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Learning from Provincial and District Responses to

Trafficking in Persons for Forced Criminality

Human trafficking for forced criminality in the Greater Mekong Subregion is on the rise.

This brief examines the response to a few such cases, focusing on incidents that took place in late 2020 when evidence emerged of trafficking into one of the region's many Special Economic/ Economic Cooperation Zones (SEZs/ ECZs), which have become known as hubs for scam call centre operations.

The brief:



Examines the characteristics of these cases to understand their context as part of an emerging trend



Identifies key lessons on challenges and good practices in district-level cross-border coordination in response to this new form of trafficking



Captures district/ provincial-level practitioners' perspectives on how strengthened subregional mechanisms could improve coordination and outcomes for trafficked persons.

The Cases:

Evidence of a New Trend

The following findings pertain to five case studies involving 80 potential victims. These include two cases involving potential victims rescued and repatriated from Myanmar and three involving potential victims rescued from Laos PDR. These cases were selected by Chiang Rai's Social Development and Human Security (PSDHS) in conjunction with members of the Multi-disciplinary Team (MDT) for examination due to the substantial level of detail in their case report files. A common pattern of vulnerability, recruitment, control, and exploitation was observed across all cases.



Vulnerabilities and Recruitment

- 🔗 Individuals in these cases were recruited from four different provinces in Thailand, located in both the northern and southern regions.
- 🔗 Potential victims were young men and women, ranging in age from 20 to 35, who held bachelor's degrees and were multilingual, speaking Thai, Mandarin, and English. Perpetrators intentionally targeted educated and highly skilled individuals through online social media platforms like Facebook and Tik Tok, or through individuals who had already been recruited, who would then recruit their friends and family with promises of lucrative jobs in SEZs.
- 🔗 Economic hardship due to the COVID-19 pandemic emerged as a common theme in terms of vulnerability to trafficking. Many of the victims had either been made redundant or had their working hours reduced in sectors that were negatively impacted by the pandemic.
- 🔗 Local/ Thai brokers were part of a larger network of Thai, Laos, Chinese, and Myanmar brokers, people smugglers, and traffickers focused on recruiting and transporting individuals to SEZs. Typically, potential victims were moved to border towns like Mae Sot and Chiang Saen, where they were transported across the border by people smugglers and handed over to others for transportation to the sites of exploitation.



Experiences of Control and Exploitation

- 🔗 Most victims were trafficked for the purpose of forced labour in scam operations. Victims were forced to work as ‘scammers’ in call centres, defrauding ‘customers’ in Thailand, China, Europe and the US by obtaining ‘investments’ in digital assets (cryptocurrencies), shares of shell companies, and other fraudulent schemes. They were often required to ‘meet sales targets.’ In several cases, those who did not meet these targets would be sold on to other scamming operations.
- 🔗 Reports from victims detailed several indicators of means of trafficking, including document retention, threats of violence, violence, and severe restrictions placed on movement.
- 🔗 Debt bondage also featured prominently in testimonies, with ‘travel debt’ – sometimes up to 100,000 THB (approximately \$2,800 USD) – being the largest debt.
- 🔗 Debt bondage was also used to coerce the victims in the ECZs in Myanmar for sexual exploitation.
- 🔗 Arbitrary fines were also frequently imposed for the breaking of ‘rules’ imposed by exploiters. These included for failing to put chairs away (14USD), not finishing meals (71USD), smoking (71USD), having a relationship with a colleague (1,420USD), and getting sick (994USD).
- 🔗 Frequent physical assault (beating and use of tasers) and forced drug usage as a means of control of victims was reported in Myanmar.
- 🔗 Female victims in the case studies also reported having suffered from sexual assault after being moved to another operation for not being able to meet the scam target, sometimes being forced into drug use and sexually exploited upon arrival.

Across cases, there is strong evidence from victim testimony of the presence of act, means, and purpose of trafficking in persons. Recruitment of potential victims is targeted and sophisticated, with networks operating across borders involved. Cases in the Lao PDR Golden Triangle SEZ display striking parallels with those from ECZs in Myanmar. Both sets of cases appear to reflect media reports of similar trafficking flows to Cambodia. These cases demonstrate that this new pattern of exploitation requires urgent attention of governments and development partners, as well as more effective transboundary coordination in response.

