



International Labour Organization
Organisation internationale du Travail
Organización Internacional del Trabajo

From Asia to Europe and Back

**A rapid assessment of Thai workers travelling to and from the
European Union, and available assistance**

A research study by the Foundation for Women

**Part of the ILO and European Union Project
“Going back, moving on: economic and social empowerment of migrants,
including victims of trafficking, returned from EU countries”**

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We hope that the report will highlight the needs of migrant returnees from labour and sexual exploitation, and strengthen the cooperation between organisations in Thailand and Europe in providing assistance to Thai migrants.

FFW deeply appreciates the kind support of ILO that enabled us to make this report possible. We look forward to closer collaboration in providing assistance to Thai returnees from Europe.

Executive Summary

The purpose of the study is twofold. First, to compile demographic information on labour migrants to Europe and the patterns of Thai returnees who are trafficked or suffer labour exploitation. Second, to assess the delivery of reintegration services in Thailand. The methodology includes desk reviews, focus group discussions with returnees from Europe, and individual interviews with returnees as well as service providing organizations in Thailand and Europe.

Labour migration of men and women from Thailand to Europe emerged two decades after the first exodus of Thai women to major sex industry cities in Europe. The migration of Thai women started in the late 1970s along with the emergence of sex tourism. By the early 1980s, migration for prostitution had transformed into human trafficking and become an issue of international concern.

Thai labour export policies were introduced in the 1980s. The major destination countries in the first phase of regular labour migration were in the Middle East. At present an estimated 13.1% of Thai migrants to go Europe, the majority of them seasonal agricultural workers. There are currently no official statistics recording the number of migrants who have returned from Europe and other regions, although the number of migrant workers re-entering the destination countries following renewal of their contracts is known. With high rates of re-migration, it appears that most regulated migrant returnees do not have negative experiences of their overseas employment in Europe. Nonetheless, some migrants are in need of assistance, experiencing fraud, and forced labour including prostitution. The most common concerns of these returnees, both those exploited through regular labour and others who classify as trafficking victims, are debts from loans they received to fund their migration.

Repatriation of labour migrants to Thailand is the sole responsibility of the Thai authorities, especially Thai embassies in destination countries. At present there is no official scheme in Thailand for reintegrating labour migrants on return to Thailand. It remains to be explored whether they need support to help find stable long-term livelihoods, or if they only want assistance to fund the brokerage fees from recruiting agencies in order to finance subsequent re-migration.

The core interest of organisations in Thailand and in Europe is on human trafficking, on which they work closely with international organisations such as IOM and ILO to provide safe return and offer reintegration assistance to trafficked returnees. Social, economic and legal assistance is currently available for returnees in Thailand. However, at present there is no formal coordination between these organisations. The pattern of return, through official or unofficial channels, also determines the forms of assistance that returnees will receive, especially from state agencies in Thailand.

Some agreements and informal collaboration exists between Thailand and Europe, for instance: the ASEM Action Plan to Combat Trafficking in Persons, Especially of Women and Children; the Thai Women Network in Europe; and cooperation with Buddhist Temples. But service providing organisations have low awareness of these plans and measures. There is a need to explore cooperation possibilities with trade unions and migration agencies in European countries that receive high numbers of Thai labour migrants. Further cooperation in areas such as law enforcement and legal redress, psychosocial care, and livelihood sustainability needs to be explored.

In order to enhance reintegration assistance, the report recommends the following steps to those agencies responsible:

- Initiate contact with trade unions and migrant workers organisations in the EU to solicit their support to protect the rights of labour migrants.

- Survey the situation of migrant workers, especially women, in EU member countries to evaluate the extent of labour protection available in practice.
- Monitor closely the recruiting agencies and revoke their permits when there are reports of breaches of contract and deception over work placements.
- Translate and disseminate relevant international standards and guidelines to all stakeholders, and organise participatory training to put them into practice.
- Develop guidelines compatible to international standards and norms to assist returnees of labour migration and trafficking.
- Review existing training materials to improve their contents and training methods.
- Provide information on national legislation and a directory of organisations in the EU, and give training to volunteers.
- Appoint a national focal point to coordinate assistance to overseas migrants and systematically record the number of returnees.
- Develop a national referral mechanism in Thailand.
- Systematically review the current approach and determine the effectiveness of the reintegration process to draw lessons learnt and formulate more holistic multi-disciplinary and people-centred approaches.
- Provide legal training to all stakeholders on legal documentation, compilation of evidence, litigation processes, and witness testimony to improve legal redress.
- Provide recovery activities on a regular basis to returnees, and strengthen peer support groups.

Abbreviations and Acronyms

AAP	ASEM Action Plan to Combat Trafficking in Persons, Especially of Women and Children
ASEM	ASEAN European Meeting
BATWC	Bureau of Anti-Trafficking in Women and Children
FACE	Fight Against Child Exploitation
FFW	Foundation for Women
FIZ	Frauen Informations Zentrum
GAATW	Global Alliance against Traffic in Women
ILO	International Labour Organisation
IOM	International Organisation for Migration
MOF	Ministry of Foreign Affairs
MOL	Ministry of Labour
MSDHS	Ministry of Social Development and Human Security
NAT	Network Against Exploitation and Trafficking of Migrant Workers
TLC	Thai Labour Campaign
TOEA	Thailand Overseas Employment Administration
TWNE	Thai Women Network in Europe
UK	United Kingdom of Great Britain and Northern Ireland
UKHTC	United Kingdom Human Trafficking Centre
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime

Part I Moving To Europe

1. Introduction

The flow of migrants from developing countries to rich nations has long been an issue of concern. Since the 9/11 incidents of 2001, migration has been increasingly perceived as a threat to national security. Many national policies have been formulated to hamper the free movement of foreign nationals, making the lives of migrants, particularly illegal or undocumented migrants, more difficult.

Despite the tightening of national immigration law and tougher border controls, assistance packages have also been set up to help migrants, especially those who have experienced labour and sexual exploitation and then been given voluntary departure, offering them financial and other assistance in sustaining their livelihoods in their home country.

In order to formulate appropriate policies and programmes for migrant returnees from Europe, ILO commissioned FFW to conduct a rapid assessment of the current forms of assistance and the situation of the returnees, focusing on those who have been trafficked and exploited in the process of migration to Europe, and the forms of assistance available including regional cooperation and agreements.

Purpose and method

The purpose of the study is twofold: first, to compile demographic information on Thai labour migrants to Europe and the situation of returnees who are trafficked or suffer from labour exploitation; and second, to assess the delivery of reintegration services in Thailand.

The research methods for this study include desk review, individual interviews with trafficked and labour exploited returnees as well as service providing organizations in Thailand and in Europe, and focus group discussions with returnees from Europe.

Historical context of migration to Europe

Based on over two decades of direct involvement in issues of migration and trafficking, FFW can state that the pattern of labour migration of men and women to European countries emerged long after the initial exodus of Thai women in the late 1970s to major sex industry destinations within western Europe.¹ After the fall of Saigon in 1975 and the emergence of international sex tourism, Thai women who had previously engaged in providing sexual services for American soldiers and European tourists migrated to European entertainment centres such as Amsterdam, Frankfurt and Zurich. Migration for the purpose of prostitution was followed by cross-cultural marriages and the mail-order bride business. During the 1980s, many articles highlighted the plight of Thai women in European bars and brothels. Consensual migration for prostitution in the early 1980s later evolved into human trafficking, affecting women around the globe and becoming a major international concern. Restrictive measures preventing the free flow of migrants, for instance visa impositions and strict border controls, cannot effectively stop the migration of women or prevent human trafficking; indeed, such measures leave some women with little alternative but to depend on smuggling networks, exposed to the arbitrary treatment of their unscrupulous members. At present, the degree of Thai labour migration to Europe via official channels is still limited, with fewer women than men. Many women consequently travel to Europe only with tourist visas, and can be found working clandestinely in the sexual service sector.

Numerous rules and regulations are imposed on those from developing countries who wish to move to European countries, especially for work. Restrictive visa regulations make it impossible for migrants to venture on their own. Instead they require an intermediary to find worksites and

arrange travel to destination countries. This comes at a high cost, with brokerage fees ranging from eighty thousand to one million baht (US\$ 2,400-30,300) depending on their choice of worksite.² Those women who become involved in the sex industry pay the highest brokerage fees, which usually increase two- to three-fold after landing at their destinations in western European countries. Women working in this sector are either forced against their will or find themselves in a situation of debt bondage, needing to work to repay what they had to borrow through the trafficking process. In such a way, consensual migration becomes part of sexual exploitation and human trafficking.

The International Labour Organisation (ILO) estimates that 14 million of 25 million forced labourers are trafficked victims exploited through economic enterprise and working in the commercial sex industry.³ The profits generated from trafficked victims globally are in excess of US\$ 30 billion. It is a lucrative and low-risk criminal activity as most of the victims are socially excluded, living on the fringes of society both in their source and destination countries.

2. Thai Labour Migration to Europe

Thai labour export policies were introduced in the 1980s. In this first phase of regular labour migration, the major destination area was the Middle East. Currently, Thai workers are found in every region of the world: 137,775 individuals in total, 81% men and 19% women, registered with the Thai Central and Provincial Labour Office of Overseas Employment in 2008.⁴

According to the 2009 UNDP Human Development Report, 13.1 % of migrants from Thailand move to Europe. Some 60% go to Asia, and 22% to North America.⁵ The remittance inflow from all overseas workers is US \$1.635 billion, a quarter of which comes from Europe. The Thailand Overseas Employment Administration (TOEA) under the Ministry of Labour recorded 8,960 Thai workers across 38 European countries in 2007, 9,883 in 2008 and 9,592 in 2009 (January-August only). In 2008, 6,774 migrants (of which 81% were men) moved to Europe (see Table 1). The majority of them, especially in Scandinavian countries, are seasonal agricultural workers.

There are four channels of regular overseas migrant labour recruitment under the administration of the TOEA: 1) private labour recruitment agencies; 2) overseas employers; 3) self-arrangement but approved by the TOEA; and 4) companies for outbound migration. Hungary, Russia and the Czech Republic are the main destination countries of women who arrange their own migration, with these women working mainly in traditional massage and cooking. The overall numbers of women migrants to these three countries were 1,933 in 2007, 2,471 in 2008 and 2,108 in 2009. The UK and Sweden are the major destination countries with the highest numbers of migrant women from Thailand, mainly employed in traditional massage, cooking and domestic work. In particular, the number of Thai women working in traditional massage in the Czech Republic increased dramatically from 142 in 2007 to 202 in 2008. In 2007, the TOEA officially sent 43 women and 1,073 men to work in Sweden, which is the only country in Europe with an official arrangement with the Ministry of Labour for seasonal agricultural workers.

Other migrants mostly move to work on one year contracts with the possibility of subsequent renewal. 42.71 per cent of the total of 161,852 overseas workers re-entered their destination country following renewal of contract in 2008.⁶ There are no official records on the age groups of these workers, who mostly come from different provinces in the northeast of Thailand, which has a long tradition of domestic and international economic migration.

There are also many illegal workers; for example, in Germany, some figures estimate there are up to 100,000 Thai workers in total, only half living there legally.⁷ Far more female migrants exist than official figures show. One dataset suggests that 85% of Thais living in Germany are women.⁸ It is clear that the current official labour migration statistics do not capture the flow of women migrating to European countries. The previous two decades have seen many Thai women move to countries within Europe and become naturalised after obtaining permanent residence. For instance, in Norway there were 200 women naturalised compared to 47 men, as of 2008.⁹ These groups of women have set up networks that bring other women, either kin or

acquaintances, into the countries of their residence on the premise of family visits. This personal arrangement is also camouflage for short-term employment and has additionally become a channel of human trafficking, especially for the purpose of sexual exploitation.

