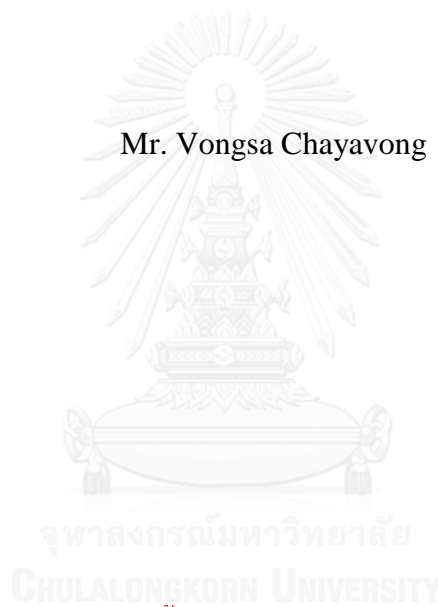


PROTECTION OF TRAFFICKED KHMU GIRLS FROM LAO PDR: CASES OF
PRE-REINTEGRATION PROCESS AND HUMAN SECURITY IN THAILAND

Mr. Vongsa Chayavong



บทคัดย่อและแฟ้มข้อมูลฉบับเต็มของวิทยานิพนธ์ตั้งแต่ปีการศึกษา 2554 ที่ให้บริการในคลังปัญญาจุฬาฯ (CUIR)
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การคุ้มครองเด็กหญิงชาวขมุซึ่งเป็นผู้เสียหายจากการค้ามนุษย์จาก สปป. ลาว: ศึกษากรณีการเตรียมกระบวนการคืนสู่สังคมและความมั่นคงของมนุษย์ในประเทศไทย



วิทยานิพนธ์นี้เป็นส่วนหนึ่งของการศึกษาตามหลักสูตรปริญญาศิลปศาสตรมหาบัณฑิต
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By	Mr. Vongsa Chayavong
Field of Study	International Development Studies
Thesis Advisor	Professor Supang Chantavanich, Ph.D.
Thesis Co-Advisor	Ratchada Jayagupta, Ph.D.

Accepted by the Faculty of Political Science, Chulalongkorn University in Partial Fulfillment of the Requirements for the Master's Degree

..... Dean of the Faculty of Political Science
(Associate Professor Ake Tangsupvattana, Ph.D.)

THESIS COMMITTEE

..... Chairman
(Assistant Professor Apipa Prachyapruit, Ph.D.)

..... Thesis Advisor
(Professor Supang Chantavanich, Ph.D.)

..... Thesis Co-Advisor
(Ratchada Jayagupta, Ph.D.)

..... External Examiner
(Siriporn Skrobanek, M.D.)

วงสา ไชยวง : การคุ้มครองเด็กหญิงชาวขมุซึ่งเป็นผู้เสียหายจากการค้ามนุษย์จาก สปป. ลาว: ศึกษากรณีการเตรียมกระบวนการคืนสู่สังคมและความมั่นคงของมนุษย์ในประเทศไทย (PROTECTION OF TRAFFICKED KHMU GIRLS FROM LAO PDR: CASES OF PRE-REINTEGRATION PROCESS AND HUMAN SECURITY IN THAILAND) อ.ที่ปรึกษาวิทยานิพนธ์หลัก: ศ. ดร.สุภางค์ จันทวานิช, อ.ที่ปรึกษาวิทยานิพนธ์ร่วม: ดร.รัชดา ไชยคุปต์, 73 หน้า.

งานวิจัยนี้ได้ศึกษาเกี่ยวกับการค้ามนุษย์ของเด็กหญิงชาวขมุลาวที่เข้ามาทำงานในประเทศไทย ในปัจจุบันมีเด็กหญิงชาวขมุจำนวนหนึ่งจากจังหวัดหลวงน้ำทาซึ่งเป็นจังหวัดที่ยากจนทางภาคเหนือของ สปป.ลาว หลั่งไหลเข้ามาในประเทศไทยเพื่อแสวงหางานทำ ดังปรากฏในปี พ.ศ 2557 มีเด็กหญิงชาวขมุจำนวน 150 คนที่ผู้เสียหายจากการค้ามนุษย์ถูกช่วยเหลือที่ศูนย์คุ้มครองและพัฒนาอาชีพ

จุดมุ่งหมายของงานวิจัยชิ้นนี้คือ 1) ศึกษาการคุ้มครองและการดำเนินคดีแก่เด็กหญิงขมุที่ผู้เสียหายจากการค้ามนุษย์ โดยเฉพาะการคัดแยกผู้เสียหาย 2) ศึกษาการช่วยเหลือเพื่อกลับคืนสู่สังคมแบบยั่งยืน โดยเน้นการศึกษาผู้ใหญ่ และการฝึกอบรมวิชาชีพ และ 3) ศึกษาความเป็นไปได้ของการกลับคืนสู่สังคมของเด็กหญิงชาวขมุที่ผู้เสียหายจากการค้ามนุษย์เหล่านี้

การศึกษานี้เป็นการศึกษาเชิงคุณภาพ ได้แก่ การสัมภาษณ์แบบเจาะลึกเด็กหญิงขมุ 7 คนที่ผู้เสียหายจากการค้ามนุษย์ การสังเกตแบบมีส่วนร่วมกระบวนการเตรียมกลับคืนสู่สังคม โดยผู้วิจัยได้ช่วยสอนภาษาลาวให้แก่เด็กหญิงชาวขมุที่ผู้เสียหายจากการค้ามนุษย์เหล่านี้ ผลการวิจัยผู้เสียหายมีทั้งที่ถูกบังคับให้บริการทางเพศและทำงานได้รับการช่วยเหลือออกมาจากสถานที่ทำงานและร้านค้าโอเค โดยทีมสหวิชาชีพ หลังจากถูกคัดแยกว่าเป็นเหยื่อได้ถูกนำตัวไปที่ศูนย์คุ้มครองและพัฒนาอาชีพ ของกระทรวงพัฒนาสังคมฯ ผู้เสียหายได้รับการคุ้มครองในการดำเนินคดีและได้รับการแจ้งสิทธิของผู้เสียหายและสิทธิในการเรียกเงินชดเชยที่ศูนย์คุ้มครอง ผู้เสียหายได้รับการเตรียมตัวเพื่อกลับคืนสู่สังคมลาว โดยการเรียนภาษาลาวและฝึกวิชาอาชีพเพื่อให้สามารถประกอบอาชีพได้อย่างยั่งยืนเมื่อกลับไป ในแง่ความมั่นคงของมนุษย์ผู้เสียหายมีความมั่นคงด้านอาหาร ได้ปลูกผักกินเองและได้รับการบริการสุขภาพกายและจิตที่ศูนย์คุ้มครอง สำหรับความมั่นคงด้านอื่นๆ ผู้วิจัยไม่สามารถเก็บข้อมูลได้ในเวลาจำกัด

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ลายมือชื่อนิติ

ลายมือชื่อ อ.ที่ปรึกษาหลัก

ลายมือชื่อ อ.ที่ปรึกษาร่วม

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VONGSA CHAYAVONG: PROTECTION OF TRAFFICKED KHMU GIRLS
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This study discusses the issue of human trafficking, which focuses on Khmu girls who are trafficked into Thailand. It explores what mechanisms of protection are offered to Khmu victims of human trafficking to reach an approach of sustainable reintegration into their places of origin in order to ensure their human security. There are many Khmu girls from Luang Namtha, the northern poorest province in Laos, who move to Thailand to seek new opportunities. In 2014, there are 150 Khmu girls who are victims of human trafficking in shelter in Thailand. The objectives of this study are: 1) to study protection and prosecution of Khmu girls who are victims of human trafficking, especially the victim's identification process; 2) to examine protection mechanisms leading to sustainable reintegration, which focus on adult literacy and vocational training programs; and 3) to study prospects of social and economic reintegration of Khmu girl victims of human trafficking. This study bases on data collected through qualitative research methods from primary and secondary sources, in-depth interviews with trafficked Khmu girls and participant observation for pre-reintegration in the shelter. It was found that case studies comprise of both sex and labor trafficked victims. They were rescued from the workplaces and transferred to shelter after they identified. All victims were protected in prosecution process and they were informed of the rights of victims, including rights to compensation and access to interpreter. In the shelter, they had a chance to participate in pre-reintegration program, both language and vocational training, which were supposed to enable their sustainable livelihood when they return to Laos. Considering victim's security while they were in shelter, they had adequate access to food provided by shelter. Also the vegetables were grown by victims themselves. They also had access to healthcare, both physical and psychological, but other aspects of human security were not examined due to limitation of time.

Field of Study: International Development Studies	Student's Signature
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	Co-Advisor's Signature

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LIST OF ABBREVIATIONS

DSDW	-	Department of Social Development and Welfare
FFW, Bangkok	-	Foundation for Women, Bangkok
GMS	-	Greater Mekong Sub-regions
GoL	-	Government of Laos
GoM	-	Glossary of Migration
GSI	-	Global Slavery Index
ILO	-	International Labor Organization
IOM	-	International Organization for Migration
Lao PDR	-	Lao People's Democratic Republic
LFNC	-	Lao Front for National Committee
LWTU	-	Lao Women's Trade Union
LYU	-	Lao Youth Union
MAIDS	-	Master of Arts in International Development Studies
MoLSW, Laos	-	Ministry of Labor and Social Welfare, Laos
MSDHS	-	Ministry of Social Development and Human Security
MOU	-	Memorandum of Understanding
NGOs	-	Non-governmental Organizations
NGPESP	-	National Growth Poverty Eradication Strategy Plan
NOCHT	-	National Operation Center for Anti-Human Trafficking,
OSCC	-	One Stop Crisis Center
POCHT	-	Provincial Operation Center for Anti-Human Trafficking

PR China	-	People's Republic of China
RTG	-	Royal Thai Government
SR Vietnam	-	Socialist Republic of Vietnam
THB	-	Thai Baht
UN	-	United Nations
UNDP	-	United Nations Development Program
UNHCR	-	United Nations High Commissioner for Refugees
VOT of Lao girls	-	Victims of Human Trafficking of Lao girls
WEF	-	World Education Forum



CHAPTER 1

INTRODUCTION

This chapter on the issue the “Protection of Trafficked Khmu Girls from Laos: Cases of Pre-reintegration Process and Human Security in Thailand”¹ presents an introduction of the research and also some discussion of the problem. The research questions and objectives are included in the chapter, followed by methodology, conceptual framework, scope of study and the significance of the study.

