



Human Trafficking Sentinel Surveillance

Poipet, Cambodia | 2009-2010



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¹ United Nations Inter-Agency Project on Human Trafficking (2008). *Guide to Ethics and Human Rights in Counter-Trafficking*. Bangkok.

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Poipet, Cambodia 2009-2010

United Nations Inter-Agency Project on
Human Trafficking (UNIAP)

December 2010



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FOREWORD


Cambodia is found as a source, destination and transit country for trafficked persons. Many thousands of Cambodians move overseas, or to different regions within Cambodia, for the purpose of obtaining employment, accessing education, connecting with family members, avoiding natural disasters and others. Instead of finding what they are looking for at their destination, many Cambodians find themselves subjected to exploitation.

The Royal Government of Cambodia recognises that the development of effective and sustainable data collection systems is essential in order to get an accurate picture of human trafficking in Cambodia and build appropriate measures to combat it. The data collected needs to be regular and reliable. It needs to be protected to ensure confidentiality and safety of individuals. And, most importantly, it needs to be converted into information that is useful to policy and operational decision-makers, so that our efforts to combat human trafficking and exploitation bear optimal results.

Because sentinel surveillance fulfils all these requirements, the Royal Government of Cambodia invited UNIAP, in support of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT), to launch this major human trafficking research initiative – the 2009 SIREN Sentinel Surveillance in Poipet, Cambodia. We highly value the outcomes of this research, which we consider to be critical in our efforts to help protect our people especially women and girls from the hardships and suffering resulting from human trafficking.

The Royal Government of Cambodia is committed to using the findings of this sentinel surveillance research to properly identify victims of trafficking and provide them with the assistance they need. The data collected from this research will also be used to design with gender-responsive, effective and targeted prevention activities.

We are very appreciative of the work done by UNIAP and look forward to providing our support to further sentinel surveillance research by UNIAP at other border hotspots in Cambodia.



Excellency San Arun

Secretary of State
Ministry of Women's Affairs
Chair of the Cambodia COMMIT Taskforce
The Royal Government of Cambodia

FOREWORD

Sentinel surveillance research involves collecting and analysing data from populations selected for their geographic location or other distinction. It is useful for answering specific epidemiological questions and has traditionally been used in the field of health and biological research. It is often used, for instance, to collect empirical and trend data for science-based development programming in the fields of HIV/AIDS, maternal/child health and other areas of public health.

Sentinel surveillance systems have never before been established to help combat human trafficking, with practitioners often citing the hidden nature of trafficked populations and the underground nature of the crime as deterrents to attempts to establish such data systems. However, the development of regional sentinel surveillance systems for human trafficking is not only possible, but also long overdue.

UNIAP's 2009 Human Trafficking Sentinel Surveillance research in Poipet is the first research of its kind in the field of human trafficking. In this respect, it signals an important new era in human trafficking research and data collection.

As demonstrated in the report that follows, the data collected in 2009 is startling. It challenges a number of pre-existing assumptions about human trafficking in the Mekong region. From the in-depth interviews undertaken, UNIAP was able to generate statistically reliable data on the number of Cambodian trafficking victims crossing the Thai-Cambodia border on an annual basis. The data provided valuable insights into broker-trafficker networks, including financial transactions, debt and deception. It revealed useful metrics such as numbers of trafficking victims using particular migration routes.

The United Nations in Cambodia, especially ILO, IOM, UNDP and UNICEF, is pleased to have supported this research initiative. We believe that its outcomes will help us to better understand and track the magnitude, severity, trends and changes in human trafficking patterns in this region. It will help us to better design our anti-trafficking initiatives in the future and enable us to provide more effective and targeted support in this field to the Royal Government of Cambodia and the wider anti-trafficking community, which finally assists in achieving Millennium Development Goals.

As UNIAP expands its sentinel surveillance research to other countries in the Mekong region, a more accurate picture will be generated of the human trafficking situation in the entire region, enabling counter-trafficking measures to be more targeted and effective. The United Nations in Cambodia hopes that the information drawn from this research will help the entire anti-human trafficking sector in Southeast Asia find and assist more victims of human trafficking, bring more of their traffickers and abusers to justice, and prevent more vulnerable people from being deceived and exploited in the future.



Douglas Broderick

United Nations Resident Coordinator, Cambodia

ACKNOWLEDGEMENTS

UNIAP would like to express sincere gratitude and appreciation to the individuals and organisations that have contributed to the 2009-2010 Human Trafficking Sentinel Surveillance in Poipet, Cambodia.

Special thanks are extended to the Cambodian Immigration Department, for their support and cooperation throughout the data collection process. UNIAP's data collectors conducted interviews with deportees in the premises of the Poipet Immigration office, whose officers allowed the interviews to be conducted in comfortable, appropriate locations without interference.

This research and its recommendations were made possible due to the cooperation of the government officials, NGO partners, and deportees themselves. This includes the Cambodian Immigration Department and COMMIT Task Force and especially Lieutenant General Neth Savoeun, National Police Commissioner. Their generous contributions of information, ideas and experiences support the COMMIT Process and help the broader community address cross-border human trafficking in the Mekong region.

The Poipet 2009 data collection team was an inspirational group of eight young professionals who lived together in a small hotel adjacent to the Immigration Depot at the border checkpoint for several months during the data collection phase. They included team leader Mr. Dan Samedi, and data collectors Ms. Chea Chhivheang, Mr. Chhon Chanthay, Mr. Hout Daret, Ms. Dan Malinda, Ms. Nak Samnang, Ms. Nak Samneang, Mr. Ret Thearom and Mr. Try Veasna. The team remained sharp and motivated throughout their assignment, despite being away from their homes for weeks on end and being confronted with very challenging cases on a daily basis. We are so grateful for their professionalism, positivity, and camaraderie.

The tremendous amount of data collected received the careful attention of Mr. Chem Vuthy, our data entry statistician. Our thanks to him for his important role.

Thanks also go to the legal and research interns who supported aspects of sentinel surveillance and building referral networks in the Poipet locality, including Mr. Ryan Gauthier, Ms. Sarah Placzek, Ms. Libby Hugetz, Ms. Meixi Ng and Ms. Casey Branchini.

The UNESCO Bangkok Culture Unit, including the GIS team, donated their mapping expertise to support UNIAP's sentinel surveillance work, spending numerous hours on our SPSS datasets to convert our numbers and codes to meaningful visual interpretations of migration and human trafficking from Cambodia to Thailand on maps. This very generous inter-agency collaboration was a model for the UN regional anti-trafficking community, led by Dr. David Feingold and Dr. Heather Peters, and made possible by the GIS expertise of Ms. Manithaphone Mahaxay and Mr. Peerayot Sidonrusmee.

Long-time Mekong trafficking experts Dr. Simon Baker, Dr. David Feingold and Mr. Phil Marshall also donated their valuable time to a thorough, independent review of the research, its methods and its findings to help strengthen the quality and rigour of the study.

Sentinel surveillance has been generously supported by the Canadian International Development Agency (CIDA), Asian Development Bank (ADB) and U.S. State Department Office to Monitor and Combat Trafficking in Persons (G/TIP). Sentinel surveillance is also an integral part of UNIAP's SIREN project, Strategic Information Response Network (SIREN), whose launch received financial support from G/TIP in 2008. UNIAP is deeply grateful to CIDA, ADB, and G/TIP for their enthusiasm and support for sentinel surveillance and for helping to establish stronger data systems for anti-human trafficking in the Mekong region and ASEAN more broadly.

United Nations Inter-Agency Project on Human Trafficking (UNIAP)

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EXECUTIVE SUMMARY

Human trafficking involves the recruitment, transport, receipt and harbouring of people for the purpose of exploiting their labour.²

The Mekong region contains diverse patterns of human trafficking. They are both internal and cross-border; highly organised and small-scale; sex and labour through both formal and informal recruitment mechanisms; and involve men, women, boys, girls and families. Thailand is a key destination country for victims of human trafficking from Cambodia. It is estimated that thousands of Cambodian men, women and children are trafficked annually to Thailand and within Thailand for the purpose of labour exploitation. Many victims of trafficking are never identified and when located are simply deported back to Cambodia without access to support services to help them recover from the effects of trafficking and without any means of taking legal action against their exploiters.

The aim of UNIAP's sentinel surveillance is to assess the situation of Cambodian deportees being returned from Thailand and, using this information, map trafficking trends and patterns; establish estimates of numbers and types of cross-border trafficking victims, particularly those who are not identified as victims and put into the pool of deportees; and document how brokers and traffickers operate to put migrants in exploitative situations. Over a period of four months, UNIAP researchers were deployed to the Poipet international checkpoint on the Thailand-Cambodia border, to conduct site surveys and structured, in-depth interviews with a random sample of 400 male and female Cambodian labour migrants deported from Thailand.

The research uncovered labour migration that sometimes involved human trafficking, and sometimes did not. Migration cases were classified as 'trafficking' when they resulted in migrants being cheated or deceived by brokers and/or exploiters into labour exploitation conditions, unpaid or underpaid and often with restricted freedoms. Similar to the categories used by the Royal Thai Government (RTG) for trafficking victim screening, there were also cases classified as 'possible trafficking' to denote cases where several indicators of possible trafficking were present but not 100% clear, but where the condition and circumstances of the person should have merited his/her immediate assistance and protection.

² From the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. See document for the complete definition of human trafficking.

In order to understand the risk factors and protective factors related to human trafficking, it is necessary to compare people who are trafficked versus people who are not and understand the significant differences between the two: that is, what leads migrants who are trafficked into harm and what helps migrants who end up not trafficked from being harmed? Comparing non-trafficking labour migration cases with cases involving exploitation and trafficking allowed for an identification of risk factors for negative outcomes such as being cheated, exploited or trafficked.

There are ten key recommendations proposed, based on the nine key findings from this round of sentinel surveillance. Recommendations for addressing these risk factors among vulnerable populations are proposed, for trafficking prevention and safe migration policy as well as outreach and community-based work, primarily on the Cambodia side but also in migrant communities in Thailand.

Examining broker-trafficker networks and the exploitative employers they feed aims to support a stronger, more effective investigative and protective response on both the Cambodia side and the Thailand side and to this end recommendations for strengthening labour trafficking investigations are also provided.

Identifying knowledge and skill gaps in both government and non-government personnel working in anti-human trafficking and immigration control helps to target capacity building and reduce mistreatment of trafficking victims thought to be immigration violators and thus criminals.

9 KEY FINDINGS AT-A-GLANCE

The 9 key findings from Sentinel Surveillance Poipet 2009-2010 are summarized here and expanded on extensively through the report, with recommendations and illustrative case studies throughout.

- 1 In 2009, among the 89,096 Cambodians deported from Thailand, it is estimated that there were at least 20,492 Cambodian trafficked persons (or 23% of all deportees). Of those, 8,286 were worst cases, where migrants were deceived into the worst labour conditions with no freedom of movement and no pay. There was a higher proportion of men among the worst situations of exploitation and trafficking.
- 2 Determining whether a Cambodian in Thailand is a victim of trafficking is complicated by a range of factors, including conditions of debt bondage, the amount of time a migrant spent in a workplace and language barriers.
- 3 Cambodian men are about twice as likely to be cheated or trafficked as women, primarily because the risk of being exploited or trafficked increases 1.5 times for every broker involved and men use brokers more than women.
- 4 Most migration and trafficking occurs along the major highways linking Cambodia and Thailand.
- 5 Family conditions (such as household wealth) and level of education have little impact on trafficking risk. However, knowledge and attitude do have a substantial impact on risk: an over-optimism about life in Thailand increases risks of being trafficked, to the extent that migrants who had knowledge about labour migration to Thailand but also a sense that jobs and pay would be plentiful were more at risk of being trafficked and exploited than migrants who had no information about Thailand at all.
- 6 The locations of labour trafficking hotspots in Thailand.
- 7 Based on the sample, prevalence of labour trafficking of Cambodians deported from Thailand was 23% on average across nearly all labour industries, with the exception of fishing boat labour where approximately 31% of Cambodian fishermen were trafficked.
- 8 Trafficking victim screening is not being done by the majority of immigration and police officers who come into contact with exploited Cambodian migrant labourers, whether in Thai or Khmer language.
- 9 Nearly 20% of Cambodian deportees who are actually labour trafficking victims report their case, but action by authorities was not taken in any of these cases. The majority of deportees who were exploited choose to not report their cases due to fear of their broker, employer, or the police; a lack of understanding of their rights; and/or inability to speak Thai.

10 KEY RECOMMENDATIONS AT-A-GLANCE

There are 10 key recommendations from the Poipet 2009-2010 round of Sentinel Surveillance. The recommendations would benefit from the attention and action of a variety of anti-trafficking stakeholders in both Cambodia and Thailand, including government, non-government and donors.

- 1 Educate Cambodian and Thai front-line responders about their role in identifying and assisting foreign victims of labour trafficking, including men.
- 2 Make legal labour migration channels more affordable, efficient and accessible to prospective migrants.
- 3 Educate anti-trafficking responders and policymakers about the realities of gender, vulnerability and human trafficking.
- 4 Refine and make more specific the content of safe migration awareness-raising, particularly to males in hotspot source areas.
- 5 Develop Khmer-language outreach, assistance and mechanisms to report exploitation cases for Cambodian migrant workers in Thailand.
- 6 Investigate and disrupt broker-trafficker networks involved in human trafficking, starting with the destination exploitation hotspots and labour sectors identified in the maps.
- 7 Engage relevant Thai business and industry associations to address exploitation and trafficking that occurs in their industries.
- 8 Improve the quality and comprehensiveness of victim identification screenings, starting in the hotspots where victims are likely to be found, and also include ongoing screening of Cambodian deportees at the border in Khmer language to identify victims and help address gaps in the system.
- 9 Provide social, economic and legal services and information immediately upon arrival in Poipet for deportees who may be victims of labour trafficking or exploitation.
- 10 Increase practical collaboration between Thai and Cambodian counterparts, particularly with regard to case conferencing and the sharing of enforcement-related information.

1 INTRODUCTION

Anti-trafficking Laws, Policies, and Victim Identification Procedures in Cambodia and Thailand

Cambodia and Thailand are members of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT). As part of the COMMIT Process, the six member nations jointly signed a Memorandum of Understanding (COMMIT MOU) committing themselves to cooperation and action against human trafficking, primarily through the implementation of Sub-regional Plans of Action (COMMIT SPA I, 2005-2007; COMMIT SPA II, 2008-2010; COMMIT SPA III, 2011-2013) which include actions to strengthen bilateral cooperation frameworks, victim identification and victim protection.³

³ The additional COMMIT member nations are: China, Lao PDR, Myanmar and Vietnam.

This introductory section outlines the overall context of migration from Cambodia to Thailand; the national human trafficking laws and policies of Thailand and Cambodia; the bilateral agreements between them on human trafficking and employment; the victim protection provisions within those laws and agreements; and their respective victim identification procedures.

Context of migration from Cambodia to Thailand

This report focuses on the brokering and trafficking that results in the exploitation of Cambodian migrant workers in Thailand. In recent years, Thailand has become a key destination country for labour migrants from Cambodia, as well as from other neighbouring countries, due to its economic development and thriving labour market. Thailand's long and porous borders increase the opportunities for migrants entering the country overland, as well as for the brokers facilitating this, while consequently presenting a unique challenge to the government in managing the flow of migrants in and out of the country. The relative wealth of economic opportunities in Thailand compounded by the lack of opportunities in surrounding countries combine to drive migrants into Thailand in search of work.

As increased educational attainment among Thais has improved their prospects for skilled employment, the demand for unskilled labour has increasingly been met by foreign migrants. Demographic changes in Thailand and its neighbours also contribute to the flow of migrant labour into Thailand; while large families and a large young population characterize neighbouring countries, Thailand now has an ageing population, with a declining economically active population.

Cambodia's recent history has resulted in a young, demographically skewed population. 39% of the population was under 15 years of age in 2004; therefore there is an increasing number of entrants into the workforce where opportunities are limited.⁴ The global economic downturn also affected the Cambodian economy and due to recession in major markets for Cambodian exports, GDP growth dropped from 10.2% in 2007 to -2.0% in 2009.⁵ An estimated 200,000 Cambodians were expected to be pushed under the poverty line in the same year.⁶ With such a fragile industrial base, the pressure to migrate for employment opportunities has clearly increased over this period; neighbouring Thailand, with its gross national income per capita being six times higher than Cambodia's, is an appealing destination.⁷

⁴ International Labour Organization (2007). ILO Policy Brief on Youth Employment in Cambodia. Bangkok: ILO Sub-regional Office for East Asia.

⁵ International Monetary Fund (2010). World Economic Outlook: Recovery, Risk, and Rebalancing. October 2010.

⁶ World Bank (2009). Battling the Forces of Global Recession: A World Bank Economic Update for the East Asia and Pacific Region.

⁷ International Organization for Migration (2010). Analyzing the impact of remittances from Cambodian migrant workers in Thailand on local communities in Cambodia. Phnom Penh.

⁸ International Labour Organization (2008). An Honest Broker – Improving cross-border recruitment practices for the benefit of Government, Workers and Employers. Bangkok: ILO Regional Office for Asia and the Pacific.

In Thailand, despite the unmet demand for workers in Thai industry amongst the national population, the recruitment of migrant workers through formal labour recruitment channels faces considerable challenges and the costs and time involved in pursuing these channels encourages both migrant workers and employers alike to use informal channels. The ILO has found that these channels did not protect workers from exploitation, deception and mistreatment, thus limiting their appeal⁸. Policies for registering the Cambodian migrant workers already in the country have been improving, yet still leave workers vulnerable to unscrupulous brokers and employers. ILO’s study of formal recruitment channels in Cambodia, Lao PDR and Thailand concludes:

“...currently informal channels are more flexible, more efficient, and less expensive than formal ones. As a result, the vast majority of migrants opt for informal channels. Moreover, the data collected by the Cambodia and Lao PDR teams suggest that migrating through formal channels does not necessarily ensure better protection or higher salaries for migrants. In fact, the high costs of formal migration generally place formal migrants into a situation of leveraged debt with their employer or recruiter.”

At present, Thailand has 1,315,932 migrants registered with work permits in the country, from Cambodia, Lao PDR and Myanmar.⁹ 124,902 of these are from Cambodia, working in fisheries (14,988), fishery processing (6,020), agriculture and livestock (24,118), construction (32,483), domestic work (6,591) and others (40,702).¹⁰ Due to the factors outlined above, it is understood that there are likely to be many more undocumented Cambodian migrants working in Thailand: IOM estimates that there were a total of approximately 248,000 Cambodian migrants in Thailand in 2008⁷.

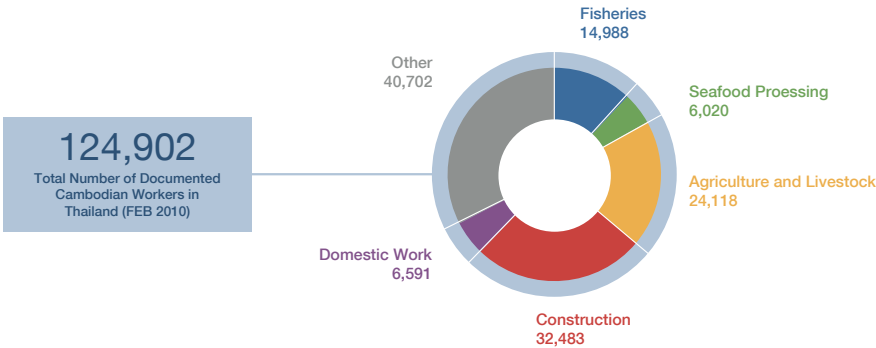


Figure 1.1 | Breakdown of documented Cambodian workers in Thailand, by labour industry. Source: IOM.

⁹ International Organisation for Migration (2010). Migration Statistics in Thailand, 2004-2010. Bangkok.

¹⁰ Ibid. The term “others” includes: Marine Transportation, Mine, Brick Factory, Ice Factory, Rice Mill, and nineteen other categories.

¹¹ Jampaklay, A & S Kittisuksathit (2009). Migrant Workers Remittances: Cambodia, Lao PDR and Myanmar. Bangkok: Mahidol University Institute for Population and Social Research, and ILO.

¹² Anti-Trafficking in Persons Law B.E. 2551 (2008) (Thai.)

The benefits of migrant labour are apparent for both source and destination country: the remittances of migrant workers support families in Cambodia, where they face a lack of opportunities, and the economic contribution of migrant workers supports the Thai economy, as documented by the ILO¹¹ and IOM.⁷ The situation outlined above provides some context to the flows of migrant workers, the demands for labour that draw them to Thailand and the resulting vulnerability that leads to the conditions uncovered by this report.

Thai Anti-Trafficking in Persons Act (2008)

The Anti-Trafficking in Persons Act B.E. 2551 ('the Thai Act') came into effect in June 2008¹². The new law expanded the definition of human trafficking to include adult men, repealing the 1997 anti-trafficking law that restricted victim status to women and children.

With regard to Thailand's definition of human trafficking as contained in law, Section 6 of the Thai Act criminalizes the act of trafficking in persons for the purpose of exploitation. Section 4 defines "exploitation" as follows:

"Exploitation means seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labor or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person's consent."

Section 4 of the Thai Act also provides a definition for "forced labour or services" as follows:

"Forced labour or services means compelling the other person to work or provide service by putting such person in fear of injury to life, body, liberty, reputation or property, of such person or another person, by means of intimidation, use of force, or any other means causing such a person to be in a state of being unable to resist."

Section 6 separates the offences into two categories: offences relating to adults, for which a **means** is required, and offences relating to a child, for which a **means** is not necessary.

Under section 6 a person will be guilty of trafficking in persons if they do any of the following **acts**:

"(1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any persons, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving [of] money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or

¹³ Ibid., Article 6(1).

(2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child.”

The Thai Act provides the following protections and services for identified victims of trafficking:

- **Protection of privacy and identity**¹³ (Sections 31, 36 and 56). These sections enable pre-trial testimonies to be obtained from witnesses, ensure protection of witnesses testifying in criminal trafficking cases, and prohibit dissemination of information about trafficking victims involved in court hearings.
- **Appropriate housing**¹⁴ (Section 33), including food and shelter at the responsibility of the Ministry of Social Development and Human Security (MSDHS).¹⁵
- **Counseling and legal rights**¹⁶ (Section 33), including provision of appropriate mental rehabilitation as well as assistance with legal aid and in legal proceedings to claim compensation at the responsibility of MSDHS.
- **Medical treatment**¹⁷ (Section 33), including physical and mental rehabilitation at the responsibility of MSDHS.
- **Education and training**¹⁸ (Section 33), as a responsibility of MSDHS.
- **Consideration of age and gender**¹⁹ (Section 33), ensures the consideration of nationality, race, and culture of the trafficked person in the provision of appropriate assistance.²⁰
- **Protection of physical safety of a trafficked person**²¹ (Section 36), provided by a competent official prior to, during, and after proceedings, regardless of where that person stays.²²

¹⁴ Ibid., Article 6(3)(a).

¹⁵ Note under Section 29 of the Thai Act, the use of the term ‘custody’, suggests that the decision to be placed in a shelter is not by choice of the trafficked person and that it relies on the decision of the competent official. Additionally, there is no mention in Section 29 of the need to obtain the opinion of the trafficked person. This may have the effect of resulting in mandatory custody in the shelter.

¹⁶ Anti-Trafficking in Persons Law B.E. 2551, Article 6(3)(b) (2008) (Thai).

¹⁷ Ibid., Article 6(3)(c).

¹⁸ Ibid., Article 6(3)(d). Note nothing is mentioned in Section 33 of the Thai Act about assistance with “employment” as is also required under Article 6(3)(d).

¹⁹ Ibid., Article 6(4).

²⁰ However, the Thai law does not have any provisions that relate to the special needs of victims or to the needs of child.

²¹ Anti-Trafficking in Persons Law B.E. 2551, Article 6(5) (2008) (Thai.).

²² Ibid., This provision also provides for the protection of family members and continuous safety protection for the trafficked person and family once returned to their country of residence.

²³ Ibid., Article 6(6).

²⁴ Ibid., Article 7.

- **Compensation**²³ (Sections 33, 34 and 35). These sections require MSDHS to provide assistance to a trafficked person on legal proceedings to claim compensation, require the public prosecutor to inform the trafficked person of their right to claim compensation for damages resulting from being trafficked and indicate that it is the responsibility of the public prosecutor to make a claim for compensation on behalf of trafficked victims.
- **Right to remain permanently or temporarily**²⁴ (Sections 37 and 38). Section 37 provides that a trafficked person is able to obtain permission to reside temporarily and temporarily be allowed to work in accordance with the law where that person is taking part in proceedings against an offender under the Thai Act, obtaining medical treatment or rehabilitation or claiming compensation. Section 38 indicates that permanent residence²⁵ may be granted in exceptional cases at the discretion of the Minister of the Interior.
- **Repatriation**²⁶ (Sections 33, 36, 38 and 39). Section 33 indicates MSDHS is responsible for providing assistance as appropriate to a trafficked person to return to the country of his or her origin or domicile. Section 36 requires safety protection for trafficked persons returning to their country of residence. Section 38 requires a competent official to return a trafficked person who is an alien to their country of residence without delay,²⁷ taking into consideration the security and welfare of that person. Section 39 requires nationality verification and return to Thailand without delay for Thai nationals identified as trafficked persons who are residing overseas.
- **Protection from prosecution**²⁸ (Section 41), which provides immunity from criminal prosecution for a trafficked person for entering, leaving or residing in Thailand without permission, for giving false information to an official, forging or using forged travel documents, for prostitution and offences relating to prostitution and for being an alien working without permission in the country.

Thai Labour Protection Act (1998)

The principal Thai labour law is the Thai Labour Protection Act of 1998. The Labour Protection Act establishes the minimum rights of employees working in Thailand, covering working hours, overtime, holidays, sick leave, maternity leave, severance and other basic employee rights. The Department of Labour Protection and Welfare, under the Ministry of Labour, is charged with administration of these rights.

²⁵ Or relief to remain in Thailand.

²⁶ Anti-Trafficking in Persons Law B.E. 2551, Article 8 (2008) (Thai.).

²⁷ Except where that person is allowed permanent residence according to immigration law or is granted relief to remain in Thailand.

²⁸ Protocol Against the Smuggling of Migrants by Land, Sea and Air, 40 ILM 335 (2000) Article 5.

The Act applies to all employers in Thailand. Under the Act, an employer is defined broadly and may include persons with non-traditional employer-employee relationships. The term 'employer' may also include persons designated to act on behalf of an employer, authorized directors of an employer and some firms that provide management services within the scope of the employer's responsibility. Such persons or firms, plus contractors and sub-contractors, may share the actual employer's liability for compliance under the Act.

Work Hours

Normal work hours are a maximum of eight hours per day and a maximum of 48 hours per week. If the work is considered hazardous, the maximum allowable work hours are seven hours per day and 42 hours per week. An employee working at least five hours a day must be given a rest period of at least one hour and an employee must be given at least one day off each week.

Payment of Wages and Approved Deductions

Under the Act, the employer must pay the wages or salary of an employee at his or her place of work in Thai currency, unless the employee agrees to another place or method of payment. An employer may make deductions for the following:

1. Payment of income tax;
2. Payment of labour union dues;
3. Payment of debts owed to a saving cooperative or relating to a beneficial of the employee;
4. Advance deposit or compensation to the employer for damage caused either willfully or with gross negligence by the employee; or
5. A contribution under an agreement relating to a provident fund.

Any other types of deductions are illegal. Other than income tax, deductions may not exceed 10% or one-fifths in aggregate of the sum owed to the employee. For the deduction types above numbered 3 and 4, prior written or express consent from the employee is required.



Who is protected by Thai labour laws?

Section 5 of the Labour Protection Act indicates that both Thai and foreign workers are subject to labour protection while an employee (a person employed by an employer in return for remuneration) in the Kingdom of Thailand. However, sections 9 and 10 of the Thai Alien Workers Act limit protection to foreign employees holding a work permit and engaging in permitted work.

Overtime

In general, an employer must receive the employee's prior consent for overtime work. The employee's consent is not required if the nature of the work requires continuous performance to prevent damage to the employer or when the work is urgent. An employee who works overtime is entitled to overtime pay at one and one-half times his/her normal rate.

Public Holidays

Employers must grant employees a minimum of 13 paid public holidays each year with notification before the beginning of the calendar year. If a public holiday falls on a weekly day off, the next working day must be granted as a paid holiday. The public holidays must include Labour Day with the other twelve holidays chosen from a list of 16 holidays published by the Thai government.

Annual, Sick and Maternity Leave

An employee who has worked at least one year must be granted a minimum of six days paid annual leave each year. In addition, an employee must be granted a minimum of 30 days paid sick leave each year. Lastly, an employee who is an expectant mother must be granted a minimum of 90 days maternity leave. The employee is entitled to be paid for 45 days of the maternity leave.

Young Workers

Under the Act, an employer shall not employ a worker under fifteen years of age. For employees under eighteen years of age, the employer must comply with a set of special requirements.

Labour Violations Penalties

The Act contains defined penalties for labour violations. Employees may file complaints with the Director-General of the Department of Labour Protection and Welfare and Labour Inspectors are tasked with conducting investigations on potential workplace violations. The minimum to maximum for violations occurring under the Act range from monetary fines of 2,000 to 200,000 Baht, and court sentences of up to one year imprisonment. Generally, violations with higher characteristics of severity, such as causing physical or mental injury, or leading to the death of the employee, fall at the top end of this scale.

Thai Alien Workers Act (2008)

In February 2008, the Alien Workers Act B.E. 2551 came into force and formalized a number of practices gradually introduced through the Cabinet decisions issued over the last two decades as well as generalizing some of the principles contained in labour MOUs with Cambodia, Lao PDR and Myanmar. The implementation of the Act anticipates detailed sub-decrees, but key shifts in policy directed at migration management may be grouped together as follows:

1. Defining a list of shortage occupations open to migrant workers;
2. Creating a deportation fund;
3. Collecting levies from the employers of migrants;
4. Setting up committees to review the employment of migrants and to consider their appeals; and
5. Increasing government powers of inspection and arrest. One controversial provision allows the authorities to enter migrant workplaces without a court warrant.²⁹

Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation (2008)

The Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation came into effect on January 18, 2008.³⁰ The Cambodian law provides a more comprehensive legislative framework to convict human traffickers than that which previously existed in the Cambodian legal framework. The Cambodian law recognises that men, women and children can be victims of trafficking and follows the Palermo Protocol definition of human trafficking.

Trafficking in persons is criminalised under various articles of the Cambodian Law. Circumstances and facts of the trafficking act determine the category of offence and the penalty.

- Unlawful removal (Articles 9, 10, 11);
- Unlawful recruitment for exploitation (Article 12);
- The act of selling, buying or exchanging a person (Articles 14, 15 and 16);
- Transportation (Articles 17 and 18);
- Receipt of a person (Articles 19 and 20); and
- Abduction, detention or confinement (Article 21).

The Cambodian Law provides the following protections and services for identified victims of trafficking:

- **Protection of privacy and identity** (Article 49), by preventing the media from publishing, broadcasting or disseminating any information that could reveal the identity of a trafficked person to the public.
- **Compensation** (Articles 46 and 47). Article 46 indicates that a person who obtains enrichment without a legal cause knowing that the enrichment has been obtained from the act of selling, buying or exchanging a person or sexual exploitation shall be liable for restitution of the whole unjust enrichment along with accrued interest.

²⁹ Mekong Migration Network (2009). Migration in the Greater Mekong Sub-region: Annotated Bibliography (4th Edition) (Hong Kong)

³⁰ Suppression of Human Trafficking and Sexual Exploitation Law, NS/RKM/0208/005 (2008) (Cambodia).

³¹ Ibid., Article 7(a).

