

How illegal migration turns into trafficking for sexual and labor exploitation? Raising voices of girls and women from Lao PDR

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ABSTRACT

Over the past few years, Lao PDR has been facing a strong seasonal and illegal migration movement to Thailand, attracting a rising number of female migrants. In the near future, due to its unique geographical situation at the crossroads of the GMS, Lao PDR will likely to tackle an explosion of labor migration flows resulting from the ongoing regionalization processes, generating demand for sexual and labor exploitation as well. Yet, there exists some significant gaps in the available information about the nature and extent of the link/overlap between migration and trafficking. Can patterns be identified to distinguish trafficking from illegal migration? If so, are these patterns linked to vulnerability factors, to awareness levels, to routes taken, to connections? Finding answers to such questions calls for an innovative investigation that can inform us on how migration turns into trafficking and, more generally, on how trafficking operates, thus allowing GMS policy makers to govern migration for both national development and regional integration. We hypothesize that an identifiable distinction exists between illegal migration and trafficking and that certain individuals or groups of people are more vulnerable to exploitation than others. Through an Action Research carried out with AFESIP, an international NGO, based on a narrative analysis of life story material from residents of its Rehabilitation Centre, this paper intends to open the way to new approaches to migration discourse, building evidence base for debates, policies and interventions in the Mekong region.

INTRODUCTION

Population mobility is not a new phenomenon for the countries of the Greater Mekong Sub-region (GMS). At a time when national boundaries were not yet established, ethnic minority groups living in border areas moved freely in the region, and for centuries, the Chinese have been moving southward and were assimilated with local populations. More recently, political conflict and civil war throughout the Indochinese peninsula have compelled large numbers of persons from neighboring countries to seek refuge in the relatively stable environment of Thailand.

However, over the last two decades, the global and regional economy has substantially accelerated the human migration flows and extensively modified their nature. Nowadays, a number of push and pull factors throughout the Mekong region add to the complexity of a multidirectional migratory progression, generally taking place outside of the legal and regular channels.

Today, the Indochinese Peninsula is experiencing critical socio-economic and cultural changes since the Communist countries have initiated in the late 80's their transition from a centrally-planned economy to a market-oriented economy. Within this fast-

growing region, Lao PDR, one of the poorest and the most sparsely populated countries in Southeast Asia, has been facing a strong seasonal and illegal migration movement to Thailand, attracting a rising number of female migrants. In the near future, due to its unique geographical situation at the crossroads of the GMS, Lao PDR will likely to tackle an explosion of labor migration flows resulting from the ongoing regionalization processes, generating demand for sexual and labor exploitation as well.

While liberalization of the regional economies has increasingly emphasized the formalization of trade links, border crossing and commercial agreements, Lao PDR hasn't still provided for an adequate legal policy framework to tackle the problem of human trafficking related to a massive illegal migration, affecting particularly women and girls since they have recently got involved in many labor-intensive industries and services.

In this paper we will discuss the nature and extent of the link/overlap between illegal migration and trafficking in the context of Lao PDR. Can patterns be identified to distinguish trafficking from illegal migration? If so, are these patterns linked to vulnerability factors, to awareness levels, to routes taken, to connections? Finding answers to such questions calls for an innovative investigation that can inform us on how migration turns into trafficking and, more generally, on how trafficking operates, thus allowing GMS policy makers to govern migration for both national development and regional integration.

We hypothesize that an identifiable distinction exists between illegal migration and trafficking and that certain individuals or groups of people are more vulnerable to exploitation than others. Through an Action Research carried out with Afesip, Agir pour les Femmes en Situation Précaire, an international NGO, this paper intends to open the way to new approaches to migration discourse, building evidence base for debates, policies and interventions in the Mekong region.

This research was carried out following an Action Research Process implemented in June 2007 with Afesip's social workers team and psychologists. Based on a narrative analysis of life story material from residents of its Rehabilitation Centre, this research aimed to yield a rich field of information that has not yet been tapped by researchers and commentators on trafficking and migration, such as determining the ways that migration and human trafficking operate in the lives of a population of young Lao women and children. The better understanding of the migration and trafficking nexus would contribute to build a more adequate future policy on combating trafficking and develop appropriate therapeutic interventions and rehabilitation programs for victims of trafficking and exploitation.

Above all, capacity-building of the Lao social workers team (two young women), trained in unstructured interview techniques to conduct the in-depth interviews was the core of the Action Research Process. In addition, case study for each resident was prepared with the interviewer before conducting in-depth interviews in order to highlight the main points to investigate and the way to question the interviewee. The in-depth interviews were conducted and recorded at Afesip's centre by the same social

worker, and then translated in English. When the in-depth interviews could not be performed because the residents had already left the centre, case study meetings with the social workers and the psychologist were carried out to collect the life stories of the residents, based on the different reports written by the social work department, Afesip Thailand, and the psychologist, as well as on the regular follow-up made by the social workers after the reintegration of the residents in their home.

We will first describe the patterns of trafficking in Lao PDR and its links with illegal migration in the context of the GMS, illustrated by an analysis of 12 returnees' trajectories welcomed in the Afesip's centre. We will particularly focus on the socio-economic characteristics of the victims, and try to understand the push and pull factors of migration as well as the role of social networks and traffickers during the migration process. Afterwards, this in-depth analysis will enable us to identify the problems and challenges raised by the concept and definition of trafficking in terms of policy making for the government as well as anti-trafficking projects designed by NGOs.