1.1 Introduction

There are many Khmu girls who have been considerably trafficked from place to place within their own country. There are many young Khmu girls who have also been expected to work outside of their own country, who cross borders into neighboring countries, especially the Kingdom of Thailand, in order to seek new opportunities (Vungsiriphisal, 2008). In accordance with the rapid changing of the world, there are many obstacles and challenges for trafficked Khmu girls because they are not familiar with the new living societies in which they live. They have limited knowledge about residing abroad and the living conditions in the destination country. They also do not know the conditions; whether they have sometimes already been sold by recruitment agencies (Jayagupta, 2014).

Khmu girls have been crossing borders without permission into Thailand for decades. There are many Khmu girls who live in the provinces along the Mekong River such as Xayaboury, Savannakhet and Champasak, who have crossed the border, where there are no border checkpoints, into the Thai provinces of Nakhon Phanom, Bueng Kan, Leoi, Uttaradit, Nan, Phayao or even Bangkok in order to find job opportunities (Thongyou, 2005). There are some girls who work as sales persons in shops that are owned by Thai people (Chantavanich, 2006).

Moreover, the Khmu girls also work as domestic workers and take care of house work, for instance, watering flowers, taking care of children, cooking and

¹ This research study has been supported by the Ratchadaphiseksomphot Endowment Fund of Chulalongkorn University (RES560530225-HS).

washing. These girls are sometimes forced to work very hard, sometimes more than 18 hours a day of working time. In contrast, payment of wages is very low and the daily wage is not adequate to ensure their living conditions, but they have a few protections under the labor law (Chantavanich, 2007).

In addition, there are many Khmu girls in the northern part of Laos, who have been moving to Thailand in order to find good employment. Some of these girls have been contracted by recruitment agencies in order to work in serving in hotels and restaurants with hopes of high income. However, once they are in Thailand, some of these girls are forced to work in Karaoke and in agricultural plantations, for example, pineapple and durian plantations.

1.2 Statement of the Problem

The country of Laos shares borders with Thailand by the Mekong River approximately 1,730 kilometers. Due to the geographical location of Laos in the middle of Greater Mekong Sub- region (GMS), young Lao Khmu girls can cross the borders into Thailand easily. Currently, there are approximately more than 148,000 human trafficking victims from Southeast Asian countries in Thailand, but there are about 50,000 victims from Laos. In 2012, there were about 271 trafficked victims, who have been supported to return into their places of origin in Laos (Global Slavery Index, 2013).

The reasons why these girls move into Thailand are because they are poor, lack knowledge on education, and because of cultural beliefs and environmental problems (Wangaeo, 2014). Many girls cannot even finish primary education. There is also no support on training for vocational education programs. There are many ethnic minority girls, for instance, Khmu, Akha, Lenten and Hmong, who are from mountainous areas in Luang Namtha have been moving into Thailand. These young girls have been expected to earn high incomes, because their living conditions in their own localities are very hard, e.g., growing crops and cultivating upland rice in high mountainous locations and there is no support in schooling.

In addition, due to the low income of the country, these young Khmu girls cannot afford their living conditions as alternative job opportunities for these young girls are not available. The daily wages for working on construction of roads and tall

buildings are relatively low (UNODC, 2005). Those girls, especially those who are unskilled workers, are also not allowed to get permanent contracts and fixed term employment in Laos. Also, some of the employed workers are contracted to work for short term periods, for instance, on daily and weekly contracts (Stephanie, 2013). They do not have guarantees of job security. The working conditions are so risky, for example, the works on development of infrastructure such as in the task of construction of roads, bridges and high buildings (Dabek, 2009). In accordance to the above results, there are large numbers of Khmu girls who have been entering into Thailand. Once they are in Thailand, some of the girls have no chance to work as they expected, rather they are forced to work in other types of jobs such as sexual workers in Karaoke (Migration, 2003).

However, due to this result, some of the Khmu girls have been ended up in trafficking situations, because the prosecution process in order to assist trafficked persons and reintegration into their places of origin are steps, which need more examination for better understanding of the situation. Sustainable reintegration is costly and also takes time to help the victims recover.

Nevertheless, the trafficked Khmu girls, who have been supported to go back to their places of origin, can bring income and also knowledge gained in Thailand to contribute to the development of their own communities. But it is not good, if the girls are forced to work without their interests. In terms of gender issue, for instance, forcing another person for other reasons in order to afford the profit by traffickers is not fair. The trafficking of girls sometimes infringes the reintegration process.

1.3 Research Questions

This research study aims to investigate the human trafficking processes, especially the protection and prosecution processes of trafficked Khmu girls in Thailand. Existing data regarding human trafficking, particularly on trafficked Khmu girls, is in severe shortage. This research is based on the case study approach and the primary methods are considered qualitative as well. In order to understand this study, the main research questions are focused on the three main categories of the following issues:

- How is the protection and prosecution process done for Khmu girl victims of human trafficking in Thailand?
- How do trafficked Khmu girls in Thailand have sustainable reintegration through capacity building?
- How can a sustainable reintegration process be achieved?

1.4 Research Objectives

The tentative research objectives of this study are to identify and enrich understanding of protection and prosecution and sustainable reintegration processes of trafficked Khmu girls in Thailand. In order to have more understanding, the research objectives have an emphasis in three differences of areas such as the following discussions:

- To study the protection and prosecution of Khmu girls who are victims of human trafficking, especially the victim's identification at the governmental shelter in Thailand;
- To examine the protection mechanisms leading to sustainable reintegration, which focus on adult literacy and vocational training programs; and
- To study the prospects of social and economic reintegration of Khmu girl victims of human trafficking in the governmental shelter.

1.5 Methodology of the Study

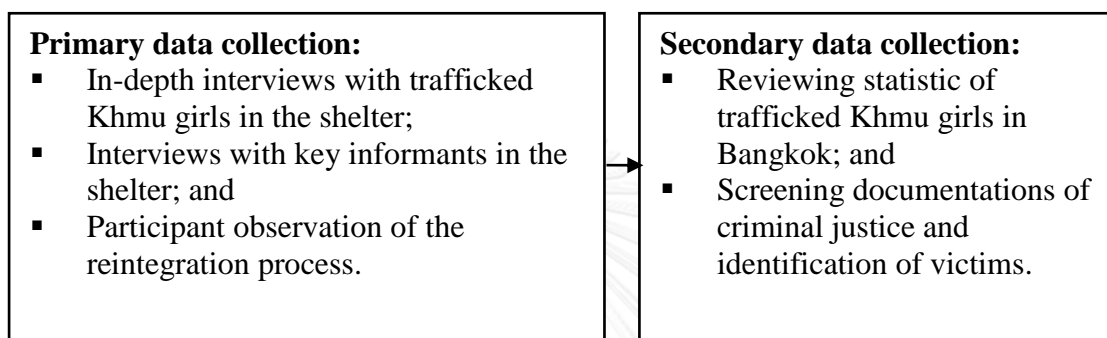
The methodological research of this study uses a qualitative approach in order to understand human trafficking, prosecution of traffickers and protection of Khmu girl victims of human trafficking. The research utilizes in-depth interviews and participant observation to collect primary data. The inclusion of the primary data collection from field research, including from the Foundation for Women in Bangkok, Thailand, emphasizes the following areas:

- In-depth interviews of trafficked Khmu girls in the governmental shelter;

- Interviews with key informants in the shelter; and
- Participant observation of the reintegration process.

In order to achieve an approach of sustainable reintegration, the figure below shows the research methods of the study.

Figure 1. Research Methods of Study



1.5.1 Primary Data Collection

The primary data collection in this study is focused on individual interviews with an emphasis on exploring questions to get a deep understanding the prosecution of traffickers and sustainable reintegration of Khmu girl victims of trafficking in Thailand. The first interview focuses on trafficked Khmu girls in the governmental shelter in Thailand.

The second interview considers key informants in the shelter. Finally, participant observation used in order to understand the approach of the sustainable pre- reintegration.

1.5.1.1 In-depth Interviews with the Khmu Girls Victims

These interviews were conducted with seven trafficked Khmu girls in the shelter. The interview explores the process of prosecution and criminal justice and prospects of sustainable reintegration of the Khmu girl victims in the shelter.

The interview questionnaire is attached in Appendix 1 “Interview questionnaires of Khmu girl victims in shelter in Thailand” under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security.

1.5.1.2 Interview with Personal Practitioners

In addition to the interviews with Khmu girl victims in the shelter, the study also focuses on interviews with key informants, including NGO, social workers, and police officers at the shelter in Thailand under the Ministry of Social Development and Human Security, who support the protection and sustainable pre-reintegration of Khmu girl victims in the shelter.

The purpose of the interview is not only concerned with the internal system and practices of an individual practitioner in supporting the victims in the shelter in terms of protection, but also more critically for the helping Khmu girl victims of trafficking reach sustainable pre- reintegration. See the questions for the interview of key informants in detail in Appendix 2 “Interview questionnaires for the key informants, who offer the protection in order to achieve a sustainable reintegration of the victims of human trafficking of Khmu girls in Thailand”.

1.5.1.3 Participant Observation

This research study is not only focused on interviewing Khmu girl victims and key personnel practitioners, but also participant observation of sustainable reintegration programs through basic adult literacy in order to achieve social sustainable pre- reintegration.

1.5.2 Secondary Data Collection

In order to understand the research study, secondary data collection has been also conducted. The data is based on a collection of reports, statistics and news from journals. This secondary data collection for the research study of the sustainable reintegration of the Khmu girl victims of human trafficking in the shelter has focused on the following aspects:

- Reviewing the statistics on trafficked Khmu girls in Thailand; and
- Screening documentations of criminal justice process.