An aggrieved person (a person being exploited) may claim for damages in addition to the restitution of such unjust enrichment. Article 47 provides that victims have preference over property confiscated by the state for their compensation and restitution.

Cambodia-Thailand Memorandum of Understanding on Trafficking in Persons (2003)

In 2003 a Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women ('the Trafficking MOU') was signed. The Trafficking MOU contains a commitment that Cambodia and Thailand will cooperate to eliminate trafficking in children and women, and to protect and assist them.

Article 1 of the MOU indicates that this agreement only relates to the trafficking of women and children. Human trafficking is defined under Article 2, with a definition in line with that of the Palermo Protocol. Article 3 of the Trafficking MOU further elaborates on examples of **purposes** which may be considered for trafficking and includes: forced or exploitative domestic labour, bonded labour or other forms of hazardous, dangerous and exploitative labour, servile marriage, false adoption, sex tourism and entertainment, pornography, begging and slavery by the use of drugs on children and women. This expansion of examples of **purpose** indicates that Cambodia and Thailand are concerned about all forms of trafficking and establishes their understanding that trafficking for purposes other than sex, such as for forced labour, are extremely important and relevant purposes that need to be addressed and considered.

Importantly, under Article 7 of the Trafficking MOU, trafficked children and women shall be considered victims and not violators or offenders of the immigration law. Therefore, trafficked women and children shall not be prosecuted for illegal entry to the country,³¹ and shall not be detained in an immigration centre while awaiting the official repatriation process.³² Instead, trafficked children and women in Cambodia are to be placed in the care of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation; and in Thailand, the Department of Social Development and Welfare³³. Additionally, shelter and protection are to be provided to victims according to each state's policy³⁴. The 'relevant authorities' are also required to ensure the security of trafficked children and women;³⁵ and victims are to be treated humanely throughout the repatriation process.³⁶

³² Ibid., Article 7(b).

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid., Article 7(c).

³⁶ Ibid., Article 7(d).

³⁷ Ibid., Article 16(b).

Article 10 requires cooperation between the law enforcement agencies of both countries, particularly at the border, to uncover domestic and cross-border trafficking. Article 16 requires that the repatriation of trafficked children and women is to be conducted in their best interest³⁷ and that children and women who have been identified as victims of trafficking shall not be deported.³⁸

Under the Trafficking MOU a number of different government and non-government organisations are required to cooperate in collecting information and evidence relating to human trafficking cases.³⁹

Cambodia-Thailand Memorandum of Understanding on the Employment of Workers (2003)

In 2003 the Governments of Cambodia and Thailand signed a memorandum of understanding which established certain standards regarding employment procedures and protections for migrant workers (the Employment MOU). The agencies responsible for implementing this agreement are the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MoSAVY) in Cambodia and the Ministry of Labour (MoL) in Thailand.

Under this agreement, the Governments of Cambodia and Thailand agreed to take measures to ensure effective repatriation of workers who are deported⁴⁰ and to prevent and take action against the trafficking of illegal workers.⁴¹ Article XX indicates that the parties shall take measures to prevent and suppress “illegal border crossings, trafficking of illegal workers and illegal employment of workers.” Article XXI requires information exchange between the countries on these matters. By March 2010, after seven years of being in force, only 17,456 workers had migrated to work in Thailand through these formal channels, out of a requested demand by Thai employers for 58,380 workers⁴².

³⁸ Ibid., Article 16(c).

³⁹ Government agencies responsible include the Ministry of Foreign Affairs and International Cooperation, the Ministry of Interior, the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, the Ministry of Women's and Veterans' Affairs, the Ministry of Justice, and the Ministry of Tourism (Cambodia) and The Royal Thai Police, the Ministry of Foreign Affairs, the Ministry of Labour, the Ministry of Social Development and Human Security, the Ministry of Public Health and the Department of Social Development and Welfare, the local police, or immigration border control (Thailand).

⁴⁰ Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Cooperation in the Employment of Workers, Article 1(2) (May 31, 2003).

⁴¹ Ibid., Article 1(4).

⁴² http://www.mekongmigration.org/?page_id=26

⁴³ Whether that be Police, Immigration authorities or other relevant authority (i.e. the competent official as defined in Section 4 of the Thai Act.)

Victim identification procedures

Following the establishment of the Thai Act in 2008, the Office of Anti-Trafficking in Persons Committee (MSDHS) publicized their victim screening policy in the form of a pamphlet entitled **Scope and Elements of Identification of Trafficked Persons**. The forms and procedures described in this pamphlet are designed to assist relevant officials to determine whether a person has been trafficked. It identifies the elements required for a person to legally be considered a trafficked person.

This pamphlet also contains a victim identification preliminary checklist to be used by relevant officials when interviewing individuals to see if they may be a victim of trafficking. The Preliminary Checklist for Identifying Trafficked Persons requires the relevant official⁴³ to interview the individual to obtain personal information and uses identifiers as follows to determine whether the individual is a trafficked person:

- **Section 2:** Subject to one of the following: procuring/buying; sending/vending; bringing from; sending to; detaining/confining; harbouring; or receiving ('the Act').
- **Section 3:** The Act was committed by: threat; use of force; abduction; fraud; deception; abuse of power; giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under their control ('the Methods').
- **Section 4:** The Acts and Methods were done for any of the following purposes: seeking benefits from prostitution; production or distribution of pornographic materials; other forms of sexual exploitation; slavery; causing another person to be a beggar; forced labour or service; coerced removal of organs for the purpose of trade; any other similar practices resulting in forced extortion regardless of such persons consent ('the Purpose').

The checklist requires the relevant official to reach a conclusion as to the status of the person and whether the circumstances:

- **Do not constitute** an act of trafficking in persons
- **Potentially constitute** an act of trafficking in persons
- **Do constitute** an act of trafficking in persons

Where the circumstances of the individual indicate that the act potentially constituted or does constitute as an act of trafficking in persons, the interviewee is required to be provided temporary care.

Relevant officials include enforcement officers such as police and immigration, whether in the field – for example, working in areas with high numbers of foreign migrant workers – or working in immigration detention centers.

2 METHODOLOGY

Sentinel Surveillance, Poipet, Cambodia 2009-2010

Human trafficking sentinel surveillance seeks to understand and track the prevalence, severity, trends and changes in human trafficking patterns and flows, both internal and cross-border.



What is human trafficking sentinel surveillance?

Human trafficking sentinel surveillance seeks to understand and track the prevalence, severity, trends and changes in human trafficking patterns and flows, both internal and cross-border. Established in key hotspot and border localities, sentinel surveillance uses interviews with randomised samples of victims and migrants to:

- Examine broker-trafficker networks;
- Document tricks of traffickers, including financial transactions, debts and deception; and
- Collect useful metrics such as numbers of trafficking victims within a migration route, numbers of trafficked persons and numbers of trafficked persons mis-identified as illegal migrants and deported.

Indicators can also be collected over time on trends in migrant employment, exploitative working conditions and job brokering, unsafe migration, remittances, family welfare, school drop-out and child labour. The lessons learned and applicability of data from sentinel surveillance are numerous, offering insights on hotspot source and destination areas, locality-specific vulnerability factors, and ways to improve the targeting and effectiveness of trafficking prevention, prosecution, and protection interventions.

In 2008, UNIAP piloted a sentinel surveillance system at the Poipet-Aranyaprathet border checkpoint between Cambodia and Thailand⁴⁴, whose results demonstrated the powerful findings to be gained from sentinel surveillance. For example, the study documented that 52% of returning migrants who were screened and determined to be illegal migrants were in fact likely to have been trafficked or exploited, with 23% exhibiting clear signs of recent abuse or trafficking according to the screening guidelines detailed above. Instead of being identified as victims and provided with the services and assistance entitled to them under the new Thai anti-trafficking law, they were identified as criminals, temporarily jailed and deported.

How does sentinel surveillance address the anti-human trafficking community's need for more baseline and trend data on human trafficking?

Robust human trafficking data systems allow for regular situation assessments and better mechanisms to assess of the effectiveness of anti-trafficking interventions over time. Integrated anti-human trafficking data systems collect three major types of data, on:

1. Victims and their vulnerability factors;
2. Criminal networks; and
3. The effectiveness of laws and policies.

⁴⁴ Olivie, Andre (2008). Identifying Cambodian Victims of Trafficking Among Deportees from Thailand. Bangkok: UNIAP.

Integrated anti-human trafficking data systems are possible to build using multiple streams of data and intelligence from victims, migrant populations, casework, hotlines and even official trafficking statistics. Sentinel surveillance is not necessarily the single answer to all of these needs, but it does collect information on all three major anti-human trafficking data types listed above and can track trends in exploitation, victim identification and risk factors, as well as prevalence. Data on the effectiveness of governments and NGO interventions can also be gleaned from this data, and is best combined with analysis of real cases and official statistics.

Ultimately, speaking with and understanding the outcomes of real people affected by trafficking is the only way to understand how policies really protect victims in practice – particularly those under-served by existing programmes – and bring their perpetrators to justice.

Human trafficking sentinel surveillance methodology: Poipet 2009-2010

From June to September 2009, UNIAP conducted the 2009 round of Poipet sentinel surveillance: a qualitative-quantitative survey involving interviews with a randomised sample of 400 Cambodian deportees from Thailand as they arrived at the Immigration Police checkpoint at Poipet, Cambodia. Eight Cambodian social scientists (four male and four female) served as data collectors to conduct in-depth interviews with deportees as they arrived in Cambodia, utilising a comprehensive questionnaire specifically designed to identify indicators and risk factors of human trafficking.

To supplement this data collection, non-structured interviews were also conducted with several stakeholders including police officials, government officials of several ministries, and non-governmental organisations that work with returning migrants, particularly in the Poipet area.

THE SURVEY INSTRUMENT

The 2009 Poipet Sentinel Surveillance Survey was expanded from the instrument of the 2008 Poipet Cambodian Deportee Survey, the precursor pilot to sentinel surveillance. The questions in the 2009 survey were a combination of open-ended qualitative questions along with closed/coded quantitative questions. Interviews were conducted in Khmer language by Khmer data collectors using Khmer-language instruments, taking on average 30 minutes to complete each interview. Sections of the 2009 Poipet Sentinel Surveillance Survey include:

1. HOME CONDITIONS

Purpose: Identifying possible vulnerability factors

2. RECRUITMENT, TRANSPORT, HARBOURING

Purpose: Evidence of trafficking vs. smuggling

3. CONDITIONS AT WORK

Purpose: Establishing exploitation

4. ARREST AND RETURN

Purpose: Understanding government and non-government interventions

5. RAPID HEALTH ASSESSMENT

Purpose: Identifying people with immediate needs

6. NEXT STEPS, AND INFORMATION FOR PREVENTION

Purpose: Hearing the voices, needs and suggestions of migrants and victims

Data was entered into SPSS by a bilingual (Khmer-English) statistician, who translated the Khmer-language responses into English as he entered the data into the statistical database. Data was analyzed primarily with SPSS/PASW Statistics 17.0. Statistical modeling approaches are detailed in Annex 2.

Interview set-up at the Poipet Immigration Depot

Interviews with Cambodian deportees were carried out at the Immigration office in Poipet, Cambodia. Poipet was chosen as a research site based on the fact that it is the busiest Thai-Cambodia international crossing point receiving the vast majority of all deportees from Thailand. Interviewing deportees as they arrived was believed to be the most effective method of reaching this population, as deportees usually disperse to different parts of the country almost immediately after re-entry into Cambodia. This population was targeted because it was hypothesized that it contains (as found in the 2008 pilot study) both trafficked and non-trafficked migrants and thus a comparison of the two sub-groups would be able to pinpoint risk factors and protective factors involved in cross-border labour migration. Further, the strengths and weaknesses in victim identification systems that lead to trafficked persons being deported rather than assisted would also come to light.

The Immigration Office proved to be the most practical locale for interviewees. Deportees often head directly to taxi and bus stands after leaving the Immigration Police station and there is little privacy in between those two points. It was ultimately determined that there was greater privacy behind the gates of the Immigration Police Station rather than outside where there were many people. With interviews being conducted at the Immigration Police Station, however, the data collectors had to be mindful that the proximity to immigration officers had the potential to hinder interviewees' willingness to share information. Fortunately, immigration officers agreed to not interfere in or come near any of the interviews and allowed the eight researchers to set up comfortable interviewing stations in air conditioned or breezy areas, with table space for refreshments and personal belongings.

Sampling frame

As previously noted, a June 2010 research report from International Organization for Migration (IOM) in Cambodia proposes an estimate of 248,000 Cambodian migrants in Thailand in 2008.⁴⁵ Of these, Cambodian immigration authorities in 2008 estimated that approximately 130,000 Cambodians were deported from Thailand in that year, or about 52% of IOM's estimated annual population. More than 100,000 of the deportees (77%) were estimated by Cambodian Immigration to return through the Aranyaprathet-Poipet international checkpoint in 2008;⁴⁶ the remainder were deported through the Trat-Koh Kong international checkpoint. Sampling for the 2009 sentinel surveillance was based on these 2008 figures: the sample size was calculated beforehand through an a priori power analysis indicating that 380 or more deportees would need to be randomly sampled and interviewed to ensure that the results and conclusions that could be taken to represent the nature of the larger population of 100,000-130,000.⁴⁷

⁴⁵ International Organization for Migration (2010). Analyzing the impact of remittances from Cambodian migrant workers in Thailand on local communities in Cambodia. Phnom Penh.

⁴⁶ From interview with Phnom Penh Immigration Police.

⁴⁷ Ideally, for an estimated population size of 130,000 and to achieve the statistical power of a 5% margin of error with 95% confidence intervals, a sample size of 384 is required. However, for ethical reasons deportees younger than 16 were not interviewed, so the age distribution of the deportees is not representative.

A sample of 400 interviews were conducted.

Respondents were recruited randomly as they came off Thai immigration trucks in Poipet, between July and September 2009. As deportees arrived at the Immigration Police Station, they lined up to await processing. UNIAP researchers selected a randomised sample by requesting interviews with each third person in line, and sought informed consent by telling prospective respondents that they were interested in hearing about their experiences abroad, and worked for UNIAP and not for the Immigration Police or the government. Further information about the nature of the interview was shared, including that the interviews were voluntary and that respondents could stop the interview at any time and did not have to answer every question. If the person chose to volunteer, the researchers reviewed two additional screening criteria – the respondent had to be aged 16 or older and had to just return from working in Thailand. If the person did not meet the three screening criteria (provided informed consent, aged 16 or older, and just returned from working in Thailand), they were not interviewed and the researchers continued on by counting another three.

2009 statistics of actual numbers of deportees, gathered from Cambodian Immigration and analyzed in early 2010, verify that there were 89,096 deportees received in Poipet in 2009, and only 452 through Koh Kong. Thus the sample size for this study was more than sufficient from the perspective of statistical power.

Limitations

UNIAP tried to predict how the methodology might present limitations to gaining an accurate snapshot of reality.

First, the fact that the deportees were given the free choice to opt out of an interview may have screened out some victims of human trafficking who were too traumatised to speak to strangers about their experiences. However, many clear stories of trafficking and exploitation were collected through this round of sentinel surveillance.

Another consideration is that some returning migrants may have exaggerated while describing their situation in order to make their story more compelling, with the belief that they might receive some benefit from the interviewers. On the other hand, it is also possible that they may have toned down their stories out of fear that the Cambodian immigration officials may be listening in.

Further, the emotional and physical state of the deportees after having just arrived from a long truck ride and anxiety associated with not knowing how they would get home may also have affected their ability to accurately or completely tell their story. Along similar lines, there may have been unreported sexual abuse of men or women because of the shame specifically associated with such kinds of abuse.

Finally, it was hypothesized that the sex of the interviewer and that of the respondent might have affected the response of some of the returning migrants, who might have felt less comfortable speaking about their experiences, and possibly their abuse, to an interviewer of the opposite sex. However, there was no significant difference between the stories of exploitation collected from male deportees by male versus female researchers, or from female deportees by male versus female researchers.

The most significant issue with the methodology is that it only captures deported migrants. Thus, while providing much richer information than available to date, it may not be fully representative of the entire Cambodian migrant population. For example, migrants who are having a positive migration experience with a cooperative employer may be less likely to be exposed to the risks of deportation. Similarly, migrants who are in the worst labour situations with no freedom of movement (i.e. they are locked away in their workplace) would also be less exposed to the risks of deportation. Trafficked victims in some sectors may also be more likely to be identified than victims in other sectors – for example, women and girls in the sex industry.

Criteria for Determining Trafficking Victim Status

In practice, by relevant authorities

Deciding whether a particular person has been trafficked involves an analysis of their circumstances against the laws of the country in which the deportation took place. For the case of Cambodian victims in Thailand, they would be identified by relevant Thai authorities according to the Scope and Elements of Identification of Trafficked Persons described in the previous chapter.

There are several potential opportunities to identify a victim of trafficking. The assessment can be made by the Thai police or immigration officer when an individual is arrested or rescued, by the Cambodian police officer when the person has returned either by deportation or on their own, or by a Thai or Cambodian court. Both Thailand and Cambodia’s anti-human trafficking laws adopt the language of the Palermo Protocol and whichever group is making the determination must use the elements laid out in the Protocol.

Act	Means	Purpose
Is there evidence of recruitment, transportation, transfer, harbouring or receipt of persons?	Is there evidence of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person?	Is there evidence that the purpose of the movement was to exploit the individual? Is there evidence of exploitation?

Table 2.1 | Criteria for the three elements of human trafficking

In the sentinel surveillance interviews and data analysis

The classification of cases in sentinel surveillance for Cambodia-Thailand takes into account the elements of the Thai government's **Scope and Elements of Identification of Trafficked Persons**, with definitions in line with the Palermo Protocol: the Movement, Methods, and Purpose (as illustrated in **Table 2.1**) to determine whether or not the deportee was a victim of human trafficking. Like the Scope and Elements victim identification guidelines, sentinel surveillance classifies cases according to whether they are:

- ✓ Clear trafficking cases,
- ✓ Possible trafficking cases, or
- ✗ Not trafficking cases.

Questions regarding whether the respondent was free to leave their workplace, whether they were paid, or whether they were abused, among others, were critical to the decision of whether the case should be classified as one involving human trafficking. The relationship between the broker and the employer, whether the worker had to pay off the debt to the employer, whether the worker felt cheated or deceived, and the work and pay expectations of the migrant, were also taken into consideration. Where the individual being interviewed had been transferred, recruited or received by means of force or deception which resulted in some form of exploitation, their experience was considered to constitute ‘trafficking’.

Given that a majority of interviewees had crossed the border with the help of a broker, the ‘movement element’ of the Palermo Protocol definition of trafficking was usually met. In cases where the individual was not aided by a broker to cross over the border, the fact that they were ‘received’ by the employer satisfied the ‘movement’ element. In some cases, the individual went with the broker or employer voluntarily, thus force was not applicable as a ‘method.’ Many, however, were deceived about the end point of their journey. Transfer or receipt into an exploitative situation was not part of the agreed deal between the individuals and their brokers or employers. Common junctures where migrant workers encountered cheating or exploitation are summarized in **Figure 2.1**; note that some exploited and trafficked migrants may have encountered only one of these, or several of these in combination.

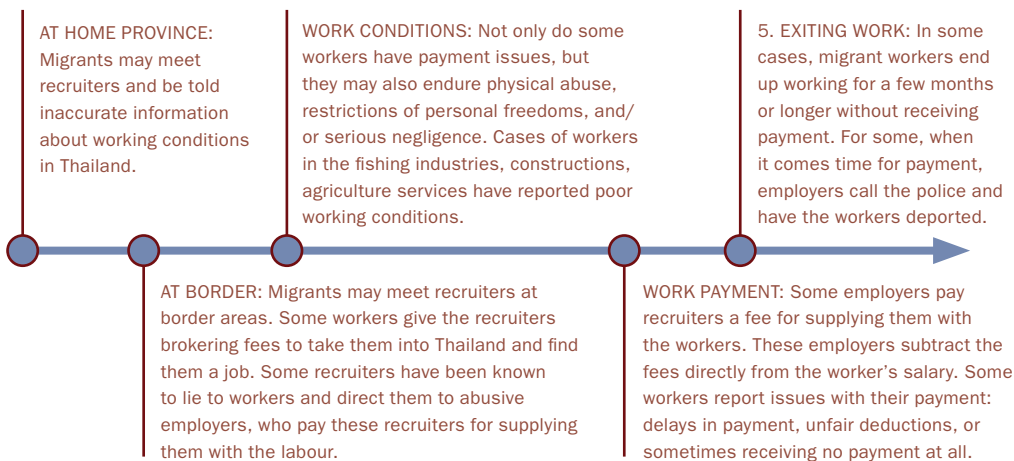


Figure 2.1 | Common junctures where migrant workers may encounter cheating or exploitation.

According to these criteria, and with a focus on the importance of better understanding and suppressing labour exploitation (and particularly the worst cases of labour exploitation), the 400 cases were classified into one of six categories, explained below and summarised in **Table 2.2**. Note that these six categories include the three categories of the Thai victim identification categories (not trafficking, possible trafficking and clear trafficking) in addition to categories identifying non-trafficking cheating and labour exploitation cases and also worst-case trafficking cases.

NON HUMAN-TRAFFICKING CASE CATEGORIES

CATEGORY 1 | No troubles. Migrant was not cheated or exploited, was paid, and was free to leave the workplace at any time

CATEGORY 2 | Cheated but no labour exploitation

CATEGORY 3 | Labour exploitation, but minimal cheating or deception, and the migrant received pay

HUMAN TRAFFICKING CASE CATEGORIES

CATEGORY 4 | Possible trafficking. Indications of cheating or deception into labour exploitation

CATEGORY 5 | Clear trafficking. Clear evidence of cheating or deception into labour exploitation and not paid fairly, such as with unfair deductions or amounts substantially less than that which was promised

CATEGORY 6 | Worst case of trafficking. Cheated or deceived into labour exploitation, with no freedom of movement and no payment at all

Category	Cheated	Labour Exploitation	Restricted Freedom of Movement	Non-Payment
No Troubles	–	–	–	–
Cheated	✓	some	–	–
Exploited	–	✓	some	some
Trafficking or Possible Trafficking	✓	✓	some	some
Trafficking Worst Case	✓	✓	✓	✓

Table 2.2 | Categories of cases as defined using four major criteria: being cheated, labour exploitation, restricted freedom of movement, and non-payment.

Annex 2 details the statistical modeling used for Poipet 2009 Sentinel Surveillance, in particular with reference to these categories of cases, including the factors that increase the risk of people falling into the negative outcome categories of being cheated, exploited, trafficked, or a worst trafficking case.

3 ESTIMATES OF HUMAN TRAFFICKING PREVALENCE

In 2009, among the 89,096 Cambodians deported from Thailand, it is estimated that there were at least 20,492 Cambodian trafficked persons (23% of all deportees).



As noted in the methodology section, the sample is based on interviews with 400 Cambodians deported from Thailand in 2009, a year when the annual number of deportees was 89,096 and the total number of Cambodians working in Thailand was estimated by IOM to be approximately 248,000. The sample is described in [Figures 3.1 and 3.2](#) below.

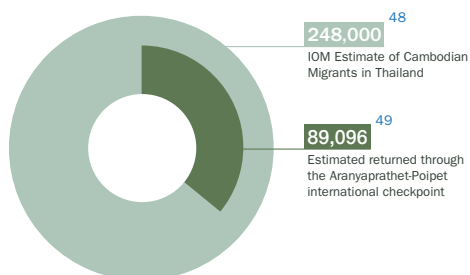


Figure 3.1 | Estimated proportion of Cambodian migrants returned through Aranyaprathet-Poipet checkpoint as deportees.

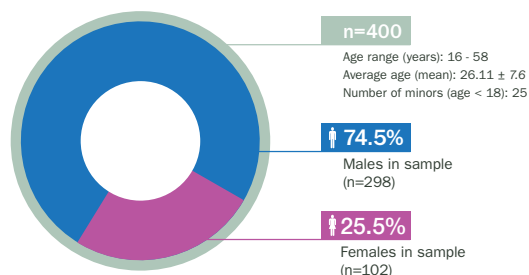


Figure 3.2 | Sex and age distribution of the 2009 Poipet sentinel surveillance sample.

Prevalence of cheating, trafficking and exploitation are summarised in [Table 3.1](#) below, where the 400 cases in the sample were each categorised into the categories described in the methodology section above. Estimated prevalence is based on the population size of 89,096 Cambodian migrants in Thailand deported through Poipet in 2009.

Category	Prevalence in the Sample	Estimate of Prevalence in the Population
No troubles	162 (40.5%)	36,084
Cheated or deceived	198 (49.5%)	44,103
Exploited	132 (33%)	29,402
Trafficking Cases	198 (23%)	20,492
Possible Cases	12 (13% of trafficking total)	2,664
Clear Case	80 (87% of trafficking total)	17,828
Worst Case	37 (40% of all trafficking cases and 9.3% of all cases)	8,286

Table 3.1 | Prevalence of cheating, trafficking, and exploitation in the 2009 Poipet sentinel surveillance sample.

⁴⁸ International Organization for Migration (2010). Analyzing the impact of remittances from Cambodian migrant workers in Thailand on local communities in Cambodia. Phnom Penh.

⁴⁹ Based on Cambodian Immigration records (2010).

Key Finding 1 | In 2009, among the 89,096 Cambodians deported from Thailand, it is estimated that there were at least 20,492 Cambodian trafficked persons (or 23% of all deportees). Of those, 8,286 were worst cases, where migrants were deceived into the worst labour conditions with no freedom of movement and no pay. There was a higher proportion of men among the worst situations of exploitation and trafficking.

Additional context from the interviews showed that 50 Cambodians (12.5%) had no freedom of movement and were not free to leave their workplace. This translates to an estimate of 11,137 Cambodians in Thailand in 2009 with no freedom of movement within or outside their workplace in Thailand and who would end up being deported. Another 119 Cambodians (29.8%), that is, an estimated 25,551 Cambodians in Thailand in 2009, would end up not being paid any money for their labour and deported.

Figure 3.3 provides comparative statistics of the numbers of Cambodian victims of trafficking who received some assistance by the Royal Thai Government in 2009, as reported by the Royal Thai Government.

Figure 3.4 puts the prevalence estimates into the perspective of the IOM estimate of 248,000 Cambodian migrant workers in Thailand in 2009.

For many of the models that follow, the possible trafficking cases and clear trafficking cases are combined into a single group to enable the analysis of risk factors and trafficking patterns for being trafficked.

Figure 3.5 shows the proportions of males versus females in each of the sub-groups of interest – cheated, labour exploitation, trafficking cases (both clear and possible cases), and trafficking worst cases, in order of increasing severity of exploitation. The graph shows that as the situation becomes increasingly severe, the proportion of females decreases compared to males – for example, 36% of all males in the sample are victims of labour exploitation, but only 25% of females are. For clear trafficking cases, 27% of all males in the sample are likely trafficking cases, while for females it is only 13% of all females in the sample. The reasons for this are unclear but would merit further investigation. More discussion of the differential risks of being trafficked according to sex is raised in the following chapter on vulnerability.

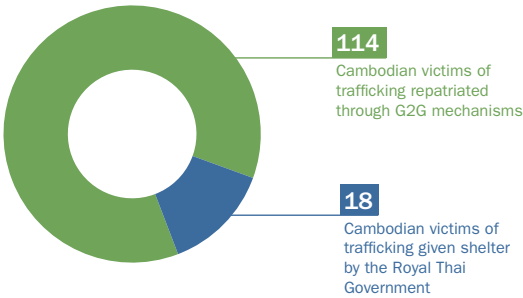


Figure 3.3 | Cambodian victims of trafficking receiving official assistance in Thailand in 2009.

est. 248,000 CAMBODIANS IN THAILAND

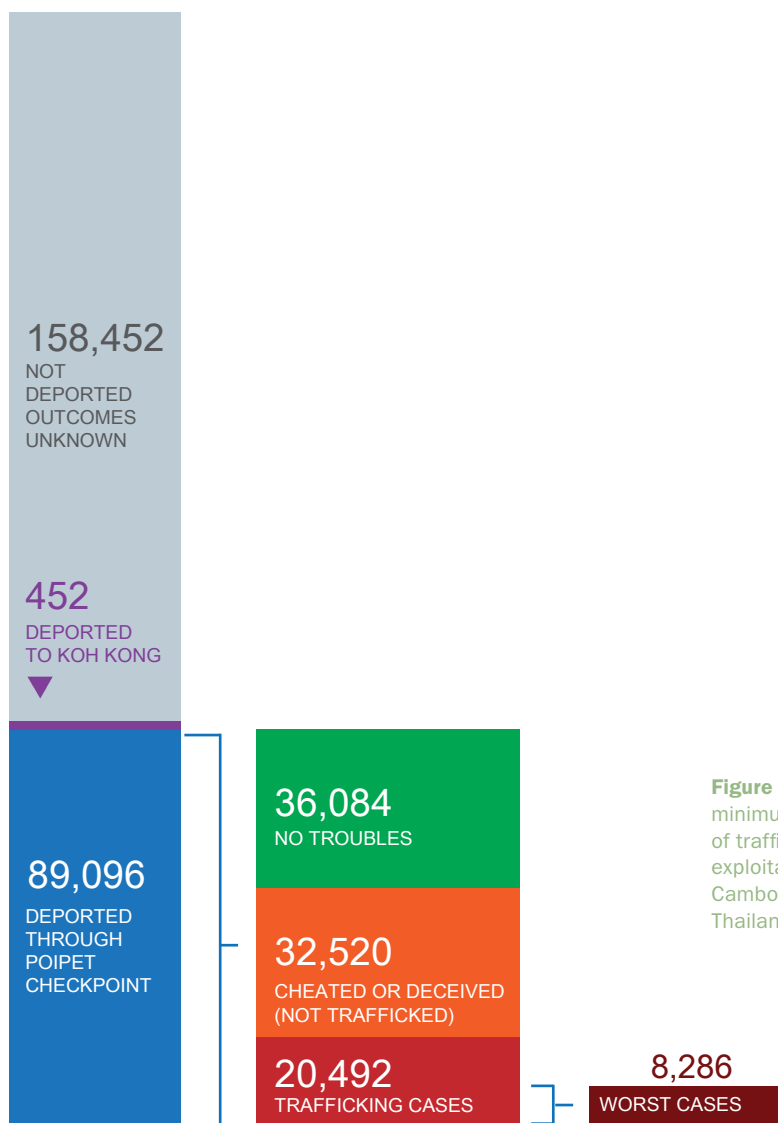


Figure 3.4 | Estimated minimum prevalence of trafficking and exploitation among Cambodians in Thailand, 2009.

It is important to note that these prevalence estimates represent the minimum estimates of the number of trafficked Cambodians in Thailand, since they are based on calculations of Cambodians who are deported through Poipet. As briefly mentioned above, there may be more trafficked Cambodians in or returning from Thailand who could be found within four other sub-populations:

- Those deported through Koh Kong, who are back in Cambodia;
- Those who self-return, who are back in Cambodia;
- Those who are still working in Thailand, in a positive situation or trapped in a negative situation; or
- Those who are still in Thailand, having exited a trafficking situation (perhaps free, in another job, or receiving assistance of some kind).





Figure 3.5 | Proportions of males and females cheated, exploited, and trafficked among the sample of deportees.

Key Finding 2 | Determining whether a Cambodian in Thailand is a victim of trafficking is complicated by a range of factors, including conditions of debt bondage, the amount of time a migrant spent in a workplace and language barriers.

13% of trafficking cases could only be determined to be ‘possible trafficking cases’ based on the information shared in the sentinel surveillance interviews. The economic aspects of migration and exploitation can make these determinations especially challenging. When migrants go into debt bondage to migrate into Thailand, being able to receive a cash advance to pay migration costs and the ability to pay it off over time is often perceived by the migrant in a positive light, enabling the migrant an opportunity to seek a better life which he/she could not have otherwise had. Even if the migrant is entered into sub-standard labour conditions, the migrant may not initially perceive the working conditions to be problematic until more time passes and he/she is subjected to sustained poor working conditions, abuse, or non-payment.

