

Human Trafficking Prevention in the Greater Mekong Sub-region*

International Labour Organization – Asia-Pacific Regional Office

INFORMATION IS PROTECTION. Reaching young people before leaving home, in transit areas and upon arrival in destination areas helps them become migrant-wise.

The proven practice: a prevention-related awareness drive that recognizes people’s aspiration or need to move for work and to help young people wanting to migrate avoid human traffickers as well as labor and sexual exploitation during each stage of the process: before leaving home, in transit and at their destination.

The Situation¹

Across Southeast Asia millions of people are on the move. For most it is a positive and rewarding experience. However, sub-regional trends toward uninformed and ill-prepared migration have created a dangerous vacuum in which human traffickers are able to exploit migrants, especially children and women. Adult migration, and how to regulate it to the advantage of both the migrants and the sending and receiving countries, is becoming an urgent priority for many International Labour Organization (ILO) member states.

*This is an enlarged version of the report entitled *Meeting the Challenge: Proven Practices for Human Trafficking Prevention in the Greater Mekong Sub-region*, published by the International Labour Organization Regional Office for the Asia-Pacific.

Preventing the trafficking and labor exploitation of children and young people is an obligation of ILO members which have ratified Convention 182 on the Worst Forms of Child Labor.

In the Greater Mekong Sub-region (GMS), children and women, often as a result of unprepared and ill-informed migration, are at a heightened risk of being trafficked within their own countries and across international borders. Some victims are abducted from their communities or sold to traffickers by family members. However, most are deceived by false promises and offers of fictitious jobs in major urban areas.

Those at a higher risk of encountering human traffickers are often from poor, under-educated, unskilled, debt ridden, and/or socio-economically excluded backgrounds. Many also come from dysfunctional or single parent households. However, it is also true that many victims are not the poorest of the poor. Many have some level of education and aspirations for a better life - but lack of forward planning brings them into contact with exploiters along the way with some ultimately falling victim to trafficking.

Children and women from ethnic minorities and tribal groups whose host countries have refused them the right of citizenship also face a higher risk of exploitation. Effectively stateless, barred from owning land, and with limited access to government services, the children and women from these families are particularly vulnerable to the lure of traffickers and subsequent labor exploitation.

The Initial Challenge

Trafficking in women and children in the Mekong sub-region is a problem aggravated and complicated by many factors. While some victims are abducted or “purchased” from parents, relatives or boyfriends, increasing evidence indicates that most trafficking occurs during voluntary migration prompted through poverty, family crisis, lack of employment opportunities and other factors in sending areas and the belief that destination sites offer a better future. Currently, the flow of people across borders and within countries remains unregulated and this creates a vacuum in which traffickers exploit the vulnerabilities of migrants. Human trafficking often succeeds where there is misinformation, ignorance and deception. People are more vulnerable to exploitation and devious tricks when they are away from familiar surroundings. And their vulnerability becomes even more acute the

farther they go, especially after crossing borders and finding themselves in an illegal situation with incomplete or forged travel documents and unable to understand the local language or culture.

The Response

The ILO has been working in the field of human anti-trafficking since the mid to late 1990s, originally in the Greater Mekong Sub-region, but later in China as well. Work in Yunnan Province, in southern China (ILO-IPEC-TICW), served as a pilot for future collaboration between the ILO and All-China Women's Federation (ACWF). The ILO-ACWF expanded their work into a further five provinces - including, for the first time, migrant destination areas along the booming eastern seaboard. Further ILO anti-trafficking projects are planned focusing on Cambodia, China, Lao PDR, Malaysia, Thailand and Viet Nam. It is anticipated that this work will complement the Decent Work Country Programmes in the region up to, and including, the final year of the Asian Decent Work Decade (2006 -2015).

The ILO's Mekong Subregional Project to Combat Trafficking in Children and Women (ILO-TICW) was established as part of the organization's specific mandate to 'contribute' to the elimination of labor exploitation of children and women. Working to prevent trafficking in these groups is a major step in that direction. ILO is laying the foundation for effective prevention, but it is up to the policymakers of each country—and their societies as a whole, including employers' and workers' organizations—to join forces in working toward sustainable reductions in the supply and demand for the exploitative labor of trafficking victims, thereby leading toward the elimination of human trafficking and child labor.²

ILO-TICW has the following mission statement on this issue:³

- Our mission is to help eliminate the sexual and labour exploitation of children and women in the Greater Mekong Sub-Region by reducing their vulnerability, and preventing their exposure, to human traffickers and exploitative employers.
- In partnership with governments, employers' and workers' groups, and other organizations, we are striving to help countries create safer, open and accessible migration channels - and working conditions for adult migrant workers - within and between countries.