Srisai arrived in Berlin with a tourist visa to visit her elder sister. The cost of living in Germany is very high, so she worked with her sister in prostitution. She was arrested and detained while awaiting deportation.¹⁰

According to TOEA statistics, a majority of overseas migrant workers is not educated beyond primary level. Statistics from the Norwegian Government show that Thai women rank lower than men in terms of education.¹¹ A low level of education hampers women in learning a new language and adapting to a new cultural environment, as well as in accessing social assistance and other benefits. Communication problems arising from their lack of ability in foreign languages mean that they cannot compete with labour migrants from other countries and, consequently, their employment opportunities are limited.

In conclusion, labour migration to Europe expanded long after the first exodus of Thai women to major cities for the European sex industry. Records are incomplete, since many women enter the destination countries with tourist visas, and have no official registration beyond their entry and exit into the country. Many of them are classified as trafficked persons that require additional legislation to address their situation. For instance, some have lived in Germany for over two decades. Early women migrants to Germany also facilitated a one-step pattern of migration (from village to abroad) of women from their community of origin. This pattern of migration involves women without prior migration experience. There are often elements of deception and exploitation that result in a woman migrant becoming a victim of international human trafficking.

Table 1: Country of destination and number of regular Thai overseas migrant workers in 2008

Country	Self arrangement		Employer arrangement				Labour Recruitment company		Total
			Work		Training				
	Women	Men	Women	Men	Women	Men	Women	Men	
1. Sweden	13	62	212	3.568	-	-	-	-	3855
2. Finland	51	53	37	37	-	-	-	-	178
3. Denmark	3	5	-	626	-	3	-	-	637
4. UK	81	128	5	5	13	15	32	61	340
5. Russia	149	22	-	37	-	-	-	65	273
6. Germany	14	43	-	1	4	36	-	-	98
7. Italy	33	9	-	-	-	-	-	6	48
8. Hungary	118	23	1	-	-	-	-	-	142
9. Czech Rep.	133	10	-	7	-	-	-	-	150
10. Spain	34	112	-	-	-	-	-	-	146
11. France	35	63	-	-	2	1	-	-	101
12. Switzerland	5	9	-	-	3	3	-	-	20
13. Ireland	6	15	12	-	-	-	-	-	33
14. Poland	47	103	15	7	1	-	-	9	182
15. Portugal	6	3	12	-	-	-	23	108	152
16. Norway	7	14	-	-	-	4	-	-	25
17. Slovenia	36	3	-	1	-	-	-	-	40
18. Greece	3	1	-	-	-	-	9	2	15
19. Montenegro	2	1	-	-	-	-	-	-	3
20. Ukraine	44	4	-	-	-	-	-	50	98
21. Bulgaria	-	8	-	-	-	-	-	-	8
22. Slovakia	22	-	-	-	-	-	-	-	22
23. Serbia	1	-	-	-	-	-	-	-	1
24. Latvia	9	13	-	-	-	-	13	19	54
25. Iceland	5	1	-	-	-	-	-	-	6
26. Turks and Caicos Islands	-	1	-	-	-	-	-	-	1
27. Malta	12	15	-	-	-	-	-	50	77
28. Estonia	-	-	-	-	-	-	-	-	-
29. Belgium	2	1	1	1	-	-	-	-	5
30. Romania	3	2	-	-	-	20	-	-	25
31. Netherlands	2	3	-	-	-	3	-	-	8
32. Austria	1	-	-	6	-	-	-	-	7
33. Luxembourg	1	-	-	-	-	-	-	-	1
34. Croatia	7	3	-	-	-	-	-	-	10
35. Monaco	1	-	-	-	-	-	-	-	1
36. Albania	2	-	-	-	-	-	-	-	2
37. Lithuania	6	-	-	-	-	-	-	-	6
38. Moldova	3	-	-	-	-	-	-	-	3
Total	897	730	295	4.296	23	85	77	370	6773

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 2: Source provinces of regular labour migrant workers in 2008

Source province	Men	Women	Total	%
Udon Thani	17,045	2,312	19,357	11.96
Nakhon Ratchasima	12,521	1,845	14,366	8.88
Khon Kaen	7,965	1,056	9,021	5.57
Chaiyaphum	7,762	851	8,613	5.32
Buriram	6,426	863	7,289	4.50
Other provinces	85,606	17,600	103,206	63.77
Total	137,325	24,527	161,852	100

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 3: Education of regular labour migrants in 2008

Education level	Men	Women	Total	%
Primary	69,339	8,502	77,841	48.09
Secondary	48,677	9,778	58,455	36.12
College	12,151	2,336	14,487	8.95
University	7,158	3,911	11,069	6.84
Total	137,325	24,527	161,852	100.00

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 4: Countries of destination for regular women labour migrants

Rank	2007		2008		2009 (January-August)	
	Country	Number	Country	Number	Country	Number
1	UK	563	UK	576	Sweden	617
2	Hungary	177	Sweden	230	UK	355
3	Ireland	148	Russia	211	Finland	181
4	Czech Republic	146	Czech Republic	206	Hungary	127
5	Russia	128	Hungary	193	Czech Republic	126
6	Italy	112	Ireland	159	Russia	102
7	Sweden	90	Italy	124	Ireland	92
8	Spain	82	Finland	113	Italy	82
9	Finland	77	Spain	81	Spain	52
10	Slovenia	53	Slovenia	73	Slovenia	50
11	Others	357	Others	505	Others	324
	Total	1,933	Total	2,471	Total	2,108

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 5: Occupations of regular women migrants in European countries

Rank	2007		2008		2009 (January-August)	
	Position	Number	Position	Number	Position	Number
1	Traditional massage	723	Traditional massage	1,056	Traditional massage	675
2	Cook	316	Cook	305	Orchard work	665
3	Domestic helper	135	Orchard worker	225	Cook	222
4	Orchard worker	109	Domestic worker	106	Domestic worker	76
5	Waitress	80	Waitress	76	Agricultural worker	60
6	Cook Thai restaurant	50	Assistant cook	51	Waitress	34
7	Assistant cook	45	Cook Thai restaurant	51	Cook Thai restaurant	30
8	Manager	26	Agricultural worker	46	Cleaner	19
9	Cleaner	25	Cleaner	41	Assistant cook	18
10	Trainees	20	Air hostess	37	Air hostess	17
11	Others	404	Others	477	Others	292
	Total	1,933	Total	2,471	Total	2,108

Source: Thailand Overseas Employment Administration, Ministry of Labour

3. Returnees

Currently, there are no official statistics recording the number of migrants who have returned from Europe and other regions. The only information available records the number of migrant workers re-entering their destination country after having contracts renewed. Based on the high number of re-entry migrant workers from all regions (68,252 in 2008), it can be concluded that most regulated migrant returnees have not had negative experiences from their overseas employment. After the renewal of their contracts, these workers resume their previous employment. There is no record of complaints in this group of returnees from Europe.

Table 6: Selected top European countries for re-entry migrant workers

Country	2007			2008		
	Men	Women	Total	Men	Women	Total
1. UK	790	403	1,193	801	456	1,257
2. Italy	191	91	282	289	91	380
3. Ireland	139	127	266	162	141	303
4. Russia	209	25	234	85	62	147
5. Germany	70	24	94	88	21	109
6. Norway	77	13	90	45	12	57
7. France	40	31	71	50	17	67
8. Finland	20	14	34	155	25	180

Source: Compiled from TOEA statistics

Current records cover returnees who require assistance in their destination countries. According to the Consular Office of the Ministry of Foreign Affairs (MOF), in the first half of 2009 there were 391 workers who were affected and assisted by Thai Embassies around the globe.¹² 96 worked in the fishing industry, and 189 in sexual services. There are two main groups of migrants in need of assistance. The first group consists of men and women returning home having experienced fraud and force in labour migration, while the other is predominantly women coming back after having suffered degrading and exploitative experiences in forced prostitution.

The Control and Protection of Workers Division, Ministry of Labour, reports that in twelve months from October 2006 to September 2007 there were 1,277 returnees from overseas employment (20% of them women), who filed complaints against recruitment agencies for total damages of 70.7 million baht, and 1,298 overseas workers (28% women) who filed suits against their local recruiters for damages totaling 87.9 million baht.¹³ During the same period, the Labour Ministry provided assistance to 1,026 overseas workers (21% women) and was able to demand damages for these workers totaling 39.8 million baht from overseas employment companies. The official records do not specify the destination countries of these returnees nor their kinds of employment.

3.1 Labour migrant returnees

Returnees from Sweden

In August 2009, a large group of migrants, both male and female, returned from Sweden accusing four officially registered recruitment agencies of deception as the working conditions differed from the contract, and demanding that they be reimbursed the brokerage fee. In total, 5,911 migrants had each paid in the range of 85,000-100,000 baht to the four recruitment companies, amounting to about 502 million baht¹⁴. The returnees mainly came from the northeastern provinces (Nakhon Ratchasima, Khon Kaen, Chaiyaphum, Surin, Buriram, and Ubon Rachathani) and one province in the central region (Petchabun). Upon landing in Sweden, their work as fruit pickers was greatly affected both by the scarcity of wild berries and a disproportionate number of workers not only from Thailand but also other Eastern European countries. Consequently, these workers could not earn the salary stated in the contract and they also had to pay for food and transportation costs to the forest. All of them obtained loans either via banks or from private money-lenders to pay for the brokerage fee. After returning, the returnees filed complaints with the Department of Special Investigation (DSI) as well as sending a petition letter to the Prime Minister.

In order to capture the characteristics of returnees, FFW held a meeting with twenty-seven returnees from Sweden and Poland in September 2009. Nineteen of them (four women and fifteen men) were recruited by local brokers who worked for three legally registered overseas employment companies to pick wild berries in Sweden, while the other eight (five women and

three men) were recruited by either one man from a country in the Middle East or one member of a tambon municipality council in Thailand whose sister was married to a former German immigration police officer. They were promised work on farms and in restaurants in Poland, and were required to pay a brokerage fee of 250,000 baht (US\$ 7,575), while the migrants to Sweden paid 75,000-100,000 baht to their agents. The majority of the labour migrants came from Udon Thani province, with Kumpavapee district of Udon Thani accounting for the highest number (11 men and 3 women).

Table 6: Origin, destination and employment

Origin Province	Destination country				Purpose of employment	Total
	Sweden		Poland			
	Man	Woman	Man	Woman		
1. Udon Thani	13	4	2	3	Pick wild berries	22
2.Nongbualamphu	2	-	-	1	Agriculture/restaurant	3
3.Nongkai	-	-	-	1	Pick wild berries	1
4. Tak	-	-	-	1	Factory	1
Total	15	4	2	6		27

Of the 27 labour returnees, there were only two men and one woman whose marital status was single. One woman who went to Poland was separated from her husband. The rest were married and lived with their spouses.

Nine returnees were aged 35-44, eight 25-34, with five men and one woman over 45. One man in this latter age group had been involved in seasonal work overseas on many occasions through the assistance of a relative living in Sweden, and had returned home with an income of over 50,000 baht from picking wild berries. This time around, a local agent had recruited him and his son to collect the berries in Sweden. In his previous trips to Sweden he hadn't paid anything except airfare, however, this time he had obtained a loan of 75,000 baht for both his son and himself from the Agricultural and Cooperative Bank. In order to facilitate overseas employment, the Agricultural and Cooperative Bank offers a specific low interest loan to potential overseas migrants. Land is offered as collateral.

Table 7: Age of labour migrant returnees

Age group	Man	Woman	Total
18-24	3	1	4
25-34	4	4	8
35-44	6	3	9
Over 45	5	1	6
Total Migrants	18	9	27

It is interesting to note that 37% of this group had graduated from senior high school or higher education college. This shows that level of education is not a decisive factor in preventing the migrants from falling for the tricks of labour recruitment agencies.

Loans for Overseas Labour Migration Project, Thai Government Agricultural and Cooperative Bank

This project cooperates with the Employment Department with the aims of:

- 1) Promoting employment for farmers and their families to upgrade their quality of life
- 2) Reducing their costs in moving abroad and protecting them from the services of loan sharks.

The target groups are:

- 1) Loan takers who are farmers
- 2) Loan payers who are farmers or members in the family including their in-laws.