LAO PDR: THE MOST REVEALING SITUATION OF OVERLAPPING ILLEGAL MIGRATION AND HUMAN TRAFFICKING IN THE GMS

Since much of the cross-border movement in the GMS is irregular, it is difficult to obtain reliable information on the true size of migration flows. Nonetheless, Mekong Migration Network (2005) has tried to provide estimates which vary greatly, ranging from 1.8 to 4 million intra-regional cross border migrants in the GMS. The existing data sources allow us to sketch several distinct and established migration patterns such as the movements of mainly unskilled Cambodian, Lao PDR and Myanmar workers into Thailand, of higher skilled workers from Vietnam to Lao PDR and Cambodia, and high skilled Chinese from Yunnan and Guangxi regions into Lao PDR and Myanmar. Thailand, Cambodia and China are the main receiving countries, with Thailand by far the largest of the three. An indeterminate small number of Laotian migrant workers, primarily from the northern part of Lao PDR, also migrate to Yunnan (Asian Migrant Centre, 2004: 115).

Becoming the economic hub of the Mekong region and attracting the majority of its labor migrants, the Thai government took the decision of facilitating the registration of irregular workers. In 2004, 1,284,920 illegal migrants responded to the amnesty registration; at the end, 814,247 work permits was issued: the majority of the workers mainly came from Myanmar, Cambodia and then from Lao PDR. Lao migrants totaled 181,614 people but only 99,352 migrants were registered, of whom 55% were female and most were 16 to 24 years old.

FIGURE 1. Major Intra-regional Migration Flows in the GMS



(Source: Caouette et. al., 2006: 29)

But as far as Lao PDR is concerned, it seems that their numbers may be grossly underestimated since many of them may be reported as Thai. Indeed, most Lao migrants into Thailand are from the majority Lao-Tai ethnic group, the same language group as Thai people. They also share a long tradition of interaction (including intermarriage), especially with *Isaan*, people living in Northeastern Thailand. For centuries, communities living along the both sides of the Mekong River used to crossing for visits and trade.

Given the longest border - 1,835 km - along the length of the Mekong River that Lao PDR shares with its neighbor (National Statistics Center, 2005), and the numerous crossing points to be controlled, keeping close surveillance of the border to prevent illegal border crossing is challenging. In that context, temporary migration across borders is also very common. The amount of seasonal migrants estimated by the Thai government in 2000 was close to 100,000. On the other hand, the International Labor Organization (ILO) and Thai research institutes estimate 300,000 or more Lao workers in Thailand, which represents 10% of the Lao labor force (ILO, 2003: 11-15).

It is not clear if these figures declined with the introduction of the new registration system which was expensive (2,500 Thai Bath, US\$ 73²). But given the exorbitant cost of migration, about 17,767 Thai Bath, e.g. US\$ 538 (Ministry of Social Welfare, 2005), and the ease with which migrants can cross the Lao-Thai border (cf. ANNEXE 1), it is unlikely that these figures would decrease in the near future.

The use of legal channels to migrate between Lao and Thailand is also low because the process of recruitment, approval and job supply is excessively slow and expensive. To date, only 6.3% of demand (e.g. 3,105 workers) had been supplied to Thai employers (Inthasone Phetsiriseng, 2007: 6). The expenses when compared to the low income migrant workers would earn (on average 150 THB per day) explain why there are few

migrant workers willing to go through official recruitment channels. The issue of a fair system of legal migration is one of the crucial points at the heart of the trafficking situation.

In the coming decades, it is clear that multifaceted labor patterns will only expand and shift as development and foreign investment continue. Uneven patterns of development, diverging demographic trends and economic integration in the GMS will ensure that these migration flows continue to grow in coming decades. While Thailand will increasingly face the challenges created by an aging population as it is occurring in developed countries, the poorer countries in the sub-region, particularly Lao PDR and Cambodia, have population growth between two and three times higher than that of Thailand, and a rising share of people of working age. The gap is expected to widen in the following fifty years. These demographic differences are likely to fuel continued migration in the next twenty years (World Bank, 2006: 18).

Out-migration is vital for the development of Lao PDR since the remittances sent by migrants form an important part of the income of many rural households which enable them to survive and/or face expenses for education and illness (UNDP, 2006). Two surveys (MLSW of Lao PDR, 2004 and ILO/NSC, 2003) found that 50% of returning migrants sent remittances averaging between US\$ 100 – US\$ 150 million per year. The majority reported sending approximately 10,000 Thai Bath (US\$ 300) per annum (SEARC, 2005).

Trafficking in Lao PDR: an increasing problem

The number of persons annually trafficked in the GMS is not known, with estimates ranging from 200,000 to 450,000 for women and children, and no information on the number of men³. Compared to neighboring countries like Burma and Cambodia, Lao PDR seems to have comparatively fewer trafficked victims. TRACE report estimate that some 21,816 persons have been trafficked from Laos in the past 10 years, assuming that the missing persons have been trafficked (TRACE, 2004: 68). There are no cases reported in the literature reviewed of kidnapping, and very few cases reported of the “sale” of minors by parents (World Vision, 2006). There is no significant pattern of trafficking persons into Lao PDR which only serves as a transit for trafficking persons from China and Vietnam into Thailand (IOM, 2007). The only trafficking movement that requires more attention is the trafficking of persons from Lao PDR to Thailand and internal trafficking of young girls from the Northern provinces to Vientiane Capital, for the purpose of commercial sexual exploitation (UNICEF, 2003). More recently, due to a massive Chinese migration in Northwest Lao PDR, some cases were reported of trafficking in women sold as brides to China and Myanmar, affecting particularly Akha people (UNDP, 2000; Lyttleton, 2005; Sayavong, 2006).

