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United Nations Action for Cooperation against Trafficking in Persons

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HUMAN TRAFFICKING TRENDS IN ASIA

Migration experiences of Lao workers deported from Thailand in 2013

Wang Tao, Lao PDR

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Dr. Simon Baker

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Foreword

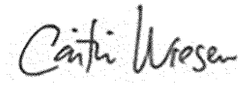
The United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), a project managed by the UNDP Bangkok Regional Hub, is pleased to publish and disseminate the research report *Migration experiences of Lao workers deported from Thailand in 2013*. The report, which utilizes a sentinel surveillance research methodology, provides valuable insights in a sector in which significant gaps in data prevail.

Sentinel surveillance research involves collecting and analysing data from populations selected for their geographic location or other distinction. It was initially used in the field of health and biological research in order to answer specific epidemiological questions. The purpose of applying this methodology for research in the field of human trafficking is to strengthen the evidence base relating to the scale, severity, trends and changes in human trafficking patterns. This should, in turn, allow for the development of more informed, strategic and effective anti-trafficking initiatives.

Migration experiences of Lao workers deported from Thailand in 2013 is one of a series of research reports in the field of human trafficking, which utilizes a sentinel surveillance system methodology. The methodology was piloted in the context of human trafficking in a research project conducted at the Poipet border in Cambodia, which later resulted in the report *Human Trafficking Sentinel Surveillance: Poipet, Cambodia 2009-2010,* published in 2010. Additional reports have since been prepared as part of this series, including most recently *Migration experiences of Cambodian workers deported from Thailand in 2009, 2010 & 2012.*

UN-ACT's commitment to rigorous research is evidenced in one of its four inter-connected areas of work, which has the following objective: *"Policy makers, academia, non-governmental actors and the public have increased access to evidence-based research and knowledge on human trafficking."* UN-ACT is committed to continuing, refining and intensifying research efforts targeting deported irregular migrants and other populations who are seen as vulnerable to exploitation and trafficking. For this purpose, UN-ACT has further developed the original sentinel surveillance research instrument based on past experiences, and will continue to improve it going forward in the interest of strengthening the detailed capturing of deceptive, coercive and exploitative practices related to trafficking in persons.

UN-ACT aims to utilize the findings of this research to develop more targeted and effective counter-trafficking measures in its own future programming. In addition, as it expands its research efforts, UN-ACT hopes that a more accurate and nuanced picture will continue to be generated of the human trafficking situation in the Asian region. This research serves as a first step in this direction with its aim to help the counter-trafficking sector in Lao PDR and Thailand to find and assist more victims of human trafficking, bring more of their traffickers and abusers to justice, and prevent more vulnerable people from being deceived and exploited in the future.



Caitlin Wiesen
Chief, Regional Policy and Programme Support
UNDP Bangkok Regional Hub

Acknowledgements

UN-ACT would like to express its gratitude and appreciation to the many individuals and organizations that have contributed to the report *Migration experiences of Lao workers deported from Thailand in 2013*. This research and its recommendations were made possible due to the cooperation of various government departments and officials, United Nations agencies, other international organizations, NGO partners, and, most importantly, the many migrant workers who were interviewed and willing to share their experiences with us.

Thanks are extended to the National COMMIT Task Force of Lao PDR for their continuous support to this research project and for including it as a key activity in their national work plan.

UN-ACT is also grateful for the support provided by the Lao PDR Ministry of Public Security who was the key governmental partner in this research. Particular thanks are extended to the Anti-Human Trafficking Department (ATD) and its provincial Anti-Human Trafficking Divisions and Immigration Police Departments in Champassack and Savannakhet provinces. Our sincere gratitude to Mr. Chanthavong Manivongkhao, Mr. Inphong Luangpanya, Mr. Viengkhong Banchanthavong and Mr. Xangkeo Nanthavong, ATD in Vientiane; Mr. Phouvong Vongkhamsy, Immigration Police in Champassack province; and Mr. Phouvong Khotsouvanh, Anti-Human Trafficking Division in Champassack province, for facilitating data collection at the border.

Also in Champassack and Savannakhet provinces, our special thanks to the Department of Labour and Social Welfare, the Lao Federation of Trade Unions, the Lao Women's Union, and the Lao Youth Union for valuable support as key informants for this project at the provincial level, and for assistance in defining the scope of our research.

Our genuine appreciation is extended to Dr. Simon Baker for his expert analysis of the collected data and the writing of the research report, including concise recommendations for action to key stakeholders. We would also like to express our gratitude to Ms. Malayvanh Khamhoung, then UNIAP's Lao-Thai Cross-Border Case Coordinator, and Mr. Sanya Vathanakoune, Research Consultant, for all their efforts interviewing respondents at the Wang Tao-Chong Mek border in southern Lao PDR.

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Last but not least, we appreciate the support previously provided to UNIAP by Australian Aid, New Zealand Aid, the Norwegian Ministry of Foreign Affairs, the Swedish International Development Cooperation Agency and the US State Department Office to Monitor and Combat Trafficking in Persons, which resulted in the collection of the data that form the foundation of this report.

United Nations Action for Cooperation against Trafficking in Persons (UN-ACT)
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Contents

Figures

Tables

Acronyms and abbreviations

COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking
ILO	International Labour Organization
IOM	International Organization for Migration
Lao PDR	Lao People's Democratic Republic
MoU	Memorandum of Understanding
2015 Poipet study	Migration experiences of Cambodian workers deported from Thailand in 2009, 2010 & 2012
UN-ACT	United Nations Action for Cooperation against Trafficking in Persons
UNIAP	United Nations Inter-Agency Project on Human Trafficking
Wang Tao study	Migration experiences of Lao workers deported from Thailand in 2013

Definitions and terms

Human trafficking

Human trafficking is internationally defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the "Palermo Protocol") supplementing the United Nations Convention on Transnational Organized Crime. Adopted by the UN General Assembly in 2000 and entering into force in 2003, the Protocol defines trafficking as:

- The recruitment, transportation, transfer, harbouring or receipt of persons (the act);
- By means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person (the means);[1]
- For the purpose of exploitation (the purpose). The Protocol notes that "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."

Irregular migrant

An irregular migrant is an individual who migrates from one country to another without the required legal authorization; or, one who has migrated with legal authorization but remained after that legal authorization expired or was terminated. The term *irregular migrant* rather than *illegal migrant* is increasingly used by organizations working in the field of migration such as the International Organization for Migration (IOM) because it is seen as more legally accurate as well as less stigmatizing.[2]

Broker

In the context of human trafficking, brokers are the individuals, operating alone or in groups, who facilitate the migration or "movement" of a person from the point of origin to the point of exploitation. Brokers aid the "recruitment, transportation, transfer, harbouring or receipt" of migrants. In a human trafficking process there may be more than one broker, and not all brokers are necessarily connected to each other and/or to the environment in which exploitation occurs. In addition, brokers can operate in different ways. They may be close to the trafficked person, such as a neighbour or family member, or a complete stranger. At times, they may solicit the trafficked person to work somewhere but at other times they may be solicited by the person seeking work. While some brokers use force, many others deceive people into situations of exploitation. It is important to remember that brokers are not the only people involved in human trafficking and, indeed, may not be directly involved at all. Migration or movement are not necessary components of human trafficking, and even where migration or movement is involved, it does not always occur with the involvement of brokers.

[1] It must be noted that, in the case of children, the 'means' component is irrelevant for a human trafficking case to be constituted.

[2] It has been argued that 'illegality' is closely linked to 'criminality', when, in many countries, not possessing the required papers for a regular stay is not considered a criminal offence, but an administrative infringement. Others have pointed out that classifying an individual as 'illegal' undermines their inherent right to recognition as a human being before the law (Platform for International Cooperation on Undocumented Migrants. "Why undocumented migrants should not be referred to as 'illegal'", retrieved 8 February 2014, on http://picum.org/en/our-work/undocumented-migrants/terminology/).

Deportation

Deportation is the removal from a country of a non-citizen whose presence in that country is irregular. In the context of this report, deportation of Lao migrants is primarily a result of their irregular status of having entered Thailand without proper authorization such as a visa or work permit, or having entered with proper authorisation but having violated the terms of that authorization, for example by working without permission or staying beyond the visa expiration date. Under Thai law, victims of human trafficking are to be exempt from deportation despite potentially having an irregular immigration status.

Repatriation

The term repatriation means to return an individual to their country of origin, allegiance or citizenship. In the context of this report, official repatriation is the means by which the Royal Thai Government, after having recognized that a Lao national is a trafficked person, who may or may not be an irregular migrant in the country, returns them to Lao PDR. Though both deportation and repatriation have the removal of a person from Thailand in common, repatriation goes beyond deportation in that it includes efforts to safely return that person to Lao PDR, usually in coordination with Lao authorities and sometimes with the assistance of international and/or non-governmental organisations. Official repatriation therefore is presumably done with the best interests of the individual in mind.

Executive Summary

Key findings

Possibly trafficked
Among the 128 respondents included in this study, four cases (3.5 per cent) meet the criteria as possibly being trafficked, namely working under exploitative working conditions and being deceived and/or cheated. All of these cases were males – accounting for 6 per cent of the male respondents. Although no female respondents were classified as possibly being trafficked, the difference between the sexes was not statistically significant.

Exploitative working conditions
The proportion of respondents who indicated that they had exploitative working conditions was 4 per cent of the respondents; that is 6 per cent of the males (four cases) and 2 per cent of the females (one case).

Cheated or deceived
Altogether, 20 respondents felt cheated and/or deceived during their working experiences in Thailand. The proportion indicating this was 16 per cent among the male respondents and 15 per cent for the female respondents. This difference was not statistically significant.

Vulnerability
The main vulnerability factor for being trafficking, exploited and cheated and/or deceived was whether the respondents used a broker to get to the Lao-Thai border. Only 15 per cent of the sample used such a broker, but they were far more likely than the others to have highly negative experiences while in Thailand.

Occupation
The sector that had the highest proportion of possibly trafficked respondents was agriculture, with 40 per cent of those engaged in this work being categorized as such. However, given the study's small sample size, this only includes two individuals.

Age, sex, education
The sex, age and education levels of the respondents did not play a statistically significant role in determining whether the respondents were trafficked, exploited and cheated and/or deceived.

Knowledge
Knowledge about human trafficking did not provide protection to the respondents. Those knowing about trafficking were just as likely to be trafficked, exploited or cheated and/or deceived as those not knowing about it.

Life in Thailand
The respondents, on average, rated their life in Thailand as better than their life in Lao PDR before they migrated.

Returning to Thailand
Just over one quarter of the respondents planned to return to Thailand, either straight away or after a short time.

Recommendations

- **Further research and other efforts are required to better understand the roles and types of brokers in labour migration from Lao PDR to Thailand** as in another sentinel surveillance study titled *Migration experiences of Cambodian workers deported from Thailand in 2009, 2010 & 2012* (the 2015 Poipet study). In the 2015 Poipet study, in some cases, certain brokers were associated with higher levels of trafficking, whereas other brokers made a positive contribution to respondents' labour migration experiences.

- If further and more nuanced evidence based on research involving larger sample sizes does indicate that certain types of brokers are an important link in the exploitation of Lao irregular migrants in Thailand, **tailored interventions need to be developed to counter their influence whilst avoiding undermining others who potentially play a positive role in the migration process.**

- Irregular migrants who were exploited and possibly trafficked are being deported against their rights and without the appropriate services being offered to them. **Authorities need to better identify trafficked persons so that their needs can be addressed, if desired by the victims.**

- **Additional research is required to determine the extent of labour exploitation that Lao irregular migrants are experiencing in Thailand.** Undertaking further rounds of data collection and with a larger sample size would determine if the number of trafficked victims is increasing, staying the same or decreasing. With a larger sample size, it is likely that working experiences in sex work and the fishing industry would be portrayed as well. In this first study, no respondents were working in these fields.

PART I : INTRODUCTION

Overview

Rationale of the study

Human trafficking is a serious crime involving the deceiving or coercing of people into situations of severe exploitation. The Mekong region contains diverse patterns of human trafficking. They are internal and cross-border; highly organized and small-scale; for sex and labour; through both formal and informal recruitment mechanisms; and involve men, women, children and families.

Trafficked persons can be identified and unidentified. Identified victims are those who are given status as a trafficking victim by a relevant authority, with all the rights and services associated with trafficking victim protection. Unidentified victims, arguably the vast majority, may appear to be irregular migrant workers, subjected to criminalization and deportation with no assistance.[3]

Thailand is a key destination country for migrant workers from Lao PDR. It is unknown how many Laotians are trafficked annually to Thailand, since victims of trafficking are not always identified. Some are in fact deported back to Lao PDR as irregular migrants without access to services as outlined above.

This sentinel surveillance study seeks to determine how many of the Lao deportees returning through the Wang Tao-Chong Mek international border may be unidentified trafficked persons; to help better understand migratory patterns; to identify levels of exploitation in various industries; and to document how brokers and traffickers operate to put migrants in exploitative situations. It aims to describe and explain more broadly home conditions, migration procedures, work experiences and return processes amongst the deported irregular migrant workers.

Hence, this report is a contribution to furthering our understanding about (irregular) labour migration in the Greater Mekong Sub-region, and how it relates to forms of exploitation and trafficking.

Sentinel surveillance research studies on human trafficking

This – the Wang Tao study – is one of a series of sentinel surveillance research studies undertaken by the United Nations Inter-Agency Project on Human Trafficking (UNIAP), and continued by its successor, the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), on irregular migrant workers being deported back to their countries of origin in the Mekong Sub-region. A pilot study titled *Identifying Cambodian Victims of Human Trafficking among Deportees from Thailand* was conducted in 2008 on the Cambodian side of the Aranyaprathet-Poipet border.[4] The methodology in that study, namely in-depth, structured interviews utilizing a comprehensive questionnaire specifically designed to identify indications of human trafficking, became the base for future studies. For the research *Human Trafficking Sentinel Surveillance: Poipet, Cambodia 2009-2010*, the methodology was further developed with a greater emphasis on quantitative data methods.[5]

Since then, UNIAP/UN-ACT have undertaken one study on the Vietnam-China border titled *Human Trafficking Sentinel Surveillance: Viet Nam-China Border 2010*

[3]COMMIT (Undated). (Re)Integration: Perspectives of Victim Service Agencies on Successes and Challenges in Trafficking Victim (Re)Integration in the Greater Mekong Sub-Region. Bangkok: 17.
[4]Olivie, A. (2008). Identifying Cambodian Victims of Human Trafficking Among Deportees from Thailand. Phnom Penh, UNIAP: 47.
[5]United Nations Inter-Agency Project on Human Trafficking (UNIAP) (2010). Human Trafficking Sentinel Surveillance: Poipet, Cambodia 2009-2010. Bangkok, UNIAP: 132.

Lang Son, Lao Cai, Quang Ninh,[6] and published another report on the Poipet border called *Migration experiences of Cambodian workers deported from Thailand in 2009, 2010 & 2012*. The latter draws on the dataset from *Human Trafficking Sentinel Surveillance: Poipet, Cambodia 2009-2010* as well as two new datasets based on the same methodology, thereby allowing for a trend analysis over time.

Comparisons are made between the results of *Migration experiences of Cambodian workers deported from Thailand in 2009, 2010 & 2012* (hereafter called 'the 2015 Poipet study'), particularly the 2012 survey given that data were collected only one year earlier, and the results in the Wang Tao study. The majority of the respondents in both studies were working as irregular migrants in Thailand around the same time, in similar forms of employment and sometimes in the same Thai provinces.

Context of migration from Lao PDR to Thailand

Thailand has become a key destination country for labour migrants from Lao PDR due to its higher economic development level and thriving labour market. This is compounded by a lack of opportunities in Lao PDR. In 2013, Thailand's estimated gross domestic product per capita was US$9,900,[7] compared to US$3,100 in Lao PDR.[8]

This migration process has brought benefits to both the source and destination countries: the remittances of migrant workers support their families in Lao PDR, and the economic contributions of migrant workers support the Thai economy, as documented by the International Labour Organization (ILO).[9] In 2010, it was estimated that Lao migrants from around the world sent back to their country (US) $7,000,000, equivalent of 0.1 per cent of the country's gross domestic product.[10] Given that around half of all Lao emigrants throughout the world are in Thailand,[11] a good proportion of this money would have been earned there.