The purpose of this loan is for overseas labour migration, and the maximum amount for an individual loan is 180,000 baht with normal interest rates applied according to the bank's regulations. The loan has to be paid back within eighteen months, and the first three months are interest-free. The migrant has to take out life insurance and identify the bank as the beneficiary.

Source: 1) http://www.baac.or.th/index.php?content_id=000084&content-group-sub=0002&content_group=0004&inside=1
2) *Loan to Work Abroad*, Brochure of Agriculture and Cooperative Bank

The migrant workers all received full contracts shortly before boarding their flight to their destination countries. Five returnees reported they had been arrested two weeks after their arrival in Poland for having fake visas, which the agents had arranged for them. They were detained in immigration detention cells following thorough body searches. The Thai Embassy intervened in time to prevent them from being jailed. Their level of education (three had only completed primary level education and two had completed senior high school) did not play a factor in their learning and understanding of the process of visa application, the geographical location of Poland, and the living conditions. Three women returning from Poland also complained about being under confinement in a house and suffering physical and sexual harassment from the employer's staff after they refused to sign documents relating to their work contracts and conditions. Even though Poland is ranked highly (41st globally) for its human development, the returnees discourage anyone from working there as they feel that the average level of salary and quality of life is lower than in Thailand.¹⁵

Table 8: Level of education of labour migrant returnees

Level of education	From Sweden		From Poland		Total
	Man	Woman	Man	Woman	
Primary	8	2	2	1	13
Secondary	2	-	-	1	3
Senior/college	5	1	1	3	10
University	-	1	-	-	1
Total	15	4	3	5	27

Based on the two cases from Sweden and Poland, labour migrant returnees who endure exploitation in European destination countries still need to find ways to avoid undesirable conditions of work and living overseas. Many of them, especially men, are not first time overseas migrant workers and subsequently have experience in dealing with officials and recruiting agencies. Significantly, previous migration experience cannot adequately prevent them from being deceived and exploited for their labour in the remigration process.

Their employment in the agricultural labour sector, as with other returnees returning from Europe, does not hinder them in claiming their rights or disclosing any cases of exploitation or harm. This contrasts with those, especially women, who end up migrating into sexual services given that it still carries social stigma and prejudice that can stop them leading a normal life. Consequently, the nature of the work that returnees end up in affects their lives.

3.2 Trafficked returnees

At present, there is no national coordinating centre to compile statistics on migrant returnees trafficked for the purpose of sexual exploitation. Only the Consular Department prepares periodic reports on the assistance provided to Thai nationals living overseas. The report also includes migrants involved in international sexual services: 447 in 2007, 409 in 2008 and 189 in the first six months of 2009.¹⁶

The number of trafficked returnees with access to assistance may not be representative of the overall picture of migrants facing difficulties abroad, given lack of legal status. A few returnees from Europe informed FFW that they were recruited to work in traditional massage but after arrival were forced into prostitution. Taking into consideration the official statistics of regulated women migrant workers involved in traditional massage in 2008 – for example, the Czech Republic 202, Spain 62, UK 51 and Italy 44 – there are probably many more cases of trafficking of Thai women in Europe. This is partly due to the right to privacy of returnees who do not wish to receive any assistance from service providers in Thailand, for fear of stigma and also reprisal from their agents: IOM in the Netherlands and the UK informed their office in Thailand that returnees did not want to receive any assistance from governmental agencies.¹⁷ While respecting the right to self-determination of women, it is crucial to find out the reasons for such requests in order to respond more effectively to their concerns, and to capture an accurate picture of migrant returnees, especially trafficked women returning from Europe.

Support was provided to 32 returnees (31 women) who were victims of human trafficking during the period of 2006-2008.¹⁸ All thirty-one women were sexually exploited in three destination countries: Italy, the UK, and Switzerland. The man was a victim of agricultural labour exploitation in the UK. All the returnees received assistance in their destination countries from IOM and the Thai Embassy. For the majority of them it was their first time overseas. They were recruited by relatives, acquaintances and neighbours to work in restaurants, and were finally forced into prostitution. A few of them knew they would engage in prostitution but were completely unaware of the working conditions. They were aged between 30-39 years and had attained primary and secondary education. All of them came from the northeastern provinces of Sisaket, Nakhon Ratchasima, and Udon Thani.

The International Organisation for Migration (IOM) has provided assistance to seven women migrants returned from Denmark, Netherlands, and five from the UK during 2007-2009. The majority of these women already had experience of migration to countries in Asia (Singapore, Malaysia and Japan) and knew they would be employed in sex work, but they were unaware of the working conditions. The minority were told they would work in restaurants and traditional massage and after arrival were sexually exploited. The seven women came from the northeastern provinces of Khon Kaen, Udon Thani and Nakhon Phanom. Most of them were aged 19-29 and a few between 30-39 years old. All of them had received a primary education.

From 2005-2009, twenty women received assistance from FFW after their return from Europe, the majority also coming from the northeastern provinces with only primary level education. All of them moved to Europe under the false promise of either marrying a Western man or working in the agriculture or service sectors.

Table 9: Number of trafficked persons from Europe

Country	2006	2007	2008	2009	Total
Italy	20*	1	8	-	29
UK	10**	3	5	-	18
Switzerland	1	-	5	-	6
Germany	-	3	-	-	3
Denmark	-	-	1	1	2
Netherlands	-	-	1	-	1
Spain	-	-	-	1	1
Total	31	7	20	2	60

Sources: Interviews with BATWC Social Worker and IOM Project Assistant, September-October 2009; FFW's record of assistance to trafficked women

Based on information from these service-providing agencies, it appears that the number of returnees from Italy and the UK is increasing. The UK Human Trafficking Centre (UKHTC) was established in October 2006 as a special police unit to combat human trafficking and to coordinate with agencies in countries of origin for further assistance for trafficked returnees.¹⁹ It is a multi-agency centre that promotes a victim-centered human rights approach by working with stakeholders from the governmental, non-governmental and inter-governmental sectors in the UK and abroad. It provides a central point for building expertise and cooperation on trafficking, and to improve standards of care.

The repatriation of Thai women returned from Italy is mainly facilitated by IOM. According to On the Road – a women's organization on trafficking and prostitution – IOM does not have any direct contact with Thai women either through counseling or a drop-in centre; and at the national level the Thai group is not yet a relevant target.²⁰

At present, the compilation of individual cases from these agencies does not capture the overall picture of migrant women from Thailand who fall victim to human trafficking and are returnees from Europe. Based on available information from the TOEA, seasonal migration to European countries is growing in number and expanding to new destination countries, especially to eastern European countries.

In conclusion, migrant women who become victims of human trafficking in European countries mainly come from the northeastern provinces of Thailand and are aged 30-39. They are mostly married and educated only to the primary level. Migrants who have returned home without any prior assistance in destination countries remain unaware of, and lack information on, available assisting agencies. While regular migrant returnees can contact the responsible agency in the Ministry of Labour, trafficked returnees are not able to access such channels. This is for two reasons. The first is the arrangement of their migration, which totally depends on informal and unregistered recruiters – mostly relatives and acquaintances. The second is the site of their work, which is unprotected and loaded with social stigma. Their lower level of education in comparison with regulated labour migrants is also a prime factor in limiting access to information, assistance and justice. Those who want to complain against exploitative recruiters need holistic support including psychological care, financial assistance and legal advice to continue the legal battle as well as reintegration into their family and community.

A common concern of both groups of returnees (labour exploited and trafficked) is debt from loans they received to support their labour migration, mainly from the Agriculture and Cooperative Bank as well as private moneylenders. High interest rates make it impossible for many of the returnees to free themselves from a heavy financial burden. Those who mortgaged plots of land are worried that they will lose them if they cannot find the money from other sources within the given time.

4. Current forms of assistance

Many organisations in Thailand work on human trafficking, but most focus on children. Very few of them deal with adult women and men, especially not those trafficked to Europe. Most local organisations working on labour issues prioritise promoting and protecting the rights of foreign migrant workers in Thailand, and pay little attention to the international migration of Thai nationals. While a labour migrant returned from Europe can complain directly to the Ministry of Labour to take up their case against their recruitment agencies, trafficked migrants have to depend on social assistance from service-providing agencies. The key actors are international agencies such as IOM, and ILO who collaborate closely with BATWC and some NGOs. Since the enactment of the Protection and Suppression of Human Trafficking Act in 2008, the MSDHS is mandated to coordinate the implementation of this law. Provision is made in the new Act for victim protection and assistance, and BATWC is the prime responsible agency for coordinating assistance to national and foreign women and children who are victims of national and cross-border human trafficking. BATWC has broadened the scope of assistance to men who are exploited mostly in agricultural labour and the fishing industry.

Apart from these organisations, FFW also provides assistance to returnees from Europe by coordinating with agencies in destination countries. Collaborating with the Thai consulates around the world and the Airport Immigration Office in Thailand, FFW also has disseminated information on assistance. Through these methods, a number of women are referred by consulates to FFW or contact FFW on their own after receiving a postcard available at the Entry Immigration Desk at Suvarnabhumi Airport, Bangkok.

Based on information from returnees from the EU, available assistance can be summarised as follows:

Assistance in European destination countries	Assistance in Thailand
• Rescue • Shelter • Immediate relief • Legal assistance • Damage compensation claim • Repatriation • Follow-up case	• Communication with affected migrants • Reception at airport • Temporary accommodation • Recovery activities • Reintegration plan/support • Legal assistance • Follow-up case

4.1 Assistance to labour migrants in Europe

Case study: Labour exploitation in Sweden

An official from the Thai Embassy visited aggrieved workers in Sweden and coordinated with the Thai housewife community to provide them with immediate assistance. A representative from the Ministry of Labour went to Sweden, and after meeting these workers he demanded the Thai ambassador release this official from further contact with these workers. He argued that the official had overstepped his responsibility and interfered with the work of other governmental agencies responsible for labour matters. The workers felt that they did not receive adequate protection from the official of the Ministry of Labour. After returning home, the workers included in a petition to the Prime Minister the demand to stop any sanctions against this embassy official.

Source: Document attached to petition letter to the Prime Minister

Exploited Labour migrants receive far less assistance than those who are counted as victims of trafficking. The key actor dealing with exploited labour migrants is the Thai Embassy, which has an office for protecting Thai nationals overseas. This was the case with the seasonal agricultural workers in Sweden who contacted the Embassy when realizing that the conditions of their work differed from their contract. The Embassy sent a representative for fact-finding and providing immediate assistance including housing, food and warm clothes. The Embassy also solicited support from the Thai community in Sweden. However, as outlined above, the Embassy was ordered to discharge the staff from any further contact with these workers. This experience reflects the lack of coordination between state agencies.

In Poland, the Thai Embassy also provided prompt assistance to the group of men and women who entered the country with forged visas. The Embassy's timely intervention with the Polish immigration office meant that the workers avoided long-term detention under immigration laws. It also facilitated their return without further delay to Thailand. This group also received without any further grievance the brokerage fee of 250,000 baht from their recruiter shortly after returning to Thailand, through negotiation by the Ministry of Labour.

There are still discrepancies in providing assistance to workers; for example, active support from the Thai Embassy did not extend to another group of three women deceived about their work in Poland. In this case the official told them to follow the contract they had signed. This is perhaps because they were seen as guilty parties rather than innocent victims. The three women in the second group were not content with the conditions of employment as they were given different kinds of irregular odd jobs both in agriculture and factories. The element of deception and coercion was unclear, making it difficult to determine whether they were victims of human trafficking and labour exploitation. Instead of providing assistance and investigating their complaint, the official told them to comply with the contracts they had signed in Thailand.

The issue of the victim's innocence is important among assisting government agencies and was discussed among participants in a seminar of the National Human Rights Commission.²¹ The officials wanted appropriate guidelines to identify genuine victims of human trafficking to prevent other migrants, especially those involved in sexual services, from exploiting official assistance. According to them, people tend to move and give consent to work including sex work, in different sites. After arrival in destination countries they are on occasion not content with the conditions of work, or want to return home free from legal sanction, and so report to an embassy for assistance. In such cases, the migrants, particularly those in consensual sex work, exploit available official funding for assisting victims of human trafficking. BATWC has completed a set of guidelines to identify genuine trafficked victims, but there is still a need to evaluate the effect of such material after periodic usage.