Thus, if migrants in this situation happen to be arrested and screened prior to deportation within just a few days or weeks of beginning work, they may be able to convey only enough information to raise red flags of possible trafficking, but not clear trafficking. This highlights the challenges of screening foreign victims of trafficking. Considering that sentinel surveillance interviews were conducted with migrants in their native language (Khmer) once they returned to their home country, even after a half-hour conversation with the migrant in a non-threatening environment in their native language, 13% of cases were difficult to determine with perfect clarity. Many Thai immigration or police authorities have less time to screen for possible trafficked persons and no resources for screening in Khmer language. In addition, many have not been trained or sensitized to the fact that some unregistered Cambodian migrant workers, including men, may be victims of human trafficking with rights to protection and assistance under Thai law.

Future research needs | Why do Cambodian men seem to be more highly represented in worst case labour trafficking situations than women? The null hypothesis would be that there simply are more men in worst case labour trafficking situations than women, and the measured proportions are representative. One testable alternative hypothesis could be that there are actually more Cambodian females in trafficking situations in Thailand, but they are less likely to be interviewed in Poipet, because (a) they are not able to escape exploitation as easily as males; or (b) they are working in labour sectors with lower rates of arrest and deportation than industries dominated by male labour (for example, sex or domestic servitude). Another testable alternative hypothesis could be that men are more willing to tell their whole story of exploitation and trafficking, for (a) social or cultural reasons (for example, less of a sense of stigma, or more of a sense of having a right to justice); or (b) logistical or practical reasons (for example, less pressure to cut the interview short to tend to children).



Recommendation 1 | Educate Cambodian and Thai front-line responders about their role in identifying and assisting foreign victims of labour trafficking, including men. Providing front-line responders with training and tools for identifying foreign victims of trafficking, including male victims of labour trafficking, would help to address widely-held beliefs that victims of trafficking are only women and/or only sex trafficking victims. These tools should also provide for referral to appropriate services. A key aspect of this training should be how to address cases in which a clear determination cannot be made. There is also a need to ensure that child migrants (under 18 years) are treated in accordance with their best interests, regardless of whether they are determined to be a victim of trafficking. This is an obligation under the United Nations Convention of the Rights of the Child (CRC).

Recommendation 2 | Make legal labour migration channels more affordable, efficient and accessible to prospective migrants. Given the demand for labour in Thailand currently met by undocumented workers, making legal and safe migration options is the only scalable solution to preventing human trafficking for labour. The magnitude of cross-border labour trafficking from Cambodia to Thailand means that identifying, assisting and sheltering every cross-border labour trafficking victim would be impossible. Improving the channels for safe, formal recruitment of migrant labour and ensuring protection of the rights of those workers would be of benefit to Thai employers who would have a more stable workforce, without fear of their workers being deported. These are improvements needed to meet the needs of Thai industry and the growing Thai economy.

4 VULNERABILITY & CRIMINALITY IN CAMBODIA

One of the important aspects of the sentinel surveillance design in Poipet is that it captures both trafficked and non-trafficked persons, thus allowing a comparative analysis to identify true risk factors for trafficking and exploitation.



The large, representative sample size allows for multivariate regression models (linear and logistic) that are rich and show the relationships and interactions between key variables – for example, sex (risk for males versus females), brokers used (how risk increases or decreases according to how many brokers are used), and the interaction between sex and brokers (that is, how people of different sexes use brokers differently).

GIS mapping and multivariate regression models examine the risk of Cambodian migrants ending up cheated, exploited, or trafficked, and additional qualitative information help to shape a richer picture of the decision-making rationales of migrants in Cambodian families. Several key findings about vulnerability emerge (summarized below in **Table 4.1**), including the conclusion that family conditions and education have little impact on trafficking risk, but usage of brokers strongly affects trafficking risk – with risk being twice as high for males due to their usage of brokers, the prices men are willing pay for migration, and the jobs that men can end up in.

COMMUNITY FACTOR		
Location	Most migration and trafficking occurs along the major highways linking Cambodia and Thailand	
INDIVIDUAL & FAMILY FACTORS	Significant risk factor	Not a risk factor
Sex	✓	
Age	✓	
Number of brokers used	✓	
Going into debt to pay migration costs	✓	
Pre-existing knowledge and ideas about Thailand	✓	
Marital status		✓
Years of education		✓
Previous job		✓
Number of dependents		✓
Ill or recently passed away family member		✓
Sibling or child who needs school fees		✓
Forced to go to Thailand by family member		✓
Violence in the family		✓
Recent flood, drought, natural disaster		✓

Table 4.1 | Community, individual, and family factors that increase risk of Cambodians being trafficked to Thailand.

Key Finding 3 | Cambodian men are about twice as likely to get cheated or trafficked as Cambodian women, primarily because the risk of being exploited or trafficked increases 1.5 times for every broker involved, and men use brokers more than women.

Risk of being cheated, exploited, or trafficked, according to sex

The statistical models summarised in **Table 4.2** suggest that men were nearly twice as likely as women to be cheated along their journey and their choice of travel companions (whether friends, family, or brokers) does not make a difference. The conclusion is that Cambodian males migrating to Thailand to work and who ended up deported through Poipet in 2009 had a 63% chance of having faced cheating or labour exploitation, whereas the chance was only 50% for females (that is, 118 out of 298 males in the sample and 51 out of 102 females in the sample met these negative outcomes).

	Male vs. Female	Effects of Travel Companions and Brokers
Risk of being cheated (p=.011; .008)	Men are 1.8-1.9 times more likely to be cheated along the way than women.	Not significant.
Risk of being placed into labour exploitation (p=.03; .05)	No significant difference between men and women.	Risk increases by 1.55 times with every broker involved in the journey from the village to the border, and 1.47 times with every broker involved in crossing the border.
Risk of being trafficked⁵⁰ (p=.023- .036)	Men are 2.1 times more likely to be trafficked than women.	Risk increases by 1.6 times with each broker involved but decreases by 0.8 for every family member travelling with.
Risk of becoming a 'worst case' scenario (p=.042-.05)	No significant difference between men and women.	Risk increases by 1.5-1.7 times with each broker involved.

Table 4.2 | The odds of being cheated, trafficked, or exploited in the journey to Thailand. Risks for migrants according to their sex and who they travel and cross the border with - numbers of family members, friends, other Khmer, and brokers.

⁵⁰ This includes cases classified as both 'trafficked' and 'possibly trafficked,' since the 'possibly trafficked' cases include numerous indicators of deception and exploitation.

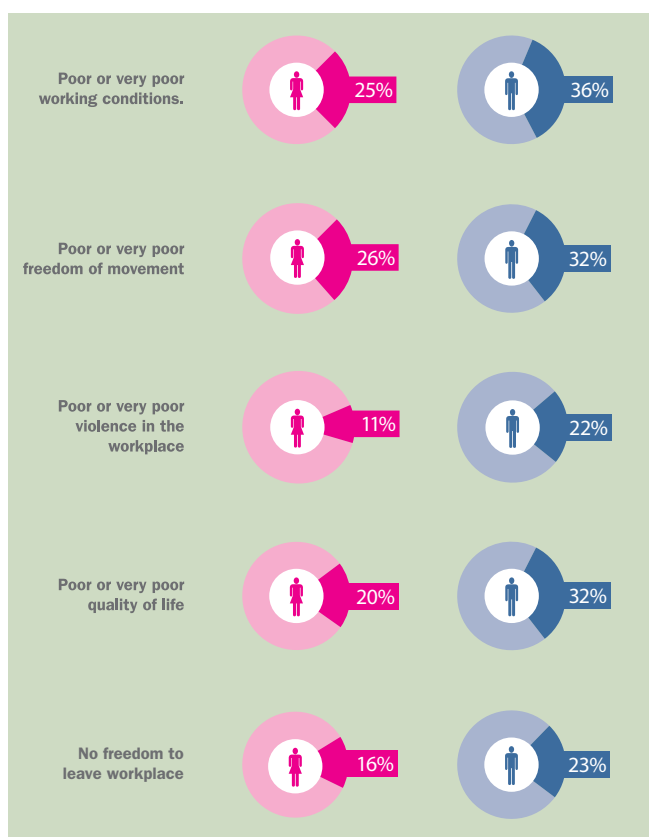


Figure 4.1 | Sex effects: Self-reports of working conditions, violence, exploitation, and quality of life in Thailand.

Men were over twice as likely to be trafficked as women, with risk of increasing by 1.6 times for every broker involved, but decreasing by 0.8 for every family member travelling with them.

Self-reports of working conditions, violence, exploitation and quality of life in Thailand varied substantially between Cambodian males versus females, as shown in **Figure 4.1**. The worse working and living conditions reported by males versus females could be because men really did face worse working conditions than women do. Or, it could be that Cambodian men systematically reported less optimistically than women; there is little further evidence to support this latter statement however.

Another explanation for why deportee men were at higher risk than women is that men sometimes took on more hazardous work than women. While trafficking and exploitation are represented at around 23% and 33% of cases in most industries (agriculture, construction, factory work), as will be explained in detail in Chapter 5, there

were more cases of exploitation than average in the fishing industry (31% trafficked and 44% exploited), which employs only men and boys. It is interesting that the proportions of exploitation and trafficking were the same across most of the other industries. However, within industries (as seen in Chapter 5), men reported more signs of exploitation and trafficking than women.

A Cambodian migrant going to Thailand using two brokers was more than three times as likely to have been trafficked as a migrant who did not use any; a Cambodian migrant who went to Thailand with two relatives was 1.6 times less likely to be trafficked; and males tended to use brokers more than females when they migrated, whereas females tended to migrate with family members.



Gender differences in labour migration costs and using brokers on the Cambodia side

Cambodian men and women tend to migrate in different ways, both from their village to the border and then in crossing the border into Thailand. **Figure 4.2** illustrates how males and females migrate, from the village to the border (left side), and then crossing the border into Thailand (right side). The basic pattern seen is that females tend to migrate with family members, while males migrate with groups of friends. Females and their families may tend to join small groups of other Khmer migrants to reach and cross the border, minimizing the use of brokers. Males and their friends may join larger groups of migrants to cross into Thailand also, and they tend to use at least one if not more brokers in the process.

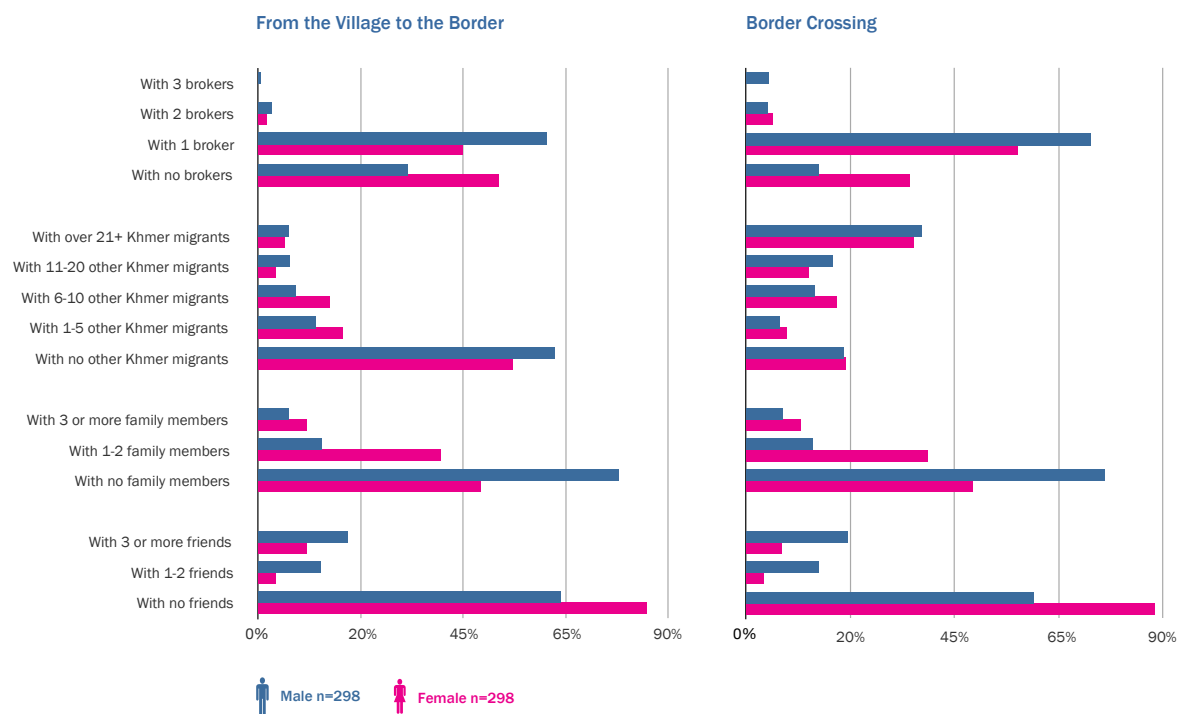


Figure 4.2 | How males and females migrate, from the village to the border (left side), and then crossing the border into Thailand (right side).

Case Study

Who would pay 30,000 Baht for a job in Thailand?

A 24-year-old farmer from Kampong Cham decided to go to Thailand for the first time, to earn money to repay farming debts from farming his parent’s land. He was passed through a few Cambodian and Thai brokers, being promised a job in a factory paying 4,500 Baht per month but racking up a debt of 30,000, as he was trafficked onto a plantation in Chonburi with 34 other Cambodian, Burmese and Thai workers. He was not paid at all, had no freedom of movement, inadequate food, and hard labour. After escaping and being arrested, he was then subjected to forced labour in Sakaew detention centre, cutting and hauling trees.

With regard to costs paid, Cambodian men pay a significantly higher amount on average for labour migration than women do.⁵¹ Men pay, on average, 2,958 Baht, while women pay on average 2,304.47 Baht. The highest amount that any man paid to migrate was 30,000 Baht, while the highest that any woman paid was 5,300 Baht.

Beyond the significantly different amounts that males vs. females pay, it is also interesting to look at who they pay to manage their travel and job brokering, and how they pay. As shown in **Figure 4.3** of the 102 females in the sample, 83 (or 81.3% of females) used their own money (sometimes in combination with money borrowed from a non-broker) to pay for their labour migration into Thailand, without engaging a broker at all. In comparison, only 66.4% of males (198 out of 298) migrated without engaging and paying a broker.

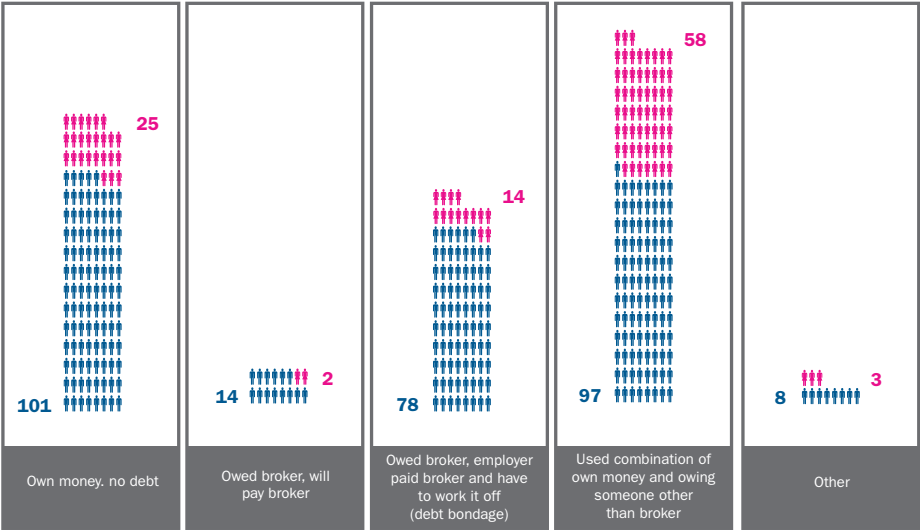


Figure 4.3 | How men and women pay the costs of migration and get into debt.

The more brokers that are involved, the higher the risk of being trafficked or exploited. As seen above, men are at higher risk because they tend to use more brokers and also because they go into higher debt more readily than women tend to do.

The risk of brokers on the Thai side

Upon entering Thailand, males and females also seek and arrange their jobs differently. 49.3% (147 out of 298) of males had their jobs arranged through brokers whom they paid or owed money to, as compared with only 34.3% (35 out of 102) of females. For a sense of comparison, it can be seen that more than twice as many males use brokers to arrange their jobs rather than finding them on their own or through family (147 versus 70), but for females it is about equally split between the number who will use a broker and the number that will try to find the job on their own or through a relative (35 versus 34). This is illustrated in **Figure 4.4**.

⁵¹ ANOVA p=.003.



Figure 4.4 | How men and women find jobs in Thailand.

When examining the outcomes of migrants according to who helped them find their job, including those on the Thai side, it is clear that brokers significantly increase the risk of a migrant being cheated, trafficked, never paid, or becoming a worst case scenario. **Figure 4.5** illustrates this.

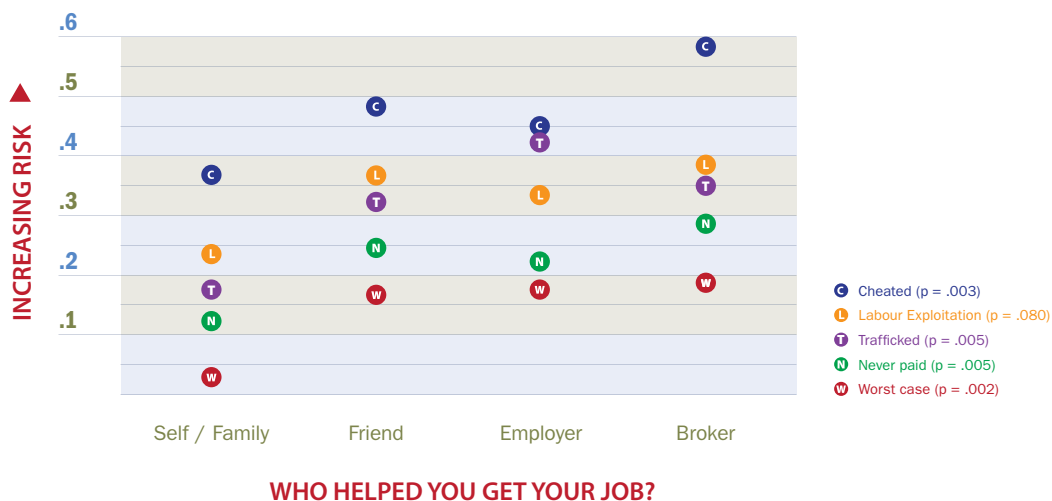


Figure 4.5 | Risk and brokers: Family helps; friends do not, and brokers harm.

One of the risks that accompanies use of a broker is a failure to receive payment for labour. The data shows that there is little difference in the promises of payment made to those who end up being trafficked, and those who do not – essentially, all are promised a job with a salary of around 4,000 Baht per month. The difference lies in what they actually get paid.

Even in cases where the migrant is not exploited or trafficked, they still receive, on average, 672 Baht per month less than what they were promised. Still, this is much better than migrant victims of labour exploitation, who receive, on average, 1,737 Baht less per month than what they were promised, and trafficking victims who receive, on average, 2,432 Baht less per month than what they were promised.

Figure 4.6 presents promised versus actual salaries for Cambodian migrants, with break-outs for trafficked and exploited migrants for comparison.

Recommendation 3 | Educate anti-trafficking responders and policymakers about the realities of gender, vulnerability, and human trafficking. It is commonly stated that the overwhelming majority of trafficking victims in the world or even in Asia are women and girls, based on the overwhelming majority of identified trafficking victims being women and girls. However, the information obtained from this research paints a different picture. The most plausible explanation appears to be that the vast majority of male victims of trafficking are unidentified, due to lack of understanding of labour trafficking and the situation of male victims. This population should therefore be made a higher priority to find and assist.

Recommendation 4 | Refine and make more specific the content of safe migration awareness-raising, particularly to males in hotspot source areas. Specifically address what are known to be the key risk factors, namely usage of brokers and tendency to pay more migration costs and go into debt bondage. Educate prospective migrants (with a focus on men, but also women) of the realistic costs of migration, the realistic earnings they could make, their rights as migrant workers under Thai law, who to call if they are exploited and the chances of deportation if they do not migrate legally. Encourage safe migration only when enough cash is had to be able to pay costs in advance and avoid going into debt.

Another factor relating to the use of brokers which needs further investigation is the connections and modus operandi of brokers. Are they linked to generic transporters who service many employers in a particular area, providing workers as requested by employers? Or do some of the brokers have direct links to and relationships with specific employers who habitually exploit workers? These are critical questions that need to be answered for a stronger criminal justice response to cross-border human trafficking, and one that would benefit not only from research but also information collection and investigation by police as well as labour officials.



Recommendation for investigations and prosecutions | Research and police intelligence collection on the linkages, relationships, communications and financial transactions between brokers, facilitators, transporters and exploitative employers.

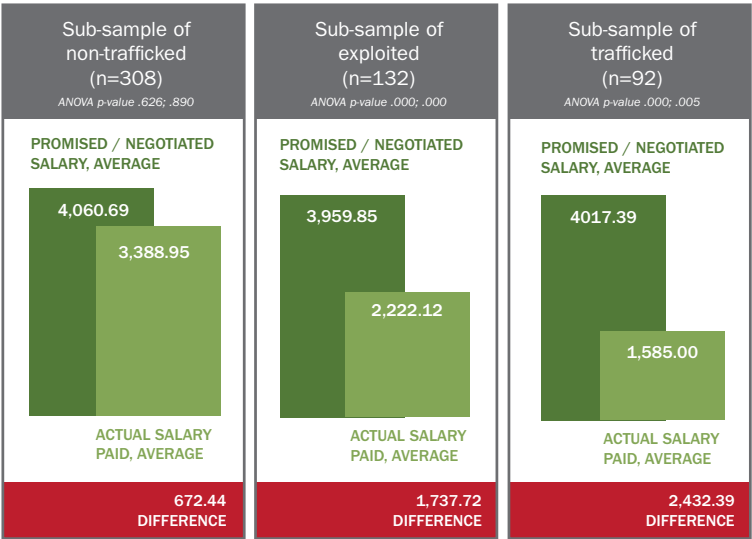


Figure 4.6 | Salaries promised by brokers to migrants versus actual salary received (Thai Baht): comparing non-exploited, exploited, and trafficked Cambodians.

KEY FINDING 4 | Most migration and trafficking occurs along the major highways linking Cambodia and Thailand.

From home village to the border

On the source side – that is, in Cambodia – it is clear that the majority of trafficking cases, like the majority of migration flows more generally, originate from districts along the major highway corridors that run from the south of Cambodia through the centre of the country, entering Thailand in the Poipet/Malai area (please see Maps 4.1 through 4.4). While Cambodia shares an 803 km border with Thailand, border crossings are concentrated in a few key areas: in fact 53.2% of migrants (or 213 out of 400) entered Thailand just through the Poipet and Malai areas of Banteay Meanchey.

Cambodian migrants ending up in agriculture, construction and most labour industries (both exploited and non-exploited) in Thailand came from all along the economic corridor.

“I was cheated out of money by the Khmer broker and I was cheated by my employer because he did not pay me any salary, and hit and threatened me with a gun.”

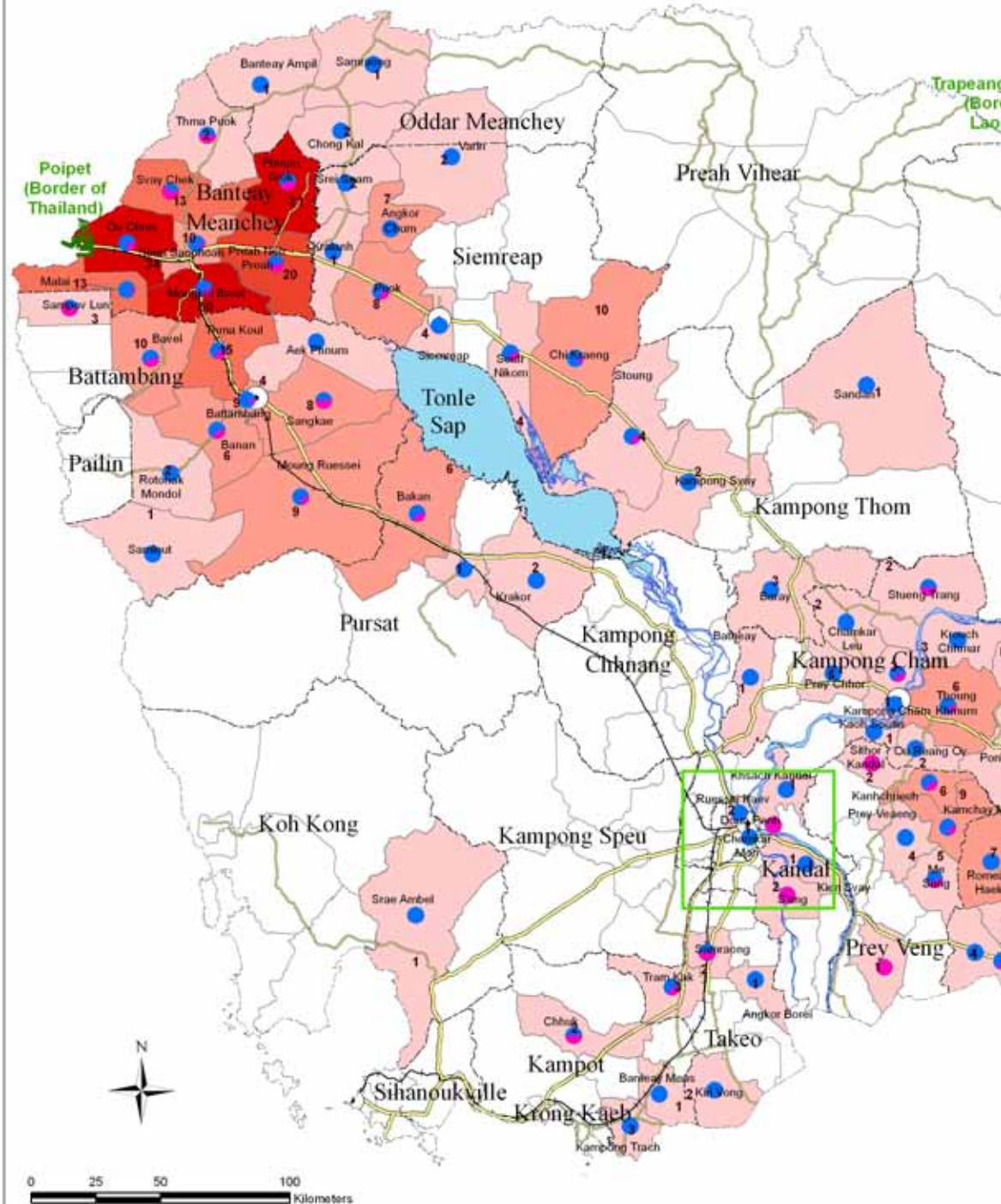
35-year-old male and trafficking worst case on a farm in Prachinburi.

“I was cheated by the employer because he did not pay me any salary, deducting my wage with no reason.”

26-year-old man who worked on a construction site in an unknown location.

Origin District of Cambodian Migrants Reported

Data taken from a sample of 400 Cambodian deportees at the Aranyaprathet-Poipet border checkpoint, June-Aug



Map 4.1 | Origin districts and provinces of Cambodian deportees, by sex.