With improved education, Thais have greater relative job expectations,[12] and thus have increasingly shunned the most dangerous, dirty and difficult jobs, such as those in the fishing industry, which are now dominated by migrant workers.[13] In addition, as Thailand has become increasingly industrialized, it has undergone a demographic transition where fewer births and deaths have resulted in a slower population growth and an older age structure. The shortfalls in Thai employees have been filled by low-skilled migrants from neighbouring countries.[14] The Thailand Development Research Institute projected in 2006 that from 2007 to 2012, some 300,000 unskilled additional workers would be needed for the Thai labour market, while only 33 per cent could be satisfied by new Thai workers.[15] With the Thai fertility level below the replacement level, there will be fewer Thais available for employment in the foreseeable future, with the Thai economy thus expected to grow more dependent on migrant labour.

Lao PDR has the youngest population in the Mekong sub-region. In 2013, 36 per cent of the population was under 15 years of age; therefore, there will be an increasing number of entrants into the workforce where opportunities are limited.[16] Neighbouring Thailand, with its higher national income per capita and strong cultural and linguistic linkages with Lao PDR, is an appealing destination for young Laotians.

Despite the unmet demand for workers amongst the national population in some sectors of the Thai economy, the recruitment of migrant workers through formal labour recruitment channels faces considerable challenges, and the costs and time involved in pursuing these channels encourages both migrant workers and employers alike to use informal channels. In addition, a research report by the ILO in 2008 found that official channels do not necessarily protect workers from exploitation, deception and mistreatment. This is partly because the high costs of formal migration can place regular migrants in a situation of leveraged debt with their employers or recruiters.[17]

Human trafficking and immigration laws

Lao PDR and Thailand are members of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). As part of the COMMIT Process, six member nations jointly signed a Memorandum of Understanding (MoU) in 2004 committing themselves to cooperation and action against human trafficking, primarily through the implementation of Sub-Regional Plans of Action that include actions to strengthen bilateral cooperation frameworks, improve victim identification and protection capabilities, and other provisions.

Resulting from their involvement in COMMIT, Lao[18] and Thai laws, cooperation between the two countries, and the provision of services for trafficked persons have all been enhanced. Both countries have ratified the Palermo Protocol, have developed a series of MoUs related to employment and human trafficking, and have developed Standard Operating Procedures to provide support and protection to trafficked persons.[19] Further, there is a screening process to identify human trafficking cases at border crossings between the two countries.

[6]United Nations Inter-Agency Project on Human Trafficking (UNIAP) (2011). Human Trafficking Sentinel Surveillance: Viet Nam-China Border 2010 Lang Son, Lao Cai, Quang Ninh. Bangkok, UNIAP: 66.
[7]CIA (2008). "The World Factbook: Thailand." Retrieved 6 March 2014, from https://www.cia.gov/library/publications/the-world-factbook/geos/la.html.
[8]CIA (2008). "The World Factbook: Laos." Retrieved 6 March 2014, from https://www.cia.gov/library/publications/the-world-factbook/geos/la.html.
[9]Jampaklay, A. & S. Kittisuksathit (2009). Migrant Workers Remittances: Cambodia, Lao PDR and Myanmar. Bangkok: Mahidol University Institute for Population and Social Research, and ILO.
[10]ESCAP (2013). Statistical Yearbook for Asia and the Pacific 2013. Bangkok: 300.
[11]Southichack, M. (2014). Lao Labour Migration and Remittance: Trends and economic and livelihood implications, Swiss Agency for Development and Cooperation. 2014: 25.
[12]Sciortino, R. and S. Punpuing (2009). International Migration in Thailand 2009. Bangkok, International Organization for Migration, International Labour Organization, Joint United Nations Programme on HIV/AIDS, United Nations Development Programme, United Nations Development Fund for Women, United Nations Population Fund, United Nations High Commissioner for Refugees, World Health Organization, United Nations Children's Fund, World Bank and United Nations Country Team in Thailand.
[13]Limanonda, B. and N. Peungposop (2009). Policy Review on Access to Health Care Service and Health Insurance among Migrant Workers in Thailand. Bangkok, Raks Thai: 121; and Press, B. (2011). The PHAMIT Story: The Experience of an HIV prevention project for migrant workers in Thailand. Bangkok, Raks Thai.
[14]Sciortino, R. and S. Punpuing (2009). International Migration in Thailand 2009. Bangkok, International Organization for Migration, International Labour Organization, Joint United Nations Programme on HIV/AIDS, United Nations Development Programme, United Nations Development Fund for Women, United Nations Population Fund, United Nations High Commissioner for Refugees, World Health Organization, United Nations Children's Fund, World Bank and United Nations Country Team in Thailand.
[15]Chalamwong, Y. (2008). Demographic Change and International Labor Mobility in Thailand. PECC-ABAC Conference on Demographic Change and International Labor Mobility in the Asia Pacific Region: Implications for Business and Cooperation, Seoul.
[16]Population Reference Bureau. (2013). "2013 World Population Data Sheet." Retrieved 29 December 2013, from http://www.prb.org/pdf13/2013-population-data-sheet_eng.pdf.
[17]International Labour Organization (2008). An Honest Broker – Improving cross-border recruitment practices for the benefit of Government, Workers and Employers. Bangkok: ILO Regional Office for Asia and the Pacific.
[18]It needs to be noted that Lao PDR has no specific anti-human trafficking law in place, although steps in this direction have recently been taken. Human trafficking is currently dealt with in various different laws, most notably the Penal Code as well as legislation specific to women and children. In this framework, men may be identified as trafficked persons but lack entitlement to protective and other services.
[19]Baker, S. and A. Jersild (2013) (Unpublished). Independent Evaluation of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Process. Bangkok, COMMIT: 120.

Introduction: Overview

In Thailand,[20] the Thai Anti-Trafficking in Persons Act of 2008[21] and the Thai Immigration Act of 1979[22] are central to the lives of trafficked victims, who happen to also be irregular migrants. The first of these two laws details the services trafficking victims are entitled to, namely:

- Protection of privacy and identity
- Appropriate housing
- Counselling and legal rights
- Medical treatment
- Education and training
- Consideration of age and gender
- Protection of physical safety of a trafficked person
- Compensation
- Right to remain permanently or temporarily
- Repatriation
- Protection from prosecution

The Immigration Act details the country's policies on deportation from Thailand. It stipulates that, if an alien "enters or comes to stay in the Kingdom without permission, or when such permission expires or is revoked, [a] competent official will deport such alien out of the Kingdom." The Act also permits competent officials to detain aliens prior to deportation for up to 48 hours, which can be extended to a total detention time of seven days provided that legitimate reasons are documented.[23] In addition, the expenses for detention and/or deportation may under certain conditions be charged to the irregular migrant.

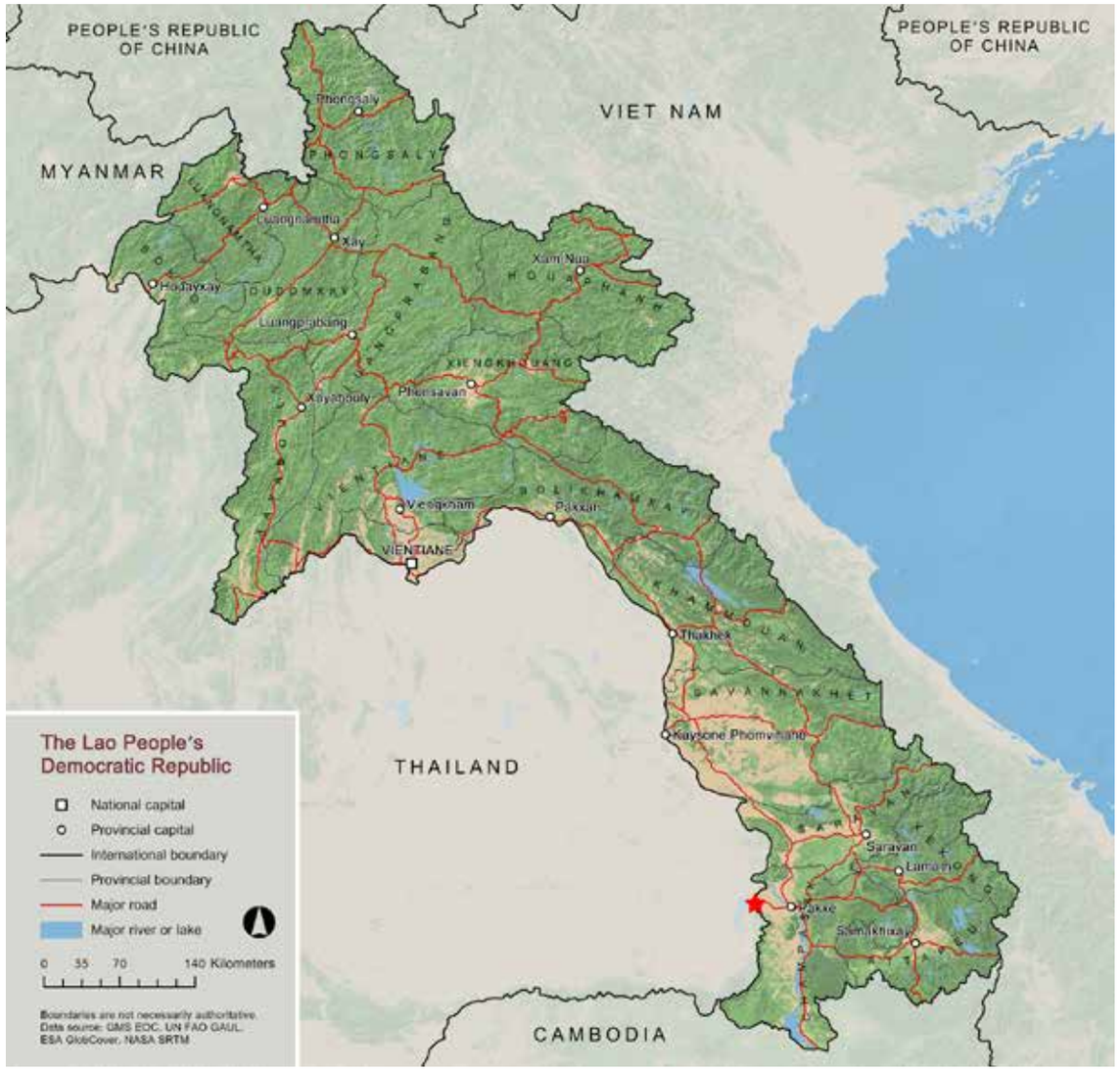
Once in contact with law enforcement authorities, the experience of trafficked persons with an irregular migration status can vary and is dependent on whether or not they are identified as trafficked, and which law is applied to them as a result. In general, all identified irregular migrants in Thailand should go through a trafficking victim identification process upon their arrest, separating trafficked persons from the irregular migrants to be deported.

Considering such victim identification procedures for irregular migrants, no trafficked persons should generally be identified in the deportee population returned from Thailand to Lao PDR and interviewed for this research. The potential trafficking cases revealed in this study may thus refer to shortcomings in the victim identification procedures in place. However, trafficked persons at times intentionally forgo such identification in the screenings, knowing that as irregular migrants they will be deported within a few days of their arrest, whilst as trafficked persons they are likely to go through a rehabilitation and protection scheme during legal proceedings, in which they appear before court as witnesses. The criminal justice process takes time, although the trafficked persons' participation is voluntary.

A quick return through deportation has a number of advantages, such as being able to re-unite with their families or to search for employment opportunities, which may include returning to Thailand. If financial considerations are of high relevance, as is often the case with foreign migrant workers, lengthy protection systems coupled with participation in legal proceedings that require the person's presence can become a burden, with irregular migrants at times attempting to avoid giving actual accounts of their situation in victim identification procedures.

[20]This section predominantly deals with Thailand, as the respondents' experiences related to victim identification, deportation, etc. in the study are limited to the Thai context. It is understood that a complete analysis of a person's victim identification, deportation experience, etc. would require the inclusion of the Lao context as well. The nature of the research, however, did not allow for this to be captured.
[21]Anti-Trafficking in Persons Law B.E. 2551 (2008).
[22]Immigration Act B.E. 2522 (1979).
[23]Detention beyond seven days requires a court order.

Map of Lao PDR with Wang Tao border indicated



Source: Greater Mekong Subregion Atlas of the Environment (2nd Edition). Download at www.gms-eoc.org

Methodology

Data for the Wang Tao study was collected at the Wang Tao – Chong Mek international border crossing, situated between the Lao province of Champassak and the Thai province of Ubon Ratchathani. This site was chosen for two reasons:

- It is the most utilized border crossing for the formal deportation of irregular Lao migrants in Thailand. Between October 2011 and September 2012, some 26,267 Lao deportees from Thailand passed through this crossing;[24]
- It is an international land-border crossing with standardized procedures for migration, including the return of deportees.

Other border crossings between Lao PDR and Thailand are often across the Mekong River, such as at Savannakhet-Moukdahan. Deportation of irregular migrants frequently occurs informally by boats without pre-defined times or destinations, although international borders in the form of bridges allowing for more standardized procedures exist.

At Wang Tao, the deportation process is standardized: vehicles carrying deportees leave the Thai Immigration Detention Centre in Phiboon, about 45 minutes from the Lao-Thai international crossing, and directly pass the Thai immigration office at the border, as the irregular migrants have already been registered at the Phiboon Centre. The vehicles stop in an area between the two countries' immigration gates, where Lao officials receive the deportees. Upon signing hand-over documents from Thai officials with records of all the people being deported, Lao authorities accompany the group to the Lao deportee registration office.

[24] UNIAP Lao Office (2013). Migration and Deportation Statistics from the Champassak Immigration Office. Vientiane: 2.

Sampling method and research instruments

It was at this point, with arrivals waiting in queue at the registration office, that data collectors for this study approached deportees with an interview request. Two national data collectors, one male and one female, conducted three rounds of data collection (including a pilot stage) in March, May and July 2013. Both the male and female data collectors had previous research and data collection experience, and were specifically trained on research ethics, interviewing techniques, as well as the particular instrument developed for the study.

Staff from UNIAP's Regional Management Office developed the research instruments, conducted the training of the data collectors, and were involved in determining a sampling system and testing the research instruments in the field through pilot interviews.

The data collectors selected potential respondents to interview by counting every fifth or tenth person, depending on the number of deportees who had just arrived. They asked the selected person whether they were available for an interview after registration, and, if so, gave the person a sign for re-identification. While interviewing, the two data collectors were each located away from immigration officials. Authorities agreed not to be near or otherwise intervene in the interview process. The area was located in the shade, and there was water and snacks to create a comfortable environment.

The respondents were informed about the interview purpose and the data usage before being asked if they agreed to take part in the study. It was made clear that the interviewees could skip any question that they did not want to answer, and that they could terminate the interview at any point.

The Wang Tao study questionnaire was designed focusing on seven areas:

- Background of respondents
- Journey to Thailand, including recruitment, transport and harbouring
- Living and working conditions in Thailand
- How the respondents left their employment and returned to Lao PDR
- Who was possibly trafficked
- Future plans
- Knowledge about human trafficking

Data analysis and defining respondents as being possibly trafficked

The study defined a respondent as being possibly trafficked if that person was both exploited at their workplace and had been tricked and/or deceived. A respondent was categorized as being exploited if she or he rated three or more of the following as poor or very poor: their bosses, working conditions, the level of violence at work, safety at work and the level of freedom of movement at their work. The respondents were also asked if they believed they were tricked and/or deceived.

The respondents are being defined as possibly trafficked, rather than trafficked, because the information provided by the survey respondents are self-reports, and their statements – both positive and negative – have not been triangulated.

