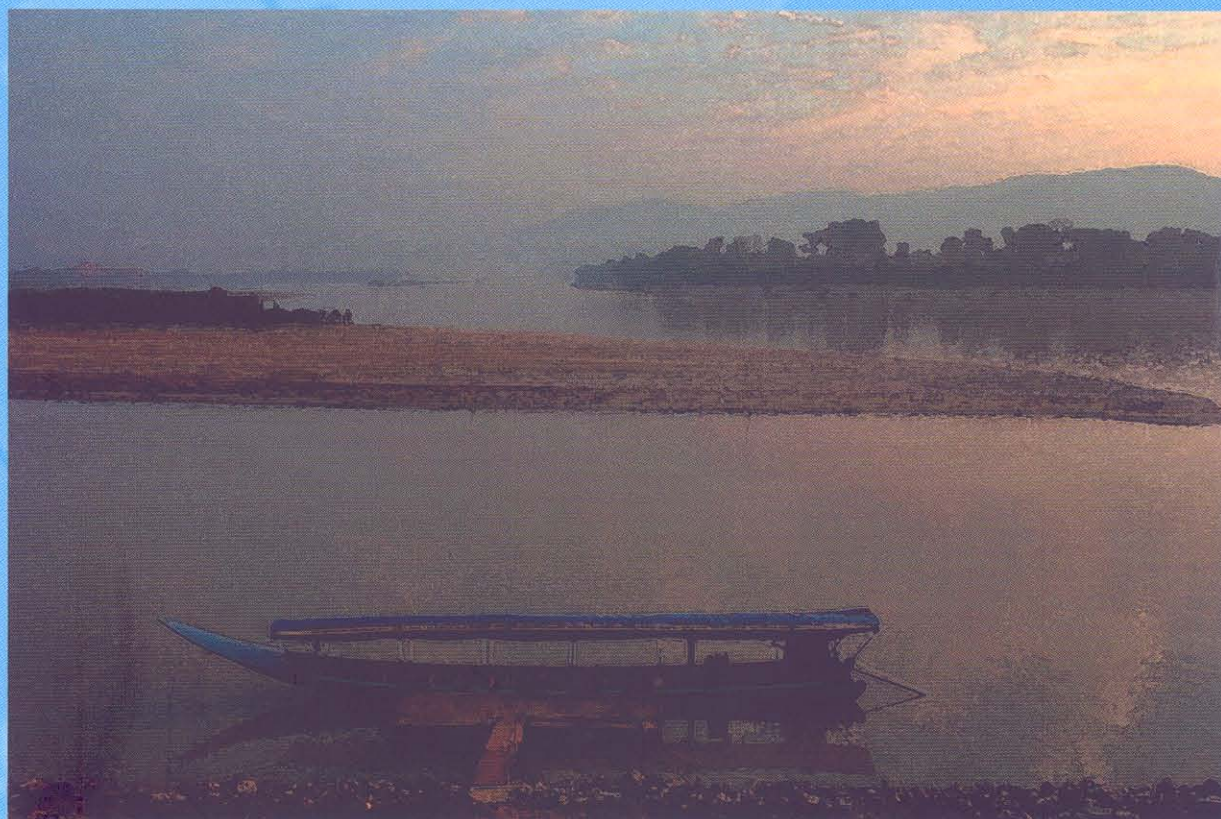


The Long Road Home:



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Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region

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IOM International Organization for Migration



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FOREWORD

International migration can be a means of lifting migrants out of poverty and creating new beginnings for them and their families. The wish to move to where they can earn substantially more, however, often exposes many persons to the risks of being trafficked and exploited.

“Human trafficking is one of the great scourges of our time. It ensnares and enslaves hundreds of thousands, if not millions, of people every year, and inflicts on its victims devastating and often irreversible physical and mental health trauma.” (Ndioro Ndiaye, Deputy Director General, IOM)

For this reason, governments globally and in the Greater Mekong Sub-region (GMS) agree that trafficked persons are to be treated as victims and afforded every opportunity to receive assistance and support to recover and integrate back into society. All governments in the GMS are committed to providing trafficking victims shelter, support services, safe and timely return, and reintegration in their societies with follow-up assistance. In addition, governments have agreed to implement programmes to prevent trafficking and to prosecute traffickers.

Resulting from a greater commitment on the part of the governments and cooperation with international organizations and NGOs, the number of victims of trafficking being identified and formally returned between countries in the GMS has increased. The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) is assisting coordinated policy development and strengthening of the capacity of anti-trafficking programmes in the Sub-region. Governments in the GMS have made rapid advances in identifying, sheltering, returning and reintegrating international victims of trafficking through the establishment of victim protection procedures, programmes and protocols.

I am pleased that the Counter Trafficking programmes in the IOM Mission has been able to carry out this review and issue a succinct report. The review has attempted to conduct a balanced assessment of the mechanisms and processes in the GMS for identifying victims of trafficking, providing them shelter, returning them safely and supporting their reintegration. It has described the key roles played by government agencies, international organizations and non-governmental organizations. I am grateful to the many individuals representing a wide variety of agencies and organizations working directly to combat trafficking for their efforts to provide information and advice that was essential for conducting this review.

This study was made possible through the support of the Bureau of Population, Refugees and Migration of the US Department of State and the Australian Agency for International Development. The opinions stated are those of the authors and not necessarily the position of IOM but I hope that they will be addressed by all partners in a positive manner. It is my hope that this report will serve as the basis for constructive discussions within countries and at bilateral and sub-regional levels, with the aim of strengthening programmes for the return and reintegration of victims of trafficking. As stated by the report, our overall goal must be to develop counter trafficking programmes that truly meet the needs of trafficking victims and allow them to rebuild their lives and resurrect their dreams.

Irena Vojackova-Sollorano,
Regional Representative
International Organization for Migration

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Within the six countries of the sub-region, representatives of numerous government agencies, international organizations and national and international NGOs completed the questionnaire on which much of this analysis is based. Their contributions are gratefully acknowledged; they provided much essential information for understanding current return and reintegration procedures. Mr. Phil Marshall, former Regional Project Manager, UNIAP read some of the chapters and offered numerous valuable suggestions.

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LIST OF ACRONYMS

AFESIP	Agir pour les Femmes en Situation Precaire
APC	Asia-Pacific Consultation on Refugees, Displaced Persons and People Smuggling
ARCM	Asian Research Center for Migration (Chulalongkorn University)
BATWC	Bureau of Anti-Trafficking in Women and Children (Thailand)
CCPCWR	Coordination Center for Protection of Child and Women's Rights (Chiang Mai, Thailand)
CDC	Coordination and Database Centre (Cambodia)
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CPFC	Committee for Population, Family and Children (Viet Nam)
DOLISA	Department of Labour, War Invalids and Social Affairs (Viet Nam)
DSDW	Department of Social Development and Welfare (Thailand)
DSVY	Department of Social Affairs, Veterans and Youth Rehabilitation (Cambodia)
DSW	Department of Social Welfare (Myanmar)
GMS	Greater Mekong Sub-region
IDC	Immigration Detention Centre (Thailand)
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour (ILO)
MLSW	Ministry of Labour and Social Welfare (Lao People's Democratic Republic)
MOLISA	Ministry of Labour, War Invalids and Social Affairs (Viet Nam)
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation (Cambodia)
MOU	Memorandum of Understanding
MSDHS	Ministry of Social Development and Human Security (Thailand)
MWAF	Myanmar Women's Affairs Federation
NGO	Non-governmental organization
NWCCW	National Working Committee on Children and Women (China)
PPC	Project Proposal Concept (COMMIT)
PTC	Poipet Transit Centre (Cambodia)
SCUK	Save the Children UK
SAC	Social Aid Centre (Viet Nam)
SOP	Standard operating procedures
SPA	Sub-regional Plan of Action (COMMIT)
TRAFCORD	Coordination Unit for Anti-Trafficking Operations/Northern Thailand
UNIAP	United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region
UNICEF	United Nations Children's Fund
VIU	Victim Identification Unit (Department of Immigration, Thailand)
VWU	Vietnam Women's Union
WVFT	World Vision Foundation of Thailand
WVM	World Vision Myanmar

EXECUTIVE SUMMARY

The IOM Office in Bangkok is currently implementing the second phase of its project on "Return and reintegration of trafficked women and children between selected countries in the Mekong region". The objectives of this project have been to strengthen the capacity of government agencies, mass organizations and NGOs in the Mekong region to identify victims of trafficking and to provide recovery, orderly return and integration assistance for trafficked women and children, as well as to cooperate nationally and across borders between sending and receiving countries, on issues related to return and integration of victims of trafficking. The main objective of this report, prepared under the aegis of the IOM project, is to present a system-wide analysis of the current process and legal and administrative structures for returning and reintegrating victims of trafficking in the Greater Mekong Sub-region (GMS).

Trafficking in persons from and within the Greater Mekong Sub-region (GMS) is related to other forms of migration that are increasing owing to greater openness and integration of those economies, accompanied by improvements in transport and communications. Rapid economic growth in parts of the sub-region has created disparities in employment opportunities and income.

The number of victims of trafficking being identified and formally returned between countries in the GMS has been increasing owing to greater commitment on the part of the Governments and cooperation with international organizations and NGOs. The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) is assisting coordinated policy development and strengthening of the capacity of anti-trafficking programmes in the Sub-region.

In **Cambodia**, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, in cooperation with international organizations and numerous national and international NGOs, has established a well-functioning system for the return of Cambodian victims of trafficking from other GMS countries. That system in 2006 handled the return of 252 persons from Thailand and 131 from Viet Nam. NGOs operate shelters for returnees and provide a range of support services, including medical care, education, vocational training and counseling. Victims of trafficking are returned to Cambodia and family tracing and assessment takes place while the returnees are cared for in shelters. However, the entire process of the identification and repatriation of Vietnamese trafficking victims from Cambodia back to Viet Nam is problematic.

The Vietnamese Border Guard Command has reported that 7,918 trafficked women were returned from **China** between 1996 and 2000 (Wang, 2005). The Chinese Female Police Institute has reported that more than 30 women less than 18 years of age had been returned to Myanmar in 2005 and that more than 180 women less than 18 had been returned to Viet Nam in that year. Virtually all of the few formal returns of victims of trafficking to China take place from Thailand. It is recommended that clear concepts and definitions of irregular migrants, smuggled migrants and victims of trafficking should be developed and applied, and that such migrants be treated accordingly.

The Social Welfare Department in **Lao People's Democratic Republic** has reported that 730 victims of trafficking were formally returned from Thailand in the six years from 2001 through 2006. Thailand reported the return of 278 victims of trafficking to Lao People's Democratic Republic in 2006. Although 76 per cent of the victims of trafficking formally returned to the country are from three of the southern provinces, all returns currently are made through Vientiane.

There were 108 victims of trafficking formally returned to **Myanmar** in 2005 and 91 returned in 2006, mostly from Thailand. These numbers represent fewer than one in 1,000 of all Myanmar nationals arrested and deported annually by Thailand for illegal entry. The Government of Myanmar, with the assistance of international organizations and NGOs, has established a process for reintegration and long-term follow-up of returned trafficking victims. The first step of the recovery process is four weeks of training provided by Department of Social Welfare centres before return to the family.

The IOM project on return and reintegration of trafficking victims has assisted in 1,730 formal returns from **Thailand** to other countries in the GMS between September 2000 and October 2006.

In 2006, the Government of Thailand reported that 105 victims were returned to Cambodia, 1 to China, 278 to Lao People's Democratic Republic, 90 to Myanmar and 5 to Viet Nam. Powerful incentives for persons to migrate to Thailand and the mechanisms that have evolved to achieve such migration have also facilitated trafficking in persons. Thailand has the most developed system in the GMS to identify victims of trafficking, to provide them comprehensive care in social welfare shelters and to return them safely, although the length of time between identification and return is a cause for concern.

The IOM office in Cambodia reported that **Viet Nam** returned to Cambodia 27 victims of trafficking in 2004, 93 in 2005 and 164 in 2006. Between 15 May 1999 and 31 March 2005, a total of 47 Vietnamese victims of trafficking were returned to their country from Cambodia and in May 2005 nine more were awaiting repatriation. The largest number of returns is from China but no statistics were provided. Similar to other countries in the Sub-region, family tracing in Viet Nam is time-consuming, more specially trained social workers are needed and a more returnee-centered approach is recommended.

Governments in the GMS have made rapid advances in identifying, sheltering, returning and reintegrating international victims of trafficking but the analysis conducted for this report identified several ways in which the programmes should be strengthened. The actions recommended by this report largely pertain to programmatic approaches taken to the return and reintegration of trafficking victims in the GMS, rather than the details of programme implementation. They are presented below in summary form.

- Develop internal MOU, standard operating procedures and coordination mechanisms but remain flexible.
- Incorporate shelter support and services into regular social services.
- Develop databases and conduct programme research.
- Conduct research on the discrepancy between the number of trafficking victims estimated and identified.
- Focus on identifying victims of exploitation.
- Revise anti-trafficking laws and mechanisms to include trafficked men.
- Explore ways to expedite returns.
- Return and reintegration programmes should adopt a "returnee-centered" approach.
- Develop more specially trained social workers and recruit more interpreters.
- Develop specialized return and reintegration processes for children.
- Develop direct channels of communication with counterpart agencies.
- Use the COMMIT process to address language issues.
- Provide individuals with options concerning their return.
- Make actual returns more low-key to respect confidentiality.
- Establish more channels for return.
- Develop alternatives to the institution-based recovery process.
- Enhance the effectiveness of vocational training.
- Develop and apply guidelines and standards for reintegration.
- Enhance monitoring and support after reintegration.
- Provide the option of integration.
- Adopt GMS integrated guidelines at senior officials' level.

INTRODUCTION

BACKGROUND

Trafficking in persons from and within the Greater Mekong Sub-region (GMS) is related to other forms of migration that are increasing owing to greater openness and integration of those economies, accompanied by improvements in transport and communications. Rapid economic growth in parts of the sub-region has resulted in disparities in employment opportunities and income. Persons in lagging areas are motivated to migrate to where they hope to find better employment opportunities. The great majority of such migrants achieve their aims but the desire to migrate places some people at risk of being trafficked. The number of victims of trafficking being identified and formally returned between countries in the GMS has been increasing owing to greater commitment on the part of the Governments and cooperation with international organizations and NGOs.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking as follows: "The recruitment, transportation, transfer, harbouring or receipt of persons, 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, 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs." In addition, the movement of a child for the purpose of exploitation is considered to be trafficking even if it does not involve any of the means described above.

Owing to its illegal nature and to some difficulty in distinguishing trafficking from such other forms of labour migration as smuggling or irregular migration, estimates of the magnitude of trafficking are imprecise. The International Organization for Migration (IOM) notes that estimates of the number of persons trafficked annually from and within the GMS range from 200,000 to 450,000. These figures generally refer to women and children, and estimates of the number of men trafficked are difficult to find (IOM, 2004). A more conservative figure is provided by the United States of America, Department of State (2004), which estimates that between 600,000 and 800,000 persons are trafficked per year across international borders globally.

COMMIT PROCESS

Regional cooperation in addressing the issues of trafficking in the GMS has been more pronounced than that concerning other forms of regular or irregular labour migration. The six governments in the GMS, namely, of Cambodia, China, Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam, signed the "Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region" on 29 October 2004. Exactly one month later the Heads of State/Government of the ten members of the Association of Southeast Asian Nations (ASEAN), which includes all of the GMS members except China, adopted the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, on 29 November 2004 in Vientiane.

The six governments in the GMS participate in the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), with the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) serving as the Secretariat. When the concerned ministers adopted the Memorandum of Understanding in 2004, they also adopted the Sub-regional Plan of Action Framework Document. Through an extensive consultation process involving governments, United Nations agencies, IOM and NGOs, a COMMIT Sub-regional Plan of Action (SPA) was developed, covering an initial period of three years (2005-2007). The SPA aims to enhance and strengthen repatriation and reintegration programmes (area 5). The three components of work in this area are to (1) improve repatriation systems, (2) facilitate reintegration of victims and prevent their re-trafficking, and (3) improve post-harm support and services for victims. When the specific work plan was developed, repatriation and reintegration were separated into two different project proposal

concepts (PPC) that cover safe and timely repatriation (PPC 6) and post-harm support, including economic and social support for victims and reintegration (PPC 7). The present report is designed to contribute to activities under PPC 6 and, to a lesser extent, PPC 7. This report is also germane to PPC 2 on identification of victims and apprehension of perpetrators and to PPC 4 on multi-sectoral and bilateral partnerships.

IOM PROJECT ON RETURN AND REINTEGRATION

The IOM Office in Bangkok is currently implementing the second phase of its project on “Return and reintegration of trafficked women and children between selected countries in the Mekong region”. The project aims to strengthen the capacity of government agencies, mass organizations and NGOs in the Mekong region to identify victims of trafficking and to provide recovery, orderly return and integration assistance for trafficked women and children, as well as to cooperate nationally and across borders between sending and receiving countries, on issues related to return and integration of victims of trafficking. The project cooperates closely with individual government agencies, the COMMIT process, United Nations agencies, especially the International Labour Organization (ILO) and the United Nations Children’s Fund (UNICEF), and with NGOs to effect safe, humane and timely repatriation of victims of trafficking. The present report has been prepared under the aegis of the IOM project.

OBJECTIVES OF THE STUDY

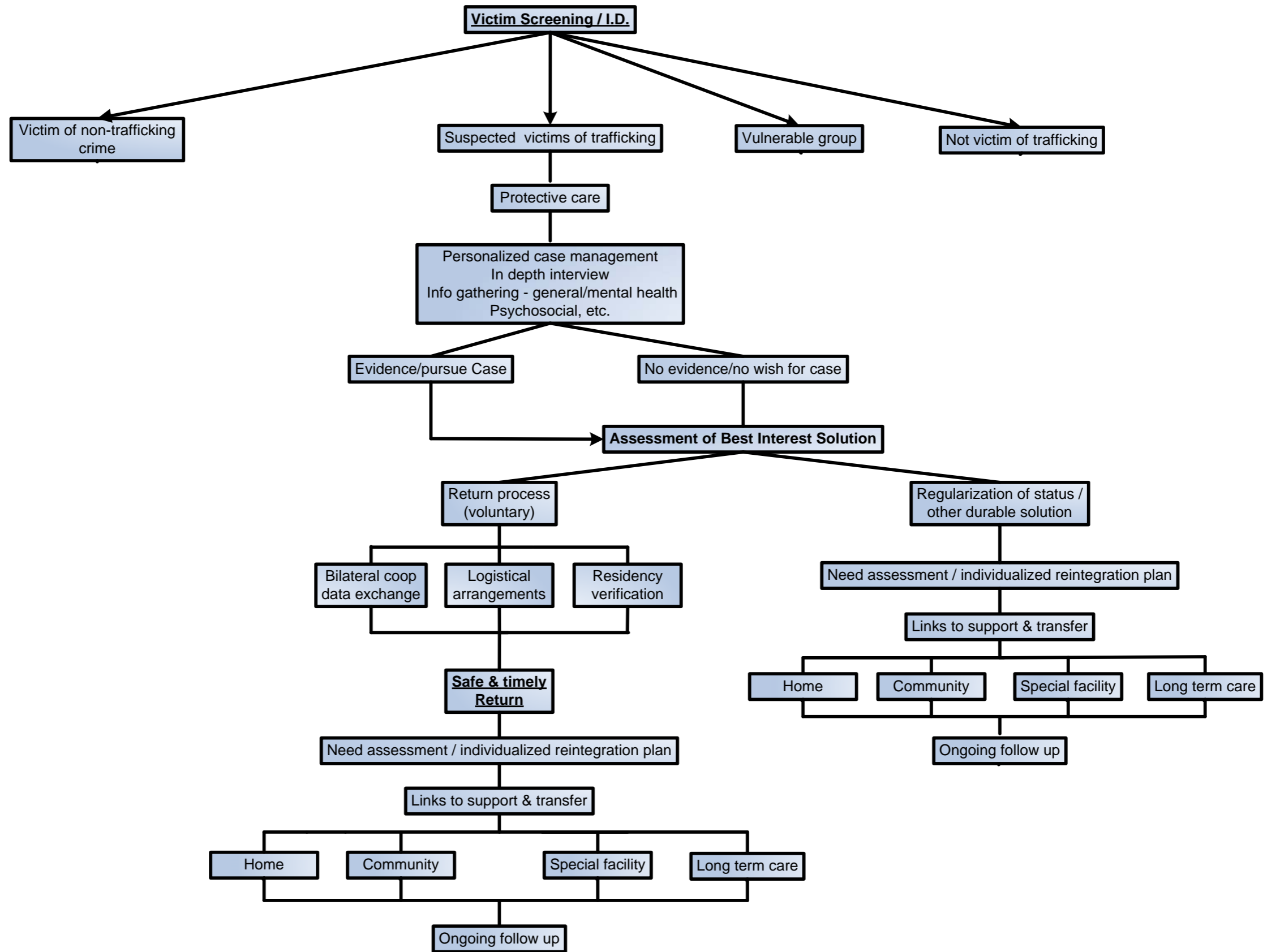
The objectives of this study are to:

- Generate a system-wide analysis of the current process and legal and administrative structures for returning and reintegrating victims of trafficking in the GMS;
- Identify and assess gaps in the current system of return and reintegration; and
- Contribute to the implementation of the SPA, in particular PPC 6, safe and timely repatriation, by establishing common guidelines within the region on repatriation procedures.