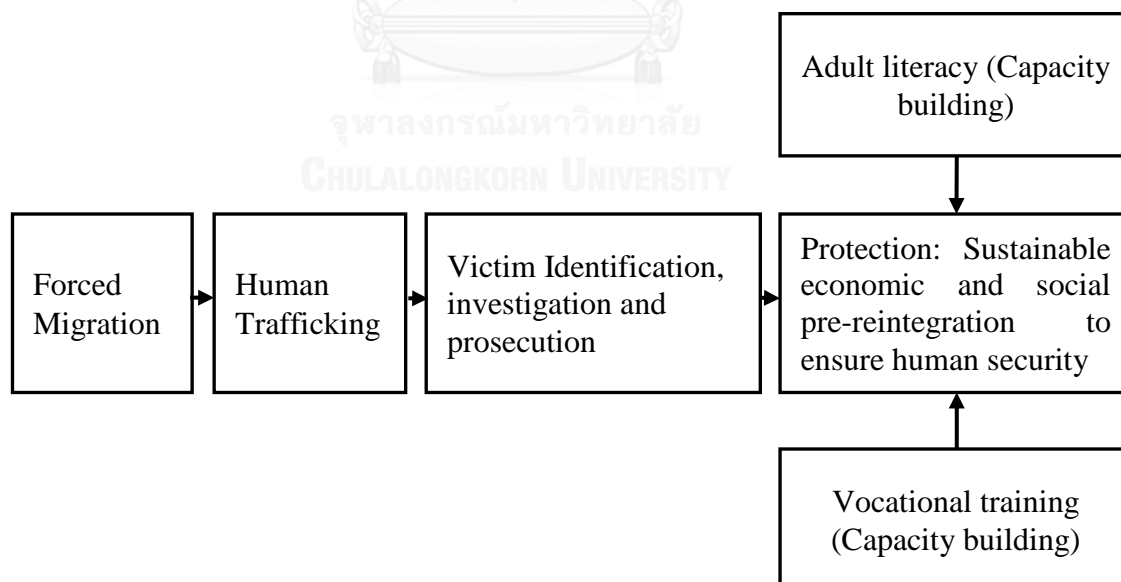
1.6 Theoretical Framework of Study

The theoretical framework of this research study is more complex.

The theoretical framework of this study is proposed to mainly consider the following aspects:

- Forced migration;
- Human trafficking;
- Victim identification, investigation and prosecution; and
- Protection of Khmu girl victims in order to reach social and economic pre- reintegration.

Figure 2. Conceptual Framework of Study



1.6.1 Forced Migration

Forced migration is “an element of coercion exists, including threats to life and livelihood, whether arising from natural or man- made causes, e.g., movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine or development, or development projects” (Glossary on Migration, 2004).

“Also, the persons or groups of persons who have been forced to leave their homes of places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human- made disasters, and who have not crossed an internationally recognized State border (*Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2.*)” (Glossary of Migration, 2004).

1.6.2 Human Trafficking

Human trafficking is the “recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, 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 person having control over another person, for the purpose of exploitation” (*Art. 3(a), UN protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000*) (Glossary of Migration, 2004).

The basic definition of the human trafficking of the United Nations (UN), the Human Trafficking Protocol 2000 is now widely recognized. For the purposes of this Protocol (Palermo Protocol, Art.3):

“Term ‘human trafficking’, the recruitment, transportation, transfer, harboring, or receipt of person by means of the threat or use of force or other forms of duress, of abduction, of deception, abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. The exploitation shall include, at least, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

In addition, Article 3, paragraph 1 states that “at least the following acts and activities are fully covered under criminal law, whether such offenses are committed domestically or trans-nationally:

“In article 2: (1) offering, delivering or accepting a child, by whatever means, for the purpose of; sexual exploitation of the child, transfer of organs of child for the profits and engagement of the child in forced labor, improperly including consent to the adoption of a child in violation of applicable international legal instruments on adoption: working, obtaining, procuring or providing a child for child prostitution; and (2) producing, distributing, importing, exporting, offering, selling or possessing child pornography.”

1.6.3 Victim Identification and Prosecution

The process of potential victim identification is based on information, which is given to the police and social workers. The girls, who have been rescued from workplaces, have to be identified by the police. For instance, when the girls have been taken to a safe place, emergency home or police station, the girls will be identified as, whether are the victims of human trafficking.

The victim identification includes the victims’ information such as name, date of birth, age, race, nationality, the names of parents, address of the place of origin and ID card number or other legal documents. Also, the rescued girls have to be interviewed about how they came into Thailand. If they came to Thailand with a recruitment agency, the name of the agency and the process of transportation into Thailand are to be mentioned.

All this information has to be given by the girls, if they are the victims of human trafficking in persons; they have to be sent to the governmental shelters in order to process the protection and as well for as the prosecution of the traffickers. The girls who are not classified as victims, have to be sent back to their places of origin.

1.6.4 Sustainable Reintegration

Sustainable reintegration is the “re-inclusion of a person into a group or a process, e.g., of a migrant into the society of his or her country of origin. Also the

processes by which immigrants become accepted into society, both as individuals and as groups and the particular requirements for acceptance by a receiving society vary greatly from country to country; and the responsibility for integration rests not with one particular group, but rather with many actors including immigrants themselves, the host government, institutions and communities” (Glossary of Migration, 2004). This research study on the “protection of trafficked Khmu girls” for a sustainable pre-reintegration considerably focuses on the following aspects:

- economic reintegration through the vocational training programs; and
- social reintegration through adult literacy.

1.6.4.1 Economic Sustainable Reintegration

Economic reintegration is the most crucial aspect of return for Khmu trafficking victims as it provides them with capacity to find job opportunities to improve their living conditions. Economic reintegration means the “reintegration of a migrant into the economic system of his or her country of origin.

The migrant shall be enabled to earn his or her own living. In the developmental terms, economic reintegration also aims at using the knowhow which was acquired in the foreign country in order to promote the economic and social development of the country of origin” (Glossary of Migration, 2004).

Moreover, the livelihoods of Khmu trafficking victims who are supported to return will be expected to be better, if they have been trained through vocational education programs at the governmental shelters. The vocational training programs for the victims of human trafficking should be focused to strengthen the ability to:

- Improve access for victims of human trafficking to effective and innovative language programs;
- Support the human trafficking victims on the path to citizenship; and
- Support career development through vocational education and training programs for the victims of human trafficking.

1.6.4.2 Social Sustainable Reintegration

Social reintegration shall mean the “reintegration of a migrant into the social structure of his or her country of origin. This will include on the one hand the creation of a personal network, e.g., friends, relatives and neighbors and on the other hand the development of the civil society structures, for instance, the associations, self-help groups and other organizations” (Glossary of Migration, 2004).

Basic adult literacy is the most important in order to provide them basic skills and knowledge on reading and writing. In addition, basic literacy is designed for a person, who has lack opportunity to learn in the compulsory education system, for example, through primary education and secondary education.

Also, basic literacy for adults should be more innovative and well-designed in order to help Khmu girl victims to understand the learning process. The adult learning has been strongly emphasized since “World Education Forum (WEF) in Dakar, 2000, especially for those who have no chance for basic education. The principle of the basic literacy for adult learning is:

“The adults learning are more different from children learning, the children learn naturally and constantly. Education for children should follow their development stages. Curricula are designed to be suitable for the majority of children at particular stages. Curricula are designed to be suitable for the majority of children at particular stages. In contrast, adult learning is more focused on the visualization. Training has been well designed with more designable innovative media. Adult learning requires more from the trainer than being providing simply a source of information. Learners become owners of the learning process (Kallenback, 2013).”

1.6.4.3 Education for Sustainable Reintegration

In order to achieve an approach of sustainable pre-reintegration, basic adult literacy is a key factor for Khmu girl victims of human trafficking. Sustainable pre-reintegration requires not only vocational training programs, but also basic adult literacy classes. There is a certain risk, because the young trafficked Khmu girls have a little knowledge of Lao language and job trainings. These problems have significantly reduced their opportunities for further education and good employment to earn their living.

Therefore, adult literacy is an opportunity for Khmu girl victims of human trafficking to acquire basic knowledge and skills which relevant to cultural knowledge in communicating with people in their own localities to become involved in social structures and in order to contribute to local development. The learners are given opportunities to:

- Learn language with no time limitation;
- Learn with various technologies to help the learning on their own, with self- instruction; and
- Develop career awareness to plan in the future for job opportunities that match market demand.

1.6.5 Human Security

The concept of “human security” shall mean that the Khmu girl victims of human trafficking at the governmental shelters in Thailand shall not be threatened. They shall have adequate food security, basic healthcare security and environmental security (Thabchumpon, 2011). The main components of human security and example of treats are to be shown in the table below.

Table 1. Main Components of Human Security and Example of Threats

Types of security	Definition	Example of main threats
Food security	Physical and economic access to basic food	Hunger
Healthcare security	Protection and treatment of any diseases, access to basic healthcare	Infectious diseases, unsafe food, malnutrition, shortage to access to basic healthcare

Source: Asian Research Center for Migration, 2011

1.7 Scope of the Study

This research study on the issue of “Protection and Prosecution of Khmu Girls from Laos: Cases of Pre-reintegration Process and Human Security in Thailand” has been conducted in the governmental shelters under the Ministry of Social

Development and Human Security in order to conduct in-depth interviews with Khmu girl victims of human trafficking and social workers who support the protection and sustainable pre- reintegration of Khmu girls.

Also, the study has been conducted in the Foundation for Women in Bangkok to support the protection of and follow up on the sustainable reintegration of Khmu girls who are victims of human trafficking who have been assisted to return into their places of origin in Laos.