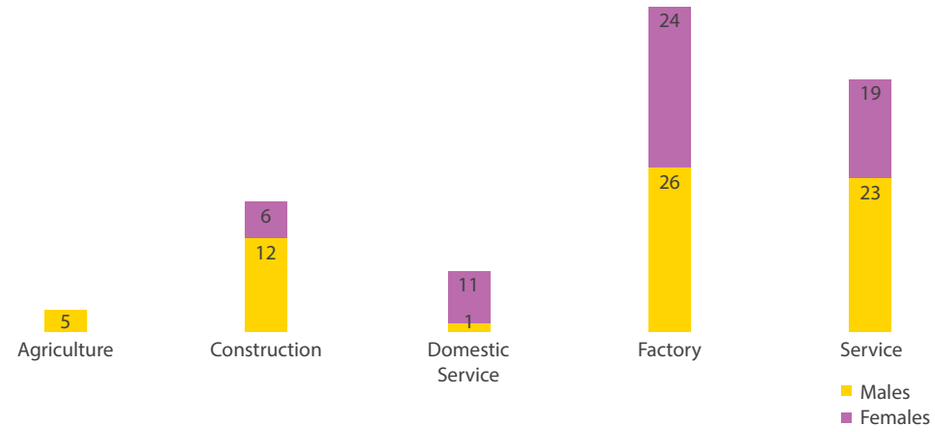
Data were analysed using SPSS 10 for Windows. Throughout this report, a p-value of less than 0.05 is given when a statistical significance exists between two variables. A p-value of 0.05 has been used to mark levels of significance at the 95 per cent level. The lower the p-value is, the greater the probability that the relationship between two variables is not a consequence of chance.

Sample size

In the three rounds of data collection, a total of 137 individuals were interviewed; 8, 80 and 49 respondents respectively in each round. In the first round – the pilot – the respondents were evenly divided between male and female respondents. In the second round, 38 males and 42 females were interviewed, while in the final round 26 males and 23 females were interviewed. In total, 68 males and 69 females were interviewed.

However, from the 137 interviews, only 128 cases were selected for the analysis. Nine individuals were removed from the sample as eight people were visiting Thailand and had not undertaken any work while in the country, and one person had been imprisoned for five years after being accused of drug trafficking. Of the nine cases eliminated, all but one were females.

Figure 1: Sample by sector of employment and sex



Note: One respondent did not specify his/her sector of employment, thereby limiting this table to 127 respondents.

Data limitations

With 128 cases, representing 0.5 per cent of the Lao deportees who passed through this crossing in 2011-2012, the sample size is small and unlikely to represent the experiences of the overall population of Lao irregular migrant workers deported from Thailand via the Wang Tao-Chong Mek border crossing; or indeed of Lao migrant workers in Thailand more broadly. For example, in the sample no respondent indicated that they were working on fishing boats or were involved in sex work, two industries that are known to employ Lao migrants.[25, 26] Further, no female respondents indicated that they were working in agriculture, a sector that does employ females from Lao PDR.

Another data limitation is that the data collection process, by virtue of its location, had a specific geographical bias towards irregular migrants from the south of Lao PDR, and in particular, towards migrants coming from Champassak Province, where Wang Tao is located. The Wang Tao-Chong Mek international border crossing is one of a number of border crossings where Lao irregular migrants are returned from Thailand. Thai authorities tend to send irregular migrants back to a crossing close to their home province. In this study, all but two respondents were from the south of Lao PDR.[27]

Despite efforts to randomly interview respondents, the final sample under-sampled male deportees and consequently over-sampled female deportees. Between October 2011 and September 2012, according to immigration figures, the proportion of male deportees was 60.8 per cent and 39.2 per cent for the females. This compares to 52.3 and 47.7 per cent for the male and female respondents respectively in the research sample *(Table 1)*.

[25] Huguet, J., A. Chamratrithirong, et al. (2011). Thailand Migration Profile. Thailand Migration Report 2011. J. Huguet and A. Chamratrithirong. Bangkok, International Organization for Migration: 7-15.
[26] Lyttleton, C. (2014). Intimate Economies of Development: Mobility, Sexuality and Health in Asia. London and New York, Routledge (Forthcoming in April).
[27] Huguet, J., A. Chamratrithirong, et al. (2011). Thailand Migration Profile. Thailand Migration Report 2011. J. Huguet and A. Chamratrithirong. Bangkok, International Organization for Migration: 7-15.

Table 1: Number of Lao deportees at the Wang Tao border crossing between October 2011 to September 2012[28] and sample size

Year	Male Deportees		Female Deportees		Total Deportees	Sample	Males		Female	
	N	%	N	%			N	%	N	%
2011-12	25,823	63.2	15,057	36.8	40,880	128	67	52.3	61	47.7

Lao PDR is a multi-ethnic society with numerous minority groups speaking their own languages. Unfortunately, the questionnaire did not seek out details of the respondents' ethnic background or what their mother tongue was. Given that spoken Lao and Thai are so similar, it is likely that Lao migrants in Thailand will be better able to communicate with Thai employers compared to other migrant groups, thus potentially providing them some protection against exploitation and human trafficking. However, this would not be the case for all migrants from Lao PDR given the ethnic makeup of the country. The study is unable to tell if all, or how many, of the respondents were native Lao speakers.

It is possible that some of the respondents may have exaggerated while describing their situation in order to make their story more compelling, with the belief that they might receive some benefit from the interviewers. On the other hand, the respondents may have toned down their stories out of fear that interviewers had some form of connection with the Lao authorities.

The Wang Tao study data were all collected in 2013, giving us one reference point. This is not a weakness in this study, but if, in the future, there are further data collection rounds, such as with the 2015 Poipet study, comparisons would determine if the lives and experiences of Lao migrants deported from Thailand are improving and whether the problem of human trafficking is changing or not.

It must be stressed that this report is not in a position to determine exactly who was and who was not trafficked. The information provided by the survey respondents are self-reports, and their statements – both positive and negative – have not been triangulated. Further, what one respondent rates as being exploitative working conditions, say in the service industry, may not be rated as such by someone working in agriculture. Nevertheless, the data provided in the surveys lend valuable insights, both positive and negative, into the lives of Lao irregular migrant workers prior to and during their stays in Thailand.

[28] UNIAP Lao Office (2013). Migration and Deportation Statistics from the Champassak Immigration Office. Vientiane: 2.

PART II: FINDINGS

Background of the respondents

Sex structure of the respondents

Of the 128 people in the final sample, 67 were males (52 per cent) and 61 were females (48 per cent). As noted above, the sample's sex divide was not representative of Lao deportees at the Wang Tao – Chong Mek crossing.

Age structure of the respondents

The majority of respondents in the survey were aged between 18 and 29, accounting for three quarters of the male respondents and nearly two thirds of the female respondents *(Figure 2)*. There was no statistically significant difference between the sexes in terms of their age structure. Nevertheless, 15 per cent of the female respondents were girls (under the age of 18), while 3 per cent of the males were boys.

The age structure of the Lao respondents was similar to the Khmer respondents in the 2015 Poipet study. In the 2012 survey of that study, children accounted for 2.5 per cent, those aged 18 to 29 accounted for 77 per cent and those 30 and older accounted for 20.5 per cent of the respondents. In the 2015 Poipet study, children aged less than 16 were not interviewed.[29]

Education levels of the respondents

The respondents in the survey tended to have limited education. Only 22 per cent of male respondents and 20 per cent of the female respondents had either entered or completed secondary education *(Figure 3)*. There was no statistically significant difference between the sexes and their educational levels, even though 13 per cent of males and 26 per cent of the females had no education.

Figure 2: Age by sex

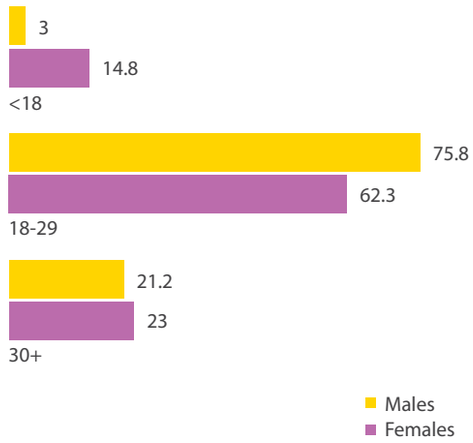
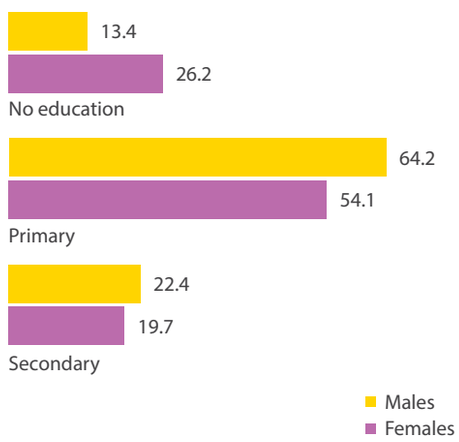


Figure 3: Education by sex



[29] In the Lao sample, the youngest respondent interviewed was 13 years of age.

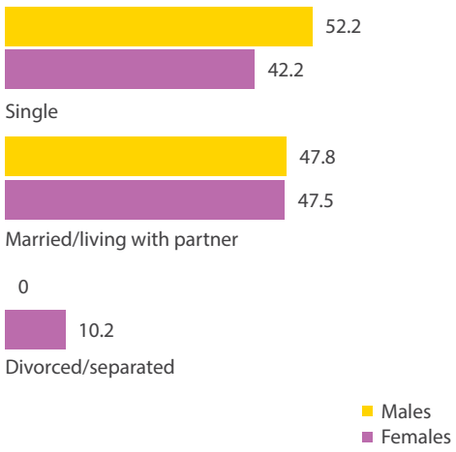
The Lao respondents were not as well educated as the Khmer respondents in the 2015 Poipet study. In that study's 2012 sample, 12 per cent of the Khmer respondents had no education while close to half of them had at least entered secondary education.

Marital status of the respondents

There was a statistically significant difference between the sexes and their marital status. More males than females were single (52 and 42 per cent respectively), while all the respondents who were divorced or separated were females (10 per cent) *(Figure 4)*. The proportion of respondents who were married was 48 per cent, and the same for both males and females.

The marital status of the respondents was very similar to the Khmer respondents in the 2015 Poipet study. In that study's 2012 sample, 56 per cent of the male and 41 per cent of the female respondents were single; 43 and 52 per cent of them were married or living with a partner; and less than 1 per cent of the males and 7 per cent of the females were divorced or separated.

Figure 4: Marital status by sex

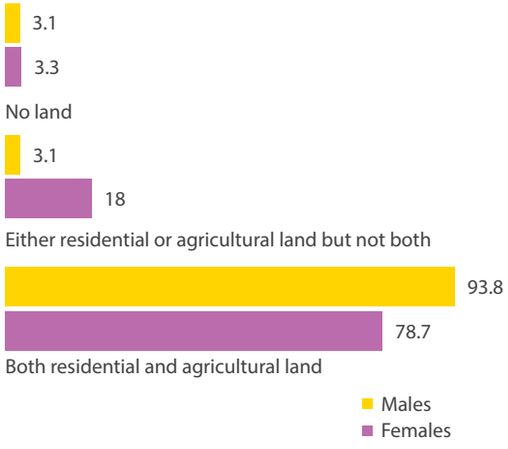


Land ownership

There was a statistically significant difference between the sexes as to whether they owned land or not (p=.022). Most male respondents indicated they owned both residential and agricultural land (94 per cent), while under 80 per cent of the females were in this position *(Figure 5)*. The same proportion of male and female respondents owned no land (a total of four cases). A greater proportion of female respondents (18 per cent) owned either residential or agriculture land, but not both, compared to male respondents (3 per cent).

It is likely that some respondents had problems answering the question, whether they owned land or not. A possible confusion might be what ownership meant – whether it meant someone in the family owned land or whether the question was directed at the individual. Of the 11 children interviewed for the study, only two indicated that they did not own land, thus suggesting that the other children answered affirmatively if someone else in the family, say a parent, owned land.

Figure 5: Land ownership in Lao PDR by sex



Quality of life in Lao PDR before migrating

The majority of respondents rated their quality of life in Lao PDR before migrating as being fair to good.[30] The female respondents rated their quality of life higher than their male counterparts, with 81 per cent rating it as fair to good compared to 77 per cent for the males *(Figure 6)*. Nevertheless, this difference was not statistically significant.

In terms of age, it was those aged 30 or older who, on average, perceived their quality of life in Lao PDR to be the best. Children had the next best quality of life rating, followed last by those aged 18 to 29. These differences in perceived quality of life, however, were not statistically significant.

The respondents rated their quality of life in Lao PDR higher than the Khmer respondents of the 2015 Poipet study in Cambodia. In that study's 2012 sample, only 43 per cent of the respondents rated the quality of life in Cambodia as fair to good.

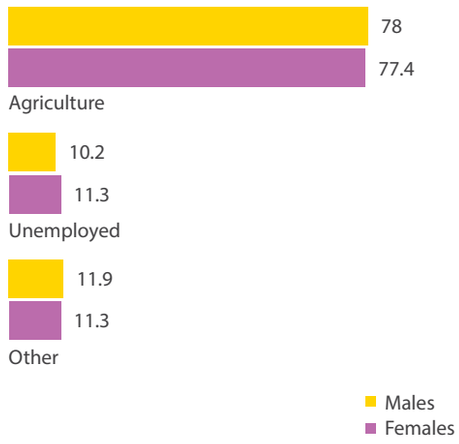
What work they were doing in Lao PDR before migrating to Thailand

The majority of respondents, just under 80 per cent of both male and female respondents, worked in agriculture before migrating to Thailand *(Figure 7)*. All of those working in agriculture were subsistence farmers, not earning a wage. The next biggest group were those who were unemployed.

[30] In the survey questionnaire, the respondents were asked to rate their quality of life on a five-point scale of very poor, poor, fair, good and very good. For this report, the rating was converted into a two-point scale of poor and fair to good.

Figure 6: Percentage of respondents indicating that their quality of life in Lao PDR pre-migrating was fair to good by sex

Figure 7: The respondents' employment status before migrating to Thailand by sex

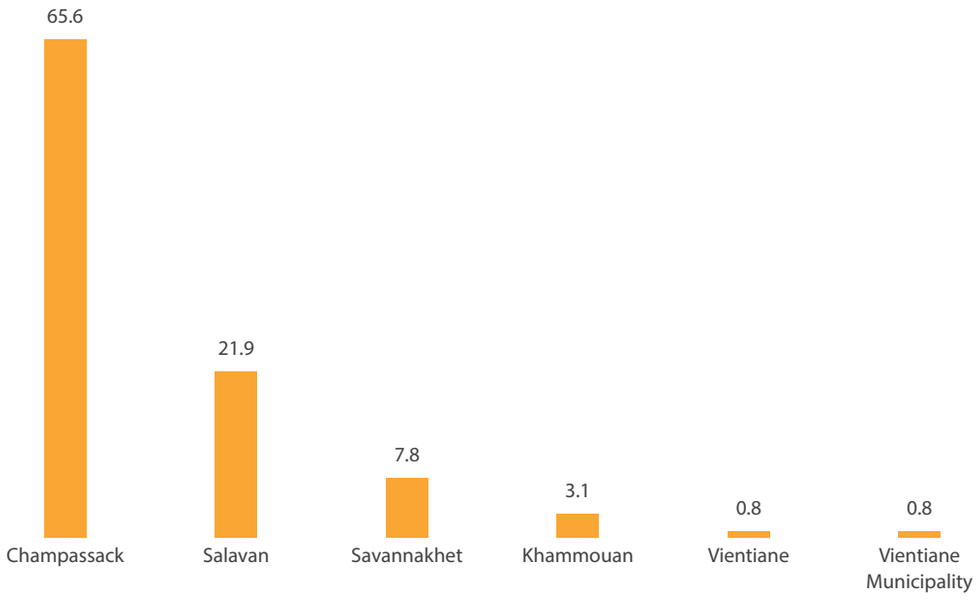


This was followed by respondents working in a category called 'other', which includes construction, domestic, factory and service work. These respondents, unlike those working in agriculture, received a wage for their labour. Some of them may have worked in Thailand in an earlier migration and thus were not referring to their last job in Lao PDR.

Where the respondents were from within Lao PDR

All but two of the respondents came from the south of Lao PDR. *Figure 8* shows that the majority of the respondents were originally from Champassak province, followed by Salavan and Savannakhet provinces. Of the two individuals who were not from the south of the country, one was from Vientiane province and the other was from Vientiane municipality.

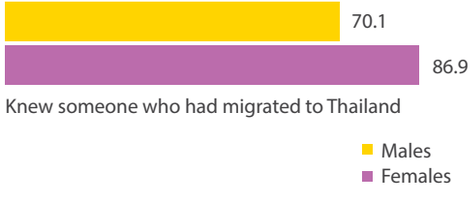
Figure 8: Home province of the respondents



Knowing anyone who had migrated to Thailand

Before migrating to Thailand on their last visit to the country, the majority of the respondents knew of other people who had already made the journey to Thailand. This was the case for 70 per cent of the male respondents and nearly 90 per cent of the female respondents *(Figure 9)*. The difference was statistically significant (p=.022).