The Social Welfare Department in Lao PDR has reported that 730 victims of trafficking were formally returned from Thailand in the six years from 2001 through 2006. 85% of the returnees were 18 years old or less and 76% were from the three southern provinces of Savannakhet, Champasak and Saravan (cf. ANNEXE 1). Fewer than 2% of the Laotians detained as irregular migrants in Thailand are identified as victims of trafficking (IOM, 2007a: 17).

In fact, experts believe that Lao PDR is uniquely poised for increased migration, with more citizens becoming victimized by trafficking. This is due to the opening of borders, and infrastructure changes making migration out of the country easier than previously.

However, we can advance the hypothesis that in the near future, Lao PDR, will be particularly susceptible to trafficking as it is situated at the heart of a fast developing region, with a young population and relatively low economic indicators. The increasing regional economic and disparities the regional integration will lead to an explosion of labor migration flows, generating demand for sex and labor exploitation as well. We will show in the second part of this paper that if the Lao Government doesn't build the adequate policy for improving regular migration, we may think that the problem of trafficking will dramatically increase. But before discussing the right policy making for handling the situation, we need to better assess the profile of the victims and understand how they ended up into trafficking.

Who are the victims of trafficking in Lao PDR?

The best way to analyze the trafficking victims' profile is to focus on returnees from Thailand. We have chosen to conduct this research with Afesip Laos, who has recently opened the only shelter for trafficking victims in Lao PDR. Since its opening in October 2006, the Rehabilitation Centre, situated along the Mekong River in Vientiane Capital, has welcomed 12 girls and women who have been receiving vocational training and psychological support. All of these girls and women, except one, went to Thailand as illegal migrants, experienced situations of labor and/or sexual exploitation and after escaping, being rescued, or arrested by the police, have been repatriated to Lao PDR. Most of the time, Afesip Laos has been alerted either by its counterpart in Thailand, Afesip Thailand, or by IOM, LWU (Lao Women's Union) and other NGOs working on trafficking situations, such as World Vision in Savannakhet, to take care of these cases. Before entering Afesip's Rehabilitation Centre, these girls and women went through different repatriation processes that we will describe further in the second part of the paper. One resident didn't migrate illegally to Thailand but was victim of internal trafficking. She has been identified and rescued by the Outreach social team which regularly visits entertainment places in Vientiane Capital. We have kept this case in our sample because it highlights the fact that internal trafficking process is in large extent similar to transnational trafficking.

The analysis of these 12 returnees' trajectories will enable us to fulfill the significant gaps in the available information about the nature and extent of the link/overlap between migration and trafficking. It should be noted that although reports are titled as being about trafficking, none of them covers the issue in any detail; they focus exclusively on illegal migration (World Vison Lao PDR, 2006). This is an example of the common confusion between the two issues.

Obviously, given this research is a small-scale qualitative survey, the findings don't pretend to be representative of the trafficked population, nor highlight the size of the problem but rather seek to provide insight into dynamics, logistics, experience, etc. of trafficking.

All the surveys (UNIAP, 2001; UNICEF, 2004; ILO, 2003; IOM, 2004; TRACE, 2004; SC-UK, 2004) pointed out that the migrants most affected by trafficking seem to be those in vulnerable social positions, particularly young women facing problems at home (particularly abuse from male step parents), and/or those without well-established cross-border networks of relatives and friends. Our research findings confirm the recurrence of these vulnerability factors. The average age of the residents when they migrated was **16.3**, ranging between 13 and 24 years of age. All except one were under 18 when they were arrested and more than half of them (7/12) were under 16. The residents also reflect the general tendency toward lower education levels among the victims of trafficking: none of them went further than primary school, and more than half of them couldn't read and write Lao before entering the shelter.

All the studies showed that most vulnerable are lowland groups from Lao-Tai ethnic group because of their cultural and geographical proximity with Thailand, mainly coming from five provinces, Savannakhet, Khammuane, Champasack, Xayaboury and Bokeo, which border Thailand along the Mekong River where it is relatively easy to cross the border by boat or by foot through local check-point. In addition, among the ethnic minorities, the Tibeto-Burmese seem to be over-represented in data on trafficking compared to the percentage of the population, most at risk to trafficking to Thailand, and more recently to China.

Regarding to our sample, all the residents are from the Lao-Tai ethnic group, except one, **Taan**, who is Lao Theung (midland Lao), and more specifically Khmu (Mon-Khmer speaking group) from Savannakhet. She couldn't speak Lao fluently before migrating to Thailand but she could understand Thai well. Concerning the only case of internal trafficking within our sample, **Mee** comes from a remote village in Huaphan Province in Northern Lao PDR but she belongs to the Lao-Tai ethnic group, which shows that not only ethnic minorities in Northern provinces are subjected to trafficking. More attention should be paid on the Ethnicity-Trafficking nexus in further research since many studies (Poverty Participatory Assessment of the World Bank, 2006; SC-UK, 2004: 7 & 27) found that ethnic minority women were the most disadvantaged in Lao society, suffering from harsher working conditions in terms of both reproductive and productive tasks.

It is noteworthy that most studies focused exclusively on migration and trafficking in rural areas. Though it may be the case that less migration takes place from urban areas, this should be a hypothesis to be tested rather than an assumption. Most studies found that victims of trafficking came from rural areas, especially villages at periphery to urban centre, and rarely from very remote traditional villages. Some cases of trafficking from villages subjected to village relocation were reported. Concerning the first group, young people may be more influenced and attracted by consumerism and modernity values associated with the fast development of Thai economy. With regard to our sample, all the residents who moved to Thailand lived in rural villages near the Thai border where migration to Thailand is a common practice: one third comes from Savannakhet Province, the province with the highest number of migrants; one third from Vientiane province; two from Champasack, and one from Saravan. It appears that most residents come from villages whose access by road is relatively difficult, especially during the rainy season, but they are not located at periphery of urban centre.