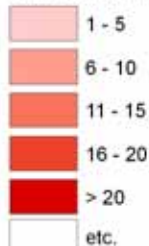
from Thailand

ees at
ust 2009



Legend

Number of migrants



Road type



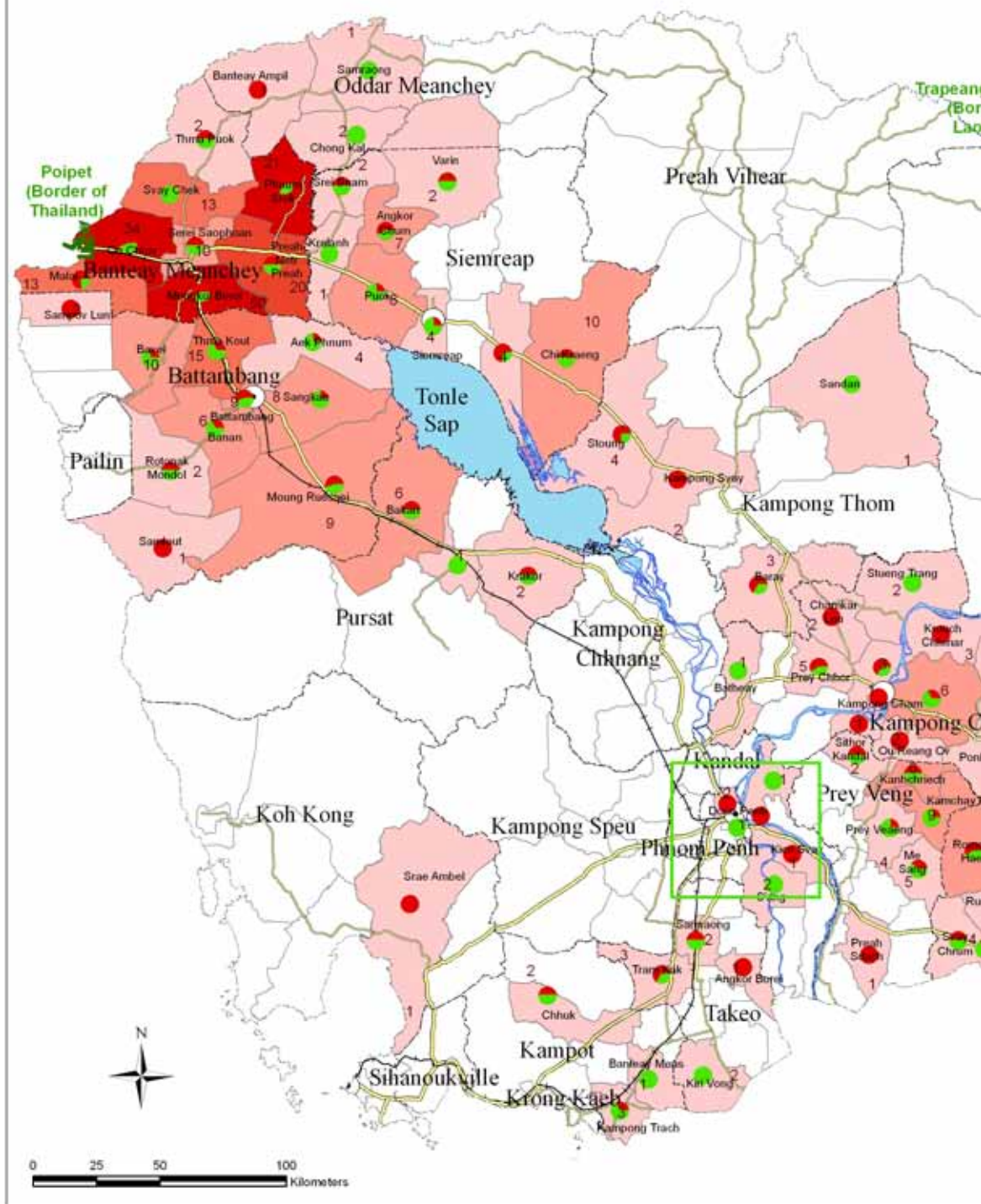
Data Source:
- Migration data from the UNIAF survey conducted in 2009
- GIS Layers from National Geographic Department, Cambodia

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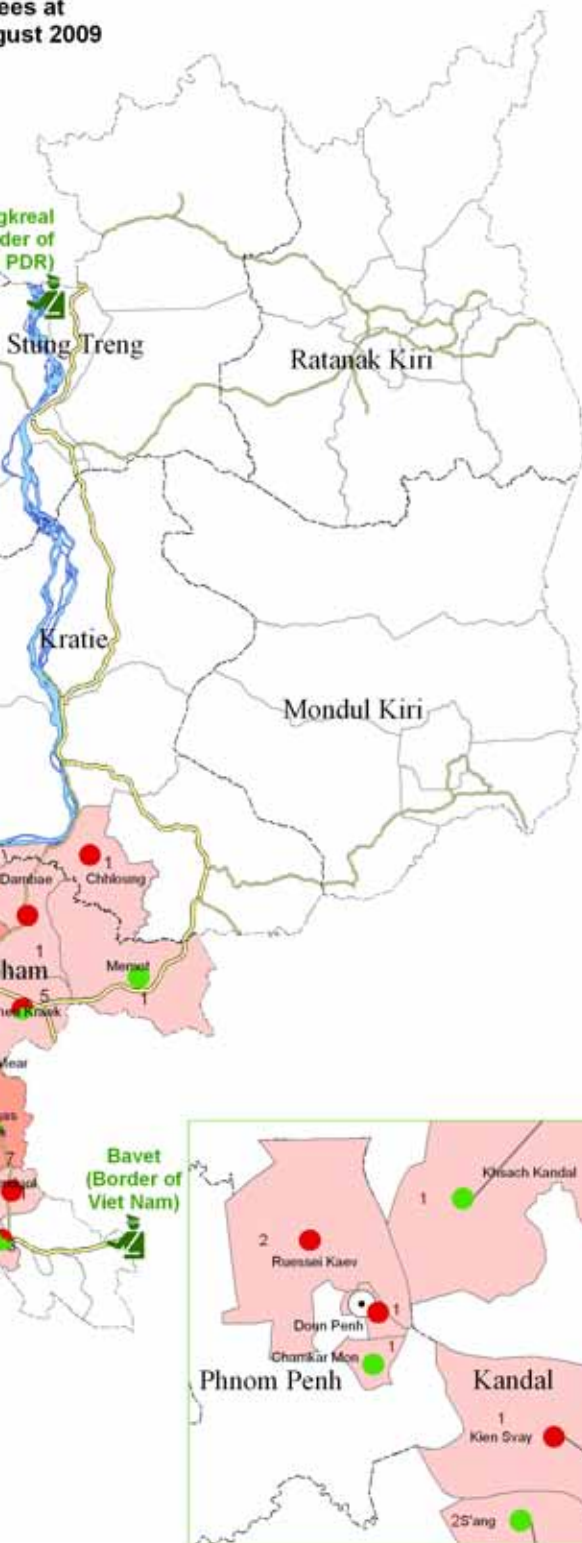
Origin of Migration (who has been cheated) by Dis

Data taken from a sample of 400 Cambodian deportees at the Aranyaprathet-Poipet border checkpoint, June-Aug



Map 4.2 | Origin districts and provinces of Cambodian deportees, according to whether they ended up cheated or not.

ees at
August 2009



UNIAP



Number of migrants



Cheated

Not Cheated



International border point



Provincial boundary

Road type



Provincial Road



Major city

12 Number of migrant

 River (water body)

Data Source

- Migration data from the UNHCR survey conducted in 2009
- GIS Layers from National Geographic Department, Cambodia

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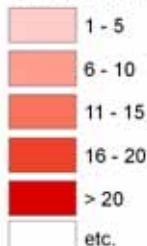
oodia ed labor)

ees at
ust 2009

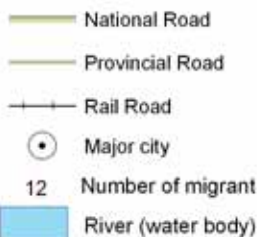


Legend

Number of migrants



Road type



Data Source:
- Migration data from the UNHCR survey conducted in 2009
- GIS Layers from National Geographic Department, Cambodia

Disclaimer

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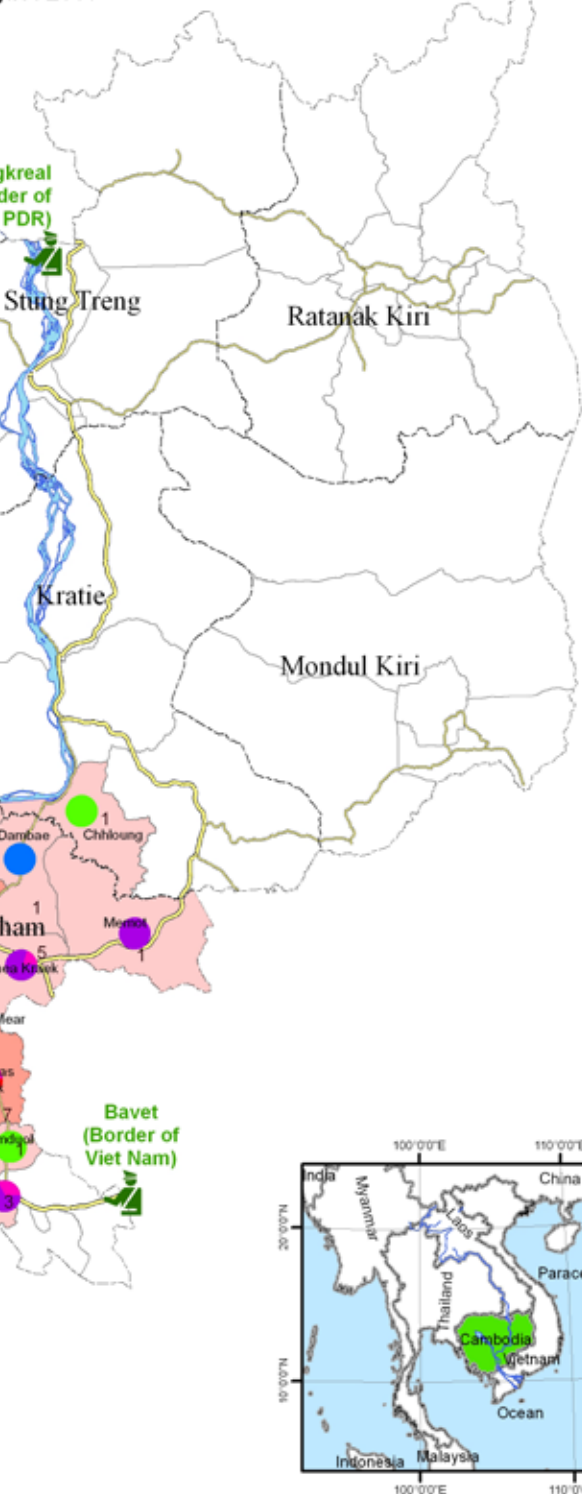
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Data taken from a sample of 400 Cambodian deportees at the Aranyaprathet-Poipet border checkpoint, June-August 2012.



District

ees at
ust 2009



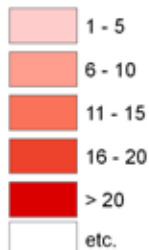
United Nations
Educational, Scientific and
Cultural Organization



UNIAIP
UNITED NATIONS INTER-AGENCY
PROJECT ON HUMAN TRAFFICKING

Legend

Number of migrants



- Agriculture; plantation; livestock
- Construction; manual labor
- Factory work: garment, food, etc.
- Services: restaurant, shop, domestic, etc.
- Fishing boat
- Garbage picking
- Skilled labor: electrician, etc.
- Others



International border point



Provincial boundary



Major city

Road type

National Road

Provincial Road

Rail Road

12

Number of migrant

River (water body)

Data Source:

- Migration data from the UNIAIP survey conducted in 2009
- GIS Layers from National Geographic Department, Cambodia

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From home village to border, especially the fishing boat cases

Interestingly, as shown in the maps, many of the men who ended up on fishing boats came from provinces closer to Phnom Penh. A closer investigation of the broker-trafficker networks that recruited men from the provinces of Svay Rieng, Prey Veng, Kandal and Kampong Cham (refer to **Figure 4.7**) shows that:

- Out of the 298 men in the total sample, 64 (or 21.5%) came from these four provinces of interest. Of the 48 men in the sample who worked on fishing boats, 24 (or 50%) came from these four provinces.
- Broker/trafficker networks from the four provinces of interest appear to be tighter, with significantly fewer connections from the village to the border. No more than one broker was ever used, as opposed to men migrating from other provinces – many much closer to the Thai border than the four provinces of interest – who used up to three brokers just to get to the Thai border.⁵²
- While the number of brokers used was lower on average for men from the four provinces of interest, costs of migration were a bit higher than that paid by men from other provinces.⁵³ However, the actual salaries earned were also higher for men from the four provinces of interest – even higher on average than the promised salary.
- Interestingly, the destination provinces for many men from the provinces of interest were to ports that were not common destinations for other men, such as Prachuap Khiri Khan. Here, the labour outcomes were less exploitative, and the men earned more.⁵⁴

“ I was cheated by the broker because he said that in six days we could earn 8,000 Baht but I worked for 15 days and only got 500 Baht. ”

26-year-old man from Kampong Cham who worked the docks at Phra Phadaeng, Bangkok.

⁵² ANOVA $p=.022$.

⁵³ ANOVA $p=.024$.

⁵⁴ ANOVA $p=.026$.

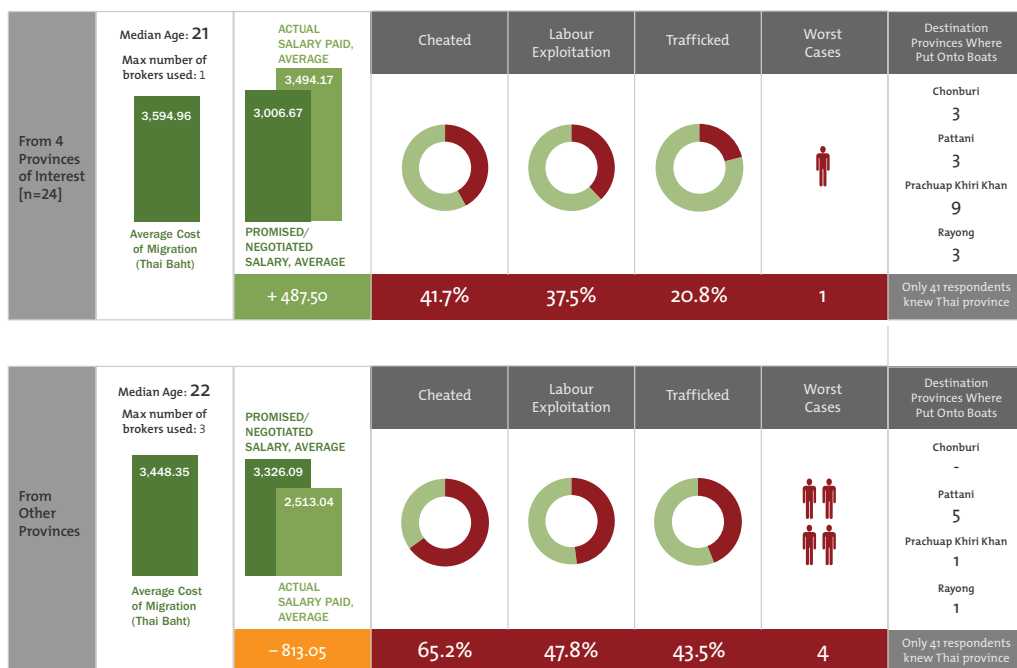


Figure 4.7 | Case profile: Comparing the 24 males ending up on fishing boats from Kampong Cham, Kandal, Prey Veng, and Svay Rieng with those from other provinces (n=48)

Crossing the border into Thailand

Of the 400 migrants entering Thailand, 225 (or 56.3%) only made one transit stop at the border between their origin in Cambodia and destination in Thailand. Of the remaining 175 who crossed into Thailand, 135 made two transit stops and 40 made three transit stops.

The top three border-crossing points – Poipet, Boeung Trakoun, and Malai – are shown in [Figure 4.8](#) and illustrated in [Map 4.5](#). Rong Klua market was another frequently used transiting point for migrants using two or more transit points. Outreach, awareness raising and safe migration assistance may be beneficial in these four localities.⁵⁵

⁵⁵ Map 4.5 illustrates the actual trafficking routes of the 37 worst-case trafficking cases in the sample, and these cases travelled through most of the key hotspot transit sites noted here. For more on the worst-case trafficking cases, please see the Chapter 6 Case Studies: Human Trafficking Worst Cases.

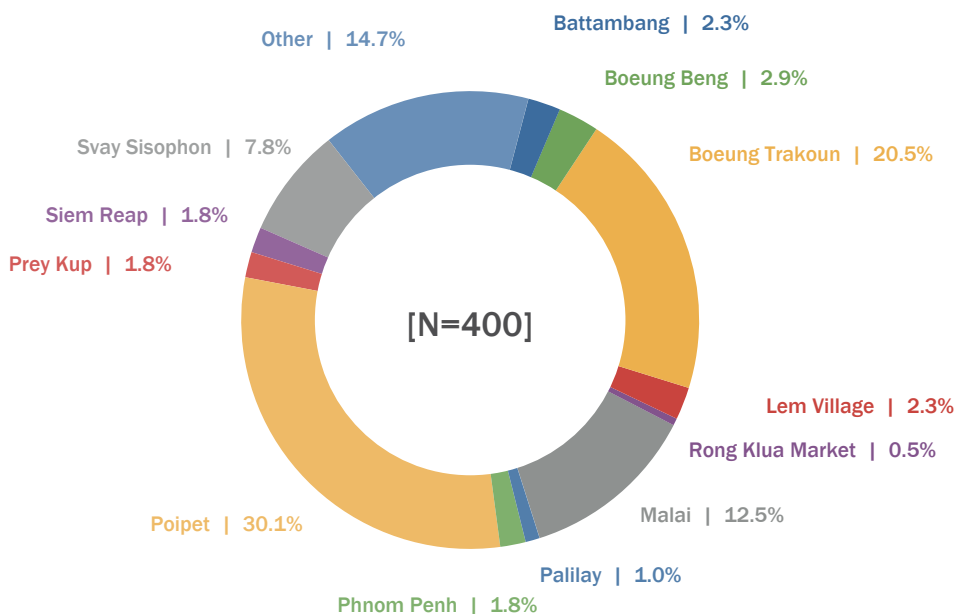
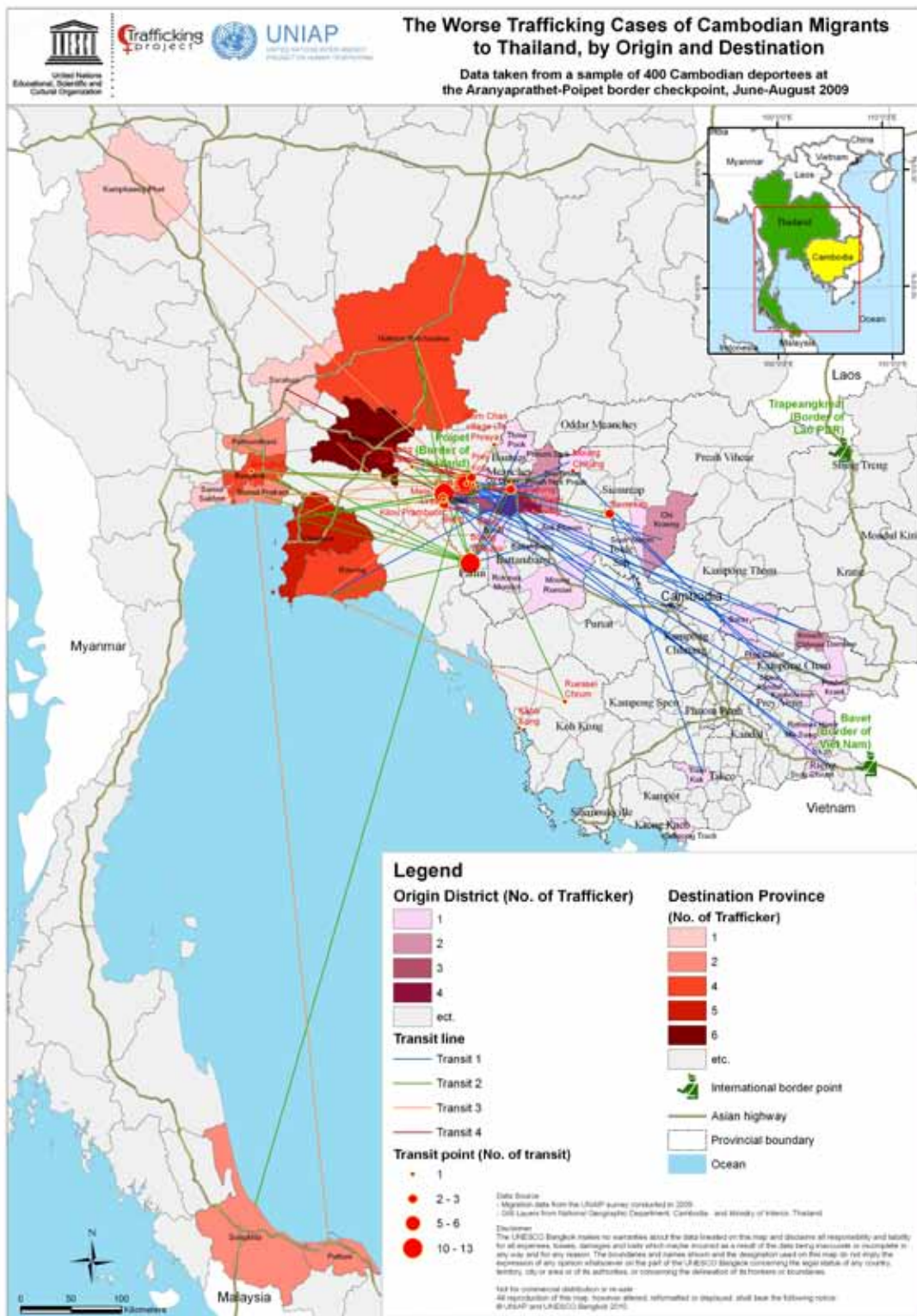


Figure 4.8 | Border-crossing points used by the 400 migrants in the sample.

“The broker deceived me because he told me that working conditions in Thailand were easy, but then he sold me onto a fishing boat with bad working conditions.”

18-year-old male from Banteay Meanchey.



Map 4.5 | Actual trafficking routes of the 37 worst-case trafficking cases in the sample. These cases travelled through most of the key hotspot transit sites noted here. For more on worst-case trafficking cases, please see Chapter 6 Case Studies: Human Trafficking Worst Cases.

Key Finding 5 | Family conditions (such as household wealth) and level of education have little impact on trafficking risk. However, knowledge and attitude do have a substantial impact on risk: an over-optimism about life in Thailand increases risks of being trafficked, to the extent that migrants who had knowledge about labour migration to Thailand but also a sense that jobs and pay would be plentiful were more at risk of being trafficked and exploited than migrants who had no information about Thailand at all.

Migrants at somewhat higher risk were single men, particularly young men. However, many different factors in the family – for example, having an ill or recently passed away family member, or a child or children requiring school fees – were seen in the statistical models to not be significant risk factors for being cheated, exploited, or trafficked.

Being younger in age did increase the risk of using a higher number of brokers in the migration process, which has already been demonstrated to increase risk of being exploited or trafficked.⁵⁶ However, for most of the major risk factors, such as numbers of brokers used or amount of money paid/owed to cross the border and get a job in Thailand, the following factors were clearly not significant risk factors:

- Years of education
- Previous job
- Number of dependents
- Ill or recently passed away family member
- Sibling or child in the household who needs school fees
- Violence in the family
- Recent flood, drought, or natural disaster, and
- Reported spark or reason for migration



Recommendation for safe migration and advocacy programs | Note that the research showed that poverty and many variables describing the family situation are NOT significant risk factors. While migrants and victims may say that they migrated because they are poor, there are many poor people who do not migrate or become trafficked. The real risk factors, as identified by the study, include deception by a trafficker and going into debt along the journey – things that migrants may not understand to have been the real risk factors. Trafficking prevention programs could better prevent harm and reduce trafficking by putting all their resources toward addressing these real risk factors.

⁵⁶ Linear regression $p=.012$; $\beta=-.011$.

One household factor that yielded interesting results was the amount of farmland owned by the family. Though statistical models ended up being only marginally significant, the models indicated that being a bit wealthier – in terms of owning farmland – may lead to an *increased* risk of ending up not getting paid or in a worst case scenario.⁵⁷ For example, worst-case trafficking victims came from households that owned less than half of that, on an average of 8,578.38 m² of farmland, while non-worst case migrants owned an average of 4,022.53 m² of farmland. There was no difference between any of these groups in other negative outcomes related to land ownership, such as having to sell off land to pay debts.

Overall, 76% of the sample owned no farmland and 70% owned no land for a house/residence.

Future research needs | Land ownership and trafficking risk.

The preliminary findings here regarding amount of farmland owned suggested that people owning more land may be more likely to end up in worst case situations; future research on exactly why could be very useful. Also, while there was no connection between owning land and having to sell off the land to pay debts, such outcomes may not occur until after some deportees returned home to face local moneylenders (after interviews occur), so this remains an area of interest that could be explored further. There have already been several key research studies highlighting the significance of land ownership and using land as collateral for migration debts, and the relationship of these phenomena to trafficking risk.



People who had no pre-existing knowledge at all about Thailand before migrating actually fared better than those who did have some knowledge but had only heard good things. Out of the total sample of 400 Cambodian migrants, 61 (or 15.3%) had heard only good things about Thailand before migrating, and then ended up being trafficked.

When examining the effects of pre-existing knowledge and ideas about Thailand among migrants, it was found that having an over-optimistic outlook on lifestyles and opportunities for migrants in Thailand significantly increased risk of being cheated, exploited, trafficked, and never paid. The migrants who were at lower risk fell into two groups: those who had no pre-existing knowledge or preconceived notions about Thailand, and those who had heard good things but also warnings about being cheated or exploited in Thailand.⁵⁸

These findings attest to the need for practical awareness raising in hotspot source areas in Cambodia (along the major highways, as illustrated earlier in this Chapter) about the realities of labour migration and labour trafficking to Thailand, as well as how to minimise the potential risks involved.

Figure 4.9 lists a selection of responses that trafficked migrants provided when asked what their pre-existing ideas of Thailand were, prior to migration.

⁵⁷ ANOVA $p=.081$ for worst case scenarios and $p=.097$ for non-payment cases. All other groups were clearly not significant.

⁵⁸ ANOVA risk of being cheated $p=.010$; risk of being exploited $p=.007$; risk of being trafficked $p=.042$; and risk of never being paid $p=.002$.

“It is hard to access Thailand but the bosses are kind and give salaries on time. It is better in Thailand than it is in Cambodia.”

24-year-old woman from Banteay Meanchey, trafficked onto a construction site in Pathum Thani

“If there are good job opportunities, we can earn 7,000 Baht per month.”

22-year-old man from Battambang, trafficked onto a fishing boat in Samut Sakhon

“I heard that I can earn a lot of money working in Thailand.”

16-year-old boy from Banteay Meanchey, trafficked onto a construction site in Rayong

“They said that if we work on a fishing boat, we can earn money easily.”

24-year-old man from Siem Reap, trafficked onto a fishing boat in Pak Nam, Samut Prakan

“Happy, in Thailand they will not cheat or exploit.”

20-year-old man from Banteay Meanchey, trafficked onto a construction site in Chonburi

“Easy to earn money in Thailand, the work is good and safe.”

27-year-old man from Banteay Meanchey, trafficked into a factory in Ayutthaya

“Working in Thailand is happy.”

18-year-old man from Kampong Cham, trafficked onto a fishing boat in Rayong

“The broker said that working in Thailand is easy and with a high salary.”

30-year-old man from Kampong Cham, trafficked onto a farm to do animal husbandry in Chonburi

“Working in construction can earn a lot of money, it’s a high range salary job.”

25-year-old man from Siem Reap, trafficked onto a plantation in Chonburi

Figure 4.9 | Pre-existing ideas and impressions of Thailand prior to migration, from migrants who ended up being trafficked.

5

THE END POINT OF HUMAN TRAFFICKING: LABOUR EXPLOITATION IN THAILAND

The 400 Cambodian migrants in the survey (including the 92 male and female trafficking victims) ended up in a variety of labour situations in Thailand, from construction sites to factory work to plantation work to seafaring. Each of these working environments presents opportunity for a monthly wage higher than that which can be earned in many parts of rural Cambodia, but they also present different possible health and safety risks, as well as restrictions of freedom of movement and exploitation.



This chapter explores the labour situation for Cambodian migrants in various industries in various parts of Thailand, pinpointing the locations of key trafficking hotspots, as well as exploring the pay, working conditions, threats, control and exploitation that Cambodian migrant workers face in different labour sectors.

KEY FINDING 6 | The locations of labour trafficking hotspots in Thailand.

A clear majority of Cambodian migrant workers – approximately 70% of Cambodian males and 80% of females – ended up working in either agriculture or construction in one of Thailand’s Central provinces. This is particularly prevalent along the economic corridor connecting Poipet with Bangkok and along the coast of the Gulf of Thailand. The remainder worked in services or factories, or in male cases, on fishing boats. See

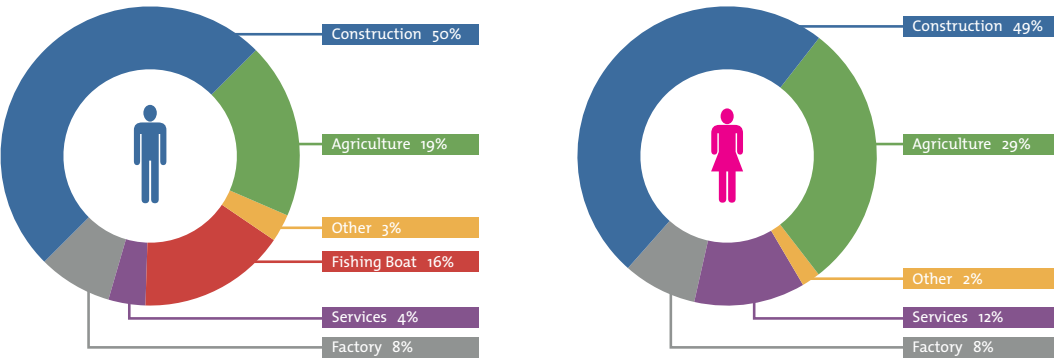
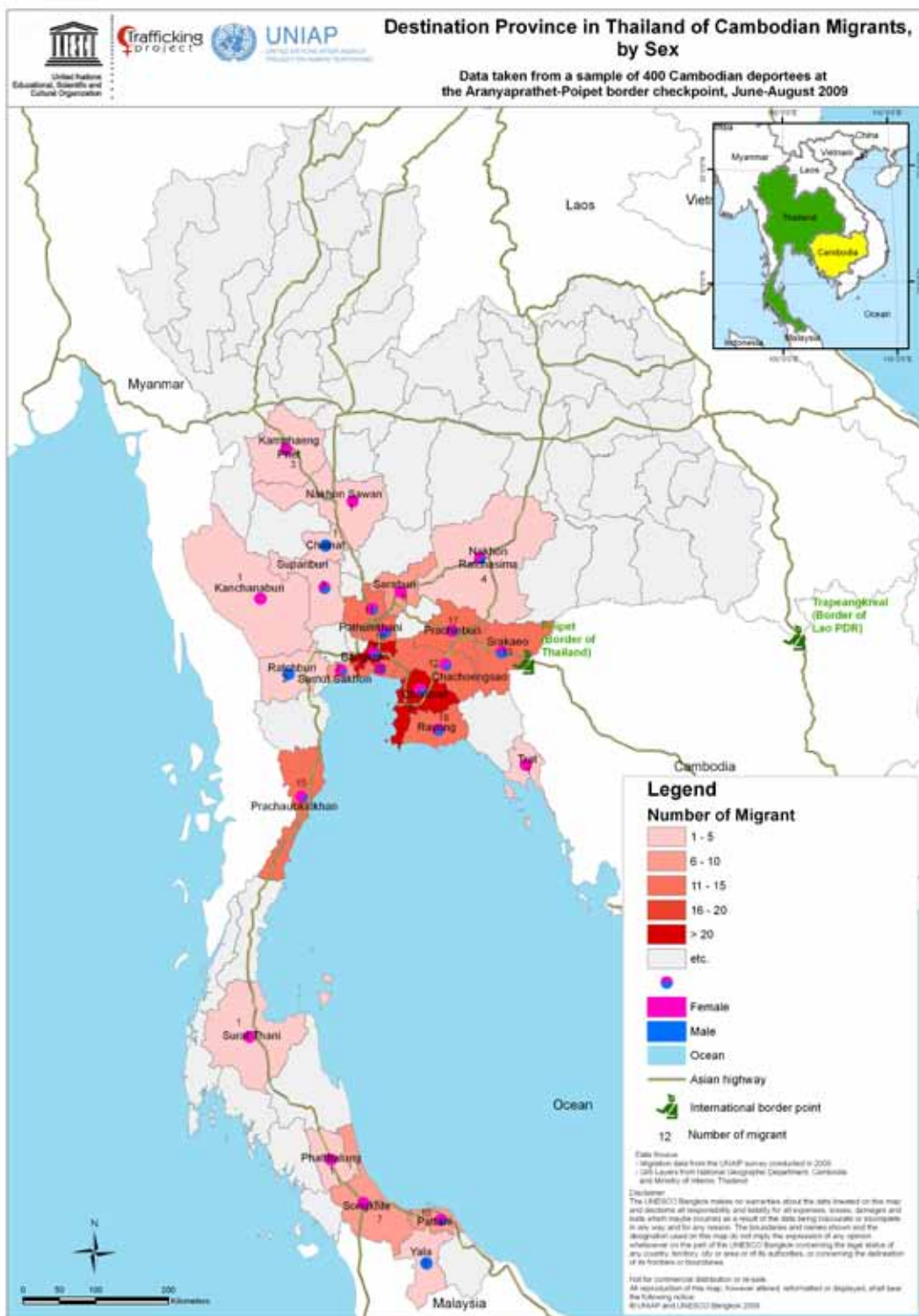
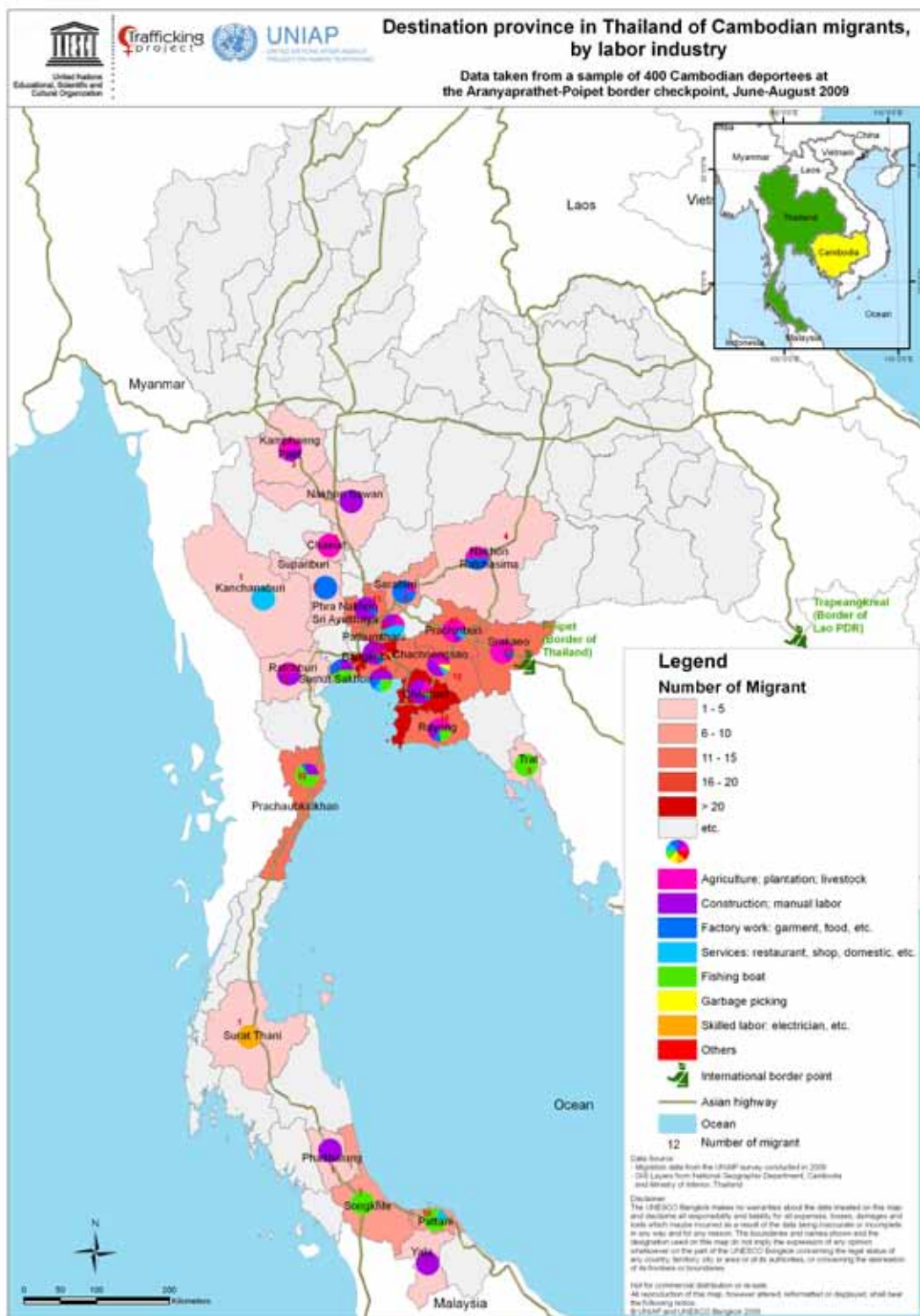


Figure 5.1 | Jobs held by male and female Cambodian migrant workers in Thailand, by labour industry.