Figure 9: Percentage of respondents knowing someone who had migrated to Thailand before they migrated by sex



It is unclear why female respondents were more aware than their male counterparts about others migrating to Thailand. It could simply be that these females were more likely to have family members who have already migrated; or it may reflect that a greater proportion of the female respondents had previously travelled to Thailand compared to the males (see below); or it could be that they used a different migration strategy of seeking out others who had migrated to learn about possible risks and benefits, while the male respondents gained this information through other means, or felt they did not need such information.

Knowing and hence being able to ask someone who had already migrated to Thailand about their experiences there might be a protective factor against ending up in exploitative working conditions. However, it is not possible to determine from the data if knowing someone who had migrated to Thailand simply means that the respondent is aware of someone having left the village, or that they have actually talked to this person about their migration experiences.

A similar proportion of Khmer respondents in the 2015 Poipet study knew of others who had migrated to Thailand. In that study's 2012 sample, 82 per cent of the Khmers knew of someone who had migrated to Thailand before they embarked on their journey.

Had migrated to Thailand previously

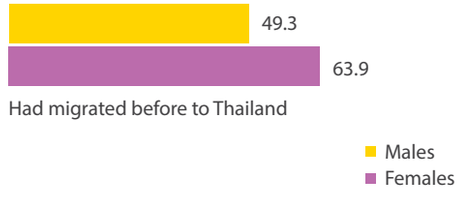
Data collectors indicated there were problems when they asked respondents how many times they had migrated to Thailand before their latest trip. Some respondents were not sure whether to include the time they had just been to Thailand or not, despite the wording of the question.

A counter-intuitive response to this question was that more of the children indicated that they had been to Thailand previously compared to the other two age groups. This was the case for 64 per cent of them, compared to 57 per cent of those aged 18 to 29 and only 50 per cent of those aged 30 and older. Although the data suggests younger respondents were more likely to have travelled to Thailand, the differences between the age groups were not statistically significant.

A greater proportion of the female respondents compared to the male respondents had previously migrated to Thailand. This was the case for 64 per cent of the females and just under 50 per cent of the males *(Figure 10)*. Nevertheless, this difference was not statistically significant.

The Lao respondents were more likely to have previously migrated to Thailand compared to the Khmer respondents in the 2015 Poipet study. In that study's 2012 sample, only 35 per cent of them had previously been to Thailand.

Figure 10: Percentage of respondents who had previously migrated to Thailand by sex



Journey to Thailand

There was a strong seasonal pattern in the movement of the respondents from Lao PDR to Thailand in this sample. The majority of the respondents left for Thailand during four months: January, February, April and May, accounting for 77 per cent of all migration *(Figure 11)*. In March, which falls in the middle of these four months, very few respondents migrated to Thailand.

A possible explanation for this is that the respondents wanted to celebrate the Lao New Year (in April) at home and thus did not migrate the month beforehand. But, by the second week of April, once the New Year celebration was over, they started to migrate again. In addition, the broader seasonal migration patterns identified may also have been influenced by the period of interviewing, which largely took place in May and July (with a few pilot interviews conducted in March).

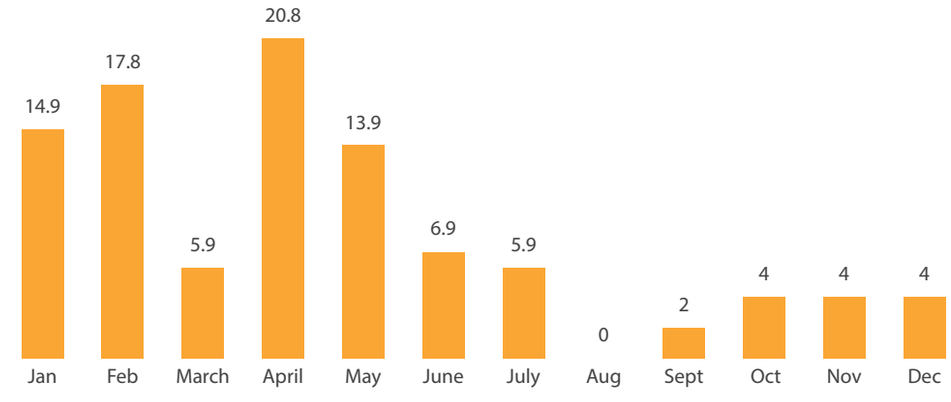
Using brokers to get to the Lao-Thai border

Male respondents were more likely than female respondents to use a broker to get to the Lao-Thai border. Twenty-one per cent of the males used a broker for this purpose compared to 8 per cent of the females *(Figure 12)*. This difference was statistically significant (p=.044).

The oldest age group, those aged 30 and older, were the least likely to use a broker, with only one of the 28 respondents using this service to get to the border (4 per cent), while for the children and those aged 18 to 29, 18 per cent of both groups used a broker. However, these differences were not statistically significant.

There was a statistically significant difference in whether or not the respondents used a broker to get to the border and the type of work they did in Thailand (p=.020) *(Figure 12)*. Getting to the border, 60 per cent (representing only three cases though) of those who worked in agriculture used a broker. This compares to 20 per cent for those who worked in factories and less than 10 per cent of the other occupations.

Figure 11: In which month the respondents migrated to Thailand



In comparison to the Khmer respondents, the Laotians were less likely to use a broker to get to the border. In the 2012 survey of the 2015 Poipet study, close to 60 per cent of the respondents used a broker to get to the border. One possible reason for this difference is that the Lao respondents on average had a shorter distance to get to the border compared to the Khmer respondents.

Using brokers to get from the border to their final destination

To get from the border to their destination in Thailand, just under a quarter of both male and female respondents used a broker *(Figure 12)*. There was no statistically relevant difference in whether they used a broker to get to their final destination based on their sex, age or the type of work they undertook in Thailand *(Figure 13)*.

The Lao respondents were also less likely to use a broker to get to their final destination compared to the Khmer respondents in the 2012 survey of the 2015 Poipet study, in which 63 per cent of the Khmer respondents used a broker to get to their final destination. A possible explanation for this difference is that the Lao respondents, with a greater ability to speak and understand Thai compared to the Khmers, were able to travel without assistance.

Figure 12: Percentage of respondents using brokers by sex

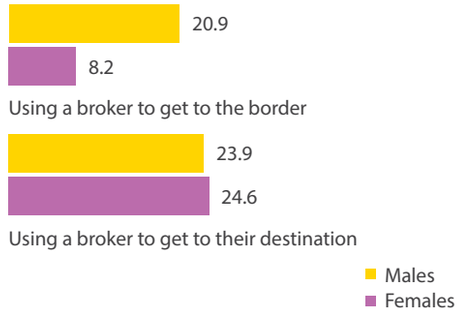


Figure 13: Percentage of respondents using brokers by industry in Thailand

Cost of getting to their workplaces in Thailand

Migrating to their place of employment the respondents had a range of costs including transport and broker fees. The average cost per person was 2,827 baht; these costs were very similar for the two sexes, i.e. 2,826 baht for males and 2,829 baht for females *(Figure 14)*.

The average cost is lower than what the Khmer respondents paid on average in the 2012 sample of the 2015 Poipet study. Their average cost was just over 3,000 baht in that year. In the three survey rounds of the 2015 Poipet study, it was the male respondents who, on average, paid more than the female respondents.

On average, those who worked in agriculture paid the most to reach their destination in Thailand, with a figure of 3,900 baht per person *(Figure 15)*. This was followed by domestic workers who paid on average over 3,100 baht. The group that paid the least on average were construction workers who paid just under 2,400 baht per person. These differences in payments were not statistically significant.

The cost of getting to their place of employment equals their salary for about half a month of work in Thailand. As discussed below, the average monthly income while working in Thailand was over 6,800 baht per month, and the group who was receiving the least amount of money on average was the domestic workers, earning 6,267 baht per month.

Figure 14: Mean cost (Baht) to get to their destination by sex

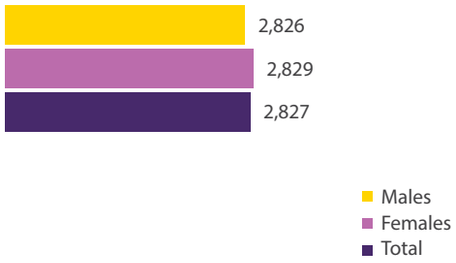
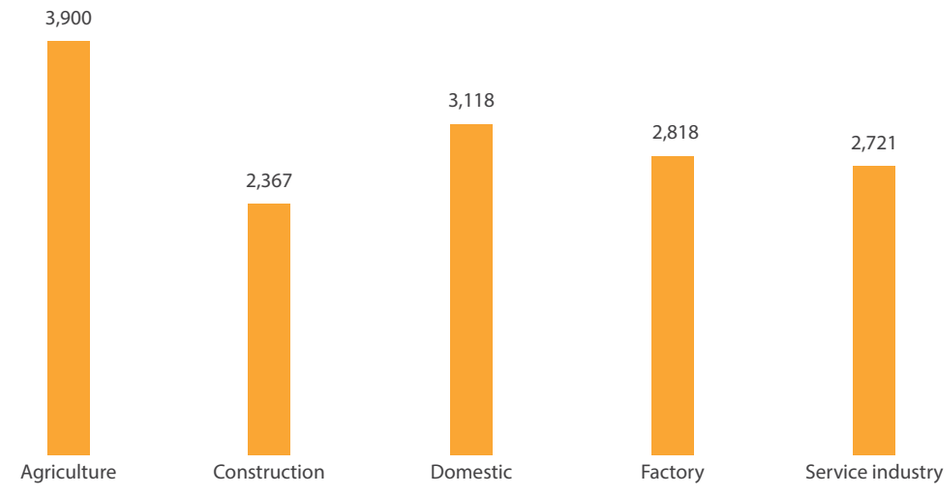


Figure 15: Mean cost (Baht) to get to their destination by employment



Living and working conditions in Thailand

This section of the report reviews the respondents' connections back to Lao PDR while in Thailand, whether they were regular or irregular migrants, how long the respondents on average stayed in Thailand, their quality of life while in Thailand and the type of work they undertook along with their working conditions. The latter includes the number of hours and days they worked, their salary, whether they got paid or not, what deductions were made and their attitudes about their bosses, levels of violence and safety in the workplace, levels of freedom of movement at work, and other aspects of working conditions.

Connection back to Lao PDR

While in Thailand, the majority of the respondents sent remittances to their families back home in Lao PDR at least once. This was the case for over three quarters of both male and female respondents *(Figure 16)*. There was no statistically significant difference between those sending remittances by age, marital status or what type of employment they had.

Of the 47 respondents who gave details of how they sent money back, 46 stated they used a bank to do so. Usually it was their own or a family member's bank account, while in some instances it was a fellow villager who had the account and passed the money on to whom it was sent to. The one respondent who indicated that she did not use a bank stated that she gave the money to her employer who then sent it to Lao PDR for her. It is unclear how the employer sent the money.

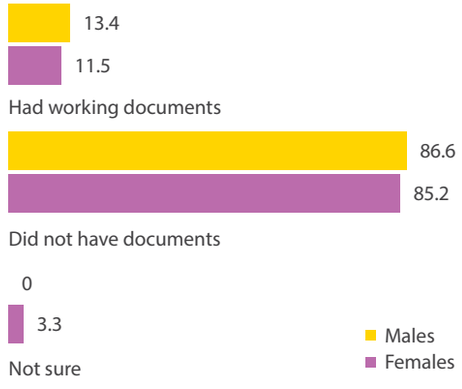
Figure 16: Percentage of respondents who had sent remittances back to Lao PDR while working in Thailand by sex

Registered or not

The majority of the respondents were irregular migrant workers in Thailand, while around 12 per cent indicated that they had the required working documents *(Figure 17)*. There was no statistically significant difference between the sexes in relation to whether they reported having working documents or not.

In addition, there was no statistically significant difference between those claiming to have such documents and those who did not, and how they left Thailand; both groups were equally likely to have decided to leave the country on their own accord or to have been caught in a raid.

Figure 17: Percentage of respondents indicating that they had registration papers to work in Thailand by sex



It is unclear from the data why those claiming to have working documents were deported; further research is needed to explain this phenomenon.

It is interesting to note that three respondents indicated that they were returning to Lao PDR because their employers had requested them to obtain the necessary paperwork to make them regular workers, but they were detained for not having the required working documents before they managed to cross the border.

Fewer of the Lao respondents indicated they had proper working documents compared to the Khmer respondents in the 2012 sample of the 2015 Poipet study. In that year, 17 per cent of the Khmers indicated that they had the necessary documents. However, in the previous two rounds, in 2009 and 2010, only around 4 per cent of them indicated that they had the required documents.

Length of time the respondents spent in Thailand

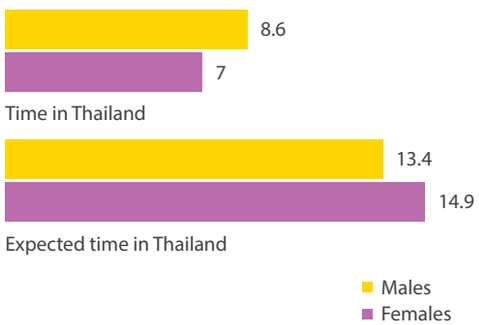
The average time the respondents spent in Thailand was 7.9 months. Male respondents on average spent a longer time in Thailand – 8.6 months compared to 7 months for the female respondents *(Figure 18)*. However, this difference was not statistically significant. Only 4 per cent of the respondents had stayed in Thailand for two years or longer, 35 per cent of them spent three or less months in the country.

Although the females on average spent less time in Thailand than the males, they had expected to spend longer there. On average, the female respondents expected to spend just under 15 months, while the male respondents expected to be in Thailand for around 13 months. This difference was not statistically significant.

The Lao respondents, on average, spent longer in Thailand than the Khmer respondents in the 2015 Poipet study. In that study's 2012 sample, the average time in Thailand was under 5 months. In addition, the time the Khmer respondents had expected to stay in the country was over 11 months in 2012, but in the 2009 and 2010 surveys the expected time was over 15 and 13 months respectively.

Further research is needed to determine why both the Lao and Khmer respondents are spending such a short time in Thailand, particularly in comparison to how long they expected to be in the country. As the data collected for this research suggests, not all of these respondents are being forced back to their countries. Rather, many are deciding for one reason or another it is time to return home, and are then often arrested on the way back and deported.

Figure 18: Mean number of months and expected number of months in Thailand by sex



Employment in Thailand

The majority of the respondents worked in factories (39 per cent) followed by the service industry (33 per cent) and then the construction industry (14 per cent) *(Figure 19)*. In addition, there were 12 individuals, one male (2 per cent) and 11 females (18 per cent) working as domestic workers. The Lao government does not authorize labour migration to Thailand for domestic work, meaning that Lao migrants doing this work will inevitably be irregular in their status. Finally, there were five males working in agriculture, accounting for 4 per cent of the total respondents' workforce.

The female respondents were more likely to be domestic workers or working in factories than the male respondents, while the male respondents were more likely to be employed in agriculture, construction or in the service industry. The differences were statistically significant (p=.004).