1.8 Significance of the Study

This research study will be an important tool for the countries located in the Greater Mekong Sub-region. This research has generally mainly presented the process of the prosecution and protection of Khmu trafficking victims in Thailand. Moreover, the study may provide the preliminary findings for further studies on the issue of human trafficking in the Greater Mekong Sub-region, especially in Lao PDR and Thailand. This study will be expected to:

- Enhance a better comprehension of anti-human trafficking;
- Have a better understanding of human trafficking, prosecution and protection of trafficked Khmu girls; and
- Following up for support sustainable pre- reintegration.

CHAPTER 2

LITERATURE REVIEW OF STUDY

This chapter presents a literature review, which focuses on the information on human trafficking. In order to have more understanding of the human trafficking issues, the literature review particularly emphasizes the following aspects of consideration:

- Introduction of the country;
- History of human trafficking in Laos;
- Human trafficking definition;
- Anti-human trafficking legislation;
- Prosecution processing; and
- Education for sustainable reintegration.

2.1 Introduction of the Country

Lao PDR is a small landlocked country, which is located in the Southeast Asia in the middle heart of the Greater Mekong Sub-region. Due to the geographical location, young Khmu girls are easy to cross throughout the regions. It is a less developed country. In the year of 2008, approximately 71% of the whole population lived on less than US \$2 a day and about 23% on less than US \$1 a day (NGPESP, 2012).

Laos is a mountainous country, especially in the northern parts, where there are many high mountainous peaks rising up approximately above 9,000 feet above sea level (or 2,800 meters). It is a small young country and its inhabitants are estimated at approximately 6,865,000 people, but about 22% of the people belong to the ethnic minority of Khmmu, it is called “Lao-Theung” (UNDP, 2012). The Khmu is the largest in the northern part of Laos, which was scattered in the provinces of Phonsalay, Oudomxay, Luang Prabang, but Luang Namtha is the most populated. They prefer to locate in high valleys of average altitude about 400 to 800 meters

above sea level. Most Khmu are farmers who grow mountainous rice in their fields. The non-timber forest products are also well appreciated for the Khmu and based on traditional farming such as the mountainous rice planting, hunting, gathering fruits from forests and raising cattle, all of which requires good environmental conditions. Figure shows the location where Khmu has accommodated in Laung Namtha (Green Discovery Laos, 2014).

The map below shows the location of Luang Namtha province (GMS Sustainable Tourism Development Project in Lao PDR, 2014).

Figure 3. Map of Luang Namtha Province, Lao PDR



Source: GMS sustainable tourism development project in Laos, 2014

In addition, about 85% of the country is covered by forests in the northern and eastern parts of Laos. It has a total area of 236,800 square kilometers (km²) and about 85% of the citizens are located in the rural remote areas in order to engage in

agricultural farming. It has numerous political administrative authorities in order to ensure the provision of services for its inhabitants.

These political administrative authorities are categorized in four areas of national level of political administration, provincial governmental authority, district governmental management and village authority (Mistry of Labor and Social Welfare of Laos, 2008). All these authorities cooperate in order to have decision-making. Besides these governmental agencies, there are also numerous offices such as Lao Front for National Committee (LFNC), Lao Women's Trade Union (LWTU) and Lao Youth Union (LYU) in order to join hands for solutions to human trafficking issues (NCA, 2005).

By 1975, Laos had engaged in emphasizing the economy based on socialism, which focused on the promotion of agricultural production. Since the early 1980s, Laos has transformed into a new market-oriented mechanism, which marked a shifted route away from agricultural basis towards a rapidly developing market economy. The turning point of the development, Laos has happened in the end of 1980s. In accordance with the development of the country, the modernization of economy has been contributed to the fast development of market relations for the further integration of Laos in the world economy (NGPESP, 2010).

The country has a new strategy to open itself up to foreign direct investment. Regarding this strategy, it has increased legal and illegal foreign trades by moving around the country, which resulted in the uncontrollable cross border trades and movement of people. The rapid social and economic changes are not only reflected in investment, but also in society where Khmu girls want to explore new modernization in order to find better livelihoods. This reason has a direct impact for the human trafficking of young Khmu girls.

2.2 History of Human Trafficking in Laos

There are various forms of human trafficking, for example, the trafficking in women and girls for the purpose of sexual and labors exploitations are the best known. The phenomenon of human trafficking, especially the trafficking of women

and girls for the sexual exploitation, has a long history and it is not a new phenomenon of the 20th and 21st centuries (Pearson, 2006).

2.2.1 The old Form of Human Trafficking

Old forms of human trafficking have been seen for long time in the context of marriage. There are also numerous other places, where women have been captured or even to be provided to have sexual services for men (Kuhn, 2005). The marriage by capture, for example, with bride kidnappings and rape of women, has been widely practiced in Europe as well happened in Laos, especially for the ethnic minority of Hmong and Khmu, who live in high mountainous areas in the northern part of Laos.

The beginning of human and women trafficking, including for the purpose of sexual exploitation, is seen by some sources in the Roman Empire. Of course, a certain price was paid for these prisoners as hostages and this continued to be operated between all kinds of brothels trade (Schidlof, 2006).

2.2.2 Human Trafficking in Context of War

In all ages, with the phenomenon of the spread movement of armed conflict and the exploitation of the labor force, many women are forced into prostitution. A very inglorious example of this is found in East Asia during the Second World War when the country of Japan abducted an estimated 300,000 women and girls, mostly from China and Korea, but also from other occupied countries such as Taiwan, the Philippines, Indonesia and Malaysia in the military brothels (Schidlof, 2006).

These brothels were set up by military for soldiers and many women were taken into brothels for the soldiers. This practice taken away from women and girls freedom of movement and separated them from home. The women and girls, who were forced into prostitution in the brothels, wore the black triangle. They suffered severe physical and psychological damage and were mostly silent after liberation about their traumatic experiences.

2.2.3 Statistics of Human Trafficking from Laos to Thailand

The estimation of the number of victims of human trafficking has been considerably varied. Some of the reasons for the lack of a clear estimate include:

- Trafficking as a secret criminal activity, where the victims are often called “illegal” in the place of destination; and
- Few studies have been conducted on the quantification of the number of affected people.

Table 2. Number of Lao Victims of Human Trafficking in Laos 2012- 2013

Statistic of victims of human trafficking: comparison 2012- 2013										
Year	Age			nationalities						Total
	< 18 yrs	> 18 yrs	during court	Thai	Burm.	Cam.	Lao	Other s	Unkno .	
2012	432	160	-	323	51	153	45	20	-	592
2013	757	256	7	657	141	98	114	4	15	1,020

Source: National Operation Center for Anti-Human Trafficking, Thailand, 2013.

2.3 Anti- human Trafficking Legislation

The Anti- Trafficking in Persons Act B.E 2551 (2008), the Kingdom of Thailand is pleased to proclaim that:

“Whereas it is expedient to revise the law on the Measures in Prevention and Suppression of Trafficking in Women and Children; This Act contains provisions in relation to the restriction of rights and liberties of persons in respect of which section 29, in conjunction with section 32, section 33, section 34, section 35, section 46, section 41 and section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law (Thailand, 2008).”

The MOU between Government of Laos and the Royal Thai Government on the Cooperation to Combat Trafficking in persons, especially Women and Children of

2005, proposes on the Protection of Victims of Trafficking in Persons, especially Women and Children with the following issues:

“In article 6: Victims, especially women and children, shall receive justice and legal protection while awaiting the completion of the procedures for their official repatriation. The concerned situations of the Parties shall provide temporary housing and appropriate protection of the victims in accordance with the policies of each country. In article 7: Parties shall take appropriate measures against traffickers in cases relating to trafficking in persons in accordance with national law of each country and provide due and just legal assistance to the victims, especially the women and children; and In article 8: Government agencies concerned shall cooperate with other organizations to provide legal assistance, health care and take other necessary measures in order to protect the victims, especially the women, children and their families in an appropriate manner (MOU, 2005).”

The COMMIT on the Cooperation against Trafficking in Persons in the Greater Mekong Sub-region; the Kingdom of Cambodia, PR China, Lao PDR, Union of Myanmar, Kingdom of Thailand and SR Vietnam in the year of 2004 has been proposed in the area of protection as following issues:

“This COMMIT is in the protection of trafficking in Persons as:

- *Promoting greater gender and child sensitivity in all areas of work dealing with victims of trafficking;*
- *Ensuring that person identified as victims of trafficking are not held in detention by law enforcement authorities;*
- *Developing national plans of action against trafficking in persons in all its forms;*
- *Creating mechanisms to strengthen regional cooperation and information exchange and designating national focal point on combating trafficking*
- *Improving regional cooperation against trafficking, in particular through bilateral and multilateral agreements;*
- *Working together to facilitate the successful recovery and reintegration of trafficked persons and to prevent them from being re-trafficked;*
- *Adopting appropriate guidelines and providing training for relevant officials to permit the rapid and accurate identification of trafficked persons and to improve the investigation, prosecution and judicial process; and*
- *Ensuring cross-border cooperation in the safe return of trafficked persons, including support to ensure their well-being (COMMIT, 2004).”*

2.4 Prosecution Process in Thailand

2.4.1 Enforced the Law in Process of Justice

The Ministry of Social Development and Human Security, the Department of Social Development of Welfare has been given more emphasis for the enforcement of the law to push the process of prosecution and criminal justice of the traffickers.

In 2013, the Royal Thai Police has strongly focused on the issue of antihuman trafficking, e.g., girls who are under 18 years of age, are prohibited from engaging in prostitution. In addition, the same year, about 674 cases of criminal justice for traffickers were conducted by responsible offices, approximately 520 cases were classified as prostitution, about 80 cases were identified as workers and about 74 cases related to beggars (NOCHT, 2013).

The table 3 reported the prosecution and criminal justice process for traffickers in period of five years.

Table 3. Statistics of Trafficking Cases Number of Prosecution

Year	No. of cases	% increase/ decrease	Types of cases		
			Prostitution	Workers	Beggar
2009	103	+ 194.3*	63	28	12
2010	81	- 21.4	65	12	4
2011	97	+ 19.8	74	19	4
2012	306	+ 215.5	226	44	36
2013	674	+ 120.2	520	80	74

Source: National Operation Center for Anti-Human Trafficking, Thailand, 2013.

