought to elicit and compile five different qualitative datasets from each SBO, namely:

**Implementation Status:** SBOs either commented “completed” or “on-going” where input had been provided;

**Title/Type of Activity Conducted:** the SBOs were invited to describe whether the activity completed was a seminar, conference, training, workshop, meeting or other activity;

**Participation:** the SBOs were invited to describe the number, level of representation/participation or agencies involved;

**Assessment:** the SBOs were invited to describe the overall conduct of the activity, i.e., the manner in which it was conducted or the outcomes achieved; and

**Recommendation:** the SBOs were asked to recommend possible future actions to be undertaken and/or to improve/develop related projects/programs.<sup>20</sup>

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<sup>20</sup> Table of Monitoring of Bohol work Plan as of 11 December 2019.

However, no evidence was provided to verify any of the information reported in the 2019 Table. As with the 2018 Matrix, there was also no clear explanation of the methodology used to determine whether a PPA was marked as “completed”. Nor was the reporting in the 2019 Table comprehensive. Only some SBOs from some AMS provided inputs in the 2019 Table.<sup>21</sup>

- (c) **Review Workshop:** Due to the nature of the Review Workshop (being held in an online format with over 80 attendees) there was limited opportunity for the SBOs to provide detailed information in response to questions posed during the workshop. Responses received during the workshop were therefore, expectedly, general and high-level in nature. Nor could supporting data or evidence to verify the responses provided by the SBO representatives be obtained during the workshop.
- 4.11. In the course of the review, it also became apparent that there was a lack of clarity among SBOs as to whether national-level activities ‘counted’ towards implementation of activities under the BWP. For example, in the 2019 Table, PPA a.1.2 under the first thematic area of the BWP was marked as “complete”. This PPA related to the dissemination of regional materials on TIP in schools, airports, seaports, hotels, tourist destinations, and other places. However, some SBOs reported that they had disseminated national materials on TIP in villages and schools as evidence of activities carried out pursuant to this PPA. Further, another SBO reported that it did not conduct a public information campaign. Despite this, the PPA a.1.2. was marked as “completed” in the 2019 Table. This is indicative of a lack of a clear definition of what constitutes satisfaction or completion of a PPA – particularly as regards the degree of regional-level implementation required to satisfy a given PPA.
  - 4.12. Similar inconsistencies were evident in the responses received from the SBOs to the Review Questionnaire and Review Matrix, and in the discussions at the Review Workshop. This lack of consistency can be attributed to the fact that the BWP itself does not have clear indicators of what types of activities or outcomes would qualify as contributing towards the achievement of given PPAs (except where the PPA itself contemplates a specific activity taking place, e.g., to hold a regional workshop).

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<sup>21</sup> Further observations on the addressed and un-addressed PPAs recorded in the 2019 Table are set out in Section 5 below.

## 5. Review findings

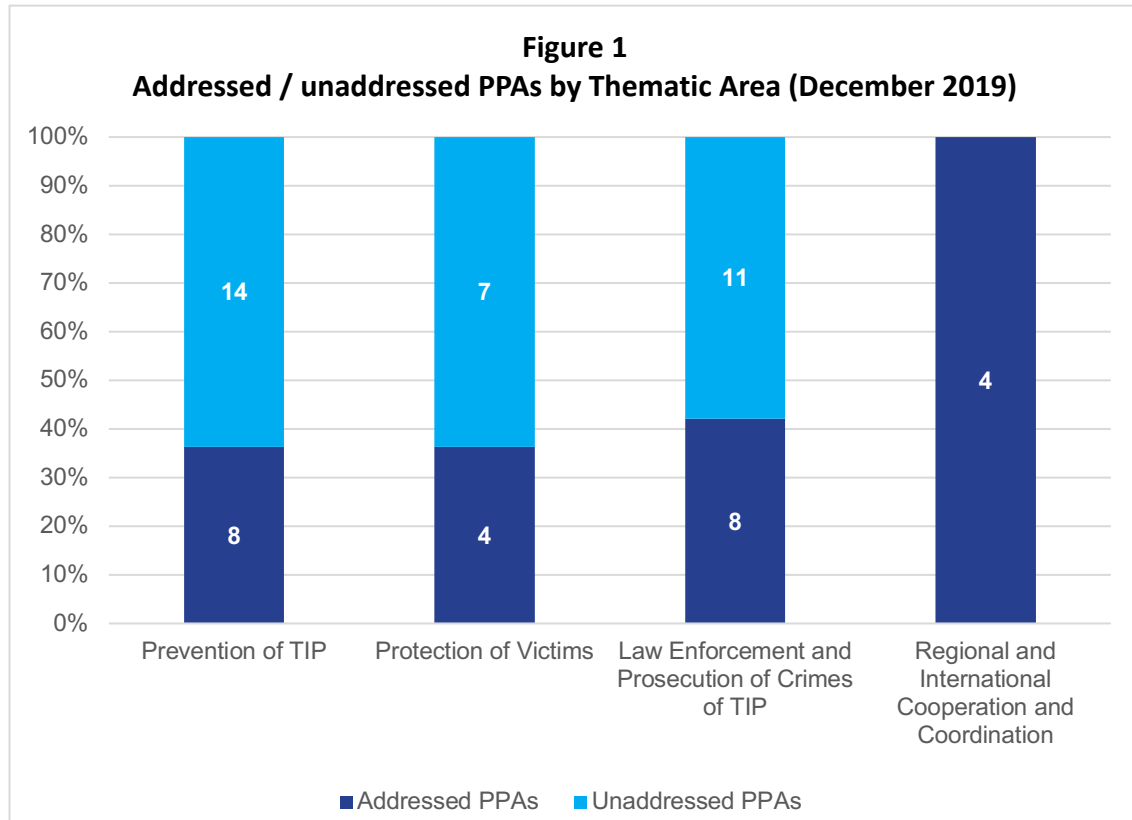
5.1. In this section, we set out our findings in relation to each of the five key questions posed in this review.

### A. What was done under the auspices of the BWP?

- 5.2. The BWP set out an ambitious program of activities involving all SBOs and AMS. Many activities were already linked to SBO workplans and / or national plans of action in AMS. Ultimately, around half of the planned activities were reported to have been addressed, although there was no clear guidance or description of what this assessment was based on. Addressed PPAs were relatively evenly distributed between the thematic areas, except the fourth thematic area (Regional and International Cooperation and Coordination), which had the fewest PPAs – four, and all were reportedly addressed. There was a wide variation in the number of PPAs led by different SBOs and while all but two of the SBOs reported having addressed at least one PPA, the variation in number, and lack of clarity about the definition of “addressed” means it is difficult to draw robust conclusions. Despite this, it has been possible to make some observations about the addressed and unaddressed PPAs.
- 5.3. The review found that as of November 2021, at least one SBO had reported carrying out activities which it considered to contribute towards **29 out of 56 PPAs (51%)** under the BWP. The review further found that as at December 2019, **24 out of 56 PPAs under the BWP (42.8%)** had been reported as “addressed” by at least one SBO. As at December 2019, the thematic areas of prevention of TIP, protection of victims, law enforcement and prosecution of crimes of TIP had similar ratios of addressed to unaddressed PPAs (36%, 36%, and 42% addressed respectively). All of the PPAs under the thematic area of regional and international cooperation and coordination were reported as addressed as at December 2019 (100%) – though this pillar had the fewest number of PPAs (only four). The specific activities carried out, as at December 2019, are summarised in 2019 Matrix in **Annex 2**.

**Observations of the review team on addressed PPAs**

- 5.4. The total PPAs per thematic area reported as having been addressed (either ‘completed’ or ‘on-going’) in the 2018 Matrix or 2019 Table are set out in the table and chart below.

**Table 1: Addressed and Unaddressed PPAs by Thematic Area (11 December 2019)**

Thematic Area	Addressed PPAs	Unaddressed PPAs	Addressed %	Total PPAs
Prevention of TIP	8	14	36%	22
Protection of Victims	4	7	36%	11
Law Enforcement and Prosecution of Crimes of TIP	8	11	42%	19
Regional and International Cooperation	4	0	100%	4
<b>Total:</b>	<b>24</b>	<b>32</b>	<b>43%</b>	<b>56</b>

- 5.5. The fourth thematic area (regional and international cooperation) had the highest ratio of reportedly addressed PPAs, with 100% of PPAs – 4 out of 4 – reportedly having been

addressed. The remaining thematic areas each had similar ratios of addressed to un-addressed PPAs – with between 36% to 42% of PPAs reported as having been addressed.

- 5.6. The BWP is structured as a list of PPAs grouped under each of the four thematic areas of the APA. However, the various PPAs within each thematic area are not prioritised according to context or perceived levels of urgency, importance, or impact. This means that a simple assessment of the number of addressed versus not-addressed PPAs may not accurately reflect the significance the various activities undertaken – both in terms of the relative importance of each PPA to its respective thematic area, and to the BWP, APA, and ACTIP framework as a whole. For example, the first and second thematic areas (prevention of TIP and prosecution of victims) both achieved identical levels of reportedly addressed PPAs (36%).<sup>22</sup> However, if the PPAs achieved in the first thematic area (prevention of TIP) were of relatively less significance than the addressed PPAs in the second thematic area (protection of victims), then it would be likely that greater progress would have been made to achieving the objectives of the second thematic area (protection of victims) compared to the first (prevention of TIP). However, a simple comparison of the number of addressed versus not-addressed PPAs under each thematic area would not reveal this.
- 5.7. Each PPA in the BWP was assigned to a lead SBO (“**LSBO**”), and other SBOs were assigned as co-operating SBOs (“**CSBOs**”). These assignments are recorded in a Matrix of PPAs per SBOs, a copy of which is set out in **Schedule 6**.<sup>23</sup>

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<sup>22</sup> See Table 1, above.