Unlike for sex, there was no statistically significant difference between the age of the respondents and the type of work they undertook in Thailand. Despite this, it is important to note that there was only one child employed in domestic work *(Figure 20)*, which is of interest seeing reports of domestic work being an important source of work for Lao girls in Thailand.[31]

Figure 19: Percentage of respondents by industry and sex

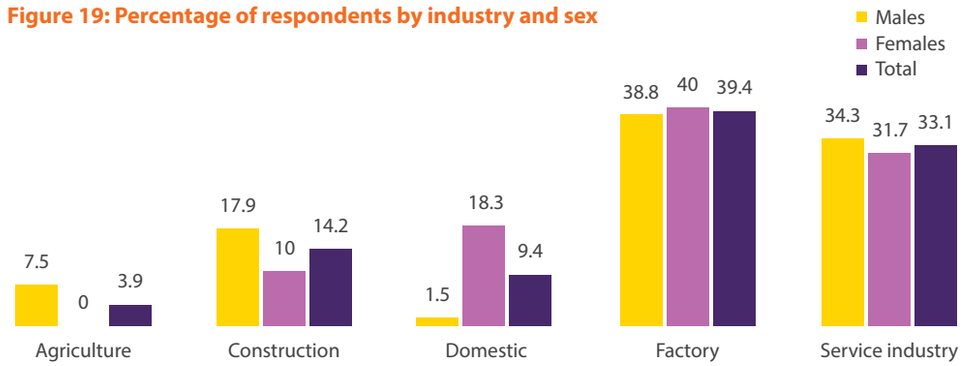
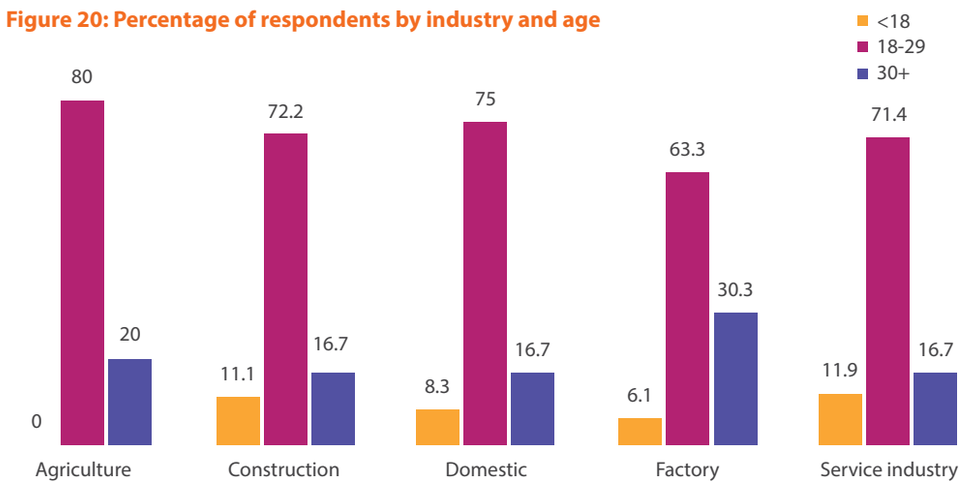


Figure 20: Percentage of respondents by industry and age



[31] For example see Huijsmans, R. and S. Baker (2009). Child Trafficking: Worst forms of child labour, or worst approach to child migrants? Easier Said Than Done: 20 years of children's rights between law and practice, London.

There are differences between the types of work the Lao and the Khmer respondents undertook in Thailand. For the Khmers, the most common work was construction, with 55 per cent of them doing this in 2012. This was followed by farming, accounting for 16 per cent, and then factory work with 15 per cent. Those working on fishing boats – the group that experienced the worst working conditions – accounted for 7 per cent of the sample. Domestic work accounted for 4 per cent, and only 3 per cent were engaged in the service industry (the second largest sector for the Lao respondents).

A factor influencing the type of work the Lao and Khmer respondents undertake in Thailand would be language skills. Being able to speak Thai is likely to influence the opportunities to work in a range of service positions, explaining the difference of 33 per cent of Lao respondents compared to 3 per cent of Khmers doing this work.

Number of hours worked per day

There was a statistically significant difference between the number of hours worked by the male and female respondents (p=.006). Among the female respondents, about 33 per cent of them worked 12 or more hours a day, compared to 15 per cent of the male respondents *(Figure 21)*. The male respondents were more likely to work eight or fewer hours per day, with 43 per cent of them doing so compared to 20 per cent of the females.

It was the domestic sector that accounted for the greatest proportion of respondents who worked 12 hours or more per day, with half of the respondents in the sector doing so *(Figure 22)*. Of the 12 domestic workers in the survey, 11 of them were females. Among the respondents working in the construction industry, not one of them indicated that they worked 12 hours or more. These differences were statistically significant (p=.018).

Figure 21: Hours worked per day by sex

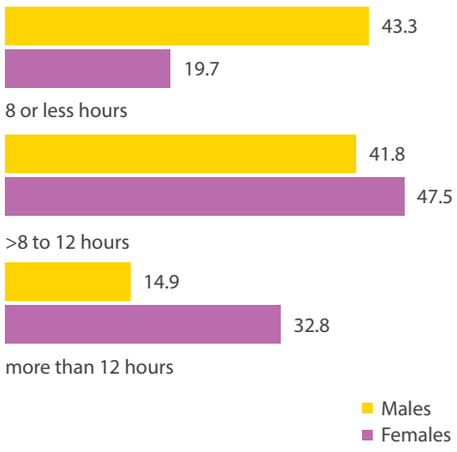
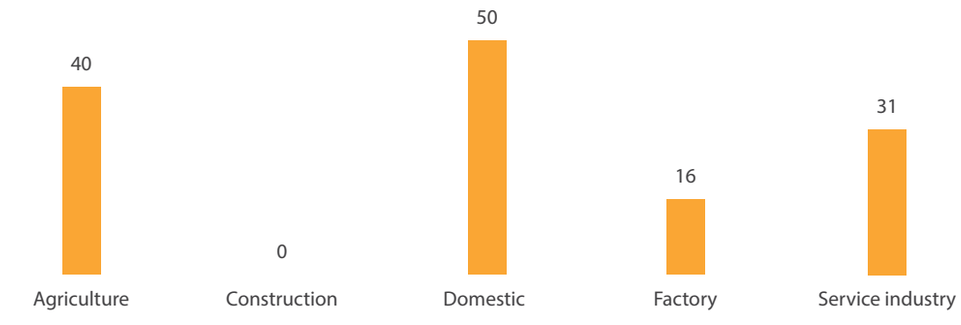


Figure 22: Percentage of respondents working more than 12 hours per day by industry



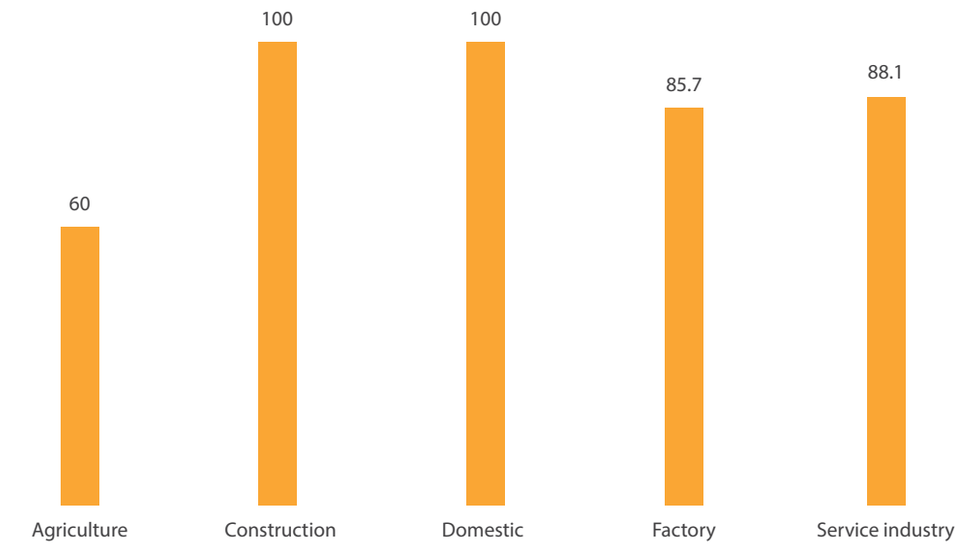
The respondents were asked to rate their satisfaction with the working hours. There was no statistical difference between male and female respondents, with close to 90 per cent of both groups rating the hours worked as fair to good *(Figure 23)*.

All of the respondents who worked in construction or as domestic workers rated the hours worked as fair to good *(Figure 24)*. A majority of those who worked in the service industry, and those in factories, also rated the hours they worked positively, with 89 and 85 per cent, respectively. Only 60 per cent of the respondents working in agriculture rated their working hours as fair to good. These differences were not statistically significant.

There was a correlation between working fewer hours and rating working hours positively (p<.001). All of the respondents who worked eight or fewer hours per day felt positive about their hours of employment. Of those working nine to 12 hours per day, 93 per cent rated their hours as fair to good. However, among those working 12 or more hours per day, 67 per cent rated this as positive. Those working the longest hours and who were still positive about their hours of employment may have felt this way because they were able to earn more money.

Figure 23: Percentage of respondents rating the number of hours they worked as fair to good by sex

Figure 24: Percentage of respondents rating their hours worked as fair to good by industry



Number of days worked per week

Although a greater proportion of the female respondents worked 12 hours or more per day compared with the male respondents, in terms of days worked per week the pattern was reversed. Among the male respondents, close to 70 per cent worked seven days a week, compared to 55 per cent of the females. However, this difference was not statistically significant. All but one of the respondents worked at least six days a week while in Thailand *(Figure 25)*.

The respondents were not asked how they would rate the number of days worked per week. Thus, it is not possible to determine if they were pleased that they were working so many days a week, or whether they felt overworked.

Respondents working in the construction industry were the most likely to be working seven days per week, with 82 per cent of them doing so *(Figure 26)*. This is the same industry that had no one working 12 hours or more per day. The next sector with the most respondents working seven days a week, i.e. 80 per cent, was agriculture. This was followed by the service industry with 74 per cent working seven days per week. The employment that had the smallest proportion of respondents working seven days per week was factory work, with only 40 per cent doing so. These differences were statistically significant (p=.008).

Figure 25: Percentage of respondents working 5 or less, 6 or 7 days per week by sex

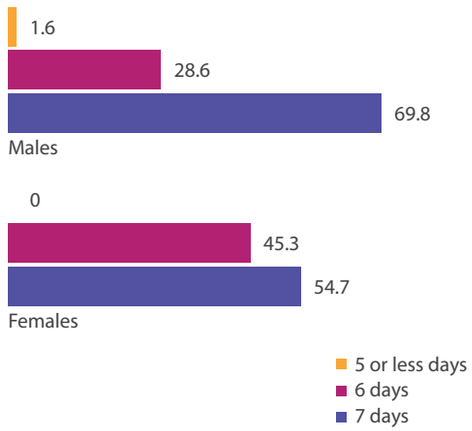
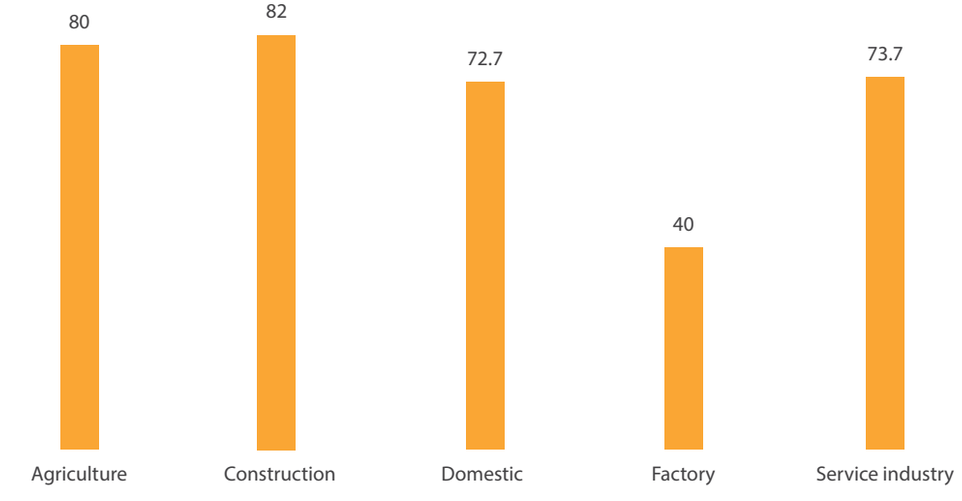


Figure 26: Percentage of respondents working seven days per week by industry



Salary

On average, the respondents earned 6,864 baht per month. Male respondents on average earned 7,066 baht, while female respondents earned 6,637 baht a month. This difference was not statistically significant. Workers in the construction industry earned the most, on average 7,317 baht, while domestic workers earned the least, with 6,267 baht on average per month. These differences were also not statistically significant *(Figure 27)*.

The Lao respondents on average received more than twice what the Khmer respondents received. In the 2012 sample of the 2015 Poipet study, the average monthly income was 3,344 baht. As noted already, the Lao respondents' Thai language skills would have made them more employable compared to the Khmers, potentially contributing to the wage difference between the two groups.

Not being paid

Eighty-eight per cent of the respondents indicated that they received their wages on time, while 6 per cent stated that they received their payments, but with a delay *(Figure 28)*. A further 6 per cent (seven cases) stated that they never received their payments. Of the seven people who did not get paid:

- One was not paid because she borrowed 1,000 baht from her employer when her husband was sick. She stayed in her position for less than 10 days and returned to Lao PDR to take care of her husband.
- Two did not get paid as their employers had paid their brokers and required the workers to pay back the debt before receiving their wage. One of these two escaped from his employment because it was so exploitative, while the second left his job independently.
- Four stated they were arrested in raids before their employer paid them. All of these four had been in their employment for only a month or less.

Figure 27: Mean monthly salary by employment

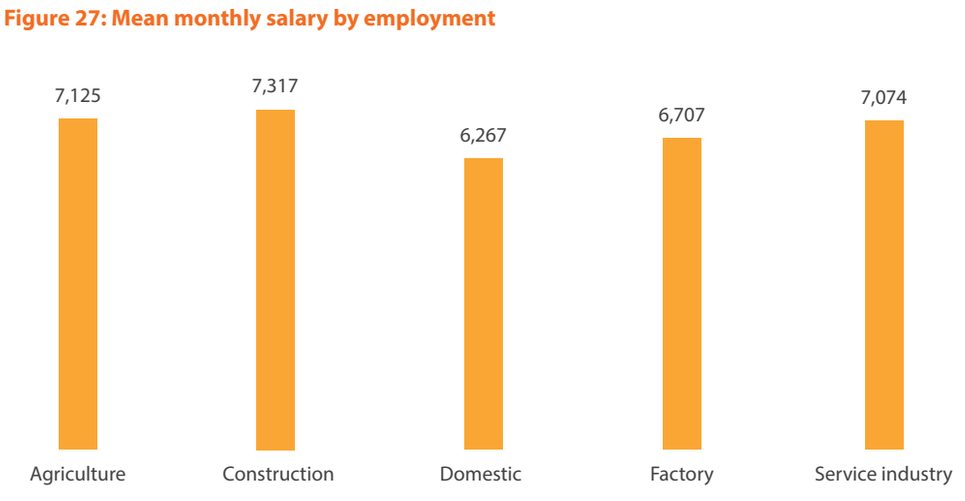
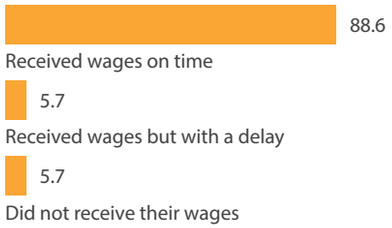


Figure 28: Percentage of respondents getting paid or not



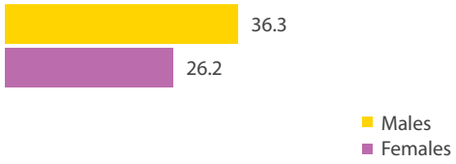
There was no statistically significant difference between the male and female respondents as to whether they had received their wages or not. Similarly, there was no such difference between the type of work they undertook in Thailand and whether they got paid or not.

The Lao respondents were more likely to receive their wages compared to the Khmer respondents in the 2015 Poipet study. Among the Khmers, 30 per cent did not receive their wages in 2009. This improved to 28 per cent in 2010, and further to 11 per cent in 2012.

Salary deductions

Forty-one of the respondents (32 per cent) had deductions taken from their salary *(Figure 29)*. More males than females paid deductions, with 37 per cent of males doing so compared to 27 per cent of the females. This difference was not statistically significant.