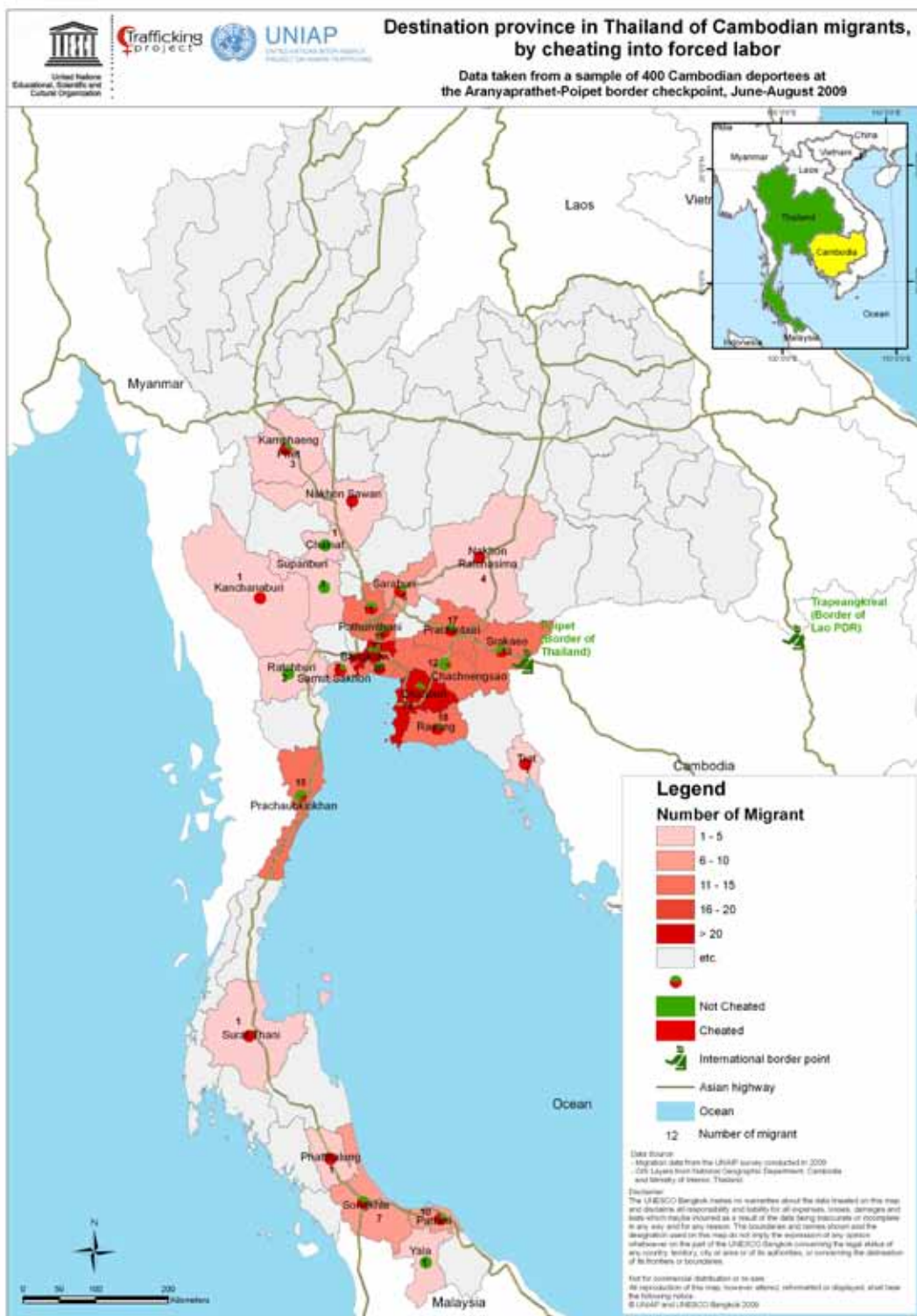
Figure 5.1.

On the destination side, **Maps 5.1 through 5.4** highlight the provinces in which Cambodian labour migrants end up in Thailand. The maps depict labour industries, locations of trafficked persons and provinces using trafficked labour. This information can be used to assist responders with a mandate to find and protect trafficked persons to focus their anti-trafficking efforts in these areas in Thailand, as well as to strengthen the geographic and sectoral targeting of trafficking prevention and outreach programmes aiming to reach migrant worker communities most at risk.

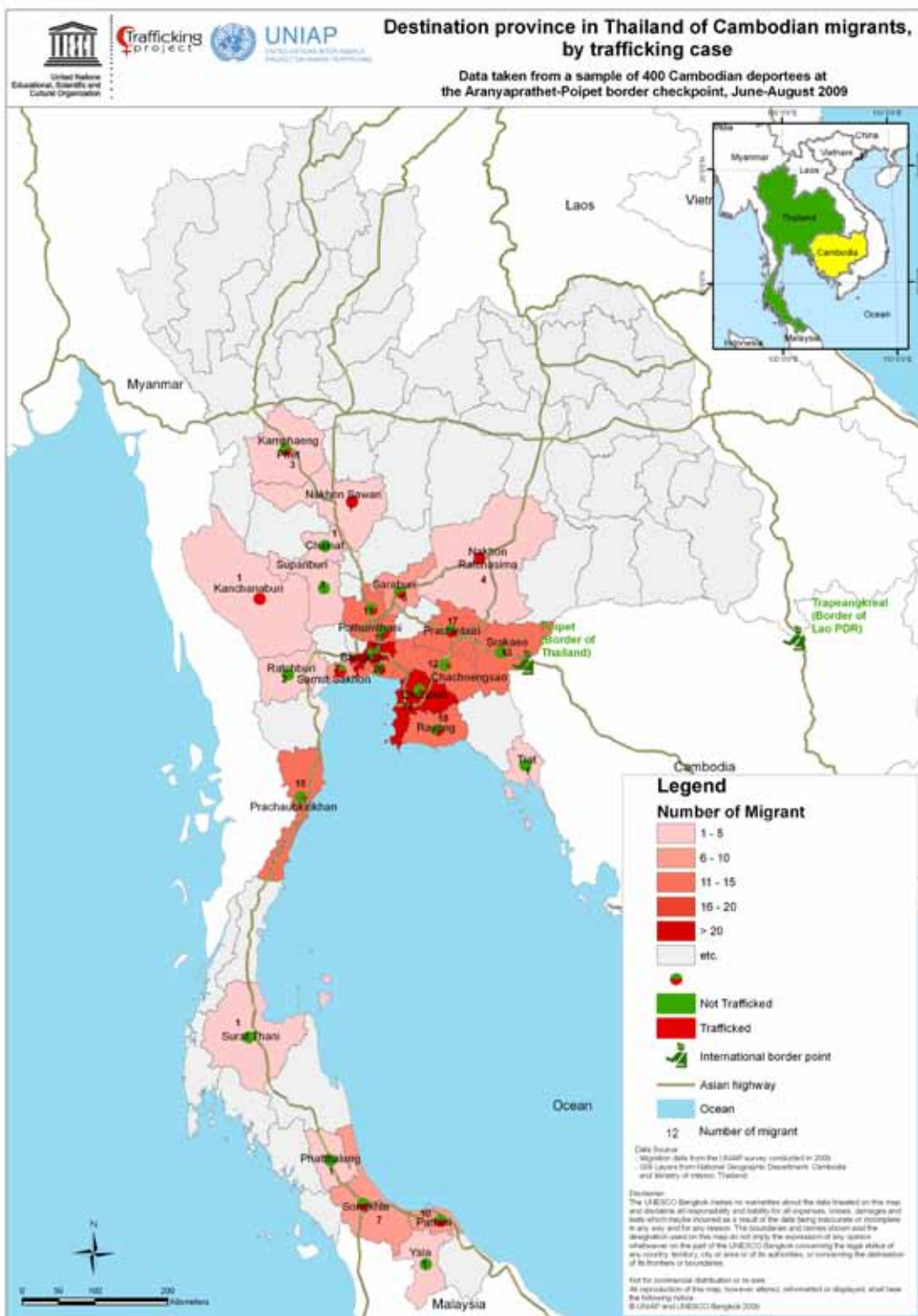




Map 5.2 | Destination province in Thailand of Cambodian migrants, by labour industry.



Map 5.3 | Destination province in Thailand of Cambodian migrants, by whether they were cheated or not.



Map 5.4 | Destination province in Thailand of Cambodian migrants, by whether they were trafficked or not.

Recommendation 5 | Develop Khmer-language outreach, assistance and mechanisms to report exploitation and trafficking cases for Cambodian migrant workers in Thailand. Systems and programs to communicate with, reach, and assist Cambodians in Thailand would strengthen efforts to properly identify more victims of trafficking in Thailand and bring their offenders to justice. While there is a Thai Government anti-trafficking hotline, 1300, it does not have multi-lingual capacity. Anti-trafficking and labour rights NGOs working in these hotspot areas may benefit from increased support for Khmer language programs and outreach. Expanding 1300's multi-lingual capability, or establishing other ways for Cambodians to report cases or request assistance, could increase the information base in support of more prosecutions of offenders, while allowing more victims to be assisted.

Recommendation 6 | Investigate and disrupt broker-trafficker networks involved in human trafficking, starting with the destination exploitation hotspots and labour sectors identified in the maps. Focus investigations and operations on disrupting the broker-trafficker networks that make large amounts of money by recruiting, deceiving, and transporting prospective migrants into exploitative labour situations. Such investigations could be initially based on more detailed accounts from returned or self-returned labour trafficking victims (including in the sentinel surveillance dataset). When one link in the trafficking chain is exposed, more effort should be made to use the information gathered to expose the entire chain.

KEY FINDING 7. Based on the sample, prevalence of labour trafficking of Cambodians deported from Thailand was 23% on average across nearly all labour industries, with the exception of fishing boat labour where approximately 31% of Cambodian fishermen were trafficked.

Prevalence of cheating, exploitation and trafficking

For Cambodian migrants, no industry appears inherently more exploitative than others, apart from the fishing industry.

The study suggests that there are more trafficking and exploitation cases in the male-dominated fishing industry (31% trafficked and 44% exploited on average) than there are in other industries such as agriculture, construction and factory work (23% trafficked and 33% exploited). For all other industries excluding the fishing industry, there is little variation in the proportions of migrants who are trafficked and exploited (refer to **Figures 5.2**).

The corollary conclusion is that apart from the fishing industry, 77% of all cases are not trafficking and 67% of cases do not involve labour exploitation. This suggests that no industry is completely rife with trafficking and exploitation: though most industries have some exploitative businesses, analysis of the 400 cases here suggest that the majority are likely non-exploitative. This highlights the need for targeted law enforcement action against exploitative companies. Such efforts would not only suppress trafficking and exploitation, but improve the reputations of industries where exploitation may be more prevalent and/or publicized, such as the fishing industry and seafood processing, and not place those employers who were acting fairly towards employees at a competitive disadvantage.

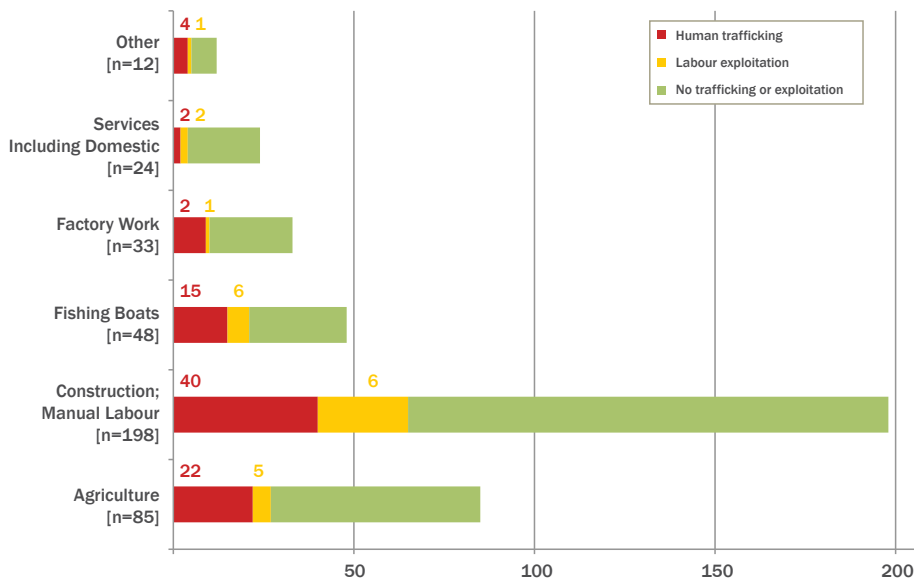


Figure 5.2 | Prevalence of human trafficking, exploitation, and non-payment cases, by labour sector.

Key destination labour sectors: agriculture, construction, and fishing boats

The majority of migrants from Cambodia to Thailand fall into three labour sectors: construction (49.5% of the sample), agriculture (21.3%), and fishing boats (12.0%). In total, 82.8% of the sample worked in these sectors prior to their deportation. More in-depth analysis of the experiences of these sectors can provide a useful framework for understanding broader trends in working conditions and the extent of exploitation.

Additionally, because the working environments differ substantially between construction sites, farms and fishing boats, separating the analysis by industrial sector can build a more clear and specific picture of each of these industries rather than painting a single and less specific picture of the working conditions and risks at destination.

Prevalence of cheating, exploitation, and trafficking in the agricultural sector

Within the full sample of 400, 85 of the cases (or 21.25%) were cases of labour in the agricultural sector, with 65% of the agricultural workers being males and 35% being females. Many types of farming and plantation work are included in this category, including rice farms, fruit plantations (such as coconut, banana and pineapple), rubber plantations and animal husbandry (ducks, pigs, etc.).

In comparing cases of Cambodians working in the Thai agricultural sector against the entire sample and also disaggregated by sex, as in [Figure 5.3](#), it can be seen that while there are only slight differences in rates of labour exploitation, trafficking, and worst-case trafficking overall, once disaggregated by sex it can be seen that rates of exploitation and trafficking of men in agriculture far exceeds the overall average, while that of women is substantially lower than average. Rates of non-payment are higher than average for both women and men.

Prevalence of cheating, exploitation, and trafficking in the construction sector

The majority of the 198 Cambodian migrant workers in the sample were male (75%), similar to the wider population of deportees in the study. Construction sites consisted of 1 to 3,000 workers with an average of 132, with a majority in Bangkok and nearby Chonburi province (with 53 and 55 workers respectively). 55% reported that they had heard only good things about working in Thailand before migrating, such as “working in Thailand is easy with a high salary” or “you can save a lot of money to send home.” Analysis of this group reveals that 64% felt cheated compared to 43% in the group that heard both positive and negative, indicating the need for better information for migrant workers.

The prevalence of trafficking within the sector is representative of the wider sample at 20%. 13 of the worst trafficking cases in the sample came from the construction industry, 12 of whom were male. 55% of the overall male sample reported feeling cheated, compared to 42% among women, which was primarily the result of being underpaid or being promised good conditions and facing hard working conditions on arrival.

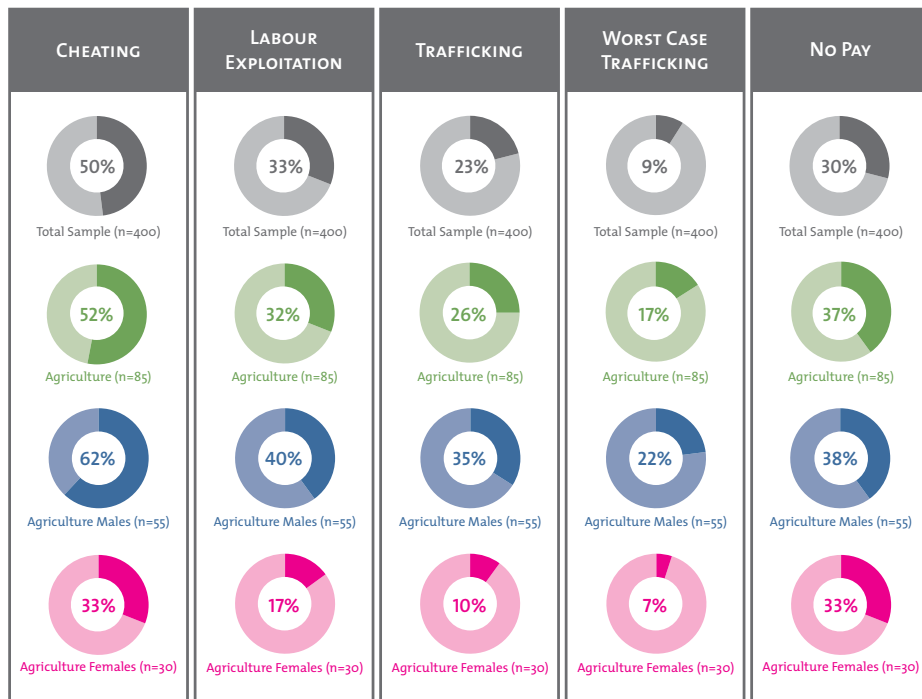


Figure 5.3 | Prevalence of cheating, exploitation, trafficking, and non-payment among agricultural labour cases, disaggregated by sex.

Future research needs | Why are so many more Cambodian men trafficked and exploited in the Thai agriculture sector, compared to Cambodian women?

Some testable hypotheses include:

- That there are actually more Cambodian females trafficked onto Thai plantations, but they are less likely to be interviewed in Poipet because they are not able to escape exploitation as easily as males;
- Men are more willing to tell their whole story of trafficking, or, women may be less willing to tell their whole story of trafficking;
- Men and women do different kinds of labour within the farm/plantation environment, and the tasks done by men are more exploitative than those done by women; or
- Thai plantation managers treat Cambodian men more harshly than they treat women.



As seen in **Figure 5.4**, the prevalence of labour exploitation, trafficking and worst cases of trafficking are slightly lower than that for the entire sample, though cheating is slightly higher (51%). Cheating, labour exploitation, trafficking and worst cases of trafficking, were significantly more prevalent among the deported male construction workers than among females, while non-payment occurred at a comparable prevalence of approximately 30%.⁵⁹

Prevalence of cheating, exploitation, and trafficking on fishing boats

48 of the sample (12%) had worked on fishing boats in Thailand and most of this group intended to undertake such work, however 10% had expected work in the construction sector. Work on the boats is known to be difficult with little time for sleep and knowledge of these conditions deters local workers. The informal nature of the work on the boats is generally conducted without written contracts, which puts workers at risk of exploitation and non-payment of wages, compounded further by the remote location of the work, away from authorities and offering little chance for escape. Key destinations for this sample were the provinces of Prachuap Kiri Khan, Songkhla, Pattani, Rayong, Samut Sakhon, Samut Prakan, and Chonburi, within which, Pattani, Songkhla, Samut Sakhon and Samut Prakan had a higher concentration of trafficking victims.

Returnees from fishing boats originated from provinces across Cambodia, however, half were from the four provinces of Kampong Cham, Svey Rieng, Prey Veng and Kandal, which saw the more vulnerable migrants generally, destined for more exploitative labour conditions. Interestingly, migration that led to work on fishing boats suggested a contrasting pattern to the wider sample regarding cheating and exploitation to the wider sample, which may be inferred from a focus on the 52% who felt cheated at some

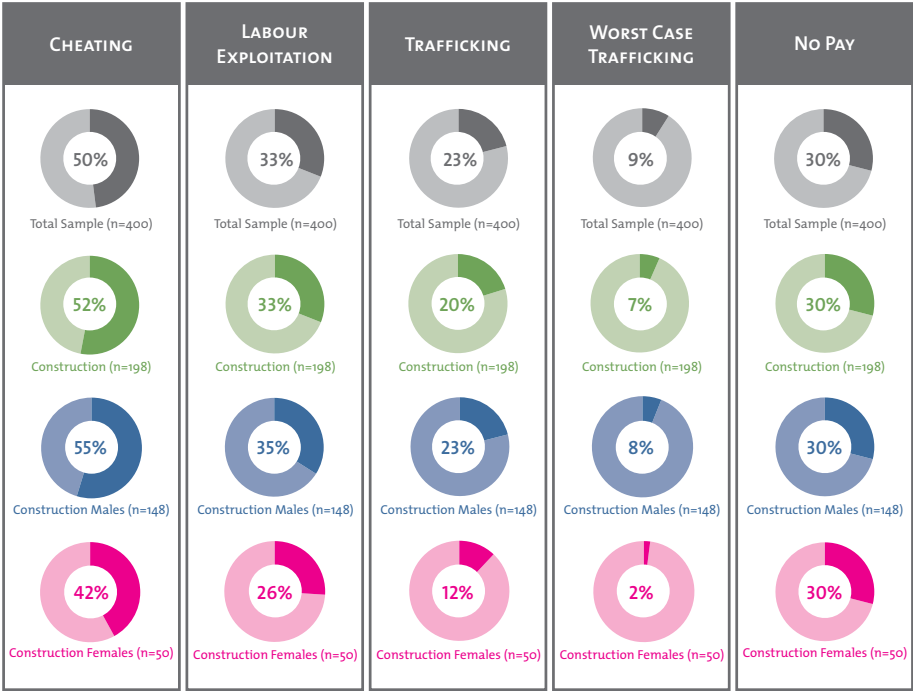


Figure 5.4 | Prevalence of cheating, exploitation, trafficking, and non-payment among construction work cases, disaggregated by sex.

point in their migration or recruitment. For those from the four provinces destined to work on fishing boats, 10 out of 24 (approximately 40%) felt cheated, while for those from other provinces, 15 of 23 returnees felt cheated (approximately 60%).

Feelings of deception ranged from the type of work that was being offered and the working conditions described by the broker, to the employer not paying the wages that were initially stated. In extreme cases, returnees reported in ways such as, “I was cheated by the employer; the broker and the employer sold me to another employer,” and for one worker who had been on the boats for two years, “I was cheated because when I asked for salary, they didn’t give it to us. I’m angry with the broker because he sold me to the employer and took the money instead of giving to us”.

Working conditions

Overall, working conditions were assessed by examining a variety of scale rating measures where respondents rated the following on a scale from 1 to 5 (1 being ‘very poor’ and 5 being ‘very good’): perceived safety of work, attitude and treatment of boss, working conditions, freedom of movement, levels of violence in the workplace, policies and allowances for illness and sick leave, availability and quality of food and water, freedom of movement and overall quality of life. Because workplaces can vary considerably between labour sectors working conditions are best discussed disaggregated by industry.

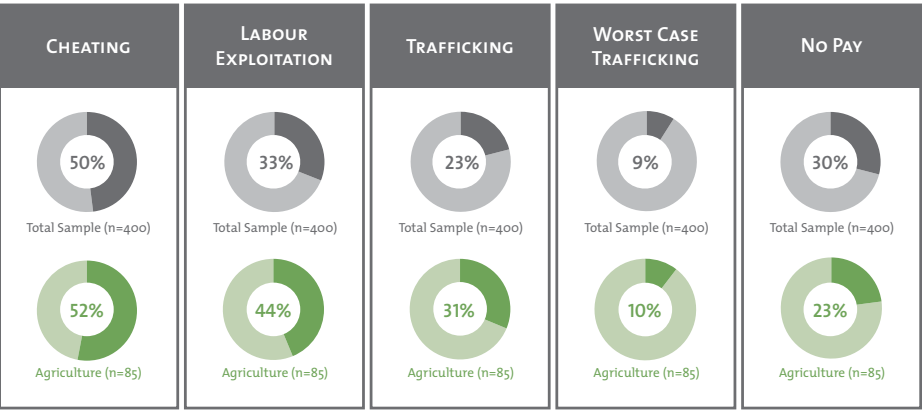


Figure 5.5 | Prevalence of cheating, exploitation, trafficking, and non-payment among fishing boat workers.

⁵⁹ Due to the sample sizes however, this finding is statistically robust. ANOVA $p=.12$ for being cheated $p=.23$ for labour exploitation, and $p=.09$ for trafficking.

Working conditions in the agricultural sector

Among plantation and farm workers, there were stark differences between the self-rated experiences of those who were trafficked compared to those who were not, as illustrated in **Figure 5.6**, including larger differences in the attitude and treatment by the boss, working conditions, freedom of movement, and overall quality of life. There were lesser differences in the safety, food and water, and workplace violence for trafficked versus non-trafficked cases onto farms.

In order to understand where more exploitative cases may be geographically distributed, cases were also divided according to the Thai province in which they were located, with more in-depth case analysis to understand the conditions on different types of farms and plantations. Case analysis revealed that some of the worst cases came from:

- A pineapple plantation in Rayong
- Fishery ponds in Prachinburi
- Corn farms and orange plantations in Prachinburi
- A kokedama farm (Japanese bonsai moss balls) in Korat

Working conditions in the construction sector

Among construction workers, there were some differences in the experiences of those who were trafficked versus those who were not, particularly in working conditions and to a lesser extent in the attitude of and treatment by their boss, as seen in Figure 5.6. For other factors, such as holiday/leave policy, food/water, and safety, the differences were actually more slight.

Case analysis to identify where the more exploitative cases of the 198 construction work cases were geographically distributed found that 54.5% of all construction workers worked in Bangkok (n=55) or Chonburi (n=53), with lesser numbers (n=10 or less) in the central provinces of Ayutthaya, Chachoengsao, Pathum Thani, Samut

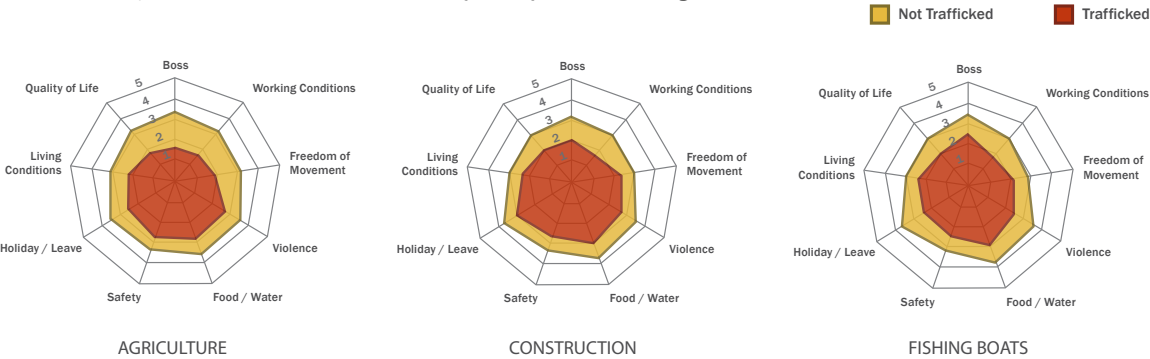


Figure 5.6 | Self-ratings of various aspects of working conditions for Cambodian migrant workers by labour sector, both trafficked and non-trafficked.

Prakan, Prachuap Khiri Khan, and Rayong. The case analysis suggests that working conditions, freedom of movement, and overall quality of life are generally sub-standard in Bangkok, while the attitude of the boss, working conditions, and overall quality of life were lower in Chonburi cases.

Working conditions on fishing boats

Among fishing boat workers, when comparing trafficked versus non-trafficked cases there were clear differences in working conditions, attitude of boss, freedom of movement, and quality of life, as seen in [Figure 5.6](#). For all cases, working conditions, living conditions, and freedom of movement were reported as sub-standard (i.e., rated below a '3').

In-depth case analysis suggests that violence in the workplaces was considerable. For workplace safety, violence in the workplaces, and overall quality of life, fishing boat cases who originated from the four key source provinces of Kampong Cham, Kandal, Prey Veng, and Svay Rieng that ended up on boats in ports such as Prachuap Khiri Khan, Chonburi, and Rayong (as discussed on page 62) had higher scores overall – that is, better safety, less violence, and better quality of life. It is interesting to note that, from these four source provinces that see some of the highest vulnerability to trafficking overall, a different pattern of migration into the Thai fisheries sector emerges, indicating possibly lower risk to trafficking along these specific migration routes into the fisheries sector.

Those destined for boats in Pattani, Rayong, Samut Sakhon, and Trat reported feeling cheated more often than those destined for boats in Prachuap Khiri Khan, Samut Prakan, and Chonburi – with no cases of cheating onto Chonburi boats. It is important to note here that this sample, being based on deportees, would see an under-representation of men working on long-haul fishing boats (for example, going out to sea for a year or more) and so these results would not apply to long-haul boats out of these ports (for which numerous cases of trafficking onto long-haul fishing boats have been documented).⁶⁰

Threats, control, violence and restriction of movement

Different working environments require different means of control, for workplaces using exploited and trafficked labour. Considering the open and large environment of many farms and plantations, the means of control and restriction of movement are expected to be different than those found in a factory compound, construction site, or fishing boat.

Threats, control, violence and restriction of movement in the agricultural sector

The most prevalent means of control were threats by guards and supervisors, which occurred in 26 of the 85 agricultural labour cases (30.6%). When comparing trafficked versus non-trafficked agricultural labour cases (22 out of 85 were trafficked, or 25.9%), it was found that only 17.5% of the non-trafficked agricultural labour cases were subjected to threats, while 68.2% of the agricultural workers who were actually

trafficking victims were controlled by threats.

Many of the typical means of restriction and control were nearly absent in the agricultural labour cases, including the trafficking cases. Only 10 out of 85 agricultural cases (or 11.8%) had workers restricted by fencing, while only 2 out of 85 (2.3%) were restricted by being locked in or having to request permission to leave, both of who were trafficking victims. Only 1 of 85 reported restriction through the withholding of documentation, or by CCTV (closed-circuit television cameras), and none were restricted by having to make payments to leave. 4 out of 85 (4.6%) of those who turned out to be victims of trafficking were guarded by armed guards.