Guidelines to identify victims have been developed by some service-providing agencies in Europe.²² La Strada in the Czech Republic has a standard procedure to help social workers decide if the person fits into a determined target group. FFW uses a questionnaire to interview migrants detained in the Immigration Detention Centre. Rights-based principles of confidentiality and voluntary acceptance of help should be at the core of such guidelines. A person who is not trafficked should also be referred to other agencies for social assistance. As a result, there is a need to develop comprehensive guidelines for providing assistance to labour migrants that take into account their labour rights as enshrined in the ILO's instruments.

None of the European countries that rank high in the UNDP Human Development Index are state parties to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and only four countries with a high development rank (Montenegro, Serbia, Albania, Bosnia and Herzegovina) ratified this Convention. This is in stark contrast to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 UN Convention against Transnational Organised Crime, which has been ratified by all member states of the EU.²³ A simple conclusion drawn from this reality is that the member countries of the EU put more emphasis on combating human trafficking than protecting the rights of migrant workers. Even so, there are still many

international instruments relating to labour protection that can be used to protect migrant workers in EU countries.

Finally, the repatriation of labour migrants to Thailand remains under the sole responsibility of the Thai authorities, especially the embassy in the destination country. At present, there is no official scheme for the integration of labour migrants returned from Europe and other regions. Based on information from returnees from Sweden and Poland, it seems that migrant returnees want to be employed in formal sectors overseas including agriculture, rather than living without regular income in their own community. This is an area that needs to be further explored, taking into consideration whether they need assistance in making long-term individual plans for their livelihoods, or if they only want assistance to claim the brokerage fee from recruiting agencies in order to finance their re-migration. If the latter is the case, there is also a need to provide accurate and holistic information on overseas employment to prevent further exploitation.

4.2 Assistance to trafficked migrants in Europe

Unlike the focus placed on trafficking prevention, attempts to protect migrant labour are limited and under-funded. Apart from the UN Protocol, the Council of Europe adopted the Convention on Action against Trafficking in Human Beings on May 16, 2005. It entered into force on February 1, 2008 after the ratification of 10 member states.²⁴ As of April 15, 2008, 16 states had ratified the Convention and 22 had signed.²⁵ It is a comprehensive treaty primarily focusing on the protection of victims of trafficking and safeguarding their rights. It incorporates all purposes of human trafficking, under a definition in line with the UN Protocol. Moreover, Article 17 obliges state parties to promote gender equality and use gender mainstreaming in anti-trafficking measures. GRETA (the Group of Experts on Action against Trafficking in Human Beings) serves as a monitoring mechanism for the convention. Assistance to trafficked persons includes a recovery and reflection period, residence permit, compensation and legal redress and repatriation, but does not cover reintegration. It is anticipated that the Convention will provide adequate assistance to trafficked persons in all the coverage areas.

At present, no trafficked persons returned to Thailand have received the treatment outlined in the Convention. There are two reasons for this: 1) they returned home before the Convention came into force; 2) their destination countries are not state parties to the Convention. Nonetheless, there are a few coordinated cases of assistance between organisations in Thailand and European countries such as Germany, Switzerland, and the UK. This includes reception at the airport, court appearance as a witness, and compensation claims., FFW recently coordinated with Esperanza, via the contact of GAATW (Global Alliance Against Traffic in Women), to rescue a Thai woman from a brothel in Spain. FFW directly discussed the police rescue plan with the woman by cell phone; she then went on to stay in a shelter in Madrid before returning to Thailand.

After escaping from undesirable workplaces, trafficked persons, mainly women, are accommodated in safe shelters available in destination countries in the EU. The length of stay depends on the condition of each case. Periodic reflection makes it possible for women to decide whether they want to be witnesses in court cases against their traffickers. In destination countries, IOM assists in repatriation and informs the IOM office in Bangkok of the need to coordinate reception and other assistance should the women require it. This is good practice, because the service-providing agency respects the rights of women over whether they want assistance, as well as their right to privacy.

Reception at airport

Airport reception is arranged on a case-by-case basis, especially for trafficked returnees. Women who are rescued by police mostly prefer someone to receive them at the airport, to avoid trouble with local authorities resulting from the work they performed in destination countries. Three organisations provide this service – BATWC, IOM and FFW. Sometimes the Anti-Trafficking Unit of the police is also present to receive returnees at the airport. In some

cases more than one agency receives a trafficked returnee. A small room for interviewing returnees is available under the coordination of IOM and BATWC. However, this practice needs reconsideration, as some women feel they are treated differently from other arrival passengers. A signboard bearing their name is a further issue of concern. Returnees should be invited to share their thoughts on the official reception process at the airport. More positively, some returnees are able to register due complaint against their traffickers through the assistance of the organisations that receive them.

In this light, there is a need to develop a standard procedure for receiving trafficked returnees, including details of information that should be provided on return.

Temporary accommodation

Kredtakarn Home in Bangkok can accommodate trafficked returnees; however, none of the returnees wish to remain there, even when returning home is not possible. In such a case, FFW provides accommodation by renting a small room for the period of need. A volunteer with similar personal experience is assigned to talk with the women and provide assistance including medical care, legal counseling and complaints, and access to social assistance. Since there is concern that institutional care, especially for children, may lead to further abuse, this kind of approach might be more appropriate for Thai migrants and trafficked returnees.²⁶ If there is a need for shelter or residential care, “do no harm” guidelines for social workers and care providers should be prepared.

Health care

Some returnees need medical and psychological care. No specific organisation is assigned to take care of migrant returnees, especially trafficked persons. The MOF has organised a team of psychologists to visit and provide counseling to Thai migrants in Germany and Switzerland but there is no such programme within the country. BATWC arranges mandatory health check-ups for women who have returned home, mostly to check for sexually transmitted diseases, including HIV/AIDS.²⁷ FFW arranges for returned women who have attempted suicide to see psychiatrists in public hospitals. There is a need to further develop appropriate healthcare to migrant returnees, to provide them with timely assistance. According to La Strada in the Czech Republic, positive change in affected persons begins only after they enter a stabilisation period in which all of their physical and psychological needs are addressed.²⁸ Healthcare and recovery is therefore a long process requiring attentive care and regular contact. In general, comprehensive knowledge on psychosocial care for trafficked persons is still limited in Thailand. Exchanges of experience and the sharing of best training practices with destination countries in the EU would be a useful step. The London School of Hygiene and Tropical Medicine has developed a conceptual framework on the health risks that trafficked persons are exposed to through all stages of the trafficking experience, from pre-departure to reintegration.²⁹ IOM has also issued a set of minimum standards concerning mental healthcare for trafficked persons.³⁰

Legal assistance

Though prosecution is the prime concern of the international community, legal assistance to trafficked persons remains limited. In Thailand there is no agency with the legal expertise to provide comprehensive assistance and monitor court proceedings. Destination countries in the EU, such as the UK through UKHTC, take a proactive role in prosecution.

FACE (Fighting Against Child Exploitation), though focusing their work on children who are sexually exploited, provide legal assistance to women returned from Europe who want to file court cases against their recruiters. However, FACE does not have an adequate budget for lawyers to monitor legal proceedings. During trials in which women have to appear as witnesses, FFW provides financial assistance for transportation and food as well as accompanying staff. Women are also assisted in claiming compensation as victims of crime from the Ministry of Justice.

Assistance in this area can be further strengthened in order to achieve successful prosecutions. There should be a coordinating body consisting of governmental and non-governmental bodies, and a legal service-providing agency to manage and monitor the cases. The newly named Human Trafficking Unit under the Thai police should set up systematic data on the complaints and prosecution cases, learning from police units responsible for human trafficking in EU countries.

Reintegration

The reintegration of trafficked persons is still a challenge. One current debate is on the appropriate terms to use in enabling returnees to rebuild their lives. There is no common agreement on the concept of reintegration, as some argue that to repatriate and return victims to live with their families is inappropriate since they are often exposed to a risk of further harm.³¹ Best practice needs to be further documented.

While no official programme of reintegration for labour migrant returnees exists, a few organisations offer reintegration programmes for trafficked women returnees. ILO and IOM have supported FFW in providing financial assistance to women who want to generate income for their future and to take care of family members. BATWC manages a national fund to assist trafficked persons. The problem in this area is the lack of sufficient guidance to affected women in developing an individual economic plan that is both feasible and empowering. FFW has initiated activities for recovery and empowerment, but it needs to evaluate outcomes and identify areas to further explore in supporting women to sustain their lives after returning from abroad. Most reintegration programmes tend to oblige women to return to their origin community even though some returnees from Europe live better lives outside their communities. So the concept of reintegration should be discussed with service providers to help reduce any conditions imposed on returnees.

Another issue of concern is the home visit practice of officials to women who request reintegration assistance. Guidelines for this practice need to be developed to improve the understanding of authorities regarding the right to privacy and “do no harm” principles.

Case follow-up

In the UK and the Netherlands, women have appeared as witnesses in legal cases against their traffickers. For separate cases, BATWC and FFW have been requested to chaperone trafficked returnees from Thailand to act as witnesses in courts in London. The police are now working on the possibility of claiming compensation for one woman. After the court ruling, the police came to collect more information from the woman at FFW and also visited other organisations, as arranged by FACE.

In another case, court personnel in the Netherlands organised a virtual court so that three trafficked women could give testimony from Bangkok. After the conviction of five perpetrators, the women were awarded compensation for physical damage totalling 8,100 Euros as part of the court verdict. The women felt that the punishment was not on par with the suffering they endured when forced to provide sexual services in the Netherlands over long periods.³² In the court verdict, three of the sentenced were given two years probation. Following the court ruling, the prosecutor believed the sentence to have been too light, whereas the principal defenders thought the punishment too severe for their case. Until now, the three women have still not received the compensation as ruled by the court.

5. Capacities of service providers

5.1 Europe

National organisations, especially women’s organisations, exist in nearly all of the European destination countries of Thai migrants, including former communist countries. The core interest

of these organisations is still human trafficking, working closely with international organisations such as IOM and UNICEF for the prevention and protection of trafficked persons. Assistance and protection of labour migrants is not as prevalent as that for trafficking. There is a need to explore cooperation with trade unions and organizations working with refugees and asylum seekers in EU countries, to solicit their support for migrant workers who experience labour exploitation. First and foremost, there is a need to improve the understanding of people in EU countries on the situation of migrants, encouraging them to be perceived as economic and social contributors to the host country, and not as aliens taking jobs from locals. The Caritas Europa Migration Forum meeting on Labour Migration to Europe, September 2009, made two important suggestions: 1) consider the emotional stress that migrant workers suffer and its consequences, and try to find a way to help alleviate their suffering; 2) ensure that irregular migrant workers can access legal assistance (or an ombudsman with binding decision-making authority over employers).³³ However, there is doubt over how the international financial crisis and growing unemployment will be conducive to the acceptance and integration of migrant workers in host countries.

Since the fall of the Berlin Wall in 1989, the eastern countries of the EU have become key source, transit and destination countries for international migration and human trafficking. International agencies have tried to assist these states in combating the trafficking of their own citizens to other countries. A case in point is the formation of La Strada.³⁴ As a network of nine independent women's rights organisations, it aims at eradicating trafficking, especially of women and children, by providing social assistance, safe return and support to survivors within these eastern European member countries. This practice is similar to that of IOM.

Human trafficking has become an intra-regional issue and is growing within these new EU states, so concerns and resources are concentrated there. Assistance to women and children from other regions is now limited or neglected. The only organisations that have experience working with women from other regions, especially from Thailand, were established during the 1980s, such as Ban Ying in Germany and FIZ in Switzerland.

In many countries, social assistance to trafficked victims enshrined in national anti-trafficking legislation and policy is conditional on the cooperation of women in court cases. Often there is a reflection period allowing the trafficked woman to decide whether she wants to be a witness in court against her perpetrator, and if she decides not to cooperate she returns home without any redress. Information from returnees suggests that most women do not receive adequate information, especially concerning assistance they are entitled to if they do choose to cooperate with the authorities.