Figure 29: Percentage of respondents who had deductions from their salary by sex

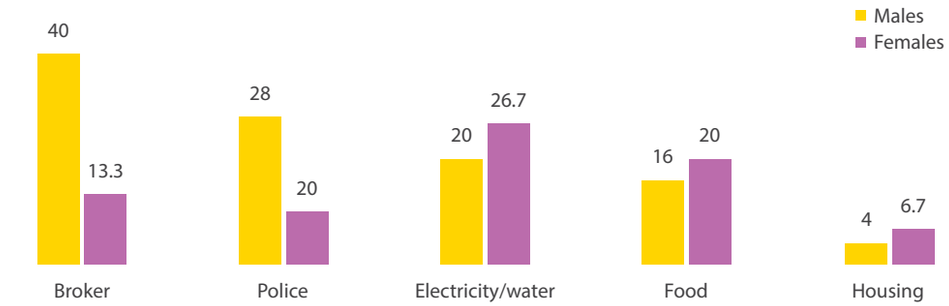


In comparison with the Khmer respondents in the 2015 Poipet study, the Lao respondents were less likely to have deductions taken from their salary. In 2012, 56 per cent of the Khmer respondents had deductions.

The average monthly cost of these deductions was 1,084 baht for the males and 1,338 baht for the females. This difference was not statistically significant. Among the 25 male respondents who paid deductions out of their salary, the most common cost was for brokers with 40 per cent paying for this *(Figure 30)*. This was followed by fees to the police, which 28 per cent of male respondents with deductions paid for. For the 15 females who indicated that deductions were taken from their salary, the most common fee was for electricity/water, accounting for 27 per cent of respondents, followed by fees for the police and for food, both accounting for 20 per cent. None of these differences noted above between the sexes was statistically significant.

The research is not in a position to verify if the money allegedly deducted by the employer to pay the police or other costs was in fact used for such purposes.

Figure 30: For the respondents who had deductions from their salary, what the deductions were for by sex



Bosses[32]

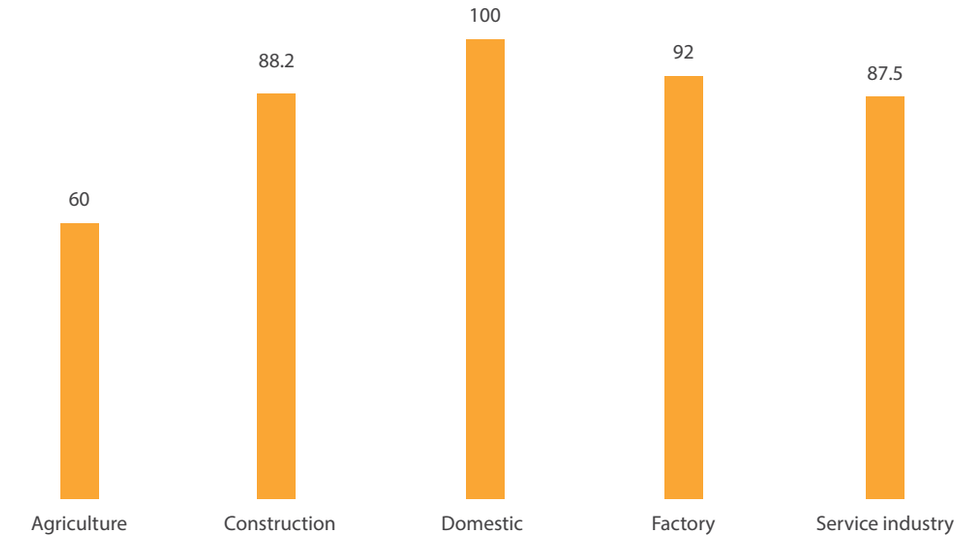
Overall a majority of the respondents rated their bosses in a positive light. Just under 90 per cent of the male respondents rated their bosses as such, and just over 90 per cent of the female respondents did so too *(Figure 31)*. This difference was not statistically significant.

Respondents working as domestic workers rated their bosses as the best, with all of them having a favourable view *(Figure 32)*. This was followed by those working in factories, with 92 per cent having favourable views of their bosses. Just under 90 per cent of the respondents working in construction and in the service industry rated their bosses favourably. In agriculture, three of the five respondents rated their bosses favourably (60 per cent). These differences were not statistically significant.

[32]In the survey questionnaire, the respondents were asked to rate their bosses on a five-point scale of very poor, poor, fair, good and very good. For this report, the rating was converted into a two-point scale of poor and fair to good.

Figure 31: Percentage of respondents rating their bosses as fair to good by sex

Figure 32: Proportion of respondents rating their bosses as fair to good by industry



The Lao respondents and the Khmer respondents in the 2012 survey of the 2015 Poipet study rated their bosses similarly, with around 90 per cent in both studies being positive about their bosses. However, in the 2009 survey only 71 per cent of the Khmer respondents had such positive views, while in 2010 the figure was 79 per cent.

Working conditions[33]

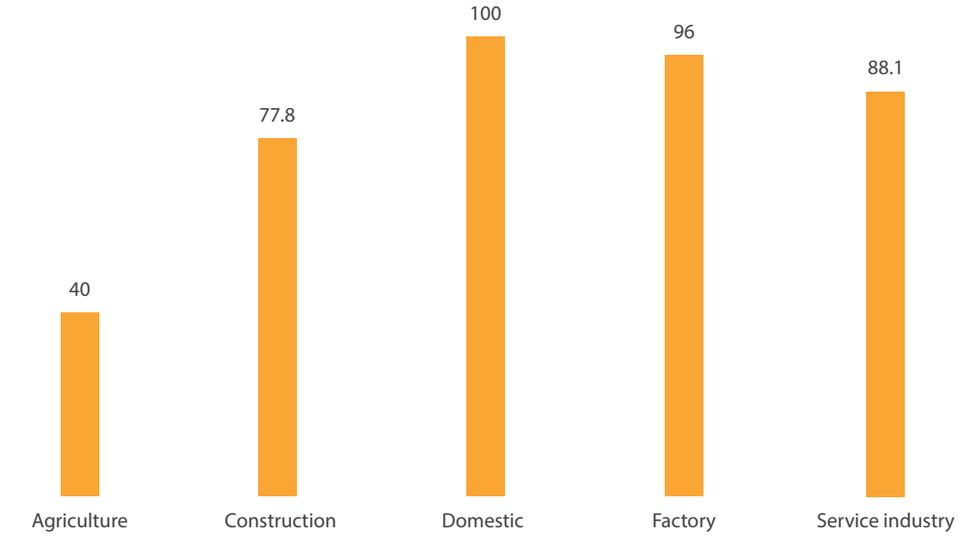
The majority of the respondents also rated their working conditions favourably. Among male respondents, 85 per cent indicated that they had fair to good working conditions *(Figure 33)*. A greater proportion of the females compared to the males rated their work as fair to good, with 93 per cent doing so. This difference was not statistically significant.

[33]In the survey questionnaire, the respondents were asked to rate their working conditions on a five-point scale of very poor, poor, fair, good and very good. For this report, the rating was converted into a two-point scale of poor and fair to good.

Figure 33: Percentage of respondents rating their work as fair to good by sex

Despite the long working hours (noted above), domestic workers rated their working conditions as the best, with 100 per cent saying their conditions were fair to good *(Figure 34)*. Also, nearly all the respondents working in factories rated their working conditions favourably with 96 per cent doing so. Close to 90 per cent of those working in the service industry rated their working conditions favourably. However, only 40 per cent (two out of five cases) of the respondents working in agriculture had positive views about their working conditions. These differences were statistically significant (p=.001).

Figure 34: Percentage of respondents rating their working conditions as fair to good by industry



Like the ratings of their bosses, the Lao respondents and the Khmers in the 2012 survey of the 2015 Poipet survey had similar views about their working conditions, with around 90 per cent of the two groups having positive views. However, in both 2009 and 2010 surveys, only around 70 per cent of the Khmers had such positive opinions.

Violence[34]

Overall, the majority of respondents rated the level of violence as fine or non-existent. This was the case for 91 per cent of the male respondents and 95 per cent of the female respondents *(Figure 35)*. The difference was not statistically significant.

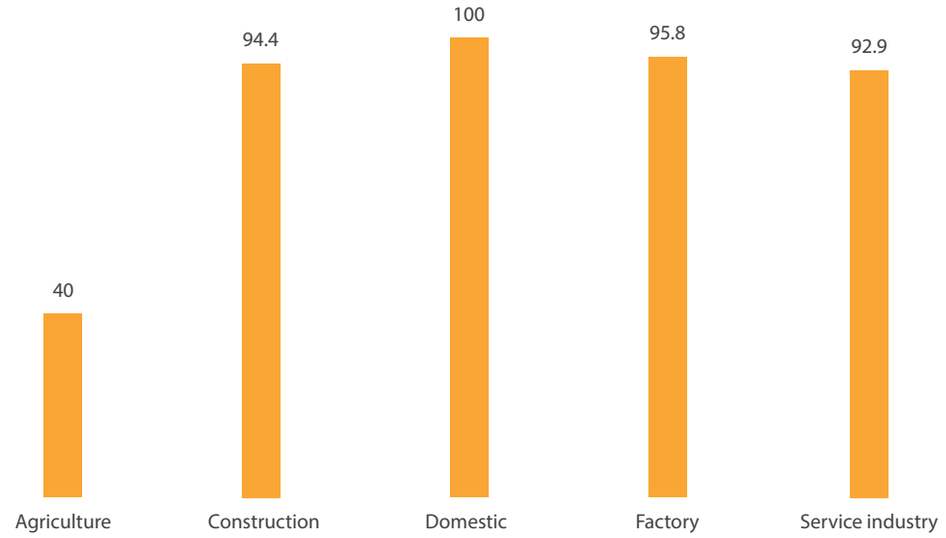
All of the domestic and service industry workers indicated that the level of violence

[34]In the survey questionnaire, the respondents were asked to rate the level of violence at their workplace on a five-point scale of very poor, poor, fair, good and very good. For this reports, the rating was converted into a two-point scale of poor and fair to good.

Figure 35: Percentage of interviewees rating the level of violence at their work as fine or non-existent by sex

at their workplace was fine or non-existent *(Figure 36)*. A reason why domestic work is perceived so negatively by some is that women, often very young or at times even girls, can be trapped with abusive employers leading to highly exploitative circumstances, including sexual abuse. However, this was not the case for the sample in the Wang Tao study.

Figure 36: Percentage of respondents rating the level of violence at their work as fine or non-existent by industry



The majority of respondents working in factories, construction and service industries also gave positive ratings regarding the level of violence at their workplaces, with over 90 per cent stating that levels of violence were fine or non-existent. However, the respondents in agriculture, albeit few in numbers, had a significantly more negative rating for violence, with only 40 per cent (two out of five cases) indicating that there were no such problems at their workplace. These differences were statistically significant ($p<.001$).

There is little difference between the experiences of the Lao respondents and their counterparts in the 2012 sample of the 2015 Poipet study in terms of levels of violence at their workplace. Close to 90 per cent of the Khmers rated their workplaces to be largely free from violence.

Safety at work[35]

Little is known about occupational health and safety of migrant workers in Thailand. However, given that migrant workers are often carrying out the most dangerous, dirty and difficult jobs, it would not be surprising if they had comparably high rates of accidents and injuries. Yet, no data is systematically collected on that. Further, they are not covered by any welfare scheme or other forms of compensation in the case of an accident, injury or death.

The only formal occupational accident statistics available in Thailand are those published by the Office of the Workmen's Compensation Fund, Ministry of Labour. However, these figures are scant and under-reported, and are unlikely to include accidents experienced by migrants, in general, and by unregistered migrants, in particular, who are those most likely to be working in the most dangerous positions.[36]

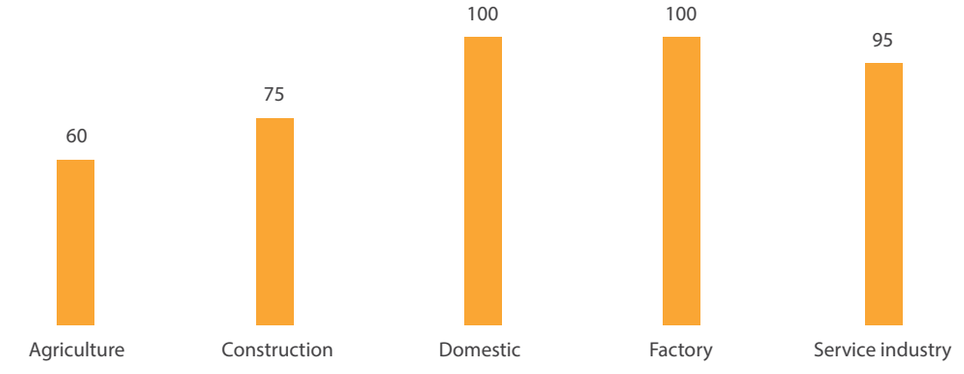
What we know about the occupational health of migrant workers in Thailand comes from a series of case studies. In a 2000 study on the sexuality, reproductive health and violence experienced by migrants from Myanmar, 40 per cent of the participants indicated that they had had an injury within the last six months of the survey.[37] A 2009 report determining how to provide health financing for migrant workers indicated that the major health concerns of migrant workers included skeletal or muscular injuries due to heavy workloads and poor occupational health and safety standards.[38] A health survey in Myanmar indicated that many respondents who had worked in Thailand had chronic skin diseases induced by exposure to nitric acid and other acidic materials.[39]

Despite the potential risks faced by the deportees during their work in Thailand, in this Wang Tao study a large majority of the respondents rated the level of safety at their employment as fair to good *(Figure 37)*; for the males, this was 91 per cent, and for the females 96 per cent. This difference was not statistically significant. Unfortunately, the respondents were not asked to indicate if they had received any injuries resulting from their work.

Figure 37: Percentage of respondents rating safety at their workplace as fair to good by sex

The industry that had the highest rate of complaints about work safety was agriculture, with 40 per cent of the respondents indicating that there were safety issues at their workplace *(Figure 38)*.

Figure 38: Percentage of respondents rating safety at their work as fair to good by industry



[35]In the survey questionnaire, the respondents were asked to rate their safety at work on a five-point scale of very poor, poor, fair, good and very good. For this report, the rating was converted into a two -point scale of poor and fair to good.

[36]Baker, S., C. Holumyong, et al. (2010). Research gaps concerning the health of migrants from Cambodia, Lao PDR and Myanmar in Thailand. Bangkok, Institute of Population and Social Research and WHO.
[37]Caouette, T., K. Archavanitkul, et al. (2000). Sexuality, Reproductive Health and Violence: Experiences of Migrants from Burma in Thailand. Nakhon-prathom, Institute for Population and Social Research, Mahidol University.
[38]Srithamrongsawat, S., R. Wisessang, et al. (2009). Financing Healthcare for Migrants: A Case Study from Thailand. Bangkok, International Organization for Migration.
[39]Mekong Environmental Poverty Partners Alliance. (2009). "Burmese Health Survey." Retrieved 5 January, 2010, from http://www.meppa.org/health/.

This was followed by the construction sector, with a quarter of respondents indicating this. In comparison, all the respondents involved in domestic and factory work did not perceive any safety concerns. Also, very few of those involved in the service sector indicated that there were safety concerns. These differences of levels of work safety between the various types of work were statistically significant (p<.001).

Figure 39: Percentage of respondents rating safety at their workplace as fair to good by sex

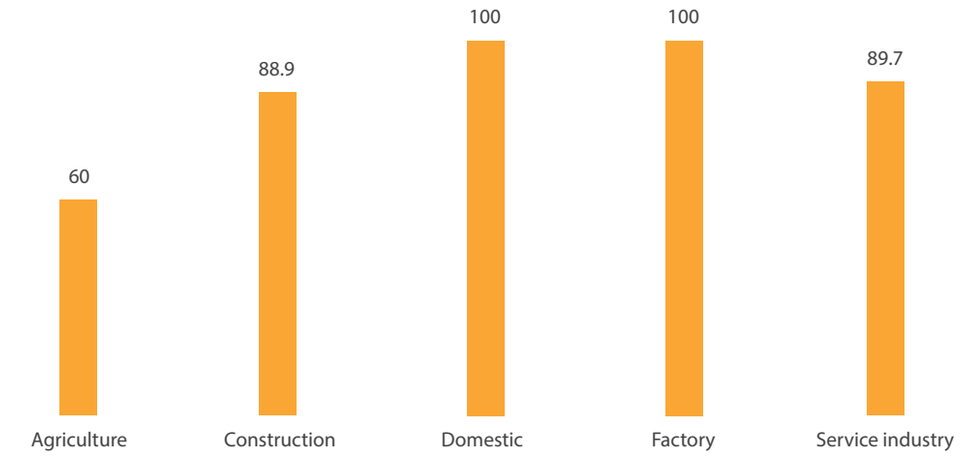
The Lao respondents rated work safety better than the Khmers in the 2015 Poipet study. In that study, around 80 per cent rated safety at work as being positive, around 10 per cent fewer than amongst the Laotians. A possible explanation for this difference is the type of work the Lao and Khmers undertook. No Lao respondents were on the fishing boats, the sector that received the lowest rating for safety among the Khmers.