* Remark: there were 35 cases had been prosecuted in 2008

2.4.2 Duration of the Prosecution Process

There were approximately 383 cases prosecuted by the court in 2013. There were about 288 cases, estimated at about 72.2 percent, that lasted less than one year of prosecution period. There were about 63 cases with the duration of prosecution between one year and under 2 years, which amounted approximately 16.5 percent. There were about 20 cases with fewer than 3 years of prosecution, which was about

5.2 percent and there was only 12 cases that lasted longer than 3 years of prosecution, which is an estimated 3.1 percent.

The table 4 below shows the indication of the duration of the prosecution process.

Table 4. Duration of Prosecution

Case finished		Duration of prosecution							
		>1 yr		1 yr- 2 yrs		2yrs- 3yrs		< 3yrs	
case	%	case	%	case	%	case	%	case	%
383	100	288	75.2	63	16.5	20	5.2	12	3.2

Source: National Operation Center for Anti-Human Trafficking, Thailand, 2013.



CHAPTER 3

PROTECTION AND PROSECUTION OF KHMU GIRL VICTIMS IN THE SHELTER

This chapter presents the process of protection and prosecution of Khmu girl victims of human trafficking in Thailand. The in-depth interviews with victims were conducted in the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security.

The first component of the chapter emphasizes the profiles of Khmu girl victims of human trafficking. It is then followed by the prosecution of trafficked Khmu girls in Thailand.

3.1 Profile of Khmu Girl Victims in Thailand

❖ Case no. 1. Miss C. (sex trafficking)²

Forced Migration to Thailand

Miss C is a sixteen-year-old girl. She was born in an ethnic minority of Khmu in the southern part of Lao PDR. She did not complete even primary education because she dropped out of school in grade three at age eleven. There are six people in her family. She is the third child with two older brothers and one younger sister. Due to the insufficient income of the whole family as the result of environmental disaster such as flooding this destroyed the plantation.

The mother borrowed the family registration book from other villagers in the same village and took out a photo of a girl whose age was already twenty-one years, on the page of the family book of registration. She then pasted the photo of her daughter, Miss C, in order to request for the issuing of a passport. She did this illegal document manipulation, because she was told by a recruiter from a neighboring village that her daughter could make more money working in Thailand as a waitress in a restaurant. After receiving her passport, Miss C was brought into Thailand by the

²The in-depth interview Miss C. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 14, 2014.

recruitment agency with an expectation to work in a restaurant. Unfortunately, when she was in Thailand, she was forced to work in Karaoke. She had been working there for nearly one year.

Moreover, the working situation for the first couple few months was serving food and drinks to guests, but after a period of four months, the working situation changed. She worked very hard, for instance, taking care of the guests, who come to the shop in serving food and drinks on one hand and in other hand is that she was also forced for prostitution. She added that:

“When I was asked to go up the room, the price was at least 800 Thai Baht (THB), which was paid by the guest and I earned only 200 Baht. But the rest of money has been given to the employer, such as the amount of 100 THB went for the room service, the other 200 went to the police, who provided the protection of the Karaoke and 300 THB went to the employer. The room service is also owned by the employer. It means that the employer earns about 600 THB.” [Miss C. Khmu girl victim, interview date 14 August, 2014]

Rescue and Prosecution Process

The processes of rescuing and prosecution have been provided by police officers, NGOs workers and social workers. One evening of the April 23, 2014 at around 9 pm, there were two men who came into the shop. They then ordered some food and drinks. While they were drinking, they talked about the news and asked about the numbers of the girls in the shop, who are serving the guests.

After they enjoyed drinking for a while, one man asked for girls in order to go up to the room. Before going up to the room, he also asked for the price. While the man was talking about the price with the girls, the other man was playing and chatting with his mobile phone. A few minutes later, around ten o'clock in the evening, a minibus with full of people stopped quickly in front of the shop.

There were suddenly approximately eight men, including three women who jumped out of the bus. They asked the girls to come into the front of the shop. In the shop, there were altogether six girls. The girls and also the shop owner were asked to gather in the front of the shop. There was a woman from the group who jumped out of the bus and approached the girls, saying “we are the police, we came here to help you.” Miss C explained:

“When I heard the sound ‘help’, I am very happy, because I have been working in the shop for a period of long time, but I have not given any salaries and also my passport is taken away. I also have no chance to go out far away from the shop, because I am afraid of being arrested.” [Miss C. Khmu girl victim, interview date 14 August, 2014]

At the police station she went through a victim identification process by the police, and social workers, whether she was a potential victim of human trafficking. The victim identification process includes the victim’s name, date of birth, age, race, nationality, father’s name, mother’s name, address in Laos, card number of the girl and other related documents for entering the Kingdom of Thailand. The victim identification process took half a day on the April 24, 2014. She was told about her rights to receive protection by social workers and the police. Then, she was taken to the governmental shelter under the Ministry of Social Development and Human Security.

She has been in center for nearly six months. During the first month, Miss C was sent to the recovery department in the center for rehabilitation. She was then offered the training course according to training topics of interest to her. At the same time of her stay in the center, the police and lawyers also came to the shelter to conduct interviews to support her case in court. During the interview, she was also accompanied by social workers in the shelter. She added that:

“I have been here in the shelter for nearly six months. I have already taken to the court in order to be a witness just two weeks ago. I also have been told that my case is already wrapped up. The employer will pay me for the compensation for my work, but the lawyers and social workers did not tell me yet how much the amount of money, which will be given for compensation.” [Miss C. Khmu girl victim, interview date 14 August, 2014]

Plan for Return to Place of Origin in Laos

After staying at the center for a period of six months, she learned many things. She met many Khmu girls and also representatives from the Lao embassy to the Kingdom of Thailand. There are also representatives from the Ministry of Labor and Social Welfare in Lao PDR who came to visit the girls in the shelter. Moreover, she also has the opportunity not only to meet friends, but also is given a chance for

trainings on weaving. Currently, she is waiting for compensation. She is also in the process of preparing to return her place of origin.

She already has a clear plan for her return. She will open a shop in which she will run a small business selling towels and clothes in her own village with the investment amount of money coming from her compensation, which is given by the employer.

❖ **Case no. 2. Miss F. (labor trafficking)³**

Forced Migration to Thailand

Miss F. is a nineteen-year-old girl. She was born in an ethnic minority of Khmu from a mountainous area in a province in the northern part of Lao PDR. There are six people in her family and she is the only daughter in the family. She did not have any classes in schooling because the school is very far away from her village. She said that:

“If I would need schooling, I had to walk far away from my own village in an approximation of eight kilometers in an early morning and come back home in the afternoon. The way of walking to school is very difficult, especially in the rainy season.” [Miss F. Khmu girl victim, interview date 15 August, 2014]

In addition, as the only daughter in the family she had a big obligation to play a role, like a second mother in the family in order to take care of the younger siblings. Her reason for entering Thailand was due to a problem with mountainous rice field cultivation for a period of three years resulting from rats eating up the plantation of rice. The family faced difficulty in earning income to buy rice. At that time, there was a recruiter coming to the village to promote working in Thailand for garment factories and restaurants as a waitress with the claim that she could make good money. When she heard she could earn higher income working in Thailand, she decided to move to Thailand with the recruiter in order to seek new employment opportunities and send her income back to support the family. Once she was in Thailand, she was sent to work on the agricultural plantation of cassava in a province in northern Thailand

³The in-depth interview Miss F. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 15, 2014.

along the Mekong River, which was owned by a Thai employer. She worked on the plantation for nearly three months for a wage of 50 THB per day.

After working there, she moved to another place in order to find new work. She found new work on a durian plantation. There were two other Khmu girls and one Myanmar, all of whom were working together in clearing and cutting the grass of the plantation fields. She also collected durian during the harvest. During the first six months of working, she was paid an amount of 4,000 THB per month and accommodation was offered by employer. Since eight months later, she did not receive the salary.

Rescue and Prosecution Process

The process of rescue started resulting when Myanmar girl escaped. One day morning of the July 29, 2013, while she was having breakfast with other Khmu girls, there were some people who came into the house of the employer. There were altogether two women and four men standing in front near the gate of the house of the employer. She added that:

“I had noticed for fifteen minutes as those people asked the employer’s son to call me and other Khmu girls to come out of the house. When I came out into the yard, I saw one woman, who wore a police uniform and I knew that they were police so I was very happy, because the police would come to rescue me. I was told that they are the police and social workers.” [Miss F. Khmu girl victim, interview date 15 August, 2014]

Finally, she was taken to the police station. She was identified by the police, social workers and NGOs workers. The information was given by the victims themselves to the police and social workers such as the name, age, date of birth, race, nationality, father’s name, mother’s name, and address in Laos. She is over eighteen, but she was forced to work with no compensation. In accordance with her situation, she is classified as a victim of human trafficking.

In the afternoon of the same day, she was also told by the social workers and police that she would have the rights to receive the protection and then she was taken into the shelter under the Ministry of Social Development and Human Security. During her stay in the center, she has in the first month taken to the rehabilitated

department for recovery. After one month, she has chosen a department of training. Her topic of training is Thai traditional massage. During her staying in the center, police and lawyers came to shelter to get more information to support the case to be wrapped up.

Plan for Return to Place of Origin in Laos

In the governmental shelter in Thailand, she has an opportunity to learn Thai language and training on Thai traditional massage. She has chosen this training topic, because there are many foreigners who come to visit the province where she comes from. These tourists seek massage and saunas for relaxation.

Therefore, she has a plan to work in offering massages in a restaurant in her own province in order to provide a service on massage and sauna for foreign visitors. She also plans to open a small business in running massage and sauna services, which can only serve four or five foreign visitors.

❖ Case no. 3. Miss L. (sex trafficking)⁴

Forced Migration to Thailand

Miss L. is a girl who is seventeen years old. She was born in a tribe of Khmu in northern part of Laos. She dropped out of school in grade four. There are five people in her family. She is the oldest child in the family and she has two younger sisters. She met a man from the province in northeastern Thailand, who was working in Laos as a truck driver.