The study was conducted by desktop research, country questionnaires and selected interviews. The desk study reviewed research publications, government reports and statistics, legal documents, COMMIT and bilateral Memoranda of Understanding (MOU), workshop reports and IOM project progress and evaluation reports. A detailed questionnaire was sent to each of the six GMS countries (Annex 1). It collected statistical information, qualitative assessments and open-ended comments. UNIAP arranged for the questionnaire to be translated into national languages and for the responses to be translated into English. The questionnaires were completed by government agencies, NGOs and international organizations. The authors conducted interviews in Bangkok with representatives of six shelters in Thailand, a staff member of the Immigration Detention Centre (IDC), IOM social workers at the IDC, and project officers in the ILO and UNICEF.

The return process is considered herein to comprise victim identification, immediate protection services prior to repatriation, repatriation and reintegration. The process is diagrammed in figure 1. This study focuses on immediate protection services and on repatriation because they are the aspects of return that the IOM project is most concerned with. While victim identification and reintegration are not the main focus of the study, information on those aspects of the process provided in the country questionnaires and in available documents is presented in the report. The report focuses on return processes within the GMS. Although some persons from the region are trafficked to countries outside the GMS and some are trafficked from other countries into the region, these patterns are outside of the scope of this review.

Figure 1. Protection Flow Chart



Map 1 – Greater Mekong Sub-region



I. COUNTRY ANALYSIS

CAMBODIA

Trafficking Situation

The major destination of Cambodians trafficked to other countries is Thailand, with some also reported being trafficked to Macao, China; Malaysia; Taiwan Province of China, and Viet Nam (Cambodia, 2004). As is also the case for trafficking from Lao People's Democratic Republic and Myanmar to Thailand, it needs to be viewed in the context of large-scale irregular labour migration. In 2004, some 184,000 Cambodians registered with the Thailand Ministry of Interior and were permitted to stay in the country for up to one year. Of those, 105,000 obtained work permits from the Ministry of Labour (Huguet and Punpuing, 2005). Women and girls from Cambodia work in domestic work, fish processing and begging, while men are employed primarily for fishing, agriculture and construction (Cambodia, 2004). Preece (2005a) notes that some women and girls are trafficked to Trad Province in Thailand for sexual exploitation. Nearly all of the migrants from Cambodia enter Thailand voluntarily, with or without the assistance of brokers. Whether they should be categorized as trafficked depends on the degree of deception or fraud in their recruitment and the degree of exploitation at their place of work.

A number of children from Cambodia have been identified as trafficked to Ho Chi Minh City to work primarily as street beggars (International Organization for Migration, 2002).

Trafficking of women and girls from Viet Nam to work as prostitutes in Cambodia constitutes the one major pattern of trafficking to that country. A study of commercial sex work in Cambodia by Steinfatt (2003) and cited by Sandy (2006) covered not only brothels but such informal venues as massage parlours and karaoke bars, and found that nearly 19,000 women were sex workers in 2002-2003. Steinfatt concluded that 20 per cent of the sex workers had been trafficked and that the overwhelming majority of those trafficked were from Viet Nam. These figures imply that up to 4,000 commercial sex workers from Viet Nam could be considered to have been trafficked. While apparently a majority of the sex workers from Viet Nam traveled to Cambodia knowing the type of work in which they would be engaged, Beesey (2003:6) argues that most could be considered to be victims of trafficking because of the exploitative systems of debt bondage in which they are held.

Returns

The IOM office in Cambodia reported that there were 151 trafficking victims returned to Cambodia from Thailand in 2004, 186 returned in 2005 and 252 returned in 2006. Ninety-four per cent of these returnees were less than 18 years of age. It may be noted that the number of returnees is increasing steadily over time. In addition, some NGOs return victims of trafficking without going through the government-to-government process. These numbers are dwarfed, however, by the number of persons deported to Cambodia from Thailand for illegal entry. In 2006, the Thailand Immigration Detention Centre at Aranyaprathet, opposite Poipet, deported 147,197 Cambodians as illegal migrants without identifying any victims of trafficking among them.

The number of trafficking victims returned from Viet Nam equaled 27 in 2004, 93 in 2005 and 131 in 2006. This rapid increase apparently results from a more thorough screening of detained migrants both by Ho Chi Minh City authorities and by Cambodian social workers during advance family tracing and assessment to determine if they are victims of trafficking because the total number of persons returned from Viet Nam to Cambodia has declined steadily from 1,847 in 2002 to 757 in 2006. One NGO also reported that 59 Cambodian victims of trafficking had been returned from China during the period 2004-2006 and that 29 had been returned from Lao People's Democratic Republic during that period.

Between 15 May 1999 and 31 March 2005, 47 victims of trafficking were returned from Cambodia to Viet Nam. However, 11 persons (or 19 per cent of all identified cases) had voluntarily left NGO reception centres in Cambodia before being returned. In May 2005, 9 Vietnamese were

awaiting repatriation (Cambodia, MoSVY, 2005). Thirty victims of trafficking were returned to China and 10 to Lao People's Democratic Republic in 2004.

Laws and Agreements

Cambodia has ratified the United Nations Convention against Transnational Organized Crime and signed the two supplemental protocols on trafficking in persons and smuggling of migrants.

In 1996, the Cambodian National Assembly adopted the "Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings". While, in principle, it protects victims of either sex and of any age or nationality, it only covers trafficking for the purpose of sexual exploitation. It establishes the penalties for a range of crimes associated with trafficking (Cambodia, 2004:10).

Cambodia signed two Memoranda of Understanding with Thailand in May 2003, one on cooperation in the employment of workers and the other on bilateral cooperation for eliminating trafficking in children and women and assisting victims of trafficking. In October 2005, it signed a similar MOU on the elimination of trafficking with Viet Nam.

Both MOUs accept the United Nations definition of trafficking as specified in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Both MOUs state that the Parties will make their best efforts to prevent trafficking through educational and training programmes and enhancing public awareness. They emphasize that trafficked women and children shall be considered victims and not violators or offenders of immigration law. Victims should be provided shelter and protection while awaiting repatriation. Victims have the right to due process of law, including for recovering unpaid wages and other damages. The law enforcement authorities in both countries, especially those at the border, shall cooperate to detect trafficking of women and children. Diplomatic channels of communication will be used for repatriation arrangements. The MOUs provide certain basic rights for returning victims.

The MOU with Thailand states that a focal point shall be established for the process of repatriation. The MOU with Viet Nam appoints the Ministry of Women's Affairs in Cambodia as the implementing institution. A national task force on human trafficking, chaired by the Ministry of Women's Affairs, was established in early 2007 to implement the MOUs. Among other actions, the national task force will set minimum standards for shelters through a working group with Government and civil society participation. These will include national standards for victim care and case management.

In February 2007 the Royal Government of Cambodia signed an Agreement on Guidelines for Practices on Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking, that serves essentially as an internal MOU. The Agreement establishes clearly defined roles and responsibilities of the police, prosecutors, judges and victim support agencies. The guidelines cover:

- definitions (using the definition in the United Nations Protocol);
- rescue and first contact;
- victim identification, victim protection;
- best interests of minors;
- medical issues;
- shelters for victims;
- legal counsel, evidence;
- statements and testimony; and
- cooperation between all parties

Structure and Process for Return and Reintegration

Cambodia and Thailand have agreed to guidelines on the repatriation of trafficking victims, to supplement their MOU on trafficking. The guidelines cover victim screening and identification, information collection and sharing, logistical coordination during repatriation, arrival at the transit centre, referral to appropriate reception centre, assessment of individual needs, development of individual recovery/reintegration plans, reintegration or placement, follow-up and monitoring, family support measures/social integration, and information sharing. IOM also follows internal guidelines for return and reintegration from Thailand to the neighbouring countries. IOM and the Cambodian Government follow standard operating procedures for the return of trafficking victims from Cambodia to Viet Nam.

Cambodians identified as trafficking victims in Thailand are temporarily housed in Thai shelters, where initial interviews are conducted through an interpreter. Details from the interviews are sent to the Poipet Transit Centre (PTC), where family tracing and assessment activities are initiated. PTC conducts family tracing and assessment for returnees from O'Chrov District in Banteay Meanchey province but transfers information for other returnees to either DSVY (for northern provinces) or the MoSVY Anti-trafficking and Reintegration Office in Phnom Penh (for other provinces) for that purpose (Cambodia, MoSVY, 2005). Although it is ideal that family tracing and assessment be completed before repatriation, it need not be the case. For this reason, trafficking victims are returned to Cambodia relatively quickly compared with other countries in the region.

Upon repatriation, returnees go first to the Poipet Transit Centre where a second interview is conducted. Returnees stay one night at PTC before being reintegrated with their families or transferred to NGO reception centres for short- or long-term care in Poipet, Battambang, Sisophon, Siem Reap or Phnom Penh. The reception centres provide basic necessities, medical care, counseling, literacy classes and non-formal education. For cases in which family tracing and assessment is not finished prior to repatriation, the NGOs, in cooperation with PTC or DSVY, complete these activities.

Because second interviews of the returnees and family tracing are done within Cambodia, it takes only 2-3 weeks to initiate family tracing and generally 2-3 weeks to complete it. One respondent commented that NGOs can carry out family tracing more quickly than DSVY and MoSVY. Incomplete and inaccurate information provided by the returnee and the remoteness of many villages are obstacles to rapid family tracing. While respondents to the IOM questionnaire distributed for this report noted a few problems with most aspects of the return process, the lack of specially trained social workers for counseling at many of the shelters was identified as the most unsatisfactory aspect. The respondents felt that the process of the actual return was generally satisfactory, although one noted that traffickers are sometimes aware of the return schedule, which could make returnees vulnerable to being re-trafficked.

Among 137 persons returned from Thailand between 1 July 2004 and 30 March 2005, 98 (72 per cent) reported that their address before leaving Cambodia had been in Banteay Meanchey Province, a province bordering Thailand and containing Poipet and Sisophon. Among 121 returnees for whom a decision regarding repatriation had been taken, 90 per cent were under 18 years of age and 48 per cent were females. Family assessments frequently determined that girls should not be immediately reintegrated with their families. Overall, immediate reintegration was recommended for only 47 per cent of the returnees. Among those, however, 54 per cent were reintegrated within one month. Immediate reintegration with their family was recommended for only 33 per cent of females but for 60 per cent of males (Cambodia, MoSVY, 2005). NGO respondents reported that about one third of returnees spent 7-12 months in a shelter and another third spent more than a year. The decision on whether a child should be returned immediately to her/his family may be difficult, yet may also be critical to the successful reintegration of a trafficking victim. One respondent felt that clear criteria for the family assessment were not established and implemented by all NGOs. Another reported that sometimes families approach the shelters and implore them to return the children. The degree to which the child's own wishes are taken into account is also questionable. It is understandable that families want to have their children returned as soon as possible but government

agencies and NGOs believe that unless the children are provided some long-term education and training they are likely to be trafficked again.

For those returnees who are not immediately reintegrated with their family, the NGO shelters provide short- and long-term care, including formal and informal education. Foster care, group home care, kinship care or pagoda-based care can be arranged for those under 18 years of age who cannot return to their family. In the provinces of Banteay Meanchey and Battambang there are at least 15 NGOs that provide various kinds of support to victims of trafficking. Securing adequate funding for the services that they wish to provide is difficult for many of them. Because most of the returnees have a low level of education or skills, the shelters usually provide formal and informal education or vocational training. This training is part of the individual reintegration plan for each returnee. Some NGOs that have sufficient resources provide economic development support for the families of child returnees in order to reduce their vulnerability to being trafficked again. Reintegration plans are prepared on a case-by-case basis, rather than by following a standard format. The plans normally take into account the family situation, education, vocational training, livelihood and access to health care.

Normally NGOs, in cooperation with MoSVY, conduct periodic follow-up of returnees who have been reintegrated. While some of them are able to maintain income-generation initiatives using micro-credit or job placement, many of them can provide only moral support, owing to limitations of human and financial resources. Follow-up may be difficult because the families of many returnees move frequently without notice. Reaching the families in the rainy season may also be difficult.

In summary, the major advantage of the process of repatriation from Thailand to Cambodia is that the persons are returned quickly and are provided shelter care while family tracing and family assessment are completed. The fact that agencies and NGOs recommend that two thirds of the girls who are returned should not be immediately reintegrated with their families requires careful review. A number of valuable reintegration programmes are in operation but some are constrained by lack of resources.

There are two somewhat different procedures for the return of Cambodians who have been trafficked to Viet Nam. Those who are detained in Ho Chi Minh City are interviewed by a Khmer speaker to determine if they are victims of trafficking. Bilingual case records are then sent in advance to DSVY in Svay Rieng Province for family tracing and assessment. The family tracing and assessment are to verify each person's address, to verify that they have been trafficked and to assist in developing a reintegration plan that is appropriate for the person and the family. For those who are detained in the Provinces of Dong Nai or Binh Phuoc, on the border with Cambodia, no Khmer speaker is available, records are kept only in Vietnamese and no advance family tracing can be carried out. The records accompany the returnees during their repatriation.

Returnees from Viet Nam are received in Cambodia by staff members of DSVY, the Department of Health, the Department of Anti-Human Trafficking and Juvenile Protection, IOM and the border guards. The agreed venue for the handover and reception of the returnees is within the grounds of Sovannaran Pagoda in Chork Mateh Commune of Svay Tiep District of Svay Rieng Province, which is approximately twenty kilometres from the Cambodia-Viet Nam border. During the reception, the DSVY staff groups the returnees by district to count the number of the returnees, to crosscheck them and to verify their photographs. When there are groups returned by the authorities of Dong Nai and Binh Phuoc Provinces, the DSVY staff interviews the returnees to collect basic information about them, including their addresses, for family tracing and assessment, which begins the following day. The Department of Health staff conducts health screening, provides medications for minor health problems, and make referrals to a hospital for those with health problems that need more follow up. Vaccinations are also provided to child returnees who have not had them. The handover and reception finish with the signing by the representatives of DSVY and DOLISA of Handover-Reception documents to which a list of returnees' names is attached.

Returnees are transported to their homes by truck, except for those who have been badly abused and those who are not from Svay Rieng Province. Those individuals will remain in an NGO or Government facility while alternative options are sought.

Caseworkers accompany the returnees home to make sure they arrive safely and to take the opportunity to develop the trust of the returnees and their families. On the following days, the caseworkers go to visit the families of the returnees again to gain an in-depth understanding of the circumstances of the whole family, including family relationships, risk factors, and needs. Counselling is provided to the whole family in order to help them to develop new ideas, out of which a case plan is developed for family improvement by other means than trafficking their children or risking having their children go to Viet Nam. According to IOM-Cambodia, DSVY provides support and services such as formal and non-formal education, health care and treatment, psycho-social and job counselling, age-appropriate vocational training, job placement, grants, micro-credit, materials, income generation activities, information on life skills, and other relevant needs to the victims of trafficking and other vulnerable returnees, as well as their parents and/or siblings, through counselling, advocacy and referral to resources and services of the government and non-government agencies. In most cases, reintegration is not difficult because no stigma is attached to the children's work in Ho Chi Minh City. The parents had usually been directly involved in "renting out" their children for such work and the community generally viewed such work as a good source of income. If abuse had occurred, it was considered a family matter and the authorities did not become involved (IOM, 2002:58).

Follow-up and monitoring take place for 12 months. Family visits are carried out every week for the first three months, once a fortnight for another three months, and once a month for the remaining six months. The frequency of family visits and follow-up can vary according to the vulnerability and needs of the family of the trafficking victims or vulnerable returnees.

The IOM Missions in Cambodia and Viet Nam provide capacity building and technical support to DOLISA and DSVY throughout the whole process of return and reintegration, with the aim of protecting trafficking victims and other vulnerable women and children; to improve their livelihood and the well-being of their families; and to reduce and prevent trafficking, the risk of trafficking and re-trafficking. IOM also provides capacity building and technical support to the Department of Health and is assisting in formalizing the relationship between DSVY, NGOs and the government health system for addressing health problems, which are among the most critical problems faced by the families of trafficking victims and other vulnerable returnees. Additionally, IOM provides capacity building and financial and technical support to local NGOs that are providing appropriate and innovative alternative support to clients who have been trafficked or are vulnerable to trafficking, as referred by DSVY.

The bilingual database on the return of victims of trafficking established and maintained at the Anti-Trafficking and Reintegration Office of MoSVY is a successful model that should be replicated in other GMS countries. Much of the analysis in this section is based on statistics published or specially provided by that Office. The database permits the analysis of trends and is valuable for programme evaluation and planning.

The entire process of the identification and repatriation of Vietnamese trafficking victims from Cambodia back to Viet Nam is problematic. A major issue is the small number of such victims identified in Cambodia. Although careful estimates suggest there may be up to 4,000 Vietnamese trafficking victims in the sex industry alone, only about a dozen a year are provided shelter and repatriated. Farrington (2003) notes that NGOs in Cambodia tend not to be set up to provide shelter services to Vietnamese victims of trafficking. Without Vietnamese language programmes of education, vocational training and job placement, many Vietnamese see no benefit from staying in a shelter, which explains why nearly one in five leave the shelters before repatriation. Some of the Vietnamese have lived for an extended period in Cambodia or have family living there. Especially those, but also other trafficking victims, may prefer to remain and work in Cambodia rather than be repatriated to Viet Nam.

Existing Issues

MoSVY, in cooperation with international organizations and numerous national and international NGOs, has established a well-functioning system for the return of Cambodian victims of trafficking from other GMS countries. That system in 2006 handled the return of 252 persons from Thailand and 131 from Viet Nam. NGOs operate shelters for returnees and provide a range of support services, including medical care, education, vocational training and counseling. Some of the NGOs cater to a particular category of returnee, such as children, or even male children. The advantage of this system is its flexibility and the ability to address individual needs. A disadvantage is the lack of agreed standards. The support services provided depend to large extent on the experience and financial and staff resources of each NGO. The current system relies heavily on shelter-based services but less so on support following reintegration. As valuable as the shelter-based support may be, returnees forego the opportunity to earn income while resident in a shelter. The lack of an income may be a considerable sacrifice for persons from impoverished families.

An Asia Foundation representative notes that there are some 200 organizations and probably more than 5,000 persons working with anti-trafficking projects in Cambodia, leading to a lack of communication and inconsistent standards. The newly established national task force on human trafficking is an attempt to promote greater coordination and a more coherent system of addressing trafficking (Delauney, 2007).

The nature and strength of reintegration support is also dependent on individual NGOs and there exists no agreed definition or standards of successful reintegration. The common perception that returning home and remaining there for at least one year constitutes successful reintegration may not address the main livelihood requirements of returnees. While the NGOs attempt to follow up returnees after they have been reintegrated in their communities, many of them lack the resources to provide livelihood support. The home communities are often remote and have few income-earning opportunities.

Recommendations

As two thirds of the girls and forty per cent of the boys returned from Thailand spend some time in NGO shelters rather than being reintegrated immediately with their families, it would be valuable to conduct an evaluation of the vocational training and social counseling provided by the centres to ensure that shelter-based services are the best option for those children. Alternative models to shelter-based care should be considered and explored by service providers. Because a high percentage of returnees to Cambodia are children, programmes for returnees should cooperate closely with child protection programmes of the government and NGOs.

As males are vulnerable to trafficking for work in agriculture or as fishermen, Cambodia should put in place a system to provide reintegration support and follow-up when they are returned.

All formal returns from Thailand to Cambodia now are to Poipet, opposite Aranyaprathet. However, Klong Yai District in Trad has a sizable community of migrants from Cambodia and is only seven kilometers from the border with Koh Kong. The situation there should be reviewed more closely. An alternative, more direct, return route could be developed if the situation warrants (Preece, 2005b).

The following recommendations are based on a review prepared for the Asia Foundation (2005) of reintegration programmes for trafficked women and children in Cambodia. Reintegration should be defined to include independent living options and alternatives to reintegration in families or communities of origin, as conditions at the origin usually provided the context of the initial trafficking.

When trafficking victims are reintegrated in rural and remote areas, programmes specifically addressing their needs should be developed. In this regard, community-based support networks should be developed, assessed and strengthened.

Because reintegration programmes are operated by a number of NGOs, it would be valuable for MoSVY and the service providers to agree upon the essential components and standards of such programmes. In addition, cooperation and coordination agreements between stakeholders should be formalized.

It cannot be expected that reintegration will always be successful so MoSVY and other key stakeholders should develop standard policies and procedures to address cases of unsuccessful reintegration.

CHINA

Trafficking Situation

Only Yunnan Province and Guangxi Zhuang Autonomous Region in China are considered to be in the Greater Mekong Sub-region, thus this report focuses only on these two areas (map 1). These areas share borders with Myanmar, Lao People's Democratic Republic and Viet Nam. Many ethnic groups live in settlements on both sides of these borders. Social and economic reform in China and Viet Nam have permitted new opportunities to cross international borders for tourism, visits and work, and migration across their shared border has greatly expanded. Citizens of those countries do not need a passport to cross the border and train and bus services are available (Le et al., 2005).