Sick leave[40]

Overall, the majority of respondents rated their sick leave conditions as fair to good. Just under 90 per cent of the male respondents indicated this, while nearly all the female respondents felt this way *(Figure 39)*. The difference between the sexes was not statistically significant.

Nevertheless, there was a statistically significant difference between the type of work the respondents undertook in Thailand and their rating of their sick leave conditions (p=.006). All the respondents who had been domestic and factory workers rated their sick leave as fair to good *(Figure 40)*. Further, around 90 per cent of those in the service industry and in construction shared such views. However, amongst those who worked in agriculture, only 60 per cent (three out of five cases) were positive about their sick leave.

Figure 40: Percentage of respondents rating their sick leave conditions as fair to good by industry



[40]In the survey questionnaire, the respondents were asked to rate their sick leave on a five-point scale of very poor, poor, fair, good and very good. For this report, the rating was converted into a two-point scale of poor and fair to good.

Figure 41: Percentage of respondents rating freedom of movement at their workplace as fair to good by sex

Levels of freedom of movement at work[41]

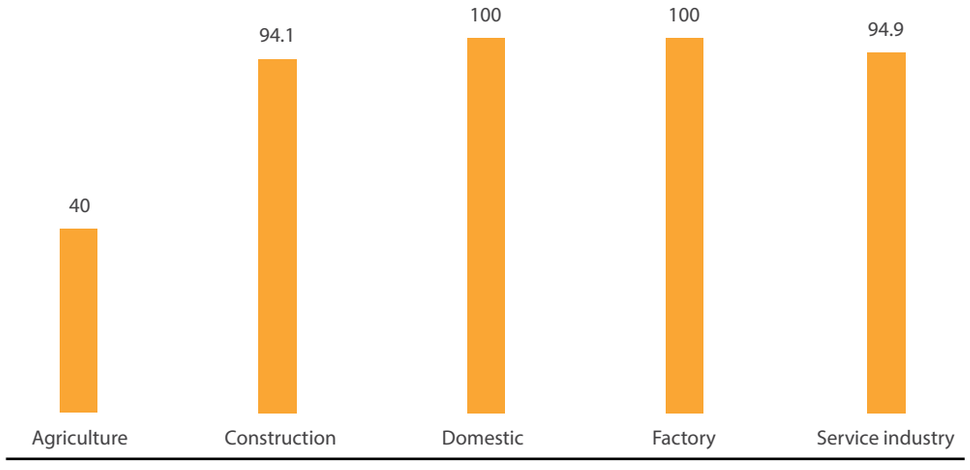
In this study, the respondents were asked two separate questions in this context. First, they were asked to rate their level of freedom of movement, and secondly, they were asked if there were any restrictions on their movement, such as if there were locks, guards, fences, if their passports had been removed, etc.

Rating their level of freedom of movement, the majority indicated that it was fair to good, leaving a small percentage of the respondents suggesting restrictions were placed on their movements at their workplace *(Figure 41)*. Among the male respondents, 92 per cent rated their level of freedom of movement as fair to good, compared to 98 per cent of the females. This difference was not statistically significant.

All of the respondents working as domestic or factory workers indicated that there were no problems in terms of restrictions being placed on their freedom of movement at their workplace *(Figure 42)*.

A common complaint about domestic employment is that it may provide no to little freedom of movement as workers tend to be restricted to the house or to the children they are minding. However, this was not the case for the sample in the Wang Tao study.

Figure 42: Percentage of respondents rating their level of freedom at work as fair to good by industry



[41]In the survey questionnaire, the respondents were asked to rate their level of freedom on a five-point scale of very poor, poor, fair, good and very good. For this report, the rating was converted into a two-point scale of poor and fair to good.

Figure 43: Proportion of respondents indicating that NO restrictions were placed on their freedom of movement at their workplace by sex

Further, nearly all the respondents working in construction and the service industry also suggested there were no restrictions placed on their freedom of movement. However, 60 per cent (three out of five cases) of those working in agriculture had problems with their level of freedom at work. This difference was statistically significant ($p<.001$).

The Lao respondents indicated that they had greater levels of freedom of movement at work compared to their Khmer counterparts in the 2015 Poipet study. In that study's 2012 survey, just over 70 per cent of the respondents indicated that their freedom of movement at work was fair to good.

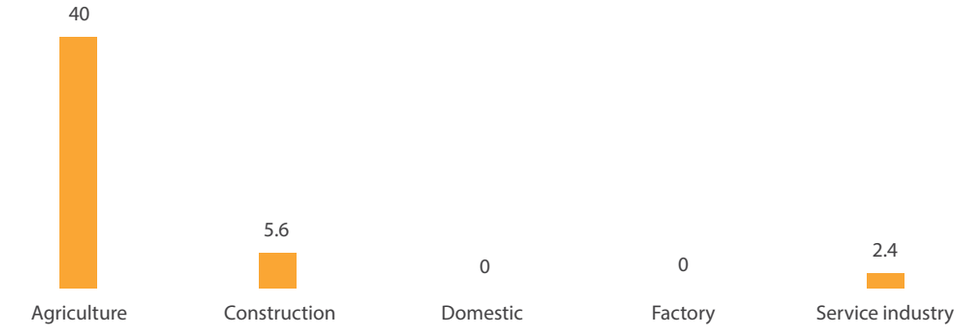
For the second question, if there were restrictions on their movement at work, with locks, guards, etc., once again the majority indicated that there were no such restrictions. All of the female respondents indicated that there were no such restrictions, while 94 per cent of the males (all but four individuals) indicated the same *(Figure 43)*. This difference was not statistically significant.

Of the four respondents who indicated that there were restrictions limiting their movement at work, two were in farming, one in construction and one in the service industry *(Figure 44)*. This difference was statistically significant ($p<.001$). The two respondents working in agriculture with restrictions placed on them stated:

"They forced us to work hard and what they wanted we had to do or they would beat us. There was a controller. That house had a high fence. It is about 2-3 metres high."

"We could not leave; we had to work for them all day at the farm."

Figure 44: Percentage of respondents indicating that restrictions were placed on their freedom of movement at their workplace by industry



A greater proportion of the Lao respondents indicated that there were no restrictions placed on their freedom of movement at their workplace compared to the Khmer respondents in the 2015 Poipet study. In that study's 2012 survey, 86 per cent of the respondents indicated no such restrictions existed at their workplace.

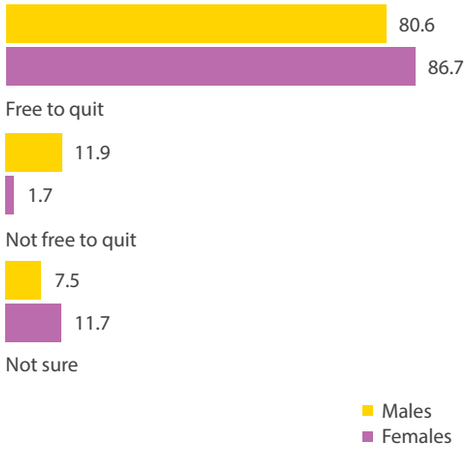
Freedom to quit their employment

The majority of the respondents indicated that they were able to quit their positions if they so desired. Nevertheless, there was a substantial group who answered in the negative. Among the male respondents, 12 per cent indicated that they were unable to leave their employment freely, while this was the case for 2 per cent of the female respondents *(Figure 45)*. Close to 10 per cent of the respondents were unsure if they were able to quit freely while working. These differences were not statistically significant.

Similarly, there were no such differences based on the age of the respondents. Nevertheless, all the child labourers indicated that they were free to quit their employment.

There was a statistically significant difference as to whether the respondents felt free to quit their employment depending on the work they undertook ($p<.001$). In agriculture, 60 per cent (three out of five cases) indicated that they were unable to quit their work freely *(Figure 46)*.

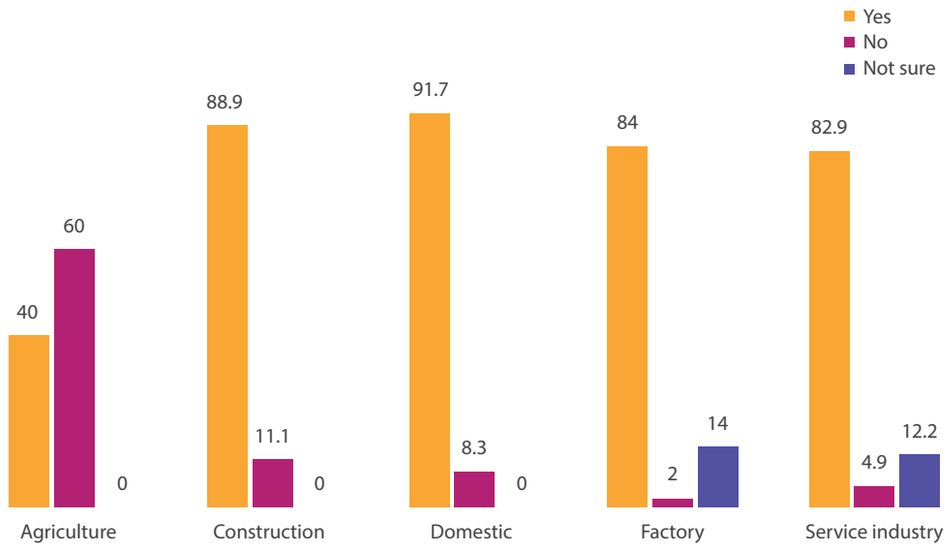
Figure 45: Percentage of respondents indicating whether they were free to quit their employment by sex



The industry with the next highest proportion of respondents indicating that they were unable to quit their work was the construction industry with 11 per cent. Respondents working as domestic workers had the highest proportion indicating that they could quit freely, with 92 per cent saying this.

The proportion of respondents who indicated that they were free to quit their employment in both this study and the 2015 Poipet study was similar. In both studies, just under 90 per cent of the respondents indicated that they were free to quit their employment.

Figure 46: Percentage of respondents indicating whether they were free to quit their employment by industry

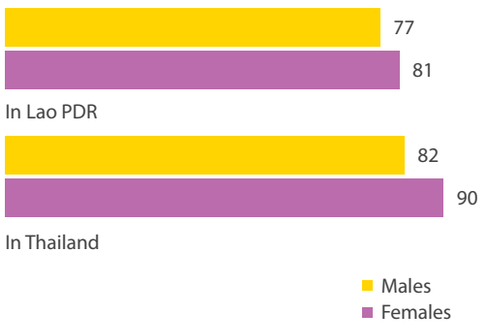


Impressions of life in Thailand

The respondents, on average, rated their life in Thailand as better than their life in Lao PDR before they migrated *(Figure 47)*. The difference was not great, with an increase of around 5 per cent for the males and 9 per cent for the females. The difference between the sexes and how they rated life in both countries was not statistically significant.

Overall, the Lao respondents rated their quality of life in Thailand as higher than the Khmers in the 2015 Poipet study. In the latter's 2009 and 2010 sample, just over 70 per cent of the respondents rated their life in Thailand positively, while in the 2012 sample this increased to 80 per cent.

Figure 47: Percentage of interviewees indicating that their quality of life in Lao PDR pre-migrating and while in Thailand was fair to good



How the respondents left their employment and returned to Lao PDR

Three quarters of both the male and female respondents left their work with no restrictions *(Figure 48)*. Most of these were respondents who independently quit their employment. It also includes one male who was fired from his employment, and a couple of respondents who were too sick to work and who decided to return to Lao PDR. All of these people, while returning to Lao PDR, were picked up by Thai authorities for not having the necessary paper work.

The next biggest group was those who were arrested by Thai authorities in a raid, usually at their place of employment, although some were arrested in markets, and some even while celebrating the Thai and Lao New Year. Those arrested accounted for around 20 per cent of both males and females. In addition, two males (3 per cent) escaped from exploitative employment. There was no statistically significant difference between the sexes and how they left their employment. Similarly, there was no such difference based on age.

More of the Lao respondents independently left their work, and fewer did so as a result of a raid, compared to the Khmer respondents in the 2015 Poipet study. In the latter's 2010 and 2012 samples, 51 and 45 per cent of the Khmer respondents, respectively, were caught in a raid. However, in 2009 the figure was only 19 per cent. Further, more Khmers escaped from exploitive employment than Laotians, with 18, 8 and 6 per cent doing so in 2009, 2010 and 2012, respectively.

Figure 48: How they left their Thai employment by sex

Respondents who were possibly trafficked

To determine whether any of the respondents were possibly trafficked, this study first seeks to establish who was exploited at their workplace, and second, who was also cheated and/or deceived.

Exploitative working conditions

As noted in the methodology section of this paper, respondents classified as having exploitative working conditions were defined as those rating three or more of the following as poor or very poor:

- their bosses
- their work conditions
- the level of violence at work
- their safety at work
- levels of freedom of movement at their work

Table 2 details the various ratings of the respondents for each of these variables.

The proportion of respondents who indicated that they had exploitative working conditions was 4 per cent: 6 per cent of the males (four cases), and 2 per cent of the females (one case) *(Figure 49)*. This difference was not statistically significant.

Figure 49: Percentage of respondents indicating that they had exploitative working conditions by sex

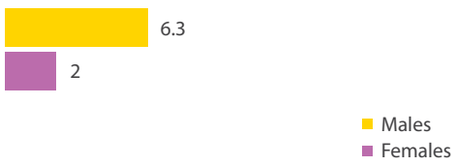
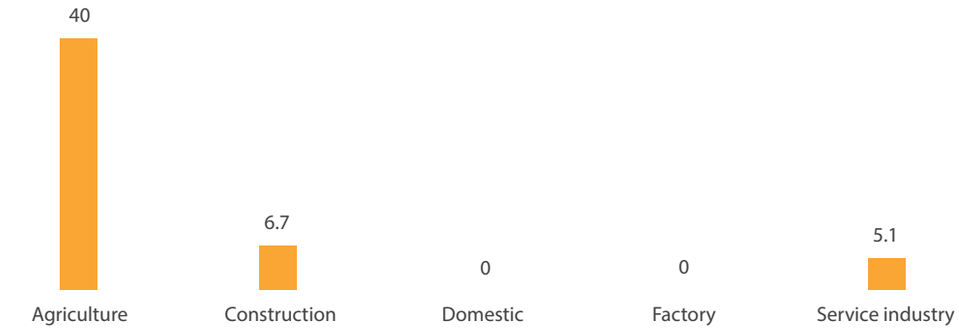


Table 2: Percentage of respondents rating various aspects of their working environment

Variable	Agriculture	Construction	Domestic	Factory	Service
% of respondents rating their bosses as fair to good	60	88.2	100	92	87.5
% of respondents rating their working conditions as fair to good	40	77.8	100	96	88.1
% of respondents rating the level of violence at their work as fine or non-existent	40	94.4	100	95.8	92.9
% of respondents rating safety at their work as fair to good	60	75	100	100	95
% of respondents rating their level of freedom at work as fair to good	40	94.1	100	100	94.9

Figure 50: Percentage of respondents indicating that they had exploitative working conditions by industry



Of the five respondents who indicated they had exploitative working conditions, two worked in agriculture (40 per cent of the respondents in that industry), one in construction (7 per cent per cent of the respondents in that industry) and two in the service industry (5 per cent of the respondents in that industry) *(Figure 50)*. The difference between the extent of the respondents experiencing exploitative working conditions by their type of work was statistically significant (p=.001).

There was a statistically significant difference between those who used a broker to get to the Lao-Thai border and those who did not. Among those who did use a broker for this purpose, 19 per cent ended up in exploitative working conditions, compared to 2 per cent of those who did not use such a service (p=.003) *(Figure 51)*.

Why using a broker to get to the Lao-Thai border was an indicator of whether someone would face exploitation needs to be further explored. It is unclear e.g. whether the cost of using a broker placed the respondents in debt, and thus forced them into taking the worst opportunities, or whether these brokers operating in Lao PDR had connections to Thai employers who exploited their workers.