In their cases, it's more likely the proximity with the Thai border that influenced their destination of migration. Indeed, their villages are nearer to the Thai border than Vientiane Capital, then, it is easier for them to migrate to Thailand than moving to the capital. Besides, Lao people need to get official authorization documents too to settle down in another place within the country.

Concerning the second group, the upland minorities, UNICEF survey found that most of the non-Lao victims of trafficking came from resettled or relocated villages and were most at risk after the upheaval brought by relocation in the framework of Lao National Policy for eradicating slash and burn culture (Evrard & Goudineau, 2004) and very few came from extremely remote areas. As UNICEF stated, these aspects needs further study⁴. Among our sample, none of them come from resettled village or extremely remote village. **Mee**, comes from a remote village in Huaphan, in Northern Laos but not relocated and the road to Vientiane Capital is easy to take.

At last, with regard to economic situation, many discussions about migration state that a connection between poverty and migration is often assumed but rarely proved (UNICEF and UNIAP, 2002). Most of the research findings (Asian Migrant Centre, 2004; UNDP, 2006) indicate that more people migrate from median poor families rather than poorest families. Molland (2005) analyses existing data as showing that “the poorest of the poor” do not migrate, and finds that rather “relatively poor”, those who are of moderate income levels in the village and have aspirations for greater wealth or increased consumption tend to migrate.

Actually, the TRACE team states that although “absolute poverty”, which is associated with no stable income and no schooling, is a high risk factor for falling to trafficking, this is not because poor people are more desperate for money, but rather because their low status within their community means that traffickers feel free to take advantage of them. Regarding our research findings, all the residents of Afesip's Rehabilitation Centre come from poor families but we observed the same trend described by TRACE team where the traffickers took advantage of the vulnerability of the families. Indeed, the majority of the residents' parents (9/12) have their own irrigated paddy fields (*Na*) but it should be noted that one quarter of them also practice slash-and-burn culture, which requires harsh work. Two of them can't cultivate their rice fields due to their advanced age and at least one third talked about their family's debts. In one quarter of the cases, the family became poorer after the death of the father because they had to sell the rice fields to pay for the funerals and then lost their only income. As a matter of fact, we can note that these fragile families have been targeted by the traffickers who took advantage of her poverty and low status.

Push and pull factor of migration

Dysfunctional family support, such as the divorce or the death of one or both of the parents can also be additional push factor of migration and vulnerability factors of trafficking. Half of the residents have been facing family problems: for one third or them, one or two parents died and for two residents, their parents got divorced. One third lived with their relatives or step-parents.

In half of the cases, the residents are the eldest sister and have the responsibility to bring back money to take care of the family whose parents are dead or divorced. For example, **Lah**'s father died and her mother had to sell the rice field to pay for the funerals; since then she contracted many debts. Lah's elder brother is a drug addict to « *yaba* » (amphetamines), and she is the eldest sister at 18 years old. One younger sister got married and kills buffalos for her living and the other one still went to school. Lah used to sell barbecue along the Mekong River in Savannakhet Province when a Lao woman from her village who was used to working in Thailand proposed her a job as a fruit seller for 3,500 Thai Bath a month. As she earned not enough money to take care of her family, she decided to accept the offer and brought her youngest sister and a friend together into the adventure which ended up into a situation of forced prostitution in Pattaya.

In the context of torn social fabric in the countryside, young girls and women facing problems at home may be escaping from a situation of physical or sexual abuse, often by a step-parent. Sadly, these migrants may only face further abuse or exploitation due to their young age, gender and lack of networks. In our sample, one quarter of the residents went to live with step-parents after their mother got remarried or within their elder sister or brother's family after their parents' death. They all expressed their difficult relationships with male step-parents who often maltreated them or tried to abuse them. For example, **Kod** is 24; she is the youngest of 4 siblings. 10 years ago, her mother got remarried with a soldier who always shouted at her to make her leave the house. Her mother was not very kind with her too; since she was a child, she always felt rejected by her mother (*noi chai*). Moreover, one of her step-brother often tried to watch her when she was bathing. She thought many times to commit a suicide and tried once when she was 19. After an incident during her younger brother's wedding with whom she had good relations, people in the village started to gossip about her. Kod couldn't stand with this situation anymore and decided to migrate to Thailand to leave her family.

Gender roles and expectations in Lao PDR may be creating additional incentives for female migrants to travel to Thailand for work. Because they work harder, perform 90% of all reproductive tasks and 50% of productive tasks, and spend less time than men on socializing with others outside of the family, working in Thailand may appear more attractive. They tend to migrate at a younger age than men. The lower age of marriage for women compared to men may result in lower ages of migration for females and they may have to migrate before taking on the responsibilities and burdens of marriage and children (SC-UK, 2004).