Threats, control, violence, and restriction of movement in the construction sector

As with the agricultural sector, the most prevalent means of control on construction sites was through threats by guards and supervisors – but this was reported in only 22% of the 198 construction work cases, as opposed to 31% of agriculture cases. 15 construction workers (or 8%) reported that they worked under the supervision of armed guards and a further 13 (or 6.6%) reported that their movements were restricted by fences and/or locked doors. In 8 cases (or 4%), CCTV cameras operated at the workplace and in only 1 case a worker had identity documents withheld.

Threats, control, violence, and restriction of movement on fishing boats

On fishing boats, there was a much lower reported prevalence of being controlled by threats by guards and supervisors (only 6 of 48 cases, or 13%), however the general limitations of freedom of movement are evident from simply being stuck on a boat at sea. Still, 10% reported CCTV as a restriction on their freedom. Those returning from Samut Prakan reported high levels of restrictions on freedom of movement, while those from other provinces, for example Rayong and Trat, did not indicate this to be as much of an issue.

The fishing boat cases in this sample were on relatively short-haul boats, where approximately 30% of the sample has worked on the boat for one month or less, and 50% less than two months. Thus, as noted above, these results do not include the cases that a sampling of deportees would be unlikely to capture – that is, workers on long-haul fishing boats that have little to no chance of being arrested and deported while at sea.

Financial controls and exploitation: payments and deductions

Within the sample, 30% (119 cases) did not receive any payment for their work. The prevalence of non-payment varied somewhat by labour sector, as seen in [Figure 5.7](#).

64 (54%) of these cases endured exploitative labour conditions, while the remaining 46% did not actually experience poor labour conditions. The majority of these had been working for a relatively short period of time: only 19 (or 16%) of the 119 non-payment cases worked for longer than three months without receiving payment for their work.

⁶⁰ UNIAP (2009). SIREN CB-03 Exploitation of Cambodian Men at Sea: Facts about the Trafficking of Cambodian Men onto Thai Fishing Boats. Bangkok.

There is a concerning pattern in some of these non-payment cases where soon after workers request payment, immigration or police authorities come to the workplace to arrest and deport them. In some of these instances, the worker is able to describe clear signs of collusion between the employer and authorities.

The pattern of deductions and the amount of salary that was paid to Cambodian workers varied according to labour sector as well as the sex of the worker, as illustrated in [Figures 5.8 and 5.9](#).

Financial controls and exploitation: payments and deductions in the agricultural sector

On average, Cambodian agricultural labourers both male and female received substantially less salary per month than that which had been promised by brokers or by the employers themselves. Actual salaries earned in the agricultural sector are also substantially lower than the salaries earned in the other labour sectors, as seen in [Figure 5.7](#) and by comparing to the average monthly salary earned for the entire sample of 2,973.35 Baht.

Payments were made on time for 52.9% of farm labour cases, more so for female Cambodian farm workers (63.3%) than reported by male farm workers (47.2%). Rates of non-payment are higher than the full-sample average (36.5%) for both male and female farm workers.

Of the 85 workers in the agricultural sector, 39 (or 45.9%) had some deductions taken from their monthly salary. 5 of the 39 had their entire salary taken in the form of deductions, but 4 of these worked less than two months before being arrested and deported, so many of these deductions went to pay broker fees. In general, deductions from the salary of Cambodian farm workers were reported to pay for the following:

- 19 out of 39 (48.7%) had deductions for food

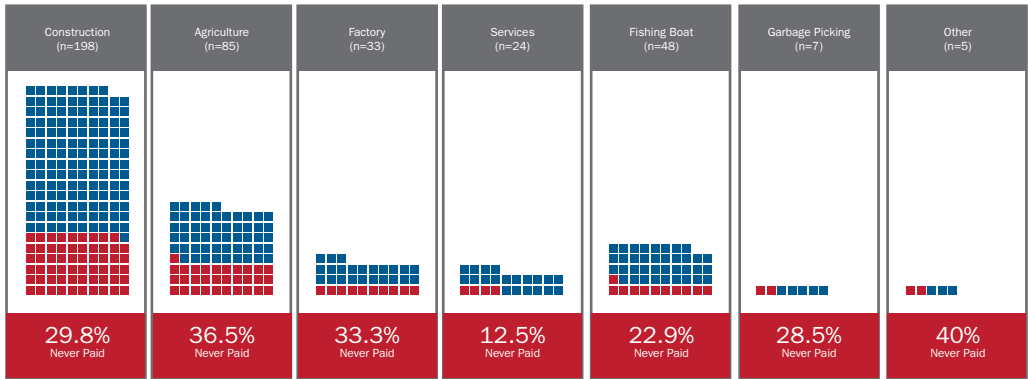


Figure 5.7 | Prevalence of non-payment to Cambodian migrants, by labour sector.

- 18 out of 39 (46.2%) had deductions for broker fees
- 12 out of 39 (30.8%) had deductions for police fees
- 8 out of 39 (20.5%) had deductions for electricity fees

A few other cases had other deductions such as for medical assistance, housing and transport, but these were rare.

In summary, with regard to the possible financial means of control and exploitation of Cambodian agricultural workers in Thailand, we see that Cambodian migrant farm

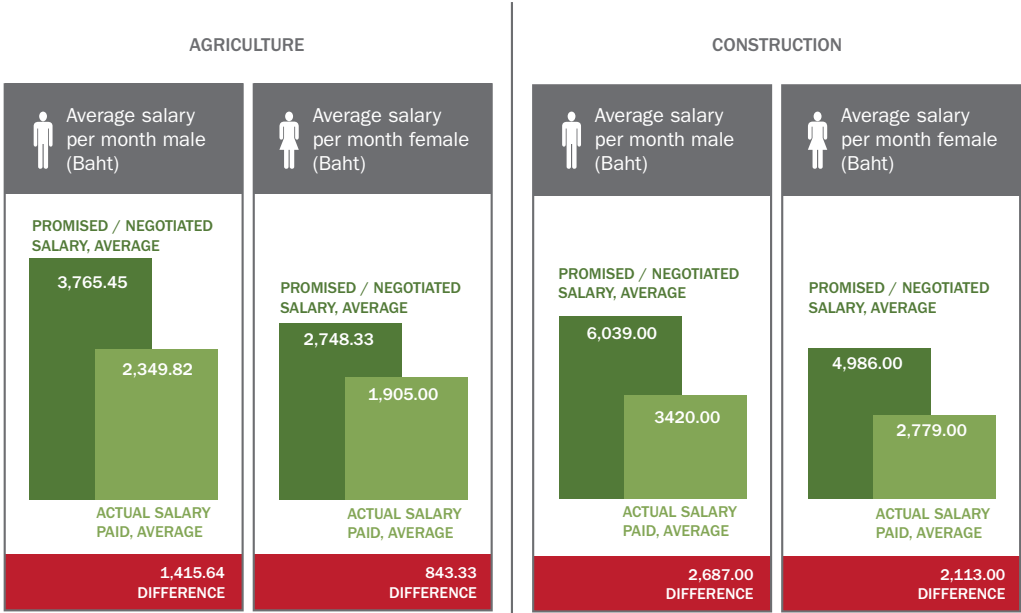


Figure 5.8 | Promised versus actual salaries of deported Cambodian workers in Thailand (in Thai Baht), by labour sector and sex.

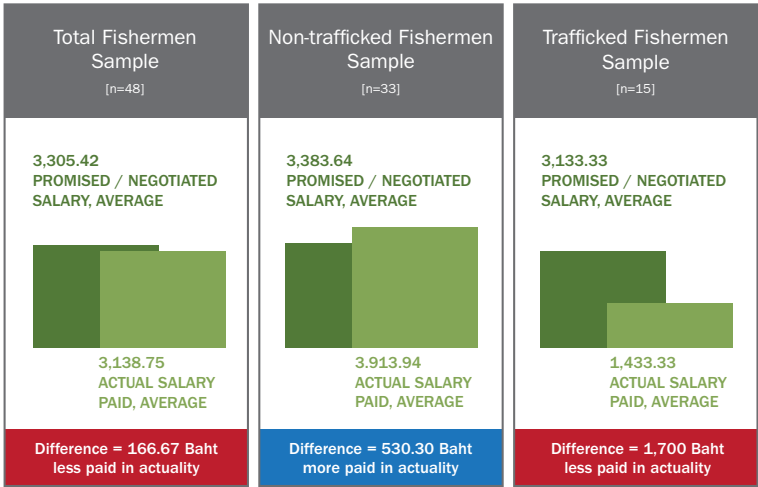


Figure 5.9 | Promised vs. actual monthly salaries (in Thai Baht) for Cambodian workers in the sample who worked on Thai fishing boats.

workers make less than Cambodian workers in other labour sectors, particularly women, and the probability of non-payment followed by deportation is higher as well.

Financial controls and exploitation: payments and deductions in the construction sector

The mean cost of Cambodian migrant workers transportation and brokering fees to gain work in construction was 2,704 Baht, ranging from approximately 1,300 Baht to 4,500 Baht.⁶¹

For those who were promised a monthly income from working in Thailand, the average promised wage was 6,039 Baht among the males and 4,986 Baht among females,⁶² while 20% came without the promise of a wage. The average actual salary was 3,258 Baht, including those who received no payment. 85 of the workers (42.9%) reported receiving their wages on time, while 54 (27.3%) had delays in receiving their payment and 59 (29.8%) were never paid.

Of the 198 workers in the construction sector, 116 (or 58.6%) reported some deductions from their monthly salary, and 5 individuals had all of their pay deducted. Deductions were made primarily for the following charges:

- 79 out of 198 (39.9%) had deductions for police fees
- 56 out of 198 (28.3%) had deductions for food
- 25 out of 198 (12.6%) had deductions for broker fees
- 18 out of 198 (9.1%) had deductions for electricity fees

In a few other cases there were deductions for other costs such as registration documents, housing and medical fees.

One research finding reveals that the daily wage rate for a nine-hour working day back in the late 1990s for a Cambodian construction worker was 100–180 Baht per day, depending on the worker's skills. This translates to approximately 2,500 Baht - 4,500 Baht per month if a worker were to work 25 days a month. This research finding of an average monthly wage of 3,228 Baht in the year 2009 suggests that Cambodian migrant workers' wages have not improved during this period, during which GDP per capita in Thailand increased from USD\$1,968 to \$4,042.⁶³

"The employer told us that he would pay us after we completed our job, but when we completed it, he called the police to arrest us."

21-year-old male farmer from Kampong Thom who escaped from a farm in Sakaew he was cheated onto with no pay and no freedom of movement, but acceptable working conditions.

"My employer told me that they didn't have the money to pay and I didn't dare to ask him again because I was afraid he would hit or kill me."

22-year-old male from Battambang who escaped from a farm in Korat, and classified as a trafficking worst case.

"My employer told me that all of my salary had to be deducted to cover my food costs."

21-year-old male from Siem Reap who escaped from a farm in Prachinburi, and classified as a trafficking worst case.

Financial controls and exploitation: payments and deductions on fishing boats

For migrants who worked on fishing boats the average cost was 3,523 baht to travel to their destination. In total, 20 paid their own way, while the rest used a combination of their own money and borrowing, or assuming debt with either their broker or future employer. 12 of the respondents from fisheries had their transportation costs paid by the employer and would have to work off this debt, while three others had to pay directly to the broker once they earned enough.

Of the 48 returnees who had worked on fishing boats, 25 (or 52.1%) were paid their wages on time for their work, while 12 workers (25.0%) were paid with delays and 11 (22.9%) were never paid).

17 (35.4%) of the workers reported that they had no deductions made from their salary, while 20 (41.7%) had some deductions. Similar to other sectors, the majority of the workers from fishing boats in this sample worked only for less than two months, so the broker fees comprise a significant proportion of deductions. Deductions were reported for the following:

- 15 out of 48 (31.3%) had deductions for broker fees
- 10 out of 48 (20.8%) had deductions for food
- 7 out of 48 (14.6%) had deductions for police fees
- 4 out of 48 (8.3%) had deductions for electricity fees

The migrant workers in the fishing industry were promised on average 4,666⁶⁴ Baht with no significant difference of the promised amount to the non-trafficked group and those who were trafficked. Those who were not trafficked earned an average of 3,933 Baht per month as compared to those who were trafficked who earned 1,433 Baht per month. It is also worthwhile to note that a Cambodian worker working in the fishing industry in Thailand in the late 1990s was already earning 4,000 Baht/month.⁶⁵ This suggests that many Cambodian workers in the fishing industry have not seen an increase in pay over the past ten years, despite inflation and other improved economic conditions in Thailand, as noted in analysis of the construction sector above.⁶⁶

Cases where workers were never paid occurred in Samut Sakhon, and to a lesser extent in Pattani, Songkhla, Rayong, Samut Prakan and Prachuap, while there were no such cases in Chonburi or Trat. In some cases, respondents who had been in work for 1-3 months and had not received any wages may have left their work, believing they would not be paid at all in the future.

Worst cases of trafficking, deception, cheating and exploitative labour conditions were reported strongly from those returning from Samut Sakhon, and to a lesser extent, Songkhla and Pattani. Those from Chonburi and Trat reported no exploitative labour conditions, while there were some at Prachuap, and lesser at Samut Prakan and Rayong.

⁶¹ Of the 198 respondents, the outlying 10% of cases were omitted from this calculation, due to their deviance from the general population.

⁶² These calculations concerning negotiated salary were made after removing the 43 cases of those workers who did not negotiate salary before working.

⁶³ The World Bank - World Development Indicators, "Thailand - GDP per capita at current prices," Google public data, July 11, 2010, http://www.google.com/publicdata?ds=wb-wdi&met=ny_gdp_pcap_cd&idim=country:THA&dl=en&hl=en&q=thai+gdp+per+capita.

Case Studies:

Male labour trafficking into the construction and fishing sectors

Case 211 | Trafficking into construction industry.

A 35-year-old man came to Bangkok to work in the construction industry. He left home because his grandmother was sick and he needed money for her medical treatment and also to support three other dependents. Before he left, he heard that work in Thailand would be easy and he would be able to send money home. He crossed the border at Malai with 13 other migrants and the broker who took him to the employer. The employer paid the broker 3,500 Baht, which was deducted from his earnings. He reported that the working conditions and boss' attitude were bad and his freedom of movement was very poor. After one month of working and not receiving any pay he escaped and was arrested by law enforcement.

Case 391 | Trafficking into construction industry.

A 49 year old man from Banteay Meanchey migrated to Thailand to work in construction to provide for his seven dependents back at home. He left with one broker and another villager, and ultimately crossed the border with a group of 60 people, through forest, canals, and sugar cane fields. At his work place he was promised a monthly salary of 6,000 Baht, but was paid nothing for his three months of work. He was too scared to quit because the employer said he would call the police and put him in jail. Upon his arrival back to Cambodia, he said he would like to file a complaint against the employer because he had worked extremely hard and was not paid anything. He rated his working condition as very poor, but he was free to move around.

Case 17 | Trafficking into the fishing industry.

A 19-year-old male left Kampong Thom to find work in Thailand because the harvest at home was not enough to feed his family. At Khoun Damrei he paid a broker to help him cross the border and find him employment. The broker took him to work on a fishing boat in Pattani. The employer paid the broker 4000 Baht and required him to work off this debt amount. He felt cheated by the broker as his employer was abusive and wouldn't let him leave until he worked off his debt. He was promised 6,000 Baht per month, but after two months of hard labour in what he felt was very poor conditions, he still had not received any wages, and was beaten by the employer. Eventually he escaped from his boat and wants to tell other potential migrant workers: "don't go to work in Thailand as the brokers can cheat you."

Case 336 | Trafficking into the fishing industry.

A 28 year-old man went to work in Thailand to send money home for his pregnant wife, as he was making 730 Baht per month before he left, which was not enough to support the family. He crossed the border with 30 other people and the help of a broker and was taken to work on a fishing boat. The employer paid the broker 2,500 Baht, to be deducted from his earnings. He was promised a salary of 4,500 Baht, which would be more than six times what he was earning before. After working for one month and being unpaid, he felt trapped as the broker told him that if he stopped working they would call the police and put him in jail, and because he was out at sea. He also felt cheated by the broker who promised easy work, but in reality the work was very hard and with long hours. He does not want to file a complaint because he felt that it was his own mistake in going to Thailand.

What is a non-trafficked person who is never paid?

Perhaps one of the more striking findings is that 119 of the sample of 400 (29.75%) were never paid for their work – this includes trafficked persons (that is, people cheated or deceived into labour exploitation conditions) as well as non-trafficked persons.

These cases demonstrate that economic exploitation can and does occur even when labour conditions may not be perceived as exploitative. Put another way, migrants may find their job to be acceptable in terms of working conditions but in the end, their employer may still call the police or immigration to arrest and deport them in order to avoid payment of wages.

Case studies 40, 194 and 158 highlight the experiences of women who worked in various labour sectors under conditions which they found acceptable, but they were not paid and after requesting their pay were arrested for being undocumented migrants. There were 17 women in the sample who fell into this category.

Figure 5.10 illustrates the monthly wages earned by Cambodian migrants in Thailand, as well as the costs of migration costs either paid or owed. The data is disaggregated by job industry and whether the case had clear indicators of trafficking. The data suggests a clear bias toward average monthly pay being significantly lower for trafficked persons⁷⁰ when compared with non-trafficked persons. This is explained by the prevalence of non-payment within the trafficked group.

One finding worth noting is that in all defined job categories for trafficked persons, the average salary per month is invariably and substantially less than the average cost of migration. This differs from job categories for non-trafficked persons (except those in garbage-picking) where the average salary per month is more than the average cost of migration.

While migration costs did not vary significantly, it should be noted that agriculture workers who demonstrated indicators of having been trafficked were paid the least and also paid (or owed payment) for the highest migration costs. Out of a total of 85 agriculture workers in the sample, 22 were trafficked (or 25.9%).

For those who were deported, did migration make economic sense?

Reported reasons for leaving Cambodia varied, with some migrants in need of employment that would allow for remittance payments home and others looking for

⁶⁴ These calculations concerning negotiated salary were made after removing the 14 cases of those workers who did not negotiate salary before working.

⁶⁵ Ibid. pg.9

⁶⁶ "Inflation, consumer prices," The World Bank, July 10, 2010, <http://data.worldbank.org/indicator/FP.CPI.TOTL.ZG>.

Case Studies: Women not paid and arrested after requesting their pay

Case 40 | Trafficking in the Agricultural Sector

A 28-year-old woman farmer from Svay Rieng left her village with her husband and brother-in-law, to earn money for her siblings' school fees. She paid 50,000 riel for transport to cross into Thailand with no broker assistance. Once in Thailand, she was taken to a transit hub and put on a truck with 100 other migrants by a Khmer male broker/transporter whom she paid 150 Baht. A Thai broker then transported them to a small plantation in Chainat province that employed the three of them. The broker stated that his fee was 2,300 Baht and the employer paid the sum, which she would work off. She found her 10 months of work on the plantation to have decent working and living conditions. However, after 10 months of work and having been promised 3,000 Baht per person per month (90,000 Baht worth of labour), the three family members requested their pay, but the authorities were then called to arrest and deport them.

Case 194 | Trafficking in the Construction Sector

A 27-year-old married woman from Banteay Meanchey found a job on a construction site in Bang Na, outside of Bangkok, being driven by her family's need to pay off existing debts. She paid all her travel fees in advance and a 2,700 Baht broker fee with money from a moneylender, thus avoiding debt bondage with an employer but still being in debt. Working conditions, living conditions, and quality of life were good overall, on a construction site that employed 12 Khmer men and 5 Khmer women. After six months of working and requesting her expected monthly salary of 3,000 Baht/month, the employer told her every time that he did not have the money so she would have to wait. Eventually he called the authorities and she was arrested and deported.

Case 158 | Trafficking in the Construction Sector

A 19-year-old young woman from Phnom Penh went with her parents to find work in Thailand, paying all their transport fees in cash along the way. She found a job in construction in Pattaya for near Wat Nong Ket Yai. She was told she would have a job for two years being paid 3,000 Baht per month, but when she requested her pay after three months the employer called the police to arrest and deport her. Before being deported, she reported that the working and living conditions were decent, although if workers ever stopped working or wandered off the employer called the police to bring the workers back to the workplace.

different experiences away from home. As respondents reported primarily economic reasons for migration, it is worth looking at the economic benefits of the migration experience. Earnings of the sample prior to leaving Cambodia compared to their earnings while in Thailand indicate that 59% may have benefited financially from their labour migration – that is, their reported monthly earnings were greater in Thailand than they were at home in Cambodia. However, as the majority of deportees were discovered and deported by authorities within two months of their arrival, their initial earnings often may have had to go to pay debts of brokering, transportation and recruitment, thereby offsetting any potential gains made.

When comparing the actual salary that deportees earned in Thailand with the previous salary earned in Cambodia, little difference was apparent. This suggests that on an aggregate level, on average, for unskilled Cambodian labour migrants, the odds are that there is

FOR TRAFFICKED PERSONS
Salary < migration costs

FOR NON-TRAFFICKED PERSONS
Salary > migration costs

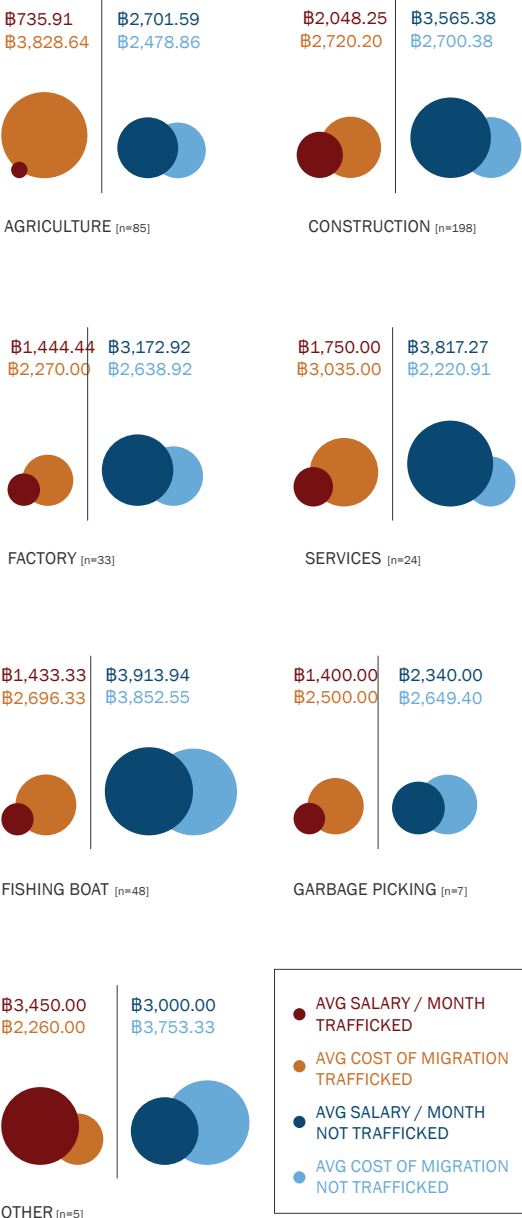


Figure 5.10 | Comparison of monthly salaries earned and migration costs paid or owed, according to job industry and whether the person was trafficked or not.

⁷⁰ ANOVA p=.000.

little money to gain or lose by going to Thailand, particularly if they get deported in the first few weeks and months. However, the perceived gains often remain high since the opportunities do exist in Thailand. For example, for the 135 out of 400 migrants (33.8%) who lost money by migrating, they earned 1,200 Baht less earned per month (median figure). In comparison, the 194 migrants out of 400 (48.5%) who ended up making more money in Thailand than in Cambodia made 2,757 Baht more per month. In Cambodia, where the national poverty line is set at \$0.60 day,⁷¹ earning an additional 2,757 Baht per month could lift a family of five out of poverty. Such an incentive helps to explain the economics of pull factors for labour migration to Thailand.

Recommendation 7 | Engage relevant Thai business and industry associations to address exploitation and trafficking that occurs in their industries. It is in the best interest of business to address companies failing to meet minimum workplace standards and creating the possibility of casting a negative light on their industry as a whole. Within every labour sector there is a continuum, ranging from those who actively seek best practice and raise industry standards, to those on the other end of spectrum that traffic, exploit and tarnish the industry as a whole. Bad business practices could threaten Thai industries from a financial, trade, and reputation perspective. Seek ‘enlightened’ businesses willing to help address issues in their business sector as partners and engage relevant industry associations.

⁷¹ World Bank (2009). *Improved Technologies for Rural Cambodia*, Washington DC.

6

CASE STUDIES

Human Trafficking Worst Cases

In total 37 of the 400 interviewed cases (9.3%) had all of the characteristics of worst cases of labour trafficking.

These characteristics are:

- Cheated or deceived.
- Never paid.
- Forced into exploitative working conditions.
- Had no freedom of movement.



THE SAMPLE

In total, 37 of the 400 interviewed cases (9.3%) had all of the characteristics of worst cases of labour trafficking. These victims were:

- 1. Cheated or deceived.
- 2. Never paid.
- 3. Forced into exploitative working conditions.
- 4. Had no freedom of movement.

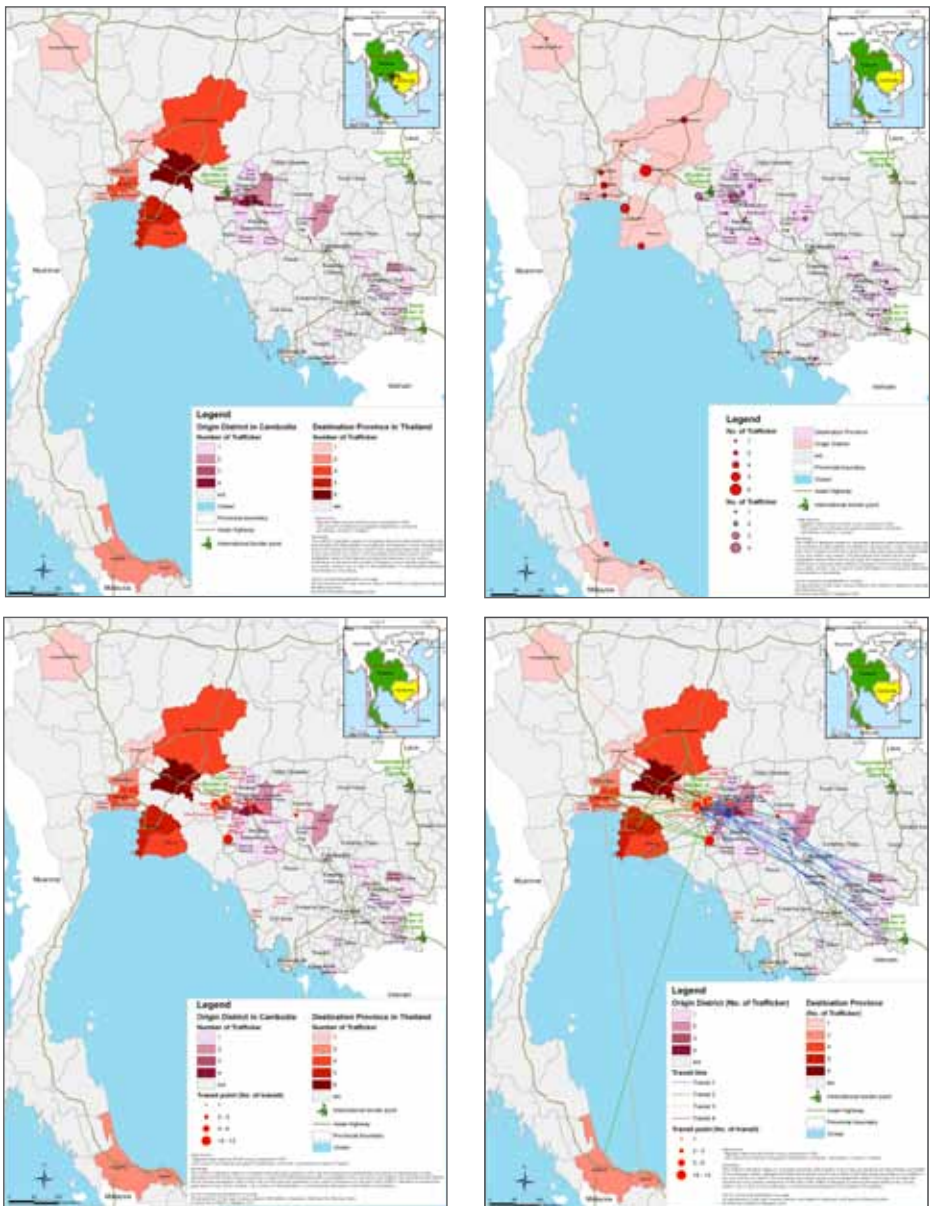
After being mapped, these 37 cases were compared against the larger sample of 400 exploited and non-exploited migrants (as summarized in [Table 6.1](#)) to explore how the risk factors and outcomes for these most vulnerable and exploited can be better understood and mitigated.

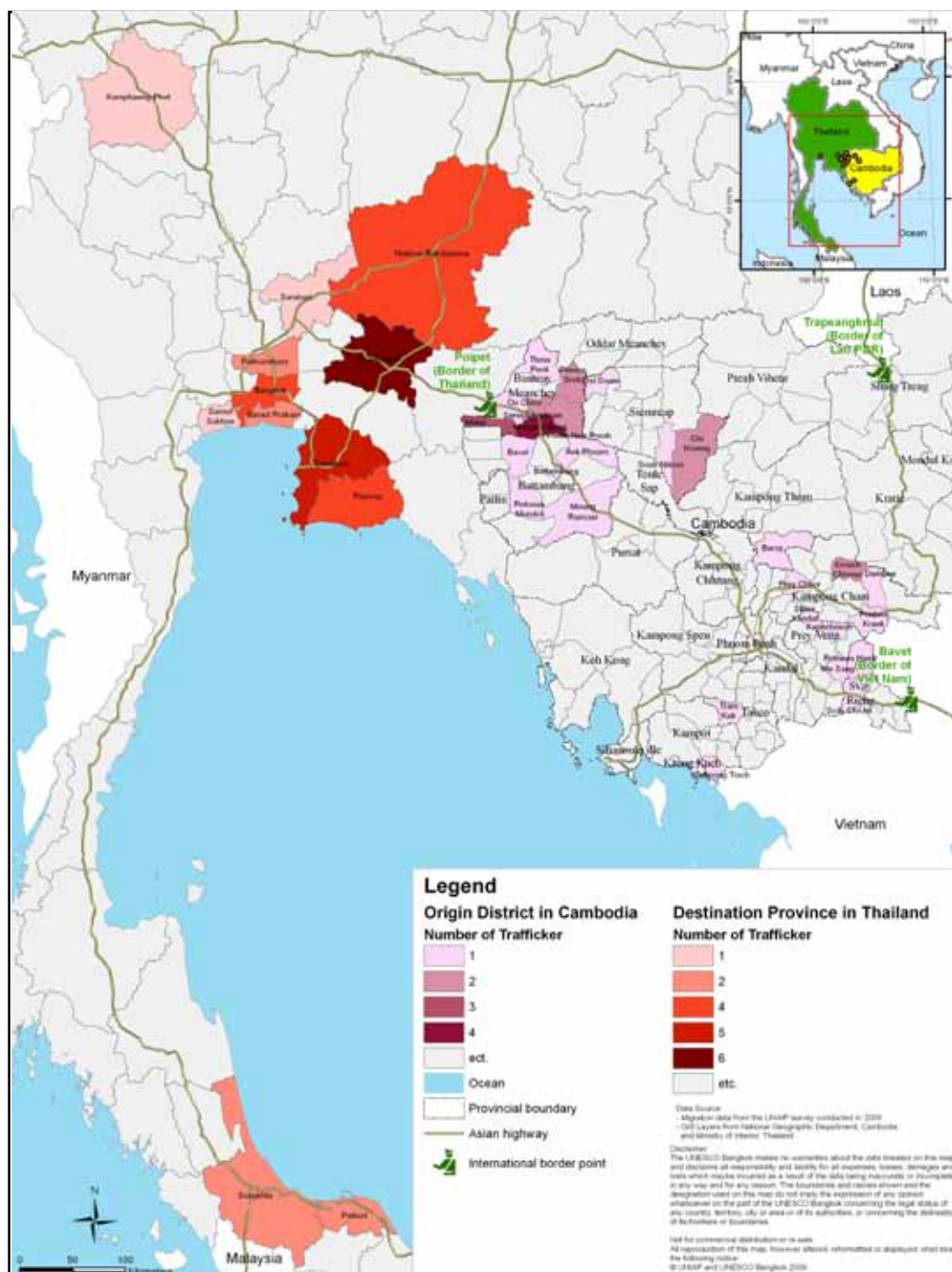


Table 6.1. | Comparing the worst cases of labour trafficking against the total sample: sex, age and marital status.