Figure 51: Percentage of respondents indicating that they were exploited, by whether they used a broker to get to the Lao-Thai border

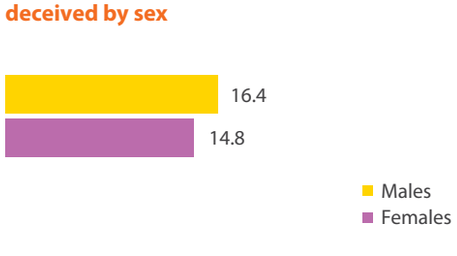
Similar to the sex of the respondents, there was no statistically significant difference between the respondents and whether they were exploited by their age; marital status; education level; if they had migrated to Thailand previously; if they knew of someone who had migrated to Thailand before they migrated; if they had used a broker to get to their final destination; how long they had expected to stay in Thailand; whether they owned land in Lao PDR; or how they rated their quality of life in Lao PDR before migrating to Thailand.

The proportion of Lao respondents working under exploitative working conditions was smaller than the Khmers in the 2015 Poipet study. The 4 per cent of Lao interviewees working under such conditions compares to 23 per cent of Khmers in 2009, 11 per cent in 2010 and 9 per cent in 2012.

Cheated and/or deceived

Altogether, 20 respondents felt cheated and/or deceived during their working experiences in Thailand. The proportion indicating this was 16 per cent among the male respondents and 15 per cent among the female respondents *(Figure 52)*. This difference was not statistically significant.

Figure 52: Percentage of respondents indicating that they were cheated and/or deceived by sex

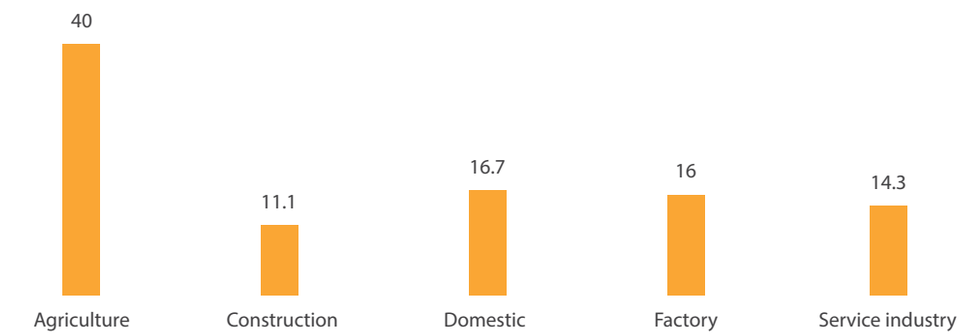


Similarly, there was no statistically significant difference between the types of work the respondents undertook in Thailand and whether they felt cheated and/or deceived in their employment *(Figure 53)*. Nevertheless, 40 per cent (two of five cases) of those working in agriculture felt they had been cheated and/or deceived.

In addition to the sex of the respondents and the type of work they undertook in Thailand, there was also no statistically significant difference between the respondents and whether or not they felt cheated and/or deceived by their age; marital status; education level; if they had migrated to Thailand previously; if they had used a broker to get to their final destination; how long they had expected to stay in Thailand; whether they owned land in Lao PDR; or how they rated their quality of life in Lao PDR before migrating to Thailand.

Nevertheless, there were two factors that possibly influenced whether respondents felt cheated and/or deceived. The first factor was whether they used a broker to get to the Lao-Thai border. Among those who used a broker for this purpose,

Figure 53: Percentage of respondents indicating that they were cheated and/or deceived by employment



47 per cent (nine cases) felt cheated and/or deceived, while only 10 per cent of those who did not use a broker felt this way (p<.001) *(Figure 53)*.

It is unclear from the data whether or not those who used a broker to get to the border felt cheated and/or deceived because of that experience, or whether they felt this way after being channelled into situations in Thailand. Either way, it is of concern that those who used a broker to get to the border accounted for nearly half of all the people who felt cheated and/or deceived.

The second factor that may have influenced whether respondents felt cheated and/or deceived was whether they knew someone who had previously migrated to Thailand before they themselves departed for Thailand. Among those who knew someone who had migrated to Thailand, 19 per cent indicated that they had been cheated and/or deceived, compared to 4 per cent of those who did not know someone who had made this journey *(Figure 54)*. This difference was statistically significant (p=.047). It is unclear why such a difference would exist. It is possible that these respondents gained false information from those who had already migrated to Thailand, or that they had unrealistic expectations placing them at greater risk than others. It is also conceivable that they had greater awareness of their rights and appropriate work or other conditions, making them better equipped to realize that they had been cheated and/or deceived. However, further research is required to verify such potential explanations.

More Lao respondents felt cheated and/or deceived during their labour migration experience to Thailand than Khmers in the 2012 sample of the 2015 Poipet study. In that year, 12 per cent of the Khmer respondents indicated this. However, in the two earlier surveys, the proportions suggesting that they had been deceived and/or cheated were much higher, with 50 per cent in 2009 and 28 per cent in 2010 indicating this.

Trafficked

Among the 128 respondents included in this study, four cases (4 per cent) meet the criteria of being possibly trafficked, namely, working under exploitative conditions and being deceived and/or cheated. All of these cases were males – accounting for 6 per cent of the male respondents *(Figure 56)*. Although no female respondents were classified as being possibly trafficked, the difference between the sexes was not statistically significant.

Figure 54: Percentage of interviewees indicating that they were cheated and/or deceived, by whether they used a broker to get to the Lao-Thai border

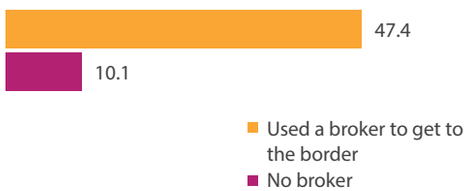


Figure 55: Percentage of interviewees indicating that they were cheated and/or deceived, by whether they knew someone who had migrated to Thailand

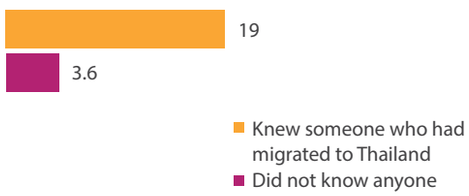
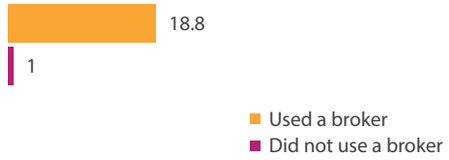


Figure 56: Percentage of respondents who possibly were trafficked by sex

Of the four possible cases of trafficking, two worked in farming (40 per cent of those that worked in that sector), one in construction (7 per cent of those who undertook this work), and one in the service industry (3 per cent of the respondents who worked in this industry) *(Figure 57)*. No one who worked as domestic workers or in factories meets the criteria of possibly being trafficked. The difference was statistically significant (p<.001).

Also when analysing those who were possibly trafficked, the respondents who used a broker to get to the Lao-Thai border were at greater risk of becoming a victim than those who did not use a broker. Of those using such a broker, 19 per cent were possibly trafficked, compared to 1 per cent of those who did not use a broker for this purpose (p<.001) *(Figure 58)*.

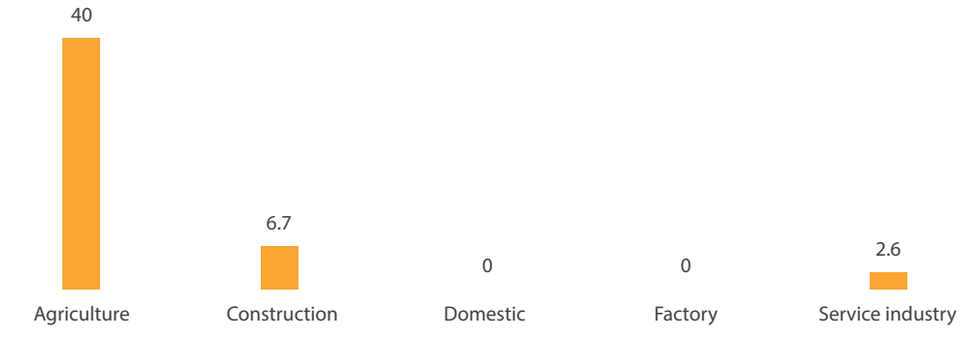
Figure 58: Percentage of respondents indicating that they were exploited, by whether they used a broker to get to the Lao-Thai border



The four respondents who were classified as possibly trafficked persons gave descriptions of their ordeals. In their own words they stated:

"I was deceived to work in Thailand. The employer did not want to pay me because I owed him money as he paid the broker. For accommodation, we stayed in a room, which they locked. They forced us to work hard. If we did not do what they told us they would beat us. That place had a high fence, about two to three metres high. They might beat or kill us because we were deceived to work there. They forced us to work hard and controlled us like animals. I was sold to those people." (Worked in agriculture)

Figure 57: Percentage of respondents who possibly were trafficked by industry



"After we arrived, they forced us to work and didn't allow us to go anywhere. They took us to the pineapple farm and didn't pay us anything, as the employer had paid our transport costs. I needed help because I wanted to get out of the farm, but I didn't know who could help me. I didn't get paid after seven months of work." (He later said he got paid 10,000 baht) (Worked in agriculture)

"It was different work from what was explained to me in my village. My employer postponed paying my wage as he told me I was an illegal migrant worker. The employer stood over me and watched my work; if I did not complete my tasks he would shout at me. I was deceived by people in my own village, the people I paid money to." (Worked in construction)

"I never was free to sit down. Whenever I was due to receive my pay, my employer would threaten to ring the police to arrest me, as I was an illegal migrant worker. I was deceived and had to work for free. I had to clean the rooms, and if I didn't do it properly, they would threaten to beat or kick me. I was so sad. Sometimes I didn't have any food." (Worked in the service industry)

Given that those who used a broker to get to the Lao-Thai border were more likely to be exploited, left feeling cheated and/or deceived, and possibly trafficked, governmental and non-governmental officials working to combat human trafficking in Lao PDR need to investigate why this is the case. If further evidence based on additional research with larger sample sizes does indicate that these brokers are an important link in the exploitation of Lao irregular migrants, interventions need to be developed to counter their influence.

In the 2015 Poipet study, participants who used a broker to get to the Khmer-Thai border were also more likely to be trafficked. However, this was the case only in 2009. In the two other years of the study, using brokers to get to the border crossing played no statistically significant role in whether people were trafficked or not.

The proportion of respondents who were possibly trafficked among the Lao respondents and those in the 2012 sample of the 2015 Poipet study was the same, with 4 per cent in each study. In the latter's two earlier surveys, the proportion of Khmers who were possibly trafficked was 19 per cent in 2009 and 8 per cent in 2010, indicating a marked improvement in the migration experiences of the irregular Cambodian workers deported from Thailand over time.

Given that the Wang Tao report is based on data collected in 2013, it is impossible to tell if the working conditions of deported Lao migrants are improving or not.

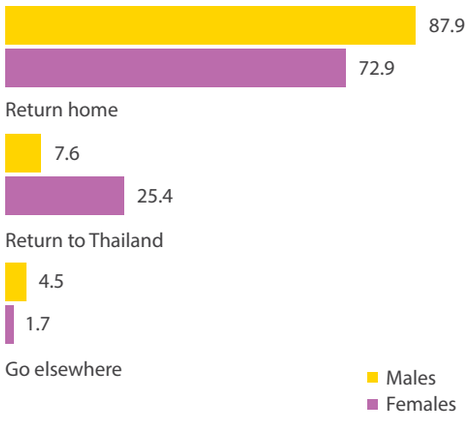
Future plans

Respondents' future plans

Completing the interview and leaving the border, most respondents indicated that they planned to work in agriculture. This was the case for three quarters of the male and 52 per cent of the female respondents, all of whom indicated that they would produce rice. This difference was statistically significant (p=.017). A further eight respondents, five males and three females, indicated that they would take care of livestock.

Such farming work was most likely to take place in the respondents' home villages, as a majority indicated that they planned to return home *(Figure 59)*. This was the case for close to 90 per cent of the males and nearly three quarters of the female respondents.

Figure 59: Percentage of respondents indicating where they were planning to go next after leaving the Lao immigration office



The females were more likely than the males to indicate that they would return to Thailand straight away, with a quarter of the females compared to 8 per cent of the males stating this. The data does not provide information about why this was the case.

Three men and one woman indicated that they were going to go elsewhere, including two who were planning to go to the capital Vientiane. One other male had not decided whether to return straight home or go straight back to Thailand. These differences were statistically significant (p=.020).

It is not possible to tell for all the respondents how long they planned to stay in the place they indicated they were going to. It is conceivable that they would go home for a period of time before migrating again. Eleven respondents who indicated that they were planning to return home also stated that they would be there for a short time as they were intending to migrate to Thailand again. One of these respondents said she was returning home for five days before migrating again to Thailand.

Combining those who were planning to return straight to Thailand with those returning home for a short time before returning to Thailand, their proportion accounted for just over a quarter of the sample.

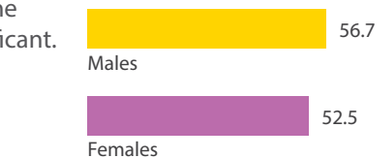
Knowledge about human trafficking

Organizations working to combat human trafficking have been attempting to educate both those who are about to migrate and those who have already done so about the dangers of human trafficking. It is hoped that educating those at risk about the phenomenon, along with providing them with skills to avoid it, will be a form of protection.

A small majority of both male and female respondents indicated that they knew what human trafficking is *(Figure 60)*. This was the case for 57 per cent of the males and 53 per cent of the females, with the difference not being statistically significant.

The data also suggests, however, that knowing about human trafficking did not provide any protection to the respondents from labour exploitation, being deceived and/or cheated, or being possibly trafficked. There was no statistically significant difference between those who knew and those who did not know about human trafficking, and whether they had any of these negative experiences.

Figure 60: Proportion of respondents who knew about the issue of trafficking by sex



Conclusions

Despite the small sample size, a bias towards Lao deportees from the south of the country and a lack of representativeness of male and female deportees, the Wang Tao study provides important insights into the lives and experiences of Lao irregular migrant workers deported from Thailand.

The respondents in this study tended to be young adults aged between 18 and 29 years with limited education, but who owned land and who felt their quality of life in Lao PDR was fair to good. While in Lao PDR, nearly all of them were subsistence farmers.

Most of them knew people who had migrated to Thailand, and close to half of the males and over 60 per cent of the females had previously been to Thailand before their latest trip there.

The data suggests a seasonal pattern in the migration of the respondents to Thailand. Over three quarters of the respondents went to Thailand just in the four months of January, February, April and May.

More male respondents used a broker to get to the Lao-Thai border than did female respondents, with one in five doing so compared to 8 per cent of the females. To get to their final destination in Thailand, around a quarter of both male and female respondents used a broker.

In comparison to Khmer respondents in the 2015 Poipet study, fewer of the Lao respondents used brokers both to get to the border and also to get to their destination. It is likely that a shorter distance to get to the border, and a greater ability to speak Thai, influenced this.

While in Thailand, the majority of the respondents worked in factories or in the service industry. Over 70 per cent of the respondents worked in these two sectors. The next most common form of work was construction, accounting for 14 per cent of the respondents. None of the respondents indicated that they worked on fishing boats or as sex workers, two forms of potentially exploitative work. Further, no females indicated that they worked in agriculture.

Overall, the respondents had positive experiences in Thailand. On average they received a monthly salary of around 7,000 baht. This figure was over twice what the Khmers received according to the 2012 survey in the 2015 Poipet study. Further, more of the Lao respondents than the Khmer respondents received their payments, and on time. The majority rated their bosses, working conditions, the extent of violence at work, work safety, the ability to take sick leave, levels of freedom, the ability to quit their employment and their impressions of life in Thailand, as positive.

Nevertheless, 4 per cent of the respondents worked under exploitative conditions and 15 per cent indicated they were cheated and/or deceived during their work experience, jointly suggesting that 4 per cent were potentially trafficked. Fewer of the Lao respondents worked under exploitative working conditions compared to the Khmer respondents in the 2012 sample of the 2015 Poipet study, but more felt cheated and/or deceived. However, 4 per cent in both studies were possibly trafficked.

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