<sup>23</sup> This matrix was included as Annex F in the Summary Record of the Planning Workshop.

- 5.8. By combining the 2018 Matrix with the 2019 Table, it is possible to analyse the reported ratio of addressed and unaddressed PPAs, broken down by LSBO. This analysis is summarised in the following table.

**Table 2: Summary of addressed and unaddressed PPAs by lead SBO (as at December 2019)**

<b>SBO</b>	<b>Addressed PPAs</b>	<b>Unaddressed PPAs</b>	<b>Total</b>
<b>ACWC</b> %	3 <b>37.5</b>	5 <b>62.5</b>	8
<b>AICHR</b> %	1 <b>25</b>	3 <b>75</b>	4
<b>ASLOM</b> %	1 <b>100</b>	0 <b>0</b>	1
<b>DGICM</b> %	2 <b>66.67</b>	1 <b>33.33</b>	3
<b>SLOM</b> %	5 <b>100</b>	0 <b>0</b>	5
<b>SOM-ED</b> %	0 <b>0</b>	1 <b>100</b>	1
<b>SOMHD</b> %	0 <b>0</b>	0 <b>0</b>	0
<b>SOMSWD</b> %	1 <b>25</b>	3 <b>75</b>	4
<b>SOMTC</b> %	11 <b>40.74</b>	16 <b>59.26</b>	27
<b>No LSBO</b> %	2 <b>20</b>	8 <b>80</b>	10

- 5.9. As shown in the table above, there are substantial discrepancies in the reported levels of achievement of PPAs per SBO. The reason for these variations is not clear, and the lack of clarity about what constitutes “addressed” makes any certainty about the claims relatively meaningless.



**Observations of the review team on the un-addressed PPAs**

- 5.10. The following features were observed among the PPAs that were reported as having been un-addressed, or for which no information was provided, which may reveal common challenges and thematic gaps in the implementation of the BWP.

Common Feature	Observations
Unidentified funding sources	A number of un-addressed PPAs did not appear to have funding allocated for the proposed activities. In total, <b>13 out of 32 (40%)</b> un-addressed PPAs were reported in the 2019 Table to be pending the development of a concept note for a funding source. The responses to the Review Matrix indicated that funding for PPAs under the BWP came from a variety of sources, including national budgets, SBO budgets, and donors such as the Governments of China and Japan, and ASEAN-ACT. <sup>24</sup> Responses to the Review Questionnaire indicated that actual expenditure on planned activities pursuant to the BWP had been less than anticipated due to difficulties in implementing planned activities arising from the COVID-19 pandemic. <sup>25</sup>
No Lead SBO	As noted above, <b>8 out of 32 (25%)</b> reportedly un-addressed PPAs did not have an LSBO assigned to lead the implementation of the PPA. Only 20% of the PPAs for which there was no LSBO were reported as addressed. By contrast, 45% of PPAs for which there was an LSBO assigned were reported as addressed. <sup>26</sup>
High-level or open-ended PPA	<p>Some of the un-addressed PPAs, especially those falling under the second thematic area (the protection of victims), did not have pre-defined expected outputs (see, e.g., PPAs B.d.1.1, B.e.1.1 and B.h.1.1). In addition, several PPAs were often high-level. For example, B.e.1.1. required AMS to engage relevant social service agencies to explore the provision of appropriate services to victims of trafficking.</p> <p>Tying the successful implementation of a PPA with the achievement of a particular output will likely result in gaps in implementation where no output has been defined. Another example of an open-ended PPAs is C.h.1.1, which proposes to encourage all AMS to share best practices on existing victim-witness protection programs. It may therefore be worth considering whether the use of an output-based approach potentially limits AMS' flexibility in implementing the BWP and increases the likelihood that PPAs will not be addressed.</p>

<sup>24</sup> Review Matrix responses of SOMTC Lao PDR and SOMTC Vietnam.

<sup>25</sup> Review Questionnaire responses of SOMTC Myanmar and SOMTC Lao PDR.

<sup>26</sup> Table 2, above.

Region-wide collaboration challenges	<p>Some of the un-addressed PPAs involved significant integration between national level efforts and ASEAN-wide initiatives. For example, B.a.2.1. regarding the development of ASEAN guidelines and procedures for identifying and addressing the needs of TIP victims would have necessitated a high level of co-ordination between national bodies.</p> <p>In the same vein, A.a.1.3 regarding the conduct of a regional training program for teachers on victim identification would have likely have also required significant co-operation between national-level education institutions and regional bodies to implement. As noted at the Planning Workshop and Review Workshop, the difficulties and/or lack of reporting on these PPAs might be due to challenges in reconciling national-level implementation efforts with the BWP, or lack of national socialization of the BWP.<sup>27</sup></p>
Impact of COVID-19	<p>Finally, many PPAs may have been un-addressed due to challenges associated with the COVID-19 pandemic, especially as many PPAs were based on conducting workshops, trainings, or coordination meetings. For example, B.h.1.1 requires the conduct of workshops or consultation meetings to enhance cooperation with CSOs especially in providing immediate assistance to victims. Achievement of this PPA may therefore not have been possible given the challenges associated with the COVID-19 pandemic. Responses to the Review Questionnaire cited the impact of COVID-19 as a key barrier to the implementation of activities under the BWP. The challenges caused by the impact of COVID-19 were also frequently cited by stakeholders as a barrier to implementation of the BWP at the Inception Workshop and Review Workshop.<sup>28</sup></p> <p>The impact of COVID-19 was certainly likely to have been a factor affecting the SBOs ability to implement planned PPAs under the BWP. However, the inherent lack of flexibility and adaptability within the BWP (discussed in more detail below) was likely a key factor that undermined SBOs ability to revise planned BWP activities to account for the effects of the pandemic.</p>

<sup>27</sup> Summary Record of Planning Workshop in Tagaytay.

<sup>28</sup> Summary Record of Inception Workshop; Summary Record of Review Workshop.

**B. What were the outcomes of the BWP activities?**

- 5.11. Numerous outcomes under each thematic area were reported by AMS and SBOs resulting from the implementation of the activities in the BWP. There is an absence of evidence however, to establish with any rigor whether the outcome was achieved, and if so, whether the BWP activities were a contributing factor. Despite the lack of evidence, it is possible to imagine that some activities undertaken under BWP may have contributed to some outcomes, for example that awareness raising may contribute to increase awareness. An effective MEL system would assist partners to demonstrate this link. An important question to ask in future, however, is whether the reported outcomes are sufficient or appropriate to achieve impacts in line with the vision of the ACTIP.
- 5.12. The following outcomes have been reported by the SBOs as having been achieved under each thematic area pursuant to the BWP:<sup>29</sup>

<b>Prevention of TIP – reported outcomes</b>	<b>Activities possibly contributing to the reported outcome</b>
<ul style="list-style-type: none"> <li>• Increased levels of awareness among members of the public and in key communities (e.g., teachers), of TIP</li> <li>• Increased reporting of suspected TIP cases to law enforcement officials</li> <li>• The incorporation of materials on educating children on TIP into school curricula</li> </ul>	<ul style="list-style-type: none"> <li>• Awareness campaigns in the community, including through media and social media</li> <li>• Awareness campaigns in the community and media</li> <li>• Cross sectoral cooperation and collaboration</li> </ul>
<b>Protection of Victims – reported outcomes</b>	<b>Activities possibly contributing to the reported outcome</b>
<ul style="list-style-type: none"> <li>• Increased capacity of frontline officials to identify victims of TIP and make referrals of victims to service providers</li> <li>• More rapid provision of assistance and support services to TIP victims</li> <li>• Increased capacity of medical service providers to adopt a victim-centred approach in responding to TIP cases</li> <li>• Establishment of victim support mechanisms during trial proceedings (e.g., the provision of video-</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity building of frontline officials on victim identification and referral</li> <li>• Cross sectoral cooperation and collaboration</li> <li>• Capacity building of medical staff on victim – centred approaches</li> <li>• Capacity building on victim support mechanisms during trials</li> <li>• Cross border cooperation and networking, including the use of</li> </ul>

<sup>29</sup> Aggregated based on responses to Review Questionnaire, Review Matrix, and Summary Record of Feedback Workshop.

<p>conferencing facilities, interpreters, and medical support).</p> <ul style="list-style-type: none"> <li>• Improved conduct of repatriation procedures for victims of TIP</li> </ul>	<p>regional platforms to share information in cross-border investigations</p>
<b>Law Enforcement and Prosecution of Crimes of TIP – reported outcomes</b>	<b>Activities possibly contributing to the reported outcome</b>
<ul style="list-style-type: none"> <li>• Coordination among national agencies to ensure alignment and complementarity of national-level TIP activities</li> <li>• Alignment of national action plans on TIP with the BWP, and/or the development of guidance and recommendations for national Governments on the development of national action plans on TIP</li> <li>• The development of new recommendations and guidelines on the prosecution of TIP offences to expand the definition of TIP-related offences to encompass inchoate offences (preparation and attempt)</li> <li>• Enactment of a new Child Rights Law in 2019 and introduction of Standard Operating Procedures on receiving, reintegrating and rehabilitating TIP victims in one AMS</li> <li>• Reduced numbers of TIP cases and high conviction rates in TIP-related prosecutions<sup>30</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Cross sectoral cooperation and collaboration</li> <li>• Budget allocation for victim support</li> </ul>
<b>Regional and International Cooperation and Coordination – reported outcomes</b>	<b>Activities possibly contributing to the reported outcome</b>
<ul style="list-style-type: none"> <li>• Increased collaboration between government agencies, Non-governmental organisations</li> </ul>	<ul style="list-style-type: none"> <li>• Regional and cross sectoral networking and cooperation</li> <li>• Regional capacity building activities</li> </ul>

<sup>30</sup> As noted above, both of these metrics are examples of outcomes that cannot be clearly attributed to activities under the BWP, nor can be clearly said to be contributing towards the objectives of the APA and ACTIP. Reduced TIP case rates are as likely to be the result of increased law enforcement capacity to combat TIP as it is a reduction in efforts to identify TIP victims. Likewise, a high conviction rate for TIP related offences may reflect increased prosecutorial capacity or deficiencies in the procedural safeguards and due process for defendants in the criminal justice system.