A deficit in females of marriageable age and high bride prices in China have been cited as factors leading to trafficking of women to China for marriage, mostly from Viet Nam. The ambiguity of the concept of trafficking is apparent in this case, as most of the women initially wanted to go to China because of economic or family problems at home (Le et al., 2005). Whether they are defined to have been trafficked then rests on whether they are exploited in their marriage, which is more difficult to determine than labour exploitation where clear labour standards exist. Women from Myanmar and Viet Nam, in particular, have also been trafficked to China for prostitution. Wang (2005:8) cites a report by the Viet Nam Ministry of Public Security which indicates that at least 22,000 women and children from Viet Nam were sent to China illegally between 1991 and 1999 for domestic work, prostitution and forced marriage.

Most trafficking from Yunnan Province and Guangxi Zhuang Autonomous Region is to other destinations within China, with trafficking for illegal adoption, for marriage and for sexual exploitation constituting the major forms (Ren, 2004). The inhabitants of the border areas are vulnerable to such abuses as trafficking because of their low socio-economic status (IPEC Task Team of Yunnan Provincial Statistics Bureau, 2005) and their marginalization as minority groups. It is relatively easy to cross the borders in these regions, and trafficking has followed existing commercial routes and often involved acquaintances acting as guides (Yunnan Children Development Center, no date). Women trafficked for sex work usually cross into Myanmar first but then are transferred to the sex industries in Thailand and Malaysia (Yunnan Province Women's Federation, 2002).

Returns

The Vietnamese Border Guard Command reported that 7,918 trafficked women were returned from China between 1996 and 2000 (Wang, 2005). Wang also cites a report that IOM had facilitated the return of 1,700 Vietnamese women who had been trafficked to China but the period covered is not specified. Wang (2005:21) reports that Guangxi Zhuang police rescued and repatriated 1,030 Vietnamese women during a crackdown on trafficking in 2000. Public reporting from the Government of China is less complete. In response to the country questionnaire distributed for this report, the Preparatory Group for the Chinese Female Police Institute reported that more than 30 women less than 18 years of age had been returned to Myanmar in 2005 and that more than 180 women less than 18 had been returned to Viet Nam in that year. The same Institute estimated that the Save the Children UK China Office had arranged the return of about 40 persons from China but did not indicate the home country. UNICEF was also involved in an unspecified number of returns. It is believed that most Vietnamese trafficking victims in China return on their own or through informal processes.

Neither of the two questionnaires completed by government agencies and neither of the two completed by international organizations working with trafficking in China reported any figures on the number of trafficking victims returned to China although IOM return statistics indicate that seven Chinese victims of trafficking were returned from Thailand to Yunnan between March 2004 and April 2005.

It should also be borne in mind that the great majority of trafficking in China is internal rather than international. Chinese police reported that nearly 360,000 women and children were sold

in bridal trade between 1995 and 2000. In a campaign against trafficking in 2000, Chinese police rescued more than 120,000 women and girls (Ren, 2004:3).

Laws and Agreements

While China has ratified the United Nations Convention against Transnational Organized Crime, it has not signed the supplemental United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), nor the related Protocol against the Smuggling of Migrants. Within the COMMIT process, it gives highest priority to (1) regional training programmes, (2) multi-sectoral and bilateral partnerships and (3) legal frameworks and mutual legal assistance.

China participates in the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants, and in the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime as well as numerous other forums on migration and trafficking. It has bilateral agreements on working-level cooperation with Cambodia, Lao People's Democratic Republic, Thailand and Viet Nam (People's Republic of China, 2004).

A National Plan of Action on trafficking has been drafted and is awaiting approval by the State Council. While China has no law specifically on trafficking, its criminal law implemented from 1997 defines as crimes: trafficking or kidnapping women and children, buying trafficked women and children, and impeding the rescue of trafficked women and children. Trafficking offenses are also covered under the Law on Protection of Rights and Interests of Women and by Regulations on Punishing Criminals for Trafficking and Kidnapping Women and Children (People's Republic of China, 2004).

Structure and Process for Return and Reintegration

The National Working Committee on Children and Women (NWCCW) was established under the State Council in February 1990. It is responsible, *inter alia*, for liaising and coordinating with concerned ministries and committees in order to prevent trafficking of women and children (People's Republic of China, 2004). Presumably, the larger share of its work in this area is devoted to countering internal trafficking, given its much greater prevalence.

Virtually all of the few formal returns of victims of trafficking to China take place from Thailand. The first formal returns from Thailand took place in January 2004. Prior to that, returns were carried out by NGOs in an ad hoc manner (Jersild, 2004).

Returns from Bangkok are coordinated through the Chinese Embassy. In China, the place of origin is verified but no formal family tracing or assessment takes place. Returns to Yunnan Province are to the capital, Kunming. The provincial and county-level offices of the Women's Federation, Public Security Bureau and Civil and Administration Bureau are involved in the return in Yunnan. Jersild (2004) noted a lack of coordination from the central level (Beijing) so that the individual responsibilities of these local offices were not well-coordinated. Victims' families are required to pay for the return flight. The Provincial Women's Federation and Save the Children provide some reintegration assistance.

Returns from Chiang Mai, Thailand work in a similar manner but are to Xishuangbanna in the southern part of Yunnan Province, bordering Myanmar. They are coordinated through the Chinese Consulate in that city, which interviews the returnee, verifies the place of origin and makes arrangements for the return.

According to rules of the Ministry of Public Security in China, when a Vietnamese woman is rescued, the provincial public security office must notify the Viet Nam Consulate or Embassy. Viet Nam shall investigate the case and inform China within 42 days if it accepts or rejects the proposed returnee. The China side should inform Viet Nam 10 days in advance of the names, place and time

for the return to take place. The local government in China is required to pay for food, lodging and medical care of victims of trafficking before their return (Wang, 2005:21).

The IOM questionnaire distributed for the purpose of this report was completed by two government agencies and two international organizations working on trafficking issues in China. The conclusions based on the questionnaires, for the most part, should be treated as tentative. In several instances the questions were not answered. This was particularly the case when statistics were requested. In many other instances, there was no consensus on the answer. The nature of these responses in itself appears to indicate that the return process for victims of trafficking from China, and especially back to China, is not transparent and that sharing of information among stakeholders is minimal.

While the timeframe described by Wang above implies that most returns should be accomplished within two or three months, one government questionnaire indicated that in 2006 there had been 193 cases that took 7-12 months. No data were provided on the number of cases of other duration. The government agencies attributed most of the delay to issues of cross-border exchange of information and coordination, while the international organizations gave greater weight to the legal process within China. The government agencies and international organizations agreed that delays were often attributable to the family tracing process or the capacity of the country of origin to accept the returnees. The government cited the language barrier in communicating with victims as a cause of both cross-border issues and legal delays. Legal delays occurred because victims remained in China while the case was being investigated or while awaiting financial settlement after the court case was concluded. Local governments provide the basic necessities of food and accommodation but the larger problem is that most returnees are simply deported as illegal migrants, without careful screening to determine if they are victims of trafficking. In that case, the returnees remain in detention centres rather than shelters (Wang, 2005:21 and Marshall, 2006:17).

When China was asked to conduct family tracing for victims being returned to the country, it usually took 4-6 weeks to begin. There was no agreement on how long it took to complete family tracing, with the answers ranging from less than a week to 4-6 weeks. While the government cited a lack of information and inaccurate information provided by the victim as the main difficulties in carrying out family tracing, international organizations viewed lack of resources and lack of trained staff as the main problems. It is ambiguous whether those organizations were referring to their own lack of resources and trained staff or to government deficiencies.

All respondents agreed that there were problems with the pre-return process in China. In the table rating different aspects of the process (section II of the IOM questionnaire presented in Annex 1), the government agencies mostly reported that there were some problems and the international organizations mostly reported that the process was unsatisfactory. While Wang (2005:21) believes that the authorities do not adequately distinguish between illegal migrants and victims of trafficking, the respondents generally felt that victim identification was satisfactory.

One government respondent agreed that several aspects of the pre-return process were unsatisfactory. These included the availability of trained social workers at shelters for returnees, access to victim compensation and government resources to conduct family tracing.

When asked to evaluate various aspects of the actual return of victims of trafficking, the government agencies felt most aspects were satisfactory or a few problems existed. The international organizations reported that some problems existed. One government agency and one international organization agreed, however, that the establishment and implementation of operational guidelines for each agency involved in cross-border returns was unsatisfactory.

Concerning the return process, the respondents agreed that its strong point was its speed; it usually took two or three weeks from arrival at the border to return to the family or community. There are few options for either adults or children to being returned to their community. Once there, no financial support is available although some job training may be provided and children are enrolled in school. One government agency noted that there is a lack of trained social workers for providing

reintegration assistance, that communication between the police and the social workers is not adequate and that the functions of different administrative units are not clear. All respondents reported that either no follow-up occurs or that it takes place only in the first two weeks, with no further follow-up. The government agencies and international organizations agreed that there is no specific requirement or mandate for the follow-up of trafficking victims after their return and no specific agency has this responsibility.

One government agency and one international organization agreed that there were problems with the establishment of clear criteria for family assessment and with victims' participation in planning for their reintegration. One agency and one international organization reported that the situation regarding these aspects of reintegration were unsatisfactory.

Several positive aspects of the return process both from and to China were noted by the respondents. Once a case is identified, family tracing and return are fairly efficient. In spite of the lack of clear mandates and operational guidelines, cooperation among agencies is good. The Criminal Investigation Department of the Ministry of Public Security and Frontier Defense Bureaus were cited as following clear standards and procedures. A Salvation Centre for Foreign Women and Children had been established in Yunnan Province.

All respondents felt there existed problems with formal agreements for bilateral cooperation. Operational guidelines and MOUs between China and other countries in the GMS existed only for police cooperation but not for broader cooperation between governments on return and reintegration. All respondents also agreed that there were problems with the COMMIT process -- that no clear guidelines had resulted from it, that no actions had been taken and that no resources were made available to it.

Existing Issues

The inability to provide basic statistics on the return process indicates not only a deficiency in the sharing of information but also a lack of inclusion of key partners. Without the ability to review basic statistics, it is difficult to evaluate programmes, to assess trends or to plan future resources and activities.

The identification and return from China of victims of trafficking is largely the responsibility of the Ministry of Public Security and the provincial and county Public Security Bureaus. Wang (2005:14) and one of the respondents to the IOM questionnaire noted that clear criteria to differentiate among irregular migrants, those smuggled and those trafficked are not in place. A related issue is that once trafficking victims have been identified, they should be treated differently, and not simply detained and expelled along with all other illegal migrants.

Little support is provided for victims of trafficking who are returned to China. There are no guidelines on conducting family assessment and a lack of trained staff to do so. There is little follow-up of returnees after they reach their communities.

Aside from agreements with police authorities in other GMS countries, there are no MOUs or standard operating procedures in place. Internally, there is a lack of operational guidelines for the several agencies, international organizations and NGOs involved in the entire return process.

Recommendations

Recommendations concerning the return and reintegration of trafficking victims largely follow from the issues highlighted above. A mechanism should be established to produce and disseminate basic statistics on the return to and from China of cross-border victims of trafficking. At a minimum, the data set would include the nationality, province, sex, age and employment of identified trafficking victims. It would be shared with all stakeholders and used in programme planning and evaluation.

Clear concepts and definitions of irregular migrants, smuggled migrants and victims of trafficking should be developed and applied. Distinct procedures for dealing with persons in each category should also be developed. This is not to suggest an overly rigid approach. As suggested in the final chapter of this report, the key requirement is that persons in vulnerable situations who need assistance receive it.

The return and reintegration of victims of trafficking should not be viewed as primarily a police function. Greater involvement of the All-China Women's Federation at all levels, other government agencies, international organizations and international and local NGOs can all make important contributions. Operational guidelines should be developed to clarify those respective roles.

Related to the need to identify trafficking victims and to provide them with necessary security and care is the need to strengthen the capacity of the agencies and NGOs dealing with those persons. Responses to the IOM questionnaire noted the inadequate number of interpreters, social workers and counselors who can provide assistance to victims.

Responses to the questionnaires indicate that insufficient support is given to victims of trafficking who are returned to China. Clear criteria for conducting family assessment need to be developed and agency staff should be trained to conduct the assessment. A programme to provide longer-term monitoring of and support to returnees should be developed. Individuals should participate in developing their reintegration plans.

The process of returning victims of trafficking would be strengthened if China worked to develop MOUs and standard operating procedures with other governments in the GMS, in particular with Myanmar and Viet Nam. The purpose of the agreements would be to ensure timely and safe return while providing necessary support and services to the victims.

It is apparent that a comprehensive national review of current return mechanisms and procedures in China would be of value. Perhaps such a review could be conducted in the context of preparations for China's participation in COMMIT activities. The review should involve all stakeholders and address ways in which the current process could benefit from greater contributions by other government agencies, NGOs and international organizations.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Trafficking Situation

There is no significant pattern of trafficking persons into Lao People's Democratic Republic. The country does serve as a transit for trafficking persons from China and Viet Nam into Thailand. The only trafficking movement that has required a sustained Government response is the trafficking of persons from Lao People's Democratic Republic to Thailand. This aspect of trafficking must be viewed in the context of common (albeit "irregular") labour migration to Thailand. The two countries share many cultural similarities and a long border that is easily crossed with day-passes. In 2004, some 180,000 persons from Lao People's Democratic Republic (55 per cent of whom were females) registered with the Thailand Ministry of Interior and were granted permission to remain in the country for one year and to seek employment. Among those, 99,000 also applied for and were issued work permits. Lao nationals work in several regions in Thailand and in a wide range of occupations (Huguet and Punpuing, 2005:32). Because nearly all of the migrants from Lao People's Democratic Republic to Thailand voluntarily cross the border but initially do not have permission to remain in the country, 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.

Returns

The Social Welfare Department in Lao People's Democratic Republic has reported that 730 victims of trafficking were formally returned from Thailand in the six years from 2001 through 2006. The largest annual number of returns reported was in 2005, when 245 persons were returned. The total for 2006 is apparently not complete – the Social Welfare Department reported 197 returns from Thailand but the Thailand Department of Social Development and Welfare (DSDW) reported 278 returns from Thailand to Lao People's Democratic Republic that year. Table 1 shows that 85 per cent of the returnees were 18 years old or less. This contrasts with returnees to Myanmar, of whom only 15 per cent were less than 18 years of age (see table 2). Seventy-six per cent of the returnees were from the three southern provinces of Savannakhet, Champasak and Saravan (map 2). In 2003, Thailand arrested 13,277 Laotians for illegal entry and deported them (Huguet and Punpuing, 2005:14). Thus, fewer than two per cent of the Laotians detained as irregular migrants in Thailand are identified as victims of trafficking.

In addition to the formal repatriations reported in table 1, the Lao Women's Union and some NGOs receive returnees. For example, Agir pour les Femmes en Situation Precaire (AFESIP) reported that it had received 15 returnees in 2006, referred from social welfare agencies and NGOs.

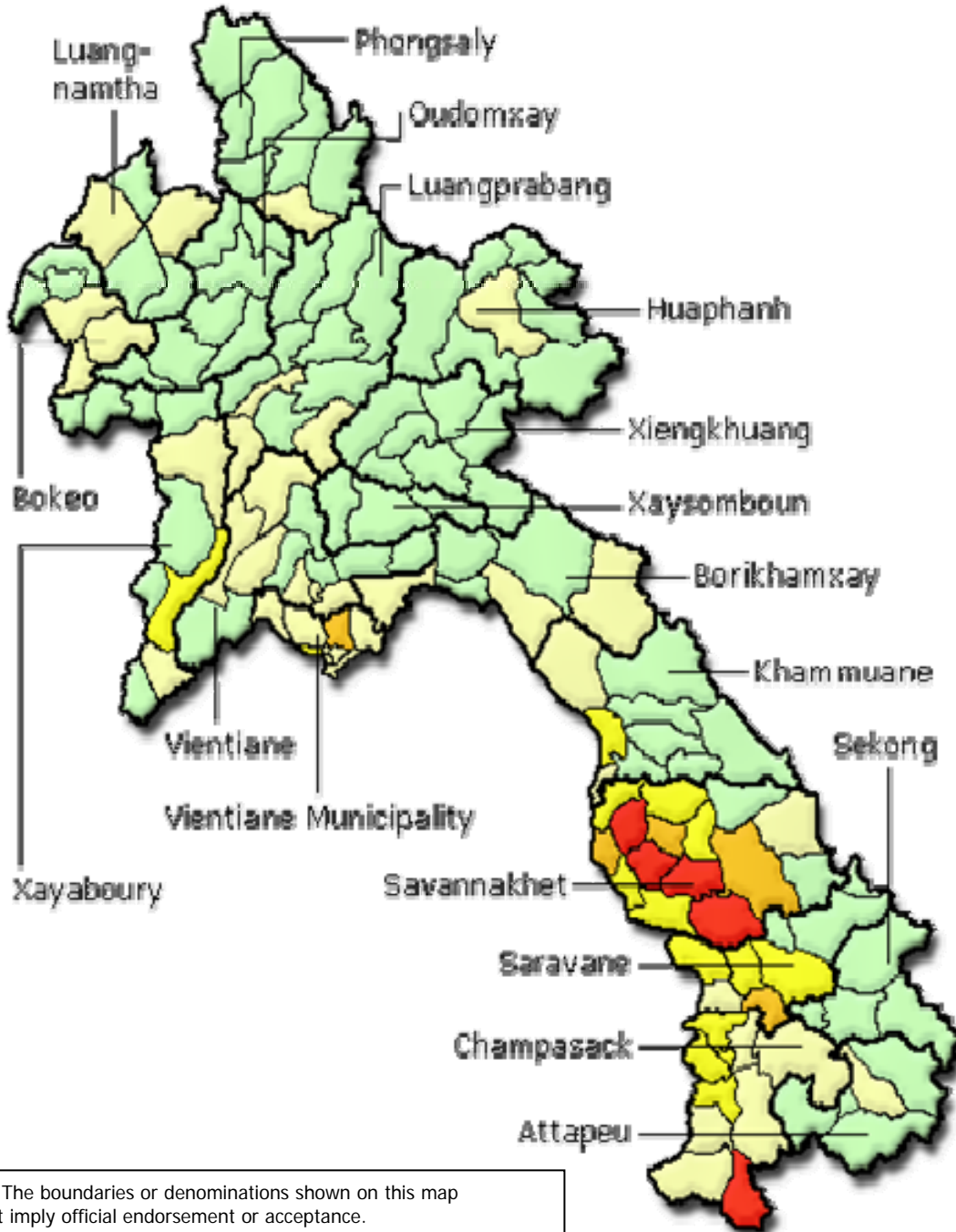
Table 1. Number of Trafficking Victims Returned from Thailand to Lao People's Democratic Republic, 2001-2006, by Age and Province of Origin

Province	Age 19+	Age 18 and less	Total
Xayyabouly	5	18	23
Luang Numtha	0	3	3
Luang Prabang	1	1	2
Borkeo	2	7	9
Phonsaly	0	1	1
Huaphan	1	0	1
Vientiane Municipality	32	45	77
Vientiane	5	11	16
Bolikhamxay	7	5	12
Khammouane	4	26	30
Savannakhet	30	327	357
Saravan	5	64	69
Champasak	18	110	128
Attapeu	0	2	2
Total	110	620	730

Source: Data provided by Social Welfare Department, Ministry of Labour and Social Welfare, Lao People's Democratic Republic.



Map 2 - Number of Government to Government Laos Returnees from Thailand by District



Note: The boundaries or denominations shown on this map do not imply official endorsement or acceptance.

Legend

- 10 and below
- 11 – 19
- 20 – 34
- 34 and above

Total: 765 returnees
 Period: 2001 – Feb. 2007
 Map by: Counter Trafficking Unit, IOM Bangkok

Laws and Agreements

In 2003, Lao People's Democratic Republic acceded to the United Nations Convention against Transnational Organized Crime and its two supplemental protocols on trafficking in persons and smuggling of migrants. In addition to its participation in the COMMIT process, Lao People's Democratic Republic participates in such regional dialogues as the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants, and the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime. (Lao People's Democratic Republic, 2004:8).

Lao People's Democratic Republic signed a Memorandum of Understanding with Thailand on labour migration in October 2002 and is in the initial stages of implementing it. The two countries signed an MOU in 2005 on Cooperation to Combat Trafficking in Persons, especially Women and Children. Under the terms of the MOU, trafficking victims shall receive justice and legal protection while awaiting official repatriation. Temporary housing and appropriate protection are also to be provided. Each Party will assign a Government agency to be a focal point and to be responsible for: (1) arranging the return and acceptance of victims, (2) executing the return according to predetermined schedules, (3) ensuring the safety of the victims during their return, (4) monitoring of trafficking in persons and (5) establishing information networks for the purpose of monitoring work concerning trafficking between law enforcement agencies and relevant national and international organizations. A three-year Plan of Action under the MOU was agreed in 2005.