It is therefore crucial to cooperate with the relevant agencies in destination countries to develop comprehensive and easy to read material that informs women on available assistance and the options that they need to consider. Since new states in the EU have become destinations for Thai migrants, there is a need to initiate contact with local organisations. This is especially true for those countries with high numbers of Thai migrants.

We know that a lot of Thai women work in massage saloons, especially here in Prague, and they might endure substandard work conditions (i.e. long working hours, a lot of women living in one apartment) but we never have any real connection with them. To be honest, I haven't even heard about a connection between massage and forced prostitution among Thai women here in the Czech Republic. They seem to be quite a closed community due to the language barrier and their different cultural background.

We cooperated with one Thai woman but she wasn't forced to do anything (according to her own words). She had some problems with her employer regarding her work contract. When she came to us (her boyfriend contacted our hotline) she had been illegal here for almost one year. We helped her return to Thailand. She did not want to cooperate with the police.

Source: La Strada, Czech Republic (personal correspondence with Anna Kerfuteva on 19 November 2009)

5.2 Thailand

There is not at present any formal coordination among organisations providing social, economic and legal assistance to migrant returnees in Thailand. IOM has provided training to BATWC on case management and also developed a manual on the issue. But referral to other agencies is still on a case-by-case basis. Resulting problems sometimes discourage returnees, especially those who are witnesses in court cases.

The Ministries of Finance, and Social Development and Human Security, are the major government agencies responsible for providing social assistance to overseas Thai workers and trafficked migrants. Their main collaborating agencies are IOM and police in destination countries. NGOs, such as FFW, work more closely with women's organisations in EU destination countries, especially in Switzerland and Germany.

Language and communication limitations affect Thai migrants' access to available assistance in host countries. Immediate assistance and repatriation preparations mainly come from Thai Embassies and consulates. Those service-providing agencies for trafficked women that employ Thai outreach workers can gain access easily. FIZ and Ban Ying are the only two organisations that coordinate effectively with organisations in Thailand for the assistance of Thai migrants. Also, rights-based principles are not yet well understood among most service providers in Thailand. By tending to adopt a vertical rather than a horizontal approach, official responsible agencies do not facilitate the participation and empowerment of returnees.

In order to effectively assist migrants affected by labour and sexual exploitation in Europe, there is a need to improve the language skills of service providers in destination and origin countries. In destination countries where there are high numbers of regulated Thai migrant workers, there should be Thai staff or volunteers working with relevant agencies to reach out to this migrant community and gather information. Agencies in Thailand should also have basic information on destination countries of Thai migrants as well as personnel that can communicate adequately with service providers in host countries. At present, international standards, principles and norms relating to the treatment of migrant workers and trafficked persons have not been properly introduced to service providing agencies in Thailand. The ASEM Plan on Combat Trafficking in Persons, Especially Women and Children can help strengthen coordination, but there is little awareness of it.

6. Cooperation and agreements

At present there are no binding agreements between Thailand and any EU member countries in dealing with migrants and trafficked persons. The existing international instruments and guidelines, for instance the 2000 UN Trafficking Protocol, the 2002 UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking and ILO labour standards, can be used as a framework in providing assistance to migrants and trafficked persons. Current initiatives are as follows:

1. *ASEM Action Plan to Combat Trafficking in Persons, Especially Women and Children*

While awaiting the full implementation of the Europe Council Convention to be monitored by GRETA, there is at present the ASEM Plan of Action to Combat Trafficking in Persons, Especially Women and Children, as accepted by the Foreign Ministers of ASEM Partners in May 2001. ASEM Partners also agreed to intensify cooperation to combat the crime of human trafficking with a view to ensuring the respect and protection of the rights of victims of trafficking, especially women and children. The ASEM Action Plan is not legally binding but is a political commitment of ASEM Partners. The AAP has five objectives:³⁵

- To strengthen knowledge and overall coordination
- To prevent and combat trafficking
- To strengthen law enforcement and the protection of victims of trafficking

- To promote the recovery, repatriation and reintegration of trafficked women and children
- To monitor and follow-up activities

For the objectives of recovery, repatriation and reintegration, the plan calls for exchanges of experiences and lessons learned in order to develop appropriate reintegration approaches and coordination between governments and non-governmental organizations. This will strengthen overall capacity to assist victims. The plan also calls for a gender perspective and for attention to the rights of women and children in national development policies and programmes. Conferences and seminars have been organised, there is still little wider awareness of the plan.

2. *Cooperation with the Thai Women Network in Europe*

There is currently no bilateral agreement between Thailand and any EU destination country on the treatment of labour migrants and trafficked persons. One initiative exists between MOF and MSDHS to provide support and strengthen the Thai Women Network in Europe (TWNE) to help Thais living in Europe, and also provide assistance to trafficked women and children. The TWNE was registered as an association in France in 2004, with members from at least ten countries.³⁶ These members have formal and informal organisations in their own countries to specifically assist Thai women. For instance, the Thai Women Association in Norway³⁷ provides legal information and advice, and also helps women victims of physical abuse. The common objectives of these national groups are to help Thai residents to culturally adapt to new environments and to promote Thai national culture. Cooperation is still limited to the TWNE and two government ministries. Members of TWNE are invited to visit the work of MSDHS in Thailand. At this stage it is not possible to assess the extent of assistance that TWNE can provide.

According to FIZ, no coordination guidelines exist to help service-providing organisations and Thai embassies in the EU assist Thai migrants and trafficked persons. The Thai Embassy in Switzerland does not officially work with Swiss-based FIZ, well known for its trafficked victim assistance. Migrants trafficked from Thailand to Switzerland are still sent home without any appropriate information on their rights or available social assistance – for instance, the right to stay for medical care and access to financial support from the Government and other agencies such as IOM. While the Embassy supports TWNE and invites their members to Thailand to share their experiences on the situation of the trafficking of Thai women, FIZ has never participated in any of these activities.

3. *Cooperation with Buddhist Temples*

The Ministry of Social Development and Human Security has collaborated with Buddhist temples in Berlin, Hanover and Zurich to set up a pilot social development and welfare learning centre to train community volunteers in Germany and Switzerland.³⁸ The pilot project is funded by the MSDHS in collaboration with an abbot in Bangkok. The three centres aim at strengthening the Thai community in the two countries, and equipping volunteers with social welfare knowledge to support Thai migrants. In August and September 2009, the MSDHS also organised a one-day meeting in the three major northeastern provinces of Khon Kaen, Udon Thani and Ubon Rachathani – where many overseas labour migrants come from.

Table 10: Assistance from the Thai Consulate to Thai migrants in the EU

Country	Jan-Dec 2007		Jan-Dec 2008		Jan-Jul 2009		Total		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
Greece	0	4	0	1	1	1	1	6	7
Czech Republic	7	2	2	5	7	6	16	13	29
Denmark	1	4	1	4	2	11	4	19	23
Turkey	1	13	1	11	0	1	2	25	27
Norway	2	4	1	4	1	3	4	11	15
Netherlands	0	1	1	1	3	3	4	5	9
Belgium	0	2	2	3	1	1	3	6	9
Portugal	0	0	1	1	0	3	1	4	5
Poland	5	2	7	1	7	2	19	5	24
France	14	11	5	13	0	2	19	26	45
Finland	2	1	3	1	0	4	5	6	11
Germany	7	15	13	26	7	23	27	64	91
Russia	0	3	0	0	0	3	0	6	6
Romania	0	0	0	1	0	0	0	1	1
Lithuania	0	0	0	0	30	8	30	8	38
Spain	4	5	0	1	1	0	5	6	11
Slovenia	0	0	0	2	0	0	0	2	2
Switzerland	6	3	1	7	0	6	7	16	23
Sweden	6	8	1	7	1	12	8	27	35
Austria	3	5	3	8	4	2	10	15	25
UK	14	27	9	13	0	2	23	42	65
Italy	2	17	6	2	6	2	14	21	35
Hungary	0	2		0	0	2	0	4	4
Total	74	129	57	112	71	97	202	338	540

Source: Protection of Thai Nationals Abroad Division, Department of Consular Affairs

7. The impact of economic crisis

Official statistics on regulated labour migration to Europe are still limited, with most migrants arranging their own overseas employment. Anecdotal information from returnees suggests a high number of women recruited with the promise of working in the service sector, including sexual services, who cannot afford to pay back the high brokerage fees (averaging 15,000-20,000 Euros). According to two women returnees from the UK and Spain, given a low number

of clients they had to work for very long periods to rid themselves of debt. The financial burden pushes them to seek assistance from clients or police. According to the statistics of the Consular Office, the level of assistance to Thai nationals in Europe increased considerably in the first seven months of 2009 – from 169 (66% women) in 2008, to 168 (58% women). 91 Thais were assisted in Germany, along with 65 in the UK. There is no specific information on the number of assisted migrants that returned to Thailand.

ILO stated in its annual report on Global Employment Trends for Women that the economic crisis would increase the number of unemployed women by up to 22 million in 2009. The economic crisis was considered to affect sustainable and socially equitable economic growth, making decent work for women increasingly difficult.³⁹ This is indeed the case for migrant returnees who experienced labour and sexual exploitation in Europe. Generally, employment opportunities for returnees in Thailand in the formal sector are limited. At present 23 million of the country's 35 million labour force is in the informal sector and excluded from unemployment benefits.⁴⁰ Likely income is mostly from unprotected and insecure work in the informal sector, and seasonal agricultural wage labour. Repatriation is not always in the best interests of returnees as they find themselves placed back in the same situation that forced them to migrate originally. Male returnees from Sweden felt that they still wanted to find overseas employment after paying back the debt because it was the only way to get a regular source of income. Though usually possessing a small plot of land, these returnees, both men and women, are dissatisfied with the low price of agricultural products.

Part II Back Home

This part of the report is a compilation of information from returnees from Europe. This group comprised fifteen trafficked returnees from seven countries (Italy, Netherlands, the UK, Germany, Switzerland, Austria and Spain), and thirteen migrant workers from two countries (Sweden and Poland). The period since return from Europe varied from two months to nine years. These returnees contacted FFW for counseling and assistance. For trafficked women, the majority are members of Live Our Lives, a self-help group of trafficked returnees. Information was compiled from individual interviews and focus group discussions.

Interviewed returnees returned from the destination countries with assistance or intervention from organisations – national and international agencies and also the Thai Embassy – in those countries. All the labour migrants had valid tickets enabling them to return without delay, while many of the trafficked migrants were assisted in flying home because their tickets had expired or were kept by traffickers. The mode of return was both official and unofficial. The official channel involves an agency in the destination country informing the authorities or relevant organisations so that they may receive returnees at the airport and provide them with further assistance. The unofficial channel occurs when returnees, with assistance from agencies in the destination country, return home without informing any organisations in Thailand. Those returning through unofficial channels are often victims of human trafficking.

Trafficked returnees are provided with information on agencies offering them support; however, it is their own decision whether to contact these organisations or not. This practice respects the rights of the individual returnee, yet also affects national records. According to Article 40 of the Anti-Trafficking in Persons Act 2008, MSDHS has the mandatory task of preparing an annual report on the situation and prosecution of trafficking cases. But this report does not capture the actual situation of international human trafficking as it does not include the number of unofficial returnees. Legal action cannot be taken against agents unless returnees initiate the complaint. As such, there is a need for agencies to collaborate more closely in providing assistance to migrants, especially to trafficked persons, so that the number of cases they have assisted in and the reasons for their unofficial return can be compiled.

1. Concerns of returnees before moving back

Finance is the prime concern of migrant returnees, regardless of where they actually end up working. All of the returnees interviewed were in debt, the failure of their migration making it impossible to repay loans. While regular labour migrants whose debt is mostly with the Agriculture and Cooperative Bank do have the possibility to renegotiate the terms of payment, trafficked migrants whose debtors are informal lenders charging them exorbitant interest rates do not believe that anyone can help them out of the situation. Some migrants are indebted both to the bank and informal lenders. Migrants were obliged to pay interest to informal lenders at 3-5% per month. One married couple migrated together, accruing debt amounting to 500,000 baht. They fear that losing their land title will also cause trouble to others. As family care providers, they worry about meeting basic needs including the education of their children after they return home.