<p>("NGOs"), CSOs and international organisations on TIP-related issues</p> <ul style="list-style-type: none"> <li>• Partnership with other relevant stakeholders (e.g., non-ASEAN Governments, including China, India, and Australia)</li> <li>• The entry into a new MOU on bilateral cooperation on TIP between Myanmar and India in 2020<sup>31</sup></li> <li>• The entry into new MOUs on victim rescue and return among Vietnam, Lao PDR and Cambodia</li> <li>• Collaboration between law enforcement agencies in Singapore and Vietnam to eradicate a trafficking criminal network</li> <li>• Conducting bilateral and regional-level training and capacity building activities, which also provided opportunities for network building among training participants</li> <li>• Improved knowledge and understanding of TIP related issues through exchange with NGOs and other national governments</li> </ul>	
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### Observations of the review team on outcomes reported by SBOs

- 5.13. As noted above, the main focus of previous reports on the implementation of the BWP (the 2018 Matrix and 2019 Table) has been on activities and outputs. SBOs were however invited to report on outcomes in the course of this review through the Review Matrix, Review Questionnaire, and in the Review Workshop.
- 5.14. Where SBOs have reported outcomes resulting from BWP activities, it has not been possible to robustly verify these due to a lack of supporting evidence. Where evidence of outcomes may be available, for example in relation to prosecution or conviction rates for TIP-related offences, it is not possible to link the outcomes to specific BWP activities either in terms of contribution or attribution. Nor is it possible to assess the significance or impact of the reported outcomes in terms of their contribution to the achievement of the

<sup>31</sup> This MOU would arguably not fall within the scope of the BWP given its focus on inter-ASEAN cooperation. However, the fact that this was reported as an outcome achieved pursuant to the BWP reflects the lack of clarity, discussed above, as to the scope of activities that 'count' towards the achievement of PPAs under the BWP.

objectives of the APA or ACTIP. Thus, for example, some SBOs reported outcomes relating to a reduction in TIP cases and high conviction rates of traffickers. These could well be attributed to increased law enforcement capacity to prosecute TIP cases and reduced rates of crime. Equally though, these could be attributed to a reduction in law enforcement efforts (resulting in fewer prosecutions). Some SBOs also reported activities as having taken place pursuant to the BWP that occurred either before or after the implementation period of the BWP (2017-2020). That is not to say however that significant positive outcomes were not achieved under the BWP, or that these positive outcomes were not wholly or partially attributable to the BWP or BWP-related activities.

- 5.15. Outcomes that were most commonly shared by AMS involved changes with regard to victim identification and support, policy influence for the development of national action plans, and cooperation and collaboration between countries and between agencies, including NGOs.
- 5.16. Assuming that the most commonly shared outcomes are the most likely to have eventuated, it would be important for the SWP's MEL Framework to include indicators and evidence sources with which to verify future outcomes.

**C. How useful was the BWP as a tool for promoting commitment and cooperation on TIP?<sup>32</sup>**

- 5.17. There was overall positive feedback from SBOs about the usefulness of the BWP as a tool for promoting commitment and cooperation among AMS in combatting TIP. SBOs rated the effectiveness of the BWP as a tool for promoting commitment from between 3 (fairly useful) to 5 (very useful), with scores for cooperation being marginally higher. However, the review team was not able to source data from all AMS or SBOs on this topic, which may have shown a lower score from those AMS or SBOs that are less engaged with the BWP. Consequently these results are exclusively compiled from review respondents and may not represent the full range of BWP stakeholders.

Commitment

- 5.18. Scores for commitment ranged from 3 (fairly useful) to 5 (very useful). Comments from SBOs focused on:
  - (a) highlighting the BWP's usefulness as a means to identify relevant and important activities to fight TIP;

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<sup>32</sup>Although not expressly stated in the BWP itself, there was a general view among SBOs, as evident from the inputs generated in the Inception Workshop and Review Workshop, that one of the key purposes of the BWP was to promote the commitment of the AMS to combat TIP and improve cooperation among the AMS on combatting TIP. The SBOs were therefore invited in the Review Questionnaire and Review Workshop to rank their perception of the usefulness of the BWP as a tool to promote commitment and cooperation among the AMS on a scale of 1 (not useful) to 5 (very useful). Summary Record of Inception Workshop; Summary Record of Feedback Workshop.

- (b) the BWP's emphasis on improving victim identification and support for victims;
  - (c) the support provided by the BWP to law enforcement interventions to combat TIP;
  - (d) the BWP's usefulness as a tool to generate internal discussion on legal frameworks and mechanisms to address TIP at a national level and to conduct advocacy and socialisation with policy makers at central and regional levels – including on issues of adherence to international law and understanding the legal frameworks of foreign countries; and
  - (e) the value of the consultative process underpinning the BWP and its use as a model instrument which demonstrates a multi-sectoral and multi-thematic approach involving cross-cutting issues.
- 5.19. Some SBOs considered that the BWP helped the AMS to remain focused on combatting TIP at a regional level, and to mainstream the ACTIP into national programs to combat TIP.<sup>33</sup>
- 5.20. One SBO that scored usefulness of BWP as a tool to promote commitment as 3 included a comment about the need to improve reporting and monitoring under the BWP.

#### Cooperation

- 5.21. In terms of the BWP's usefulness as a tool for promoting cooperation, scores likewise ranged from 3 (fairly useful) to 5 (very useful), but were overall marginally higher than in terms of commitment. Comments from SBOs included that the BWP:
- (a) has improved regional, bilateral and multilateral cooperation and mutual assistance;
  - (b) has provided a common workplan which outlines how AMS are working towards the same goal of addressing TIP in the region and implementing the ACTIP;
  - (c) has opened communication channels for better exchange of information between AMS, and importantly, allows sharing of good practices between AMS – though no examples as to *how* the BWP achieved these things have been provided; and
  - (d) has contributed to breaking down the compartmentalisation among ASBs in addressing TIP, as well as helping to mainstream human rights in responding to TIP.
- 5.22. One SBO noted that the effectiveness of the BWP in promoting cooperation between AMS in combatting TIP can be witnessed at both national and regional levels – especially in terms of focus on a victim-centred approach to responses to TIP. SBOs also noted the effectiveness of the BWP in encouraging cooperation between different Government

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<sup>33</sup> Verification of this claim is difficult given the lack of any express linkages between the individual PPAs of the BWP and the provisions of ACTIP, as is discussed below.

departments at the national level, between Governments and NGOs, and has helped bring together relevant SBOs to share their expertise in combatting TIP.

- 5.23. Challenges to effective cooperation pursuant to the BWP raised by SBOs included COVID-19 travel restrictions, differing national laws and policies relating to TIP, and regular staff transfers within national agencies responsible combatting TIP– making it difficult to maintain operational relationships.
- 5.24. One SBO representative noted that the BWP has been integrated into the SBO’s workplans – for example, by the SBO adopting certain PPAs of the BWP as specific deliverables to be achieved under the SBO’s own mechanism. Hence, SBOs implement the BWP as they implement their own work plans. This may well be the case for some SBOs. However, no SBO work plans were submitted for review so that these claims could be verified. A review of the publicly available work plan of SLOM for 2016-2020, which overlaps with the implementation period of the BWP, shows that there are several TIP-related activities included in the work plan.<sup>34</sup> However, the plan itself predates the BWP and hence – unless it was subsequently revised – could not be expressly aligned to the BWP. Similarly, the five-year work plan of AICHR (2016-2020) includes TIP-related activities but does not expressly align itself with the BWP since it also predates the BWP – having been adopted in June 2015.<sup>35</sup>

#### **D. What are the strengths and weaknesses of the BWP?**

- 5.25. The BWP envisaged an ambitious program of activities involving a range of regional and national stakeholders who would normally struggle to find common or collective goal. Its strengths can be summarised as its ability to bring people together, creating a shared understanding of the importance of trafficking as an issue, and a collaborative “systems based” response. The key weaknesses have been its inability to evolve from this program of activities, to an outcome and evidence-based program of work that is responsive to the contexts and priorities of its stakeholders.
- 5.26. There was a high degree of consensus about the perceived strengths of the BWP among SBOs. Weaknesses of the BWP noted by the SBOs were overall more numerous and more diverse than strengths. However, there were a number of weaknesses shared by several AMS. The most commonly cited strengths and weaknesses of the BWP in the following table. Some observations on these strengths and weaknesses are set out below.