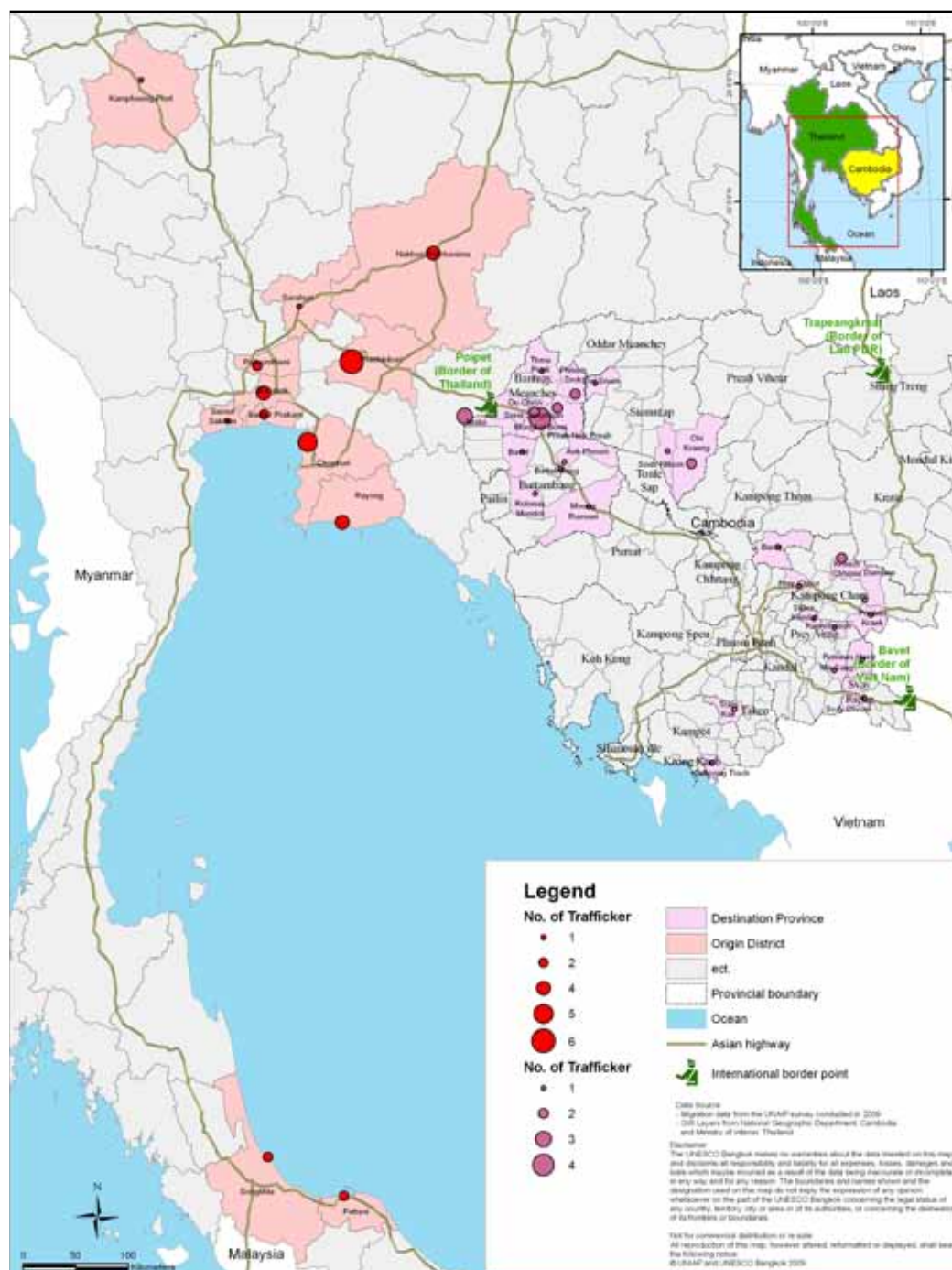
MAPPING THE ORIGINS AND TRAFFICKING ROUTES OF THE WORST CASES

The top four origin provinces of the total sample and also of the worst-case sub-sample are Banteay Meanchey, Battambang, Siem Reap and Kampong Cham. The number of cases from these provinces is detailed in [Figure 6.3](#) below. Additionally, the trafficking routes and transit hubs of all 37 worst cases are mapped in [Map 6.1](#).

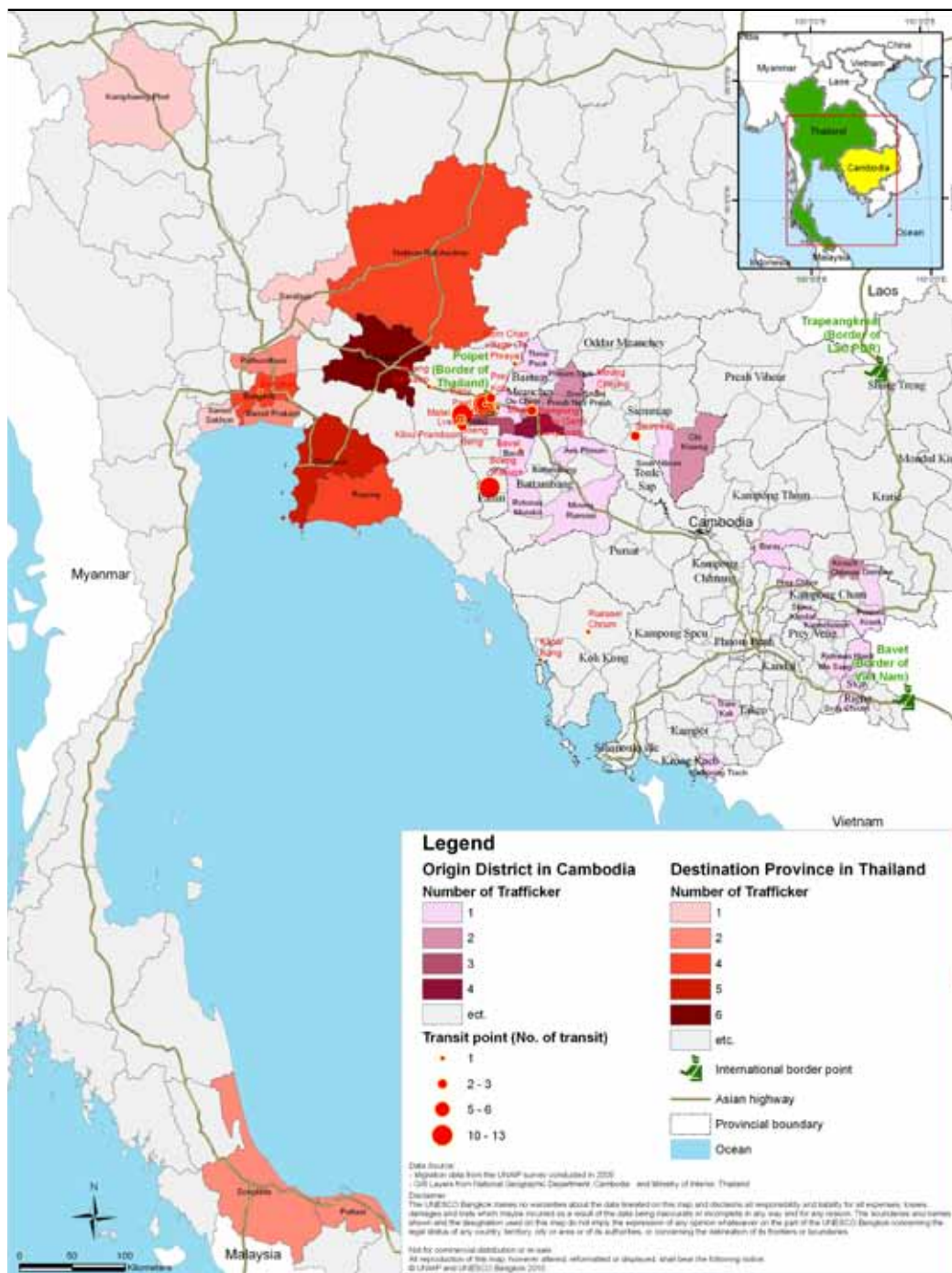




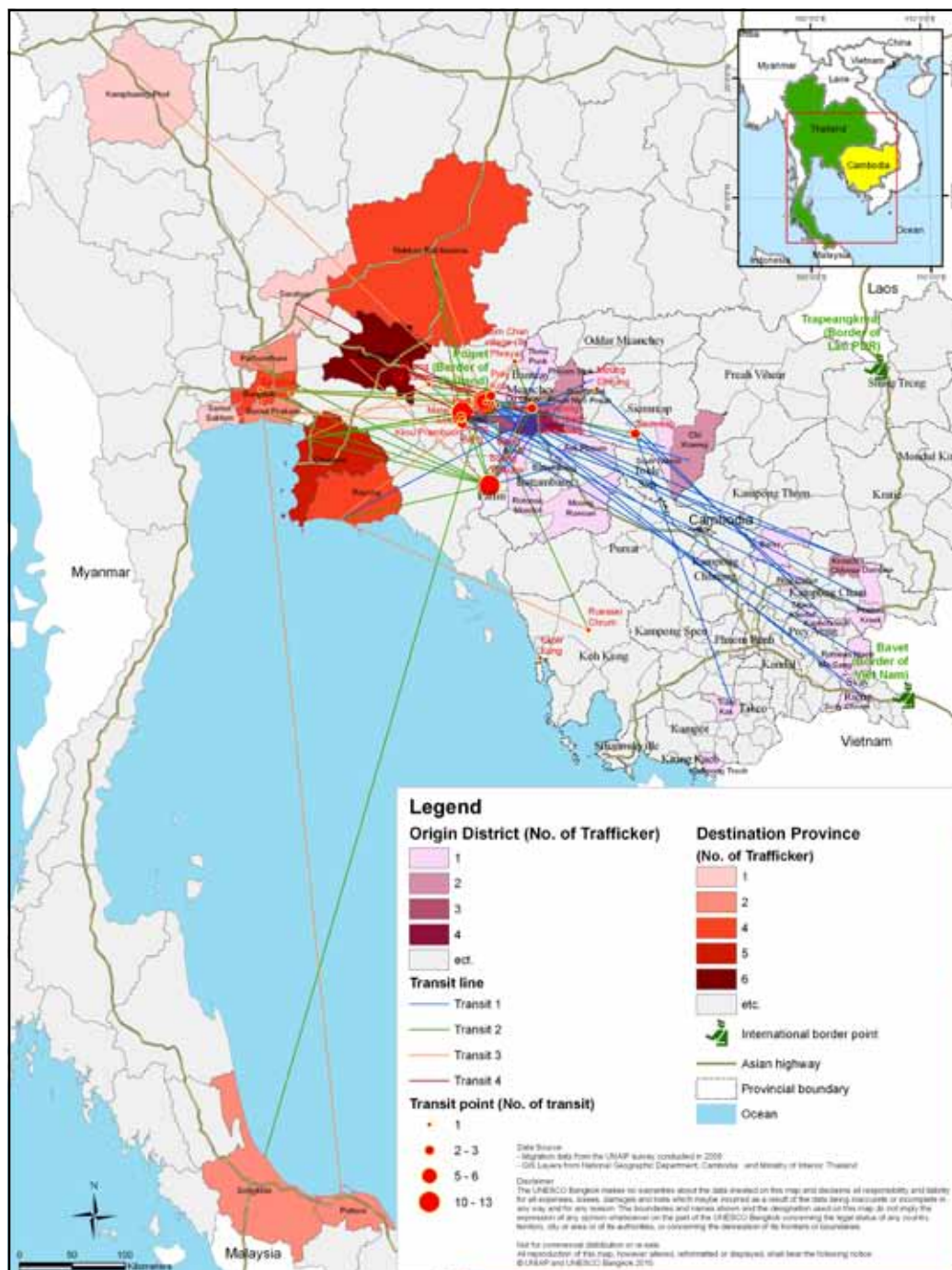
Map 6.1 | Origin district of the 37 worst cases in the sample and the Thai provinces in to which they were trafficked.



Map 6.2 | Number of traffickers engaged along the trafficking routes of the 37 worst cases in the sample.



Map 6.3 | Origin district of the 37 worst cases in the sample, the Thai provinces in to which they were trafficked, and the number of transit points and traffickers involved.



Map 6.4 | Origin district of the 37 worst cases in the sample, the Thai provinces in to which they were trafficked, and the number of transit points and traffickers involved (routes outlined).

Home conditions and risk factors prior to migration

A preliminary analysis of basic demographics, summarised in Table 6.1 and illustrated in **Figures 6.1 through 6.3**, shows that while men have somewhat higher representation in the worst-case sub-sample (83.8%, as compared with 74.5% of the total sample), there are few other significant differences in the age, marital status, or previous jobs between the two groups. With regard to previous work, the worst-case sub-sample contained proportionately more farmers and no people coming from experience in domestic work, fishing, or service work (restaurant or shop).

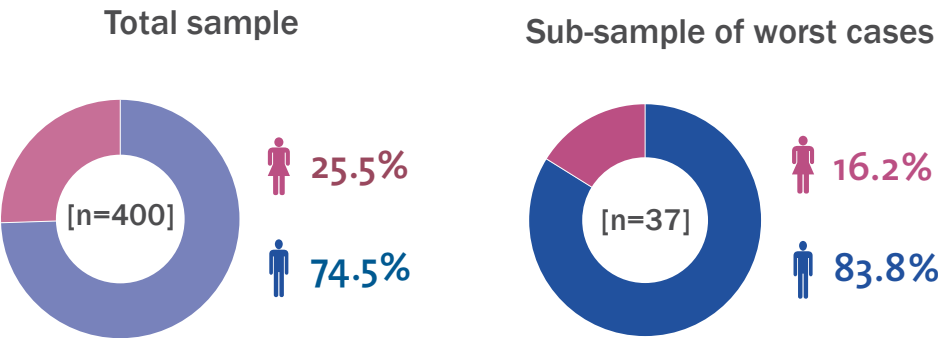


Figure 6.1 | Comparing the worst cases of labour trafficking against the total sample: sex.

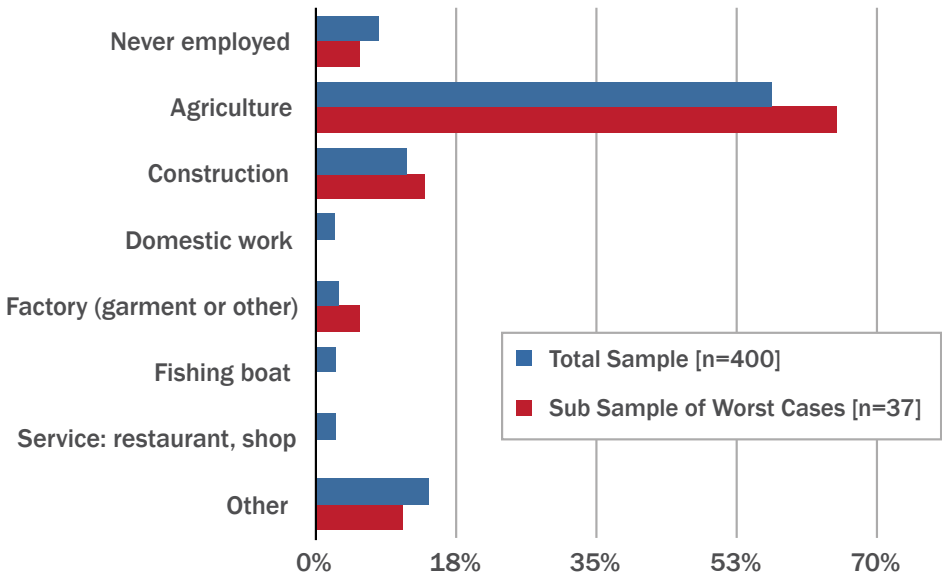


Figure 6.2 | Comparing the worst cases of labour trafficking against the total sample: previous job.

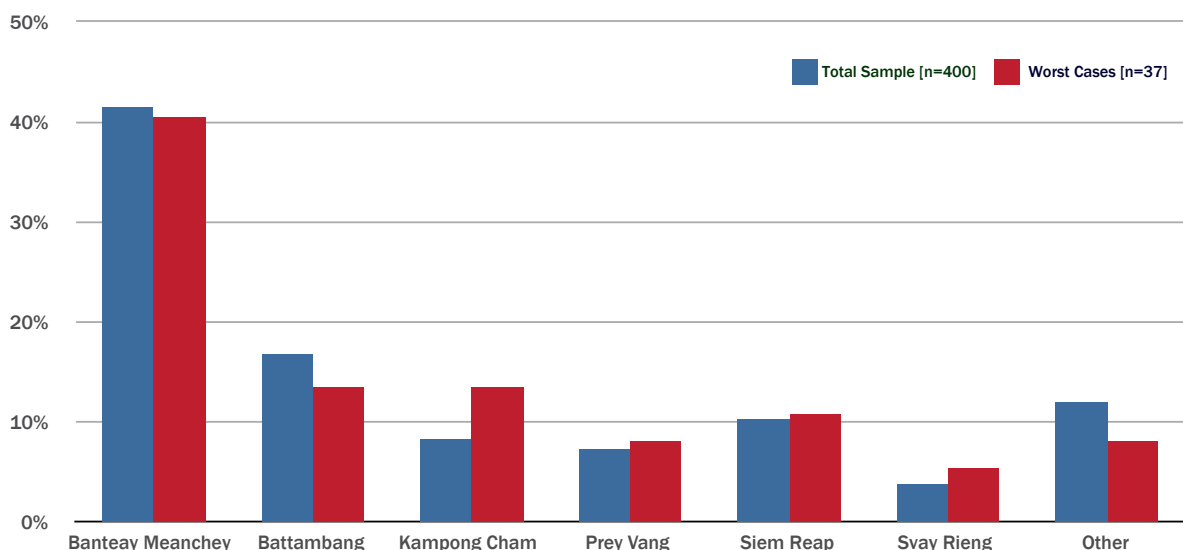


Figure 6.3 | Comparing the worst cases of labour trafficking against the total sample: origin province.

A deeper investigation into the driving force or spark behind the decision to migrate to Thailand, as illustrated in **Figure 6.3**, reveals that proportionately more migrants in the worst-case sub-sample were driven because a family member was sick or passed away (21.6%, versus 14.3% in the total sample), and more than twice as many due to having to make money to pay for school fees (5.4%, versus 2.3%). Fewer victims in the worst-case sub-sample were driven by a desire to make money to clear existing debts (8.1%, versus 14.3%), while the proportion of people deciding to migrate for other reasons were fairly comparable.

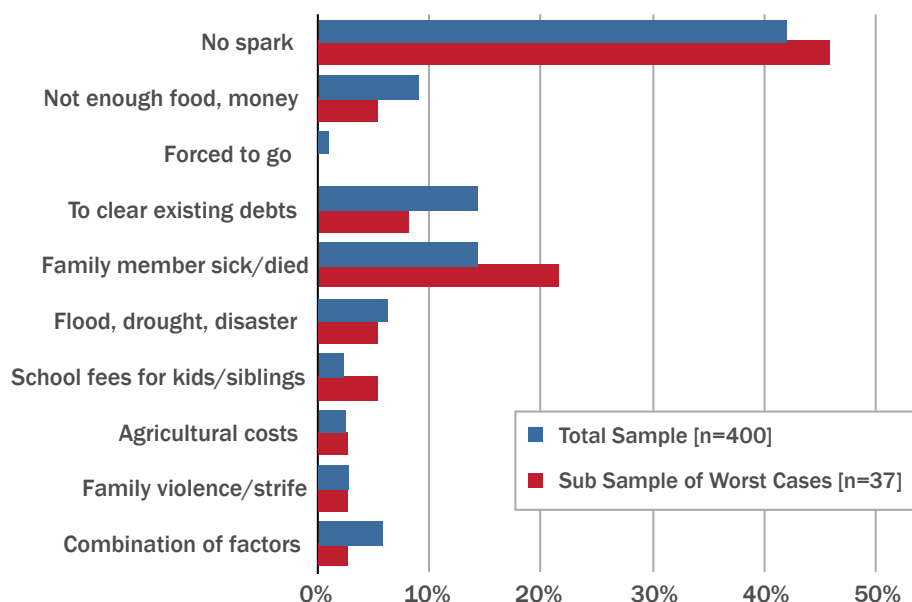


Figure 6.4 | Comparing the worst cases of labour trafficking against the total sample: reported sparks of the decision to migrate.

Self-reflective ratings of quality of life prior to migration did vary between the larger sample and the worst-case sub-sample, as illustrated in **Figure 6.5** below, with 89.2% of the worst-case sub-sample rating their quality of life prior to migration as very poor or poor,⁷² and only 71.3% of the larger sample.⁷³ This perception may indicate a dissatisfaction or even desperation or willingness to take risks through the migration process to be able to make a positive change in one's life among those in the worst-case sub-sample.

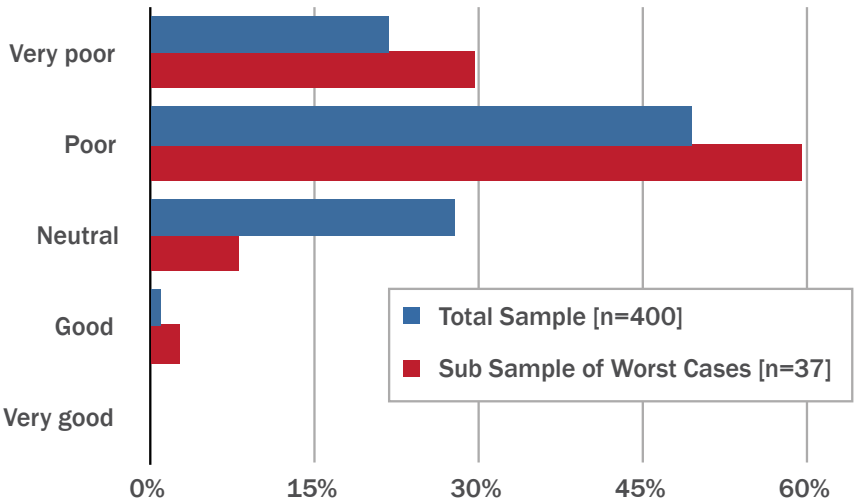


Figure 6.5 | Comparing the worst cases of labour trafficking against the total sample: ratings of quality of life, prior to migration.

Pre-existing knowledge and ideas about Thailand

Similar proportions of migrants in the worst-case sub-sample and the larger total sample knew people firsthand who had been to Thailand – 83.3% of the total sample and 83.8% of the worst-case sub-sample. What they had heard about Thailand was also somewhat similar, though more of the migrants in the worst-case sub-sample had heard only good things about Thailand (62.2%, as opposed to 56.8% of the total sample). It has already been demonstrated how an over-optimistic outlook on Thailand is a significant risk factor for prospective Cambodian migrants.

Similar proportions migrated to Thailand with no prior knowledge of the country – 17.5% of the total sample and 16.2% of the worst-case sub-sample. Less of the worst-case sub-sample had been forewarned about risks of working in Thailand – only 21.6%, as opposed to 25.5% of the larger sample.

Overall, however, there are few differences in the pre-existing knowledge and ideas about Thailand when comparing the worst-case sub-sample against the larger sample.

⁷² On a 1 to 5 scale of Very Poor / Poor / Ok / Good / Very Good.

⁷³ ANOVA p=.033.

The journey from the village across the border to Thailand

Many aspects of the journey across the border were compared between the total sample and the worst-case sub-sample, with few differences between them. For example, sizes of migration groups and even numbers of brokers used/involved⁷⁴ did not vary significantly between the two groups. There was some variation in how migrants paid for their transport across the border, as illustrated in **Figure 6.6**, which shows that nearly one-third of the total sample traveled on their own money with no debts (31.5%), while less than a quarter of the worst-case sub-sample did so (24.3% with debts). Similar proportions of each sample owed a broker, whether keeping their debt with the broker or having it passed to the employer.

Interestingly, the average costs and travel charges paid by each group did vary significantly, with the larger sample paying an average of 2,719.02 Baht, and the worst-case victims paying much more – an average of 3,491.89 Baht.⁷⁵

In summary, up to this point – the point of crossing into Thailand and ending up at the final destination, whether in debt or not – the profile of the worst-case victim is not so different from that of the larger sample, though the worst-case victim so far is more likely to be a man, and perhaps a farmer, and perhaps with an ailing or recently passed away family member. Once the worst-case victim enters Thailand, like many other Cambodian labour migrants, he/she will likely already be in debt to a broker, with that debt possibly being passed onto the employer.

“ I spent 3,700 Baht. I spent 3,500 Baht for the broker, but my boss paid for me, and then 200 Baht for meals. I left to Malai from Prey Kup district [Svay Rieng province] and walked for one hour to Nong Kampong and got in a truck with 68 people and slept for two days in the forest. Then continued to the workplace. The employer had paid for me so I had to work for my debt. ”

029, 35-year-old male from Svay Rieng | trafficking worst case

⁷⁴ ANOVA p-values examining migration group size are as follows; none are statistically significant: numbers of friends: $p=.814$; numbers of family members: $p=.253$; numbers of other Khmer: $p=.338$; and, numbers of brokers: $p=.471$.

⁷⁵ ANOVA $p=.019$.

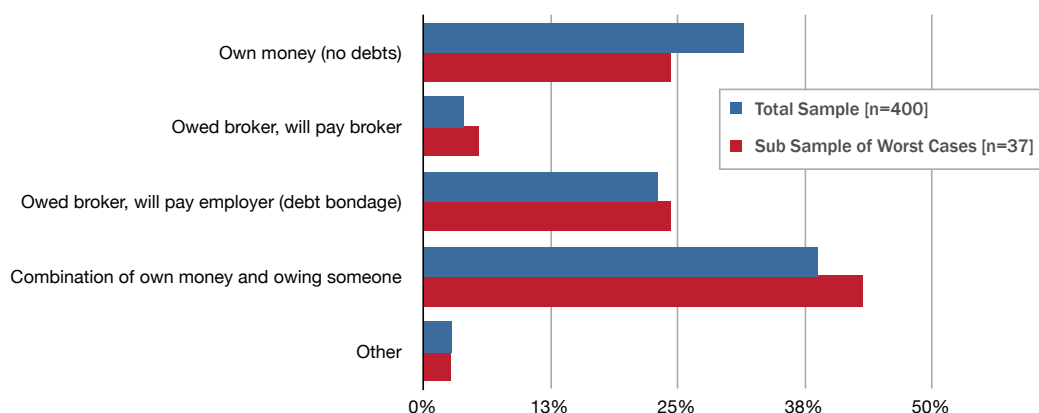


Figure 6.6 | Comparing the worst cases of labour trafficking against the total sample: how travel costs were paid during the journey from Cambodia to Thailand.

Working conditions and labour exploitation in Thailand

Interesting differences between the larger sample and the worst-case sub-sample become apparent when examining working conditions in Thailand. Differences in promised versus actual pay is the first significant difference between the two groups, as illustrated by the ANOVA models in **Figure 6.7**. Essentially, while both worst-case and non-worst case migrants may enter their jobs in some debt, the worst-case sub-sample is significantly different in that these individuals were either not paid or grossly underpaid, of course all initially being deceived into work being promised a salary similar to that promised to the migrants in the larger sample.

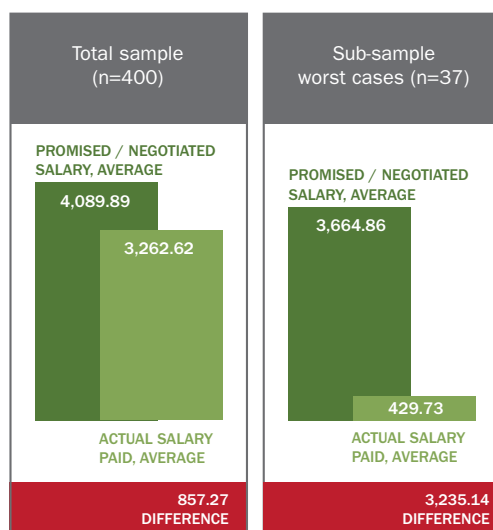


Figure 6.7 | Comparing the worst cases of labour trafficking against the total sample: promised versus actual salary

Labour industries

There are also some differences in the labour industries that worst-case victims entered, as compared with the larger sample, as illustrated in **Figure 6.8** below. Essentially, substantially more worst-case victims end up in agricultural labour, with 37.8% of the worst cases being in agriculture, but only 21.3% of the total sample working in agriculture. There are significantly less worst-cases in the construction sector – only 35.1% of the worst cases are in construction, when nearly half of the overall sample worked in construction (49.5%). Worst-case victims are slightly higher represented in the fishing and garment factory working environments as well.

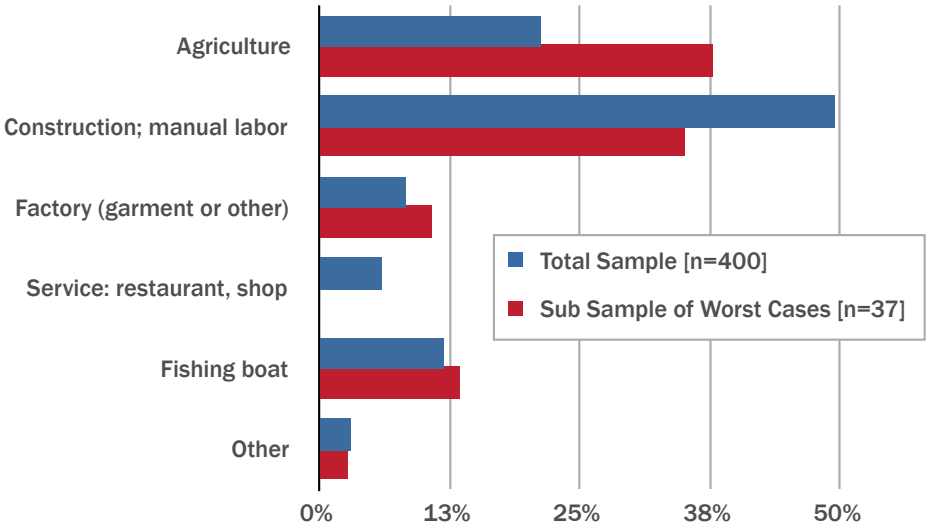


Figure 6.8 | Comparing the worst cases of labour trafficking against the total sample: labour industries in Thailand where jobs were found.

Threats, control, violence and restriction of movement

30 out of 37 (81.1%) of the worst cases endured being regularly threatened by guards or supervisors; this occurred across all labour sectors. 10 of the 37 cases (27%) were controlled by armed guards, and interestingly this occurred only on construction sites and plantations and farms. For factory work worst cases, half of those were locked or fenced in and perhaps these sorts of restrictions and the more closed nature of a factory versus a more open farm or construction site made armed guards unnecessary.