- We are helping to raise awareness of the long-term benefits of a child in school, while working to reveal and reduce demand for exploitative occupations that disrupt their education and their human development.
- We are helping to mobilize society and policy makers in order that they may take over our campaign to permanently eliminate the exploitative conditions that lead to and stem from trafficking in children and women, while introducing financially sustainable local alternatives to unprepared and ill-informed migration.

ILO-TICW believes that an ounce of prevention is worth a pound of cure. And while those young people already caught up in the cycle of trafficking need help and support, the ILO and our donors have agreed that the best long-term solution to human trafficking is to tackle the ‘supply’ problem at its source—in the villages and towns where so much of the ill-informed migration begins—and the problem of ‘demand’ at the destination, in the towns and cities where most of the exploitation takes place.⁴

In line with this perspective, ILO-TICW identified a number of factors to consider. First there was a need to raise public awareness regarding the plight of those who are exploited—in both sending and receiving countries—and the negative consequences that labor and sexual exploitation have on their own society. The public need to realize that the problem exists in their country. At the same time we need to show the positive benefits their society would experience by eliminating the demand for the services and products provided by those being exploited. Second, there was a need for law enforcement officials, the judiciary, and society at large to recognize that many working in the sex trades, sweatshops, factories, construction sites and domestic workers are not there of their own choice, but have been coerced and deceived. Those individuals are victims and should be treated as such. Indeed anyone under 18 working in exploitative, slave-like or near-slave-like conditions—including the sex trade—is a victim of trafficking, regardless of whether they were deceived or coerced.⁵

Although trafficking is a crime, the objects of the crime are human beings. There is a tendency for some authorities to treat trafficking victims as criminal ‘evidence’ and/or ‘illegal’ immigrants. So in order to de-criminalize and re-humanize the situation, we work with a variety of government departments, including law enforcement officials. But it is a multi-dimensional issue, requiring multi-dimensional responses. Therefore, we also place

strong emphasis on civil society, and our relationship with the ILO's two other constituents: employers associations and workers' groups. The more segments of society we can enlist in our prevention methods and messages the greater chances of success in eliminating the labor exploitation and the trafficking that leads to it.⁶

ILO-TICW has initiated a number of projects that respond to the human trafficking situation in the Mekong subregion. These projects relate to:⁷

- *Building the knowledge base.* Research on a more accurate picture about the causes and consequences of human trafficking in Southeast Asia.
- *Awareness raising about safe migration.* Reaching out through its partners and constituents to those most vulnerable—teens and young women—migrating in search of work.
- *Setting the standards on labor migration.* Development of a set of guidelines for improved policy and practices in migrant recruitment.
- *Preparing economic alternatives.* Development of alternative or additional income generation at home for vulnerable young people and their families to help relieve the 'push' of ill-prepared migration that can result in labor and sexual exploitation in transit and at destinations.
- *Advocacy.* A process and a tool used to bring about the required changes in policy, attitudes and public participation in the fight against trafficking and labor exploitation.
- *Working with governments.* Reinforcement of the ILO commitment to the governments within the United Nations (UN) System and the demonstration of the value of ILO technical assistance being offered.
- *Working with businesses and unions.* Working with employers' organizations across the GMS to sensitize them to the problem of human trafficking and how it affects them. Collaborating with them to become partners in advocacy, the project has developed a business case that works in trafficking prevention. This also covers working with labor unions as natural allies in the fight against trafficking-related abuse of workers everywhere.

- *Working with communities.* Engaging people from vulnerable groups—including children—to support their policy plans and actions.
- *Helping victims return home and re-build.* Aimed at a) supporting a more humane reintegration process for returned victims of trafficking, and b) improving the capacities of service providers to reintegrate victims of trafficking (especially referral services, counseling and case documentation).

Particularly concerned about young migrants leaving home with little or no information to guide them, the ILO-TICW initiated in 2006 a two-year awareness “campaign” that targeted would-be migrants in their home countries as well as migrants in destination areas.

To promote awareness among migrants to the dangers of ill-prepared migration, the ILO-TICW team produced four versions of a guidebook, entitled *Travel Smart—Work Smart: A “smart” guide for migrant workers* and translated into seven languages (Burmese, Chinese, Karen, Khmer, Laotian, Shan and Vietnamese).

