

**International Labour Organization (ILO)
International Programme on the Elimination
of Child Labour (IPEC)**



LAO PDR

**PRELIMINARY ASSESSMENT OF ILLEGAL LABOUR MIGRATION AND
TRAFFICKING IN CHILDREN AND WOMEN FOR LABOUR EXPLOITATION**

By

Inthasone Phetsiriseng

In collaboration with

**Ministry of Labour and Social Welfare and
Participatory Development Training Center**

January, 2003

For ILO Mekong sub-regional project to combat trafficking in children and women

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Lao PDR - Preliminary Assessment of Illegal Labour Migration and Trafficking in Children and Women for Labour Exploitation

Bangkok, International Labour Office, 2003

ISBN 92-2-113592-6

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Visit our project website at: www.ilo.org/asia/child/trafficking

Printed in Thailand

FOREWORD

The worst forms of child labour, including trafficking, are issues of grave concern. Throughout its history, the International Labour Organization (ILO) has been working hard to ensure recognition of the fundamental human right to freedom from forced labour and child labour. Indeed, the ILO's Constitution and the Declaration of Philadelphia uphold this principle unequivocally.

While the ILO's Forced Labour Convention No. 29 (1930) and the ILO's Minimum Age for Labour Convention No. 138 (1973) serve as important landmarks, the ILO's Declaration of Fundamental Principles and Rights at Work (adopted by the ILO in 1998), and the Worst Forms of Child Labour Convention No. 182 (1999) have more recently added a greater impetus in trying to combat these inhuman practices. And yet we still face enormous challenges. The magnitude of the problems is huge, while the nature of these problems means that they are largely invisible to the public eye.

On a more encouraging note, we have seen an unprecedented interest in the fight against the worst forms of child labour and trafficking over recent years. The ILO has been at the forefront of the international efforts within the framework of ILO Convention No. 182. In Southeast Asia, the ILO's work includes a project to combat trafficking in women and children in the Greater Mekong Sub-region, funded by the United Kingdom's Department for International Development. The project focuses on prevention of internal and cross-border trafficking in children and women for labour exploitation, including sexual exploitation. In preparation for the project interventions, a series of rapid assessment investigations on trafficking were carried out, including this study.

This study was designed and conducted by Inthasone Phetsiriseng in collaboration with the Lao Ministry of Labour and Social Welfare and the Participatory Development Training Center. Technical editing was carried out by Eriko Kiuchi and Caspar James Trimmer with the assistance of Hans van de Glind and Herve Berger.

I would like to express my sincere gratitude to partners who have contributed, through individual or collective efforts, to the realisation of this report.

I hope that this publication will result in a better understanding of the issue of trafficking in Lao PDR, and allow us to focus more clearly on the challenges that lie ahead.

Yasuyuki Nodera
ILO Regional Director
Asia Pacific Region

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ACKNOWLEDGEMENTS

This preliminary assessment was conducted in collaboration with the Participatory Development Training Center (PADETC), and the Ministry of Labour and Social Welfare (MOLSW).

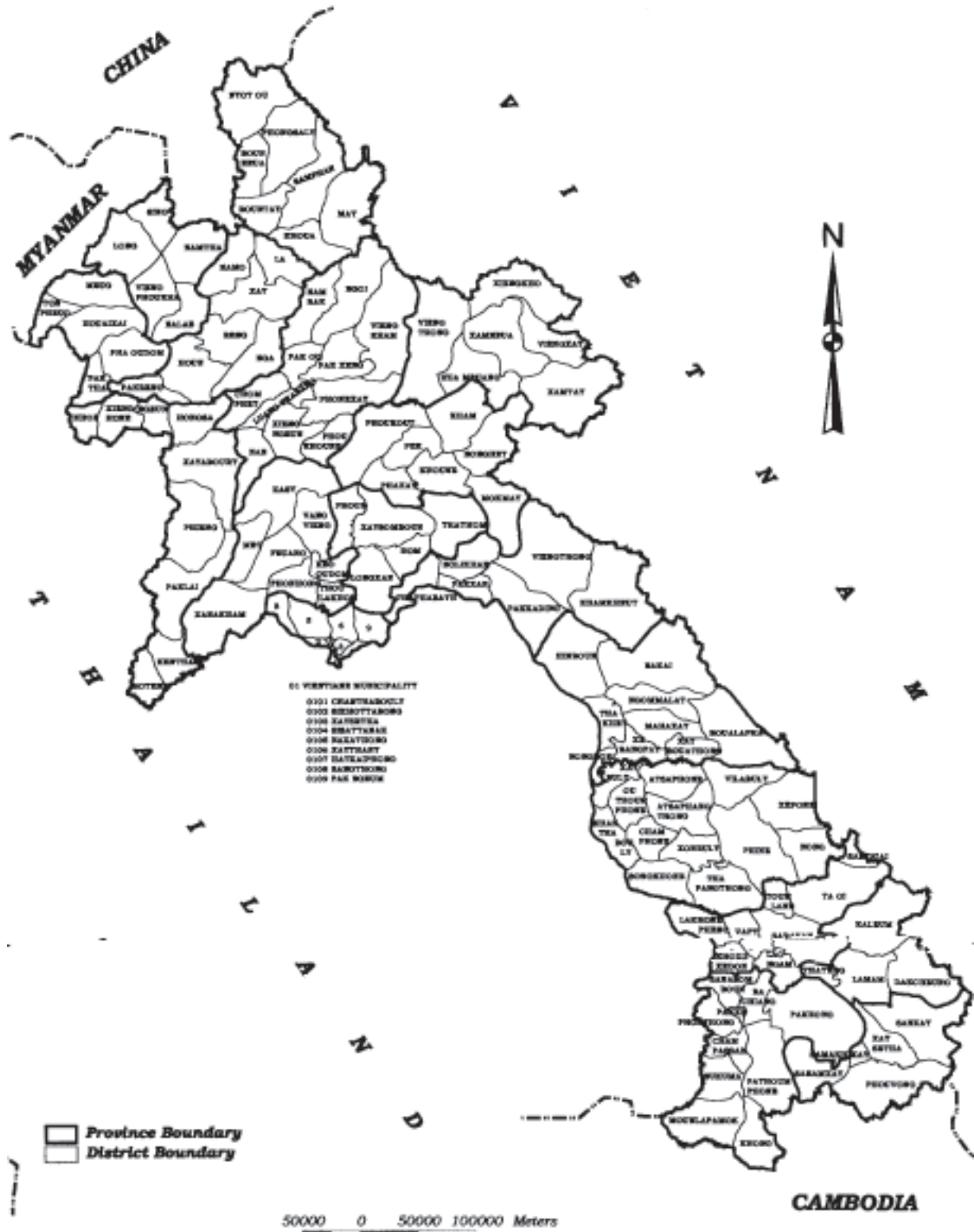
Special thanks to the Khammuane, Savannakhet and Champassak provincial authorities for the facilitation of the data collection and the provision of the information. I would like to express my sincere appreciation and acknowledgement to the families, migrant workers, returnees and trafficked victims who provided valuable inputs to this assessment.

My special thanks also go to Eriko Kiuchi for the editing of this publication.

Inthasone Phetsiriseng

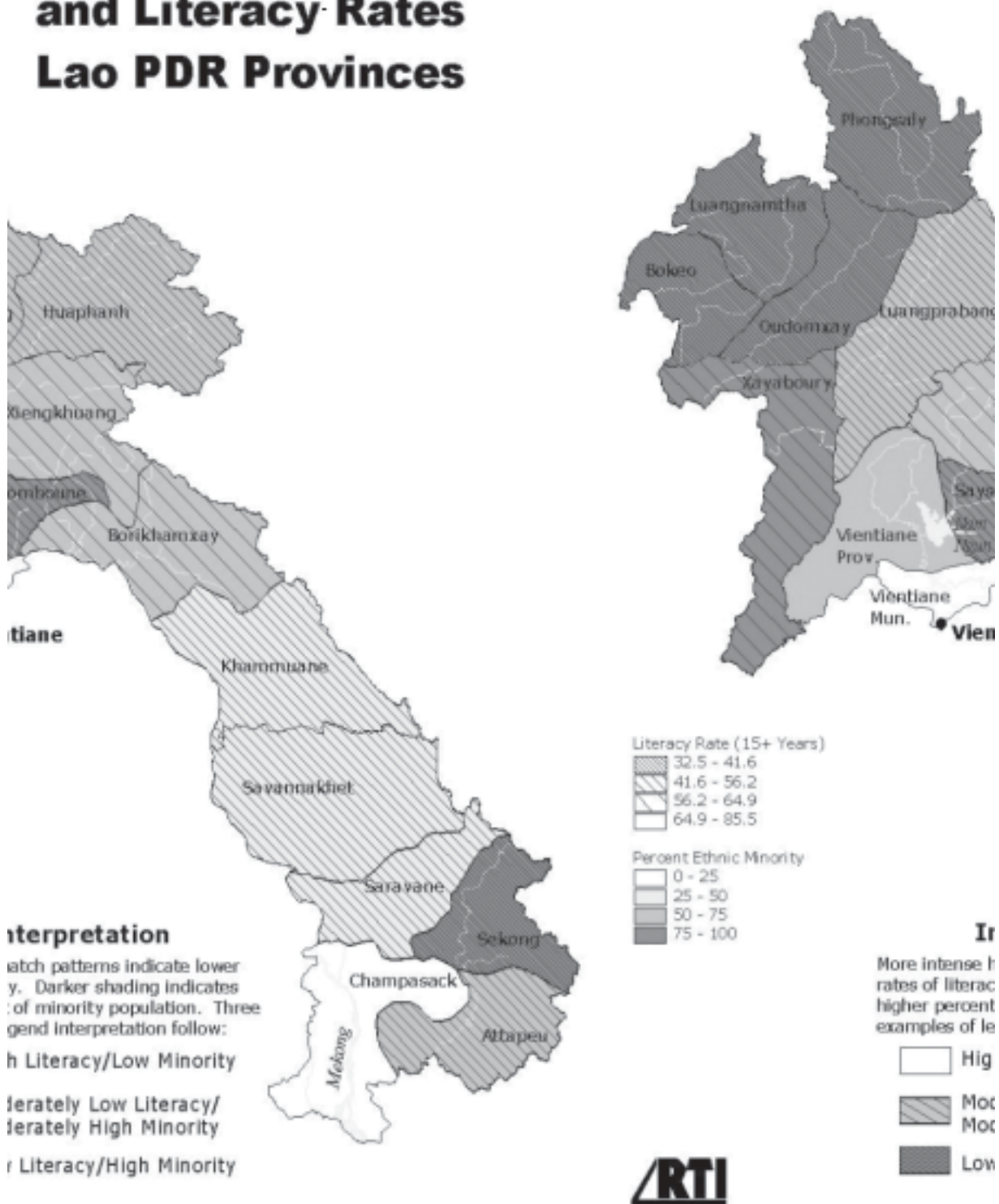
January 2003

DISTRICTS OF LAO P.D.R



Minority Ethnic Populations

and Literacy Rates Lao PDR Provinces



Source: 1) Ministry of Education, Lao Education
for All Department, Vientiane, 1999, 2) IMF, 1997

LIST OF ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDC	Children in especially difficult circumstances
CRC	United Nations Convention on the Rights of the Child
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
ILO-IPEC	International Labour Organization International Programme on the Elimination of Child Labour
ILO-IPEC/TICW	Mekong Sub-Regional Project to Combat Trafficking in Children and Women
LWU	Lao Women's Union
LYU	Lao Youth Union
MFA	Ministry of Foreign Affairs
MOE	Ministry of Education
MOI	Ministry of Interior
MOLSW	Ministry of Labour and Social Welfare
NCMC	National Committee for Mothers and Children
NGO	Non-governmental organization
NPC	National Project Committee
NSC	National Steering Committee on Child Labour and Trafficking
PADETC	Participatory Development Training Center
PSCS	Provincial Steering Committee and Secretariat for IPEC
PSOE	Provincial stakeholder ownership exercises
UNICEF	United Nations Children's Fund

EXECUTIVE SUMMARY

This report presents the outcomes of a preliminary assessment on illegal labour migration and trafficking in children and women in Lao PDR carried out in late 2000. The assessment was carried out in three provinces of central and southern Lao PDR which share borders with Thailand and have relatively diverse ethnic minority groups: Khammuane, Savannakhet and Champassak.

The assessment examines the incidence of labour migration and trafficking from these provinces into Thailand, presenting official figures from a number of sources (in both Thailand and Lao PDR) and the results of field research in selected districts and communities. It examines the push and pull factors that influence migration, and its socio-economic impact. Based on the suggestions of community members, it recommends areas of intervention that might help to mitigate the problem of illegal labour migration and trafficking.

Lao PDR numbers among the world's poorest countries. Most of the population is involved in subsistence farming, and few other job opportunities exist outside a few cities that are the focus of economic growth in the country. While basic education indicators are improving, enrollment and completion rates for secondary school are poor, especially for girls. Children from Lao PDR's many ethnic minority groups also find themselves at a disadvantage in education and frequently drop out. Villagers in the assessment reported that quality of, and access to, secondary education and vocational education are inadequate.

Lao PDR shares a long, porous border with its far more prosperous neighbour Thailand. Thailand has a strong demand for cheap labour in sectors such as fishing, prawn-farming, fruit-growing, entertainment and manufacturing. This provides employment for many illegal migrants, including those from Lao PDR.

Lao people are relatively well off as workers in Thailand. The close similarity between Lao and Thai languages give them a significant advantage over migrants from Cambodia, China or Myanmar, for example, whose vulnerability is compounded by an inability to communicate.

Some communities and districts in Lao PDR have long-established links with employers or industries in Thailand, so their migration is well organized. Even though well-established trafficking networks facilitate the illegal border crossing and onward migration, migrants often know exactly where they are headed and the terms of employment they can expect. To a large extent, the trafficking networks are providing a service to meet an informed local demand and do not resort to coercion or deceit in order to find victims. The networks sometimes provide mobile telephones to communities so that community members can contact them. They often provide the additional services of carrying remittances and communications between migrants and their families and friends back home.

Few cases that certainly involved coercive trafficking for the worst forms of child labour were directly reported to the researchers by community members.

The communities reported that the majority of migrants are teenagers and young adults, often migrating against their parents' will. These young people generally migrate to escape the prospect of a life of subsistence farming and to take advantage of the wealth and opportunity they believe Thailand offers. This impression is reinforced by Thai TV popular in Lao communities in the provinces bordering Thailand.