The Response:

Learning from District and Provincial Practitioners

The appearance of these cases prompted quick cross-border cooperation between Thai and Laos authorities. The use of cross-border provincial and district partnerships enabled the identification and repatriation of 80 Thai nationals through the Chiang Saen-Bokeo border. UNDP and World Vision worked with involved practitioners to grasp the ramifications of these cases for identification, assistance, return, and reintegration procedures. This brief outlines key lessons on challenges implementing a human rights based approach and good practice in district-level cross-border coordination, illuminating local practitioner views on what is needed in transnational coordination mechanisms for more effective and improved outcomes for trafficked individuals.

Key Challenges in Response:

Coordination:

- 🔗 Systems for referral between countries were designed to cater to Lao nationals trafficked to Thailand, rather than Thai nationals exploited in Lao PDR – i.e. only catered to one direction of travel. Without a central, standardised cross border referral mechanism in the cases studied in the research, bespoke approaches were developed as the responses were planned, with agencies using a mixture of formal approaches (official letters, meetings, etc.) and informal coordination to identify, rescue and repatriate the victims. This caused delays in rescue operations and inefficiencies in coordination, with over 30 agencies involved in some cases, meaning involved agencies were sometimes unsure of their roles.
- 🔗 Informal relationships were relied upon for cross-border coordination, leading to varying outcomes for potentially trafficked persons. Though these informal links delivered timely results, they raise questions around accountability, as well as continuity in coordination given the frequency of staff change in coordination roles.
- 🔗 Interpersonal relationships between senior officials were critical for implementation of formal cross-border coordination protocols, and when these relationships were absent, formal agreements were less broadly/ evenly implemented. District level officials were able to leverage informal relationships for successful rescues despite a stall of formal processes.

Rights-based, victim-centred and trauma-informed approaches:

- 🔗 Victims were repatriated as quickly as possible, but resultantly processes were not always victim-centred and trauma-informed. Due to the absence of established victim-centred and trauma-informed procedures, expedient repatriation was sometimes prioritised over the rights of victims, often leading to criminalisation of potential victims.

Case Reporting and Identification processes and access to justice:

- 🔗 Limits in accessible reporting mechanisms, the potential of fines, and hesitance from law enforcement meant potential victims struggled to or did not report their situation of exploitation to authorities in Lao PDR. Resultantly, no victim ID process took place in the cases studied here and victims from SEZs were only identified from amongst those repatriated and received support after repatriation.
- 🔗 District level case reporting mechanisms were reportedly inaccessible, inefficient, and unfriendly, with no clear protocol for handling complaints across jurisdictions, leading to delayed case reporting and prolonging victim exploitation.
- 🔗 In all the cases explored, ineffective victim identification process in Lao PDR resulted in criminalisation of potential victims, fines for illegal migration and deportation, and no investigation of potential perpetrators. Instead of investigation, authorities negotiated with potential traffickers to secure the release of victims.




Delegation of authority:

- 🔗 Urgent, provincial level meetings convened by the Department of Special Investigations (DSI) in Thailand in each case were a precondition for initiating the cross-border coordination process. From there, the delegation of authority to handle case-based specifics was crucial, but practitioners at district level noted authority was delegated from national to provincial, from provincial to district level without accompanying SOPs/guidelines, or additional human and financial resources.




While challenges in coordination, implementation of rights-based, victim-centered and trauma-informed approaches, case reporting and identification processes, and delegation of authority were identified, a number of good practices – especially in relation to coordination – were identified by practitioners.

Good Practice in Response

Despite resource constraints at the provincial level, decentralisation and leveraging existing provincial level coordination proved to be an effective means of ensuring channels for return were available in the short-term. Existing capacity in districts and cross-border relationships were a precondition for this:

-  Officials from both sides pragmatically leveraged both formal¹ and informal² channels to secure repatriation and protection of victims as soon as possible.
-  Trust and interpersonal relationships between border district level authorities led to more efficient referral, joint operations and information sharing, further strengthening cross-border ties.
-  Despite the novel direction of travel in these cases, the end-to-end referral process took no longer than 6 months, with the case studies taking only 10 days. Issues related to lack of identification procedures notwithstanding, this proved much more efficient compared to existing bilateral SOPs, which can take significantly longer. As a result, district level authorities secured the rescue and repatriation of 80 victims in 6 months despite complexities introduced by the COVID-19 pandemic.