The *Travel Smart—Work Smart* guidebooks, first launched in Thailand as a destination tool for inbound migrants and later revised for sending areas like Lao PDR and Cambodia, are now a commonly recognized ‘brand’ of the ILO’s outreach materials for migrant workers. The guidebooks raise the awareness of migrant workers about their rights—both labor and human rights—and direct them where to go for help should those rights be abused. The guidebooks have been expanded to cover sector-specific areas of work. In late 2009, *Domestic Work—Decent Work* the latest in the series of Travel Smart books, was launched as a “safe” guide for domestic workers in Thailand (both migrant and Thai national).

The content for each version has been adapted, based on the national context and depending on whether the audience is in a source, transit or destination country. The guidebooks primarily target youth aged 15–24 but are equally relevant to older migrants.

The guidebooks either explain the rights of workers or list them. The ILO guidebook for domestic workers, *Domestic Work—Decent Work*, explains these rights in the following manner:

Your right to respect, fair pay, safe work, rest time and privacy: When we talk about “rights” we mean human rights “a right to be treated in a dignified way like any other human being

in life and at work. Rich or poor, young or old, male or female, we all have these rights. In return for your labour, you have a right to expect “and receive” fair pay and decent working conditions. You also have a right to keep in touch with your family and friends and that includes the right to leave the house and visit other people and places during your time off. No matter what type of work you do, you are entitled to the respect for, and protection of, your human rights, to live and work in a decent and dignified way, free from harassment and exploitation!

Travel Smart—Work Smart discusses a number of rights that people should be able to enjoy as migrants in countries other than their own. It lists the rights that should be enjoyed by migrants such as the following:⁸ right to minimum wage, one regular working day not exceeding eight hours, rest time, minimum of one day off per week offered not less than thirteen working days off each year, take medical leave work in safe and healthy workplaces, receive pay for the work completed if one quits the job or is fired.

There are also provisions for female migrant workers:⁹

Female migrant workers are entitled to the same wages as male migrants performing the same job. Employers can pay wages based on a worker’s performance so long as it is not based on whether the worker is male or female and that the pay is not below the minimum wage.

Pregnant migrant workers shall have the right to take maternity leave of not more than ninety days including forty-five days of paid leave from their employer.

Avoid work just before or just after pregnancy. Get a medical certificate from your doctor stating that you are unable to continue hazardous or physically difficult work. You have the right to ask to change your work duties just before and after you give birth.

All female workers are legally entitled to work while pregnant and to receive special protection from dismissal due to pregnancy.

Travel Smart—Work Smart states¹⁰ that as a migrant of any age, and regardless of whether or not legally registered to work, you have the right to seek help and assistance if:

The above rights have been violated by your employer.

You have been unfairly dismissed from your job and/or your employer has withheld your wages.

You have been physically or sexually assaulted or harassed by your employer, chief, supervisor, etc. Physical and sexual assault and sexual harassment are crimes.

Your identity/work documents have been withheld by your employer.

Your employer, or people working for your employer, have forced you to work or denied you your right to leave the premises during non-working hours.

The ILO-TICW awareness “campaign” refers to the promotion of three concepts:

That government and workers’ and employers’ groups “buy” into the branding idea of working together to better inform migrants via a variety of networks;

Roll-out of the guidebook in different countries (all governments endorsed the idea of informing migrants from their respective country); and

Encourage local migrant groups to carry this work on after ILO-TICW support ends.

The Process

The *Travel Smart–Work Smart* guidebook for each country is written in concert with the respective governments and covers the steps young migrants should take before, during and after arriving at a destination to better safeguard themselves against abuses. In each country, the guidebook was developed through several rounds of consultations between ILO-TICW, government officials, nongovernmental organizations (NGOs) and other specialist consultants.

In 2006 and 2007, the ILO-TICW project also organized meetings of high-level government advisers of all five project countries as well as members of workers’ and employers’ organizations who endorsed the *Travel Smart–Work Smart* campaign and pledged further support.

Test Trials of Specific Editions In-Country

Thailand

The Thailand edition of *Travel Smart–Work Smart* targets migrants (regardless of regular/irregular status) who are already in the country. The

guidebook was translated into five languages (Burmese, Karen, Khmer, Laotian and Shan).

Whether registered or unregistered, documented or otherwise, the Thailand destination guide stresses ways for migrants to stay safe while in Thailand, how to avoid abuse by unreliable employers and where to turn if they need help. It informs them of the minimum wages and working conditions they are entitled to under Thai law. These sections are translated into Thai language so the migrant can more easily communicate the point with his/her employer or, if required, when making a complaint to the Job-Seekers Protection Division of the Department of Employment. The Department's "hotline" number is prominently displayed for migrants should they need counselling or redress in the event of a contract violation. It also highlights the Thai Government's aim to encourage migrants to follow the registration procedures for work in Thailand that begin before the migrant leaves home (via application for registration with their own government to be part of the official Thai quota for migrant workers in various employment sectors).