The sheer magnitude of the migration of young people from these villages has left some families and communities without their strongest, most productive members. As many of the migrants never return home for more than short visits, the longer-term socio-economic impacts of migration could be extremely serious.

At the local level, local authorities have levied fines from migrants or, in other cases, from migrants' families (even when the migrants have left against the family's wishes). Communities reported that such initiatives had failed for several reasons, such as because the fines were too small, because the burden fell on the families rather than the migrants, and because of failure to implement the policies in practice. The area covered by the survey had seen a number of community development projects, but these had not effectively dissuaded migrants.

So far, repatriation efforts by the Thai authorities have had similarly little impact – migration is easy and its benefits all too tangible, so repatriated migrants generally re-migrate, often many times. Vocational training initiatives, intended to equip returnees with useful skills and so eliminate the need to migrate, have also failed to curb the problem, as opportunities to use the skills are more common and lucrative in Thailand.

During the preliminary assessment, the study team held meetings with villagers in the target communities to ask for their views about illegal migration and trafficking, and to seek their suggestions on possible solutions. Common threads in the villagers' suggestions included improving quality of, and access to, education and vocational training, and increasing income-generating opportunities, particularly by developing local-level market economies so that communities could move beyond subsistence farming to micro and small enterprise development. There was also a widely held view that there was too much promotion of modern consumerist values, to the detriment of young people's moral development and sense of responsibility to their families and communities. Finally, community members suggested that interventions to raise awareness, particularly among young people, of the grave risks associated with migration and trafficking, might help to dissuade them from migrating illegally and give them a greater ability to protect themselves from exploitation.

CHAPTER 1: INTRODUCTION AND OVERVIEW

1.1 Objectives, Goals and Focus of the Assessment

The purpose of this preliminary assessment on illegal labour migration and trafficking¹ in children and women in Lao PDR is to provide insight and background information on the current situation for the use of the Government of Lao PDR and other interested domestic and international actors. Another function of the assessment is to provide a basis for future interventions under the ILO-IPEC Mekong Sub-Regional Project to Combat Trafficking in Children and Women in Lao PDR (ILO-IPEC/TICW Lao PDR). This study was conducted in the second half of 2000.

The stated objectives of the assessment are to:

- Determine the approximate scale of the problem of illegal labour migration and trafficking in children and women for labour exploitation;
- Map out the activities of key stakeholders in the relevant provinces;
- Identify the push and pull factors that contribute to the problem;
- Identify and document case studies of trafficked children and women in the selected provinces;
- Identify local and national opportunities that exist and can be developed to combat the problem; and
- Identify strategies, approaches, tools and interventions to combat the problem.

The border provinces of Khammuane, Savannakhet and Champassak were selected as areas to focus the assessment and future project interventions for ILO-IPEC/TICW project because they are all heavily populated by Lao PDR standards and are the original homes of a large segment of illegal Lao migrant workers in Thailand. Although trafficking is a problem all over the country, these three provinces were selected since the timeframe and budget limitations of the project would make it difficult to cover a larger area effectively.

1.2 Overview of Current Activities on Trafficking

In August 1997, the Lao Ministry of Labour and Social Welfare (MOLSW) launched its project to assist children in especially difficult circumstances (CEDC) with funding support from UNICEF, Save the Children UK and Church World Service. Thai NGOs the Centre for the Protection of Child Rights and the Foundation for Women have also provided assistance to MOLSW in the rescue of trafficked Lao children in Thailand and reuniting them with their families. MOLSW records that between 1997 and October 2000, 90 children (65 girls and 25 boys) were rescued and sent back to their families in this way².

The International Organization for Migration (IOM) has provided support for the training of social workers in the southern provinces of Lao PDR and vocational training for target beneficiaries.

The UN Economic and Social Commission for Asia and the Pacific (ESCAP) has supported MOLSW in implementation of a pilot project to combat trafficking in children and women and sexual exploitation of children in two provinces: Champassak and Vientiane Municipality, with focus on training social workers on the issues of sexual abuse and sexual exploitation, dissemination of information on the dangers of working illegally in foreign countries, and raising awareness and knowledge regarding the UN Convention on the Rights of the Child (CRC).

¹ See the ILO definition of trafficking in Section 1.5.2

² Many trafficked children retrieved and sent back to their families through the provincial authorities at border-crossing points along the Lao-Thai border were undocumented by MOLSW.

As part of a committed drive to combat child labour and trafficking in children and women, Lao PDR has now joined the ILO's International Programme on the Elimination of Child Labour (IPEC), with the signing of the Memorandum of Understanding between ILO and MOLSW on 21 January 2000.

An ILO-IPEC/TICW Lao PDR office was established in May 2000. Following this, a National Project Committee was established to collaborate with the UN Inter-Agency Project to Combat Trafficking in Women and Children in the Mekong Sub-region (UNIAP), and in July 2000, the National Steering Committee (NSC) on Child Labour and Trafficking was set up.

On 8 September 2000, a preliminary workshop was held to provide information to NSC members and MOLSW staff on the trafficking project, IPEC country programme and strategies, and the NSC's role. The first meeting of the NSC on Child Labour and Trafficking was held on 26 September 2000.

1.3 Structure of the Assessment

The remainder of this chapter provides an introduction and overview of the study, highlighting the geography, demography, socio-economic conditions, education and human resource development of Lao PDR. It also describes the methodology used in the assessment.

Chapter 2 examines key themes and issues related to labour migration of young people and adults to seek work in Thailand, including trafficking in children and women. It includes a discussion of government policies and legal protection for children and women, as well as ILO's definitions and perceptions regarding trafficking for labour exploitation and its approaches to combatting the problem.

Chapter 3 profiles the three provinces covered by the assessment fieldwork. It looks at the extent and nature of illegal migration for work among young people in these provinces, and at cases of trafficking of children and women at provincial, district and village levels.

Chapter 4 is a summary of the assessment's key findings.

1.4 Context

1.4.1 Geography and Topography

Lao PDR is a landlocked country bordering China and Myanmar in the north, Viet Nam in the east, Thailand in the west, and Cambodia in the south. The country covers an area of 236,800 square km and is located in the centre of the Southeast Asian peninsula. It extends over 1,700 km north to south, with the widest part of the country from east to west reaching 500 km, the narrowest part 159 km. It is divided into 18 provinces, 141 districts, and approximately 12,000 villages.

Lao PDR can be divided into three regions: northern, central and southern. The southern provinces are more heavily forested, with forest covering more than 60% of the land in some areas. On average, forest cover is just under 50%.

Mountains and plateaus cover approximately 80% of the country. In the northern and eastern regions, more than 30% of the terrain consists of mountains and plateaus 1,000 metres above sea level or higher. Around 50% consists of mountains and plateaus between 200 metres and 1,000 metres above sea level, and only around 20% of the terrain is at elevations below 200 metres, including floodplains.

1.4.2 Demography

The 1995 national census counted a population of 4.58 million, with just over half (50.6%) female. This represented an increase of one million since the census of 1985. With 44% of the population aged under 15, the country has a very high economic dependency rate of 85%. Population density is low: 19.4 persons per square km. Fifteen percent of the population are confined to relatively small towns and 85% live in rural and mountainous areas. They are very diverse in term of ethnicity and language. According to the official classification there are 47 different ethnic subgroups in Lao PDR, grouped into four ethnolinguistic superstocks and six groups:

- Tai-Kadai, made up of Lao-Phutai, 66.2%;
- Austroasiatic, made up of Mon-Khmer, 22.9% and Vietmuang, 0.1%;
- Hmong-Yao, 7.4%; and
- Sino-Tibetan, made up of Tibeto-Burman, 2.5% and Hor-Han, 0.2%.

Life expectancy at birth is 51 years (females 52 years, males 50 years), one of the lowest in the world. The literacy rate among the adult population in 1995 was just 60% – almost 75% for males and just below 50% for females. Poverty³ rates are still high, although the situation has improved: from 46% in 1992-93 (20% in urban areas and 53% in rural areas) down to 39% in 1997-98 (14% in urban areas and 45% in rural areas)⁴.

The total fertility rate is 5.6 per woman. Maternal and infant mortality rates are high, as is chronic malnutrition among children. In recent years, several social indicators have improved, such as rates of child mortality, school enrolment and adult literacy, while the annual population growth rate has dropped to 2.4%. However, in the UNDP's Human Development Index, Lao PDR continues to rank among the poorest countries in Asia (see Section 1.4.5 for details).

1.4.3 Economy

Lao PDR's geographic position as a corridor between five neighbouring countries endows it with great potential for trade, tourism and communication. Since 1986, Lao PDR has been implementing a comprehensive economic reform programme called the "New Economic Mechanism" (NEM), intended to effect a shift from a centrally planned economy towards a market-oriented economy. The financing of socio-economic development continues to be heavily dependent on foreign funds, through loans, grants and private investment. Foreign loans and investment represent about 20% of GDP while grants account for another 12%. As much as 80% of public investment is funded by foreign capital inflows, due to the low level of domestic saving.

Since 1998, a weakening domestic reform effort and lack of experience in economic management have combined to aggravate the adverse effect of the regional financial crisis on the Lao economy. Growth in GDP dropped to 4% in 1998⁵. By January 1999, the value of the kip (the national currency) had fallen to less than 30% of its pre-crisis (July 1997) value, and the rate of inflation was shooting up 150% annually.

³ The World Bank defines a poverty line on the assumption that every individual in each household requires 2,100 calories per day, irrespective of age and sex. People in poverty are those whose level of food consumption fall below 2,100 calories per day.

⁴ Lao Expenditure and Consumption Survey, LECS (1992-93), National Statistics Centre.

⁵ World Bank and Bank of Lao PDR estimate.

1.4.4 Educational Development

Formal education is provided at five levels in Lao PDR: primary (five years), lower secondary (three years), upper secondary (three years), post-secondary (one to two years) and tertiary (three to seven years). Specialization starts in upper secondary, where three types of programme are offered – general/academic, vocational and teacher training – and increases at tertiary level. The Ministry of Education (MOE) administers the education system through a number of departments. Management of functional responsibilities is decentralized to Provincial Education Services, District Education Bureaus, and schools. At the village level, communities participate in school development through school management committees and school principals. The main channels of financing for education are the central and provincial authorities.

During the last decade, Lao PDR has made progress in several areas, including economic and educational growth. Schools' surrounding communities are encouraged to become involved in school affairs by contributing funds, providing labour for construction, and, less often, participating in local educational planning and in monitoring school governance and teachers' behaviour. The integration of higher education under the National University of Laos has provided a single framework for further development of tertiary education. The teacher training system has also been upgraded. Government teacher training colleges have newly constructed or improved facilities, and work with a new standard curriculum. Nevertheless, the education sector remains inadequately planned and financed.

Most children in Lao PDR acquire at least some schooling, but in some areas attendance is sporadic. In statistical terms, achievement is low, and nearly half of those who enter do not complete the primary education cycle. School attendance, literacy and other indicators of educational attainment vary greatly among different ethnic groups. Lao, the official and instructional language, is the first language of over 60% of the population. However, children from homes where Lao is not spoken enter school with a significant handicap, which partly accounts for a high dropout rate.

The quantity and quality of schooling available are influenced by demographic structures and are highly sensitive to the size of the school-age cohort – some 31% of the population is under 10 years old. The extremely young population of Lao PDR puts a heavy financial burden on schooling and, at the same time, the high dependency ratio contributes to relatively low national productivity. Moreover, large, poor families often cannot afford to send all of their children to school. The tendency is for girls to be excluded in favour of boys, indirectly reducing the number of subsequent opportunities for girls in education and in the labour market. The large school-age population adds to the challenge of adequate funding for education. If, through family planning or other population policies, dependency rates in Lao PDR decline, then more resources will be available for improvements in school access and quality.

Thus development of Lao education in terms of quality, efficiency, access and equity takes place within a relatively difficult context of high demographic growth; ethnic, cultural and linguistic diversity; scattered habitation; economic and financial constraints; and low institutional capacity.

1.4.5 Human Resource Development

According to the UNDP Human Development Indicators (HDI), Lao PDR was ranked 138th of 205 countries in 1992 and 136th in 1997, with an HDI value of 0.46 putting it among the world's least developed countries. In 1995, the working age population (defined here as 10 years old and above) was 3.1 million (69% of the total population), of whom 2.2 million (70%) were economically active and 0.9 million (30%) were not economically active.

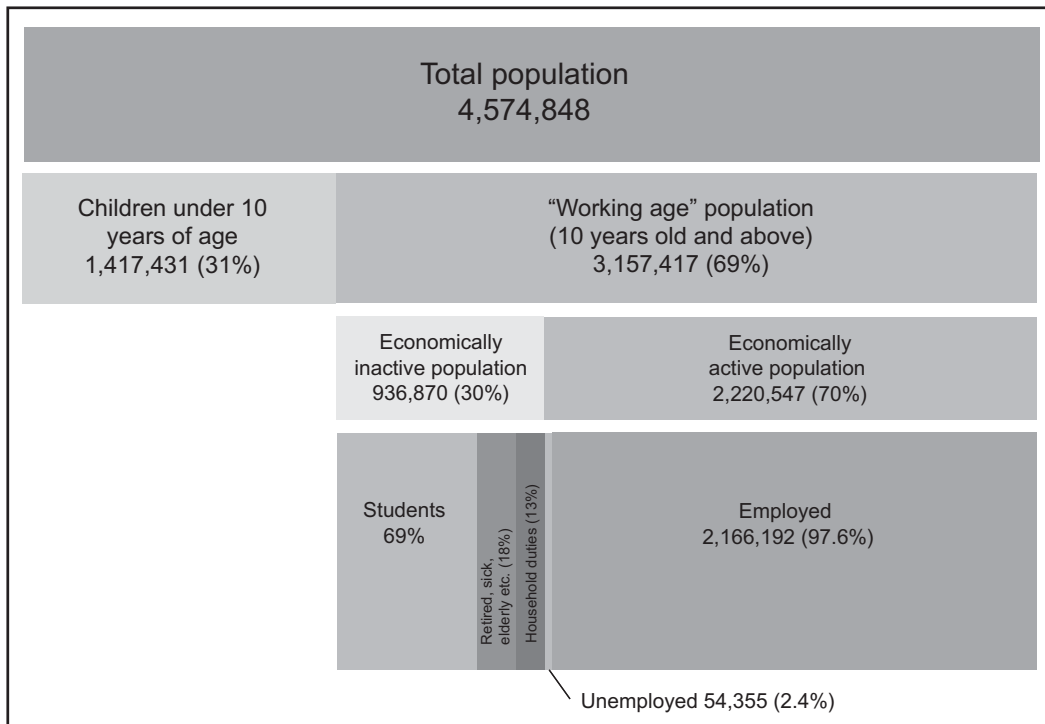
Within the economically active population, only 54,000 people (2.4%) were unemployed. Of those employed, only 150,000 (7%) were government officials and enterprise personnel; 65,000 (3%) were private workers; while 1.9 million (90%) were self-employed and household workers. (See Chart 1.)