The MOU also commits the Parties to undertake measures to help victims reintegrate successfully. The Parties shall create vocational training programmes, including training in life skills, in order to provide opportunities for alternative employment. The Parties shall also provide awareness-raising courses for officials whose functions are concerned with the development of the trafficking victims.

Lao People's Democratic Republic does not have a separate anti-trafficking law but has incorporated several articles on trafficking in the recently adopted Law on Development and Protection of Women. Most of the provisions of the law would apply to cases of internal trafficking but it does provide for repatriation and call for state and party organizations to disseminate information to the public in order to prevent trafficking in women and children. The law also calls for victims to be provided shelter, medical care and counseling services. When a Lao citizen is identified as a victim of trafficking in another country, the Lao Embassy or Consulate is required to cooperate with authorities in that country to ensure the safety and welfare of the victim, to assist in prosecuting the offenders and to arrange for repatriation. The Law provides many rights to victims of trafficking, including to testify and present evidence relating to the case, to request compensation and rehabilitation for reintegration in society, not to be prosecuted and detained, and not to be photographed or video recorded for public dissemination.

Structure and Process for Return and Reintegration

There is considerable cooperation between Lao People's Democratic Republic and Thailand on trafficking, essentially all of it related to the return of Lao victims of trafficking from Thailand. The two countries are implementing a three-year Plan of Action under their MOU on trafficking, signed in 2005. A Thai-Lao Joint Task Force has been established. IOM has supported a number of national and bilateral workshops designed to develop standard operating procedures for identifying victims, case reporting, family assessment, return and reintegration.

Victims of trafficking in Thailand are usually provided shelter by the Department of Social Development and Welfare (DSDW) and are interviewed by the Department. A list of names, with personal data, of persons awaiting repatriation is transmitted from DSDW to the Lao Ministry of Labour and Social Welfare (MLSW). The Lao Embassy in Bangkok is also informed and provides travel documents to the victims for their return. The MLSW uses its provincial and district offices to carry out family tracing and assessment. The Lao Women's Union also conducts family tracing and assessment. The family assessment determines whether the reunification should take place.

In principle, if the family assessment by MLSW is positive and the victim also wishes to return to her/his family, the Thailand DSDW prepares the necessary travel documents in conjunction with immigration authorities and makes the arrangements for travel to the border and for a turnover to Lao authorities. In reality, the only option is to be repatriated. At the border, the Social Welfare Department of the MLSW takes responsibility for the returnee. Most returns are through the Nong Khai-Vientiane border and the returnees typically spend a few days at a transit centre in Vientiane. The transit centre has limited capacity and accepts only those who have been officially repatriated from Thailand (Gallagher, 2006). The Social Welfare Department then arranges the return home and the family reunion. AFESIP is planning to open a shelter in Savannakhet similar to its shelter in Vientiane, specializing in services to sexually exploited children and women.

Gallagher (2006:538) notes that, under current procedures, the identification of victims of trafficking is done almost exclusively by Thai authorities. In 2006, however, the only Lao trafficking victims identified in Thailand were identified in Bangkok. Four of the largest Immigration Detention Centres in Thailand outside of Bangkok did not identify any trafficking victims among the 822 illegal migrants they returned to Lao People's Democratic Republic that year. When illegal migrants are deported from Thailand, they are initially detained by Lao authorities. At this point they could be screened to determine if some are victims of trafficking but the border officials are not trained to recognize the differences among illegal migrants, those smuggled and those trafficked. Furthermore, there are no guidelines or checklists to assist those officials to make such a determination.

Two international organizations and three NGOs completed the IOM questionnaire on the return and reintegration of trafficking victims. They refer only to returns from Thailand. On balance, they portray a well-functioning system within Lao People's Democratic Republic although, as would be expected, there are areas where improvements could be made.

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 People's Democratic Republic is sometimes delayed because victims provide incomplete or inaccurate information. Because the Lao language and the northeastern dialect in Thailand are essentially the same, communication in Lao is not a problem. However, communication with ethnic minorities who have been detained in Thailand may be difficult. It takes two to three weeks or longer to begin family tracing in Lao People's Democratic Republic and approximately the same duration to complete it. The main obstacles are that many of the villages of the returnees are remote and there is a lack of resources to travel to them. There are no clear criteria for family assessment, which was seen as a problem by some respondents.

There was little agreement among the respondents in assessing various aspects of the pre-return process. Of course, most of that process takes place in Thailand. The conduct of family tracing and assessment was identified as an area with problems, as noted above. The lack of an internal MOU or standard operating procedures was seen by many respondents as a problem, although one NGO felt that fewer procedures could reduce the time spent in shelters.

The respondents reported that records on medical care, counseling and vocational training provided in Thailand were transmitted to Lao People's Democratic Republic. No particular problem with the actual process of return of trafficking victims was identified. Most aspects of the return were viewed as satisfactory.

If a returned victim does not want to return to her/his family or the family assessment is not positive, the returnee may stay in a shelter operated by the Lao Women's Union or AFESIP until other arrangements can be made, although there is no formal referral mechanism and those shelters are limited in scope. The government will provide education and training for children remaining in shelters. One NGO reported that home stay may also be arranged for a child who cannot return to her/his family.

The government and NGOs are hampered in their efforts to provide assistance to returnees because of an insufficient number of trained social workers and vocational teachers, too few shelters,

the remoteness of many villages, and lack of funds, including for income-generation projects or investment by the returnees. There is no systematic approach to developing reintegration plans for individual returnees; each agency and NGO handles this in its own way. However, some NGOs believe that the lack of uniformity may well be offset by flexibility.

Coordination for reintegration is from the top down, from central government to provincial to district authorities. Coordination between the provincial and district level is viewed as satisfactory. There are no guidelines for reintegration but discussions among partners can usually solve any problems. Follow-up takes place for 6-12 months.

The main problem identified by respondents concerning the return process is the lack of trained social workers to provide advice and counseling to returnees. The lack of any shelters outside of Vientiane was also seen as a problem.

Existing Issues

While the process of return and reintegration of trafficking victims in Lao People's Democratic Republic has improved and is functioning with a good degree of coordination, some concerns also exist. A major drawback is that most returnees spend several months in a shelter in Thailand awaiting repatriation. The delays occur because investigations and court cases in Thailand are on-going and because family tracing in Lao People's Democratic Republic is difficult owing to the remoteness of many villages and lack of funds.

Most respondents identified the lack of specially trained staff, particularly of social workers, as an obstacle to providing support to returnees. Although 76 per cent of the victims of trafficking formally returned to the country are from three of the southern provinces, all returns currently are to Vientiane. Returnees spend about a week in the DSW shelter there before setting out on the long trip to their villages in the south.

Although none of the respondents to the IOM questionnaire mentioned it, Beesey (2004:34) noted that village leaders in Lao People's Democratic Republic often fine persons who have migrated illegally. Gallagher (2006:535) says that the fine is widely perceived to be an informal community tax on out-migrants. Successful labour migrants have no problem to pay the fine but it is a concern for many trafficking victims who are returning with no savings.

Recommendations

The Governments of Lao People's Democratic Republic and Thailand should discuss ways to reduce the time that returnees spend at DSDW shelters in Thailand. Some of the longest delays occur because prosecution of the trafficker or employer is on-going. Migrants who have been in Thailand only a short period and are owed only a small amount in back wages may prefer to return home quickly rather than waiting several months to receive a small amount of money. In more serious cases, it could be more humane and cost effective to have the trafficking victim return but come back to Thailand at the time of a court hearing.

While the Department of Social Welfare has provided valuable coordination of repatriation efforts, the process remains rather informal. Internal standard operating procedures and MOUs covering the roles and responsibilities of other government agencies, international organizations and NGOs should be established. These should not be complex, so as to retain the current flexibility and informal cooperation that exist in the process. Clear guidelines for family assessment and for reintegration should also be developed.

The current structure for return and reintegration is accessible only to persons identified as victims of trafficking in Thailand and formally returned. The Government of Lao People's Democratic Republic should screen persons expelled from Thailand as illegal migrants to determine if any of them are victims of trafficking. Walk-in centres or other outreach mechanisms should also be established in such cities as Vientiane, Savannakhet and Pakse (Champasak Province) so that victims of trafficking

(or severe exploitation in Thailand) who have returned on their own can seek assistance and reintegration support.

As the great majority of trafficking victims come from the southern provinces, a return process needs to be developed for those persons to be returned to the south rather than through Vientiane. Half of the formal returnees have come from Savannakhet Province so a reception centre with all necessary social and logistical support services should be set up there for returnees to the south.

It should be noted that, if these recommendations are to be implemented, the capacity of government agencies and national NGOs will need to be strengthened. More shelters or alternative interim care would be required, as would more staff members. The lack of trained social workers and counselors has been identified by several partners as a limitation of the return and reintegration process. The COMMIT process and other avenues for dialogue should be used to find ways to strengthen national capacity without fostering undue rigidity in the system.

MYANMAR

Trafficking Situation

By far the predominant pattern of trafficking involving Myanmar is from that country to Thailand, and that must be viewed in the context of large-scale migration between those countries. However, other patterns include the trafficking of some women from China through Myanmar for prostitution in Thailand and Malaysia, and trafficking of persons from Myanmar to China for labour, marriage or prostitution.

There are more than one million persons from Myanmar who are staying in Thailand as migrant workers or accompanying a family member. In 2004, a total of 921,000 persons from Myanmar registered with the Thailand Ministry of Interior and were permitted to remain in the country for up to one year and to seek employment. There is no valid estimate of the number of persons from Myanmar who did not come forward to be registered. Subsequently, 610,000 persons from Myanmar obtained work permits valid for up to one year and which could be renewed annually. Myanmar workers are found throughout Thailand but the largest concentrations are found in the border provinces of Chiang Mai, Chiang Rai, Ranong and Tak, and also in Samut Sakhon and Bangkok (Huguét and Punpuing, 2005:32). Males work mostly in fishing, agriculture and construction, while women work in factories, seafood processing and domestic service. There are an additional 140,000 persons deemed by Thailand to be fleeing fighting in Myanmar who live in camps in Thailand. The camps are considered to be temporary shelters although a majority of persons in the camps have been there for over 10 years (Huguét and Punpuing, 2005:11). The factors that have prompted more than one million persons from Myanmar to cross the Thai border have also put many of them in vulnerable situations.

Given the very large number of persons from Myanmar in Thailand in an irregular migration status, it is not surprising that significant numbers would be arrested and detained by police, or escape from or be rescued from exploitative work situations. Most are simply expelled to Myanmar but some are identified as victims of trafficking, provided care and shelter, and returned formally. Beesey (no date:76) argues that the determination of whether a person has been trafficked is not systematic or precise. This issue and its implications are addressed in more detail in the section on Thailand and in the final two chapters.

Returns

Table 2. Number of Trafficking Victims Returned to Myanmar, 2004, 2005 and 2006, by Sex, Age Group and Organization Reporting

Organization reporting / Sex	2004		2005		2006	
	All ages	Under 18	All ages	Under 18	All ages	Under 18
<i>Government of Myanmar</i>						
Total	34	4	108	10	91	20
Male	-	-	1	1	-	-
Female	34	4	107	9	91	20
<i>Save the Children</i>						
Total	15	11	3	1	12	4
Male	4	1	-	-	-	-
Female	11	10	3	1	12	4
<i>World Vision</i>						
Total	12	-	54	4	22	-
Male	-	-	1	1	-	-
Female	12	-	53	3	22	-

Source: Data provided by the Government of Myanmar

The Government of Myanmar and two international NGOs have reported the numbers of returns shown in table 2. In principle, the figures reported by the NGOs are included in those reported by the Government but they could include a few cases of self-return. The data indicate

modest numbers of returns, essentially all of whom are female. Those under 18 years of age constituted only 15 per cent of all returns reported by the Government for the three-year period. Most of the reported returns were from Thailand but a few were from China and Malaysia.

The number of returns of persons identified as victims of trafficking may be viewed in the context of all returns from Thailand. A majority of persons from Myanmar working in Thailand would return on their own or with the assistance of an agent. A significant number are expelled by Immigration authorities, however. In 2003, 148,000 persons from Myanmar were arrested in Thailand for illegal entry or overstaying their visa (Huguet and Punpuing, 2005:14). From August 2003, about 400 persons per month were formally deported to Myanmar. That implies that in 2003, more than 140,000 were expelled from Thailand without entering the formal deportation process. The approximately 100 persons identified as victims of trafficking and formally returned from Thailand to Myanmar each year (table 2) represent fewer than one in 1,000 of all Myanmar nationals arrested and deported annually by Thailand for illegal entry.

Laws and Agreements

Myanmar acceded to the United Nations Convention against Transnational Organized Crime and its two supplemental protocols covering trafficking in persons and smuggling of migrants, in 2004. Myanmar and Thailand signed a Memorandum of Understanding on cooperation in the employment of workers in June 2003 but have taken no significant steps toward implementing it.

The Anti-Trafficking in Persons Law was adopted in 2005. It provides for the rescue, receipt, safeguarding, rehabilitation and reintegration of trafficked persons. Although it contains special provisions for women and children, it appears to be the only anti-trafficking law in the GMS that is not limited to women and children. The Law established the Working Group on Repatriation, Reintegration and Rehabilitation of Trafficked Victims, which is responsible for coordinating with Government departments and NGOs in the repatriation of victims of trafficking; conducting family assessments; and providing medical care, counseling, training and other assistance to the returnees. Many of the provisions of the Law apply to internal cases of trafficking but it covers repatriation, return and reintegration as well. The law mandates that officials in the Embassies of the Union of Myanmar in foreign countries shall provide necessary protection to Myanmar citizens or permanent resident foreigners of Myanmar who are victims of trafficking and coordinate with the relevant responsible agencies for the repatriation of the victims.

There is a National Plan of Action to Fight Trafficking in Women and Children, which was developed by the Myanmar National Committee on Women's Affairs in 1997. As that Plan precedes accession to the Convention on Transnational Organized Crime and its supplemental protocols in 2004, signing of the COMMIT MOU in 2004 and the adoption of the anti-trafficking law in 2005, however, the Government is currently developing a new plan of action that would take into account those documents and commitments. The new plan is being drafted by a multi-ministerial Technical Working Group under the leadership of the Ministry of Home Affairs, with technical support from UNIAP.

Structure and Process for Return and Reintegration

Pending completion of the new national plan of action against trafficking, the structure and process for return and reintegration are established by the 1997 National Plan of Action and the 2005 Anti-Trafficking in Persons Law.

The only pattern of regular repatriation of victims of trafficking to Myanmar is that from Thailand. As is the case for victims of trafficking returning from Thailand to Cambodia and to Lao People's Democratic Republic, the great majority return through expulsion, on their own or informally with the assistance of NGOs, brokers or acquaintances. In most cases there is no systematic process to determine if the returnee is a victim of trafficking.

Within Thailand, there are two main formal channels for return, referred to as the Bangkok Model and the Chiang Mai Model. The concerned agencies in Thailand and their functions under those models are described in greater detail in the section on Thailand.

Within Myanmar, information on victims of trafficking is received by the Department of Social Welfare (DSW) from the Thailand Department of Social Development and Welfare (DSDW). DSW sends the information to the Ministry of Immigration to verify that the person is a Myanmar national. DSW also coordinates the family tracing and family assessment in cooperation with the Myanmar Women's Affairs Federation (MWAFF). World Vision Myanmar also conducts family tracing and assessment, primarily for returns from northern Thailand.

Returns to Myanmar from Bangkok take place at Myawaddy but those from northern Thailand take place at Tachilek, Shin and Kengtung. DSW also coordinates reception of returnees at the border with MWAFF, Save the Children UK (SCUK), World Vision Myanmar (WVM) and UNIAP. The same agencies are involved in the movement of returnees to their home villages. DSW, MWAFF and UNIAP provide reintegration and support after return.

A notable feature of the formal process of return from Thailand to Myanmar is the length of time involved on both sides of the border. Beesey (no date:55) noted that many returnees spent 6-10 months in shelters in Thailand. All returnees now must spend four weeks in a training centre run by DSW in Myanmar before being returned to their community. The delays while in Thailand were occasioned by legal proceedings there and the time required for family tracing and verification of nationality by authorities in Myanmar. Responses to the IOM questionnaire indicated that the legal delays were primarily because investigations were on-going or court cases were proceeding. The main reason for the extended period spent in shelters in Thailand, however, was the time required for cross-border exchange of information and coordination. Verification of nationality and family tracing are difficult because of language issues. Names and addresses obtained from returnees while in Thailand are translated into English before being transmitted to Myanmar – a process that can introduce errors. Incomplete and inaccurate information provided by victims was cited by all respondents as the main reason for delays in family tracing. One NGO reported that some persons give inaccurate information because they do not want to be returned.

The Government of Myanmar took the most systematic approach to completing the IOM questionnaire used as the source of information for much of this report. It convened a meeting with representatives DSW, MWAFF, other concerned government agencies, WVM, IOM and UNIAP in order to determine responses and submit a consolidated response. Separate questionnaires were submitted by other organizations working on trafficking issues in Myanmar. While the Government rated most aspects of the return process as satisfactory, although with some problems, it rated a few aspects as unsatisfactory. It noted that shelters for returnees were needed at Muse, Hpa-an and Mawlamyaing. The lack of trained social workers for the shelters was also identified as a problem by some respondents. The lack of internal MOUs or standard operating procedures was highlighted.

Returns to Myanmar occur in groups of up to 20 persons. The Government indicated that information provided concerning the medical records, counseling and vocational training of returnees was not sufficient. In addition, the information provided was usually in the language of the destination country, constituting another obstacle. Special attention is normally given to returnees less than 18 years of age in the provision of services and support. UNICEF is supporting the development of child-friendly repatriation and reintegration procedures.

The Government views the actual return of victims (as distinct from pre-return and reintegration procedures) as satisfactory. The other respondents expressed a concern about the privacy of returnees, however. Receptions are formal events, often with news media present, so the privacy of returnees is violated and some of them feel uncomfortable. The main problem cited by the other respondents is the requirement that returnees spend four weeks at DSW training centres before being returned to their families and communities. The lack of operational guidelines for the return process was also seen as a problem by the other respondents.

The Government of Myanmar, with the assistance of international organizations and NGOs, has established a process for reintegration and long-term follow-up of returned trafficking victims. The first step of the recovery process is the training provided by DSW centres before return to the family. This is viewed positively by the Government but seen as a problem by others, particularly when returnees do not want to receive four weeks of training before going home. Some options are available for returnees who do not wish to return to their family or for whom the family assessment is negative. They may remain in the DSW training centre, stay at a faith-based institution or receive support from an international NGO to stay in another home or for independent living.

The Government cited lack of trained staff, lack of job opportunities, lack of funding to operate income-generation projects and the need for more shelters as obstacles to providing assistance and services to returnees. One respondent also mentioned the limited capabilities and the poverty or debt of the returnees as obstacles. Another cited the desire of many returnees to migrate again and recommended that the country of destination, rather than returning all victims of trafficking, should regularize some of them and issue them work permits. All respondents noted that information about the returnees supplied by the destination country was inadequate, particularly regarding the counseling and vocational training they had received.

A strong point of the reintegration process in Myanmar is that individual reintegration plans are developed by DSW or NGOs. The returnee, together with her/his family, participates in the process and signs the plan. A case management approach is used so that the plan takes into account the family situation and livelihood, education, vocational training and health care needs. Follow-up of returnees takes place for at least a year unless the person migrates again, either within Myanmar or to another country.

In rating the reintegration process, the Government and others noted that the lack of clear criteria for family assessment was a problem. NGOs used their own guidelines but the assessments were not seen as thorough.

In evaluating the overall return process, the Government and other respondents noted some problems in coordination with China and Thailand, the only countries with significant numbers of trafficking victims from Myanmar. The coordination provided by DSW was seen as a positive factor in the process, especially its convening of a quarterly meeting to exchange information and experience. The Government noted that the number of staff members with the capacity and specialized skills needed for working with victims of trafficking was still inadequate. Further training was required on child- and women-friendly procedures.

All respondents were critical of the current regional and bilateral arrangements. Although a China-Myanmar cooperation framework has been agreed upon, there still exist no bilateral operational guidelines or MOUs on trafficking. The respondents considered the COMMIT process to date to have some problems. The Government expressed disappointment that not all of the targets set out in the MOU had been achieved. However, it appreciated the efforts of COMMIT to provide regional training, in developing a national plan of action and in coordination to develop multi-sectoral and bilateral partnerships.

Existing Issues

The Government of Myanmar has made significant progress in managing the return of victims of trafficking. The Department of Social Welfare (DSW) coordinates the process, conducts family tracing and assessment, operates training centres for returnees and cooperates with its counterpart in Thailand and with other agencies and NGOs in Myanmar. Returnees participate in the development of their reintegration plans and sign them. Nevertheless, the Government agencies involved in the return of trafficking victims feel a need for more staff members with specialized training. As noted above, coordination and cooperation occur in the absence of formal guidelines and agreements internally and at bilateral and regional levels. While there is a clear process for the return of trafficking victims from Thailand, that is not the case for China, the other destination country.