While debt worries affect the psychological well-being of both labour and trafficked migrants, sexually exploited women migrants have further psychological burdens:

- Fear of the reaction of family and community if they know that they have worked in prostitution
- Fear of arrest after return because they have used forged documents
- Fear of reprisal from agents
- Fear of contracting STDs including HIV/AIDS, and pregnancy

It is therefore appropriate that this group of women receive medical care and psychological counseling while staying in shelters.

After finding themselves free of an undesirable situation, migrants want to return home as quickly as possible, and the longer they stay the more worried they become. They feel they cannot get accurate information and are not being consulted on the process of their return or the legal aspects of their cases. None of the returnees from Italy received information on the rights and assistance they were entitled to according to the Italian national anti-trafficking law, considered one of the best in the EU. Deprivation of adequate communication, including the right to participate in informed decisions in destination countries, increases the anxiety of migrants and is detrimental to their mental well-being.

2. Return process and channels for labour migrant and trafficked returnees

2.1 *Labour migrant returnees*

The returnees, eight from Sweden and four from Poland, received assistance from the Thai Embassy in each country. Assistance included temporary shelters and food, provision of an interpreter, with the Ministry of Labour receiving them and arranging negotiations over compensation of brokerage fees. In contrast, the other two returnees from Poland whom we interviewed were treated very differently. The Embassy in Poland offered them no assistance and suggested they remain with their employer; they did however, finally obtain a return ticket from the Thai Embassy in Berlin. The interviewees could see no discernable reason as to the why the cases were treated differently.

The official intervention of the Thai Embassy in destination countries has an impact on case settlement, as shown in the two cases from Poland. The official intervention and support of the Embassy and Ministry of Labour for the first group in Poland made it possible for an out-of court settlement yielding a tangible result in favour of the migrants, who received their full brokerage fee back without delay from their agent. In contrast, the workers in the second case did not receive any official support from the Embassy in Poland and returned home via unofficial channels. Since it was not possible to have an out-of court settlement for compensation, they had to initiate their own legal complaint against the recruiters in the criminal and civil courts.

2.2 *Trafficked returnees*

Thirteen trafficked migrants received support in destination countries, and only one returned home without asking any local organisation for assistance. IOM provided support and facilitated the return of eight women. Three women received assistance from women's organisations in Germany and Spain, while the other two women were rescued and assisted by the police in the UK. The women were provided with safe shelter, adequate care and relevant counseling. After the police assisted them, the three women in the Netherlands were separated and stayed in different shelters, with none knowing why they were isolated from each other. They went on to collaborate as witnesses for the prosecution of traffickers, each being provided return tickets and grants of 670 Euros by IOM. After arrival home, they contacted FFW for further support. Five years after these events, the women were still awaiting compensation from the agency in the Netherlands for being victims of crime. Some of these women also received a return ticket and grant from IOM, although the amount they received varied (670 Euros for returnees from the Netherlands, 400 Euros from Italy and 5,200 Swiss francs from Switzerland) as did the length of stay in the shelter, depending on the complexity of the case. IOM arranged for official return by informing responsible governmental and non-governmental agencies, arranging for officials to receive the returnees at the airport unless the returnees themselves decided against it. The return from the UK was arranged by the UKHTC, who also enabled the women to act as witnesses against the perpetrators. These women did not receive any financial support, but they were requested to return to the UK and provide more evidence in the court. Currently, UKHTC is pursuing efforts to claim compensation for one woman after the conviction of her trafficker.

According to the returnees, they did not receive any information on the rights of victims of human trafficking. None of them had heard of the term 'reflection period', nor knew of the

entitlement they would receive if deciding to collaborate in the criminal proceedings against their traffickers. In Italy, all of the women returnees wanted to take legal action against their agent who came from the same village in Thailand. The authorities did not provide them any information on how they could do so, and they themselves were investigated by the immigration officers who paid more attention to their entry and status of stay in the country. The women were eventually received by BATWC who helped them pursue their legal case against the trafficker with police in Bangkok.

Provision of legal assistance was evident only in the case of two women taking refuge in the shelter of Ban Ying in Germany. In one case this centred on divorce from a husband who profited as a procurer (i.e. pimp). In the other, action was taken against the trafficker, which was unsuccessful given insufficient evidence and the physical and mental condition of the woman involved.

2.3 Official and unofficial return

Only one group of returnees from Poland was received at the airport by officials from the Ministry of Labour. Trafficked returnees, especially those who return with temporary documents (Certificates of Identity) issued by the Thai Embassy, typically wish to have someone receive them at the airport, preferably plain-clothes officials, for fear of arrest or harassment by other government authorities. In a few cases, organisations in destination countries chose to ask NGOs to receive the returnees at the airport and collaborate further on case monitoring, including social assistance and legal proceedings.

Unofficial return from Spain

Pa is in her 30s and came from the North of Thailand. She went to Spain for work in the sex industry, and after arrival she was employed in a house in the North of Spain. She found that the brokerage fee was higher than previously agreed in Thailand. There were also few clients, and high living expenses. One returnee from Spain was rescued from the same house through close cooperation between women's organisations in Spain and Thailand. She did not want to have anyone meet her at the airport. After arrival home, she contacted FFW for fear of reprisals from the agents, but finally decided not to take any legal action against them. After a few weeks she changed the number of her cellular phone, making further contact impossible.

Trafficked returnees shared their concern over official return and reception at the airport, suggesting the following best practice: 1) having a plain-clothes official wait with an organisation signboard; 2) no interview should be carried out at the airport; 3) standard information on available assistance and contact organisations should be provided to returnees in a language-friendly format; 4) transportation costs to the origin community should be provided.

Returnees should have the right to choose the most appropriate channel, official or unofficial, for their return. The unofficial return channel should not be part of the criteria determining whether they can apply for, or access, integration assistance.

3. Availability and quality of services in the EU

Services provided to migrants facing difficulties in destination countries in Europe are chiefly focused on those migrants who end up in sexual exploitation rather than other work sectors. Migrants in other sectors could in theory have tried to gain access to local trade unions for further assistance, although they did not. The possibility of involving trade unions should be further explored. Similar to the documents distributed to potentially trafficked women, labour migrants should also have a list of organisations in destination countries from which they can seek assistance in times of difficulty.

Information from trafficked returnees from Europe indicates that available assistance for temporary shelter and immediate care is satisfactory. A more urgent area for improvement is the participation of returnees in planning their return and reintegration. This need is in part down to communication problems. Recently, the organisation Esperanza in Spain involved FFW as an intermediary to communicate with trafficked women in planning for the process of rescue, after-care and repatriation. These organisations enable women to make decisions based on the information provided to them, and decide whether they want to participate as witnesses in court and access available assistance, or return home. Returnees can directly and anonymously contact FFW's staff to freely voice their concerns and fears. They can continue confidential counseling with FFW after returning to Thailand.

Further development of this pattern of service should be considered, building on the expertise of established organisations working on these issues in Western Europe and Thailand. Some women returnees, especially those who become involved in prosecuting traffickers, complain about inaccurate and inadequate translations provided by official translators who may not understand the issue and who are unfriendly to women. So while establishing this cross-border communication service for direct assistance to women, there is also a need to provide training to those involved in providing translation for women in shelters and also during court proceedings.

This can also be initiated with organisations in Eastern European countries where the number of Thai migrants is increasing, so that they can extend services not only to women from those countries themselves, but also to those from elsewhere.

4. Availability and quality of reintegration services in Thailand

Reintegration is normally considered to be the process of full return back to the society or community where the person belongs, with support to enable the individual to live a normal life psychologically, physically and economically. As such, reintegration services should employ a multi-faceted approach aimed at the holistic well-being of the person in their own social and cultural setting. Current available services for reintegration include psychosocial and physical health care, legal redress, and economic support. At present, reintegration services are provided on the assumption that they can help migrant returnees live a normal life in their community of origin. However, it is debatable whether reintegration should focus only on return to the community of origin or include wherever the individual chooses to build a new life. Some returnees that we interviewed decided to live outside their community of origin, so as to be free from family pressure and community stigma.

After the adoption of human trafficking in the Thai national agenda in 2005, a national fund of 500 million baht was set up to provide assistance to trafficked persons, with the MSDHS being responsible for overseeing and coordinating its implementation and allocation. Following the enactment of a new anti-trafficking act in 2008, the fund has been re-allocated and is now under the monitoring of the mandatory funding committee. According to the new regulations, an economic grant shall not exceed 25,000 baht, but the trafficked persons are entitled to access medical care and other compensation as victims of crime. Apart from the national fund, international organizations, such as IOM and ILO, also have reintegration support schemes through which small grants are offered to trafficked returnees. Apparently, there is no similar policy for the reintegration of exploited labour migrant returnees (rather than trafficked persons). None of the interviewed labour migrant returnees had heard of any reintegration support programmes. Exploited labour migrant returnees are also in need of social counseling and financial assistance to rid themselves of their debt and psychological burden. Those interviewed did not want to identify themselves as being trafficked, even in the case of migration to Poland where the element of deception was clear. Hence, they were not entitled to the national fund for assisting trafficked persons but needed to support themselves if initiating complaints against recruiting agencies or finding lawyers to pursue legal proceedings. NAT and Thai Labour Campaign, in a letter to the Swedish Embassy in Bangkok, argued that the group of Thai workers in Sweden, of whom 400 are members of NAT, were victims of labour trafficking. The

TOEA, according to NAT, has played a crucial role defining these migrants as trafficked victims. NAT has also organized a petition on behalf of these members asking that they be placed in the first quota list for the following berry harvest season. NAT will process the application and make the necessary arrangements as well as develop a dialogue with labour unions in Sweden for further necessary support once they arrive to work in Sweden.⁴¹ A thorough discussion involving the participation of the migrant workers will help define the best strategy for assistance, and help determine what form of reintegration of trafficked persons is in their best interests.

At present, long-term services provided to migrant returnees, especially trafficked persons, can be classified as follows:

- Legal assistance
- Psychosocial and medical care
- Economic assistance

The key actors providing these services are governmental, non-governmental, and international agencies, and in cases of litigation, the law society as well as labour and legal experts or agencies.

4.1 *Legal assistance*

Access to justice is a form of redress and reintegration, especially for women trafficked into forced prostitution. Apart from the possibility of gaining civil compensation, conviction of the perpetrators also enables the women to prove their innocence to their families and community. Among the interviewees, all of the labour migrant returnees initiated complaints against their brokers, and eight trafficked returnees have been involved in criminal prosecution against their traffickers. Intervention from the Ministry of Labour did accomplish out-of-court settlements, with the deceived migrants recovering the brokerage fees. The other labour migrants had to work with the local law office and independent legal experts to pursue court cases, and they were uncertain about the outcome. Trafficked returnees who were court witnesses in destination countries (Netherlands, the UK) have had their cases terminated and are awaiting civil compensation. The three women who returned from Italy received support from BATWC and FFW for litigation against their traffickers. The high court ruled in absentia against the defendant, sentencing her to prison and ordering compensation for the three women. As for the case of these three women, the court verdict proved their innocence, reaffirming that the well-connected recruiter acted deceptively and illegally.