If the economically active population is divided on the basis of economic structure, 1.8 million (85.5%) were agricultural workers; 172,000 (8%) worked in the service sector; and 141,000 (6.5%) were industrial workers.

In the population 10 years old and above, 78.9% of those with no education were employed, including self-employed and unpaid family workers. In the employed labour force, 85.5% were agriculture and fishery workers: 83.4% working for subsistence and just 2.1% market oriented. Clearly agriculture absorbs a large proportion of the labour force, and most agricultural workers are self-employed and unpaid family workers.

Chart 3 shows that 62% of the unemployed labour force have some level of education. Though only 54,355 people in the labour force are unemployed, a surprisingly high number – 33,700 – have some level of education. Some 37% of the unemployed labour force have attended lower secondary education or higher (including 7% who have attended tertiary education), while another 25% (13,588 people) have primary education. This suggests there is a lack of job opportunities for educated workers in Lao PDR.

Chart 1: Distribution of the Population by Principal Activity



Source: Results from the Population Census 1995, April 1997

Chart 2: Level of Education of the Employed Labour Force, 1995
(Total Employed Labour Force = 2,166,192)

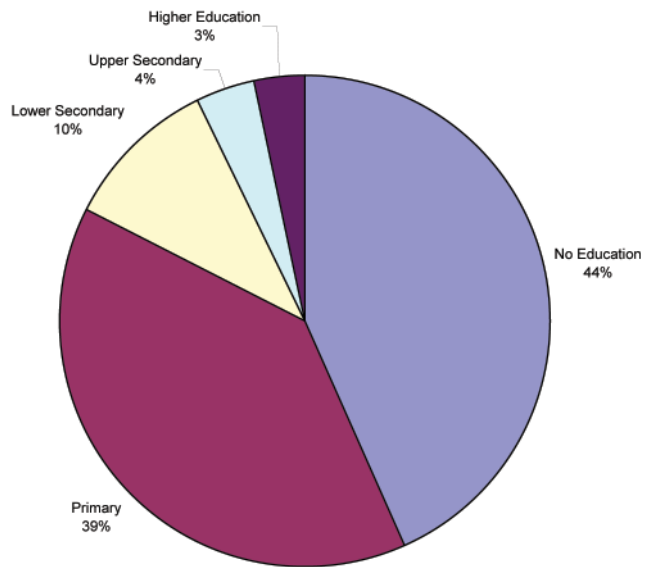
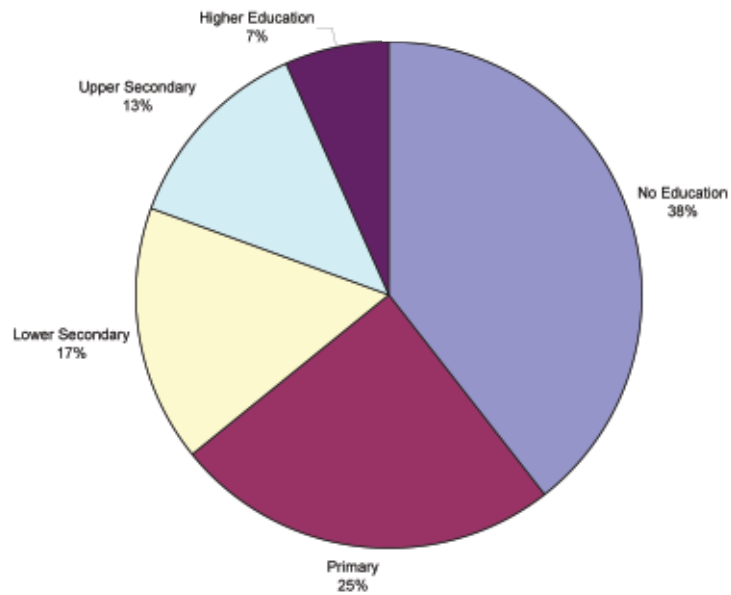


Chart 3: Level of Education of the Unemployed Labour Force, 1995
(Total Unemployed Labour Force = 54,355)



Source: Calculated from the Population Census 1995

1.5 Definitions, Organization and Methodology

1.5.1 Focus Population

The assessment targeted the three Lao provinces with the highest numbers of illegal migrant workers going to Thailand: Khammuane, Savannakhet and Champassak⁶. Within them, it focused on the worst-affected districts and villages, focusing on children under 18 years of age, as specified in the ILO's Minimum Age Convention (No. 138).

All three provinces are in the west of the country, bordering northeastern Thailand, and are the country's most populous areas, with relatively high populations of ethnic minorities. They are all fertile lowland areas along the Mekong river, where it is relatively easy to cross the border into Thailand. An important factor in the high cross-border migration rates is the kinship between ethnic Lao on this side of the country and the northeastern Thais.

Statistics regarding returned trafficking victims held by the Department of Social Welfare indicate that these three provinces are major source areas for illegal cross-border labour migrants. The study team collaborated with the provincial authorities of the three provinces to identify the main source districts and villages.

The fieldwork and data collection in the three provinces covered 13 villages within seven districts. The assessment involved 1,614 families and 21 child returnees⁷. Wherever possible, in the villages the assessment team interviewed returned migrants: girls and boys, men and women, who had experienced the life of illegal migrant workers in Thailand.

During the assessment, 38 key informants were also interviewed. They included government officials, provincial and district governors, social workers, immigration police and security officers, village leaders, elders, parents and villagers.

Table 1 provides details on numbers of families contacted in the different villages.

Table 1: Coverage of the Fieldwork

	Province	No. of Districts	No. of Villages	No. of Families
Totals	Khammuane	Nongbok	Nong Donh	152
			Khonkkong	102
			Khoksavang	62
		Xebangfay	Nongbone	16
			Bunghuana Neua	61
			Bunghuana Kang	37
			Bunghuana Tai	120
	Savannakhet	Khanthabouly	Houie Tai	189
			Houie Neau	281
		Outhoumphone	Khok Kang	192
			Songkhone	115
	Champassak	Phonthong	Nonhin	46
		Pathoumphone	Mai	95
	3	7	13	1,614

It should be noted that the assessment team recognized that the problem of trafficking also exists in provinces along Lao PDR's Vietnamese, Chinese, Myanmar and Cambodian borders. For instance, Vietnamese and Chinese people are trafficked through Lao PDR en route for Thailand. Given the

⁶ Information obtained from the analysis of the Labour Movement Survey 2000.

⁷ Five girls and one boy were interviewed by the study team and the cases were documented. Other case studies were obtained from documents and records of the Department of Social Welfare, MOLSW.

limited data available, this assessment has not included these provinces in the discussion. This topic should be examined in further studies.

1.5.2 Definition of Trafficking

There is no universal definition of “trafficking”. The working definition suggested by the Regional Conference on Illegal Labour Movements: The Case of Trafficking in Women and Children, held in Bangkok during 25-28 November 1997, is as follows⁸:

- 1) *Trafficking is the movement and/or transportation of persons by others using violence or the threat of violence, abuse of authority or dominant position, deception or other forms of coercion, for the purpose of exploiting them sexually or economically for the benefit or advantage of others, such as recruiters, procurers, traffickers, intermediaries, brothel owners and other employers, customers or crime syndicates.*
- 2) *Examples of the purposes of trafficking include, but are not limited to, the following:*
 - *Prostitution;*
 - *Domestic work;*
 - *Illegal labour;*
 - *Bonded labour;*
 - *Servile marriage;*
 - *False adoption;*
 - *Sex tourism and entertainment;*
 - *Pornography;*
 - *Begging; and*
 - *Use in criminal activities.*
- 3) *The victims of trafficking are primarily women and girl children. Boy children and men can also be victims.*
- 4) *Trafficking includes movement of persons within the boundaries of a country, across borders, within the region or between continents.*
- 5) *There can be attempts and conspiracies to traffic (which must be countered).*

This definition accords with ILO-IPEC/TICW's three main criteria for trafficking, which are recruitment and/or transportation of persons; for the purpose of labour exploitation; and by means of violence, threat, deception, or debt-bondage. The issue of labour exploitation not only addresses those who profit from the sexual exploitation of girls and women but also includes trafficking for the purpose of domestic labour and other forms of work and service.

Many organizations have developed their own strategies to combat trafficking in children. At least five perspectives can be identified, seeing trafficking as: a moral problem; a problem of organized crime; a migration problem; a labour problem; and/or a human rights problem. The ILO sees trafficking in children in the context of exploitative forms of child labour, and approaches trafficking in children as a labour and human rights problem by applying ILO Conventions 29 and 138 and the Convention on the Rights of the Child⁹.

⁸ Lao PDR: Country Report on Trafficking in Women and Children, January 2000. Supported by the Mekong Region Law Centre.

⁹ Institute for Population and Social Research, Mahidol University (June 1998), “Combating the Trafficking in Children and their Exploitation in Prostitution and Other Intolerable Forms of Child Labour in Mekong Basin Countries”.

1.5.3 Methods Used in the Assessment

A multi-sectoral study team was formed, composed of representatives of the NPC for the ILO-IPEC/TICW project Lao PDR, two trainers from the Participatory Development Training Center (PADETC), one MOLSW staff member, and one technical staff member from the Lao Front for National Construction. In collaboration with the provincial and district authorities, data collection was conducted in the three provinces during the period 21 August – 3 September 2000. Information and data were collected at central, provincial, district and village levels.

The assessment combined several methods:

- A review of relevant research, policy, laws, programme and project documents, statistics, press clippings and reports;
- Interviews with officials and technical personnel in key ministries, government institutions, and other government offices and development agencies; including field studies in areas where there are high numbers of workers illegally migrating to Thailand;
- Brief structured surveys and multiple field methods in focus communities identified by the provincial and district authorities.

CHAPTER 2: KEY THEMES AND ISSUES

2.1 Poverty and Economic Opportunities

As has already been stated, the Lao economy relies heavily on foreign investment. Agriculture, including forestry, creates around 50% of Lao PDR's GDP. Tourism has emerged as the biggest contributor to national income. Tourism earnings in 1998 topped income generated from the export of garments and electricity. In 1998, the country earned US\$ 79.9 million from tourism, and in 1999, this rose to US\$ 97.2 million¹.

Poverty is still widespread in Lao PDR – 39% of the population was classified as poor² in 1997-98. Around 14% of urban residents were poor, while in rural areas the figure was around 45%³. Growth in GDP dropped to 4% in 1998, the value of the kip (national currency) fell, and inflation shot up over 150% during January 1999⁴.

In general, poverty and economic disparities seem to be the main push factors for child labour, which may lead to the worst forms of child labour and trafficking of children and women. However, it is not the only concern. Eradicating poverty will not automatically eliminate child labour, illegal labour migration, and/or trafficking in children and women.

2.1.1 Physical-geographic Constraints

The geographical position of Lao PDR creates favourable conditions for trade, tourism and communication within the region. On the one hand, by learning from and cooperating with neighbouring countries, Lao PDR can use these advantages to promote its own development. On the other hand, these geographic advantages, coupled with economic development (and disparities), tourism, and modern communication technologies, are supporting cross-border migration and trafficking of women and children.

Lao PDR shares a 1,730-km border with Thailand. Monitoring the border and preventing illegal crossing is challenging. The Mekong river forms the boundary between seven Lao provinces and Thailand. For centuries, those living on opposite banks of the river have been used to crossing for visits and trade. The same ethnic groups are found along both sides of the river.

The Thai immigration police claim to have repatriated 150,000 illegal foreign labourers between January and July 2000. The majority were from Myanmar and Cambodia, but more than 10,000 were from Lao PDR. Most of these illegal labourers worked in Bangkok and the eastern provinces of Thailand. The repatriated Lao labourers were aged between 14 and 24, and 60% were women and girls who worked illegally in service businesses, entertainment venues and garment factories. Some were domestic workers in Thai families who wished to pay less than they would have to pay a Thai maid.

The information from the immigration police also highlights an important aspect of illegal labour migration to Thailand: more than 70% of the repatriated workers had been already arrested by the Thai authorities and repatriated more than three times, but then made their way back into Thailand. Some Lao migrants have even been arrested and sent home up to eight times, but still come back. The Thai authorities estimate that at present there are at least 50,000 Lao illegal labourers working in Bangkok. This figure does not include those who work in the agricultural sector and construction sites in provinces along the Lao-Thai border, thought to number at least another 45,000⁵.

¹ *Vientiane Times*, Vol. 6 No. 69 and Vol. 7 No. 75.

² World Bank definition – see footnote to 1.4.3 above.

³ Lao Expenditure and Consumption Survey (LECS) II (1997-98), National Statistics Centre.

⁴ World Bank and Bank of Lao PDR estimate.

⁵ Lao News Agency No. 2145/2000, dated 10 August 2000.

Lao PDR has signed bilateral cross-border treaties with all its neighbours except Thailand⁶, which also happens to be the focus of a significant share of trafficking in women and children in the region⁷.

2.1.2 Policy and Legal Protection for Women and Children

Policies

The Government of Lao PDR condemns the trading, abduction, procurement, seduction and smuggling of women and children for the ultimate purpose of sexual or economic exploitation, and seeks to punish those who operate, finance, facilitate, support and/or benefit from such activities.

In 1991, Lao PDR ratified the Convention on the Rights of the Child and the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW), and signed the Declaration and Plan of Action of the World Summit for Children. In the same year, the new Lao PDR Constitution came into force. The last paragraph of Article 20 of the Constitution states that the Government should focus attention on the welfare of mothers and children.

In 1992, the National Commission for Mothers and Children (NCMC) was established and drew up the National Programme of Action for Children.