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<sup>34</sup> ASEAN Labour Ministers’ (ALM) Work Programme 2016-2020 and Work Plans of the Subsidiary Bodies. Available at: [https://asean.org/wp-content/uploads/2012/05/UPDATED\\_ASEAN-Labour-Ministers-Work-Programme-2016-2020-and-Work-Plans-of-the-Subsidiary-Bodies.pdf](https://asean.org/wp-content/uploads/2012/05/UPDATED_ASEAN-Labour-Ministers-Work-Programme-2016-2020-and-Work-Plans-of-the-Subsidiary-Bodies.pdf)

<sup>35</sup> Five Year Work Plan of the ASEAN Intergovernmental Commission on Human Rights (2016-2020). Available at: [https://aichr.org/wp-content/uploads/2018/10/AICHR\\_Five-Year\\_Work\\_Plan\\_2016-2020.pdf](https://aichr.org/wp-content/uploads/2018/10/AICHR_Five-Year_Work_Plan_2016-2020.pdf)



Commonly cited strengths of the BWP	Commonly cited weaknesses
<ul style="list-style-type: none"> <li>• The ability of the BWP to improve regional and inter-agency cooperation on TIP and “bring people together”<sup>36</sup></li> <li>• Linked to the above was the observation that the BWP helped to coordinate efforts to fight TIP and enabled the sharing of good practices</li> <li>• The BWP’s responsiveness to ACTIP, enabling AMS to focus on capacity building and activities to strengthen implementation of the ACTIP, including its victim protection measures<sup>37</sup></li> <li>• Several AMS also noted the benefits of the BWP in guiding and linking national action plans to address TIP at the regional level</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of effective monitoring and reporting system or guidance on outcomes</li> <li>• Lack of resources to implement activities</li> <li>• Difficulties caused by differences in laws and legal frameworks among AMS</li> <li>• The lack of flexibility in the BWP to account for COVID-19 or other emergencies</li> <li>• Problems with disseminating or socialising BWP information nationally</li> <li>• Challenges in cooperation and information sharing among different agencies</li> <li>• Lack of clarity of national vs regional focus of the BWP</li> <li>• Lack of clarity about roles for non-shepherd countries / SBOs</li> </ul>

#### Observations of the review team of the strengths of the BWP as reported by SBOs

##### **Enhancing regional and inter-agency cooperation on TIP**

5.27. Many SBO respondents cited the ability of the BWP to “bring people together” and enhance inter-agency and regional level cooperation to combat TIP as a key strength of the BWP. SBOs did not provide clear examples of *how* the BWP achieved this, but a review of the PPAs reported as “completed” in the 2019 Table shows that many of the completed PPAs related to the holding of regional-level meetings, workshops, and forums, and the establishment of guide/contact points that brought together relevant ASEAN and national-level actors engaged in combatting TIP.<sup>38</sup> To that end, many completed PPAs appear to have been targeted at building connections and networks among anti-TIP actors

<sup>36</sup> Summary Record of Feedback Workshop.

<sup>37</sup> It is not possible to verify this claim since the connections between specific BWP PPAs and the provisions of the ACTIP which those PPAs are intended to contribute towards are not clearly stated in the BWP itself.

<sup>38</sup> 2019 Table, see, e.g., PPA A.a.3.1, A.b.3.1., B.a.1.2., B.a.3.1., D.g.1.1.

in ASEAN. Notably, the fourth thematic area (regional and international cooperation and coordination) was the only thematic area of the BWP for which all PPAs were reported as addressed in the 2019 Table – though this thematic area also had the fewest PPAs (four in total).

**Harmonising efforts to fight TIP, enabling the sharing of good practices, and guiding and linking national action plans to address TIP at the regional level**

- 5.28. Many SBOs reported that the BWP had been useful as means to coordinate efforts to combat TIP at the ASEAN level and promote the sharing of good practices. SBOs differed in their responses as to how the BWP helped to promote the coordination of efforts to combat TIP across ASEAN. Some SBOs pointed to the fact that the list of PPAs in the BWP enabled AMS Governments and national-level agencies involved in combatting TIP to align their work plans with the PPAs in the BWP. Other SBOs pointed to various regional-level activities pursuant to the BWP (holding of workshops, etc.) as helping to coordinate regional level efforts to combat TIP.

**Strengthening the implementation of ACTIP**

- 5.29. The contribution of the BWP towards the implementation of ACTIP was a commonly cited strength of the BWP by SBOs. However, PPAs are not expressly and clearly linked to specific provisions of ACTIP. As a result, while it is likely that the activities under the BWP may have contributed to the fulfilment of the AMS' obligations under the ACTIP, it is not possible to necessarily attribute specific BWP activities to the fulfilment of specific ACTIP provisions.

Observations of the review team on weaknesses of the BWP as reported by SBOs

**The lack of an effective monitoring and reporting system or guidance on outcomes**

- 5.30. The lack of an effective monitoring and reporting mechanism for the BWP was cited by many SBOs as a key weakness. Many of these weaknesses were identified earlier at the Planning Workshop in Tagaytay, including:
- (a) Lack of national socialization of the BWP to the relevant agencies handling TIP;
  - (b) Difficulty in identifying a proper mechanism or channel on the submission of report, national or regional initiatives, pertaining to the implementation of the BWP. The meeting identified that some PPAs of each thematic area were already implemented by the respective agencies in the Philippines handling TIP-related matters, but were possibly not reported to their respective SBO Chairs for proper recording and monitoring; and
  - (c) The lack of designated principal and secondary focal points from other government agencies to different representatives attending the various meetings. Familiarity with/knowledge of matters discussed during previous meetings, from the drafting of

the Work Plan towards its adoption, and active engagements (focal point) in their respective ASEAN sectors are indispensable to ensure the proper monitoring and reporting of the BWP.<sup>39</sup>

- 5.31. Some of the weaknesses arising from the lack of a monitoring and reporting system for the BWP have been addressed in detail in section 4 of this report. However, the lack of an effective monitoring and reporting mechanism, and the lack of guidance around key intended outcomes for the BWP also undermined the ability of SBOs to implement the BWP.
- 5.32. While the BWP stated that it would undergo twice-annual reporting, this was not implemented. The lack of periodic reporting from SBOs on the implementation of the BWP is likely to have contributed to some of the other weaknesses identified by the SBOs. For example, a lack of funding to implement PPAs was a commonly cited challenge by SBOs, and was a factor in at least 40% of PPAs that were reported as not addressed in the 2019 Table. Periodic reporting on the status of implementation of the BWP may have enabled SBOs to identify and share at an early stage where there were activities in need of funding, and collaborate to share funding opportunities, pool resources, or redirect unused funding<sup>40</sup> towards underfunded activities.
- 5.33. Monitoring and periodic reporting could have enhanced the flexibility of the BWP – which was another weakness commonly cited by SBOs. For example, activity monitoring and periodic reporting could have provided an opportunity for SBOs to identify at an early stage whether there were any other barriers to the implementation of planned PPAs (e.g., due to COVID-19) which could have allowed for activities to be adapted (e.g., holding online instead of in-person workshops and trainings).
- 5.34. Periodic reporting from SBOs could also have helped to identify any inconsistencies in understanding among SBOs as to the nature, purpose, and scope of the BWP and provided opportunities for SBOs to discuss and align their approaches. For example, it was evident from the discussions at the Review Workshop and in the Review Questionnaire and Review Matrix responses that there was a lack of clarity among SBOs as to whether the BWP encompassed national-level activities or only applied to regional-level or cross-border activities.
- 5.35. Related to the lack of a monitoring and reporting framework is the lack of clear guidance on expected outcomes of BWP activities. Again, the weaknesses arising from a lack of clearly formulated outcomes and a clear definition of success in the BWP have been discussed in section 4 above. In addition, the lack of clearly defined outcomes promotes a focus on outputs (PPAs), which in turn undermines the flexibility and adaptability of the

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<sup>39</sup> Summary Record of Planning Workshop in Tagaytay.

<sup>40</sup> Some SBOs reported that they had spent less on BWP activities than anticipated due to the inability to undertake planned activities due to the impacts of COVID-19.

BWP to respond to new circumstances (e.g., COVID-19) or practical constraints (e.g., funding shortfalls). A lack of clearly defined outcomes – particularly outcomes clearly linked to specific provisions of the ACTIP – also undermined the ability of SBOs to clearly link BWP activities to the fulfilment of AMS' obligations under the ACTIP.

- 5.36. Further, a lack of defined outcomes promotes a focus on measuring outputs (no. of activities implemented vs not implemented) without consideration of the relative importance, significance, and impact of those activities in terms of contributing to the objectives of the BWP and the provisions of ACTIP.

**Lack of flexibility – but COVID-19 cannot be solely blamed**

- 5.37. As noted above, the structure of the BWP as a set list of PPAs with no clearly defined outcomes or theory of change limits the flexibility of the BWP to test assumptions and adapt and respond to new circumstances. A mid-term evaluation (as contemplated in the text of the BWP) may have helped identify challenges in the implementation of the BWP and offered suggestions for how to overcome these. However, this did not take place. Apart from the mid-term evaluation, there was no mechanism within the BWP to revise, amend, or adapt activities. There was also no mechanism to consider whether any activities that could not be implemented within the BWP timeline should be revised, or removed altogether, to allow for the better allocation of resources.
- 5.38. Nearly all SBOs cited the effects of the COVID-19 pandemic as demonstrating the need for the BWP to be more responsive and adaptable to changing circumstances. It was felt by SBOs that the BWP did not have sufficient flexibility to allow PPAs to be revised or amended to reflect the realities of working during the Pandemic – resulting in the non-implementation of these PPAs.
- 5.39. That said, while greater flexibility would clearly have been beneficial, COVID-19 and its associated challenges cannot be solely blamed for the non-implementation of PPAs under the BWP. The COVID-19 pandemic was undoubtedly an unprecedented disruptive event, and one which necessarily directed much of the attention, focus, and resources of AMS Governments to respond to the crisis. However, it is important to note that the COVID-19 pandemic only affected one year of the BWP's timeframe (2020). Nor was there anything in the BWP that would have prevented SBOs from adapting PPAs to be delivered in the context of the pandemic. For example, conferences, workshops, and trainings, could readily have been adapted to be delivered online.

**Lack of resources to implement BWP activities**

- 5.40. Some of the challenges in resourcing PPAs under the BWP have been discussed above. In addition to these, the lack of flexibility in the BWP may have contributed to challenges in securing funding to implement BWP activities. If AMS were unable to secure funding to implement specific PPAs, there was no mechanism within the BWP to enable those PPAs

to be amended or repurposed to make better use of what funding might be available. This increases the likelihood of the PPA not being implemented at all.