She fell in love with him, her boyfriend and came with him into Thailand. When she reached Thailand, she worked in a Karaoke for nearly six months with him. While working, she was become pregnant. After four months, she had her baby and she still worked in the same shop for another four months. Then, she left the shop in order to find another workplace. She found a new workplace and also worked in Karaoke for three months. Her boyfriend escaped from the shop when her daughter was seven months old. Since then, she had been working for nearly one year with no

⁴The in-depth interview Miss L. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 21, 2014.

money, because the employer took her daughter. She was forced for the prostitution to earn money in order to feed her child. She said that:

“I work very hard, but there is no money. Also, my boyfriend escapes and leaves my daughter and me with the employer, who is very unkind. I cannot go out to any open societies, because I saw Lao girls who come to Thailand, were arrested by police. They were sent to jail. I do not have any legal documents allowing me to stay in Thailand so I am afraid of being arrested.” [Miss L. Khmu girl victim, interview date 21 August, 2014]

Rescue and Prosecution Process

The rescue happened one evening of the January 18, 2014, at around 11 pm. There were many people who came into the shop, around ten people altogether gathering in front of the shop and there were two men entering the shop. While they were talking with the employer, all the guests who had come to entertain in the shop stood up and went away. Then, all of the people came in to the shop and they said “we are the police”. She added that:

“When I heard the word ‘police’, I was so afraid. I was sitting, hiding and keeping quiet by the table. Suddenly, the police called my name. I was so frightened. I stood up and walked to the police. At that time, one woman came to approach me and said ‘Should not be afraid, we come here to help you and your daughter.’ When I heard the sound ‘help’, I was so happy. I hope that I will have a chance to go back home with my daughter and even there is no father for her child.” [Miss L. Khmu girl victim, interview date 21 August, 2014]

After twenty minutes, she was taken to a safe place and left her daughter staying in the workplace. She was in the safe place for nearly three hours, because of the victim identification process. The police interviewed her about her name, age, date of birth, card, passport, place of origin in Laos, and her father and mother’s names. Also, the police asked the name of her boyfriend and where he lives in Thailand, but she does not know where he lives, she only knows his name is Mr. T. She was then told that she would receive protection and get her daughter back. On the same day afternoon, she was taken to the governmental shelter under the Ministry of Social Development and Human Security.

Presently, she has been in the center for nearly six months. In the duration of her stay in the center, police officers, NGO workers, lawyers and the prosecutors and also the social workers have conducted more interviews with her to get information to support her case. She has already been taken to court for two weeks ago. In court, she was told that she would get her daughter back from the employer. She will also receive compensation, which will be paid by the employer.

Plan for Return to Place of Origin

She has an opportunity to learn many things during a period of six months in the center. She also has a chance to train on making clothes and towels. She is not only allowed to learn and train at the center, but she is also allowed to go out to present at exhibition events outside the center. These events have been promoted and organized by the Ministry of Social Development and Human Security and other stakeholders. She also said that:

“I am happy in staying in the shelter, because I feel that it is like my home. Also, I have learned the good things from the people in the shelter. They told me to be a good behavior person. I also learned from other friends. This is a good lesson, which I have gained and I never forget. I also have a chance to train how to make clothes. In my place, making small cotton wallets to sell to outside visitors will be the most profitable. I plan to do this when I come back to my own locality.” [*Miss L. Khmu girl victim, interview date 21 August, 2014*]

In addition, when she goes back into her place of origin, she will inform her friends about the situation of undocumented workers in working in Thailand. She will also never believe a man who is from another place with no evidence. Because of love, she was robbed and encountered a terrible life.

❖ Case no. 4. Miss N. (sex trafficking)⁵

Forced Migration to Thailand

Miss N is a seventeen-year-old girl. She was born in an ethnic minority of Khmu in the northern part of Laos. There are five people in her family and she is the

⁵The in-depth interview Miss N. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 25, 2014.

second child. The family condition is very poor. Her mother did not support her to continue her education so she stopped schooling at grade nine. She came to Thailand, because there were some problems with planting mountainous rice. There were a drought and insects destroyed the rice plantation in her village. She came to Thailand with two other girls, who had already been to Thailand. She crossed the border with her passport, which allows only a month stay in Thailand. When she was in Thailand, she found a job as working in Karaoke in Bangkok. She had been working for nearly one year. She said that:

“Salary was not offered, but accommodation was provided. I earned money by sitting with guests serving food and drinks. I received 100 THB per table. Perhaps I could earn 600 THB per night. Also, if clients were so kind, I would receive extra tips for 300 to 400 THB. When I went up to the room with clients, I would get 800 THB per client. The amount of 300 THB was given to the employer. If I went out with client, the client had to pay the employer 300 THB, but all amount of money, it might be perhaps 2,000 THB, which was paid by client, would be given to my pockets.” [Miss N. Khmu girl victim, interview date 25 August, 2014]

Rescue and Prosecution Process

The rescue was occurred one day evening of the September 12, 2013 at around 8 pm when three men came to the shop and ordered food and drinks. She and other two Khmu girls served beer with three guests at a round table in the corner. After having and enjoying drinks for about 30 minutes, two men asked the girls, who were sitting the same table to go up to the room. Miss N was sitting with another man, who was chatting on his mobile phone. At that time, two men and girls had already left to go upstairs. After ten minutes, there were many people gathering in front of the shop. She said that:

“I heard a loud noise outside the door. I opened the door and I saw the police and other people were standing in front of me. So, I was very afraid. At first, the police asked for employer in order to get the girls to come out of the shop. And then, I was rescued and taken to the jail. There was not only me, but also other eleven Khmu girls and three Myanmar girls.” [Miss N. Khmu girl victim, interview date 25 August, 2014]

In addition, she was identified as a victim of human trafficking, because she was under eighteen as were the other three Khmu girls. However, the other Khmu and

Myanmar girls were still in the jail, because they are all nineteen years old. She and the other three Khmu girls were then taken to the emergency home for half a day. At first, she was very afraid, because she thought that she would be arrested and fined. She also thought that she would be kept in the jail as she has seen on television where girls are arrested and sent to jail for months. Until one woman approached and stood by her and she said, "We are social workers and we will protect you."

Miss N. was told to receive protection, as requested by the social workers. On the same day, she was taken to the governmental shelter under the Ministry of Social Development and Human Security. She has been now in the shelter for five months in order to wait her case to be wrapped up. When she first entered into the shelter, she was taken to the recovery center for one month for some learning, for example, basic health care and a session on psychological and social recovery given by the psychologists.

After one month, she was taken to participate in training on a topic of her interest. She had great interest in training on how to cook and services in the shelter. At the same time of her stay in the shelter, police officers also came to the center to conduct more interviews in order to get information to support her case. During the interview, a special room was provided by the social workers in order to interview, for instance, the social workers and Khmu girl victims are in the special room and the police officers were in another room. The police officers could not directly talk to her, but they could talk to her through the social workers. Since a period of nearly five months of her staying in the shelter, she has not been given an opportunity to go to court in order to have the case to be wrapped up.

Plan for Return to Place of Origin

She has learned many things from Khmu friends who are in the center. She has also had a chance to learn Thai language. Besides language learning, she also has an opportunity to learn how to cook food and offer services. She plans to work in the guest house in the town of her own province, because there are many tourists who come to the province for the purpose of trekking, rafting, kayaking and biking in high mountains natures. Miss N would like to give information that she has learned in the

center to other friends, especially the young girls in her own community on the negative impact of the human trafficking.

❖ **Case no. 5. Miss P. (labor trafficking)⁶**

Forced Migration to Thailand

Miss P is a fourteen-year-old-girl. She was born in an ethnic minority of Khmu in the northern part of Laos. There are eight people in her family. She has three older brothers, one younger brother and one younger sister. In accordance with the resettlement of plan of the government of Laos as the shifting of slash and burn cultivation, people have to move down from mountainous areas for the new resettlement development on flat areas. As her family transitioned to new living conditions, she was forced to work in Thailand. She came into Thailand with other three friends from her own village, because within the group there is one girl who had already been to Thailand. She was smuggled across the border through dense forests into Thailand, where there are no checkpoints. When she reached Thailand, she was separated from the other two girls because her friend, who had already been in Thailand, went with her boyfriend. Miss P. found work collecting plastic bags and bottles to sell to a factory in order to earn money. She had been collecting plastic bags and bottles for one week and she earned only about 100 or 150 THB per day. The amount of money depended on the amount of collected plastic bags and empty bottles. Moreover, after two weeks, she found new work as a domestic worker in the house of Thai, taking care of dogs, for instance, washing dogs every week, cutting and watering the flowers around the yard, washing clothes of the house's owner, and changing the water in the bowls of planted flowers. She said that:

“I worked as a domestic worker and earned good money such there was 5,000 THB per month. Also accommodation was provided by employer in a period of one year. My parents knew as well where I was working. I could also send some money back home. But employer did not give the salary or even allowed her to call back home after one year or even my parents called into the employer phone number; she did not receive any phone. This situation continued for six months.” [Miss P. Khmu girl victim, interview date 26 August, 2014]

⁶The in-depth interview Miss P. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 26, 2014.

Rescue and Prosecution Process

Her father came into Thailand on the March 18, 2014. He went directly to the Lao embassy in Bangkok. Her father collaborated with representatives from the Lao embassy and the Thai police. They came into the employer's house, where Miss P was working. When her father, police and representatives of Lao embassy reached the employer's house, the employer was not there. Miss P. said that:

“When I heard the sound of people, who were calling my name in front of the gate, I was so frightened. I could not see their faces, because the gate was locked. I came down from my room to approach the gate and I heard my father, so I was very happy. Suddenly, the police broke the gate and took me to the emergency home immediately. Also, the other group of police went to the place where the employer works. And then, she was taken to the police station.” [Miss P. Khmu girl victim, interview date 26 August, 2014]

After two hours of staying in the emergency home, Miss P was taken to the governmental shelter under the Ministry of Social Development and Human Security. In accordance with the Thai labor protection law, section no. 44, “No employer shall employ as an employee a child less than 15 years old of age” (Thailand, 1998). When his daughter reached the shelter, the father considered going back Laos, because he ensured that his daughter would be protected by police officers and social workers.