Legal Protection

The Constitution of Lao PDR, the Penal Code, the Family Law, the Family Registration Law, the Lao Nationality Law, the Labour Law, the CRC and CEDAW all provide legal protection for women and children in Lao PDR. The laws of Lao PDR are in accord with the mandates of the CRC. Due to limited human resources in the legal sector and the limited dissemination network, public awareness of these laws and conventions remains low and enforcement is also lax and inconsistent. Adequate training of judiciary personnel, police, prosecutors, labour inspectors, social workers, and others, as well as the public at large, would require both time and resources.

Currently there is no law that exclusively addresses the issue of trafficking in women and children. Penal Code Articles 92, 119, 122, and 123 specify various degrees of punishment for offences relating to trafficking activities, but nowhere does the Code actually define “trafficking”.

Labour Law Articles 2, 4, 33, 34 and 37 restrict certain labour activities, working hours and age limits for employment of women and children (see below).

The Penal Code calls for punishment of traffickers and crime syndicates, as indicated below:

1) The Penal Code

Article 92: Trade and abduction of humans

Any person trading or abducting humans for ransom shall be punishable by five to 15 years of imprisonment.

Article 119: Rape

Any person using force, threats of force, threats of arms, soporific substances, drugs or methods resulting in the state of helplessness of a woman who is not his wife to undertake acts of rape against her will, is punishable by three to five years of imprisonment.

⁶ It has to be noted that in October 2002 a Memorandum of Understanding (MOU) between Thailand and Lao PDR was signed on employment cooperation, referring to the area of trafficking and illegal labour migration.

⁷ Lao PDR: Country Report on Trafficking in Women and Children, January 2000, p. 10.

The offender, if found guilty of acts of rape against the person of a girl between the ages of 15 to 18 within his premises or under his medical care, shall be punishable by five years of imprisonment.

In case such acts of rape were undertaken by several persons one after the other, against a child less than 15 years of age, by exercising physical violence on the child resulting in the latter's permanent disability or death, such acts shall be punishable by 7 to 15 years of imprisonment.

In case the victim is killed after acts of rape, such infraction shall be punishable by 15 to 20 years or life imprisonment or the death penalty.

Attempts to commit such infractions are also punishable.

Article 122: Prostitution

Any person make a living by selling their bodies for sexual use shall be punishable by three months to one year of imprisonment or of correctional penalties without privation of liberty.

Any person providing assistance or facilitating acts of prostitution shall be punishable by three months to one year of imprisonment or correctional penalties without privation of liberty.

Article 123: Procurement

Persons making a living from whatever forms of procurement shall be punishable by six months to three years of imprisonment.

In case the offender makes a profession out of procurement, using girls as prostitutes, or makes use of coercion on women under his authority to prostitute themselves, he/she is punishable by three to five years of imprisonment.

2) Labour Law:

Article 2: Principle of mutual interests between employers and workers

The Government shall ensure that employers and workers derive mutual benefits from their relationships without discrimination on the basis of race, colour, sex, religion, political opinion or social status. Workers shall respect and observe work rules and comply with all labour regulations. Employers shall provide workers with fair wages, safe working conditions and social protection.

Under this law, "worker" shall refer to a person who is under the supervision of the employer in exchange for salary or wages and benefits provided for by law and regulations and under employment contract; "employer" shall refer to any person or corporate body that employs workers and must pay them salary or wages, advantages and benefits as provided by law and regulations and under contracts of employment.

Article 4: Prohibition of forced labour

Employers shall not use forced labour. Forced labour shall refer to labour imposed on the workers concerned in the absence of their free will that is not in conformity with an employment contract. ...

Article 33: Work prohibited in respect to women

Employers shall not employ women to perform heavy work dangerous to their health, as specified by regulations, nor to work during the night (between 10 pm and 5 am) in any industrial sector. The rest period for women shall be at least 11 hours before resuming work on the following day.

Article 34: Prohibition of employment of women during pregnancy and child care

Employers shall not employ a woman during her pregnancy or during the six months following her confinement to perform any of the following duties:

- *lifting or carrying loads;*
- *work which entails standing continuously for long periods.*

In such circumstances the employer shall assign women to other temporary duties. While performing these temporary duties, the workers concerned shall continue to receive their normal salary or wages for a maximum period of three months, after which they shall be paid the salary or wages corresponding to their new assignment.

Employer shall not employ pregnant women or women with a child under 12 months of age to work overtime or on a day of weekly rest or at night.

Article 37: Employment of children under 18 years of age

Employers can employ children more than 15 and less than 18 years of age, but the working hours shall not exceed six hours per day and not more than 36 hours per week. The employment of child labour for heavy work or work hazardous to their health is prohibited as follows:

- *all types of mining;*
- *processing of products using chemical, explosive or poisonous substances;*
- *collecting dead bodies;*
- *work that is specified in Article 25 of this law: i.e. working with radioactive materials or infectious disease, working with gas or smoke that is dangerous to health, working with dangerous chemicals such as explosive substances, working in any hole or tunnel underground, underwater or above the ground, working in an abnormally hot or cold environment, constantly working with vibrating equipment, working at night (between 10.00 pm and 5.00 am) in any type of industrial work, and without a rest period of at least 11 hours before resuming work between shifts.*

Employment of children under 15 years of age is prohibited in all social and economic sectors.

The effectiveness of national laws depends largely on their enforcement. Also, these laws have been in force since 1991⁸, but they may not be adequate and may need revision and updating to suit the present reality. The public also needs to be well informed and aware of the laws. The challenge is proper training of government personnel to equip them to deal with the issue.

⁸ Except the Labour Law, a revised version of which was adopted on 14 December 1995 (Decree of the Prime Minister No. 98/PM), replacing the 1991 Law (Decree No. 58/PSL).

2.1.3 Access to Education and Vocational Training

The adult literacy rate in Lao PDR was estimated at 56.6% for 1995 – 61.9% among men and 30.2% among women⁹. Progress is being made in the diffusion of primary education, and school enrolment among school-aged children and youth went up from 64% to 72% between 1990 and 1995¹⁰. However, by comparing the school-aged population (ages 6-23 years) with population projections for 1998, we can see that more than half of children and youth who could be in education have never been to school or have left education. Females make up 55% of that population. (See Table 2.) The numbers of school-leavers in 1997-98, shown in Table 4, indicate that nationwide there may be a higher tendency for girls to leave school than for boys.

Table 2: Comparison of School Enrolment (1997-98) with Projected School-aged Population, 1998

Population	Total	Females
School-aged population (aged 6-23)	2,151,457	1,064,931 (49%)
Enrolled in school		
Primary	821,546	365,960
Lower secondary	150,195	60,623
Upper secondary	57,303	22,752
Vocational	1,713	620
Technical	7,695	2,860
Tertiary	10,293	3,063
Total enrolled	1,048,745	455,878 (43%)
Out of School	1,102,712	609,053 (55%)

Source: UNDP/MOE/ENVIPRO Projection of School-aged Population Project, November 1999

Table 3: Number of Schools in Lao PDR (1997-98)¹¹

Level	Number
Primary schools	7,866
Lower secondary schools	737
Upper secondary schools	164
Vocational schools	14
Technical schools	38
Tertiary education institutions	11
Universities	1

NB: 30% of villages in the country have no schools and 64% of the primary schools do not cover the whole curriculum from Grade One up to Grade Five.

Table 4 shows that some 109,390 students completed primary school, lower secondary and upper secondary school in 1996-97. Of these, 47,821 were girls – 44% of the total. The number of students continuing school in 1997-98 was 97,181, or 89% of all those completing school in the previous year. Girls made up around 40% of those continuing school, but as much as 70% of those leaving education.

⁹ UNDP, Human Development Report 2000.

¹⁰ UNDP, Lao PDR: National Human Development Report 1998.

¹¹ Education Management Information System, MOE 1997-98.

Table 4: Students Continuing School in 1997-98 After Completion of Primary, Lower or Upper Secondary School in 1996-97

Students completing school in 1997		Students continuing school in 1997		Students not continuing school in 1997	
Grade 5		Grade 6		Grade 6	
All 70,754	Girls 31,707	All 63,585	Girls 26,231	All 7,169	Girls 5,476
Grade 8 and Grade 11		Grade 9 and above		Grade 9 and above	
All 38,636	Girls 16,114	All 33,596	Girls 13,018	All 5,040	Girls 3,096
Total completing		Total continuing		Total not continuing	
All 109,390	Girls 47,821 (44%)	All 97,181	Girls 39,249 (40%)	All 12,209	Girls 8,572 (70%)

Source: Calculated from the MOE Annual Bulletins 1996-97 and 1997-98

These figures indicate that far more girls than boys left the education system in 1997-98. This may be exceptional, or it could be part of a larger trend.

2.1.4 Lack of Job Opportunities

As many as 78.9% of the employed labour force in Lao PDR are self-employed or are unpaid family workers with no education. Some 85.5% of the employed labour force work in agriculture and fishery activities, of whom 83.4% earn subsistence and only 2.1% are market-oriented. Thus agriculture represents a large portion of the national labour force.

In the unemployed labour force, Chart 3 in Section 1.4.5 shows that in 1995, 62% had some level of education. This seems high, although the unemployment rate was only 2.4% in that year. Particularly interesting is that 37% of the unemployed were educated to lower secondary level or above, while another 25% were educated to primary level.

It should be noted that there are only limited places available in vocational, technical and teacher-training colleges and tertiary institutions for secondary school graduates to continue their education (see Table 3). The employment rate for those who graduate from these institutions has never been surveyed. In reality, for example, few university graduates are absorbed into the formal and informal sectors, and many of them take more than one year to find jobs – or instead become self-employed.

Job opportunities are lacking for both school learners and school dropouts. With an employed labour force of 2.2 million, there were around 71,000 jobs in manufacturing nationwide in 1995. Lack of job opportunities within Lao PDR is one of the key push factors in illegal cross-border labour migration.

2.1.5 Lack of Understanding and Awareness of Child Labour

The concept of child labour and child work is not well understood among policy makers or the general public in Lao PDR. The country's lack of industrial development receives far more attention. Looking at the economy as mainly subsistence farming, it is easy to assume that most children are simply occupied helping their families on the farms.

However, from the field survey, it is abundantly clear that for the most part, older teenagers (15-18 years) are not working in agricultural activities (see Section 3 for details). The number of children illegally crossing the border in search of work is a serious issue. The trend for young people to migrate is rising according to the data collected in the three target provinces. The total number of illegal cross-border child workers is estimated to be more than 30,000. Most young migrants have gone to urban

areas, and they are working in factories, construction sites, urban households (as domestic workers), restaurants, entertainment centres, farms and, in the worst cases, prostitution and/or drug trafficking, within Lao PDR or in Thailand.

Though the worst forms of child labour may be only minor problems within the country, Lao children are being exposed to them in much greater numbers in Thailand, according to the communities interviewed in the fieldwork, as well as many studies conducted in Thailand.

2.2 National Policies and Institutional Framework on Child Labour and Trafficking

The Lao PDR Government is fully committed to combatting child labour and trafficking in children and women. There is a National Steering Committee (NSC) on Child Labour and Trafficking and a National Project Committee (NPC) for collaboration with the UN Inter-Agency Project to Combat Trafficking in Women and Children. The National Plan of Action is expected to be formulated. Four action programmes by ILO-IPEC/TICW started implementation since August 2001.

The NSC on Child Labour and Trafficking is chaired by the Vice-minister of MOLSW in charge of labour issues. The vice-chair is the Director of the Labour Department, and the other members include the Deputy Director of Mother and Children's Interests Department of the Lao Women's Union (LWU), the Deputy Director of the Department of Labour Protection of the Lao Trade Union, the Deputy Chief of Cabinet of the Ministry of Interior, a member of the Secretariat of the Chamber of Commerce and Industry, and the Deputy Director of the Conventions Department of the Ministry of Foreign Affairs (MFA).

The NPC for collaboration with the UN Inter-Agency Project to Combat Trafficking in Women and Children is chaired by the Vice-minister of MOLSW in charge of welfare, with the Director of the Social Welfare Department as vice-chair. The membership includes the Deputy Chief of Cabinet of MOLSW, the Deputy Chief of Cabinet of the Ministry of Information and Culture, the Deputy Director of the Immigration Department of the Ministry of Interior, the Deputy Director of the Legislation Department of the Ministry of Justice, the Deputy of the Pioneer Department of the Lao Youth Union, the Head of the Foreign Relation Section of the Ministry of Education (MOE), the Head of the Health Promotion Section of the Ministry of Health (MOH), the Deputy Head of the Propaganda and Training Section of LWU, the Project Coordinator of the Office of Foreign Cooperation and Investment, and the Project Coordinator for the UNDP in the MFA.

The support mechanism includes the National Committee for Mothers and Children (NCCMC). The NCCMC is chaired by the Minister of Foreign Affairs, and includes the Vice-minister of Health and Vice-minister of Education as vice-chairs, the Vice-president of the LWU and a representative of the Standing Committee of the Lao Front for National Construction as members, and a secretariat based in the MFA. The provincial and district Commissions for Mothers and Children are lead by the provincial governors and have parallel structures to the NCCMC at their respective levels.

Though MOLSW is not in the NCCMC, it is responsible for implementing programmes and projects for the welfare of children. Strong coordination among different national committees will strengthen the network to eliminate child labour and combat trafficking in women and children. This would include strong collaboration with the National Committee for Drug Control, the National Committee on Education For All, and the National Committee for the Control of Aids.

CHAPTER 3: PROVINCIAL PROFILES

3.1 Overview

Since the opening up of Lao PDR in the early 1990s, the phenomenon of illegal migration of the young population to work in Thailand has increased significantly. Table 5 compares recent statistics on illegal migration to Thailand for the three target provinces: Khammuane, Savannakhet and Champassak. It highlights the rapid rise in illegal migration.