See **Figure 6.9**

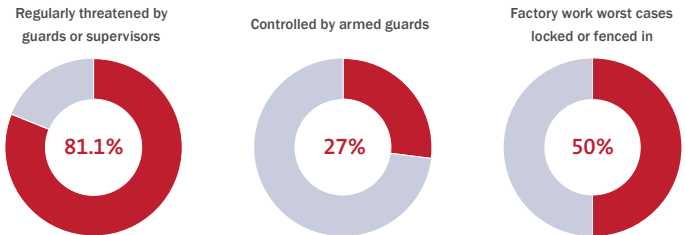


Figure 6.9 | How the worst case trafficking cases were controlled.

The worst case trafficking cases

Construction sector

The 13 worst-cases of trafficking onto construction sites (12 males, 1 female) were onto construction sites in the following Thai provinces:

- Bangkok: 3 cases
- Chonburi: 3 cases
- Pathum Thani, Rayong and Samut Prakan: 2 cases each
- Kamphaeng Phet: 1 case

Of the 13 cases, 6 (46%) reported being controlled on-site by armed guards – 2 sites each in Bangkok, Chonburi, and Rayong. 9 of the 13 (69%) reported regular threats by guards and supervisors. These construction sites ranged in size from 25 to 400 workers total. Larger construction sites contained a mix of Burmese, Khmer, and Thai labor – for example, a Samut Prakan construction site with approximately 200 total workers had mostly Khmer workers but with about 30 Thais and 5 Burmese.

A Pathum Thani site with approximately 350 workers had approximately 200 Khmer and 100 Burmese mixed with 50 Thais. A Chonburi site with approximately 400 workers had approximately 200 Khmer, 150 Burmese, and 50 Thais. As above, it is unknown whether the Burmese or Thai workers experienced exploitation similar to that of these worst-case Khmer construction labourers.

Agricultural sector

The 14 worst cases of trafficking into the agriculture sector (12 males, 2 females) were onto farms or plantations in the following Thai provinces:

- Prachinburi: 6 cases
- Chonburi, Korat and Rayong: 2 cases each
- Don't know: 2 cases

Of the 14 cases, 4 (29%) reported being controlled on the farm by armed guards – 2 Prachinburi farms and 1 Rayong farm, plus one in an unknown location. 13 of the 14 (93%) reported regular threats by guards and supervisors. These farms ranged in size from 6 to 34 workers total, with an average of 11 farmhands per farm – mostly Khmer men and boys. Thai farm labourers were present in 6 of the 14 farms, but it is unknown whether they experienced exploitation similar to that experienced by the Cambodian migrant workers. Burmese workers were present in one of the farms in Chonburi, while Lao workers were present on one of the farms in Prachinburi. Again, it is unknown whether the Burmese or Lao workers experienced exploitation similar to that of these worst-case Khmer farm labourers.

7 VICTIM SCREENING & REPORTING CASES

At this point in the journey of the Cambodian migrants, they have left their home villages, crossed the border into Thailand and found work – some with better outcomes than others. This section explores the last two parts of their journey: leaving their workplace and getting arrested and deported; and then, in their present state, their reflections on their experiences and why or why not victims are willing to seek justice and compensation.



KEY FINDING 8 | Trafficking victim screening is not being done by the majority of immigration and police officers who come into contact with exploited Cambodian migrant labourers, whether in Thai or Khmer language.

How Cambodian migrants and trafficking victims end up in deportation proceedings

Only 68 out of the 400 respondents (17%) were arrested after an immigration or police raid, with another 2% (7 cases) being arrested after surrendering to the police. The majority of the remaining 80% of cases quit or escaped, with a small portion who were fired (3%) or too sick to continue working (3%).

Those who were captured by immigration or police during a raid faced a significantly higher chance of being detained for a period before deportation, rather than being deported immediately. This occurred whether or not the person had been trafficked.

As seen in **Figure 7.1**, of the entire sample of 400 Cambodians, 240 (60%) were detained for some length of time before being deported back to Poipet. The average detention time was 11 days (range: 1-90 days, \pm 18). Of the 240 who were detained, 60 (25%) were actually victims of trafficking, but were never identified as such.

Of the 160 Cambodians who were deported almost immediately (40% of the sample), 32 of those (20%) clearly met the definition of victims of trafficking but were never identified as such.

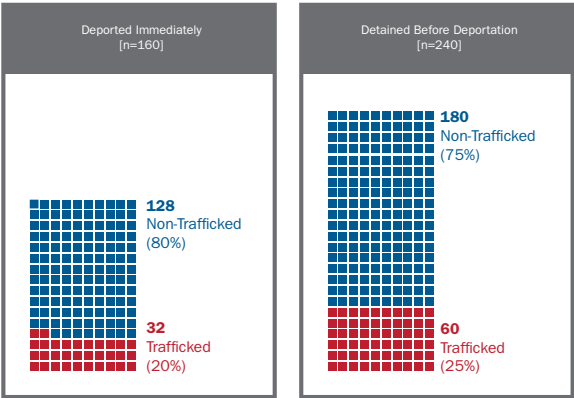


Figure 7.1 | Proportion of trafficked and non-trafficked deportees who were deported immediately, versus held in detention.

Getting deported immediately, versus being detained before deportation

There did not seem to be any distinguishing characteristics between those who got deported immediately versus those who were detained first – for example, there was no difference in who was detained for a longer time between males versus females, according to the workplace (fishing boat versus farm versus construction site), or

whether the person was a victim of trafficking or exploitation or not. However, by province, there seemed to be some patterns of local authorities who tended to detain migrants and victims, versus deport them immediately, as listed in [Table 7.1](#). Provinces that are not listed had a mixture of cases that were detained for a period of time as well as those leading to immediate deportations.

Victim identification and screening procedures

Of the 240 respondents that were arrested and detained, 60 of those were clear trafficking cases (25%; 7 females and 53 males) and 40 of those 60 were worst-case trafficking cases (5 females and 35 males).

There was no difference in the average amount of time a person was detained or whether or not the person was screened depending on if the person was a trafficking victim or not. Put another way, there was no special or improved treatment or screening for victims of human trafficking. In fact, trafficked persons actually reported enduring significantly worse conditions of detainment;⁷⁶ this could be their perception though, of a negative experience in an IDC compounded by the recent abuse they just escaped. The quotes from trafficking victims in [Figure 7.2](#) provide some illustration of the treatment and conditions experienced by trafficking victims and worst-case trafficking victims while in detention.

Nine of the 37 worst-case trafficking cases decided to report their case to either the Cambodian or the Thai authorities and [Table 7.1](#) examines these nine cases in greater detail to understand the interviewing and screening processes that were experienced these case trafficking victims during their detention, as well as the results of their reporting their cases.

Upon closer examination, these cases highlight the need for increased capacity building for immigration and police officials in these hotspot areas for trafficking victim screening and identification. Generally, it seems that none of these worst-case trafficking cases were screened for possible trafficking victim status. In fact, none of the migrants reported being screened for possible victim status. While the detailed case information for the remaining 28 worst-case trafficking cases are not presented in the table, none of these victims were ever interviewed by authorities about their possible status as a trafficking victim either. All respondents reported interfacing with authorities who spoke only Thai language, with no Khmer interpretation.



Future research needs | Who gets deported immediately, who gets detained? A deeper understanding of this would be beneficial for victim identification efforts since victims of trafficking are within the populations of people being detained and deported immediately.

⁷⁶ Multivariate linear regression $p=.041$.

“There was not enough food to eat. We only had three cans of water per day to bathe.”

18-year-old male from Kampong Cham who was trafficked onto a fishing boat in Rayong then arrested and detained in Suan Plu IDC for seven days.

“They checked and took our money, forced us to massage the police, and beat us. They said, ‘Do you want to go home? If you want to, give money to me.’

20-year-old male from Pursat who was trafficked onto a fishing boat from Pattani for three months, then arrested and detained in Suan Plu IDC for five days.

“They forced us to drink very dirty water – toilet water. There was not enough food and it was dirty.”

20-year-old male from Banteay Meanchey who was trafficked onto a fishing boat in Samut Sakhon then arrested and detained in Samut Sakhon jail for 15 days.

“We were forced to carry heavy wood there. There were 50 trees, we had to carry the timber to Sakaew.” | **Worst Case**

16-year-old male from Banteay Meanchey who was trafficked onto a construction site in Rayong then arrested and detained in Srakaew IDC for three days.

“Sleeping was difficult, there were a lot of people. There was not enough food to eat, and we were forced to do a lot of work.” |

Worst Case

23-year-old male from Banteay Meanchey who was trafficked onto a construction site in Kamphaeng Phet then arrested and detained in Ayutthaya jail for 60 days.

“We had no water. It was difficult to sleep because there were a lot of people in a small space.” | **Worst Case**

25-year-old male from Battambang, trafficked onto a construction site in Samut Prakan and detained in Samut Prakan jail for 26 days.

Figure 7.2 | Reported conditions and treatment in Thai immigration detention centres, by arrested ‘illegal migrants’ who were really victims of human trafficking.

Age / Sex	Origin Province	Destination Province	Job
30 / male	Kampong Cham	Prachinburi	Agriculture
28 / male	Kampong Cham	Korat	Agriculture
19 / male	Prey Veng	Chonburi	Agriculture
24 / male	Banteay Meanchey	Rayong	Construction
29 / male	Banteay Meanchey	Prachinburi	Agriculture
34 / male	Banteay Meanchey	Chonburi	Construction
30 / female	Banteay Meanchey	Rayong	Agriculture
27 / female	Kampong Cham	Korat	Factory work
18 / male	Banteay Meanchey	Prachinburi	Agriculture

Table 7.1 | The nine trafficking worst cases who decided to make a report to the authorities, and how they were screened for victim status.

Interviewing / Screening Process	What was reported by the victim to the authorities
The Thai police beat me and checked to find money. They asked me, 'Do you have money?' I told the police that I didn't have money, they slapped me and also beat other people.	I told the Cambodian police I was cheated by the employer, the employer did not give any salary to me, and I had to escape to return to Cambodia. But the Cambodian police didn't believe in me at all.
They asked me, 'Where did you come from? What work did you do? Did you get money? Name? Which province?'	I told the police that I was cheated, the broker told me that I would earn 8,000 Baht but then when we worked we only got 4,900 Baht and it was hard work and they also beat us.
They asked me, 'Where did you cross into Thailand? What is your employer's name? Where did you live?'	I told the police that the employer did not pay us. He said he would take me to another employer to work but I better not try to escape, if I escaped he would shoot my foot.
They asked me, 'Where do you live?'	I told the Thai police I was cheated by my employer, I had to work but got no salary.
They asked me for 200 Baht to take my picture and fingerprints.	I told the Thai police that my boss did not give me my salary for 3 months and I decided to escape back home.
They said, 'How old are you? What's your name? Where were you living? What were you doing?' Then they checked all my physical points.	I told the Thai police about my situation about how my boss told me a lie about my salary, then called to police to arrest us.
They said, 'Name? Where are you from? How old are you? What kind of job did you have?' Then they asked me for 500 Baht and took my fingerprints.	I told the Thai police that the employer did not pay my salary.
They asked for 200 Baht to take fingerprints and photos, but then they checked our pockets and confiscated all our money.	I told the Thai police the employer cheated me and called police to arrest me because the employer did not want to pay me.
They asked, 'Where are you from? Legal or illegal entering Thailand? How old are you?' Then they took my fingerprints and asked for 300 Baht.	I told the Thai police I was working at a corn plantation and the employer did not give me a salary for three months. I had no freedom and it was hard work.

Recommendation 8 | Improve the comprehensiveness and quality of victim identification screenings, starting in the hotspots where victims are likely to be found. Also include ongoing screening of Cambodian deportees at the border in Khmer language to identify victims and help address gaps in the system. To determine whether someone is a victim of trafficking it is necessary to determine what they experienced before they were apprehended by or turned themselves into the authorities. As much as it is practical and focusing on known hotspot areas, both the Thai and Cambodian immigration authorities could increase their efforts to comprehensively screen more at-risk cases, not only to identify more victims, but also to collect a more accurate picture of the human trafficking situation. Increasing the training (and manpower, if needed) for national and local Thai officials whose work relates to trafficking case identification, protection, prosecution and labour enforcement could support increased victim identification, case identification and even prosecution.

KEY FINDING 9 | Nearly 20% of Cambodian deportees who are actually labour trafficking victims report their case, but action by authorities was not taken in any of these cases. The majority of deportees who were exploited choose to not report their cases due to fear of their broker, employer, or the police; a lack of understanding of their rights; and/or inability to speak Thai.

17 of the 92 Cambodians in the sample who were really victims of trafficking (18.5%) actually did report cases. Of the worst cases, nine out of the 37 worst trafficking cases (24.3%) reported their cases to the authorities, as presented in [Table 7.2](#). There were no differences in case reporting according to sex. [Figure 7.3](#) below summarizes the cases of exploited, trafficked, and worst-case trafficking victims who did and did not report their cases.

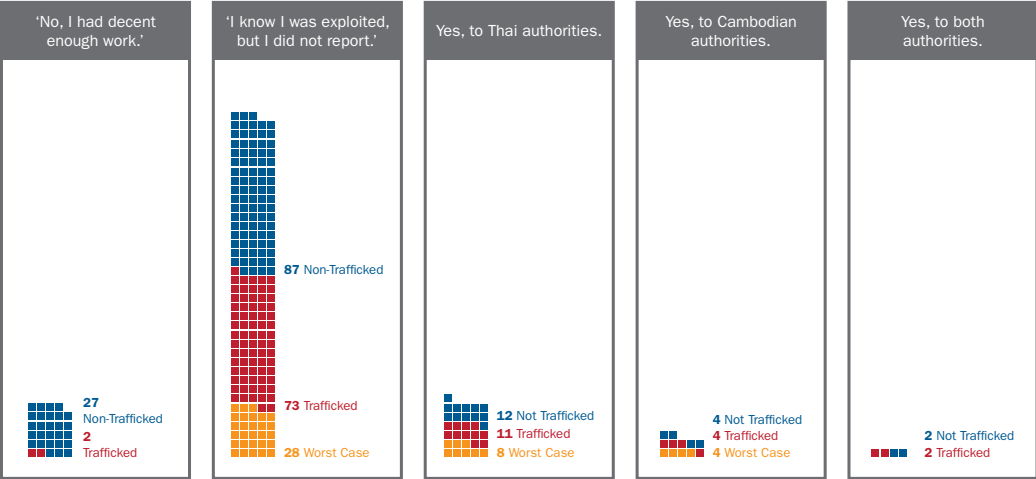


Figure 7.3 | “Did you report your case to the authorities?” Reporting of cases to the Thai and Cambodian authorities, by Cambodian victims of trafficking and exploitation arrested as illegal migrants.

For these cases that were reported, a deeper analysis was done into the elements of their trafficking and abuse and whether they were more likely to make their report to the Cambodian or the Thai authorities. The results are listed in **Table 7.3** below. In summary, it can be seen that when the primary complaint is not being paid or explaining that legal documents were once owned but then taken away by the employer, Cambodian victims felt comfortable reporting this to the Thai authorities. They also reported poor and unsafe working conditions to the Thai authorities, as well as to the Cambodian authorities. However, when the elements of exploitation or control involved abuse by a (possibly influential) Thai boss, armed guards, or close control over personal freedoms, these cases were reported only once the victim reached the custody of the Cambodian authorities.

Factor in the victim's exploitation and abuse	Never paid Legal documents were withheld	Reported to Thai authorities
	Abusive boss Armed guards Restricted freedom of movement Required permission to move or leave	Reported to Cambodian authorities
	Very poor and/or unsafe working conditions Violence in the workplace Restricted by fence, locks	Reported to both Thai and Cambodian authorities

Table 7.2 | How they type of abuse suffered by victims affects to whom and when they report the case.

Still, it is important to recall that over 80% of Cambodian trafficking victims who are arrested and deported never report their abuse. The following quotes illustrate the rationales behind this.

“Because I am afraid the broker will know and then I don’t know where the broker is.”

“I don’t know how to speak Thai very well and I am afraid.”

“I didn’t know where to report to and I was afraid of the police.”

“I did report to the authority, and then the employer’s son threatened to kill me. I got nothing, it was useless.”

“I dared not, because I entered Thailand illegally.”

Listening to the voices of victims of exploitation deported as illegal migrants may also be an effective way of understanding their needs and concerns in relation to justice and compensation; refer to [Table 7.4](#) below, which draws from the 132 victims of labour exploitation, including trafficked persons.

In general, expanding ongoing data collection and situation monitoring could greatly improve the chances of identifying and assisting more victims of trafficking and labour exploitation – or even better, to improve our understanding of the vulnerabilities, threats, and perceptions faced by victims and changing the way services and information are offered to victims so that they choose to identify themselves as needing assistance. Future rounds of sentinel surveillance data collection in Poipet and elsewhere could help to ensure that more victims are identified and assisted over time, and their risk factors are understood and addressed. The responses of victims are also instructive with regard to victim support services.

<p>122/132 (92%) expressed an interest in seeking compensation for lost wages</p> <p>“I want financial compensation, because I worked hard but got nothing for a long time.”</p> <p>“I am in debt to people in my homeland!”</p> <p>“I want to have compensation from the boat owner. However, it is not possible now that I am in Cambodia and he is in Thailand.”</p> <p>“I just want my salary back.”</p>
<p>104/132 (79%) expressed an interest in seeking punishment for their offenders</p> <p>“The broker used Cambodian people but didn’t give us money.”</p> <p>“I don’t want him [the broker] to continue to cheat others.”</p> <p>“The employer exploited our strength and did not give us any money.”</p> <p>“Because there are a lot of people still in there...so we need to help them.”</p> <p>“Catch him [the employer] and put him in jail.”</p>
<p>90/132 (68%) expressed an interest in seeking both compensation and justice</p> <p>However, many were not interested, and in reality most did not report cases, because...</p> <p>“I am afraid they will make my family suffer.”</p> <p>“I am afraid others will suffer next.”</p> <p>“It is my fate. Maybe in a previous life, I did something not good.”</p> <p>“It is over. I don’t care.”</p> <p>“I am worried that if I go back to Thailand, employers will not want to give me work.”</p> <p>“Even if we complain, we will still lose because we are working in their country.”</p> <p>“It is my mistake because I didn’t tell my siblings or parents.”</p>

Table 7.3 | The needs and concerns of victims of trafficking, in relation to seeking compensation and punishment for offenders.

Recommendation 9 | Provide social, economic, legal services and information immediately upon arrival in Poipet to deportees who may be victims of labour trafficking or exploitation. It would be beneficial for misidentified and deported victims of human trafficking to have immediate access to social service options and information upon their arrival. Government and/or non-governmental social service providers offering information and services to deported victims immediately after their arrival in Poipet to give more opportunity for victim identification/self-identification, as well as the provision of appropriate and sometimes critically needed services and information – from medical assistance to information on the procedures and contact information for reporting cases and recourse, including for returned Cambodians living in Cambodia but seeking justice and/or compensation from exploitative employment in Thailand.

Recommendation 10 | Increase practical collaboration between Thai and Cambodian counterparts, particularly with regard to case conferencing and the sharing of enforcement-related information. Support mechanisms for more secure, efficient, and effective transfer of information between police units regarding human traffickers and exploiters, including through operational coordination between local Cambodian and Thai authorities, as well as bilateral meetings at more senior levels through the COMMIT process. Such efforts could help translate more cross-border investigations and cases into successful prosecutions of traffickers, as well as more compensation paid to victims. Support ongoing data collection and analysis to provide the empirical and case basis to underpin practical coordination.

8

RECOMMENDATIONS

The 10 key recommendations that were presented through the report are compiled here. They would benefit from the attention and action of a variety of anti-trafficking stakeholders in both Cambodia and Thailand including government, non-government and donors.

Recommendation 1 | Educate Cambodian and Thai front-line responders about their role in identifying and assisting foreign victims of labour trafficking, including men. Providing front-line responders with training and tools for identifying foreign victims of trafficking, including male victims of labour trafficking, would help to address widely-held beliefs that victims of trafficking are only women and/or only sex trafficking victims. These tools should also provide for referral to appropriate services. A key aspect of this training should be how to address cases in which a clear determination cannot be made. There is also a need to ensure that child migrants (under 18 years) are treated in accordance with their best interests, regardless of whether they are determined to be a victim of trafficking. This is an obligation under the United Nations Convention of the Rights of the Child (CRC).

Recommendation 2 | Make legal labour migration channels more affordable, efficient and accessible to prospective migrants. Given the demand for labour in Thailand currently met by undocumented workers, making legal and safe migration options is the only scalable solution to preventing human trafficking for labour. The magnitude of cross-border labour trafficking from Cambodia to Thailand means that identifying, assisting and sheltering every cross-border labour trafficking victim would be impossible. Improving the channels for safe, formal recruitment of migrant labour and ensuring protection of the rights of those workers would be of benefit to Thai employers who would have a more stable workforce, without fear of their workers being deported. These are improvements needed to meet the needs of Thai industry and the growing Thai economy.

Recommendation 3 | Educate anti-trafficking responders and policymakers about the realities of gender, vulnerability and human trafficking. It is commonly stated that the overwhelming majority of trafficking victims in the world or even in Asia are women and girls, based on the overwhelming majority of identified trafficking victims being women and girls. However, the information obtained from this research paints a different picture. The most plausible explanation appears to be that the vast majority of male victims of trafficking are unidentified, due to lack of understanding of labour trafficking and the situation of male victims. This population should therefore be made a higher priority to find and assist.

Recommendation 4 | Refine and make more specific the content of safe migration awareness-raising, particularly to males in hotspot source areas. Specifically address what are known to be the key risk factors, namely usage of brokers and tendency to pay more migration costs and go into debt bondage. Educate prospective migrants (with a focus on men, but also women) of the realistic costs of migration, the realistic earnings they could make, their rights as migrant workers under Thai law, who to call if they are exploited and the chances of deportation if they do not migrate legally. Encourage safe migration only when enough cash is had to be able to pay costs in advance and avoid going into debt.

Recommendation 5 | Develop Khmer-language outreach, assistance and mechanisms to report exploitation and trafficking cases for Cambodian migrant workers in Thailand. Systems and programs to communicate with, reach, and assist Cambodians in Thailand would strengthen efforts to properly identify more victims of trafficking in Thailand and bring their offenders to justice. While there is a Thai Government anti-trafficking hotline, 1300, it does not have multi-lingual capacity. Anti-trafficking and labour rights NGOs working in these hotspot areas may benefit from increased support for Khmer language programs and outreach. Expanding 1300's multi-lingual capability, or establishing other ways for Cambodians to report cases or request assistance, could increase the information base in support of more prosecutions of offenders, while allowing more victims to be assisted.

Recommendation 6 | Investigate and disrupt broker-trafficker networks involved in human trafficking, starting with the destination exploitation hotspots and labour sectors identified in the maps. Focus investigations and operations on disrupting the broker-trafficker networks that make large amounts of money by recruiting, deceiving, and transporting prospective migrants into exploitative labour situations. Such investigations could be initially based on more detailed accounts from returned or self-returned labour trafficking victims (including in the sentinel surveillance dataset). When one link in the trafficking chain is exposed, more effort should be made to use the information gathered to expose the entire chain.

Recommendation 7 | Engage relevant Thai business and industry associations to address exploitation and trafficking that occurs in their industries. It is in the best interest of business to address companies failing to meet minimum workplace standards and creating the possibility of casting a negative light on their industry as a whole. Within every labour sector there is a continuum, ranging from those who actively seek best practice and raise industry standards, to those on the other end of spectrum that traffic, exploit and tarnish the industry as a whole. Bad business practices could threaten Thai industries from a financial, trade and reputation perspective. Seek ‘enlightened’ businesses willing to help address issues in their business sector as partners and engage relevant industry associations.

Recommendation 8 | Improve the comprehensiveness and quality of victim identification screenings, starting in the hotspots where victims are likely to be found. Also include ongoing screening of Cambodian deportees at the border in Khmer language to identify victims and help address gaps in the system. To determine whether someone is a victim of trafficking it is necessary to determine what they experienced before they were apprehended by or turned themselves into the authorities. As much as it is practical and focusing on known hotspot areas, both the Thai and Cambodian immigration authorities could increase their efforts to comprehensively screen more at-risk cases, not only to identify more victims, but also to collect a more accurate picture of the human trafficking situation. Increasing the training (and manpower, if needed) for national and local Thai officials whose work relates to trafficking case identification, protection, prosecution and labour enforcement could support increased victim identification, case identification and even prosecution.

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Recommendation 10 | Increase practical collaboration between Thai and Cambodian counterparts, particularly with regard to case conferencing and the sharing of enforcement-related information. Support mechanisms for more secure, efficient, and effective transfer of information between police units regarding human traffickers and exploiters, including through operational coordination between local Cambodian and Thai authorities, as well as bilateral meetings at more senior levels through the COMMIT process. Such efforts could help translate more cross-border investigations and cases into successful prosecutions of traffickers, as well as more compensation paid to victims. Support ongoing data collection and analysis to provide the empirical and case basis to underpin practical coordination.

Annex 1:

Definitions and Terms

Broker, middleman or recruiter

The broker, middleman, or recruiter is an individual that facilitates the migration or movement of a victim from the point of origin to the point of exploitation. In a human trafficking chain, there may be more than one broker. The broker may be a family member, neighbor or complete stranger. The broker may not have direct contact with the victim's family or the end exploiter. The broker may approach the victim to work abroad, but a broker may also be solicited by the victim. While some brokers use force, many others use deceit or fraud to convince the victim to make the journey.

Both the broker and the employer exploiting the victim are normally considered human traffickers.

Deportation

The term deportation means the removal or sending back of a foreign national to their country of origin because his or her presence is deemed inconsistent or illegal under domestic law. In the context of this report, deportation of Cambodian migrants is primarily a result of their irregular status of entering Thailand without proper authorisation such as a visa or work permit or entering with proper authorisation but later violating the terms of that authorisation by working without permission or staying beyond the visa expiration date. Despite their irregular status, under Thai law, victims of human trafficking are exempt from deportation.

Exploitation

Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Human trafficking

Human trafficking is the criminal and illegal trading of human beings for the purpose of exploitation. Trafficking may occur within a country or across national borders. The Palermo Protocol defines human trafficking as:

- The recruitment, transportation, transfer, harboring or receipt of persons (ACT);
- by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person (MEANS);
- for the purpose of exploitation (PURPOSE).

Irregular migrant or undocumented migrant

An irregular migrant is an individual who migrates from one country to another without the destination country's legal authorisation or a person who has migrated with legal authorisation, but remains after that legal authorisation expired or was terminated. Because it is more neutral and does not carry a high level of stigma, the term irregular migrant, rather than illegal immigrant, is increasingly used by organisations working in the field of migration, such as the IOM.

Minor

National trafficking laws in the Greater Mekong Sub-region generally identify a minor as any person under the age of 18 years.

Repatriation

The term repatriation means to return an individual to his or her country of origin or citizenship. In the context of this report, official repatriation occurs when the Royal Thai Government, after recognising that a Cambodian national and irregular migrant is a victim of human trafficking, and after having provided him or her with the services required by the relevant laws, returns him or her to Cambodia. Though the end result of repatriation is the same as deportation – a return to the home country – repatriation is done in coordination with the Embassy of Cambodia and sometimes with the assistance of NGOs. Official repatriation is presumably done with the best interests of the individual in mind.

Transnational crime

A transnational crime means an offense committed in more than one State, or an offense committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State, or an offense in which the offenders are involved in an organised criminal group of another State or an offense committed in one State, which has effects on another State.

Annex 2:

Statistical modeling for Poipet 2009-2010 Sentinel Surveillance

Prevalence

Prevalence – that is, annual numbers of cheated, exploited, and trafficked persons within the stream of Cambodian deportees sent back from Thailand via the Poipet checkpoint – was determined primarily through the design of a rigorous sampling frame that would allow estimates of prevalence in a population based on a level of prevalence in the population that can be assumed to be representative of the sample. The population size was ascertained from actual counts of received deportees from the Royal Government of Cambodia Immigration. Following the victim screening and identification procedures of the Royal Thai Government, cases were classified as ‘trafficking’ and ‘possible trafficking,’ based on the information gathered from the sentinel surveillance interview.

Vulnerability

Risk factors for being cheated, exploited, or trafficked were determined through multivariate regression models for the entire sample of 400, which includes cheated vs. non-cheated, exploited vs. non-exploited, and trafficked vs. non-trafficked people. Risk modeling was done using the software PASW 17.0 (previously SPSS). Multivariate regression models allow for multiple possible risk factors to be analysed together, to determine which are really significant, and which may interact with each other. Separating out and quantifying the effects of different variables is important because many factors related to labour migration or trafficking tend to co-vary (such as ‘monthly wage’ and ‘labour industry’, which are closely related) or interact (such as ‘sex’ and ‘number of brokers’ used, since women tend to use brokers differently than men would).

Multivariate logistic regression models were used when the dependent variable (the outcome variable of interest) was binary and only had two categories. The main logistic models built for sentinel surveillance risk modeling included the following and are based on the categories of cases explained in the previous section:

- ‘Cheated’ vs. ‘not cheated’
- ‘Exploited’ vs. ‘Non-exploited’
- ‘Trafficked’ vs. ‘non-trafficked’
- ‘Trafficking worst case’ vs. ‘not a trafficking worst case’.

Models for the risk of each of these outcomes were built by entering a number of possible risk factors (independent variables), for example 'sex,' 'age,' or 'number of brokers used' to see the effects of those variables on the odds of a person being in the high-risk category or the low-risk category. Best-fit models were finalised by removing non-significant independent variables.

Best-fit multivariate linear regression models were built similarly, but for when the dependent variable was continuous (i.e., a numeric scale), for example 'amount of broker fees paid (in Thai Baht).'

Spatial vulnerability – that is, mapping hotspots of source hubs for migrants and trafficked persons, destination hubs for exploitation and trafficking, and trafficking routes – was achieved through GIS mapping, with the SPSS/PASW variables for districts, provinces, and other geographic localities using codes compatible with GIS software.

Labour exploitation and trafficking

Elements of labour exploitation were measured in several different ways in the sentinel surveillance survey, for cross-checking. Separately, none are perfect, but together they help to construct a nuanced picture of the working conditions of the respondent. There were three main categories of measurement of labour exploitation:

1. Threats, control, violence, and restriction of movement. Reports by the respondent of the presence of control elements in the workplace, for example:

- a. Armed guards (yes/no)
- b. Withheld passport or work permit (yes/no)
- c. Fences or locks on doors restricting movement (yes/no)
- d. Levels of violence in the workplace (scale rating from 1 to 5)
- e. Levels of freedom of movement (scale rating from 1 to 5)
- f. Ability to contact friends or family (yes/no)

2. Working conditions: Reports by the respondent about various elements describing working conditions, for example:

- a. Number of hours worked per day
- b. Number of days worked per week
- c. Perceived safety of work (scale rating from 1 to 5)
- d. Perceived working conditions (scale rating from 1 to 5)

3. Financial controls and exploitation: payments and deductions: Reports by the respondent about possible financial control and coercion elements, for example:

- a. Fees paid for migration
- b. Expected salary, actual salary, and the difference between their expected and actual salary

- c. Amount of salary removed for deductions (and how much, and what kinds of deductions)
- d. Amounts of debt incurred by the migration/trafficking process, and to whom the person was indebted

Post-trafficking interventions and needs

It was important to capture the needs, concerns, and suggestions of migrants and victims, including their experience with government and NGO responders, and recommendations for how migration can be made safer and more beneficial for everyone involved. For example, respondents provided information on:

1. How they came to leave their workplace (open-ended responses that were categorised post hoc for analysis)
2. Their pre-deportation detention (where, how long, and descriptions of the conditions and treatment)
3. Whether and how they were screened/interviewed
4. [If exploited or trafficked] Whether they reported the case, to whom, the response, whether they are interested in seeking compensation and/or justice, and why or why not
5. [If exploited or trafficked] Assistance they may be interested in (for example, job placement, medical, legal, etc.)



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