Plan for Return to Place of Origin

Miss P. has been staying in the shelter for five months. She has learned many things with friends and the NGO workers and social workers who support her in the center. She also has a chance to participate in the Lao language classes. Moreover, she has also trained how to give a service on massage and sauna, for example, Thai traditional massage and oil massage. She plans to work in restaurants in her own town.

❖ Case no. 6. Miss T. (labor trafficking)⁷

Forced Migration to Thailand

⁷The in-depth interview Miss T. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 28, 2014.

Miss T. is fifteen years old and was born in a tribe of Khmu in the northern part of Laos. She did not have any chances to participate in any classes in primary education. There are eight people in her family. She has two older brothers and three older sisters and she is the youngest child in the family. The reason she was forced to leave her own community is because of the new relocation development of the government. She left her own locality for the Kingdom of Thailand with her relatives. When she reached Bangkok, she was separated from her relatives and brought by a Thai agency to work on a pineapple plantation. She worked on pineapple plantation fields for nearly eight months with two other Khmu girls. She had worked from early morning, which started at 6 am, until 7 pm. She added that:

“When I finished clearing pineapple fields of employer who I stayed with, I had to work for other pineapple fields, which were owned by other employers. The pineapple fields were located in high mountains far away from the city. It took about 3 hours to reach the pineapple plantation fields. There were four different owners of pineapple fields.” [Miss T. Khmu girl victim, interview date 28 August, 2014]

She worked very hard for eight months in clearing the pineapple plantation plots. She was not allowed to go out or using a cell phone and the employer also did not give her money. She was just given food, but even the food was not good that eaten by the employer. She wanted to try and escape, but she could not. She thought that if she escaped, she would be arrested by police, because she does not have legal documents, for example, passport and permission to work in Thailand.

Rescue and Prosecution Process

Miss T’s rescue occurred early one morning on the November 25, 2013. There were some people who wearing normal clothes were gathering and talking loudly in front of the house of employer. After a few minutes, they called the employer to open the gate. There were five men and three women and within their group, one man was wearing a police uniform and they came into the yard. The man wearing the police uniform asked the employer about Miss T’s name. At the same time when they were talking between the man and the employer, she noticed from the window room, where she stayed. She said that:

“There was a man wearing the police uniform said, ‘We are the police’. He asked the employer to call me to come down. When I heard the word ‘Police’, I was afraid; because I was thinking that I would be arrested. Then, I saw three women standing and approaching. She said, ‘We came here to help you’, so I was happy.” [Miss T. Khmu girl victim, interview date 28 August, 2014]

The victim identification process took place at the emergency home. There were police officers and social workers involved in the identification process. Miss T was asked about her citizenship, name, age, and date of birth, parents’ names and place of origin in Laos. Her photo was taken by the police. The police wrote down everything about her information.

In the next morning, she was taken with other two Lao girls into the governmental shelter under the Ministry of Social Development and Human Security. In the same period of her staying in the shelter, there were some police officers who came to conduct more interviews in order to get information to support her case. At the same time of the interview, the social workers in the shelter did not allow the police to talk with her independently. She was provided a special small room. She was with the social workers in one room and the police officers talked with her through the social workers in the center. She has been in the shelter for nearly ten months and is waiting for her case to be wrapped up.

Plan for Return to Place of Origin

Miss T has learned a lot of things, especially the participation in events, which was organized by the social workers in the center about the negative impact of human trafficking. Also, she has received training service such as hairdressing and nail cutting. Besides the learning, she also has a chance to meet many Khmu girls. She plans to open a shop for hairdressing and nail cutting in her own village with the money which will be compensated from the employer. In addition, she would like to inform her friends in her own community not to come to work in Thailand as undocumented workers.

❖ **Case no. 7. Miss V. (sex trafficking)⁸**

Forced Migration to Thailand

Miss V. is a fifteen year-old-girl who is categorized in an ethnic minority of Khmu from high mountainous areas in the northern part of the Laos. She had no chance for the schooling due to her obligation as the first child in the family to support younger family members. On the other hand, there was an environmental problem of drought, which was affecting the mountainous rice plantation. So that Miss V was forced to move to Thailand in order to find job opportunities. Her parents expected that working in Thailand would benefit in more money and their daughter could send remittances back to the family. She came into Thailand with other three girls from her own community. Miss V. was smuggled across the Mekong River and went through the dense forest, where there are no border check points, because the two girls among their group had already been to Thailand. When she reached Thailand, she worked in a Karaoke in the province of Thailand along the Mekong River. She had worked there for nine months. She earned in the first three months an amount of 10,000 THB per month. She said that:

“It was good money to work in the Karaoke, even there was no salary, but the accommodation was offered by the employer of the workplace. Also, when I went upstairs with clients, if the clients were so kind, I was paid extra money, approximately 300 or 500 THB plus 600 THB per client.” [Miss V. Khmu girl victim, interview date 28 August, 2014]

Rescue and Prosecution Process

Miss V’s rescue took part one evening of the February 25, 2014 at around 9 pm when police officers and social workers came into the shop. She then was rescued with six other Khmu girls who were working in the same workplace. After the rescue, she was taken to the police station. She was then classified as potential victim of human trafficking, because she was only fifteen years old. She also was told by social workers and police that she would be received a protection. After the victim identification process, she was taken to the governmental shelter under the Ministry of Social Development and Human Security. When she was first in the governmental

⁸The in-depth interview Miss V. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 28, 2014.

shelter, she was very afraid, because she thought that she would not have a chance to go back her place of origin in Laos. But the social workers told her not to be afraid. She was then taken to the recovery section in the shelter. After one month, she was then taken to the section of arts in order to learn how to sew the covered tablecloths, toys and some key ring and other decoration tasks. She has been in the shelter for eight months. At the same time of her stay in the shelter, she was also interviewed by police officers to have more information to support her case to be wrapped up.

Plan for Return to Place of Origin

During Miss V's stay in the shelter, she has an opportunity to learn many things, particularly with training on how to sew the table covers and other decorations for some events. She also met new friends, who are also from Lao PDR. She plans to open a small shop for decoration services for some events such as weddings and house warming parties.

3.2 Protection and Prosecution of Victims

As the results from the above profiles of Khmu girl victims from Lao PDR in the Kingdom of Thailand, the table below shows the profiles of the cases.

Table 5. Summary of Cases of Khmu Girl Victims from Laos in Thailand

No.	Case	Age	Type of trafficking	Working period and workplaces in Thailand
1	Miss C	16	Sex trafficking	One year of working in Karaoke
2	Miss F	19	Labor trafficking	Nine months of working in cassava and durian plantations
3	Miss L	17	Sex trafficking	One year and nine months of working in Karaoke
4	Miss N	17	Sex trafficking	One year of working in Karaoke
5	Miss P	14	Labor trafficking	Eighteen months of working as domestic worker
6	Miss T	15	Labor trafficking	Eight months of working in pineapple fields
7	Miss V	15	Sex trafficking	Nine months of working in Karaoke

Source: Author based on interviews the trafficked Khmu girls in shelter, August, 2014

The above table shows that there are seven Khmu girl victims of human trafficking and among the groups, there are four victims of human trafficking who are categorized as sex trafficking, but there are only three who are categorized under labor trafficking. The four victims of sex trafficking have been working in Thailand for more than one year, especially Miss L. has worked in Karaoke for one year and nine months. She had the longest period of working in Thailand. In contrast, victims of labor trafficking have less than one year of working, but there is only one labor trafficking case, Miss P, who had eighteen months of working as a domestic worker in Thailand.

The Royal Thai Government, especially the Ministry of Social Development and Human Security is strongly focused on implementing the “Anti-Trafficking Act B.E 2551 (2008). For instance, Chapter 6 “Penalties”, section 53 stated that:

“Any juristic person commits an offence of trafficking in person shall be liable to the punishment of a fine from two hundred thousand Baht to one million Baht. Also, section 54 stated that whoever obstructs the process of investigation, inquiry, prosecution or criminal proceedings on the offence of trafficking in persons so that the process is unable to be conducted in a well-manner, by doing any of the following acts..., shall be liable to the punishment of an imprisonment not exceeding ten years and a fine not exceeding two hundred thousand Baht (Thailand, 2008).”

3.2.1 Process of Rescue and Victim Identification

The process of rescue is very detailed, for instance, it includes where the Khmu victims of human trafficking are located. The amount of time required for the trip, vehicles and all needed equipment are prepared. Also, interpreters are provided, because some of the victims cannot speak Thai and Lao languages well.

After the plan is set, all stakeholders have to follow the plan, but in case of emergency, the head of each team has to cooperate with each team for a resolution. While the police and other related parties reach the workplace of the victims, the team leader has to show the employers the letter, for example, legal documents, which are issued by the prosecution office. Then the representative of the team talks with the employers and also the victims (Multi- Disciplinary Team, 2013). While the police talk with the employers, photos are also taken for evidence. Then, the victims are taken to the nearest safe place or emergency home in the province. If the workplace is

outside Bangkok, the police station itself can be a safe place for the victims because it is protected. As a result the police and other stakeholders do not allow the employers or traffickers to approach the victims of human trafficking. The victim identification process takes place in the emergency homes or police stations in the province, wherever the victims are taken for safety. The victims are screened by the police officers and social workers, and it is determined whether they are truly victims of human trafficking.

Moreover, the victim identification process requires information from the victims such as name, date of birth, age, race, nationality, names of parents, and address of the place of origin and card number and other legal documents. The potential victims of human trafficking are also interviewed about the way in which they entered into Thailand, including whether they were brought by the recruitment agencies. Also, if the potential victims of human trafficking are related to the aspects, for instance, being sold by the guardians, being brought by agency, etc., and then they are forced to work and kidnaped.