Table 5: Illegal Labour Migrants to Thailand from the Target Provinces

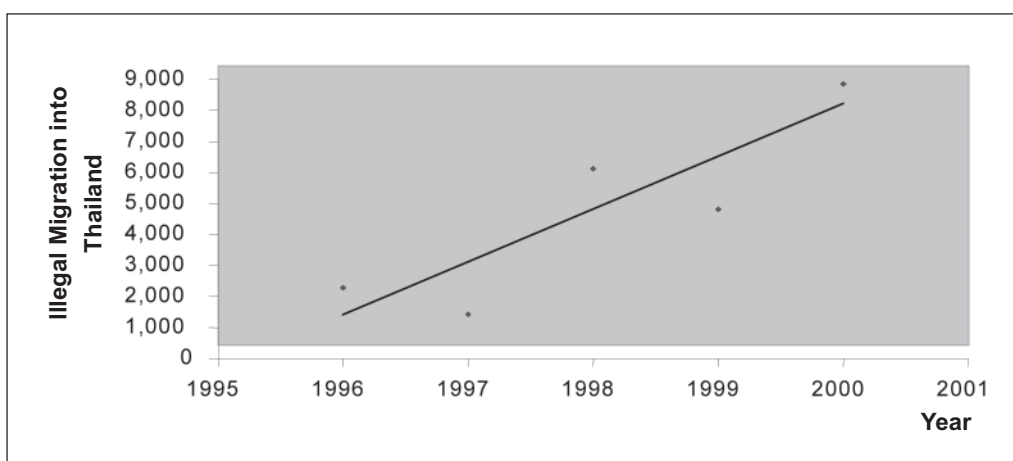
Province	1st report	Total	Female	2nd report	Total	Female	Increase	
							Total	Female
Khammuane	Dec. 1999	3,847	2,066	Sept. 00	8,087	4,542	4,240	2,476
Savannakhet	Dec. 1997	23,261	10,286	Sept. 00	28,561	13,456	5,300	3,170
Champassak	Dec. 1999	5,681	3,099	Sept. 00	8,567	3,689	2,886	590
Total		32,789	15,451		45,215	21,687	12,426	6,236

Source: Calculated from the Reports of the Provincial Dept of Labour and Social Welfare (Oct. 2000)

Although these statistics are not disaggregated by age, the results of the fieldwork and data from the Thai immigration police indicate that the majority of these illegal migrant workers are aged between 15 and 24 years. Among this age group, more than half are children under 18 years of age¹.

Chart 4 provides a further illustration of the illegal migration trend in Champassak province. Although similar six-year data are not available for Savannakhet and Khammuane provinces, existing information suggests that the trends in these provinces are similar.

Chart 4: Trends of Illegal Migration into Thailand from Champassak Province



¹ Lao News Agency (KPL New Bulletin No. 218/2000 dated June 2000)

Statistics from Champassak province indicate further that most of these illegal migrants have some level of education (at least primary education and often lower secondary education). Similar patterns are also found in Savannakhet and Khammuane provinces. Table 6 provides more details on Champassak.

Table 6: *Education Levels of Illegal Migrants to Thailand from Champassak, 2000*

Year	Total		Education Level			
	All	Female	Primary	Lower secondary	Upper secondary	Vocational
1996	1,786	909	955	358	442	31
1997	1,200	478	653	487	32	28
1998	5,681	3,099	1,756	2,208	1,388	119
1999	4,666	2,518	3,610	815	213	28
2000	8,567	3,689	5,018	2,525	852	172

Source: Department of Labour and Social Welfare of Champassak province, October 2000

The following sections give profiles of each of the three target provinces, with up-to-date information and data collected through the fieldwork.

3.2 Khammuane Province

Table 7: Profile of Khammuane Province

Population	Unit: 1,000s	Education, age 6 and above	Unit: %
Total	272	Never been to school	42.1
Male	132	Currently at school	22.4
Female	140	Left school	35.4
Urban/rural population	Unit: %	Children aged 6-16 attending school	Unit: %
Urban areas	13.4	Boys	61.2
Rural areas	86.6	Girls	50.8
Sex ratio		Population aged 10 and above:	Unit: %
Males per 100 Females	94.4	In Labour Force	75.1
Population density		• Paid Employee and Employer	8.7
Persons per sq.km.	17	• Own Account Worker	55.1
Age composition	Unit: %	• Unpaid Family Worker	34.0
0-14 years	44.0	• Unemployed	2.2
15-64 years	52.5	Not in Labour force	24.9
65 + years	3.5	• Students	73.6
Marital status	Unit: %	• Household Duties	11.3
Never Married	58.0	• Retired/Sick/Too old to work /Other	11.4
Married	36.1	• Others	3.7
Divorced/separated	2.1	Households with:	Unit: %
Widowed	3.9	Electricity supply in dwelling unit	22.8
Citizenship	Unit: %	Safe water	8.5
Lao citizens	99.4	Tenure status owner	97.5
Religion	Unit: %	Toilet facilities	13.5
Buddhist	74.5	Households using which fuel for cooking	Unit: %
Animist	22.9	Wood	95.1
Christian	2.3	Charcoal	4.4
Others	0.3	Electricity	0.2
Households		Fertility	
Population in collective households	1.2%	Crude Birth Rate, per thousand	39.6
Population in private households	98.8%	Average number of children per woman (TFR)	5.2
Average household size	5.5 people	Mortality, per thousand	
Head of household	Unit: %	Crude Death Rate	12.3
Male	83.9	Infant Mortality Rate	83
Female	16.1	Child Mortality Rate	137
Literacy, age 15 and above	Unit: %	Life expectancy at birth	Unit: Years
Literate	56.0	Female	56.5
Non-literate	44.0	Male	54.0

Source: 1995 Census brief results

3.2.1 Illegal Migrant Workers in Thailand

In Khammuane province, provincial authorities estimated in September 2000 that more than 8,000 people from the province were working in Thailand (see Table 5 in section 3.1). Three districts in the province situated along the banks of the Mekong river border Thailand: Hinboun, Thakhek and Nongbok. The statistics in Table 8 below suggest that these border districts are home to very high numbers of illegal migrant workers in Thailand. However, it is clear that sharing a border with Thailand is not the only push factor – Xebangfay district, not on the border, also accounts for a relatively high number of migrants. Boualapha, Nakai and Xaybouathong districts (which are not included in the table) are located in the inner part of the province and do not account for any migrants². These three districts have large ethnic minority populations, whereas the majority of the population in districts and villages along the Mekong are ethnic Lao. This suggests that illegal migrant workers in Thailand are mainly ethnic Lao.

Table 8: *Migrant Workers from Khammuane to Thailand, December 1999 to March 2000*

Source: Department of D9455ecSoovincant5(elfand ent(In Khammuane provland) □ TJ/E1 1 Tf10 0 0 10 7934r) 634 Tm0.0001T□□

Table 9: Children and Women Working in Thailand from Eight Villages of Two Districts in Khammuane Province (23 January to 6 February 2001)

Village	Numbers of ...				Migrant workers in Thailand			
	Population		Houses	Families	Total	Female	Under 18 years	
	Total	Female					Total	Female
<i>Nongbok district</i>	1,965	971	305	312	231	182	78	58
- Nong Donh	954	452	145	145	114	66	52	38
- Khokkong	583	290	100	102	101	107	24	18
- Khoksavang	428	229	60	62	16	9	2	2
<i>Hin Boun district</i>	2,449	1,266	451	524	169	113	38	35
- Pung Neua	585	310	122	124	13	12	0	0
- Pung Tai	644	329	135	163	39	28	9	9
- Na Pho	563	327	89	110	53	36	19	16
- Tha Khene	474	206	75	91	48	28	4	4
- Khone Keo	183	94	30	36	16	9	6	6
Total: eight villages	4,414	2,237	756	836	400	295	116	93

3.2.2 Nongbok District

Nongbok district is 43 km from the Tha Khek boarder crossing by road. It borders Thailand. Nongbok covers an area of 321 square km, and has a population of 44,333 (22,679 female). There are two main ethnic groups in Nongbok: Lao-Phutai 90% and Austroasiatic (Bru Makong) 10%. The district includes 72 villages. The numbers of migrants from Nongbok working illegally in Thailand in March 2000 are given in Table 10.

Table 10: Illegal Migrant Workers from Nongbok District, by Sub-district and Sex, in Thailand, March 2000

Sub-district	Total	Females
Nongbok	478	242
Song Muang	262	120
Dongkasim	370	175
Nong Pham	183	101
Nachampa	166	103
Somsa-ad	99	46
Donesavang	263	168
Pakse	322	167
Tanthueng	262	124
Navang	549	262
Total	2,954	1,508

Source: Department of Labour and Social Welfare of Khammuane province, March 2000

The information in Table 10 and the fieldwork explain the extremely high number of illegal migrants from Nongbok working in Thailand in 2000, which was 10 times more than for Thakhek and Xebangfay districts. Community members reported that there was an organized system and business behind the migration (see "Community Views" below).

Table 11 gives the numbers of illegal migrants from Nongbok working in Thailand in July 2000, disaggregated by home village and gender.

Table 11: Illegal Migrant Workers in Thailand from Nongbok Sub-district, Disaggregated by Home Village and Gender, July 2000

Home village	Total	Females
Namanpa	173	91
Sibounheuang	72	33
Nongpalad	34	11
Nongbok	140	62
Phon	36	19
Santisouk	21	7
Dong Ngang	39	31
Nongsaphang	30	19
Nongdon	107	68
Total	652	341

Source: Head of Nongbok sub-district, 30 July 2000

According to the data reported at district and province levels in March 2000, there were 478 illegal migrants from Nongbok working in Thailand, among them 242 females (just over 50%). Data from 30 July 2000 indicate that the number of people illegally migrating to seek work in Thailand rose to 652 people, an increase of 174 people or 36% within four months. In July, there were 341 females, accounting for 52.3% of the migrants. Although there is employment to be found during the rice planting season, which runs from April to August, these figures show that people still illegally migrate into Thailand to seek work during this period, leaving their young children and parents to work in the paddy fields.

Though the data are not disaggregated by age group, the village authorities reported that more than 80% of the migrants were still children between 12 and 18 years of age. Whether more males or females migrate varies between villages, but overall more women and girls migrate from Nongbok district than men.

Villages like Namanpa and Nongdon are not on the banks of the river, but the numbers of illegal cross-border labourers are still significantly high. This suggests that the existence of an established cross-border trafficking network and the level of awareness in the community are more important push factors for illegal labour migration than geographical location. This hypothesis is further strengthened by the fact that Nongbone village of Xebangfay district, which is not on the border, had as many illegal cross-border labour migrants to Thailand (119 people out of 135 families in 1999⁴) as some of the villages in Nongbok district.

Table 12 shows the numbers of illegal labour migrants to Thailand from the villages visited by the study team in Nongbok district⁵.

Table 12: Illegal Migrant Workers in Thailand from Three Villages in Nongbok District

Village	Population	Females	Families	Illegal workers in Thailand		Remarks
				Total	Females	
Nongdon	975	445	152	107	68	14–15 >50%
Khongkong	580	285	102	101	51	15–18 >70%
Khoksavang	428	229	62	40	20	15–18 >50%
Total	1,983	959	316	248	139	

Source: Reported by the village heads, August 2000

⁴ Reported by the Xebangfay district committee chief

⁵ The rationale of visiting these three villages was to compare a village with a high number of illegal migrants to Thailand, with one with a medium number and one with a low number.

In Khongkong village, there was around one person working illegally in Thailand for every family. About 17.5% of the registered population of the village were illegal cross-border labour migrants, and more than 70% of these migrants were children between 15-18 years of age.

Overall, in the three villages visited, 12.5% of the registered population were illegal cross-border labour migrants, and 56% of them were young women and girls, most children below 18 years of age.

Community Views on Illegal Labour Migration

In the villages visited, the communities reported that there was an organized cross-border trafficking network. Each village had two mobile phones provided by the traffickers in Thailand, for villagers to make appointments and arrangements with them. Anyone wanting to cross into Thailand could call the traffickers who would tell them where to cross the border so they can be picked up on the Thai side and sent directly to a destination pre-arranged by the traffickers⁶.

The traffickers demanded in return up to 50% of the salary of the migrant workers. The employers dealt directly with the traffickers. If the workers chose to use the network, they had to work for at least a full year before they could have access to their earnings. If they went directly to Thailand before they found a job, they had to pay the traffickers 50% of their earnings before they could have access to their earnings.

It was reported that the

Workers in prawn farms earned up to 5,000 baht (US\$ 116) per month, with an extra two baht per kilo of the prawns they raised each season. For construction workers, the daily wage was 200 baht (US\$ 4.65). The migrants had to pay 3,500 baht (US\$ 81) per person to traffickers who would transport them to their workplace, plus 500 baht (US\$ 11.63) per head to cross the border. If the people had no money at the start of the trip, the traffickers would obtain their fees directly from the employers, and the workers would have to work to pay off the debt.

Community Perspectives on Push and Pull Factors and Possible Solutions

During community meetings in each of the villages, villagers made several observations about why illegal labour migration was taking place and how problems could be resolved. The villagers observed that:

- After completing secondary school, students do not have access to vocational or tertiary education, due to the limited number of places. In addition, there are limited scholarship funds available, and parents do not have enough money to support their children through more years of education. Sometimes, schools demand bribes – for example, one family had to pay 25,000 baht (US\$ 581) to get each of their children into medical school.
- Seeing the problems in the education system and the tough competition to enrol in vocational or tertiary institutions, many graduates and students hoping to study lose heart and look for alternatives. Most end up migrating to Thailand.
- Many children are out of school. This is not just due to lack of places at each level, but also because only Khongkong village has a secondary school, and some children would have to travel 20 km a day to attend to it.
- Teaching and learning methods in the schools are not attractive for the children.
- When migrants come back to the village from Thailand, they are often dressed better and better looking, and become popular among their friends. This makes migration even more attractive to other children in the villages.
- Overall, more and more village children wish to go to Thailand if the opportunity presents itself. Many migrants leave without consulting their parents, leaving with their already-migrated friends when they come back for home visits.
- The earning potential from agriculture is not attractive enough to youth, because there is no local market to sell surplus produce. Subsistence farming is still the norm.

Community members suggested that combating trafficking and labour migration was nearly impossible, due to its magnitude. For young villagers, going to work in Thailand had become an ambition, even a rite of passage. However, the villagers did offer some suggestions for interventions that could be implemented within their communities:

- Income-generation activities for out-of-school children;
- Include some vocational training in formal schooling, even starting as early as upper primary level, to provide some basic useful skills for children if they leave the school system.

The suggested areas of vocational training were:

- cooking, (making biscuits or sweets),
 - processing agricultural products,
 - agricultural technology,
 - animal husbandry,
 - growing mushrooms,
 - sewing,
 - hair-dressing, and
 - maintenance technology for machinery.
- Build a model that can generate sufficient income in the community. Train local people to conduct vocational training in and out of school. Something like this was already established: children would go to work a few hours in local brick factories after school in order to earn money to pay for study materials.
 - Promote the local market for agricultural products in order to boost villagers' incomes. Request agricultural extension workers to teach the villagers new methods to increase production in, for example, rice cultivation, animal husbandry and aquaculture.