Communication with the Department of Social Development and Welfare (DSDW) in Thailand remains an issue, mostly because of language. DSDW records are maintained in Thai so require translation when transferred to Myanmar. When names and addresses are transliterated into Myanmar, they may be difficult to understand or errors occur, making family tracing in Myanmar difficult. A consequence of these difficulties is that returnees spend several months in shelters in Thailand before they can return to Myanmar.

As many migrants from Myanmar to Thailand come from remote areas, including some where there is friction with the central government, certifying nationality and family tracing may be lengthy processes. Successful reintegration is a challenge because of the poverty of the family and the lack of productive employment opportunities in those areas. Many of the returnees want to migrate again and thus are vulnerable to being re-trafficked. The DSW has addressed the issue of “recovery” by providing four weeks of mandatory training to returnees before they are returned to their families. However, some stakeholders feel this duration is excessive.

Recommendations

Direct discussions are needed between the DSW in Myanmar and the DSDW in Thailand concerning their communication issues. Perhaps a simplified form could be developed that mostly required checking (✓) categories to convey information. As Myanmar language interpreters must be used for the interviews conducted by DSDW, it should be possible for some basic information to be recorded in Myanmar in order to avoid errors in translation or transliteration.

In order to prevent trafficking and to assist those who find themselves in a situation of being trafficked, Beesey (no date:11) has recommended that an information campaign be conducted in both areas of origin and destination targeting Myanmar nationals who migrate to Thailand. Especially within Thailand, the campaign should inform migrants about how to seek assistance if they have been trafficked, their rights as migrants, and what assistance is available to them from the respective governments and NGOs. Information campaigns must also provide information on alternative employment and migration paths.

While providing training to new returnees and developing reintegration plans for them are valuable, there are concerns about the value of the four weeks of training now required. The paramount principle of such training is that it should be voluntary. Returnees could be provided a menu of options for training and services that are available from the training centres and they could select those that they believe would benefit them. The value of the training should be assessed independently, especially any livelihood or vocational training.

As a majority of trafficking victims apparently return on their own or through unofficial channels, the reintegration programme should explore ways to identify them and to provide support to those returnees who require it (Beesey, no date:82).

Internal standard operating procedures should be developed to specify the role of all partners and the means of coordination. Clear criteria for family assessments also need to be developed and implemented. Discussions have taken place with China and with Thailand concerning the development of MOUs on trafficking. Operational guidelines and MOUs should be agreed with each of these countries in order to provide greater protection and support to Myanmar nationals who become victims of trafficking.

THAILAND

Trafficking Situation

Thailand's rapid economic development over the past six decades, combined with slow development and political instability in some neighbouring countries, has made it a magnet for several types of migrants – asylum seekers, regular labour migrants and irregular migrants. The powerful incentives for persons to migrate to Thailand and the mechanisms that have evolved to achieve such migration have also facilitated trafficking in persons.

In an attempt to regularize labour migration, the Royal Thai Government in June 2004 permitted all persons from Cambodia, Lao People's Democratic Republic and Myanmar in the country in an irregular status to register with the Ministry of Interior for no fee and to stay in the country for one year while seeking work and obtaining work permits. That registration process recorded 1.28 million persons. At the same time, there were 102,000 foreign persons in the country with professional work permits and an estimated half a million foreigners who had overstayed their entry visas. In addition to these, there was no doubt a sizable number of persons from neighbouring countries that did not register with authorities in June 2004 but there is no valid estimate of that number (Huguet and Punpuing, 2005:3).

Because of its criminal and clandestine nature, definitive statistics on trafficking do not exist. A recent study of migrants from Myanmar that was conducted by the World Vision Foundation of Thailand (WVFT) in cooperation with the Asian Research Center on Migration (ARCM) (no date) asked the migrants about specific types of coercion or exploitation they had encountered. Among 1,187 respondents, 45 per cent of whom were women, 5.3 per cent said they had been forced into prostitution; 5.8 per cent reported that they had performed forced labour, worked like a slave or were imprisoned in the workplace; and 1.1 per cent had been sexually assaulted. Thus, 12.2 per cent of the sample could be defined as having been trafficked for work. That percentage, applied to the 1.28 million migrants from neighbouring countries who registered with the government, would imply that about 157,000 migrants currently in the country had been trafficked. This figure can be only approximate but it clearly indicates that trafficking to Thailand is an issue of concern.

The WVFT/ARCM attempt to estimate the number of trafficked persons by use of a sample survey is perhaps unique in the GMS. There is a large discrepancy between such an estimate and the actual number of persons formally identified as trafficked, however, an issue discussed in greater length in the chapter on analysis of regional return processes. In the three months from 1 November 2006 to 31 January 2007, the Victim Identification Unit (VIU) of the Immigration Detention Centre (IDC) in Bangkok interviewed 959 detainees to determine if they had been trafficked. Among those, 55 per cent were from Lao People's Democratic Republic, 26 per cent from Myanmar, 17 per cent from Cambodia and 1 per cent from Viet Nam. A little more than half (53 per cent) of those interviewed were women and about one third (36 per cent) were girls (females less than 18 years of age). From those interviews, it was determined that 37 persons could be considered to have been trafficked – 21 from Myanmar, 12 from Lao People's Democratic Republic and 4 from Cambodia. In sum, only persons from GMS countries were interviewed and only about a dozen persons a month were identified to be victims of trafficking by the IDC.

Returns

It is believed that a majority of trafficking victims in Thailand return home on their own or through expulsion rather than through the formal repatriation process, particularly because illegal migrants detained in provinces near borders with other countries are usually expelled without being screened to determine if they are trafficking victims. The IOM project on return and reintegration of trafficking victims has assisted in 1,730 formal returns from Thailand to other countries in the GMS between September 2000 and October 2006. Among those returned, 44 per cent were from Cambodia, 40 per cent from Lao People's Democratic Republic, 13 per cent from Myanmar, 2 per cent from Viet Nam and less than 1 per cent from Yunnan. The Bureau of Anti-Trafficking in Women and Children (BATWC) reports that in 2006 Thailand returned 105 trafficking victims to Cambodia, 1 to

China, 278 to Lao People's Democratic Republic, 90 to Myanmar and 5 to Viet Nam. For the same year, Cambodia reported that 252 trafficking victims had been returned from Thailand. It is not known if the discrepancy in the two reported figures occurred because of differences in the classification of returnees as trafficking victims or because the figure from Cambodia includes informal returns not under the auspices of BATWC.

Laws and Agreements

Thailand has signed but not ratified the United Nations Convention against Transnational Organized Crime and the two supplemental protocols on trafficking in persons and smuggling of migrants. It signed the COMMIT MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region in October 2004 and participates actively in implementing the Sub-regional Plan of Action.

Thailand signed a Memorandum of Understanding on bilateral cooperation for eliminating trafficking in children and women and assisting victims of trafficking with Cambodia in May 2003 and a similar MOU with Lao People's Democratic Republic in 2005. These MOUs adopt the definition of trafficking contained in the United Nations Protocol except that they are effectively limited to children and women. They provide for cooperation in the prevention and suppression of trafficking, protection of victims, repatriation, and reintegration. Plans of action and standard operating procedures have been developed as part of the implementation of the MOUs.

Thailand has in place a legal framework for addressing issues of trafficking but it currently pertains only to women and children. The main legislation is the Measures in Prevention and Suppression of Trafficking in Women and Children Act, 1997. Other relevant legislation includes the Immigration Act, 1979; the Prevention and Suppression of Prostitution Act, 1996; the Witness Protection Act, 2003; and the Child Protection Act, 2003.

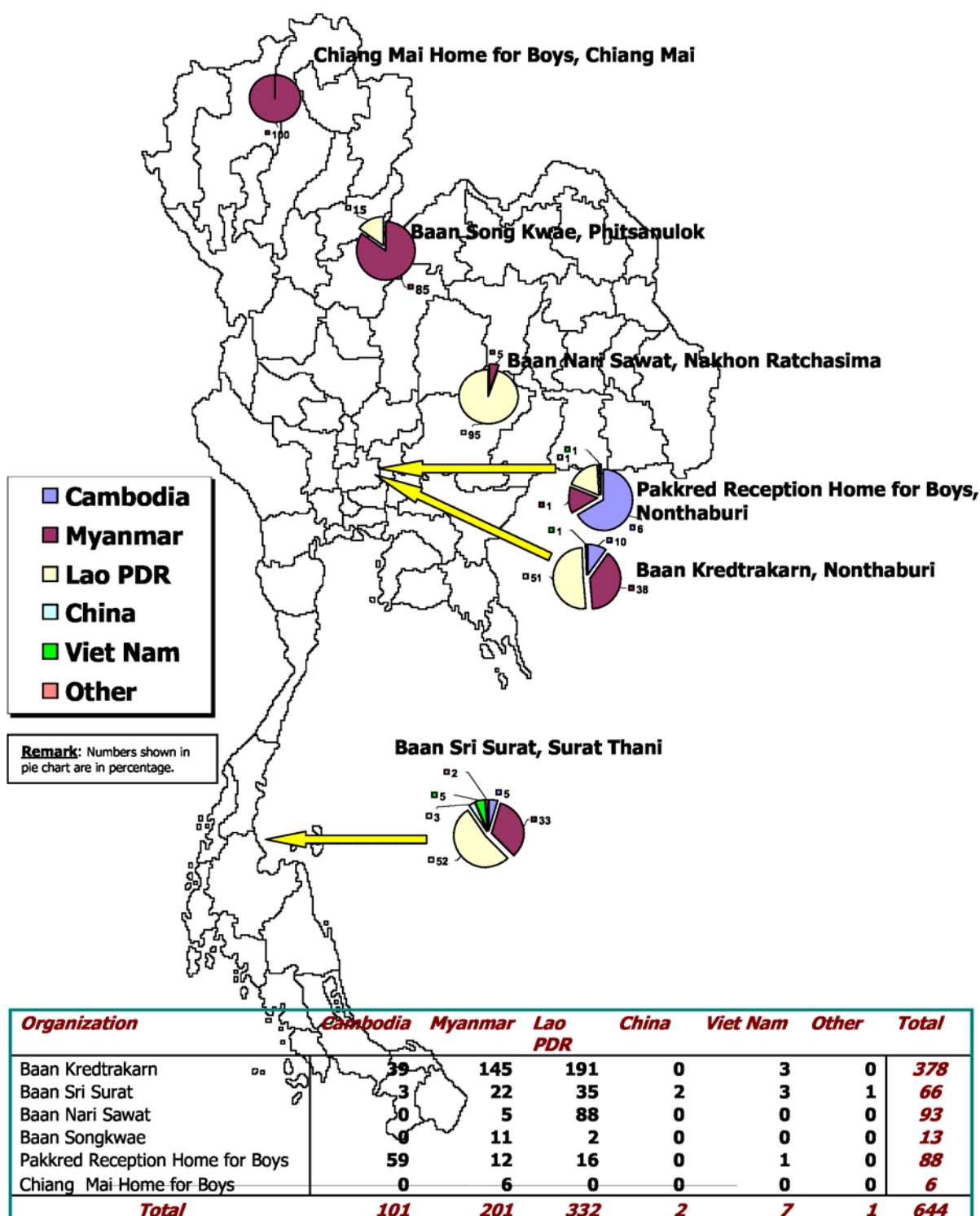
The MOU on Common Guidelines and Practices for Government Agencies Concerned with Cases of Trafficking in Women and Children, 2003 states that the legislation named above shall be applied. It assigns to the Department of Social Development and Welfare (DSDW) the responsibility to question victims of trafficking in order to obtain preliminary information necessary for prosecution of traffickers and for the return of the victims. Investigations should be completed quickly and the victims returned without delay. The victims are to be accommodated in an appropriate shelter and provided food, clothing, and medical and psychological care. The Immigration Department and border checkpoints, Ministry of Foreign Affairs and NGOs shall coordinate to return the foreign victims of trafficking to their country of domicile.

A second internal MOU provides for procedural cooperation between the Government and NGOs. A third MOU establishes operational guidelines among NGOs. Other MOUs cover specified regions of Thailand, including the North, South, East and Northeast.

Structure and Process for Return and Reintegration

The Ministry of Social Development and Human Security (MSDHS) is responsible for the prevention and reduction of vulnerability. Within the Ministry, the Bureau of Anti-Trafficking in Women and Children (BATWC) is responsible for the protection of victims of trafficking, for providing them assistance and for coordination with anti-trafficking networks. The Ministry operates numerous Homes for Children and Family, and eight Welfare and Vocational Training Centres for Women throughout the country. These centres provide six-month vocational training programmes, primarily for women, based on the labour market needs of their regions, as well as a job-placement service. These courses are designed for young women who may be at risk of being lured into prostitution. Six regional centres, including two for boys, have been designated to provide shelter and vocational training to foreign victims of trafficking while they await repatriation (Thailand, 2004, and map 3).

Map 3 - Department of Social Development and Welfare shelters providing care to foreign victims of trafficking in Thailand



Source: BATWC, 1 January – 31 December 2006

By: Thanaporn

A seventh centre, in Chiang Rai, will also begin receiving foreign trafficking victims in 2007. (Note that the statistics provided in map 3 refer to the number of victims of trafficking who were resident in a DSDW shelter in 2006 so are somewhat higher than the number of returns completed that year.)

The return of victims of trafficking from Thailand is carried out by either the Bangkok model or the Chiang Mai model. The latter describes a mechanism and process in place for nine northern provinces in Thailand. All other returns are carried out through the administration of the BATWC but the returns can be managed directly from the authorized shelters to the country of origin.

The process for the return and reintegration of victims of trafficking begins with their being identified as such. In most cases, this is done by the Victim Identification Unit of the Immigration Detention Centre (IDC) in Bangkok. When migrants in an irregular status are detained by regular police or by a checkpoint of the Immigration Department, they are usually sent to the IDC for expulsion from the country, with the exception that irregular migrants detained close to the border with their country are normally expelled directly and apparently without screening to determine if some are trafficking victims. In 2006, statistics from four such IDCs, Aranyaprathet (near the border with Cambodia) and in Chiang Rai, Kanchanaburi and Tak Provinces (all near the Myanmar border), indicated that they deported a total of 281,791 illegal migrants to the other five countries in the GMS. Among those, 147,543 were deported to Cambodia and 133,370 were deported to Myanmar yet none of the four border IDCs identified anyone as a victim of trafficking in 2006. Police and Immigration officers in the country have been trained to make preliminary identification of possible victims of trafficking, and their reports are important in the screening of migrants at the Bangkok IDC. Roughly 70 per cent of detainees at the IDC are referred by Immigration checkpoints and 30 per cent by regular police.

Each day, the 300-400 detainees at the IDC are reviewed to determine if some of them could be trafficking victims. This preliminary assessment is made from the reports of the police who initially detained the migrants, by asking the migrants if they need any special assistance and by observation. The staff members of the Victim Identification Unit (VIU) have become skilled at identifying possible victims. At a minimum, detainees who are under 18 years of age, those with injuries and those who appear frightened are selected for further screening. The VIU may also telephone the police who first detained the migrants to seek further information on the situation the migrants had been in.

If there is a failure to identify a victim of trafficking, however, it is likely to occur at this first stage. Foreign detainees may not understand Thai or English and thus not fully comprehend any questions asked to a group. They may also be reluctant to speak up at first and thus are passed over in the decision to interview possible victims.

Usually 15-20 detainees per working day are selected to be interviewed to determine if they are victims of trafficking. The interview is based on a checklist of questions that the Royal Thai Police have developed with the assistance of IOM. The questions cover the possible elements of trafficking, including recruitment, transport and employment in Thailand. The questions are related to existing legislation, including the Criminal Procedure Code; the Measures in Prevention and Suppression of Trafficking in Women and Children Act, 1997; the Prevention and Suppression of Prostitution Act, 1996; the Child Protection Act, 2003; and the Labour Protection Act, 1998. Two or more interviews may be required to determine if a detainee is a trafficking victim because s/he may be reluctant to reveal sufficient information in the first interview. Those interviewed are informed of the benefits of being identified as having been trafficked, including the provision of shelter, the possibility of seeking compensation, and a return home rather than expulsion. The persons being interviewed are returned to group cells during their stay at the IDC because no separate space is available for housing them. This leads to concern by the VIU officers that the interviewed migrants might be approached by traffickers while they are back in the same cell. They could be persuaded or threatened to change the information provided or to not provide further information about their trafficking situation in the next interview. The staff members of the VIU speak Thai, English and Lao. Interpreters for Myanmar, Khmer, Vietnamese and other languages are normally provided by NGOs.

UNICEF has provided funding for setting up a comfortable and quiet interview room at the IDC, which was put into use on 1 November 2006. In addition to being interviewed, the detainees are provided information on health issues and about working legally in Thailand. They are also given personal hygiene items, such as soap, shampoo, a toothbrush and toothpaste. The implementation of activities in the interview room is administered by IOM. Some NGOs working at the IDC also assist in this process by providing interpreters to help the staff of VIU. For example, AFESIP provides Khmer speaking interpreters when required.

Since late 2002, UNICEF has supported a project implemented by IOM to operate a day-care centre at the Immigration Detention Centre (IDC) in Bangkok. Children who are being detained with their parents are released from their cells during the day in order to go to the centre, if the parents and children agree. Two staff members care for them and provide recreation and learning. There are usually 10-20 such children per day, roughly 70 per cent of whom are girls. Most of the children are from Cambodia, Lao People's Democratic Republic and Myanmar, but those from China, People's Democratic Republic of Korea, Sri Lanka and Viet Nam are not uncommon. The great majority of the children attending the day-care centre are not considered to be victims of trafficking. This is because well under one per cent of IDC detainees are trafficking victims and because such victims are usually quickly transferred to a shelter. If medical attention is required, it is provided by Jesuit Refugee Services, an organization with an office at the IDC. Other NGOs such as AFESIP, the Maryknoll Foundation and Foundation for Women also have staff members working full time at the IDC to provide various types of assistance to the detainees

Persons who are determined to have been trafficked are transferred either to the Kredtrakarn Protection and Occupational Development Centre (for women) or the Pakkred Reception Home for Boys. Both are in the nearby province of Nonthaburi and both are institutions of the Department of Social Development and Welfare. Those centres send staff members to transfer the trafficking victims. Victims are usually transferred in one or two days but the process can be faster for those requiring medical attention or who might be at risk if detained longer with potential traffickers.

At the two shelters in Nonthaburi Province, detailed interviews are conducted by DSDW caseworkers in the language of the victim. Information necessary for family tracing and assessment in the home country is transmitted from the social workers of DSDW to designated social workers or other staff members of Government agencies or international NGOs in that country. The Embassy of the country of origin in Bangkok is also kept informed during the information exchange and the process of return to that country. Directors of the six shelters used for foreign victims of trafficking agreed that family tracing and assessment in Lao People's Democratic Republic was relatively fast but that for Myanmar was slow.

An analysis of 460 foreign women and children in all DSDW shelters between August 2005 and August 2006 showed that the number in the shelters at a given time fluctuates but had averaged 35 persons per month. Among the total, 55 per cent were from Lao People's Democratic Republic, 26 per cent from Myanmar and 18 per cent from Cambodia. The median duration of stay was 4.6 months but 9 per cent of the total had remained in a shelter for more than 10 months. The reasons for delay in the return of 278 persons who remained in the shelters for more than four months were assessed. For 41 per cent of the persons, the delay occurred because of legal proceedings in Thailand. The family tracing process in the country of origin accounted for 35 per cent of the delayed returns and family assessment accounted for 12 per cent. Eight per cent of the shelter residents (22 persons), all from Lao People's Democratic Republic, had returned home voluntarily without waiting for formal repatriation. Respondents to the IOM questionnaire frequently commented that family tracing was difficult because victims gave inaccurate information when interviewed. It was suggested that they may have been prompted to do so because they felt ashamed of their situation, they feared retaliation from their traffickers or they did not want to return home but preferred to stay and work in Thailand.

A separate mechanism for the protection and return of victims of trafficking is in place for nine provinces in northern Thailand and is referred to as the Chiang Mai model. BATWC provides overall coordination but the Chiang Mai model works as a team involving the Immigration Department,

the police, a coalition of NGOs called the Coordination Unit for Anti-Trafficking Operations/Northern Thailand (TRAFCORD) and another NGO called the Coordination Center for Protection of Child and Women's Rights (CCPCWR). When victims have been rescued from factories or brothels, for example, a multi-disciplinary team of Immigration officials, police, social workers and NGOs interviews them. They are usually provided shelter at either the Chiang Mai Home for Boys or the Chiang Mai Home for Children and Family although an NGO called New Life Centre has also received some victims. Information from the case records is transmitted from the Homes to BATWC, which has the responsibility to coordinate family tracing and assessment with the country of origin and to arrange a date for return. BATWC takes the lead role in handling the case, including organizing case conferences, monitoring assistance to victims and coordinating the interview and protection of victims who will testify in legal cases.

Returns from northern Thailand are primarily to China, Lao People's Democratic Republic and Myanmar. The Chinese Consulate in Chiang Mai interviews Chinese returnees, coordinates family tracing and arranges for their return. When a return has been arranged, the Chiang Mai team, led by a social worker, accompanies the returnees to the border. In the past, TRAFCORD arranged direct returns to World Vision Myanmar and provided the necessary information to BATWC but since 2006 all returns to Myanmar are through government-to-government channels.