Information sharing and coordination:

-  Thai and Lao agencies (at provincial/ district level) formulated shared accountability and cooperation through a joint work plan and numerous coordination meetings on TIP, which predated the pandemic.
-  Effective reorientation of these meetings to meet the emerging challenges meant agencies conducted investigations, shared information regularly, and held joint consultations despite ambiguity around respective jurisdictions.
-  The meetings also allowed for the generation of a shared sense of urgency to secure the release and repatriation of victims, with practitioners exhibiting shared dedication.

¹ Formal: A formal bilateral approach was used in the rescue and repatriation of the victim in case C. The Border Command Center issued a letter to the Mayor of Bokeo province seeking permission to rescue the victim in a SEZ. Chiang Saen and Chiang Khong Immigration also issued letters to the Special Committee for Foreign Workers Assistance.

² Formal bilateral processes were not guaranteed to work and could take a long time, so informal coordination approaches were also used to try to secure a timely rescue and repatriation of the victims. For example, the Security Unit of Chiang Saen District relied on personal contacts with individuals in Ton Pueng District, including Border Security Agency, Village Chiefs, Laos Women's Federation, and the District Health Office, to coordinate

Reflecting on these challenges and elements of good practice, practitioners emphasised a number of key needs:

-  Enhancing coordination and more consistent implementation of a rights-based approach requires **standardisation of cross-border referral processes** to guarantee efficient and consistent coordination among agencies.
-  Clear guidance, prioritisation and capacity building on both sides of the border on **victim-centred and trauma-informed approaches** should be a priority and incorporated into standard procedures and any associated implementation plans.
-  **Delegating authority is crucial in fostering shared accountability and cooperation**, but it should be done in a more systematic manner, along with adequate resources to match increased responsibilities.
-  Despite improvements in systems and resources, it was evident that **informal coordination and personal relationships are vital for effective framework implementation** and for adapting to new situations, such as emerging scamming cases. The necessity for space to build these informal links or bonds should be factored in plans to encourage cross-border coordination.

Meeting Practitioner Needs through Strengthened Systems

The engagement with practitioners was also an opportunity to learn what a Subregional Transnational Referral Mechanism could do to support their work. They highlighted several solutions, which have since shaped the TRM framework for the Greater Mekong Subregion, developed with COMMIT member governments.

'Quick wins'

- ✊ Develop an interprovincial focal point directory for individuals (names and positions) in relevant agencies involved in each step in the referral process, including victim identification, repatriation, protection and reintegration, and access to justice. Update this directory annually.

Medium-term initiatives

- ✊ Update the bilateral MoU at provincial and district levels in Chiang Rai – Bokeo, aligning it to intergovernmental agreements and localising with identified actions, focal points, and RACI (Responsible, Accountable, Consulted, and Informed) matrix
- ✊ Host annual bilateral coordination meetings, building trust and inter-personal relationship between relevant agencies and individuals identification and repatriation
- ✊ Develop a bilateral provincial SOP on cross-border referral and repatriation
- ✊ Develop a joint monitoring mechanism – with annual updates on the number of Laos/Thai national victims

Longer-term aspirations

- ✊ Localise a shared victim identification screening tool – based on national and subregional standards – that serves as a basis for agreement to mutual recognise of identified VoT

Annex 1.

Methods:

- Focus Group Discussions (FGD) were conducted with 22 practitioners in Chiang Rai province who were involved in cross-border coordination, referral, repatriation, and assistance on TIP cases, 15 from government and 5 from local CSO agencies (13 men, 9 women)
- Case reports were reviewed through thematic analysis on three individual case studies to understand referral processes in depth and identify key features of coordination in response across cases. A referral flowchart was created by participants for each case to explore challenges and good practice, with detailed notes taken on discussions.
- FGD notes were reviewed using thematic analysis to identify common themes in the referral processes.
- Follow-up phone calls were made to clarify missing data.
- This brief is based on the perspectives of workshop participants – all of whom were directly involved in the cases – and supplemented with secondary data where possible.
- Limitation: Data does not include perspectives of Laos practitioners or the victims who experienced the referral processes.
- Limitation: Additional research is necessary to develop a comprehensive understanding of the generalisability of findings on transnational referral processes in response to novel cases.



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