3.2.3 Xebangfay District

Xebangfay is 48 km from Tha Khek along Route No. 13. The district does not border Thailand. It covers 1,250 square km and has a population of 22,027 (11,138 females). There are two main ethnic groups: Lao-Phutai and Austroasiatic (Bru Makong). Xebangfay includes 50 villages.

At the time of the study there were not yet any statistics for 2000 on numbers of illegal migrant workers from Xebangfay in Thailand, due to limitations in budget, personnel and access to remote villages, according to the district authorities. However, the authorities believed that most of the villages had some young people working illegally in Thailand. The highest number of illegal migrant workers in Thailand came from Hadphet, a Bru Makong ethnic village. However, the study team was unable to visit Hadphet because it was inaccessible due to the seasonal rains. Instead, the team visited one Lao-Phutai village (Nongbone) and three Bru Makong villages (Bunghuana Tai, Bunghuana Kang and Bunghuana Neau) on Route No. 13.

Table 13 gives the numbers of illegal migrant workers in Thailand reported by the village authorities.

Table 13: *Illegal Migrant Workers from Xebangfay District in Thailand, August 2000*

Village	Population	Females	Families	Illegal workers in Thailand		Remarks
				Total	Females	
Nongbone	845	419	162	38	9	18–35 years
Bunghuana Tai	554	237	120	6	4	Returned
Bunghuana Kang	171	86	37	9	4	15–18 years
Bunghuana Neau	284	167	61	5	3	2 girls 15 years
Total	1,854	909	380	58	20	

Source: Report of the village authorities, August 2000

These villages had been the sites of integrated rural development activities for Khammuane province during 1992-96, supported by international agencies. They had been models of village development. The villages had received a good deal of investment for construction of primary and secondary schools, establishment of rice banks, revolving funds for animal banks, weaving, cleaning rainwater tanks, underground wells, bio-intensive farming, and health and sanitation programmes. The villagers' quality of life had improved significantly since the project's inception in 1992. They lived in better-equipped houses, were more prosperous and had electricity supply, making them significantly better off than others in the district. The villagers had to pay up to 1,000,000 kip (around US\$ 91) to get electricity supply to their homes, a lot of money for rural families in Lao PDR.

According to the district authorities, in April 1999, Nongbone village accounted for 119 illegal migrant workers in Thailand, many more than the figure provided by the village authorities in August 2000. Discrepancies between the reports of the district and village authorities were probably due to the village authorities wanting to conceal negative information about their villages. Shortly before the study team visited, the district authorities had issued a decree to all the village heads that the parents of illegal migrant workers in Thailand must call the children back or go to fetch them from Thailand. If they did not return within six months, they would be excluded from the household registration, meaning that they would lose their citizenship. The village heads wished to conceal the true situation in order to protect the migrant workers. Some of the migrants were the children or relatives of the village heads themselves.

According to returnees interviewed by the study team, most illegal migrant workers from Nongbone worked in fruit farms in Chanthaburi province, Thailand. One returnee reported that a girl that had left the village at the same time as she had been taken somewhere else, and the returnee was sure that the girl had been sold to a brothel because she was good-looking. Most boys, men and families worked in prawn farms. Those known to have found work on fishing boats had not been heard from for more than four years.

Community Perspectives on Push and Pull Factors and Possible Solutions

Xebangfay district was unlike the majority of districts – poverty was not a serious problem thanks to up to nine years of development cooperation – yet Xebangfay still had the third-highest number of illegal migrant workers in Thailand among the districts in Khammuane province (see Table 8 in Section 3.2.1). One special push factor was that the villagers now had an electricity supply, which brought with it a rise in consumerism. The electricity supply also allowed the villagers to watch TV, especially Thai TV which made the image of Thailand even more attractive to village youth. One of the returnees interviewed said that a strong motivation for migrating was that before she left she had badly wanted a TV and to see the big city lights she had seen on other people's television sets¹⁰.

As in Nongbok district, another important push factor for youth migrating to Thailand was the obvious prosperity of those who had gone before them, bringing back tape recorders, CD players and televisions, and even being able to afford to buy new motorcycles.

There was also no lack of job opportunities for young people in the villages visited in Xebangfay. As a focal zone for agricultural development, Xebangfay was the site of a major irrigation project and massive construction work. The work would run for several years and pay reasonable wages. However, unemployed youth still preferred to seek work in Thailand, partly because they believed they would be more highly paid there.

¹⁰ One girl was rescued by a Thai NGO from a carwash in Chonburi. She was sold to the owner and had to work 10 hours a day for just two meals a day and no wages. She worked there for three months until she realized that she had been sold in this way. Three other Lao children were still working there.

Neither was lack of access to schools a problem in these communities. Each village had its own primary school, and lower and upper secondary schools were only a short distance away in every case. There were enough places in the schools, and the school facilities were good – better than those available to many other villages.

As in Nongbok, the Xebangfay communities reported the existence of a local cross-border labour recruitment/trafficking network. In each of the villages, the network advertised available jobs and wages. The district authorities reported that they often saw minibuses they believed belonged to the traffickers entering the villages and then emerging carrying young girls.

The communities agreed that the trafficking was not due to poverty or lack of educational or job opportunities. Instead, they suggested that it was a problem of morality and ideology among youth. Many parents had tried to stop their children leaving, but they left anyway. Most of them went with a group of friends.

One suggestion the communities made to combat trafficking was to make sure the young people were well informed about the dangers and realities of trafficking. Despite being aware that there were risks involved, the young people just trusted in luck and their network of friends. Those returnees who had had bad experiences never told their true stories in order to protect their pride, the villagers said. Therefore, the priority should be an effective awareness-raising campaign targeting youth.

3.3 Savannakhet Province

Table 14: Profile of Savannakhet Province

Population	Unit: 1,000s	Education, age 6 and above	Unit: %
Total	672	Never been to school	40.1
Male	329	Currently at school	23.5
Female	343	Left school	36.4
Urban/rural population	Unit: %	Children aged 6-16 attending school	Unit: %
Urban areas	14.9	Boys	62.8
Rural areas	85.1	Girls	54.8
Sex ratio		Population aged 10 and above:	Unit: %
Males per 100 Females	96.0	In Labour Force	73.7
Population density		• Paid employee and employer	6.9
Persons per sq.km.	31	• Own-account worker	51.9
Age composition	Unit: %	• Unpaid family worker	39.3
0-14 years	44.2	• Unemployed	1.9
15-64 years	52.1	Not in Labour force	26.3
65 + years	3.7	• Students	70.8
Marital status	Unit: %	• Household Duties	14.4
Never Married	58.9	• Retired/Sick/Too old to work/Other	12.1
Married	35.7	• Others	2.8
Divorced/separated	1.8	Households with:	Unit: %
Widowed	3.6	Electricity supply in dwelling unit	25.3
Citizenship	Unit: %	Safe water	21.0
Lao citizens	99.4	Tenure status owner	97.1
Religion	Unit: %	Toilet facilities	11.3
Buddhist	78.3	Households using which fuel for cooking	Unit: %
Animist	20.0	Wood	91.1
Christian	1.6	Charcoal	8.4
Others	0.1	Electricity	0.2
Households		Fertility	
Population in collective households	1.0%	Crude Birth Rate, per thousand	42.1
Population in private households	99.9%	Average number of children per woman (TFR)	5.7
Average household size	6.3 people	Mortality, per thousand	
Head of household	Unit: %	Crude Death Rate	12.1
Male	85.5	Infant Mortality Rate	80
Female	14.5	Child Mortality Rate	129
Literacy, age 15 and above	Unit: %		

Source: 1995 Census brief results

Table 15: Population by Age Group in Savannakhet Province

Age group	Population
0–4 years	106,714
5–9 years	100,710
10–14 years	89,437
15–19 years	66,872

3.3.1 Illegal Migrant Workers in Thailand

The population of Savannakhet province in 1995 was 671,758 people, of whom 342,698 (51%) were female. There were wide disparities in how the population was distributed among the districts. The most populated districts were Khanthabouly (20% of the population), Songkhone (12%) and Outhoumphone (10%). The least-populated district was Nong (2% of the population).

In Savannakhet province, only three out of the 15 districts border Mukdahan province of Thailand along the Mekong river: Songkhone, Khanthabouly and Xaybouly.

Table 16 gives the numbers of people from Savannakhet province illegally working in Thailand, from a survey by the provincial authorities before parliamentary elections at the end of 1997.

Table 16: Labour Migrants from Savannakhet to Thailand, by District

District	All labour migrants	Female labour migrants
Khanthabouly	2,406	961
Champhone	3,780	1,862
Songkhone	5,241	2,312
Outhoumphone	2,249	924
Xaybouly	3,658	1,580
Adsaphone	506	223
Phine	211	107
Xonbouly	1,408	621
Xayphouthong	1,990	841
Adsaphanethong	417	172
Thapangthong	761	457
Phalanexay	634	226
Sepone	NA	NA
Vilabouly	NA	NA
Nong	NA	NA
Total	23,261	10,286

Source: Savannakhet Provincial Authority, 1997

The Provincial Department of Labour and Social Welfare has never conducted a specific survey on illegal labour migration to Thailand. However, the data shown in Table 16 demonstrate the magnitude of the problem. They also demonstrate the existence of the problem in all 12 districts where data were available. The highest incidence of migration was found in Songkhone, Champhone, Xaybouly, Khanthabouly and Outhoumphone. It is worth noting that Champhone and Outhoumphone are not on the border but had very high numbers of illegal migrant workers in Thailand. Phine district, located in the centre of the province, has the fewest. Most of those districts with large ethnic minority populations, such as Phine, Adsaphanethong, Thapangthong and Phalanexay, also accounted for relatively few cross-border migrants.

Table 17: Children in Especially Difficult Circumstances (CEDC) in Savannakhet, 1999

Circumstances	Total	Girls by age group		Boys by age group		Education level		
		1–14 years	15–18 years	1–14 years	15–18 years	Primary	Lower sec.	Upper sec.
Orphans (loss of one parent)	1,733	625	185	711	212	885	107	16
Orphans (loss of both parents)	347	93	49	156	49	148	24	4
Disabled	36	12	13	8	3	11		
Victims of rape								
Returnees from Thailand	45	6	20	4	15	10	1	
Glue sniffers	1				1		1	
Beggars	9	2	2	5		5		
Total	2,171	738	269	884	280	1,059	133	20

Source: Department of Labour and Social Welfare, Savannakhet province, 1999

In Table 17, the returnees from Thailand are children trafficked to Thailand and rescued by Thai NGOs, and child workers arrested in Thailand under immigration law and officially repatriated by the authorities. The number of recorded returnees is relatively low, but it is known that others are arrested and forced back across the border without any official handover.

It is also true that in some cases, these returnees soon cross illegally to Thailand once again. In one pilot project to combat trafficking in Nateuy village supported by one of the international agencies, four returnees (all boys) were sent for vocational training in motorcycle repair in Vientiane. After finishing the course, they returned home but then illegally crossed the border again to seek work in Thailand, equipped with their new skills¹¹.

Illegal cross-border migration also accelerates the spread of HIV/AIDS. Studies have indicated that child returnees from Thailand, particularly girls, have high rates of HIV/AIDS infection. In its half-yearly report on HIV/AIDS infection among the Lao population for early 2000, the Lao National Committee for the Control of AIDS found that Savannakhet province had the highest number of HIV/AIDS infections of any province in Lao PDR (680 people), 110 more than at the end of 1990 (19% increase)¹². After Savannakhet, the second and third highest rates of HIV infection were reported in Khammuane and Bokeo provinces.

Table 18 gives the numbers of children and women who had illegally migrated to Thailand in search of work from each of the villages visited by the study team in Savannakhet.

¹¹ Reported by the Department of Labour and Social Welfare, Savannakhet.

¹² Lao News Agency (KPL News Bulletin No. 2144/2000, dated 9 August 2000).

Table 18: Children and Women Working in Thailand from Seven Villages of Three Districts in Savannakhet Province (7-11 February 2001)

Village	Numbers of ...				Migrant workers in Thailand			
	Population		Houses	Families	Total	Female	Under 18 years	
	Total	Female					Total	Female
<i>Khanthabouly district</i>	2,620	1,347	441	468	149	94	48	44
- Houie Neua	1,560	779	263	289	135	80	40	36
- Houi Tai	1,060	568	178	179	14	14	8	8
<i>Outhoumphone district</i>	3,705	2,093	563	600	246	153	115	93
- Khok Neua	876	436	130	164	58	34	11	9
- Khok Kannng	933	620	153	156	47	18	19	11
- Khok Tai	863	478	133	133	51	36	30	26
- Khokpavai	1,033	559	147	147	90	65	55	47
<i>Songkhone district</i>	772	400	133	138	41	26	10	7
- Nong Ileang	772	400	133	138	41	26	10	7
Total: seven villages	7,097	3,840	1,137	1,206	436	273	173	144

Source: Village authorities, August 2000

Baseline data were collected from seven villages (total registered population 7,097, of which 436 had migrated to Thailand) in three target districts in the western part of Savannakhet province: Outhoumphone, Songkhone and Khanthabouly. The data indicated that 40% of illegal migrant workers in Thailand were children under 18 years of age¹³, of which 83% were girls.

3.3.2 Khanthabouly District

The total population of Khanthabouly district in 1995 was 124,896 (50.7% female). The population was fairly evenly split between urban and rural dwellers: 62,247 (49.8%) urban to 62,649 (50.2%) rural. It remains one of the most densely populated districts in Savannakhet province.

ESCAP has a pilot project to combat trafficking in one village (Natuey) and Save the Children Norway is launching a project on child labour covering 15 villages.

3.3.3 Outhoumphone District

Outhoumphone district does not border Thailand. In 1995, it had a total population of 69,025 people (51.2% female). Urban dwellers made up just 15.9% of the population, rural dwellers 84.1%. It was the third most populated district in the province (10% of the provincial population), with an average population density of 57 people per square km. Its total area is 1,211 square km.

3.3.4 Songkhone District

Songkhone district borders Thailand and had a total population in 1995 of 81,864 (50.4% female). It is an almost entirely rural district, with just 6.4% of the population living in urban areas in 1995. It is the second most populated district in Savannakhet (12% of the provincial population in 1995), with an average population density of 47 people per square km. The total area of Songkhone is 1,753 square km.