Existing Issues

Thailand has the most developed system in the GMS to identify victims of trafficking, to provide them comprehensive care in social welfare shelters and to return them safely. Thailand Government agencies cooperate closely with IOM, UNIAP, other international organizations and numerous NGOs. The return process in Thailand is likely to be the most evaluated because Bangkok is the location of many international organizations and NGOs, and because Thailand Government agencies are normally open and accessible. Any critique of the process in Thailand must be understood in this context.

As in other GMS countries, the number of persons identified as victims of trafficking is a small percentage of estimates of the actual number. Although there may be upwards of 100,000 trafficked migrants in the country, only about 30-40 a month are identified as such and enter the formal system of shelter and repatriation. This situation results partially because only women and children are covered as trafficking victims by Thailand legislation and MOUs with neighbouring countries. The main reason for identifying so few trafficking victims, however, is probably because workplace inspection by Provincial Labour Offices is not pro-active. Inspections take place only when complaints are registered. (Of course, if only ten per cent of the estimated number of trafficking victims were identified, the current system for providing shelter and repatriation would lack the capacity to handle them.)

The determination that a migrant is a victim of trafficking can be made first by the immigration police or regular police who detain the migrant, usually for illegal entry. Although these police have been trained to identify trafficking victims, language is likely to be a significant barrier to communication at the time of arrest. Particularly in northern Thailand, responses to the IOM questionnaire indicated that social welfare agencies also identify a significant proportion of victims of trafficking. It was also seen that Immigration Detention Centres (IDCs) in border provinces usually do not screen irregular migrants to determine if they are victims of trafficking.

As noted above, the initial screening of detainees at the IDC in Bangkok to determine if some are victims of trafficking is not systematic. It is possible that some irregular migrants who could be considered victims of trafficking would prefer a quick expulsion¹ rather than being classified as trafficking victims and entering the lengthy and formal repatriation process, but that is a decision that they should make with full information concerning their legal situation and all aspects of the two

¹ The term expulsion is used here to include returns that are not made to a government agency in the country of origin. Most returns of irregular migrants to Myanmar are of this nature. They are believed to benefit most returnees because they can go directly to their homes rather than via government reception centres.

processes. As elaborated below, victims of trafficking should be accorded all of their legal rights and protections but also be offered more options concerning the repatriation process.

Overall, the respondents to the questionnaire, who were representatives of the DSDW shelters and NGOs, rated all aspects of the pre-return and return processes in Thailand as very satisfactory or satisfactory. As in other countries, however, shortages of specially trained social workers and of interpreters were cited as a problem. The coordination established through informal means and the internal MOUs was mentioned as a strength of the process. Two of the shelters, however, mentioned that travel documents issued by the Ministry of Foreign Affairs were not accepted by Immigration authorities, although it is not clear on which side of the border the problem arose.

Recommendations

The initial screening process at the IDC in Bangkok and those in the provinces should be more thorough in assessing if a detained migrant is a trafficking victim. A few basic questions should be addressed to each detainee in a language s/he understands. To accomplish this, the Victim Identification Unit in Bangkok should be strengthened with additional staff and space. Interpreters should also be regularly provided. The IDCs in border provinces should add the step of an initial assessment of detainees to determine if they might be trafficking victims. Those who might be victims could then be interviewed in more detail by trained Immigration officials or social workers.

The system for identifying victims of trafficking and returning them from Thailand is currently heavily dependent upon support from IOM, UNICEF and numerous NGOs, although the Government pays for the shelter component. All stakeholders should aim to have the Thailand Government gradually absorb all of the routine functions involved, permitting the external partners to concentrate on training and technical assistance.

In this regard, the day-care centre at the IDC requires more space, and an additional staff member would be helpful. (Because most children attending the day-care centre are not trafficking victims, this recommendation is not technically germane to this report but the concerned partners may wish to take note of it.)

Most trafficking victims spend more than four and a half months in a DSDW shelter before they are able to return to their country (and those returning to Cambodia and Myanmar are likely to spend considerable time in a shelter there before being returned to their families). The two main reasons for the lengthy stay in a shelter are the family tracing and assessment processes in the country of origin and the legal process in Thailand.

The shelter and return process in Thailand should improve individual need assessments, develop more than one "track" and provide some options to trafficking victims. The Thailand Government should discuss with its counterparts in Lao People's Democratic Republic and Myanmar (probably within the COMMIT process) the possibility of replicating the Poipet model, in which persons are returned to the country of origin and placed in shelters there while family tracing and assessment take place. Services and training may be more effective if provided in the language of the returnees and in their cultural and economic milieu. Those other countries could institute a rapid evaluation method while the trafficking victims are in shelters in Thailand to identify those who are most likely their nationals and have them returned immediately. The Embassies of those countries in Bangkok could help to expedite this process.

Thailand and its neighbours should also discuss modalities for permitting trafficking victims to return home while court cases proceed in Thailand and to return to Thailand only when required, as when presenting evidence for example.

Victims of trafficking should have the right to waive various aspects of the formal return process, including lengthy shelter care. A stay in a shelter often entails considerable opportunity cost in that the person is foregoing the chance to earn an income or attend school. With full information

and professional counseling at their disposal, some victims may prefer a quick return from Thailand rather than going through the process of formal repatriation. The process of repatriation could also be expedited if more province-to-province return mechanisms were developed at border areas, rather than having all formal returns carried out at the central government level.

Apparently the great majority of trafficking victims in Thailand wished to come to the country for employment. Most became victims of trafficking through the deception of agents and by exploitation at their place of work. The option of registering with the Ministry of Labour and obtaining a work permit for Thailand should be made available to them. Clearly, this would not apply for illegal employment for persons under age 15. For others, the possibility to work legally in Thailand may make them less susceptible to being re-trafficked than if they are returned to their family. Granting a short-term work permit while a returnee is awaiting repatriation could also alleviate much of the opportunity cost of staying in a shelter.

The final recommendation refers to a specific geographical area. Local authorities in Trad Province and Klong Yai District of that Province should develop a rescue and return mechanism for trafficking victims with their counterparts in Koh Kong Province of Cambodia. As Klong Yai is only a few kilometers from Koh Kong, following a formal return process via Bangkok and Poipet is more costly and time-consuming, and unlikely to benefit the returnee (Preece, 2005b).

VIET NAM

Trafficking Situation

A number of patterns of trafficking from Viet Nam have been identified. The major ones are (1) trafficking of women from northern Viet Nam to China for marriage or prostitution; (2) trafficking of women and children from the Mekong delta in Viet Nam to Cambodia, usually for sex work, (3) marriage to or adoption by foreigners, which are sometimes disguised trafficking (Viet Nam, 2004) and (4) trafficking overland through Cambodia and Lao People's Democratic Republic to Thailand and sometimes onward to Malaysia (Marshall, 2006). Beesey (2003:63) cites estimates that at least 6,000 Vietnamese persons work in the sex trade in Cambodia and that one third of them are under age (indicating that at least one third of the total have been trafficked). A different method of estimation, presented in the Cambodia section of this report, indicates that up to 4,000 Vietnamese are victims of trafficking in the commercial sex industry in Cambodia. Le et al. (2005:3) note that some 100,000 Vietnamese women have married men from Taiwan Province of China.

As noted in the section on China, social and economic reform in that country and Viet Nam have permitted new opportunities to cross international borders for tourism, visits and work, and migration across their shared border has greatly expanded. Citizens of those countries do not need a passport to cross the border and train and bus services are available (Le et al., 2005). There is also large-scale migration from Viet Nam to Cambodia for employment but most of it is unauthorized no reliable estimate of its magnitude exists (World Bank, 2006:30).

An IOM (2002) study identified a number of Cambodian children of both sexes between the ages of 8 and 17 years who had been recruited in Svay Rieng Province to work in Ho Chi Minh City, Viet Nam. No estimate was made of the total number of such children. In most cases, the children were recruited by offering to pay a sum of money (often the equivalent of US\$6.65) to the parents upon the return of the children. Most of the children worked as beggars. They were identified as trafficking victims owing to their age, working conditions and harsh treatment.

Returns

The IOM office in Cambodia reported that Viet Nam returned to Cambodia 27 victims of trafficking in 2004, 93 in 2005 and 164 in 2006, apparently reflecting more thorough screening of returnees to determine if they were trafficking victims.

Between 15 May 1999 and 31 March 2005, a total of 47 Vietnamese victims of trafficking were returned to their country from Cambodia and in May 2005 nine more were awaiting repatriation (Cambodia, MoSVY, 2005).

No formal processes of victim identification exist in southern China and trafficking victims from Viet Nam are normally returned as part of mass deportations, sometimes with those who have trafficked them.

Laws and Agreements

Viet Nam has signed but not ratified the United Nations Convention against Transnational Organized Crime but has not signed either of the supplemental protocols against trafficking in persons or smuggling of migrants.

In addition to its participation in the COMMIT process, Viet Nam participates in such regional dialogues as the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants, and the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (Viet Nam, 2004:11).

In 2005 the Governments of Cambodia and Viet Nam signed a Memorandum of Understanding (MOU) on "Bilateral cooperation for eliminating trafficking in women and children and

assisting victims of trafficking". Under the terms of the MOU, the Parties shall use diplomatic channels of communication to arrange the repatriation of trafficked persons. Repatriation should be arranged quickly and carried out safely, with respect for the dignity of the returnees and in their best interests. Trafficked persons shall be considered victims and not violators or offenders of immigration law. Therefore, trafficked women and children shall not be charged or prosecuted for illegal immigration or prostitution, and they shall not be detained in an immigration detention centre while waiting for official repatriation. They shall be put under the care of competent authorities of the Parties and be provided shelter and protection in accordance with the legal regulations of each State. Each Party shall set up a Working Group comprising its competent authorities to undertake repatriation of trafficked persons. In Viet Nam, the Ministry of Public Security is named as the Implementing Institution for the MOU, in which capacity it will head the Working Group.

Although Viet Nam (2004:3) does not have separate laws on trafficking or on irregular migration, these issues are covered by such other regulations as the Ordinance on Anti-Prostitution, the Ordinance on Immigration, the Marriage and Family Code and the Criminal Code. Trafficking of only women and children is covered by these regulations, however. Wang (2005:12) notes that the Criminal Code does not provide a clear definition of trafficking but that trafficking is generally understood as a cross-border phenomenon and this cross-border trafficking is in turn understood to be for the purpose of prostitution. The Action Plan on Anti-Prostitution, 2001-2005, provided education, vocational training and employment services for trafficked prostitutes (Viet Nam, 2004:7).

Viet Nam has also signed an MOU with China on "Cooperation in combating crimes", in which trafficking in women and children is addressed. Viet Nam has signed legal and judiciary agreements with China and Lao People's Democratic Republic (Viet Nam, 2004:10-12).

As described in greater detail in the section on China, Wang (2005:14) argues that in laws in both China and Viet Nam trafficking is not clearly defined; their approaches focus on prostitution and forced marriage; and there is inadequate distinction among smuggling, trafficking and other kinds of illegal migration. Cooperation between the two countries is relatively strong in terms of law enforcement but there is little cooperation with respect to victim identification and protection of the rights of the persons trafficked. Further, existing policies do not acknowledge the reality of extensive cross-border marriage, which is inevitable owing to local demographic factors. As a result, happily married women may be apprehended and deported up as part of anti-trafficking campaigns, and be separated from their husband and families.

Structure and Process for Return and Reintegration

The Ministry of Public Security coordinated efforts to develop the National Action Plan on Combating Trafficking in Women and Children, 2004-2010. The Action Plan contains four key components: (1) public information and education programmes on trafficking for communities, (2) combating the crime of trafficking in women and children, (3) reception and assistance for trafficked women and children returned from abroad, and (4) development of the legal system relating to preventing and combating trafficking in women and children (Viet Nam, 2004:8).

In January 2007 the Prime Minister issued a Decision on the promulgation of reception and community-based reintegration support mechanism for returned women and children victims of trafficking (unofficial translation). The Decision spells out the respective responsibilities of MOLISA; the Ministry of Defense; the Ministry of Justice; other ministries; the Committee for Population, Family and Children (CPFC); the Viet Nam Central Women's Union and People's Committees at city and provincial levels. The Decision requires police stations at international border crossings and in border provinces to set up victim reception centres. Returned victims should remain in such centres not longer than 15 days. Provincial People's Committees are to establish victim support centres. Those centres should provide health and psychological support, education and life skills training to victims. Victims should remain in the support centres not longer than 30 days unless they require continued health care or education, or are children from difficult family situations, in which case the maximum stay may be 60 days. The Decision also states that returning victims should be considered for the

reissuing of residence certificates and identification cards, and that children of victims are entitled to birth registration.

A formal system of repatriation of trafficked persons from Cambodia to Viet Nam was negotiated between the two Governments in 1999 and the first official repatriation took place in May 2000 (Farrington, 2003). However, many of those trafficked persons who return from Cambodia to Viet Nam do so informally.

The experience of those who return through the formal process is uneven and complicated by the lack of a specific focal point for returns in Viet Nam. In theory (Beesey, 2003:69-70) the return process begins when the victim's request for return to Viet Nam is passed through the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) to the Vietnamese Embassy in Phnom Penh. An Embassy representative then interviews the victim at the shelter to confirm her nationality and also her voluntary desire to return. The Embassy, through the authority of the Ministry of Foreign Affairs, then requests the Ministry of Public Security in Viet Nam to trace the woman or girl's family. The family tracing is conducted by immigration police who coordinate with local police as well as with the local VWU and/or CPFC staff to assess the family's situation and decide whether the girl can be safely reunited with her family.

Although the VWU and CPFC have been trained to follow systematic procedures for determining whether the family can care for the person, the main emphasis in this process is to ensure that the victim is a Vietnamese citizen and does in fact come from the community concerned. There are sometimes long delays in this process, although the situation has recently been improving. The international NGO AFESIP has reported a recent repatriation that was completed in less than two months from the time of identification. The involvement of Embassy officials, many of whom have not been trained to understand the needs of victims, may not always be a positive experience for those trafficked.

Beesey notes that delegations of Cambodian Government officials and representatives of the Viet Nam Embassy and of IOM accompany returnees from Phnom Penh to the Cambodia-Viet Nam border. At the border they are met by several central and local government officials and a representative of IOM. If it is thought safe for the individual to be reunited with her family, that can take place immediately. In other cases, the returnees spend varying durations in the Little Rose Shelter in Ho Chi Minh City or the VWU shelters in Ho Chi Minh City or Can Tho until their family situation is thought not to pose a risk.

Some returnees from China have been identified by Chinese authorities as victims of trafficking. More frequently, victims are among groups of Vietnamese expelled from China for illegal entry. In both cases the Ministry of Public Security in China informs its counterpart in Viet Nam of the names and addresses of persons to be returned and the Viet Nam authorities verify that the person is a Viet Nam national, although deportation is sometimes undertaken before this verification process is complete. Those being deported from China spend 30-60 days in a detention before their return (Marshall, 2006:17). Returns take place at six border gates between the two countries. The Border Guard Command in Viet Nam screens persons expelled from China to determine if they are trafficking victims. Marshall (2006) reports that in Quang Ninh Province 15 per cent of those expelled were trafficking victims -- 10 per cent in forced prostitution and five per cent in forced marriage. Adult victims of trafficking are provided with assistance in returning home, whereas the illegal migrants are fined and released. Families of child victims of trafficking are contacted and they may come to collect their children immediately. The children remain in a shelter operated by the Border Guard Command until their families come for them. As is true in other cases, a significant number of trafficking victims return on their own because crossing the border is not difficult.

Another process has been established to return Cambodian children who are illegal migrants in Ho Chi Minh City to their homes in Svay Rieng Province. The Cambodian street people are detained in the Social Aid Centre, which provides them food, medical care and transportation for their repatriation. The SAC uses the case reporting system to document the Cambodians and to improve their return and reintegration. At the SAC, interviews are conducted by the staff of the Department

of Labour, Invalids and Social Affairs (DOLISA) of Ho Chi Minh City, with the assistance of a Khmer-speaking Vietnamese interpreter, to identify victims of trafficking. Records with such personal details as address, family members and trafficking circumstances of both irregular migrants and trafficking victims are made in a bilingual Vietnamese-Khmer case form that includes a photograph. Those records are sent by a private bus courier system to the Department of Social Affairs, Veterans and Youth Rehabilitation (DSVY) in Svay Rieng Province for family tracing and assessment. When these are completed, DSVY and DOLISA coordinate through diplomatic channels to agree on a date for repatriation. DOLISA arranges buses for repatriating both irregular migrants and victims of trafficking. They are escorted to the border by DOLISA staff and a representative of the Cambodian Consulate in Ho Chi Minh City. Their reception and reintegration are described in the section on Cambodia, above.

Cambodians detained in the Vietnamese Provinces of Dong Nai and Binh Phuoc, which border Cambodia, are referred to the SAC in those provinces. The range of services provided in those SACs is similar to that provided in Ho Chi Minh City. The local officials in those provinces use their own documentation system, which is in only Vietnamese, because they cannot afford a Khmer-speaking case worker. Therefore, family tracing and assessment does not take place in advance for these returnees but their case files and health records are handed over at the time of return.

Existing Issues

The issues noted in this section concern the three main return mechanisms with which Viet Nam is involved: returns from Viet Nam to Cambodia and those from Cambodia and from China to Viet Nam. Observers have noted that not all of the guiding principles for the repatriation of victims of trafficking (IOM, 2006) are complied with when Cambodian victims of trafficking are returned from Ho Chi Minh City to Svay Rieng Province. The Social Aid Centre in Ho Chi Minh City incorporates elements of both a shelter and a detention centre. Although food and medical care are provided, access to a specially trained social worker is not available on a 24-hour basis. Children are separated from adults, including their relatives. Separate mechanisms are not in place for victims of trafficking and irregular migrants. They are detained and returned in the same groups.

When Vietnamese victims of trafficking are identified in Cambodia, family tracing and assessment prior to return is generally viewed as slow and as violating confidentiality. Formal handover ceremonies at the border are unnecessarily elaborate and may also attract unwanted attention to the returnees (Beesey, 2003 and Marshall, 2006). The formality and complexity of the official return and reintegration mechanisms may act as disincentives for victims of trafficking to be so identified. By returning home on her own, a victim of trafficking faces no waiting period, no lengthy stay in a shelter and no interviews with government officials. She may prevent any stigmatization in the village by saying she was employed in a respectable job in Ho Chi Minh City (Beesey, 2003).

Victims of trafficking are returned from China as part of general deportations, with no clear distinctions between victims of trafficking, other illegal migrants and traffickers. Screening to identify trafficking victims is conducted by the Border Guard Command. Viet Nam currently lacks adequate facilities in the border area to house and properly screen all returnees. Children are returned immediately to their families, without an assessment of the family situation or the needs of the child. The availability and quality of psycho-social counseling for returned trafficking victims varies, with some returnees receiving no counseling. Returned victims of trafficking often face difficulty in replacing their lost household registration and in obtaining birth registration for children with a foreign father. Long-term monitoring and support for returnees is also weak (Marshall, 2006:8).

Marshall (2006) conducted a thorough review of return, recovery and reintegration procedures for trafficking victims in Viet Nam. He noted that strengths of the system include the dedication and competence of most of the officials involved and the linking of vocational training with job opportunities. He also suggested a number of ways in which the process could be strengthened. He notes that, while the National Plan of Action specifies the role of each government agency involved in return and repatriation, some overlap exists and there is no clear focal point for all return procedures.

Recommendations

Marshall (2006) offers a detailed list of specific recommendations for revisions to most aspects of the return and reintegration process in Viet Nam. The recommendations provided here draw on those and are consistent with them.

Deficiencies have been noted in nearly all aspects of the identification and return of Vietnamese victims of trafficking from Cambodia. Problematic aspects of the process may account for the relatively small number of trafficking victims formally returned. It appears that potential returnees do not have confidence in the repatriation process and avoid it. More research should be conducted on the scale and patterns of trafficking of women from Viet Nam to Cambodia for prostitution (Beesey, 2003) and on the needs of those women (Farrington, 2003). The return process should be streamlined but other options should also be made available. Some trafficking victims may prefer reintegration with families or communities in Cambodia. Some may wish to receive education or vocational training before repatriation. With the assistance of concerned NGOs, all of these options could be feasible (Farrington, 2003).

Family tracing and assessment is a slow process, partially because of inaccurate or incomplete information provided by victims. The Ministry of Public Security should be supported in its efforts to institute ways to expedite the process. The actual return should be low-key in order to avoid stigmatization of trafficking victims.

International organizations, NGOs and the Government should cooperate to strengthen the capacity of persons working in the repatriation process. For example, psycho-social counseling should be improved but there is a shortage of appropriately trained social workers for this purpose and not everyone understood the need for ongoing support. Peer counseling for returnees should be explored (Marshall, 2006:21).