#### **Lack of clarity on national versus regional focus of the BWP**

- 5.41. Many SBOs were unclear as to the scope and focus of the BWP, and in particular whether the BWP was intended to capture regional level or national level activities. Broadly, two commonly held viewpoints emerged from the discussions at the Review Workshop: (a) that the BWP was intended to capture and distil in one place all ongoing and planned regional-level and bilateral activities among the AMS aimed at combatting TIP, or (b) that the BWP was intended to identify gaps in national-level efforts at combatting TIP and supplement these with regional-level activities. Based on the inputs from stakeholders at the Inception Workshop, and the text of the BWP itself, it appears the former is more closely aligned to the original purpose of the BWP.
- 5.42. Despite a general consensus that the BWP was intended to capture regional and bilateral activities, and not be duplicative of national action plans on combatting TIP, many SBOs reported purely national-level activities as contributing towards the implementation of PPAs in the 2019 Table and the Review Matrix responses received. It may be that these national level activities did in fact contribute towards the BWP, however the linkages between these national-level activities and the PPAs of the BWP were not always clear.

#### **Differences in laws and policies among AMS**

- 5.43. Differences in TIP-related laws, policies, and practices among AMS was cited as a key challenge in implementing the BWP. Strictly speaking, this was not a weakness of the BWP – but rather a practical challenge to the implementation of the BWP. Conversely, a commonly cited strength of the BWP was its attempt to bring together all AMS to coordinate efforts to combat TIP despite differences in national-level laws and policies.
- 5.44. SBOs did not clearly evidence why differing national laws and policies relating to TIP posed a barrier to the implementation of the BWP. The BWP is not intended to be a harmonising legal instrument<sup>41</sup>, and many activities under the BWP are intended to promote collaboration and sharing among actors with different legal frameworks (e.g., regional workshops, trainings, coordination meetings, etc.).
- 5.45. Very few SBOs recognised that, despite differences in national legal frameworks, the ACTIP provided for a common legal framework among all AMS to combat TIP. The lack of clear linkages between PPAs under the BWP and provisions of the ACTIP may have contributed to this.

#### **Problems with dissemination and socialising the BWP among national level agencies**

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<sup>41</sup> In the sense that it is not intended to ensure that all AMS national laws and policies on combatting TIP are the same.

- 5.46. There were inconsistent levels of dissemination and socialisation of the BWP among SBOs and national-level bodies. The lack of widespread dissemination and socialisation of the BWP – particularly at the national level – may have contributed to a lack of express incorporation of the BWP into national action plans. Many SBOs indicated that when implementing their national action plans, they were implementing the BWP at the same time. This may have contributed to the preponderance of national level, rather than regional-level activities in SBO's reporting on the implementation of the BWP, as discussed above. However, as most of the PPAs under the BWP contemplate regional-level activities (e.g., the development of regional guidelines, dissemination of regional materials on TIP, etc.), purely national level activities – although similar in nature – would not necessarily satisfy a regional-focused PPA.

**Lack of clarity on roles and responsibilities of non-shepherd AMS and non-lead SBOs**

- 5.47. The BWP expressly assigns the implementation of most PPAs to a LSBO, with certain SBOs designated as CSBOs. As discussed above, activities with no assigned LSBO were more likely to not be implemented. LSBOs are therefore likely to have played a contributing role in the successful implementation of PPAs. However, the BWP did not clearly establish what the respective roles and responsibilities of lead or cooperating SBOs were. This had the potential to cause issues in relation to the development of activities, coordination among SBOs to implement activities, and the securing and allocation of funding.

**E. What were the lessons learned from the BWP?**

- 5.48. The following key lessons can be identified arising from this review of the BWP.

**The BWP was valued as a tool for promoting cooperation and commitment among AMS to combat TIP in ASEAN**

- 5.49. SBOs valued the usefulness of the BWP as a tool for promoting cooperation and commitment among ASEAN member states in combatting TIP. SBOs rated the usefulness of the BWP as a tool to promote cooperation and commitment as being between 3 (fairly useful) to 5 (very useful). SBOs ratings for 'cooperation' were marginally higher than those for 'commitment'.

**The BWP was undermined by a lack of funding and resources to implement PPAs**

- 5.50. Many activities under the BWP were not implemented due to a lack of funding. There were many factors that contributed to this, including the lack of organisational resources for SBOs to implement activities, the lack of alignment between the BWP and SBO and national TIP work/action plans, and a lack of regular reporting and information sharing among SBOs on the status of the BWP to proactively identify PPAs that were underfunded.

**Institutionalising a more structured and effective monitoring and reporting system would have improved the implementation of the BWP**

- 5.51. It was learned that a stronger monitoring and reporting mechanism was needed to help promote the implementation of the BWP. Although the BWP itself contemplated that a regular reporting system would be established, this was not done. As a result, there were substantial gaps in the data available to monitor progress towards implementing the BWP, proactively identify PPAs that were in need of additional support (e.g., funding) or required revision to reflect new circumstances (e.g., COVID-19), and to support the review of the BWP itself. The lack of regular reporting and sharing of information among SBOs contributed to different interpretations and understandings among SBOs as to the nature and purpose of the BWP, and how specific PPAs should be implemented.

**It was necessary to develop strategies to more effectively disseminate the BWP at national and regional levels**

- 5.52. It was learned that the inconsistencies in levels of understanding and implementation of the BWP among different SBOs and different AMS was partly due to a lack of effective dissemination of the BWP to relevant actors and individuals. Greater dissemination of the BWP would have helped to promote better awareness among SBOs and AMS about their responsibilities under the BWP.

**The BWP was not sufficiently flexible to adapt to new circumstances and emergencies – but COVID-19 cannot be solely blamed for the non-implementation of PPAs under the BWP**

- 5.53. It was learned that the structure of the PPAs was not sufficiently flexible to allow it to be adapted to meet new challenges and changing circumstances (e.g., COVID-19), or to reflect the different national contexts of different AMS. This lack of flexibility undermined the achievement of PPAs under the BWP. However, COVID-19 should not be solely blamed for challenges in the implementation of the BWP. The effects of COVID-19, while significant, only affected one year of the four-year timeframe of the BWP.

**There was significant confusion among SBOs as to the national vs regional focus of the BWP, and what types of activities ‘counted’ towards the implementation of the BWP**

- 5.54. It was learned that many SBOs had differing understandings about whether the BWP was intended to capture only regional-level activities, or whether national-level activities also fell within the ambit of the BWP.

## 6. Key recommendations for the SWP

- 6.1. Having regard to the key findings of the review set out above, SOMTC-Philippines' recommendations for the SWP, structured by theme, are set out below. The key questions, next steps, and considerations for the development of the SWP are set out in **Annex 6**.

Theme	Recommendation
Statement of purpose and principles	<p>The SWP must have a clear statement of its intended purpose, as well as the core principles that underpin all efforts of the SWP.<sup>42</sup></p> <p>These statements of purpose and principles could be drawn from the APA, as well as other ASEAN regional instruments such as the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration.</p>
Theory of Change	<p>The SWP should have a clearly stated theory of change. In developing the theory of change for the SWP, consideration should be given as to whether the SWP should be structured using thematic areas, and if so, what those thematic areas will be.</p> <p>To promote alignment with the SWP with the APA (and hence ACTIP), and with a view to promoting consistency and achieving consensus among the AMS, it is recommended that the SWP adopt similar thematic areas to the BWP.</p> <p>The theory of change will help to formulate outcomes and indicators of the SWP. They will form the basis of monitoring the implementation of the SWP and final evaluation of the SWP – to measure “success” of the SWP.</p>
Outcomes-based approach	<p>No outcomes were defined in the BWP, which focuses solely on outputs (PPAs). Without clear outcomes, it is difficult to evaluate the relative value of the output (activity) itself, and the extent to which the output may have contributed towards the achievement of the intended theory of change.<sup>43</sup> Having defined outcomes also helps to measure the impact of activities in terms of their significance and importance in contributing to the theory</p>

<sup>42</sup> See, e.g., the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on Rights of Children in the Context of Migration for an example of an ASEAN plan of action with clear statements of overall and specific objectives and underlying principles.

<sup>43</sup> See: Benjamin Harkins, *Constraints to a Robust Evidence Base for Anti-Trafficking Interventions*, Anti-Trafficking Review, Issue 8 (2017), pages 113-130.



	<p>of change, as well as to identify any intended and unintended consequences of interventions.</p> <p>The SWP should therefore include clearly defined outcomes at the outset – including immediate, intermediate, and final outcomes to be achieved as the SWP progresses within a set timeframe. There should be a clear and rational link between the activities, outputs and outcomes in the theory of change. The theory of change under each thematic area should be revisited at least annually to ensure that the assumptions remain valid and to assess its relevance in light of any contextual changes.</p> <p>Having clearly defined outcomes also enables greater flexibility for implementing SBOs to develop their own specific activities that they consider will contribute to the agreed upon outcomes, and revise those activities to reflect changing facts and circumstances (for example, the impact of COVID-19) while still working towards desired outcomes.</p> <p>Each outcome should in turn have measurable qualitative and quantitative indicators to help SBOs measure progress towards immediate, intermediate, and final outcomes within the timeframe of the next SWP.</p> <p>Ultimately, by adopting an outcomes-based approach, it is suggested that the SWP should not include specific PPAs. If individual SBOs wish to pursue or continue specific PPAs from the BWP under the SWP they are free to do so - provided they can demonstrate how these PPAs will contribute to the outcomes of the SWP.</p>
Alignment with ACTIP and APA	<p>The SWP should be clearly and expressly aligned with both the ACTIP and the APA. Outcomes could be formulated and prioritised based on the provisions in the APA (e.g. the seven key challenges in combatting TIP identified in the APA). Each outcome should also be expressly linked to provision(s) of the ACTIP that the outcome aims to fulfil or contribute towards.<sup>44</sup> This will help promote complementarity between the SWP and the APA and ACTIP.</p>
Reconsider the respective roles and responsibilities	<p>Serious consideration needs to be given as to how the SWP will align with AMS national TIP work plans, as well as the work plans of individual SBOs.</p>

<sup>44</sup> See the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on Rights of Children in the Context of Migration for an example of how outcomes can be clearly linked to the ACTIP.