¹³ The percentage of those migrating before they are 18 years old is higher than 40%, as many migrants that show up as adults in government statistics (based on birth registration) left the country when they were still teenagers.

Community Perspectives on Push and Pull Factors and Possible Solutions

Below is a summary of information provided by the villagers and village authorities during community meetings:

Since 1992, the district authorities have issued several decrees on combatting the problem of illegal labour migration. One of the means to be employed is to fine illegal migrant workers. These fining schemes differ from district to district, but the principle is that if an illegal migrant is arrested, their parents have to pay a fine to the district immigration police. In Outhoumphone district, the fine for the first arrest is 50,000 kip (around US\$ 4.55), going up to 100,000 kip (around US\$ 9.10) for the second arrest and 150,000 kip (around US\$ 13.60) for the third arrest. However, it has never been implemented. In Xonbouly district, if a migrant is arrested, the parents have to pay about 140,000 kip (around US\$ 13) plus 8,000 kip (around US\$ 0.73) per day during the period of detention. The communities reported that these measures had had no effect on illegal migration into Thailand, because the fines were too small.

Previously, village authorities had been responsible for levying fines in their respective villages. If a community member was known to be illegally working in Thailand, the family would be fined. In fact, this policy just made things worse. Even if their children left without parental consent, the parents were left with a heavy burden. At some stage, every family had to sign a written agreement with the village authorities, promising to hand over their assets if their children migrated illegally. For some families, the situation was exacerbated even further when the Thai immigration police arrested their children and they had to sell their buffaloes to pay fines and secure the children's release. Some families reported having to pay up to 5,000 baht (US\$ 116) to get their children out of prison in Thailand, plus another 140,000 kip (around US\$ 13) for border crossing to the Lao immigration police in their district. In the end, the village authorities refused to continue implementing these policies.

In the past, officially repatriated illegal migrants were sent to correctional centres or forced to perform punitive community work, such as sawing wood, construction of public buildings or road construction. However, the numbers of illegal migrants continued to rise.

While there have been punishments for migrants and their families, there was no law to punish traffickers or their intermediaries. In some cases, intermediaries were identified and arrested by the district security police but they were never successfully prosecuted and were eventually released.

It was reported that some of the villagers were seasonal migrants. They crossed over illegally to Thailand at the end of the rice-planting season (May to June), returned to the village for the rice harvest, then left once again until the next planting season. This group were adults, while on the contrary children tended to leave the village at the planting season. The villagers assumed that this was because the children wanted to avoid working in the rice paddies, and preferred instead to find work in Thailand and send money home to pay others to work in the fields. Around the festival season of January to March, they would return home to enjoy the festivities, and then once again return to Thailand.

During the discussions in the communities, it was stressed that parents rarely persuaded their children to go to work in Thailand. Most children went with their friends and without their parents' consent. Children would seek loans from other people to cover the costs of finding work in Thailand, and sometimes the parents or traffickers ended up having to pay off the loans for them. The villagers also reported that there was an organized labour trafficking network in the area. They volunteered the names of two traffickers who lured the children away. The villagers were aware of the traffickers' business, but did not act because they were popular among young people hoping to go to Thailand.

In families with relatives across the border, the parents would contact the relatives and deliver the children themselves.

To prevent the problems of trafficking and illegal migration, the communities suggested that strict measures should be taken against the traffickers, intermediaries and their networks. This would also include people who obtained border passes legally to help young people cross the border. At the same time, they suggested that temporary returnees should be taught not to lure others to go with them illegally, and that if they were found to have done so, they should be punished.

3.4 Champassak Province

Table 19: Profile of Champassak Province

Population	Unit: 1,000s	Education, age 6 and above	Unit: %
Total	501.3	Never been to school	28.0
Male	244.6	Currently at school	25.7
Female	256.7	Left school	46.3
Urban/rural population	Unit: %	Children aged 6-16 attending school	Unit: %
Urban areas	12.7	Boys	69.5
Rural areas	87.3	Girls	60.3
Sex ratio		Population aged 10 and above:	Unit: %
Males per 100 females	95.3	In labour force	69.3
Population density		• Paid employee and employer	7.9
Persons per sq.km.	31	• Own-account worker	54.1
Age composition	Unit: %	• Unpaid family worker	35.3
0-14 years	43.3	• Unemployed	2.6
15-64 years	52.4	Not in labour force	30.6
65 + years	4.3	• Students	69.4
Marital status	Unit: %	• Household duties	12.6
Never Married	59.7	• Retired/Sick/Too old to work/Other	12.3
Married	34.7	• Others	5.6
Divorced/separated	2.2	Households with:	Unit: %
Widowed	3.4	Electricity supply in dwelling unit	16.8
Citizenship	Unit: %	Safe water	22.3
Lao citizens	98.8	Tenure status owner	97.0
Religion	Unit: %	Toilet facilities	13.6
Buddhist	91.8	Households using which fuel for cooking	Unit: %
Animist	5.3	Wood	94.0
Christian	2.8	Charcoal	5.2
Others	0.1	Electricity	0.4
Households		Fertility	
Population in collective households	1.6	Crude birth rate, per thousand	43.9
Population in private households	98.4	Average number of children per woman (TFR)	5.9
Average household size	5.9	Mortality, per thousand	
Head of household	Unit: %	Crude death rate	14.0
Male	86.5	Infant mortality rate	91
Female	13.5	Child mortality rate	148
Literacy, age 15 and above	Unit: %	Life expectancy at birth	Unit: Years
Literate	71.3	Females	55.0
Non-literate	28.7	Males	52.5

Source: 1995 Census brief results

3.4.1 Illegal Migrant Workers in Thailand

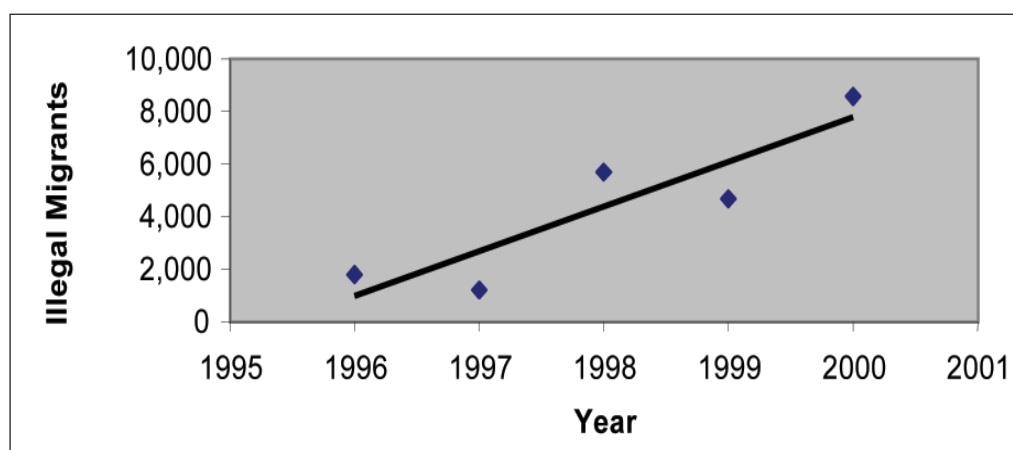
The population of Champassak in 1995 was 501,387, 51% female. The population is very unevenly spread between the different districts in the province. The most populated districts in 1995 were Phonthong (home to 14% of the population), Pakse (13%), Khong (13%), Champassak (10%), and Pathoumphone (9%). The least populated district was Moulapamok, which accounted for just 6% of the population.

Five out of Champassak's 10 districts are situated along the banks of the Mekong river, bordering Thailand's Ubon Ratchathani province: Xanasomboun, Phonthong, Champassak, Soukhoumma and Moulapamok.

The province's Department of Labour and Social Welfare estimated the number of residents who had become illegal migrant workers in Thailand as more than 8,500 people in October 2000 (see Table 5 in Section 3.1). It should be noted that, due to lack of funds to conduct a thorough survey, the data were reported from some of the districts only.

Chart 5 (covering 1996-2000) gives further illustration of the trend in illegal migration to Thailand from Champassak.

Chart 5: Trends in Illegal Migration to Thailand, Champassak Province, 1995-2000



Source: Department of Labour and Social Welfare, Champassak province, October 2000

Statistics from the province indicate further that most of these illegal migrants have some level of education (at least primary education and often lower secondary education). Table 20 provides more details.

Table 20: Education Levels of Illegal Labour Migrants from Champassak, 1996-2000

Year	No. of illegal migrants		Educational level			
	Total	Female	Primary	Lower secondary	Upper secondary	Vocational
1996	1,786	909	955	358	442	31
1997	1,200	478	653	487	32	28
1998	5,681	3,099	1,756	2,208	1,388	119
1999	4,666	2,518	3,610	815	213	28
2000	8,567	3,689	5,018	2,525	852	172

Source: Department of Labour and Social Welfare, Champassak province, October 2000

Table 21 shows the number of children in especially difficult circumstances in two districts of Champassak province in 1999. The data were collected through an ESCAP-supported pilot project covering Pakse and Phonthong districts.

Table 21: Children in Especially Difficult Circumstances (CEDC) in Two Districts of Champassak, 1999

Circumstances	Total	Girls	Girls by age group			Boys by age group			Education level		
			1-14 years	15-18 years	age>19 years	1-14 years	15-18 years	age>19 years	Primary	Lower sec.	Upper sec.
Orphans (loss of both parents)	4,666	1,653	1,271	382		1,780	1,233		3,780	796	90
Orphans (loss of one parent)	543	213	115	98		180	150		410	100	33
Disabled	321	99	58	41		96	126		150		
Victims of rape	6	6	6						4	2	
Illegal migrant workers	2,059	1,020	200	820	192		587	260			30
Glue sniffers	185						180	5	150	35	
Beggars	82	7	18	2		56	6				
Total	7,862	2,998	1,668	1,343	192	2,112	2,282	265	4,494	933	153

Source: Department of Labour and Social Welfare, Champassak province, 1999

Even though the figures in Table 21 cover only two districts, the number of illegal labour migrants is still relatively high. About 78% of the migrants were children under 18 years old, and among the children, 63% were girls.

Table 22 gives baseline data collected through the fieldwork in seven villages (total registered population 4,944; out of which 255 had migrated to Thailand) in target districts in the western part of Champassak province. They show that 22% of the illegal migrant workers in Thailand were children under 18 years of age¹⁴, of which 60% were girls.

Table 22: Children and Women Working in Thailand from Seven Villages of Three Districts in Champassak Province (15-17 February 2001)

Village	Numbers of ...				Migrant workers in Thailand			
	Population		Houses	Families	Total	Female	Under 18 years	
	Total	Female					Total	Female
<i>Pakse district</i>								
- Houie Lao	1,215	676	188	225	59	40	16	13
<i>Phonthong district</i>								
- Nonhin	368	179	49	49	60	33	17	10
- Dongyang	570	297	89	89	37	19	5	2
- Dannavieng	370	196	70	70	28	19	2	2
<i>Pathumphone district</i>								
- Mai Sam Kham	517	265	90	100	8	3	1	1
- Boun Yai	948	457	167	197	16	1	5	0
- Nong Boua Yai	956	574	197	205	47	17	10	5
Total: seven villages	4,944	2,644	850	935	255	132	56	33

Source: Village authorities

¹⁴ The percentage of those migrating before they are 18 years old is higher than 35%, as many migrants that show up as adults in government statistics (based on birth registration) left the country when they were still teenagers.

3.4.2 Phonthong District

Phonthong district is located on the banks of the Mekong, bordering Thailand's Ubon Ratchathani province. In the district is the Vang Tao-Chongmek checkpoint, one of the main official border crossing points between Thailand and Lao PDR and a gateway for cross-border commerce. Phonthong has one of the highest incidences of illegal labour migration to Thailand of any district in Lao PDR. Based on statistics from the provincial Department of Labour and Social Welfare (see Table 23), there were some 1,869 illegal child labour migrants from Phonthong in Thailand in 1999. Statistics from the immigration police of Phonthong district (see Table 24) give a clearer picture, disaggregated by sex, although data by age group are not available. Combining the information in the two tables (Tables 23 and 24), even though they were collected at different times, we can see that about 75% of illegal migrant workers from the district in Thailand are children under 18 years old and about 50% of them are women and girls.

Table 23: Children in Especially Difficult Circumstances (CEDC) in Phonthong District, by Sub-district, 1999

Sub-district	Villages	Illegal migrant workers	Orphans (loss of one parent)	Orphans (loss of both parents)	Disabled	Glue sniffers
Kaokeung	17	258	149	14	33	9
Phon	11	195	78	5	8	
Kudchik	13	114	17	5	9	
Phokham	16	604	105	10	12	
Phonthong	10	132	115	10	4	1
Sengdou	8	154	128	14	12	
Dong Ngang	15	214	92	8	14	5
Nonkhun	10	33	44	3		
Veunxay	8	128	36	5	4	
Sakmuang	10	37	83	13	2	
Total: 10	118	1,869	847	87	98	15

Source: Department of Labour and Social Welfare, Champassak province, 1999

Table 24: Illegal Labour Migrants from Phonthong District to Thailand, June 2000

Sub-district	Villages	Households	Population		Age <15 years		Age >15 years		Illegal migrants		Returnees	
			Total	Female	Total	Female	Total	Female	Total	Female	Total	Female
Kaokeung	17	1,933	11,884	5,960	4,280	2,058	7,604	3,902	259	160	27	13
Phon	11	1,021	6,297	3,113	2,373	1,133	3,924	1,980	311	162	25	15
Kudchik	13	1,153	6,477	3,355	3,014	1,494	3,463	1,861	193	81	47	13
Phokham	16	1,557	10,348	5,235	4,428	2,182	5,920	3,053	571	279	106	53
Phonthong	10	1,249	8,179	4,475	3,428	1,878	4,751	2,597	267	151	36	15
Sengdou	8	1,330	8,093	4,228	3,512	1,786	4,581	2,442	143	82	13	6
Dong Ngang	16	1,602	9,032	4,575	3,935	1,907	5,097	2,668	160	73	34	13
Nonkhun	10	1,803	4,328	4,040	1,900	929	2,428	3,111	132	52	49	16
Veunxay	8	870	5,372	2,813	2,043	1,037	3,329	1,776	168	77	56	26
Sakmuang	10	1,341	8,174	4,233	3,286	1,651	4,888	2,582	271	128	59	26
Total: 10	119	13,859	78,184	30,941	32,199	16,055	45,985	25,972	2,475	1,245	452	196

Source: Immigration police of Phonthong district, June 2000

In Table 25 are the numbers of illegal labour migrants in Thailand from the villages visited by the study team in Champassak province in August 2000.