A powerful traditional incentive may also push women and girls to migrate. We can base on a research conducted by the anthropologist Mary Beth Mills (2003) who extensively studied female migrants from *Isaan* to explain women's motives of migration in Lao PDR. According to her, women have the responsibility as daughters to repay their parents, especially their mothers. Sons are traditionally able to discharge this symbolic debt by being ordained as monks and dedicating the merit thus accumulated to their mother. Daughters, on the other hand, are unable to ordain and make significant merit in this way, and thus must repay their mothers through labor. Traditionally, this took place through housework, but in modern times, it has been by sending money home to enable the building of modern houses, the education of younger siblings, and

the acquisition of consumer goods. As explained accurately the Head of Afesip's Rehabilitation Centre, "Girls are educated in the idea of sacrifice for the family. Mothers prefer sending girls than boys. They don't want to let their sons go⁵". In the majority of the narratives collected, we recurrently find the motive of earning money to support the family:

"I felt good to go to Thailand to earn money to send to my parents [...] I really wanted to send money to my parents; sometimes, I sent them all my money, I had no savings. I love my mother very much; I want her to eat whatever she wants. I don't care about money; it depends on her, on what she wants to buy. The first time, I sent them money to make latrines behind the house [...] I want to learn, help my mother; I want her to be happy, even if we are poor". [Kod, August, 19th, 2007]

Poverty is the main factor driving young people to migrate, resulting from crop failure and lack of opportunities in their local village (ILO, 2003; SEARC, 2005). In our sample, one quarter of the residents also expressed this motive as one of the push factor for migrating. Women prefer going to Thailand than moving to Vientiane capital since they can earn a better salary. For example, the work in a garment factory in Vientiane is paid 200,000 to 500,000 kip (US\$20-US\$50) but the work is hard (Database Analysis of Women in prostitution, Afesip, 2007; Oloth, 2007), whereas they can earn 1,000-3,000 THB (US\$ 30-90) working as a domestic worker and 3000-10,000 THB (US\$ 90-300) if they work in entertainment places, sectors in increasing demand (World Bank, 2006: 56).

On the other hand, boredom with the rural lifestyle and pressure from the others, especially from their peers, are largely cited as reasons migrants choose to leave their home country. Migrating to Thailand is seen as a kind of *rite of passage* among youth. Those who don't migrate are considered by their peers as weak or lazy persons. Young people follow a scheme of social value reproduction, such as earning money abroad to bring back modern items to improve family's daily life, or to build a new house for the parents. They are influenced by friends who have already migrated to Thailand and tell nice stories about their migration experience, hiding as much as possible the negative points. This migration phenomenon is so massive that villages are emptied of their youth and the few young people who remain can see their friends leaving one by one.

Lao youth is particularly influenced by the wide appeal of Thai pop culture, visible in television, music, karaoke, and other media outlets. Such media portrays life in Thailand as affluent, easy, trendy, and modern, thereby promoting notions of consumerism and materialism towards which many Laotians aspire. All the residents expressed that they were "*happy to go to see Thailand*" because they heard that it was "*a beautiful country*". They all understand Thai; most of them speak fluently, and know by heart a lot of Thai songs. [*Field notes, participant observation in the centre, August 19th, 2007*].

After analyzing the victims' profile and motives, we need to survey the migration process in which they got involved and particularly the role of the social networks and the brokers/traffickers as well.

Process, Routes and Networks of trafficking

Organized labor recruitment and/or trafficking networks employing modern communication technology are established in many parts of rural Lao PDR. However, are they smugglers or traffickers? Even the migrants themselves can't do the difference.

To a large extent, the trafficking networks provide a large range of services: assistance with border-crossing, or arranging the whole trip and securing employment for the migrants, providing mobile telephones to keep contact with migrants, sending remittances. They don't often need to resort to coercion or deceit in order to find victims. As a result, the unofficial recruitment system has a strong influence on the migrants and on the migration process. The recruiters clearly benefit from and are sustained by the system: the more migrants remain in irregular status, the more the recruiting networks prosper.

The analysis of the migration process of AFESIP's residents confirmed the importance of both brokers and social networks in each step of the migration process (Table 1).

TABLE 1. The role of social networks and brokers during the migration process



With regard to our sample, all the residents freely decided to cross the border (or to go to Vientiane capital). However, more than half of them (7/12) relied upon a Lao (3/12) or a Thai agent (1/12), or both together (3/12) to be transported and find a job in Thailand. Systematically, they were deceived regarding to employment and ended up in a situation of sexual exploitation (3/12) or labor exploitation tied by debt bondage which turned out into exploitation for prostitution (4/12).

Almost all of the time (6/7), they were recruited by a Lao woman who comes from the neighboring village or the same village. They usually know the residents' family and approached them as former migrants who know how to go and find a job in Thailand (or in Vientiane in case of internal trafficking). They convinced the family they could find a well-paid job (until 7,000 THB) for their children, often as a seller. Agents targeted families with a low social status who have no power to complain, rescue their children or take any form of action. Hence, chances of being arrested for trafficking are limited. They exploit their naivety, their lack of knowledge of migration process and their urgent

need of money. By contrast, children from families with high social status are treated carefully by agents. They are placed in good jobs in Thailand in order to maintain a good relationship with the parents and relatives, enabling them to visit the village more often without any obstacle (TRACE, 2004: 34). The families didn't know the working conditions, the workplace destinations and the costs of the brokerage service. Actually, none of them paid for their transportation which was advanced by the broker. At the arrival they realized they were trapped, doing a job they didn't expect to do and tied by debt bondage between 10,200 THB and 12,000 THB (US\$ 300-US\$ 353). In most of the cases, the Lao broker took them into the workplace destination. In two other situations, the Lao broker worked with Thai brokers to drive them to Bangkok, traveling with a large group of migrants. Networks seem to be well-established and functioning between Lao and Thai agents to avoid the police, crossing forests and rice fields by foot where a minibus waited for them. It seems that women are systematically involved in the migration process, to comfort the migrants and trick the police, as reported by the residents.

In only one case, **Taan** was recruited by a Northeastern Thai couple (*Isan*) directly within the village, which means they might have kinships in her village in Savannakhet province. They encouraged her to come with them to work as a saleswoman and proposed her to advance her all the costs. They recruited at the same time 30 other Lao people. They took a van from the village to the border, where they crossed by boat and went on by bus to Krabi province in Southern Thailand. They sent her to her workplace in a construction site. When they arrived, the couple said that the travel fees were 10,200 THB. They got the amount from the employer, who deducted the debt from her salary and she had to work 1 year and 2 months to pay back her debt bondage (e.g. about US\$ 20 per month). Then, the employer forced her to prostitute in his relative's karaoke shop in Krabi.