<p>of the AMS and SBOs with respect to the funding and implementation of the SWP</p>	<p>While the BWP assigned primary responsibility to implement PPAs to SBOs, many SBOs did not have the organisational resources to implement PPAs on their own – as was borne out by the high number of un-implemented PPAs that did not receive funding. The funding to implement PPAs is largely derived from national budgets and national action plans on TIP.</p> <p>Due to these dynamics, it is important that:</p> <ol style="list-style-type: none"> <li>1. The SWP is closely aligned with the work plans of participating SBOs, so that SBOs do not commit to outcomes that they do not have the capacity and resources to achieve; and</li> <li>2. AMS align their respective national TIP action plans with the outcomes of the SWP.</li> </ol> <p>This will help promote implementation of the SWP as the SWP will not be seen as something that is additional to, or on top of, existing work plans, but something that is complimentary to SBOs and AMS national action plans, and which seeks to harmonise those efforts on an ASEAN wide level.</p> <p>This harmonisation will be promoted by adopting a less prescriptive and more outcomes-based approach to the SWP. If the SWP is structured using an outcomes-based approach, individual SBOs and AMS can decide how best to develop outcomes and activities in their own action plans that contribute to the outcomes of the SWP.</p> <p>Regular reporting from the SBOs – potentially facilitated by designated focal points – will also allow AMS and SBOs to share how they are contributing to the outcomes of the SWP in their respective SBO and national work plans.</p>
<p>Prioritisation of outcomes</p>	<p>Outcomes under each agreed-upon thematic area should be prioritised based on context, perceived levels of immediacy, importance, and impact of each outcome.</p> <p>The APA could be used as a basis for agreeing on the prioritisation of outcomes. For example, the APA already identifies seven key challenges in combatting TIP that were agreed on by the AMS which could form a basis for discussions around prioritisation of outcomes.</p>

Streamlining SWP	<p>Adopting an outcomes-based approach, underpinned by a clearly stated theory of change for each thematic area, supported by outcomes and indicators, will help streamline the structure of the SWP. This in turn, will help ensure that the SWP is easier to understand and in turn promote greater dissemination and implementation of the SWP.</p> <p>The SWP's structure should avoid an overly prescriptive list of specific PPAs. Rather, by adopting an outcomes-based approach as set out above, the SWP can be significantly simplified.</p> <p>Adopting a streamlined and outcomes-based approach does not mean that the SBOs and AMS cannot still pursue specific activities, or that the un-implemented activities under the BWP cannot be continued under the SWP. Rather, SBOs and AMS will have greater flexibility to pursue activities that they consider best contribute to achieving the desired outcomes under the SWP.</p>
Flexibility and adaptability	<p>The SWP should be flexible and adaptable to changing circumstances. In many respects, this flexibility is achieved through the streamlined nature of the SWP, which enables SBOs to determine what specific activities they wish to pursue, as long as they can demonstrate how those activities will contribute towards the agreed outcomes.</p> <p>In addition, the SWP should have scope to be revised with consent of the AMS from time to time (e.g., by reframing, re-prioritising, adding, or removing outcomes). This could be achieved through a periodic review mechanism and regular (e.g., annual) meetings of AMS to review the theory of change and revise the SWP if it is clear that adaptations are necessary.</p>
<b>GESI</b> mainstreaming	<p>Although not mentioned during the SBOs feedback, the BWP does not sufficiently consider and include GESI principles or clearly focus on the rights women or children – despite the focus of the ACTIP on the trafficking of women and children.</p> <p>Recognising that men and boys are also victims of trafficking, the SWP should ensure that it adopts a gender and age-sensitive approach and adheres to best practices on GESI in anti-trafficking interventions.<sup>45</sup> Recognising the distinct needs of victims is a</p>

<sup>45</sup> See, e.g., UNODC (2020) *Toolkit for mainstreaming human rights and gender equality into criminal justice interventions to address trafficking in persons and smuggling of migrants*.

	<p>critical aspect of victim protection and upholding the rights of victims.</p> <p>The SWP should also be aligned with other ASEAN-level action plans on child protection, including the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on Rights of Children in the Context of Migration. The SWP should also engage SBOs with relevant mandates, such as ACWC and AICHR in the development and implementation of the SWP.</p>
Broadening stakeholder engagement	<p>Broadening engagement with other actors in implementing SWP activities (e.g., CSOs, the private sector, international organisations, and non-AMS) can help promote a more multi-sectoral and participatory approach towards combatting TIP and greater accountability for SBOs.</p> <p>There should be broader stakeholder engagement in the reporting, monitoring, and evaluation of the BWP. Reporting from SBOs and AMS on the implementation of the BWP should include data and reporting from multiple sources – including CSOs. CSOs should be invited to provide comments or submit their own reports in connection with the mid-term and final evaluation of the SWP.</p>
Structured monitoring, reporting, and evaluation framework	<p>The SWP should have a structured reporting, monitoring, and evaluation framework. This framework should include a clearly defined theory of change, outcomes (as described above), as well as indicators and tools to measure progress towards each outcome.</p> <p>This framework should be supported by, among other things, periodic reporting from SBOs using standardised tools and templates and through clear reporting channels. The SWP should undergo periodic (midway and final) external evaluation by an independent third party. Evaluations should be transparent, and made public. More details on the recommended reporting, monitoring, and evaluation framework are set out in <b>Annex 6</b> of this report.</p>
Coordination mechanism	<p>The SWP should establish a coordination mechanism, possibly facilitated by designated focal points, so that SBOs can have clear and regular channels of communication, share information, and coordinate activities. This coordination mechanism should be integrated within the monitoring and reporting mechanisms for the SWP.</p>

	<p>One manner in which such a coordination mechanism could be established would be for each SBO involved in the SWP to nominate a designated focal point responsible for receiving reports and coordinating that SBO's efforts under the SWP. The ongoing work of SOMTC and The Asia Foundation to develop National ACTIP Representatives in each AMS could be built upon or expanded as part of this mechanism.</p> <p>Each SBO's focal point would in turn form part of a working group. The working group, chaired by the Lead Shepherd on TIP, would serve as a standing body that would offer a platform for communication and information sharing among SBOs engaged in the SWP, as well as a channel to receive reports and concerns from SBOs on the implementation of the SWP and help resolve issues as they arise.</p> <p>More details on the proposed coordination mechanism are set out in <b>Annex 6</b> of this report.</p>
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**Annex 1: 2018 Table**

[Enclosed separately]

**Annex 2: 2019 Matrix**

[Enclosed separately]

**Annex 3: Review Questionnaire and Review Matrix**

[Enclosed separately]



**Annex 4: List of Review Questionnaire and Review Matrix Responses Received**

<b>Review Questionnaire responses</b>
<ul style="list-style-type: none"><li>• SOMTC Indonesia</li><li>• SOMTC Lao PDR</li><li>• ASLOM Malaysia</li><li>• SOMTC Myanmar</li><li>• SOMTC Singapore</li></ul>
<b>Review Matrix responses</b>
<ul style="list-style-type: none"><li>• SOMTC Lao PDR</li><li>• ASLOM Malaysia</li><li>• SOTMC Myanmar</li><li>• SOMTC Vietnam</li><li>• SOMTC Singapore</li></ul>

### **Annex 5: List of Documents Reviewed**

1. ASEAN Convention Against Trafficking in Persons, Especially Women and Children
2. ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children
3. Summary Record: Planning Workshop in Preparation for the ASEAN Cross-Sectoral Collaboration Meeting for the Final Review back-to-back with the Ways Forward of the Bohol TIP Work Plan 2017-2020
  - a. Annex D: Matrix of PPAs per SBO
  - b. Annex E: Matrix of Address and Unaddressed PPAs
4. Table of Monitoring of Implementation of the Bohol Work Plan as of December 2019
5. Plenary and break-out group discussion notes for Regional Workshop for the Review of the Bohol TIP Work Plan 2017 – 2020 (12-13 October 2021)
6. Review Questionnaire responses (SOMTC Indonesia, SOMTC Lao PDR, ASLOM Malaysia, SOMTC Myanmar, SOMTC Singapore)
7. Review Matrix responses (SOMTC Indonesia, SOMTC Lao PDR, SOMTC Myanmar, SOMTC Vietnam, ASLOM Malaysia, SOMTC Singapore)

## **Annex 6: Next Steps for the Development of the SWP**

This annex sets SOMTC-Philippines' proposed key questions and key steps towards the development of the SWP, as well as an overview of the proposed coordination and reporting mechanisms for the SWP.

### **1. Key questions to formulate the SWP**

1.1. The following key questions will need to be discussed and agreed upon among all AMS to develop the SWP in line with the recommendations of this review:

- (a) Should there be a SWP at all?
- (b) If so, what is the purpose, and what are the objectives, of the SWP?
- (c) What are the core principles that underpin the SWP?
- (d) Should the SWP cover the same thematic areas as the BWP, and if not, what should the thematic areas of the SWP be?
- (e) Should the SWP adopt the same PPA-based format as the BWP or use an outcomes-based approach?
- (f) If the SWP adopts an outcomes-based approach, what should those outcomes be, and how should they be prioritised?
- (g) What should the timeframe of the SWP be?
- (h) What stakeholders should be involved in the implementation of the SWP and what will their respective roles and responsibilities be?
- (i) What mechanisms will be used to facilitate coordination, communication, and reporting among stakeholders?
- (j) What funding and resources will be used to support the implementation of the SWP and who will provide these?