Table 25: Illegal Migrant Workers from Two Villages in Champassak Province to Thailand

Village	Population	Females	Families	Illegal workers in Thailand		Remarks
				Total	Females	
Nonhin (Phonthong district)	351	179	46	64	36	All >18
Ban Mai (Outhoumphone district)	617	328	95	NA	NA	1 returnee
Total	968	507	141	64	36	

Source: Village authorities, August 2000.

Community Perspectives on Push and Pull Factors and Possible Solutions (Nonhin Village)

The average family size in Nonhin village is large at about 7.6 people. Around 18% of the population are illegally working in Thailand. The village authorities and returnees said that those illegal workers were all above 18 years of age and mostly had migrated in families to work in the rubber plantation in Sadao district of Songkhla province in southern Thailand.

The people of Nonhin, in fact, originally migrated from Chongmek district of Thailand's Ubon Ratchathani province, when this district was still under Thai rule. This was due to hardship and shortage of land for food production. They settled in Nonhin and cleared the land to make rice paddies. None of the villagers are employed as government officials, due to lack of education.

The villagers are poor farmers and perform wage labour. The land is of poor quality and badly irrigated. The villagers said that migration was actually a necessity, as it would be very difficult to support the entire population because there are no secondary sources of income.

Those who work in Thailand send money back home to pay for rice planting. Because of the relative strength of the Thai baht against the kip, they can afford to hire labour to work in the paddies. Some families working on the rubber plantations in Thailand can earn 35,000 baht (US\$ 814) per season.

The Nonhin primary school was 100% funded and built by the villagers themselves. All children at primary school age are in school. It is noticeable that the villagers are trying hard to develop their own village. They are currently preparing to get electricity supply, for which they have collected 64,000,000 kip (around US\$ 5,818).

The villagers reported that they had their own network to find employment in Thailand and did not need to work with intermediaries. They could contact the employers directly and communicate with other migrants from the village about the availability of work. It was stressed that the spirit of unity among the villagers was very important. The villagers said that if for any reason the village called for all of the migrant workers to return, they would.

One important push factor for migration highlighted by the villagers was the lack of access to secondary and tertiary education. In 2000, none of the village's primary school graduates had yet been given places in the nearest secondary school. In previous years, some of the children had managed to finish upper secondary school, but could not access further education, and some had thus ended up selling their labour in Thailand. For example, the son of the village head was now working in a prawn farm in

Satun province, southern Thailand. His earnings were 3,000 baht (US\$ 70) per month, plus a bonus of one baht (US\$ 0.02) per kilo of prawns yielded.

To combat the issue of illegal migration into Thailand, the villagers stressed that it was necessary to improve the quality of education in their primary school, to give the children better education and employment opportunities in the future. Since the villagers ran the primary school by themselves, they requested support to improve the school and to increase secondary-school places for their children.

Community Perspectives on Push and Pull Factors and Possible Solutions (Ban Mai Village)

Like Nonhin, Ban Mai village is located on the banks of the Mekong, where both sides of the river are within Champassak province. The community is celebrated in the province for its religious history. Many of the villagers are well educated and serve as high-ranking officials. The community has good conditions for rice and vegetable cultivation. The land is fertile and adequate for agricultural production. There is an irrigation scheme for dry-season cultivation of rice, corn, cucumber, beans, and sugar cane. The villagers are industrious and willing to learn new skills. Evidence of this can be seen in their use of organic instead of chemical fertilizer. The quality of life of the villagers is good and they are relatively prosperous.

Trafficking is not yet widespread in the community; however, the case of one 17-year-old girl trafficking victim rescued by a Thai NGO raised awareness of the issue within the community. The girl had been trafficked to Thailand three years before the assessment team's visit, through a trafficking network in Pakse district, where she had gone to live with her sister after dropping out of school. A trafficker offered her work in Thailand, but she was sold as a domestic worker in a house in Bangkok, effectively as a slave: with no pay and permanently confined to the house. She eventually escaped, and was helped by a Thai NGO to return to Lao PDR through official channels.

The community has a complete primary school and access to lower secondary school. In 2000, extension to cover Grade 9 of upper secondary school was planned for the next school year. Though most school-age children in the village are enrolled in school, there are some dropouts. It was noted that these school dropouts were at risk of trafficking because they might wish to seek work in Thailand.

The villagers suggested that it was an ideal time to work on prevention of trafficking in children and women in their village. The community was well aware of the problem in the province, and knew it could soon affect Ban Mai. They proposed starting development projects, particularly in the agricultural sector, to boost villagers' income, which they believed would in turn help to improve the education of the community's children. They also proposed improvement of the school's curriculum by adding vocational components, particularly in the area of agricultural skills relevant to the community. The villagers gave a lot of consideration to their children's futures, and believed that the children would not be interested in agricultural work unless there was some promotion. The villagers had already adopted the idea of promoting bio-farming systems, and were testing new bio-fertilizer produced in their district. They said that if the young people worked as hard as those who had migrated to Thailand, they could become more prosperous, and that it made no sense for young people to migrate to Thailand when Ban Mai had so much potential. However, they were also worried that if the young people did reject farming activities, it would badly affect the community.

3.5 Related Information on Illegal Lao Migrant Workers in Thailand

The Thai immigration police in Ubon Ratchathani in 2000 said that hundreds of Lao people were illegally crossing the border to seek work every day¹⁵. Thai employers, particularly in Chonburi, Chachoengsao, Samut Sakhon, Samut Songkram and Bangkok, preferred to employ Lao migrant workers because they were much cheaper than Thais and there was far less of a language problem than with other foreign workers. Most Lao illegal migrant workers in Thailand are aged between 16 and 24, the age group most sought after by Thai employers.

Male labour is particularly in demand for heavy, unskilled work, for example on marine fishing boats and in poultry and pig farming. Women and girls are needed by garment factories, or as domestic workers. According to one migrant worker from Phonthong district, Champassak, most of the girls who left their villages to work in Thailand saw it as a chance to see Thailand and to make money. She said that she heard about her job in Thailand from a friend, but had to pay 500 baht (US\$ 11.63) for the information.

One Thai immigration police officer at a border checkpoint reported that most of the illegal migrants entered Thailand through district border crossings or the sites of Lao-Thai open markets – Khemmalad district or Phoxay and Bounthalik checkpoints, where there were few immigration officers to monitor people crossing the border.

The usual process of trafficking starts with requesting a border pass from the Lao authorities. The migrants will then cross the border and request a three-day permit to stay in Thailand, which limits their movement to within Ubon Ratchathani province. However, once they receive the permit, they are transported to Bangkok or wherever else the traffickers plan to send them, by road. Usually it is by private vehicle, but sometimes the traffickers buy them tickets for the public bus or special air-conditioned bus. The migrants generally pay 6,000-8,000 (US\$ 140-186) baht per person to the traffickers.

When the Thai authorities arrest Lao illegal migrants, they are tried in court and then repatriated. At just one district border checkpoint, in Phibulsahan district, Ubon Ratchathani in 1999, the Thai authorities sent back 593 people (361 male and 232 female). From January to May 2000, 506 illegal Lao migrant workers (328 male and 178 female) were sent back. Most of the 506 came from the provinces of Champassak, Salavan, Savannakhet and Attapeu.

Table 26 shows the number of Lao illegal children workers detained at the Immigration Detention Centre (IDC) in Thailand from March 1995 to August 1997, based on a study by the Institute for Population and Social Research of Mahidol University, Thailand.

Table 26: Lao Illegal Child Migrant Workers at IDC, March 1995-August 1997

	Total	%	0–9 years of age	%	10–14 years of age	%	15–18 years of age	%
Male	1,262	66.56	18	50.00	441	60.33	803	71.12
Female	634	33.44	18	50.00	290	39.67	326	28.88
Total	1,896	100.00	36	100.00	731	100.00	1,129	100.00

Source: Calculated from the files of the IDC, Immigration Bureau, Ministry of Interior, Thailand, 1998

¹⁵ Lao News Agency (KPL News Bulletin No. 2108/2000, dated 20 June 2000)

After a Thai Cabinet resolution of June 25, 1996 acknowledging the presence of illegal migrant workers, foreign migrants can register legally to work temporarily in Thailand. The number of illegal migrant workers from Lao PDR who registered in 43 provinces of Thailand totaled 11,086 people (between 2 September to 29 November 1996). The Thai government's total income from registration fees totaled US\$ 250,100.

CHAPTER 4: KEY FINDINGS AND OVERVIEW

4.1 Key Findings

This preliminary assessment provides information on the issue of illegal labour movement into Thailand, which includes the problem of trafficking of children and women for labour exploitation. Below are some of the findings related to inter-linked socio-economic factors in Lao PDR.

1) Educational and Vocational Aspects

- *High number of children out of school*

A high number of primary school-age children (6-10 years) are not enrolled in school. In 1997-98, for instance, nationally 23.8% of primary school-age children were reported as not enrolled in school – 27.6% of girls and 20.2% of boys. This means 171,324 children, mostly from remote rural areas ethnic minorities, were not in primary school¹.

The number of all school-age children and youth (6-23 years) out of school or having left school was also very high: in 1997-98, nationally 51% of all children were out of school or had never attended school (see Table 2 in Section 2.1.3). That represents 1,102,712 persons, or nearly one quarter of the total population, out of school, suggesting that many children and young adults have to become self-sufficient at an early age, making them vulnerable and putting them into a high-risk group for trafficking, manipulation and exploitation.

- *Vulnerability of children who leave school early*

Children who have left school early are not well equipped with essential life skills. The quality and quantity of education provided at school is not sufficient for them to make well-informed decisions and to cope with rapid changes in society. Children blinded by consumerism are susceptible to those who seek to take advantage of them.

- *High number of girls students who do not continue further education*

The number of students who leave school after completion of primary, lower and upper secondary school is high, as many as 70% of all girls (8,572) in 1996-97 (see Table 4 in Section 2.1.3). This suggests that a significant number of relatively well-educated girls may also be targeted for trafficking.

- *Lack of vocational training centres*

The number of vocational training centres is limited (see Table 3 in Section 2.1.3), so there are few opportunities for youth who leave upper secondary school to obtain vocational training.

2) Industrial and Economic Aspects

- *Narrow industrial base*

In addition to limited job opportunities, the country has a narrow industrial base, which is predominated by agriculture. This means that many people who want to work in different industries, for instance the service industry, must go elsewhere where such work is available.

¹ Calculated from the MOE Annual Bulletin and Population Projection Document

- *Economic hardship and limited opportunities in rural areas*

In rural areas, villagers experience economic hardship and have few opportunities to improve their livelihoods. In addition, adolescent psychology and the urge to explore the world around them stimulate young villagers to move to big cities or to other, wealthier, countries.

3) Pull Factors

- *Existence of labour recruitment/trafficking networks*

Organized labour recruitment and/or trafficking networks employing modern communication technology are established in many parts of rural Lao PDR. Additionally, there is business related to trafficking of children and women when they move internally or across borders.

- *High demand for cheap Lao labour in Thailand*

There is a continuous demand for cheap skilled and unskilled labour in Thailand, as well as for young boys and girls in the commercial sex industry. Given the language and cultural similarities between the dominant Thai and Lao groups, Lao children can be integrated more easily into the legal and illegal Thai economy than children from others of Thailand's neighbours. In addition, the myth of a low incidence of HIV/AIDS in Lao PDR, along with the perception that Lao girls are subject to traditional values whereby sex before marriage is frowned upon, makes Lao girls attractive for the commercial sex industry.

4.2 Overview

Economic disparities between countries propel growth in a market economy. Consumerism, desire for luxury products and competition to generate wealth motivate people to strive for higher earnings, and lead many from poor countries such as Lao PDR to decide to take the risk of migrating if they cannot make enough money in their rural homes. Ignorant and naive, they make choices that often put them in great danger of exploitation – either by themselves or by someone else. Some are truly happy to be away from the boring farming life at home, at least initially. However, procurers and international traffickers capitalize on their innocence and can easily lure them with the offer of travel to a new place, a new city or a new country.

Lured by city life and the vision of abundant consumer goods, and bored by subsistence farm work, young rural Lao leave their homes, with or without their parents' consent. They are poorly informed and poorly equipped for city life. And by leaving, they take away the very work force that is need to run the farmland – the economic backbone of the Lao subsistence economy.

Those that return and those that stay behind seem to be fond of “easy entertainment” on TV and radio, to the detriment of their moral development. More and more, the monkhood, once an institution that gave young people an opportunity for spiritual and personal development and to make merit for their families, seems to be just a refuge for young people who have experienced serious problems. Furthermore, the young generation seems to like luxury products, in particular those from Thailand, which reduces the market potential of new products produced in Lao PDR.

The net result of all of these factors is a torn social fabric in the countryside, lack of local business initiatives and employment opportunities, and large groups of young people living at high risk in urban centres.

Preventive measures must be introduced quickly to stimulate moral development, revitalize rural areas, and stimulate the local economy through cooperation. At the moment, there is little information available and not enough public awareness-raising about the risks of going to work in the cities.

There is also not enough recognition of the quality of a simple pastoral life. Social services and income-generating activities are not reaching the countryside fast enough to make it worthwhile for youth to stay there. There is too much advertisement of consumer goods and not enough publicity about life skills and other useful information. Development policies stress too much on economic growth without realizing that such narrow goals can only be achieved, if at all, at the expense of society and the environment. Social problems and environmental degradation will only drag more people below the poverty line.

During this assessment, the study team held meetings with villagers in the target communities to ask for their views about illegal migration and trafficking, and to seek their suggestions on possible solutions. Common threads in the villagers' suggestions included improving quality of, and access to, education and vocational training, and increasing income-generating opportunities, particularly by developing local-level market economies so that communities could move beyond subsistence farming to micro and small enterprise development. There was also a widely held view that there was too much promotion of modern consumerist values, to the detriment of young people's moral development and sense of responsibility to their families and communities. Finally, community members suggested that interventions to raise awareness, particularly among young people, of the grave risks associated with migration and trafficking, might help to dissuade them from migrating illegally and give them a greater ability to protect themselves from exploitation.