As a trial to test the content, the Thailand edition of the preliminary guidebook was distributed widely in Thailand in destination and transit areas through NGO partners. Some of them also organized focus group discussions to gauge the usefulness of the material. The discussions produced tremendously insightful feedback on what information was confusing and not helpful and how, in some cases, translations made no sense. The feedback was then circulated among NGOs, agencies and government departments and discussed further in a one-day workshop. Revisions were made to the guidebook and 15,000 copies were produced (with a plastic cover to make it more durable).

Eleven international and national NGOs and networks in various migrant "hot spots" within Thailand have distributed the guidebook. Advocacy workers handed them out in group discussions or in one-on-one discussions. In some cases, training courses were organized in sending and destination areas for would-be migrants and migrants. By setting up group sessions in high-risk areas, the objective aimed to encourage young people to discuss issues and protection among themselves and to then feel empowered enough to further distribute the guidebook and talk with others about how to better protect themselves. The group sessions also included information on livelihood options closer to home.

In late 2007, after a round of follow-up consultations with the government and NGO partners, the ILO-TICW project began drafting a second edition that will be more simplified—focusing primarily on how to remain safe during migration to a new place and where to go for help if required at that destination.

Lao PDR

The Lao edition of *Travel Smart—Work Smart* targets individuals potentially interested in migrating to Thailand for work. It contains information aimed at assisting them to better prepare their migration before they leave and what to expect upon arrival in Thailand.

Some 15,000 copies of the first edition of the guidebook have been printed and were launched by the Ministry of Labour and Social Welfare in March 2008. The books were distributed in many villages in five provinces (Champassak, Savannakhet, Khammouane, Bolikhamxay and Sayabouly).

One-day media trainings were also conducted in Lao PDR for print, radio and television journalists for help in relaying the message about safe migration to the public. The media in Thailand was alerted to the campaign to encourage better news coverage of the need for safer migration and of options available to migrants. In the Lao workshops, the media participants were asked to file one report incorporating the workshop issues within thirty days of the training. Following this, the Thai and Lao Governments each engaged their local media in a seminar on trafficking to further discuss issues of safe migration.

Cambodia

The Cambodian Government, with support of the ILO-TICW project, produced its own version of the *Travel Smart—Work Smart* guide following an earlier publication of an ILO-supported guide for Cambodian migrants en route to Malaysia. The new guide targets domestic migrant workers and disseminated in both sending and receiving provinces. It provides information on proper planning, what to expect upon arrival, measures to reduce risk of exploitation and where to seek help in case of need.

Viet Nam

With support of the ILO-TICW project, the Ministry of Labour, Invalids and Social Affairs (MOLISA) developed and published a Vietnamese version

of the *Travel Smart—Work Smart* guide in 2007. Some 20,000 copies of the guide, which focused on domestic migrants, were disseminated in two sending provinces (Quang Ninh and Thanh Hoa) and one key destination area (Ho Chi Minh City). Following requests from the partners, particularly the MOLISA and the Viet Nam General Confederation of Labour, an additional 50,000 copies were produced.

Yunnan province, China

A guide similar to *Travel Smart—Work Smart* was produced in Chinese by The Project to Prevent Trafficking in Girls and Young Women for Labour Exploitation within China (CP-TING), an ILO sister project, with the All-China Women's Federation in 2006 for internal migrants in five provinces. In Yunnan, the CP-TING guide was revised in early 2008 to include some of the core messages from *Travel Smart—Work Smart*. Some 45,000 copies will be disseminated in source and destination areas within Yunnan province, targeting migrant workers aiming for destinations within the province or to other main destination areas within China.

Outcomes

The national-level project implementation resulted in a number of outcomes, namely,

- The *Travel Smart—Work Smart* guidebook for Cambodia.
- In Yunnan province of China, 45,000 copies of *Travel Smart—Work Smart* have been distributed by June 2008.
- In Lao PDR, 15,000 copies of the first edition of *Travel Smart—Work Smart* were disseminated starting in April 2008, and a second edition might be supported, based on the feedback from the first round.
- 15,000 copies of *Travel Smart—Work Smart* were distributed in Thailand, in Burmese, Karen, Lao and Khmer languages with significant input from the Ministry of Labour and other government and non-government agencies concerned with the migrant workers issues. A second edition resulted in the production of a further 70,000 copies distributed in major migrant destination areas.

- 20,000 copies of the Viet Nam version of *Travel Smart—Work Smart* was disseminated in 2007 and an additional 50,000 have been produced.
- Seventy-five journalists have also been trained on the links between migration and human trafficking through this program.