Migrant networks increase the likelihood of movement because they lower the cost and risks of moving and increase the expected net returns to migrate. Those migrants have relatives living in Thailand since ancient times or friends or families who are currently working there. They typically go to Thailand after the harvest season, as there often isn't much to do during the non-harvest season and there are few jobs available in the villages, and go back to their village for the harvest season, and repeat such seasonal migration over time. These migrants are not subjected to trafficking; we can therefore state that social networks give the best protection against trafficking.

By contrast, the migrants who don't have social networks are the most vulnerable to trafficking. Regarding to our sample, having relatives working in Thailand didn't help the residents to find a job. For one third of them, they had brothers or brother-in-law working in Thailand at the time they decided to migrate, but they didn't know how to find them since they merely contacted their family. However, having close friends working in Thailand helped the resident to arrive safely at the final destination without requesting the service of brokers to find a job. Only **Kod** was in this situation and she hasn't been trafficked from Lao PDR to Thailand. Actually, she was abducted in Bangkok by a Thai man during her second stay while she was walking to visit her friend. Every time she crossed the border with a friend, she could pay by herself the 2,500 THB needed for the transportation fees because she was older (24 years old) and could have

saved money by selling vegetables in the market, making handicraft in rotten and buying gold. She required the service of smugglers to cross illegally the Mekong River because she had no paper and drive her to Bangkok. Once arrived in Bangkok, she called her friend working there to come to get her. She knew where she was going to and what she was going to do.

In 2004 SC-UK study, it was stressed that parents rarely persuaded their children to go to work in Thailand. Most children went with their friends and without their parents' consent. Children would seek loans from other people to cover the costs of finding work in Thailand. By contrast, in our study, it appears that parents and migrants may have been more easily lured since they were not aware of the realities and dangers of irregular migration process and they were pushed by the burden of debts and the lack of regular income. In this context, the families would put more pressure on their children or siblings (in case the parents are dead) to find a work in Thailand. However, as for the girls, they didn't have any details about the job. Only two residents out of twelve reported to have left without their parents' authorization. Concerning the others, the families knew the Lao brokers or the friends who influenced/recruited their children and trusted them. When it was possible, families (5/12) supported their trip⁶ by borrowing money (about 1,500 THB, US\$ 43) or selling a buffalo (2/12), or accompanied them to meet the broker at the Thai border.

Our research shows that in many cases the family pressured the girl to migrate. This is the case of Joy, who was pushed by her step-brother to work in Thailand to support her new family. Indeed, she moved to live with them after the death of her parents:

"When I saw the guys, I didn't know why they came to me. I was also scared. I thought I wanted to come back to Laos. And then they said: "Why do you want to come back? Since you are here now, you should go on! I talked to my « mother » [her brother's wife] who also sent me to Chongmek, but she didn't say anything".

Young girls are also easily lured by the experience of their friends who came back from Thailand, telling attractive stories about this "wonderful country". This was the case for four residents who come from the same village and went successively in Southern Thailand to end up in Karaoke shop. These four girls didn't need to use a broker to arrive at the workplace destination since they crossed legally with a 3 day-border pass and their friend gave them all the indications or accompanied them. It should be noted that the owner of the Karaoke Shop was a Lao woman who recruited only Lao girls. As being involved in underage sex trade, they are considered as victims of trafficking by UN Protocol.

As documented in many studies and our research confirms, there seems to be certain popular destinations for migrants from each village (Cf. ANNEXE 1. *Routes of trafficking within, from and to Lao PDR*). This appears to indicate the role that the informal network, including the network of friends and relatives, plays in deciding where migrants will go and work. The nature of the labor supply plays an important role in the workplace destination. As a result, half of the residents were trafficked for the purpose of commercial sexual exploitation to Sattahip, Pattaya, Rayong or Krabi,

located in Southern provinces whose economic development is based on tourism and especially on entertainment sector. Three residents went to Bangkok as domestic workers or in services activities (grocery/laundry/restaurant). Two residents ended up in a beer shop in Sara Buri, in Central Thailand. Concerning the case of internal trafficking, Vientiane Capital is the major destination where victims end up in entertainment places for the purpose of commercial sexual exploitation.

LESSONS LEARNT FOR POLICY MAKING ON MIGRATION AND TRAFFICKING ISSUE

The analysis of the returnees' trajectories shows how blurring the boundaries are between situations of illegal migration and trafficking in persons. We will try now to identify and discuss the problems and challenges raised by the concept of trafficking defined by international law.

At first, trafficking is different to "migrant smuggling" and "illegal migration" because trafficking involves exploitation that can continue well after the victim has arrived at their destination. Migrant smuggling generally ends once a person has arrived at their destination.

It should be relevant to remind the comprehensive definition provided by the UN Trafficking protocol (The Palermo Protocol, to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children adopted in November 2000) which states that trafficking situation can be separate into three specific components, action, means and purpose. These three elements must be present to consider a situation as trafficking. However, this standard is different for children (boys and children under the age of 18) since it involves only two elements: action and purpose.

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery or servitude or the removal of organs;

The definition makes clear that trafficking covers not only the transportation of a person from one place to another but also their recruitment and receipt so that anyone involved in the movement of another person for their exploitation is part of the trafficking process. The issue of exploitation not only addresses those who profit from the sexual exploitation of girls and women but also includes trafficking for the purpose of domestic labor and other forms of work and service.