Table 11: Legal redress of trafficked and labour migrants

Case	Year	Destination country	Thailand	Result
<u>I. Trafficked migrants</u>				
1. Germany	2000	Pressed charges with police against trafficker	Pressed charges with police against local recruiter	Lack of evidence to pursue court case in Germany, Case still under investigation in Thailand
2. Netherlands	2004	Prosecution against traffickers	-	Perpetrators convicted and given light sentence. The trafficked women are still awaiting compensation
3. UK	2004	Prosecution against trafficker	-	Trafficker convicted and sentenced to for 14 months imprisonment
4. Switzerland	2006	-	Pressed charges against trafficker	Case under trial
5. Italy	2006	-	Pressed charges against trafficker	Perpetrator sentenced to 14 years in the first court with case now in the appeal court
6. Italy	2006	-	Pressed charges against trafficker	Perpetrator convicted in absentia and sentenced to 18 months imprisonment and 1.5 million baht in compensation awarded to victims. The court issued a warrant to extradite convict back from Italy
7. Germany	2007	Pursued divorce from pimp husband	-	Divorce was granted in October 2009
8. Austria	2008	Pursued divorce from husband	-	The case is under trial
9. UK	2009	Prosecution against trafficker	-	Perpetrator convicted and sentenced to six years imprisonment. The police are working on compensation for the woman.
<u>II. Labour exploited migrants</u>				
10. Sweden	2009	-	Case petition was submitted to the Prime Minister, DSI and Parliamentary Labour Committee.	There are many agencies working on the case but a legal charge has not yet been pursued in court.
11. Poland	2009	-	Out-of-court settlement	The recruiting agency returned the brokerage fee of 250,000 baht to four migrants
12. Poland	2009	-	Pressed charges against recruiter and agent in criminal and civil courts	Local recruiter convicted in the first court with case now under appeal. The German broker is in immigration custody. The local recruiter agreed to return 100,000 Baht to each migrant (the brokerage fee was 250,000 baht).

Legal proceedings are long-term processes that require external support. At present, there is no concerted effort to coordinate the different actors involved in court litigation and legal case monitoring. Assistance provided, for instance transportation costs to the court during the hearing, accommodation and food, is not yet regulated and sometimes the process and the attitude of the authorities discourages the women from continuing as witnesses. Moreover, there is still a shortage of competent lawyers and personnel among service-providing agencies who can pursue the cases and accompany women to court. There is not yet any provision in the national fund to assign independent lawyers to oversee and monitor legal proceedings. Lack of due process demoralises returnees and affects their psychological well-being. Moreover, international cooperation between Thailand and destination countries is an important requisite when presenting an effective legal case. As in the example of Italy, though the returnees were satisfied with the court ruling in Thailand, they were still concerned as to how the convicted

trafficker would be repatriated to serve the sentence and pay them their compensation. According to the women, the convict still continues to collaborate with her kin in recruiting local women to work in Italy. The evidence from their case is not strong enough to provide a warning to others in the community on the kind of work they are likely to end up undertaking in Italy. Therefore, the scope of cooperation should not be solely limited to having the witness appear in court in the destination country but should encompass the extradition of the convicted person. This prosecution of perpetrators should be considered not only as part of the legal arena, but also as a process contributing to the long-term reintegration of returnees who are victims of labour and sexual exploitation.

4.2 *Psychosocial and medical care*

Migrant returnees, both from labour and sexual exploitation, demonstrate psychological issues at different levels: insomnia, lack of appetite, anxiety, and depression. Two women returnees from Italy attempted suicide and were under medication and counseling for a period of time. Women demonstrating these symptoms need to be addressed by professionals on a regular basis. However, in rural settings, available psychological care is still limited and very often those who seek counseling are stigmatized or considered to be on the verge of madness. Returnees cannot fully reintegrate unless psychological problems arising from their traumatic experiences are adequately treated. While serious symptoms require clinical care, there should be an alternative process of psychosocial interaction to relieve them from worry and depression. This kind of service for post-trauma syndrome is still underdeveloped, and access is limited for labour and trafficked returnees.

4.3 *Economic assistance*

Current long-term reintegration services focus primarily on financial assistance to generate income activities for trafficked returnees. Exploited labour migrant returnees are also in dire need of financial assistance to start economic activities that might sustain their livelihoods within the community. Indeed, the unavailability of economic support for labour migrant returnees can be a significant factor pushing them to find further overseas labour migration work. It is evident that most labour migrant returnees have experience of intra-regional labour migration before moving to Europe, and they still want to engage in overseas employment, either seasonal or on long-term contracts. One of the reasons they give is that with low education they cannot earn a regular income outside the agricultural sector. Changing rural lifestyles together with desired investments in the education of children force them to look for enough money to fulfill family members' material needs. This situation also applies to the situation of trafficked women returnees, especially those who are heads of family and deprived of care from other family members.

Income-generating activities for women requiring financial assistance are focused on petty trade and agricultural production for returnees who are still involved in economic activities in their community. Six returnees have become waged employees in different sites, and three of them live in a new place. Four women who did not receive any financial support live with their family or partner; and one decided to continue her studies in a university far from her province. One woman who opened a local gasoline shop is still in need of extra funding to support her family.

Table 12: Economic assistance to trafficked returnees

Age at return	Domicile	Present Residence	Form of economic assistance	Result
47	Udon Thani	Udon Thani	200,000 baht grant to open grocery shop	Wage worker in a bottling factory
50	Pijit	Pijit	88,000 baht grant to open local gasoline shop and financial assistance from other sources	Insufficient income and contacts other sources for more financial support
27	Roi-et	Bangkok	160,000 baht grant to attend hairdressing course	Wage worker in her sister's noodle shop
31	Buriram	Samutprakarn	44,000 baht grant to raise cattle and selling cloth	Wage worker in a furniture shop
27	Amnat Charoen	Amnat Charoen	50,000 baht grant to raise cattle and open a grocery shop	Works in a community daycare centre
31	Sisaket	Sisaket	45,000 baht grant to open a noodle shop and repair house	Wage worker in an electric appliance shop
33	Maharakam	Maharakam	53,000 baht grant to raise cattle and scholarship for children	Farming
46	Sisaket	Saraburi	90,000 baht grant to raise cattle and silk weaving. Scholarship for children	Wage worker in dairy farm
46	Sisaket	Sisaket	80,000 baht grant to purchase pick up van for rental and selling food. Scholarship for children	Rents pick up van for transportation and runs grocery shop in village
26	Sisaket	Sisaket	83,000 baht grant to raise cattle, grow chillis and open noodle shop	Closed noodle shop and continues farming and seasonal wage work
39	Sisaket	Sisaket	61,000 baht grant for subsistence farming	Continues farming
23	Lampang	Bangkok	-	Lives with partner
42	Buriram	Buriram	-	Lives with family
25	Nongkai	Chonburi	-	Studies at university
30	Chiangrai	Bangkok	-	Lives with family

Source: Foundation for Women

Note: The financial grants that the women received came from different sources (BATWC, IOM, ILO and FFW)

The process of consideration for a grant is far too long. On average, it takes 7-8 months until women receive financial support to start the economic activities that they have planned, and by that time the situation has changed both at personal and community levels. According to the women, the financial assistance does not cover all of their needs and so it is just not possible to start the economic activities in the way they planned.

Joy received scholarship support to attend a full course on hairdressing. After completing the training, she wanted to open a small salon in her community but she did not receive any grant, and therefore she had to work as an employee in one shop where the wage was very low. Finally, she decided to work in her sister's noodle shop.

The economic assistance component of long-term reintegration needs to be reviewed. The scope of economic activities should be broadened, incorporating cooperation from other sectors. Currently, economic assistance is managed under the auspices of social welfare rather than from the angle of sustainable economic livelihoods. The responsible anti-trafficking agencies, both government agencies and NGOs, offer little support to returnees for personal economic planning and management. Moreover, available economic assistance is still limited, which may mean that recipients aim only at small-scale income-generating activities. It might be too ambitious to expect sustainable long-term reintegration of returnees with current modes of economic assistance.

5. Needs, concerns and aspirations of reintegration

5.1 Prior to return

Labour migrants who found themselves in difficult situations in Sweden and Poland were primarily concerned with the exorbitant amount of debt and other troubles they faced in Thailand. They did not believe that the authorities would help them out of the situation and thought that they might well have to remain for long periods in Sweden or Poland. All of them could foresee the difficulties they would face upon returning. First and foremost was the need to claim back the brokerage fees from their recruiters and agencies. This would involve more money, and finding another source from which they could obtain the funds. These labour migrants did not consider receiving any reintegration support even though they did see themselves as victims of unscrupulous recruiting agencies and realized the element of deception in their labour contracts. In comparison to trafficked victims, the exploited labour migrants are in a better position, as they can still contact TOEA to make direct complaints against their recruiting agencies for breach of contract. Nonetheless, these migrants were concerned over the extent to which the authority would provide them with legal support and act on their behalf. The reaction of officials from the Ministry of Labour who came to Sweden was not supportive of the migrants' aspirations to achieve justice for their case.

The situation of trafficked migrants is in direct contrast to labour migrants, as their status is as victims of crime requiring protection from the state. However, some of them do worry about legal proceedings and are afraid they will be charged with violating the immigration law of the destination country. Returnees from Italy were charged with working in prostitution without a work permit, and were kept in police custody until an international agency came to their rescue, before being treated as trafficked migrants. However, they did not receive any information while staying in the shelter concerning the rights they were entitled to according to domestic anti-trafficking legislation. The concern of the women returnees from Italy and the Netherlands was primarily the uncertainty of their status and that of their families back home. Most of the trafficked women strongly internalize the dichotomy of 'good' and 'bad' women, and see themselves as dirty due to the nature of the work they were forced to do. The longer they stay in such working conditions, the more they lose self-esteem with great impact on their psychological and physical condition. We observed that a few women we interviewed were still suffering greatly.

So while labour migrant returnees are primarily concerned, after escaping from undesirable situations, with debts incurred back at home, trafficked returnees are occupied with thoughts of their family even if they also have the financial burden of large loans at home, mostly obtained from private sources. This difference in primary concern indicates the impact of the worksite the migrants found themselves in and the social stigma of prostitution. There is a continuum of suffering, during and after leaving the worksite.

In a recovery meeting organised by FFW, women returnees described their emotional suffering after escaping from forced prostitution:

- Painful, resigned, torment, bitter, fearful
- Depressed, want to commit suicide
- Like a dead person
- Cannot sleep
- Afraid of broken family, abandoned by husband
- Fear of revenge and security of children
- Shunned by family and community

It is therefore logical that, while waiting for repatriation, trafficked women are offered psychological counseling and recovery activities to regain their strength. This is in addition to financial help to overcome the difficult situation they face after they return and find an alternative way of starting a new life.

5.2 After return

Soon after arrival, labour migrant returnees from Poland and Sweden made a coherent group effort to claim back their brokerage fees. While the group from Sweden received external support from labour organisations and legal experts, the women from Poland had to initiate their own complaint with police and later with the National Human Rights Commission. After the criminal court ruling, the women felt that the sentence was inadequate. Since then, the returnees have pursued a civil court case demanding compensation from their recruiters. The convicted local recruiter negotiated the return of 100,000 baht to each of them. The women are concerned about this because if they agree to the offer, they have to find a remaining 150,000 baht to pay back their moneylender. The returnees from Poland also want to request compensation from the National Fund for Victims of Crime at the Ministry of Justice.

The lack of adequate support in their communities and the good connections of their traffickers forced some returnees to live in isolation: two of them attempted suicide. One has separated from her husband as he was suspicious of the work she undertook in Italy. Another was abused in a new relationship with a married man and became the victim of serious physical violence from both him and his wife. She had a miscarriage due to a severe beating, and following these events could not remain in her community. In a serious case like this a professional psychiatrist is required to treat her psychological condition and help strengthen her sense of self-esteem so that she can continue to live independently.

Psychosocial care and recovery activities need to be provided for trafficked returnees, even for those who have not suffered serious psychological damage. A safe space where they can learn and share their migration experiences, and develop their future plans, is one of the recommendations of a group of returnees who participated in the recovery activities organised by FFW. One of the outcomes was the formation of a peer support group for mutual support and representation in public spaces. For some women, legal redress can help them normalise their lives after returning from abroad. The returnees from Netherlands who returned to their source communities felt that the court verdict in which their traffickers – their kin – were found guilty is concrete evidence proving their innocence. However, one of the women in this group could not remain in the village and it took her years before she could reconcile with her husband whose aunt had lured her into forced prostitution.