### **2. Next steps in the development of the SWP**

2.1. The following key steps will need to be taken towards the development of the SWP in line with the recommendation of this review. Given the need to achieve consensus on all matters among relevant SBOs and AMS before moving forward, indicative timeframes for these next steps have not been provided.

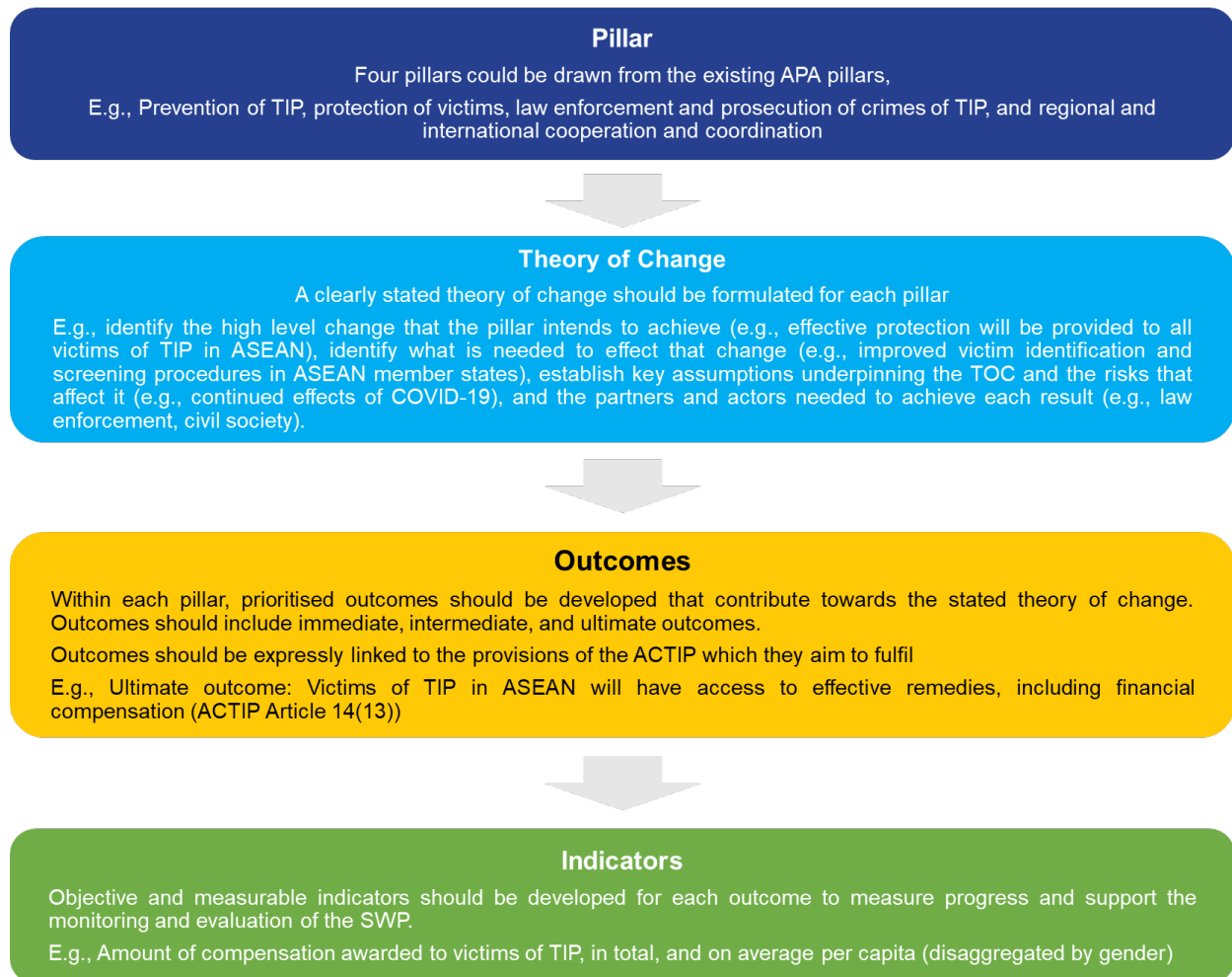
- (a) Finalisation and endorsement of recommendations of the BWP Review Report by SOMTC-Philippines.

- (b) Presentation of BWP Review Report recommendations to relevant SBOs by SOMTC-Philippines.
- (c) Workshop convened by SOMTC-Philippines with relevant SBOs to address key questions outlined above and to arrive at consensus on key questions.
- (d) SOMTC to present key recommendations of the BWP Review Report and SBOs consensus on key questions to AMMTC for endorsement.
- (e) Subject to AMMTC endorsement, SOMTC-Philippines, in collaboration with relevant SBOs and AMS, to develop first draft of SWP.
- (f) SOMTC-Philippines to conduct consultation on draft SWP with all relevant stakeholders.
- (g) SOMTC-Philippines to present finalised SWP to AMMTC for endorsement.

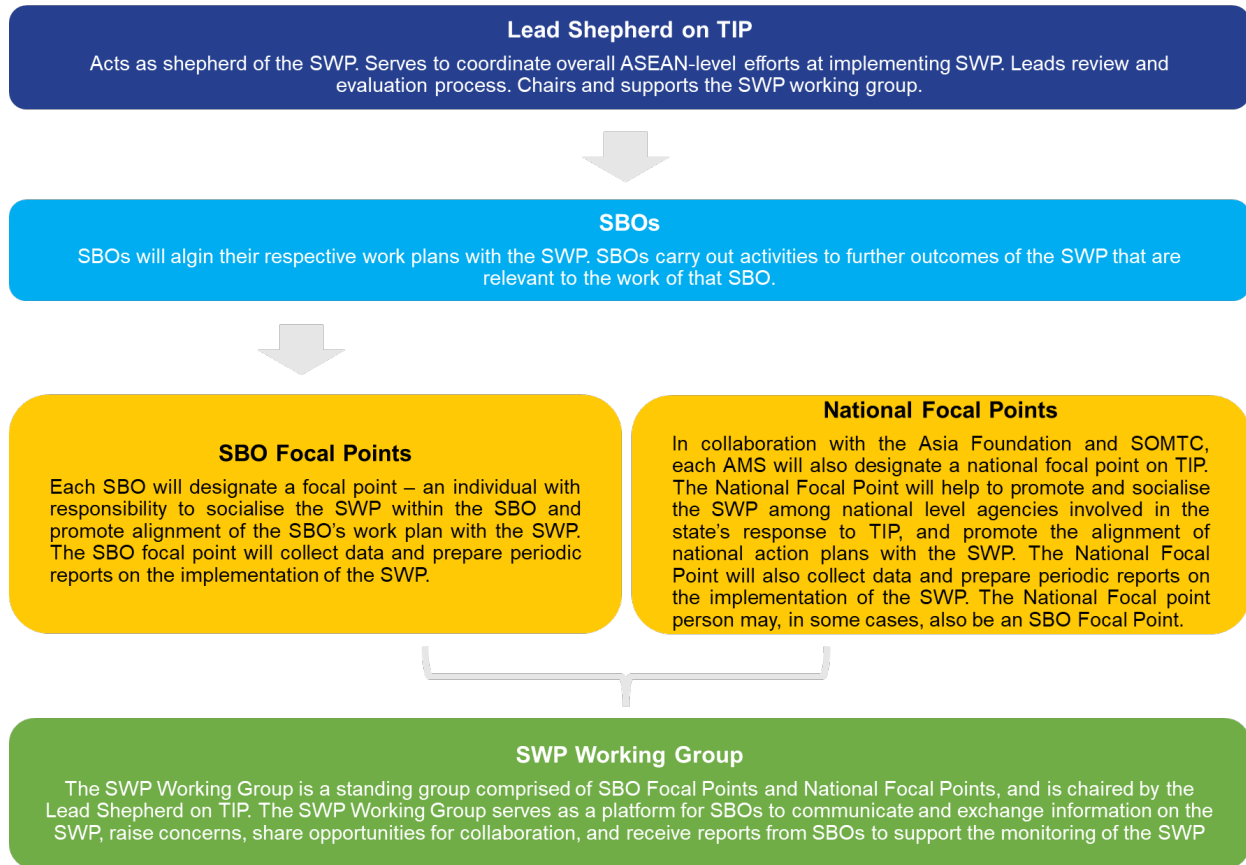
### **3. Proposed structure of SWP**

- 3.1. The diagrams below set out SOMTC-Philippines' proposed structure of the SWP and its associated reporting and coordination mechanism, based on the recommendations of this review report.

## Outline of Possible Structure of SWP



### Outline of Possible Coordination Mechanism for SWP



#### 4. Key considerations for a monitoring and evaluation framework for the SWP

- 4.1. Effective monitoring and reporting is considered as one of the most important improvements needed for the SWP. Some key considerations for the monitoring and reporting framework for the SWP (which overlap with some of the key recommendations outlined above) include:
- (a) A theory of change should be developed so that outcomes can be clarified and understood;
  - (b) Activities and outcomes in the SWP must be clearly linked to the provisions in the ACTIP that they are intended to address (e.g., by referencing the relevant ACTIP provision within the SWP itself);
  - (c) AMS should be able to prioritise outcomes that are the most important each year; (in terms of importance but also timing)
  - (d) The outcomes of the SWP must be achievable taking into account the challenges presented by the lasting effects of COVID-19 on the AMS – particularly in relation to the ability to undertake certain PPAs and conduct data collection;
  - (e) Robust indicators and tools for measuring progress towards each outcome should be developed that reflect international good practices (including GESI and human rights mainstreaming)<sup>46</sup>, but also the realities of the sources and types of data that AMS are able to collect and share having regard to the different national contexts of each AMS. Caution, however, should be exercised in developing and relying on indicators. Indicators can only measure limited aspects of a desired change, and should be used as evidence to help demonstrate that progress has been made towards achieving a desired change. Satisfying indicators should not be regarded as a ‘tick-box’ exercise. A focus on satisfying indicators risks placing an emphasis on outputs over outcomes – which was one of the key weaknesses identified in the BWP. For this reason, a brief list of qualitative and quantitative indicators should be developed and combined with monitoring questions, tools, and evaluation processes;
  - (f) Baseline data should be collected at the outset of the SWP, using a range of qualitative and quantitative data collection tools such as questionnaires, surveys, and interviews;

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<sup>46</sup> E.g., IOM (2008), Handbook on performance indicators for counter-trafficking projects; UNODC (2020) *Toolkit for mainstreaming human rights and gender equality into criminal justice interventions to address trafficking in persons and smuggling of migrants*.