Despite a comprehensive definition of trafficking, it appears that this definition is irrelevant to deal with the reality of the situation in the GMS. The analysis of the trafficking situation in Lao PDR, particularly based on the study of Afesip's residents' trajectories, showed that it is not so easy to define what a trafficking situation is due to the fact that it is difficult to distinguish among voluntary irregular migrants, those who are smuggled, and those who are trafficked. These are distinctions that the migrants themselves would rarely make.

The identification of victims of trafficking is all the more difficult since this procedure is done almost exclusively by Thai authorities. With little means and training for the police to recognize the differences among illegal migrants, those smuggled and those trafficked, we may think that a large number of victims are deported to the border in the same way as illegal migrants, without any follow up. In 2006, the only Lao trafficking victims were identified in Bangkok. When the illegal migrants are arrested by the police, they are transferred to the Immigration Detention Centre (IDC), fined and deported to the border. When the victims of trafficking manage to escape, and go to the police station, they are also sent to the IDC, where the immigration officials are in charge for screening of whether they constitute victims of trafficking. If a person is suspected to be a victim of trafficking, immigration officials are required to delay the deportation process. Then, Immigration officials contact the vocational training centre or shelter for victim assistance (such as Kedtrakarn Shelter) and police investigation officers will also be involved for further prosecution process. However, a large number of victims of trafficking are arrested by the police during a raid in Karaoke shop or in the workplace. Thus, they are first arrested as illegal migrants, and then the police, assisted by social workers, will conduct the interviews to identify a potential trafficking situation.

We can observe that not all the residents were repatriated following the procedures. Five of them were deported as illegal migrants. The most surprising is that in the same situation (arrested in a karaoke shop for prostitution), three residents were considered as illegal migrants and deported to the border whereas the other one was referred to Kedtrakarn Shelter for repatriation process because she was identified as victim of trafficking. However, the narratives of the girls are confusing since they don't understand the situation they go through and there are problems with sharing data from the Thai side (no good compilation and storage of data). Most of the time, the victims lie to the social workers about their age and their real situation and prefer to be deported in order to come back to Laos more rapidly. Indeed, the repatriation procedure can take until one year to do the family tracing and the investigation to prosecute the traffickers. During this time, the victims await in vocational training shelter, mostly in Kedtrakarn Centre.

Based on the Afesip's residents' cases, we can observe that the identification of victims of trafficking depends on the perception and the means of receiving countries to handle this issue. For many experts, the definition of trafficking remains unsatisfying since the UN protocol criminalizes the act of moving the person with intent to exploit rather than the act of exploitation itself, making prosecution of traffickers dependent upon their "intent", which is harder to prove in court (Piper, 2004; Tyldum and Brunovskis, 2004; Molland, 2005). According to Molland, this focus on movement rather than on exploitation would serve to place the moral responsibility of trafficking upon the sole

poor sending countries that are less equipped to take action, thus distracting attention from the debate about the exploitative labor conditions of migrants which benefit to rich receiving countries. In addition, as the analysis of our sample showed, this focus also enables receiving countries to treat in an arbitrary manner the discovered cases of exploitation as being “trafficking” or “illegal migration”, leading too generally to blaming the victim.

Moreover, recent years have seen a huge increase in international attention on the human trafficking phenomenon. The popular regional stereotype tends to be a twelve-year old girl being sold into sex slavery by unscrupulous parents. This scenario enhances the discourse that trafficking is done by a few (or many) bad people, with the logical inference that if you arrest enough of them and lock them up, you will have a major impact on the problem. We can wonder if the concept of trafficking defined by UN Protocol and the ambiguity related to it doesn't pull us away from more meaningful protection initiatives against the more relevant problem which is the fight against exploitation.

This point is important as it highlights a potential weakness in a narrowly focused anti-trafficking project. This debate is particularly accurate in the context of the Lao PDR, where it appears that, in the vast majority of cases, the actual movement aspects of the trafficking are by and large ‘voluntary’ in the sense that the person has made the decision to travel for work themselves, within the (often limited) range of choices available. It is the end outcome – the nature, the terms and conditions, of work at the destination point which defines most cases as trafficking. In this sense, we are talking about a combination of (generally irregular) migration and labor exploitation.

As a matter of fact, it is often hard to tell where trafficking begins and ends. But the distinction between (poor innocent) trafficking victim and (nasty) economic migrant is much less clear. At what stage, for example, does a contract dispute become exploitation? And who decides? For the degree of exploitation varies and it may not even been seen as such by the “victim”. For example, a person may receive much lower than market wages and work very long hours but still perceive that they are better off than if they had stayed home. And even when we have a clear definition, difficult situations can arise, such as we saw among the residents, when a raid on a brothel identifies 17-year-old migrants as trafficking victims and 18-year old as illegal migrants and illegal sex workers.

It is also stated that trafficking is not limited to sexual exploitation and also takes place for forced labor and other slavery-like practices. This means that people who migrate for work in agriculture, catering, construction or domestic work, but are deceived or coerced into working in condition they did not agree to, are also defined as trafficked people. So, if we strictly follow the UN Protocol definition on trafficking, the large majority of Lao illegal migrants could be considered as victims of trafficking, since illegal migrants and victims of trafficking go through the same migration process (cf. ANNEXE 2. Trafficking/Migratory Process in Lao PDR).

Inadequate policies for migration and trafficking: It is time for a comprehensive long-term strategy

To face the problem of trafficking, many governments have responded to it by proposing tighter immigration controls, which usually increase the profitability of smuggling and trafficking and make matters worse (Marshall, 2006). Most of the interventions conducted by governments to target these source communities have focused on enhancing their understanding of trafficking and establishing protection mechanisms, often failing to address economic and gender disparities conducive to exploitation, and leading to the displacement of trafficking to other localities, rather than to an overall reduction.