Some government agencies and NGOs carry out exemplary monitoring and follow-up activities but, overall, this is the weakest part of the return and reintegration process in Viet Nam. Establishment of a systematic follow-up and monitoring system should be a priority and an integral part of reintegration in order to provide returned trafficking victims with ongoing support, to address the problems that may lead to re-trafficking and to assess the effectiveness of current return, recovery and reintegration processes.

Overall, there is a tendency to rely too heavily on an institutional approach for returned trafficking victims. A wider range of family and community-based approaches should be developed and applied. The return and reintegration system should make a greater effort to base its actions on the views and wishes of the returnees, and to offer them viable choices so that their best interests remain paramount.

II. ANALYSIS OF REGIONAL PROCESSES

REGIONAL PROGRESS

Governments in the Greater Mekong Sub-region have made rapid advances in identifying, sheltering, returning and reintegrating international victims of trafficking, particularly those trafficked within the sub-region. They have been assisted in their efforts by major projects on trafficking implemented by IOM, UNIAP, ILO, UNESCO, UNICEF, other international organizations and national and international NGOs. Sub-regional cooperation has been greatly strengthened by the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), and all six governments signed the Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region, in October 2004. The COMMIT process has led to significant capacity building within countries and to greater bilateral cooperation. Bilateral MOUs or agreements on working-level procedures have been established for most of the main victim return processes.

Countries in the GMS are working toward comprehensive systems for the return and reintegration of victims of trafficking, as detailed, for example, in the IOM (2005) counter-trafficking training module on *Return and Reintegration* and illustrated in the protection flow chart presented as figure 1. Such systems include, at a minimum, careful screening of possible victims to determine if they are trafficking victims. Persons identified as victims of trafficking should be provided shelter, health care and psycho-social counseling. Return to the country of origin should be safe and timely. Returnees should be involved in developing their integration plans and in choosing paths to resuming a normal life in their society, without stigmatization and without risk of being re-trafficked. Currently, the degree to which all of the elements of such a return and reintegration system have been put in place varies among countries in the GMS. A major task for all partners in the COMMIT process is to extend and deepen this approach in all countries in the GMS.

LOGIC OF VICTIM IDENTIFICATION

In the GMS, nearly all victims of cross-border trafficking are voluntary migrants when they first cross an international border. Although some may have been deceived right from the point of origin, this usually only becomes apparent at the destination and thus such victims of trafficking are almost impossible to distinguish from other voluntary migrants when they first cross an international border. In fact, many enter the destination country legally with a border pass; they become irregular if they stay longer than permitted or take employment. Many irregular migrants are exploited at the destination and, if it is determined that they were deceived about the type or conditions of their employment, they are defined as trafficked. If they do not demonstrate that they were deceived, they are most likely to be deported as irregular migrants. An exception is for children who are working; they are defined to be trafficking victims even in the absence of deception, coercion or payment to their parents. Thus, the two key elements in determining if a migrant is a victim of trafficking is whether s/he has been exploited and whether deception or fraud occurred in recruiting the migrant or in finding employment for him or her. In most cases this determination is made by immigration officials, police or labour inspectors. For this reason, establishment of standardized criteria for victim identification through standard operating procedures and checklists is essential in proper identification of victims of trafficking. Training of the relevant officials in these criteria and other procedures is also necessary.

Two types of error may occur in assessing whether a person is a victim of trafficking. Some may be falsely included, as when all migrant prostitutes are treated as having been trafficked. Some irregular migrants may prefer to be deported quickly without any government assistance but once they are classified as a victim of trafficking they must go through the formal repatriation process.

The other, and generally more serious, type of error is to not define an exploited migrant as a victim of trafficking because that person does not adequately report actual deception or coercion. In this situation, it is better to err in the direction of inclusion so that all persons who require assistance in their return, recovery and reintegration are able to receive it.

In most countries in the GMS, current anti-trafficking laws refer specifically to women and children, thus do not include men. Even when the law does not specifically exclude men, the entire process of identification, providing protection, return and reintegration is set up only for handling women and children. In reality, many men are trafficked for employment and laws and procedures should be revised to take that into account.

RETURN AND REINTEGRATION PROCESSES

In the COMMIT MOU, governments in the GMS agreed on “Providing all victims of trafficking with shelter, and appropriate physical, psycho-social, legal, educational and health-care assistance” (paragraph 17). The MOU does not refer to timely return but, once a migrant has been identified as a victim of trafficking, the destination country needs to find a balance between the two objectives of providing protection and ensuring a rapid return. The average length of stay in a shelter in Thailand is 4.6 months. The two main reasons for lengthy stays are the family tracing and assessment procedures in the country of origin and legal proceedings in Thailand. The repatriation process from Cambodia to Viet Nam is also relatively slow, mostly because of the time required for family tracing and assessment (Marshall, 2006:19).

At the other end of the spectrum, most returns from China to Viet Nam are accomplished in 30-60 days and those from Viet Nam to Cambodia are usually completed within a month. In the former case, the only systematic screening to determine if the returnee is a victim of trafficking is done after return to Viet Nam, thus special protection is not afforded to victims before their return. Basic screening is provided in Ho Chi Minh City but not in Provinces bordering Cambodia so further screening of returnees is also required in Svay Rieng Province of Cambodia. The best balance between protection and timely return is achieved in the repatriation process between Thailand and Cambodia. Illegal migrants detained by the Immigration Bureau are screened and those identified as trafficking victims are moved to a DSDW shelter. They are quickly repatriated to Poipet, where they are provided shelter and training while family tracing and assessment take place.

Providing options for the safe housing of victims is an issue in the GMS -- shelter care is generally the only option available. If destination countries were more effective in identifying victims of trafficking, there would not be sufficient shelters for them in either the destination or home country. In each of the six GMS countries, the shortage of specially trained social workers was identified as an obstacle to providing full support to victims of trafficking while they were in shelters. There are also insufficient interpreters or shelter staff and social workers who can communicate well with victims. The lack of laws or regulations to normalize a victim's status pending repatriation is also a weakness in the process.

Two ways to reduce demands on support services would be to expedite the repatriation of victims to their home country and, once there, to develop more alternatives to institution-based recovery processes. Both of these approaches are elaborated in the chapter on recommended actions.

Language was also identified as an obstacle to effective communication between government agencies in different countries. Case records compiled in the destination country need to be translated before they can be used in the country of origin. Translation and transliteration of those records pose problems for family tracing. The COMMIT process should address ways to minimize these language barriers. There are examples of good practices to address this. For the repatriation of Vietnamese victims from Cambodia, a Viet Nam consular official in Cambodia interviews the victims and completes the case data form in Vietnamese in order to reduce errors in translation or the spelling of place and family names.

Vocational training and some degree of formal and informal education are provided to victims of trafficking by shelters in both the country of destination and the country of origin but there is no evidence that any of the training programmes has been evaluated for effectiveness. In principle, victims should be repatriated as soon as feasible and most vocational training should be provided in their home country, where it ought to be more effective. In either case, the monitoring mechanism

for reintegration should be used to assess whether any vocational training provided was appropriate and is contributing to successful reintegration.

Well-established procedures have been put in place for the actual return of trafficking victims from the destination to the home country, and this is the most satisfactory component of the return and reintegration process. In some cases, however, returns are excessively formal or rigid. Handover ceremonies in Myanmar and Viet Nam sometimes involve several government officials and may be attended by the media, all of which is likely to be embarrassing to the returnees. More importantly, this publicity violates the privacy of the victims and may lead to discrimination and unsuccessful reintegration. Timely return could be enhanced by the establishment of more reception centres closer to the home areas of returnees. Currently, all returns from Thailand to Cambodia are to Poipet, those to Lao People's Democratic Republic are to Vientiane and those to Myanmar are to Myawaddy.

Recovery and reintegration of victims of trafficking remains an area of difficulty in the GMS. A majority of such victims have low education, come from poor families and live in remote, underdeveloped areas with few economic opportunities. These circumstances contribute to their vulnerability to trafficking and impede their successful reintegration. Government agencies and NGOs responsible for reintegration lack sufficient funding and trained social workers for the task. As a consequence, monitoring and continued support for returnees varies widely within the sub-region. Much reintegration support is shelter-based. Returnees to Myanmar are required to take four weeks of training before going home. Two thirds of girls and 40 per cent of boys returned to Cambodia as victims of trafficking are not immediately returned to their families but first receive training and counseling in shelters. Individualized return and reintegration planning, based on a victims-rights approach, is generally inadequate in the Sub-region.

A number of conceptual difficulties also characterize reintegration procedures. In most countries, there are no agreed definitions, standards or guidelines for reintegration, and little assessment of current programmes. In the GMS, a common operational definition of successful reintegration is that the returnee remains in the family or community for one year. Such a definition does not include employment or livelihood criteria, or the role within the family. Productive employment should be an element of successful reintegration for adult returnees. As better employment opportunities are likely to exist outside of the village, migration for employment should be considered a successful reintegration. For this reason, many practitioners prefer to use the term "integration" so as not to imply that returning to the family and community is the only successful solution (Marshall, 2006).

A number of key informants and writers have noted that current return and reintegration processes in the GMS are heavily reliant upon IOM for funding, technical assistance and staffing. In Thailand, however, the Government pays all immediate protection costs by providing support services through designated DSDW shelters. Other governments should begin to incorporate some of these costs in their budgets.

COMMIT PROCESS

The scope of this study does not permit a comprehensive assessment of the COMMIT process. By focusing on return and reintegration, the study has reviewed actions relevant to only four of the nine project proposal concepts (PPC) in the current work plan. They are PPC 2, identification of victims and apprehension of perpetrators; PPC 4, multi-sectoral and bilateral partnerships; PPC 6, safe and timely repatriation, and PPC 7, post-harm support, including economic and social support for victims and reintegration.

Memoranda of Understanding (MOU) have been signed by the governments involved in the main victim return processes in the GMS, i.e., Cambodia has signed MOUs with Thailand and Viet Nam, and Lao People's Democratic Republic and Thailand have an MOU. China and Viet Nam have signed an MOU on Cooperation in Combating Crimes, which covers trafficking in women and children. Working-level agreements or agreed procedures are in place for all other significant return channels.

What is now needed in most cases is greater cooperation and communication between responsible agencies in one country with their counterparts in other countries in order to improve the collection and transmission of information required for family tracing and assessment, case management and reintegration.

Only Thailand has developed a comprehensive set of MOUs covering cooperation and functions of government agencies and NGOs within the country, although in February 2007 the Royal Government of Cambodia signed an Agreement on Guidelines for Practices on Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking that serves the same purpose. Thailand also has internal MOUs detailing cooperation in regions of the country. Responses to the IOM questionnaire on return and reintegration indicated that internal MOUs and clear operating procedures were lacking in the other countries, although informal cooperation and communication was considered satisfactory in some cases. Internal MOUs and standard operating procedures, setting out each agency's responsibilities, would be valuable in the other five GMS countries but they should avoid making the process overly bureaucratic and inflexible. In some places, notably Cambodia and Lao People's Democratic Republic, informal cooperation among government agencies and NGOs permits the process to address many of the needs of returnees on a case-by-case basis.

The two main activities in the COMMIT process under PPC 6, safe and timely return, are a working paper with proposed common guidelines on repatriation procedures for consideration by governments and a sub-regional seminar to examine current practices and to refine the common guidelines proposed in the working paper (COMMIT, 2006). Because guidelines for repatriation procedures within a country must involve several agencies, there is a degree of overlap between PPC 4, discussed above, and PPC 6. At this time (April 2007) it appears that organizing the sub-regional seminar would be pre-mature. In most cases, more work is needed at the country level in order to develop clear multi-sectoral procedures for return and reintegration. Country delegations would also benefit from national workshops to discuss the working paper on proposed common guidelines prior to participating in the sub-regional seminar.

The work plan for PPC 7, post-harm support, including economic and social support for victims and reintegration, calls for a review of existing guidelines and an outline of key services required for reintegration. These steps would lead to the development of common guidelines for basic services that should be available to all victims and a mapping of current support services. These activities will be followed by a sub-regional seminar on post-harm support and services. Each of these activities has the potential to lead to improvements in the current relatively weak status of reintegration programmes. There is the danger, however, that activities under PPC 7 will be based largely on existing guidelines and services. In order to make significant improvements, these activities must critique current guidelines and services and offer innovative recommendations. Current reintegration programmes expect that most returnees will be reintegrated with their families or communities, and this outcome is used as the measure of success. In fact, integration programmes need to offer a broader range of vocational training (from a variety of sources), link training to job opportunities, measure success by productive employment, and welcome re-migration (internal or international) if it leads to such employment.

There exists a concern that focusing on each of the PPCs separately has led to a fragmented approach not consistent with the COMMIT MOU, with inadequate attention to the linkages between the PPCs and a lack of collaboration among partners. UNIAP has initiated a collaborative, inter-governmental and inter-agency process to develop Sub-regional guidelines and standards that all governments would adopt through the COMMIT process, such as at Senior Officials' Meetings. In this approach, activities under the nine PPCs would be consolidated into work in the four key areas of policy development, prevention, protection and prosecution. The objective of work in the area of protection would be to establish efficient and transparent regional and national procedures for victim identification, shelter and recovery, repatriation and reintegration of victims of human trafficking in line with the standards set out by the COMMIT MOU, COMMIT Work Plan and instruments referenced in the MOU. Although it is currently at a very early stage, the consolidated approach promises to achieve greater effectiveness for all anti-trafficking activities.

STATISTICAL ISSUES

Compiling information on the annual number of returns of trafficking victims between countries in the GMS has highlighted two important statistical issues. One is that the compilation and dissemination of trafficking statistics among the six GMS countries and with partners at the national level and in the international community is currently inadequate. The other issue is the discrepancy between the estimated number of victims of trafficking in the sub-region and the number officially identified as such.

Compilation of data

The six signatories of the COMMIT MOU of 2004 agreed on “Developing procedures for the collection and analysis of data and information on trafficking cases and ensuring that anti-trafficking strategies are based on accurate and current research, experience and analysis”. Ideally, statistics furnished by the anti-trafficking programmes in the six countries would permit construction of a matrix showing the number of returnees from each of the countries to each of the other countries. In reality, the data made available by the programmes do not permit development of such a table. Some governments do not release statistics on returned trafficking victims and others do not compile the statistics vis-à-vis each of the other GMS countries.

The failure to compile and share trafficking statistics impedes the involvement of other partners in anti-trafficking programmes because the current situation and trends are not apparent and resource requirements are obscured. At the national level, the lack of data hampers programme formulation and evaluation. At the sub-regional level, insufficient data and research hinder the development of effective anti-trafficking strategies.

The Anti-trafficking and Reintegration Office at the Ministry of Social Affairs, Veterans and Youth Rehabilitation in Cambodia compiles a bilingual database on returned victims of trafficking that includes information on sex, age, province of origin, reason for migration, trafficking circumstances and reintegration decisions. That Office can prepare analytical papers based on information in the database (Cambodia, MoSVY, 2005). It is the best example of such a database in the GMS, and one that should be emulated in other countries. The Department of Social Development and Welfare and the Immigration Bureau in Thailand also provide valuable data compilations to the IOM office in Bangkok.

Discrepancy between estimates and official numbers of victims

IOM (2004) has cited estimates that there are between 200,000 and 450,000 persons trafficked from and within the GMS per year. The estimates refer mostly to women and children. The United States Department of State employs a more conservative estimate of 600,000 to 800,000 persons trafficked per year globally (United States Government Accountability Office, 2006:12). Within the GMS, however, the main mechanisms for the return of victims of trafficking have identified and returned roughly 200 persons in each of the past two years from Thailand to Cambodia, 100 persons from Viet Nam to Cambodia and 100 persons from Thailand to Myanmar. If it is assumed that 100-200 victims of trafficking are identified and returned annually from China to Viet Nam (total returns exceed 1,000 per year, but without a clear distinction between irregular migrants and victims of trafficking), formal return processes in the sub-region handle a maximum of 600 victims a year. This figure represents 0.3 per cent of the minimum IOM estimate of the number of persons trafficked annually.

A partial explanation of the great discrepancy between the estimated number of trafficking victims and the number officially identified could be that the estimate is dubious. The United States Government Accountability Office (2006) has examined estimates used by that country's Department of State in its annual *Trafficking in Persons Reports* and identified important methodological limitations. The methods used to derive the estimates are sometimes not well documented so that the estimates cannot be replicated. Some estimates are based upon a consideration of unreliable estimates made by others. The estimates do not include internal trafficking and they are not suitable

for analysing change over time. While these criticisms pertain specifically only to estimates published by the U.S. Government, they no doubt also apply to similar estimates circulated by other international organizations. Published estimates of the number of victims of trafficking are rarely disaggregated by sex or by occupation so they are difficult to interpret.

Another reason for the discrepancy between general estimates and official figures concerning trafficking could be that the concepts and definitions employed differ between the two sources. While the estimates are meant to be comprehensive, anti-trafficking laws and programmes in the GMS focus on women and children. In some situations there is also a tendency to focus on trafficking for prostitution or begging more than work in other occupations. Because an essential component of the definition of trafficking is exploitation of the victim, in practice an operational definition of "forced labour or services" must be applied in identifying victims. Such an operational definition clearly varies from country to country and could well vary from that used in estimating the total number of trafficking victims.

A third possible explanation for the discrepancy between estimates and official numbers of trafficking victims could be that authorities do not adequately investigate places with possible victims of trafficking and identify them. Inspection of workplaces to verify that they adhere to national labour standards is usually not pro-active. Homes are not inspected to ascertain the employment conditions of domestic workers, whether migrants or not. In addition, there may exist barriers to victims identifying themselves as such, including fear of prosecution for illegal status, denial of victimization because the deportation process is quicker than repatriation, language barriers and lack of access to justice.

Because of variations in the application of trafficking definitions and the fact that trafficking covers a considerable range of different practices, as well as being illegal, it could not be expected that accurate and reliable statistics on human trafficking could be compiled. Nevertheless, some attempt to apportion the discrepancy between estimates and official figures to the three possible explanations discussed above would indicate areas that required greater attention by anti-trafficking programmes. Doing so would be an important element in evaluating the return and reintegration process, particularly the identification of victims but also in assessing support services made available throughout the process. Such an analysis of data discrepancies would require a close look at operational definitions of trafficking, i.e., how deception, coercion and exploitation are being defined in practice. When is an international marriage defined as being for the purpose of exploitation? Such analysis would point out gaps in the identification process, such as the exclusion of men or of household domestic workers.

III. RECOMMENDED ACTIONS

The recommended actions presented in this chapter are based on the preceding country and regional analysis. They largely pertain to programmatic approaches taken to the return and reintegration of trafficking victims in the GMS rather than the details of programme implementation. The specific steps needed to implement the recommendations are best determined by those directly involved in the return programmes. The COMMIT process can play an invaluable role in translating these recommendations into actions agreed by governments and their partners in the GMS.

STRUCTURAL ISSUES

1. Develop internal MOU, SOP and coordination mechanisms but remain flexible

Most countries require a clearer description of the functions and responsibilities of all partners in the various components of the return and reintegration process, including government agencies, international organizations and NGOs. In some cases, coordination mechanisms need to be established and their functions specified. These can be detailed in internal memoranda of understanding (MOU) and standard operating procedures (SOP). In the effort to establish clear procedures and coordination, it is important not to make the process overly bureaucratic or rigid. The flexibility that permits many returnees to be treated on an individual basis, and that characterizes some of the return programmes, should be retained.

2. Incorporate safe housing and support services into regular social services

Accommodation and support services for victims of trafficking should not be viewed as “add-on” projects reliant exclusively on funding from IOM and other donors. To be sustainable, these services should gradually be absorbed into regular social services provided by the government, albeit with the potential for NGOs to offer crucial assistance. More pro-active identification of victims could lead to a greatly expanded need for safe housing options, one that external donors alone could not meet. The demand for shelters should be reduced by expediting repatriation (recommendation 6) and by developing more alternative support approaches to recovery and (re)integration (recommendation 14). The role of international organizations should be to provide capacity building and technical assistance, rather than funding daily operations. This recommendation applies equally to facilities operated by law enforcement agencies, keeping in mind action 16 of the COMMIT MOU, which ensures that persons identified as victims of trafficking are not held in detention by law enforcement authorities.

3. Develop databases and conduct programme research

Because return and reintegration processes in the GMS are relatively new and have expanded rapidly, they often exhibit an ad-hoc nature. To become sustainable development programmes, they will need to take a more rigorous approach to programme planning, implementation and evaluation. One element of such an approach is the compilation and utilization of statistics relevant to the programme. COMMIT should take the lead, with technical assistance from qualified agencies, to implement the recommendation in its MOU to develop procedures for the collection and analysis of data on trafficking. The database established and operated by the Anti-trafficking and Reintegration Office, MoSVY, Cambodia provides a good example of such data compilation and its potential for programme research.

4. Conduct research on the discrepancy between the number of trafficking victims estimated and identified

Such research would involve large-scale sample surveys and operations research. It would help to refine general estimates but also indicate conceptual or implementation deficiencies in anti-trafficking programmes. The research would identify differences between a general definition of trafficking and those applied by law enforcement agencies or other programme authorities.