According to a summary of a focus group discussion with Cambodian migrants working in Thailand on the *Travel Smart—Work Smart* guidebook:

The migrants said the materials were useful both for undocumented and documented migrants and they enjoyed reading the booklets, which they said covered all legal aspects needed by migrants and gave useful information on how to protect themselves. The Thai translation was also good for long-term migrants who can no longer read Khmer and for Thais who are interested in the materials. Migrants said they felt more empowered after reading the booklet, particularly informing undocumented workers that they have rights.

However, they thought that two separate booklets are needed for source and destination provinces, as the information was mixed between what was useful for source and for destination.

In post-dissemination testing, migrants in all countries have said the guides are useful and have offered ways to improve the content, proving yet again, the value of consulting the people who are to be helped.

Challenges

There are challenges that remain to be fully addressed:

- Migrants that travel across borders without documentation claim that even if they know their “rights” (minimum wage, etc.) they are powerless to demand that they receive them in the same way that a national of that country would.
- Hotlines and call centers designed to hear complaints of labor exploitation at destinations often do not have anyone who can speak the language of the migrant.
- Hotlines and call centers often are not staffed at a time when the migrant is able to call.
- Some migrants claim that even knowing how to stay safe will not prevent them from taking risks as they often see few other economic choices.

Lessons Learned

The project provided the following lessons learned:

- Government partners need to be consulted because they are the authorities on workers' rights and are able to offer assistance in times of trouble.
- Useful information needs to be "simple" to make it easy to understand.
- The advocacy workers who have direct contact with migrants need to be trained on the guidebook content prior to distributing it in order to answer any questions.
- Disseminating the information in group sessions is beneficial and logical for outreach in areas of migrant concentration.
- Getting feedback from people distributing information books is needed prior to republishing future editions.
- A plastic cover helps prevent the book from being destroyed easily by water.

Migrants who participated in the focus group discussion on the guidebook also made the following additional suggestions:

- A pocket size book with bigger writing and more pictures should be produced.
- Storybooks encompassing the information on how to protect oneself from trafficking and exploitation would also be good.
- Information on where to go (or a telephone number) for reporting a migrant who has disappeared is needed.
- International organizations should give labor rights information to employers and produce booklets to inform employers of the Labour Protection Act and that migrants have rights.
- Information on rights during arrest and deportation should be included.

The migrants stressed the need for information on what actions/things are illegal in Thailand, such as gambling and not wearing a helmet when riding a motorbike.

Next Steps¹¹

Slowly but surely, governments, employers, workers groups and civil society, assisted by ILO-TICW and other agencies, are winning the fight to

prevent children and women falling into the hands of human traffickers. In 2005, representatives of all five governments along with participants from workers' and employers' organizations from each of the five countries gathered in Bangkok to map out a way to work together to fight trafficking. This sub-regional advisory group - or SURAC - pledged to build on this momentum to ensure that fighting trafficking for labor exploitation would become a priority among their constituents.

Recognizing the problem was the first step. Identifying effective countermeasures was the second. Helping Governments, Employers' and Workers' groups and civil society carry on the fight and land the decisive blow is next.

Endnotes

¹Taken from Project Overview, Preventing Trafficking in the GMS, in www.ilo.org/public/english/region/asro/bangkok/child/trafficking/projectoverview.htm

²Text from "11. Can ILO-IPEC actually prevent trafficking in children and women?," in "FAQ—Human Trafficking and ILO Responses" available in www.ilo.org/public/english/region/asro/bangkok/child/trafficking/faqs.htm#faq01

³Text from "Our Mission Statement," FAQ, *ibid.*

⁴Text from "8. Why focus on prevention instead of protection, rescue, or instead of trying to catch the traffickers, etc?," FAQ, *ibid.*

⁵Text from "10. What can you do to help change the attitudes of society toward labour and sexual exploitation of children and women?," FAQ, *ibid.*

⁶Taken from "9. Why not just work with law enforcement agencies and judiciary?," FAQ, *ibid.*

⁷Based on "Where we work—The workplan (2006-2008) in Preventing Trafficking in the GMS - The ILO Mekong Subregional Project to Combat Trafficking in Children and Women, www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-thailanddetail.htm.

⁸Based on "Your Rights as a Migrant Worker In Thailand" in *Travel Smart - Work Smart A 'Smart Guide' for Migrant Workers in Thailand* (Second Edition), pages 9-12.

⁹Based on "Special Notes for Women Migrants," *ibid.*, page 18.

¹⁰Op. cit., page 20.

¹¹Taken from "A Brighter Future?," in the Project Overview, in <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/projectoverview-thefuture.htm>.

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