The increasing concern by academic and civil society groups with the many problems related to irregular migration, is leading to a call for governments to revisit their attitudes and approaches, arguing that it is time for GMS countries to recognize that trafficking requires a comprehensive long-term strategy. Besides focusing on the structural vulnerability of the victims and their communities, such a strategy must include efforts to reduce demand through labor law enforcement and must ensure mechanisms for safe migration through regularization of migration flows.

In the case of Lao PDR, trafficking networks are more structured as cottage industry than organized crime. In this context, it must be asked whether tighter controls on the movement of people migration will actually reduce migration or simply change its nature, by encouraging a move to more organized forms of smuggling. We might reflect on the costs and benefits of such actions which put small-scale operators out of business creating a void in a region where transnational organized crime already has a strong foothold in other sectors. Experience from the US-Mexico border has shown a major trend away from individuals attempting their way across the border to the use of smugglers as law enforcement has been tightened, concentrating benefits in fewer and fewer hands and making the situation more dangerous for migrants.

Repressive policy based on punishing illegal migrants by heavy fines and detention in immigration and correctional centre from both Thai and Lao sides has failed in the GMS to discourage informal border crossing but has only contributed to put an extra burden on migrants and their families. More efforts should be put on enhancing labor law to protect the workers and on establishing transparent, rapid, cheap and trustable labor recruitment channels as we know that on one side, there is an important need of labor force supplied by Thai labor market and a significant demand in Lao PDR.

In order to prevent trafficking of persons and ensure the rights of migrant workers, bilateral and region-wide policies are needed. The ASEAN member countries need to work together and agree on some basic working concepts, particularly the definition of trafficking, smuggling, the notion of victim to improve coordination, data collection, sharing and analyzing relevant and reliable data (IOM, 2007b). This coordination would improve the identification of victims of trafficking and accelerate their repatriation process. The relatively long period that returnees remain in shelters in Thailand is a matter of concern. Delays in return occur both because of cross-border coordination issues and because of the legal process in Thailand. Family tracing in Lao PDR is

sometimes delayed because victims provide incomplete or inaccurate information or because many of the villages of the returnees are remote and there is a lack of resources to travel to them.

The identification and the support of victims of trafficking are the main issue and challenge. When they return to their village, they face many problems, including psychological problems, drug addiction, or stigmatization by the community for the girls who may be involved in sex work. Since a large number of the victims are deported as illegal migrants, they return to their village or migrate again, without receiving any medical or psychological support whereas they are a most at risk group in terms of HIV/AIDS prevalence and mental health diseases. Yet, Lao PDR's central location and mobile population also makes it highly susceptible to HIV transmission. There is concern that the country may experience a serious HIV epidemic in the future unless effective preventative action is taken to minimize its spread.

Actually, more reflection is also required for NGOs working on anti-trafficking programs. Indeed, repatriation and reintegration efforts have little impact since migration is easy and its benefits all too tangible: repatriated migrants generally re-migrate, often many times. Vocational training initiatives, intended to equip returnees with useful skills and so eliminate the need to migrate, have also failed to curb the problem, as opportunities to use the skills are more common and lucrative in Thailand.

CONCLUSION

Trafficking in persons is a complex issue closely associated with illegal migration. This research aimed to demonstrate that the way of defining and handling trafficking issue focusing exclusively on movement rather than exploitation was not relevant in the context of GMS and particularly Lao PDR since the majority of the "victims" decided voluntary to migrate and be "exploited". The case of Lao PDR is interesting because the majority of the victims are younger girls than in the other GMS countries. In spite of the danger, they seek to escape from their rural life and their low social status to find a better life in this *Eldorado* embodied by Thailand. Therefore, anti-trafficking projects have to deal with the aspirations of youth for a more "modern" life and the abandonment of rural life. It appears that promoting safe migration would be a relevant approach but not sufficient. Indeed, youth can have access to more information about migration but as we explained, the traffickers know their victims and exploit their vulnerable situation. That's why it becomes obvious that there exists one effective defense: the formation of networks of friends, family, fellow community members who have migrated previously and who have established relationships with non-exploitative employers across the border. As we demonstrated in this research, the best protection against trafficking is the existence of social networks. In this context, projects developing networks and thus communication between migrants and their community would likely to reduce trafficking risks. This can be done for example by providing access to cheap mobile phone for rural villages as it was proven success in Africa, in rural Thailand or in Bangladesh, through the famous Grameen Women's Bank (World Vision, 2006).

NOTES

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² Exchange rate in August 2007 : US\$ 1=34 Thai Bath (THB)

³ UNIAP Website: http://www.no-trafficking.org/content/About_Human_Trafficking/about_human.htm, accessed on October, 6th, 2007.

⁴ A recent study a Swiss Agency for Development and Cooperation on mapping routes of migration in Lao PDR found that most of the recent movements of migrants don't come from the provinces along the Mekong River, but from remote villages in provinces where migration was not traditionally important, Meeting with Swiss Agency for Development and Cooperation, August, 28th, 2007, Vientiane.

⁵ Interview August, 15th, 2007, Vientiane.

⁶ A 3 day-border pass costs 20,000 kip, that is US\$ 2; and a passport costs 800 TBH that is US\$ 23. They usually borrow money from people in the village or the broker with a high interest cost. For example, for 1,000 THB borrowed, they have to pay 500 THB of interest cost. Interview with Noi and Mai, August 1st, 2007.

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