IDENTIFICATION OF VICTIMS

5. Focus on identifying victims of exploitation

Although much of the focus of anti-trafficking effort to date has been on the movement aspects of the problem, the definition of trafficking agreed to in international conventions and protocols, and encouraged by the COMMIT MOU, clearly states that trafficking is “for the purpose of exploitation”. In the GMS, few victims are recruited by force, and it is generally not possible to identify victims at points of origin and transit, including at border points. Rather, trafficking victims must necessarily be identified based on the degree of exploitation they are subject to at their place of work. By focusing that identification on exploitation, the approach would attack the actual problem, assist those who most require it and benefit local workers because of heightened monitoring of workplaces. However trafficking is defined, it is important that law enforcement officers, labour inspectors, health care providers and others are trained to identify victims because those officials are usually the first ones to intervene in a case and to file an official report. Once a person is identified as a victim, s/he should receive treatment and care that is different from other irregular migrants.

6. Revise anti-trafficking laws and mechanisms to include trafficked men

National laws should be amended to reflect the position adopted by governments in the COMMIT MOU, which refers to trafficking in persons but emphasizes that women and children who become victims of trafficking are particularly vulnerable and need special measures to ensure their protection and well-being. It is especially important that officials who initially identify most victims of trafficking be trained to include men trafficked for exploitative labour in their criteria for victim identification. Once that is done, the protection, recovery and reintegration mechanisms should be revised to meet the needs of trafficked men.

PRE-RETURN

7. Explore ways to expedite returns

Governments should cooperate through the COMMIT process and on a bilateral basis to expedite repatriation and shorten the time that victims remain in shelters in the destination country. As family tracing in the country of origin accounts for some of the delays, ways should be explored to accomplish that more quickly, such as by greater use of national NGOs that have nationwide networks. Elements of the Poipet model should be put into place in other countries, whereby victims are repatriated quickly and receive shelter support services in their own country while family tracing and assessment takes place. Alternative ways should be established to permit victims to testify in the prosecution of traffickers or exploitative employers without having to remain in a shelter in the destination country for the duration of the court case (see also recommendation 13). Provision of vocational training is likely to be more effective in the country of origin and should never be a reason for delaying a victim’s return from the country of destination.

8. Return and reintegration programmes should adopt a “returnee-centered” approach

Such an approach is also referred to as victim-centered or client-centered. “Returnee” is meant to be a less subjective term but to imply that programmes should be structured to identify and meet the needs of trafficking victims who are being returned. The COMMIT MOU calls for providing legal assistance and information to trafficked persons in a language they can understand (paragraph 10) and providing appropriate health, psycho-social and educational assistance. The key to a returnee-centered approach is to develop a range of options for the returnee to select from and to provide the returnee with information and counseling concerning those options. The entire protection process should take into account the gender and age of returnees when providing them support. The best interests of the returnee should be the guiding principle of this approach. Adults could be given the choice of opting out of family tracing. Differentiated services should be provided for those who

have been traumatized and need specialized care and those who only require compensation, e.g., unpaid workers.

9. Develop more specially trained social workers and recruit more interpreters

All GMS countries require more social workers trained specifically to assist trafficking victims. In most cases, additional interpreters are also required. Government departments implementing victim identification and return programmes should be strengthened with more of these specialized staff members and not need to rely exclusively on IOM or NGOs to provide their services. Governments should develop exchange programmes for such trained staff members to expand their experience by working in another country in the GMS. If planned well, such exchanges could also alleviate some of the need for interpreters.

10. Develop specialized return and reintegration processes for children

Child victims of trafficking are particularly vulnerable and have specialized needs. The return and reintegration process should develop special measures for children, based on the UNICEF (2006) *Guidelines on the Protection of Child Victims of Trafficking*, taking into account the best interests of the child and ensuring respect for the views of the child. The special measures for children should also take into account two ILO (2006a, 2006b) publications prepared by the Bangkok office, *Child-friendly Standards and Guidelines for the Recovery and Integration of Trafficked Children* and *Rehabilitation of the Victims of Child Trafficking: A Multidisciplinary Approach*.

11. Develop direct channels of communication with counterpart agencies

A major factor in delays in the repatriation of victims of trafficking is the time required to carry out family tracing and assessment. One way to reduce this time would be to develop direct channels of communication between counterpart agencies in the origin and destination countries. Several existing bilateral MOUs specify that communication concerning returnees be channeled through the Ministries of Foreign Affairs in the two concerned countries. This channel could be maintained while permitting more routine correspondence, such as dealing with clarifications or omissions in case records, to take place directly between the concerned offices.

12. Use the COMMIT process to address language issues

Most case records in the destination country are compiled in the language of that country. When they are submitted to the country of origin, costly and time-consuming translation is required. When names and addresses are transliterated into English, a variety of errors may enter. These difficulties slow the return process. The COMMIT process should deal specifically with these language issues in activities under PPC 6, safe and timely repatriation. A possible solution would be to develop a common summary page for case records, containing name, sex, age, address, key dates, health status and training received. Much of the information could be entered by using number-coded categories or by checking (✓) a box. A few key pieces of information, such as name, address and names of parents, could be entered in both the language of the returnee and that of the country of destination. For the major return processes, bilateral meetings should be held specifically to address the issue of data exchange.

13. Provide individuals with options concerning their return

A returnee-centered process should offer a number of options to trafficking victims. In situations where returnees currently spend lengthy periods in a shelter, every effort should be made to develop the option of a “fast-track” return. When the shelter is in the destination country, such a fast track would require the cooperation of the country of origin. The Poipet model, in which trafficking victims are first repatriated then remain in shelters in their home country while family tracing and assessment take place, offers the opportunity to expedite the return process. Even if the model was not appropriate for every returnee, it should be practicable for a majority. A returnee-centered approach would ensure greater victim participation in pre-return planning, including deciding

where the victim will be returned to and in defining what support and services the victim needs pending return. It would also provide a few options regarding the training and assistance that returnees require, and they would take an active part in selecting the most appropriate type and duration of training.

Lengthy delays in return are also occasioned by ongoing investigation or prosecution of traffickers or employers. The legal establishment in GMS countries should explore ways to allow victims of trafficking to furnish evidence without being detained for several months to do so. Ironically, during this period, the perpetrator is usually free while the victim is detained. This particular problem should be addressed by COMMIT under PPC 5, legal frameworks and mutual legal assistance.

Alternatives to repatriation should be available in some cases. As Thailand implements a labour migration system with neighbouring countries, some victims of trafficking may prefer to become a registered worker in Thailand rather than return home, and there is no convincing reason why this option should not be available to adult victims. Vietnamese who are long-term residents in Cambodia or who have family members residing there could be offered the option of integration in that country, particularly as the number of Vietnamese identified as victims of trafficking in Cambodia is very small. Some Vietnamese wives of Chinese men who are detained as illegal migrants may prefer to regularize their status through formal marriage rather than be deported, and that option should be available.

RETURN

14. Make actual returns more low-key to respect confidentiality

Some handover ceremonies are scripted to demonstrate that government agencies are successfully tackling the issue of trafficking and assisting its victims. When the ceremonies are excessively formal or include coverage by news media, however, they may embarrass or shame the returnees. Such events should be planned with the best interests of the trafficking victims in mind. While positive publicity can be useful for awareness-raising, it should not violate the right to privacy of the returnees. More handovers should be conducted as brief, low-key events, with the minimum number of officials present.

15. Establish more channels for return

As 76 per cent of returnees from Thailand to Lao People's Democratic Republic are from the three southern provinces of Savannakhet, Champasak and Saravan, it would be logical to develop a channel of return via either Savannakhet or Pakse (in Champasak Province). Transport costs would be reduced and the returnees should feel more comfortable in their region of the country. Faster return procedures could be developed for victims of trafficking identified in border provinces of Thailand, without requiring the victim to travel to Bangkok and be provided shelter while awaiting repatriation.

In other situations where trafficking victims are identified near the border, provincial authorities should establish timely return procedures that ensure protection of the returnee. These could be put into place between Chiang Rai Province in Thailand and Tachileik in Myanmar and between Trat Province and Koh Kong in Cambodia, for example.

(RE)INTEGRATION

16. Develop alternatives to the institution-based recovery process

In some countries, returnees spend considerable time in shelters before being returned to their family or community. The counseling and training provided can be crucial for the recovery of many trafficking victims. Such an approach is also relatively expensive to sustain, however, and can limit the options available to returnees. Some alternatives to the current process should be

developed, involving the family, the community and other institutions, such as schools, temples or employers. The COMMIT process should identify best practices in this regard and disseminate information about them to all GMS countries.

17. Enhance the effectiveness of reintegration planning

In all cases, returnees should be involved in developing individual (re)integration plans, including whether they require vocational training or the type that would benefit them. Vocational training is provided to returnees while they are in DSDW shelters in Thailand and in shelters after they have been repatriated but there is no evidence of its effectiveness. The COMMIT process should arrange for a thorough review of such training programmes, particularly to determine the extent to which those trained use the skills learned to find employment. Perhaps such an evaluation could be carried out with the cooperation of training specialists in the International Labour Organization. When a quick return can be arranged, it would be better to provide vocational training in the country of origin, where language would not be a problem and where local economic conditions and labour demand are better understood.

Pending the results of a comprehensive review of vocational training, the range of vocational training should be expanded beyond such low-income skills as weaving, sewing or hairdressing to include some of the basic skills needed to be a cashier, clerk or secretary. Skills training should be accompanied by training on small business operation, such as planning and budgeting. Training should be available from external sources, such as vocational schools, private training centres or NGOs. Reintegration programmes should cooperate with the private sector to ensure that training is linked to employment opportunities, as is being done in Viet Nam (Marshall, 2006:31).

18. Develop and apply guidelines and standards for reintegration

Common guidelines are being developed via the COMMIT process under PPC 7, post-harm support, including economic and social support for victims and reintegration. The challenge will be to develop guidelines that are innovative and goal-oriented rather than a summary of existing practices. The guidelines would ideally provide all countries with a clear roadmap to work towards in the medium term. In situations where several agencies and NGOs are involved in reintegration, as in Cambodia, it will be important to develop a modality to ensure that basic standards, including standards for shelter care, are adhered to.

19. Enhance follow-up and support after reintegration

Continued support for returnees after their reintegration varies widely within GMS countries, from essentially no follow-up to effective livelihood programmes. An evaluation of reintegration programmes should be conducted in countries with large numbers of returnees to determine which types of training and reintegration support have proved effective. Countries should maintain a database of returnees with information about their reintegration for at least one year after repatriation, and the database should be accessible for the purpose of programme evaluation and related research.

20. Provide the option of integration

For most returned trafficking victims, a successful readjustment involves either continued education (for children) or productive employment, and these should be the main criteria for evaluating the integration. As the best opportunity for these may not be in the village of origin or may be difficult to achieve within the family context, return programmes should aim to achieve successful "integration" rather than "reintegration". Successful integration may involve living with other relatives or another family. It could also entail migrating again within the country or to another country. Evaluation of integration should be based on the best interests of the individual, subjective and imprecise as that concept may be.

21. Adopt GMS integrated guidelines at senior officials' level

Within the COMMIT process, much of the work is carried out by country and sub-regional task forces on individual project proposal concepts (PPCs). These very constructive efforts should be more integrated and receive endorsement at a higher political or administrative level, however. Greater integration can be achieved by focusing on the four key areas of policy development, prevention, protection and prosecution, and by incorporating work on the relevant PPCs in each of these areas. The goal should be to achieve integrated guidelines and standards covering the full anti-trafficking process that all GMS governments can adopt at the senior officials' level.

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Questionnaire on Return and Reintegration of Victims of Trafficking within the Greater Mekong Sub-region

Organization completing the Questionnaire: _____

Country: _____

I. Statistical summary: Number of trafficking victims returned between GMS countries, by sex and age group, 2004, 2005 and 2006.

Other GMS country	Returned to this country from other GMS						Returned from this country to other GMS					
	2004		2005		2006		2004		2005		2006	
	All ages	Under 18	All ages	Under 18	All ages	Under 18	All ages	Under 18	All ages	Under 18	All ages	Under 18
Cambodia												
Total												
Male												
Female												
China												
Total												
Male												
Female												
Lao PDR												
Total												
Male												
Female												
Myanmar												
Total												
Male												
Female												
Thailand												
Total												
Male												
Female												
Viet Nam												
Total												
Male												
Female												
Total												
Total												
Male												
Female												

In addition to the number of returns reported in the table above, do you know of other organizations or individuals involved in the return of victims of trafficking? Yes/No

If yes, who are they and approximately how many returns have they conducted?

II. Pre-return process

1. Provide the total number of trafficking victims identified by the agencies listed below and subsequently returned during 2006 (or latest year for which data are available) when your country was the **DESTINATION** country.

Police	_____	Social welfare agency	_____	Individual	_____
Immigration	_____	Health workers	_____	Other	_____
NGO	_____	Faith-based (religious) org.	_____		

2. Upon identification and referral to shelter (NGO or government), please describe the needs assessment conducted by staff.

3. Provide the total number of trafficking victims returned during 2006 (or latest year for which data are available) within the time frames listed below when your country was the **DESTINATION** country.

Less than 1 month	_____	7-12 months	_____
2-3 months	_____	More than 1 year	_____
4-6 months	_____		

4. For those cases above that were returned after stays of longer than 4 months in the destination country (i.e. cases that were identified as being trafficking victims), please estimate the percentage of cases delayed for the following reasons.

Legal process	_____
Information exchange and cross border coordination issues	_____
Vocational training program not completed	_____
Health concerns	_____
Other _____	_____

5. For cases above that were delayed because of the legal process, please rank the reasons for delay from least common to most common. (1 is most common, 6 is least common)

Language barrier in communicating with victim in DESTINATION country	_____
Investigation on-going by law enforcement	_____
Court case on-going in the criminal court	_____
Court case on-going in the civil court	_____
Awaiting financial settlement after court case concluded	_____
Other (specify) _____	_____

6. For cases that were delayed because of the information exchange and cross border coordination issues, please rank the reasons for delay from least common to most common. (1 is most common, 6 is least common)

Language barrier in communicating with victim in DESTINATION country	_____
Incomplete information provided to ORIGIN country	_____
Family tracing not completed by ORIGIN country	_____
Travel documents not ready	_____
Limited capacity of ORIGIN country to accept	_____
Other (specify) _____	_____

7. When your country is the **ORIGIN** country, what is the average length of time it takes to begin family tracing once the request has been received from the destination country?

Less than 1 week _____ 4-6 week _____
2-3 weeks _____ More than 6 weeks _____

8. When your country is the **ORIGIN** country, what is the average length of time it takes to complete family tracing?

Less than 1 week _____ 4-6 week _____
2-3 weeks _____ More than 6 weeks _____

9. When your country is the **ORIGIN** country (i.e., the country to which the person is returned), please rank the difficulties in conducting family tracing and assessment from most common to least common? (1 being the most common and 7 being the least common)

Lack of trained or experienced staff _____
Lack of resources to conduct family tracing and assessment _____
Difficult to reach family/village _____
Lack of information provided by victim or DESTINATION country _____
Inaccurate information provided by victim or DESTINATION country _____
Family cannot be found _____
Other (specify) _____

Rate the following aspects of the *pre-return process in your country*, using 1 = Very satisfactory, 2 = Satisfactory, 3 = Some problems exist, 4 = Unsatisfactory, 5 = No information or opinion. Kindly provide a brief comment on the reason for the rating.

Aspect of pre-return	Rating	Comment
Proper victim identification		
Provision of basic needs, e.g. food, shelter and g health care		
availability of specially trained social worker or counselor at the shelter:		
Services available in appropriate language of ORIGIN country		
Collection of all important victim information, e.g. identity, home address, health or security issues, etc.		
Victims are not treated as criminals		
Victims have access to victim compensation and/or participate in criminal prosecution		
Liaison and communication between DESTINATION and ORIGIN country		
Designation of Gov't focal point to coordinate all Gov't processes		
Internal MoUs or standard operating procedures are developed on pre-return logistics and required steps for each agency involved		
Conduct of family tracing and assessment		
Issuance of temporary travel documents		

III. Return process

1. Indicate the average size of a group (number of trafficked persons) returned at the same time.

<u>Size of group</u>	<u>As DESTINATION country</u>	<u>As ORIGIN country</u>
1-9 persons	_____	_____
10-19 persons	_____	_____
20 or more persons	_____	_____

2. Indicate the average length of actual travel time for cross-border returns.

As **DESTINATION** country, from shelter to border: _____

As **ORIGIN** country, from reception to home village: _____

3. Is the following information provided/received for each person returned?

	<u>Provided by DESTINATION country</u>	<u>Received by ORIGIN country</u>
Medical records	Yes/No	Yes/No
Information on counseling	Yes/No	Yes/No
Record of vocational training	Yes/No	Yes/No

4. Please describe any challenges encountered with regard to the information provided by the **DESTINATION** country when your country is the **ORIGIN** country, e.g., is the language easily understood, is the information complete, is the information accurate?

5. Please describe any special provisions that are made when returning persons under the age of 18.

6. What are the mechanisms for review and improvement of the return process?

Rate the following aspects of the **return** process in your country, using 1 = Very satisfactory, 2 = Satisfactory, 3 = Some problems exist, 4 = Unsatisfactory, 5 = No information or opinion. Kindly provide a brief comment on the reason for the rating.

Aspect of return	Rating	Comment
Victim consents to return (return is voluntary)		
Person is safe from threat throughout return process		
Person's privacy is protected throughout return process		
As DESTINATION country , exchange of information and confirmation of return schedule with ORIGIN country		
As ORIGIN country , exchange of information and confirmation of return schedule with DESTINATION country		
As DESTINATION country , escort to border upon return		
As ORIGIN country , reception at border and return to village		
Operational guidelines established and implemented for cross border returns for each agency involved		

IV. Reintegration process

1. As **ORIGIN** country, what is the average length of time between cross border reception and long term reintegration back to family and/or community?

Less than 1 week	_____	6-8 weeks	_____
2-3 weeks	_____	More than 8 weeks	_____
4-6 week	_____		

2. Please describe what options are available if returnee does not wish to return to the family or the family assessment is not positive for an adult victim of trafficking.

3. Please describe what options are available if returnee does not wish to return to the family or the family assessment is not positive for a child/minor (under the age of 18) victim of trafficking.

4. What are the obstacles to providing assistance/services to returnees?

5. How is assistance/service tailored differently for children and adults, and males and females?

6. Is the information provided by the **DESTINATION** country adequate to provide services when your country is the **ORIGIN** country? (circle answer)

Health care	Yes	No	Don't Know
Counseling	Yes	No	Don't Know
Vocational training	Yes	No	Don't Know
Others (specify)	Yes	No	Don't Know

7. Are reintegration plans developed for each returnee? Yes/No

If yes, how do the individualized reintegration plans take into account family situation, livelihood, on-going health care needs, vocational training and education?

8. How is coordination between national, provincial and district authorities achieved for the reception and reintegration of victims of trafficking?

9. What are the guidelines or processes for follow-up of victims of trafficking after they have returned to their family or village?

10. On average, how long does regular follow-up continue after a person has been reintegrated?

No follow up conducted	_____	5-6 months	_____
1-2 weeks	_____	6 months -1 year	_____
3-4 week	_____	Over 1 year	_____
2-4 months	_____		

11. What are the obstacles to effective follow-up of returnees?

12. Is any information regarding victims of trafficking transmitted from the **ORIGIN** country back to the **DESTINATION** country after the person has been reintegrated? Yes/No

If yes, please describe.

When considering the success of the return, rate by importance the following aspects of the **reintegration** process in your country, using 1 = Very satisfactory, 2 = Satisfactory, 3 = Some problems exist, 4 = Unsatisfactory, 5 = No information or opinion. Kindly provide a brief comment on the reason for the rating.

Aspect of reintegration	Rating	Comment
Person is safe from threat		
Clear criteria established and implemented on family assessment for each agency involved		
Returnee (victim) participates in planning for their reintegration		

V. General qualitative questions on the return process

1. Please rate the adequacy of the process and mechanisms established with each of the other GMS countries for the repatriation of victims of trafficking. Use the scale, 1 = Very satisfactory, 2 = Satisfactory, 3 = Some problems exist, 4 = Unsatisfactory, 5 = No information or opinion.

Other GMS country	Rating when your country is the	
	DESTINATION country	ORIGIN country
Cambodia	_____	_____
China	_____	_____
Lao PDR	_____	_____
Myanmar	_____	_____
Thailand	_____	_____
Viet Nam	_____	_____

2. In your opinion, which aspects of *your country's* return process are the most adequate?

3. Which aspects of the return process are the most problematic for your country? Why?

Rate the following aspects of the overall **return and reintegration** process in your country, using 1 = Very satisfactory, 2 = Satisfactory, 3 = Some problems exist, 4 = Unsatisfactory, 5 = No information or opinion. Kindly provide a brief comment on the reason for the rating.

Overall Return and Reintegration Process	Rating	Comment
Staff working within the return and reintegration process demonstrate capacity and specialized skills in working with victims of trafficking		
Bilateral operational guidelines established with other GMS countries		
Bilateral MOUs established with other GMS countries		
COMMIT support to the overall return and reintegration process		