- (g) Data should be stored centrally and updated regularly and easily accessible to relevant stakeholders. Digital solutions should be explored for this purpose. An outline of possible digital solutions that could be explored are set out in **Annex 7**;
- (h) There should be periodic reporting from the SBOs to support the monitoring of the SWP, and the proposed National ACTIP Representatives being developed by The Asia Foundation in partnership with SOMTC could be used as a focal point for data collection and reporting;
- (i) Periodic evaluations (annual) should be undertaken independently using the monitoring data and other methods as needed and agreed. The evaluation process should be transparent, and evaluation findings made public;
- (j) There should be broader stakeholder engagement in the reporting, monitoring, and evaluation of the BWP. Reporting from SBOs and AMS on the implementation of the BWP should include data and reporting from multiple sources – including CSOs. CSOs should be invited to provide comments or submit their own reports in connection with the mid-term and final evaluation of the SWP;
- (k) It is important to socialise the SWP with the SBOs that will be responsible for implementation, and the proposed National ACTIP Representatives could be used as a means to achieve this; and
- (l) Adequate resources should be made available to support SBOs to collect data and report on the implementation of the SWP, and for the MEL of the SWP.

## **5. Proposed methodology for development of a monitoring and evaluation framework for the SWP**

- 5.1. Having regard to the observations and thematic gaps set out above, set out below is a proposed methodology for the development of an MEL framework for the SWP.
- 5.2. The MEL framework for the SWP should be underpinned by the core objectives of evaluation in an anti-trafficking context, which are to improve decision making, resource allocation, accountability, and the development of future interventions.<sup>47</sup> An effective evaluation framework should therefore seek to:
  - (a) Measure and describe **what** the SWP has accomplished;
  - (b) Measure and describe the **impact** the SWP has had;
  - (c) Compare the **progress** of the SWP against the original intention;

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<sup>47</sup> IOM, *Handbook on performance indicators for counter-trafficking projects*. Available at: [https://www.iom.int/jahia/webdav/shared/shared/mainsite/published\\_docs/brochures\\_and\\_info\\_sheets/pi\\_handbook\\_180808.pdf](https://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/pi_handbook_180808.pdf).



- (d) Analyse the **reasons** for what happened, or the changes that occurred as a result; and
- (e) Based on these findings, **recommend** actions for policy makers.<sup>48</sup>

5.3. The steps for developing the SWP MEL framework should therefore:

- (a) Determine the purpose, audience, scope, available resources and how the information will be used;
- (b) Develop a Theory of Change for thematic areas that clearly describes the expected outcomes and the causal relationship between activities and outcomes;
- (c) Develop Key Monitoring and Evaluation questions that guide the inquiry, and identify meaningful performance indicators and progress markers;
- (d) Identify methods and tools for collecting data to answer the key questions, including timeframes for both monitoring and evaluation, data sources (including existing data) and responsibilities;
- (e) Clarify how judgement about progress and success will be made and who will be involved (e.g., participatory workshop with AMS looking at the data);
- (f) Outline reporting expectations, formats, frequency, access.

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<sup>48</sup> IOM, *Handbook on performance indicators for counter-trafficking projects*. Available at: [https://www.iom.int/jahia/webdav/shared/shared/mainsite/published\\_docs/brochures\\_and\\_info\\_sheets/pi\\_handbook\\_180808.pdf](https://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/pi_handbook_180808.pdf).

## Annex 7: Digitising MEL for the SWP

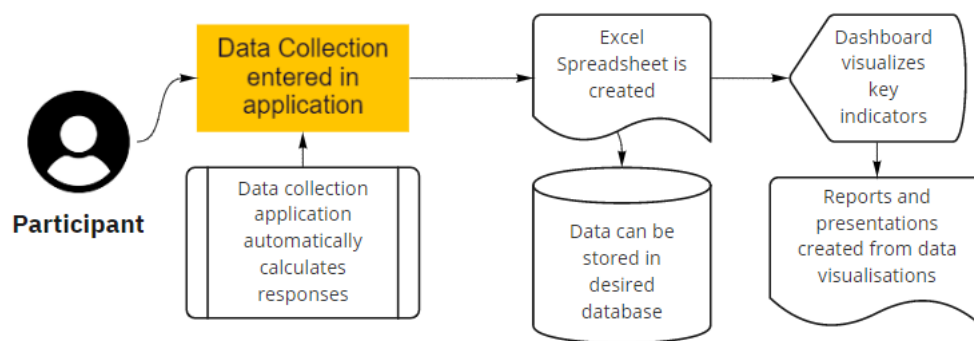
### Background

To streamline the MEL process, it is advisable to enable the digitisation of data collection, management, and visualizations. Through online forms available on desktops and mobile phones, organizers and participants will be able to provide information after events. This will make it possible to categorize feedback and present key findings on an online dashboard.<sup>49</sup>

### Process

To effectively develop the digital solutions needed, a brief and interactive user engagement workshop can be organized to identify the key monitoring, evaluation, and learning needs of participants. This is expected to provide clear requirements for the development of data collection forms, access to data, and dashboard visualization.

### Data Process



### What will the system capture and why?

The digital platform can capture key metrics needed for monitoring purposes that are outlined in the MEL Framework. Instead of relying on paper records capturing activities and feedback, information can be entered into the system which will translate it and make it easier to visualize and analyse data. Evaluation and outcome data can also be presented, accessed, and understood more easily.

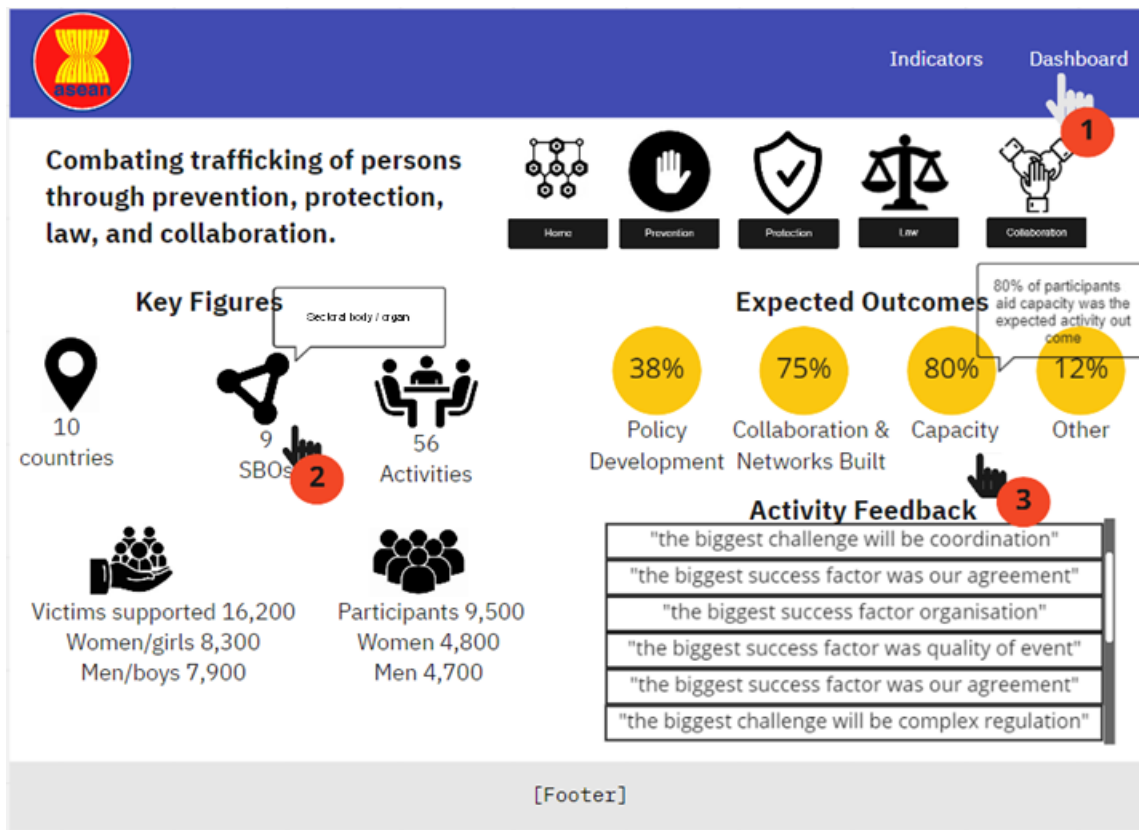
<sup>49</sup> For an example of an existing ASEAN data dashboard, see: <https://data.aseanstats.org/dashboards>

## Benefits and disadvantages of digital MEL

Benefits	Disadvantages / considerations
Easy to enter data	Cost of platform including maintenance
Easy to store and manage data in one place	Initial set up takes time
Easy to access information (but can also limit access)	Data needs to be checked for quality
Creates an engaging visualization of information	The dashboard is only one part of the MEL system, other processes are also needed
Can engage people and agencies who may not engage otherwise	Variability in stakeholder technical capabilities/resources
Easy to target relevant information (and avoid irrelevant information)	Not a “set and forget”, needs regular input to work
Increases accountability	Need to align with other digital platforms

## Dashboard Prototypes

### Option 1



Option 2