Since returnees are not a homogenous group, a case-based approach is required. Returnees make the following suggestions for the provision of assistance at different stages of reintegration:

Country receiving migrants	Country of origin and return
• Provide accurate and adequate information on rights and legal entitlement • Have competent and victim-friendly translators • Facilitate the return of their belongings (from traffickers/police) • The unconditional provision of an air ticket to Thailand • Financial support to start a new life • Contact organisations in Thailand • Case follow-up	• Friendly/unofficial reception at the airport • Suitable space for interview • Access the needs of returnees • Provide accurate and adequate information on rights and legal entitlement • Provide financial assistance to return home • Appoint a lawyer to assist in legal cases • Adequate support during court proceedings • Consult returnees for home visit • Respect privacy and dignity of returnees • Organise/support the meeting of returnees

Part III Challenges and recommendations

Trafficked migrants	Exploited labour migrants
Pre-departure • Amount of debt is arbitrarily fixed by trafficker after arrival in destination country • Access mainly private loans • Criminal suppression policy of state increasing vulnerability and dangerous illegal movements • No pre-departure training • Absence of labour contract and protection	Pre-departure • Fixed brokerage fee • Have access to loans from financial institutions • Encouraged by state labour export policy • Have state organs manage labour contracts and worker assistance funds • Pre-departure training/preparation • Legal cross-border movement
Conditions of work in destination countries • Deception of work conditions • Adding expenses on food and accommodation • Debt bonded • Under surveillance, limited freedom of movement • Seizure of passport and return ticket • Work without rest day, no sick leave	Conditions of work in destination countries • Adding expenses for food and accommodation • Adequate freedom of movement • Seizure of travel documents • Conditions of work different from contract • Able to take rest day
Assisting agencies in destination countries • Thai Embassy • Police • IOM • Women's organisations • Faith-based organisations	Assisting agencies in destination countries • Thai Embassy • Thai community
Concerns • Social stigma • Isolation • Individual struggle • Family and community • Self esteem • Reprisal • Sanctions from authorities • Compensation for damage	Concerns • Debt • Reclaim brokerage fee • Coherent group effort • Self representation as labour migrants • State accountability • Credit liability
Assisting agencies in Thailand • BATWC • Women's organisations • Police • Attorney General Office	Assisting agencies in Thailand • Police • TOEA • Labour organisations • Legal institutes/experts • Human Rights Commission

Information shared by both groups of returnees demonstrates the following current challenges in assisting returnees from the EU:

1. Labour migration from Thailand to Europe has evolved over the past two decades. While regulated labour migrants are not numerous, they have expanded to nearly all EU countries. Consensual migration is commonly entangled with human trafficking after arrival in destination countries. The primary concern of protection and assistance is with trafficked persons, especially women and children; this means that it can be difficult for other labour migrant workers to access existing social assistance and support for reintegration. Labour migrants move to work without adequate information on the organisations, especially labour unions, in destination countries where they can seek assistance when problems arise. While identified

trafficked women and children are repatriated with reintegration assistance, migrant workers are deported without any redress. It is therefore important to broaden the scope from anti-trafficking to include assistance to migrant workers who work under duress in destination countries.

Recommendation 1

Responsible governmental agencies (MOL, MSDHS, MOF), and especially the TOEA, should provide information to labour migrants on where to seek assistance in destination countries. Responsible agencies should initiate dialogue with trade unions and migrant worker organisations in the EU to solicit their support in protecting the rights of labour migrants.

Recommendation 2

MOL should play a more proactive role in safeguarding the rights of regulated migrant workers. They should survey the situation of regulated workers, especially women who are prone to exploitation in the services and care sector, including traditional massage in new EU member countries.

Recommendation 3

a) MOL, especially TOEA, should closely monitor recruiting agencies and revoke permits after reports of breach of contract or deception regarding work. TOEA should intervene in the best interests of labour migrants for the settlement of brokerage fees with recruiting agencies.

b) In order to provide effective and appropriate assistance to migrant and trafficked returnees, international guidelines and standards on state concerns and practices are needed. Knowledge of existing international guidelines, standards and norms is still limited among key national actors and service providers, the result being that a well-intended plan can inadvertently infringe on the human rights and dignity of affected migrants. As a consequence, there are returnees who refuse to receive official assistance.

Recommendation 4

International agencies, including ILO, should provide support in the translation and dissemination of relevant international standards and guidelines, including the newly enforced Convention of the Council of Europe, to all stakeholders. These agencies should also organise competent participatory training to enhance comprehensive understanding of how to put these standards and guidelines into practice.

Recommendation 5

a) Agencies should coordinate with BATWC in developing guidelines to assist returnees, including both labour migrant returnees and trafficked returnees. These guidelines should be compatible with international standards and norms and in a user-friendly format.

b) Conceptual clarification of different forms of human mobility (migration, smuggling and trafficking) is still needed by state and private stakeholders. A review of existing training materials should be undertaken to test whether they enhance understanding or create confusion among target groups. Materials should promote safe labour migration rather than constrain the free movement of people.

Recommendation 6

a) International and national key actors should review existing training materials to improve the contents and methods of training.

b) Current forms of cooperation, including support to organisations in the EU, are vertical in approach as they exclude the participation of local women's organisations in Thailand and the EU. Officials from Thailand can provide communication training to volunteers in the EU; however, the context might not be relevant to the situation of all destination countries.

Recommendation 7

a) Key agencies (MOL, MOF, MSDHS) should provide information on national legislation and a directory of assisting organisations to migrants and trafficked persons in the EU. They should work with relevant agencies to train volunteers and develop a National Referral Mechanism in EU countries and Thailand.

b) Thailand does not have any focal point or referral system to coordinate assistance to labour migrants and trafficked persons returned from Europe (and other regions). Affected migrants must access support and justice on their own, and many cannot do so. Consequently, national statistics on migrant returnees and trafficking cases are weak. Available information is mainly anecdotal, and individual case assistance of service-providing agencies might not capture the real magnitude of the international mobility of Thais.

Recommendation 8

MOL, MOF and MSDHS should develop a national focal point to coordinate assistance to overseas migrants including trafficked persons, and to systematically record the numbers of migrant returnees.

Recommendation 9

a) BATWC should appoint a working group consisting of governmental agencies and NGOs to develop a referral system compatible with international guidelines and standards.

b) The current approach of the reintegration process puts emphasis on supporting returnees to live in their own community with financial aid for economic activities. There are, however, some trafficked returnees who cannot remain in the community. They should have the right to receive assistance in another location of their choice.

Recommendation 10

a) BATWC should coordinate with other agencies involved in the reintegration programme to systematically review the current approach, and determine the effectiveness of reintegration assistance in order to draw lessons and formulate a more holistic, multi-disciplinary, and people-centred approach.

b) Services for legal and psychosocial redress are still limited, especially for trafficked returnees whose well-being has been impaired after living under duress in destination countries. Awareness levels are low.

Recommendation 11

There should be legal training for law enforcers and other support agencies on legal documentation, compiling evidence, litigation processes, and witness testimony. Returnees who have already experienced court proceedings should be engaged by relevant organisations to give relevant advice to newly affected groups, and to accompany them during court hearings.

Recommendation 12

Recovery activities should be offered to returnees on a regular basis, and a responsible agency should coordinate psychosocial care. This service should be available for both trafficked and labour migrant returnees. Appropriate approaches and techniques for psychosocial recovery should be formulated in consultation with psychologists and psychiatrists.

Notes

- ¹ Siriporn Skrobanek et al, Karn Kha Ying Rue Withee Sangkom Thai (Traffic of Women – Is It a Thai Way?), Foundation for Women, 1997
- ² Foundation for Women's compilation of information from trafficked returnees
- ³ Belser P, Forced Labour and Human Trafficking: Estimating the Profits, International Labour Office, Geneva
2005, http://www.digital.commonshs:ilo.cornell.edu.forced_labour/17
- ⁴ Thailand Overseas Employment Administration (TOEA), Report of the Situation of Thai Overseas Workers in 2008, Department of Employment <http://www.overseas.doe.go.th> This figure is 7.66 per cent lower than the previous year.
- ⁵ Overcoming barriers: Human mobility and development, Human Development Report 2009, UNDP
- ⁶ TOEA figures
- ⁷ Thailand Overseas Employment Administration (TOEA),
- ⁸ MSDHS data
- ⁹ http://www.ssb.no/innvutv_en/tab-2009-05-07-06_en.html
- ¹⁰ Source: *Migrating to Germany? Be safe! A Handbook for Safe Migration* by Ban Ying.
<http://www.ban-ying.de/downloads/safemigrationhandbookenglish24.5.07.pdf>
- ¹¹ Sopaporn Kruz, The Nation, Brussels, <http://www.twne.org>
- ¹² Consular Department, Ministry of Foreign Affairs <http://www.consular.go.th>
- ¹³ Division of Planning and Information, Ministry of Labour
- ¹⁴ Petition letter to the Prime Minister dated September 9, 2009
- ¹⁵ Human Development Report 2009, UNDP
- ¹⁶ Consular Department, Ministry of Foreign Affairs, op.cit
- ¹⁷ Interview with IOM project officer on 30 September 2009
- ¹⁸ According to the Bureau of Anti-Trafficking in Women and Children (BATWC), the Ministry of Social Development and Human Security (MSDHS), and the IOM office in Bangkok.
- ¹⁹ <http://www.ukhtc.org/index.htm>
- ²⁰ Personal correspondence with staff of On the Road, 12 November 2009
- ²¹ Participation in Seminar on Determining areas of cooperation on combating human trafficking between ASEAN National Human Rights in the framework of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, organised by National Human Rights Commission on October 14, 2009
- ²² GAATW, Making Do Providing Social Assistance to Trafficked Persons, report on Social Assistance Consultation, November 2005
- ²³ UNDP, op. cit
- ²⁴ <http://www.coe.int.cm>
- ²⁵ The Convention was ratified by 16 states: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Latvia, Malta, Moldova, Norway, Portugal, Romania and Slovakia; and has been signed by twenty other Council of Europe member states: Andorra, Armenia, Belgium, Finland, Germany, Greece, Hungary, Iceland, Italy, Ireland, Lithuania, Luxemburg, Montenegro, Netherlands, Poland, San Marino, Serbia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, and the UK.
- ²⁶ Dottridge, M. Responses to trafficking in persons: international norms translated into action at the national and regional level, in Human Trafficking A Crime that Shames Us All, UN.GIFT, UN 2008
- ²⁷ Information from women returned from Middle East in 2008.
- ²⁸ GAATW, op.cit
- ²⁹ Zimmerman, C. et al, "The health risks and consequences of trafficking in women and adolescents, Findings from a European study" London, 2003 <http://www.lshtm.ac.uk/hpu/docs/traffickingfinal.pdf>
- ³⁰ A. Barath et al. eds, International Organisation for Migration, the Mental Health Aspects of Trafficking in Human Being, a Set of Minimum Standards, Budapest, IOM 2004
- ³¹ Dottridge, M, op cit.
- ³² Information from COMENSHA, December 2008
- ³³ <http://blog.caritas.org/2009/09/28/domestic-workers-getting-a-rough-deal-in-europe/>
- ³⁴ La Strada is a network of nine independent women's rights organisations in the Netherlands, Poland, the Czech Republic, Ukraine, Bulgaria, Belarus, Bosnia and Herzegovina, Macedonia and Moldova.
- ³⁵ ESCAP, Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices, United Nations, New York, 2003
- ³⁶ TWNE has members living in Austria, Belgium, The UK, France, Germany, Italy, Netherlands, Norway and Sweden; contact address is 83 Avenue de Se'gur 75015, Paris, France <http://www.twne.org>
- ³⁷ <http://www.thaiforening.no>

³⁸ Information from participating in the workshop on overseas migration organised by MSDHS in three northeastern provinces: Khon Kaen, Udonrathane, and Ubonrachathane in September 2009

³⁹ ILO Press Release 5 March 2009

http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_release

⁴⁰ Thailand lacks social safety net, Bangkok Post 6 March 2009

⁴¹ Janya Yimprasert, Petition Letter to Ambassador, Sweden Embassy, 10 October, 2009
<http://www.thailabour.org/node/259>