All this information has to be written and recorded on the form of victim identification in order to serve as evidence, whether the Khmu girls are the victims of human trafficking. If the victim is a child, even he/she is not labeled as being forced to work rather, the child is categorized as a victim of human trafficking. In case the name cannot be given by the potential victim of human trafficking, the right thumb finger has to be printed on the guideline for victim identification for human trafficking for the evidence. If the potential victim of human trafficking is not clear as to whether the victim is truly a victim of human trafficking in order to receive the protection, the investigation shall be implemented.

As indicated in “Guideline for victim identification of victims of human trafficking” in Appendix 5, all Khmu girls went through this identification process. Once the girls are classified as victims of human trafficking, they are required to receive the rights of protection and they are sent to the governmental shelter under the Ministry of Social Development and Human Security. If the girls who desired to receive protection and agreed to be witness in the prosecution and judicial process, the police have to cooperate with other responsible parties in order to process for further consideration. The Khmu girls who refused to receive protection are sent back to their

places of origin in Laos. The table below displays the protection and prosecution of Khmu girl victims.

Table 6. Protection and Prosecution of Khmu Victims

Case	Rescued by	Age	Interpreter	Identification & collection of evidence	Being informed of victim's rights	Victim as witnesses in court	Result of Court Verdicts	Amount of compensation
Miss C	Police and multi-disciplinary team	16	no	✓	✓	✓	Trafficker was sent to prison for one years and six months.	125,000 THB
Miss F	Police and multi-disciplinary team	19	yes	✓	✓	✓	Her case is still not wrapped up.	-
Miss L	Police and multi-disciplinary team	17	no	✓	✓	✓	Case is finished, but trafficker has not sentenced yet.	-
Miss N	Police and multi-disciplinary team	17	no	✓	✓	✓	The case has not yet sent to court.	-
Miss P	Lao Embassy and police	14	no	✓	✓	✓	She has already tripped back to her place of origin in Laos. Trafficker was sent to prison for one year.	55,000 THB
Miss T	Police and multi-disciplinary team	15	yes	✓	✓	✓	Her case is still remained unwrapped up.	-
Miss V	Police and multi-disciplinary team	15	yes	✓	✓	✓	She is still in shelter, because her case is not finished yet.	-

Source: Author based on interviews the trafficked Khmu girls in shelter, September, 2014

The above table displays the rescue and prosecution process for the Khmu girl victims of human trafficking in Thailand. As it shows that six victims out of seven

have been rescued from the workplaces by police and multi-disciplinary team as there is only one Khmu girl victim was rescued by police and representatives from the Lao Embassy to Thailand in Bangkok. The rescue process was sometimes complicated, because of communication between police, multi-disciplinary team and victims. As the result, some of Khmu girl victims are unable to communicate in Lao language or even Thai because they are ethnic minority people.

Thus, having an interpreter is compulsory to help complete the rescue process. For example, the table also shows that there are four victims who did not require the interpreter during the rescue process. But there are three victims who required a Lao language interpreter for the rescue process. Sometimes the interpreters are among the victims themselves who can speak well the Lao language.

Moreover, all Khmu girl victims of human trafficking have been identified and had evidence collected in order to support the case. After the victim identification process, they have been informed to receive the rights of protection by police and the multi-disciplinary team. As having interviewed with victims of human trafficking, they have all agreed to be witness in court in order to support the process of prosecution of the traffickers.

3.2.2 Victims as the Testimonies in Court

The police report all information and evidence, which have been collected from victims of human trafficking themselves, including photos, phone records and other related evidence. This evidence has sent to the prosecutors to further process the prosecution. The prosecutors and the lawyers have to review all given information sent by the police and multi-disciplinary team. The prosecutors sometimes come to the shelter in collaboration with social workers, who are responsible for Khmu girl victims of human trafficking to conduct further interviews to support the case.

Moreover, the prosecutors and social workers have firstly to inform the Khmu girl victims of human trafficking to propose their rights to compensation and then the amount of compensation, which is requested by the Khmu girl victims of human trafficking, should be later discussed by prosecutors in cooperation with social workers and other stakeholders who are responsible for the case. Also, if all information has been given to court, the responsible social workers have to cooperate

with other concerned parties for further processing of the case in order to push for the case. The victims of human trafficking are then brought to court in order to be a witness and hear the case.

As the above table illustrates, there are three cases that have already wrapped up. For instance, in case no. 1 the trafficker was already sent to prison for one year and six months. Also, the trafficker gave compensation to the victim in amount of 125,000 THB (One hundred twenty-five thousand Thai baht). For case no. 3, the case has finished, but the trafficker has not been sentenced yet. On the other hand, there were still four cases that remain incomplete and the victims of human trafficking are still in the shelter.



CHAPTER 4

PRE- REINTEGRATION AND HUMAN SECURITY OF KHMU GIRL VICTIMS

This chapter presents the anti- trafficking law mentioning the assistance for the victims, pre-reintegration and human security of the Khmu girl victims of human trafficking in the governmental shelter under the Ministry of Social Development and Human Security in order to reach sustainable reintegration into their places of origin in Laos.

The first component of this chapter focuses on the trafficking law leading to assistance for the victims. It then explores what protection mechanisms have been offered for the Khmu girl victims of human trafficking. Lastly, it looks at the human security of the victims of human trafficking in the shelter.

4.1 Anti-human Trafficking Law

The Royal Thai Government, especially the Ministry of Social Development and Human Security is strongly focused in implementing the “Anti-Trafficking Act B.E 2551 (2008) in order to offer assistance and protection of safety to the trafficked persons.

For instance, in accordance with the Anti- human trafficking law, the chapter 4 “Provisions of Assistance and Protection of Safety to the Trafficked Person of Trafficking in Persons”, section 33 stated that:

“The Ministry of Social Development and Human Security shall consider to provide assistance as appropriate to a trafficked person on food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, the return to the country of origin, ...;

Also the section 35 stated, in case where the trafficked person has the right to compensation for damages as a result of the commission of trafficking in persons and express his intention to claim compensation thereof, the Public Prosecutor, to the extent as informed by the Permanent Secretary for Social Development and Human Security or any person designated by him, shall, on behalf of the trafficked person, claim for compensation (Thailand, 2008).”

4.2 Activities for Pre-reintegration of Khmu Girl Victims

In the governmental protection and occupational shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, there are many concerned stakeholders, which are obligated to support assistances for Khmu girl victims of human trafficking. These stakeholders include social workers, NGO workers and the representative of the Ministry of Labor and Social Welfare from Laos in order to support the assistance of the Khmu girl victims of human trafficking in the shelter.

4.2.1 Activities provided by Social Workers

The social workers include the nurses, and psychologists who offer assistance for the Khmu girl victims of human trafficking in the shelter. The responsibilities of the social workers detailed as follows.

First, when the Khmu girl victims of human trafficking, who are sent to the shelter in Thailand, they have to be sent to the recovery center in the shelter in order to be examined for mental and physical treatment. The Khmu girl victims of human trafficking remain in this center for approximately one month. Some of the victims are still afraid, because their minds are still not recovered, especially if they were forced to engage in prostitution. At the same time while they are in the recovery center, sessions on basic healthcare are provided by the nurses in order to impart knowledge on healthcare for the victims to prevent themselves from any diseases.

At this stage, some activities related to mental and physical treatments, for example, game playing and singing their own songs, are offered by the psychologists. Second, after one month, the Khmu girl victims of human trafficking who are already recovered are promoted to have a two-week tour within the shelter in order to see how the training activities in each section, are implemented and they have to decide on their topic of interest for training.

In addition, while Khmu girl victims of human trafficking are having a tour in each section, there are some social workers in each section explaining how the training is implemented and all the interesting issues with each training topic. Third, the Khmu girl victims of human trafficking can choose the topic of training in

accordance with their interests. They can think of the training topic, which is based on local market demand in their localities of origin in Laos.

Finally, the training programs are offered to the Khmu girl victims of human trafficking in depending on their topics of interests. The training programs on vocational education are offered for the Khmu girl victims of human trafficking in order to improve the ability to earn incomes upon return. In the protection and occupational shelter, there are seven topics on vocational education and training have been offered for the Khmu girl victims of human trafficking such as:

- Training on cooking and services;
- Training on weaving;
- Training on arts, including covered tablecloths sewing, toys and key rings;
- Training on handicrafts, including plastic baskets, plastic bags and plastic hats;
- Training on saunas and massages such the Thai traditional massage and oil massage;
- Training on garment for clothes making; and
- Training on hairdressing and nail cutting services.

Also, they are strongly encouraged to take the Lao languages courses for enhancement of knowledge of basic writing and reading, because some of Khmu girl victims of human trafficking in the shelter cannot read and write Lao language well. The language course covers thirty hours, which is offered three hours per day and scheduled for two days per week.

The course is designed as basic adult learning; it is called “Informal Education” for adults with basic supplements for learners. The session giving information on the risks of human trafficking is provided to the Khmu girl victims of human trafficking by social workers in the shelter itself or consultants who come to the protection and occupational shelter.

Moreover, the Khmu girl victims of human trafficking are also promoted to present their products from each training section; for instance, the products of baskets,

clothes and towels for some events, which have been organized by the Ministry of Social Development and Human Security outside the shelter, but sometimes the events may also be supported by other stakeholders, including those from the private sector.

4.2.2 Activities provided by the NGO

In the governmental protection and occupational shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, Non-governmental Organizations (NGOs) are also actively involved in providing some activities to support anti- trafficking issues. The NGOs come to the shelter in collaboration with the social workers in the shelter in order to organize open day activities to support assistance for the Khmu girl victims of human trafficking, giving information about the risk of trafficking in persons. Also, some basic healthcare session are offered by the NGOs in order to help prevent the victims from any diseases.

In addition, NGOs also arrange for classes on basic Lao language for the Khmu girl victims of human trafficking, who are a bit illiterate about writing and reading Lao language. This language classes are offered for some Khmu girl victims of human trafficking in the shelter by the NGO called “Foundation for Women” in Bangkok, because they cannot read and write, but they are not absolutely illiterate. These classes are designed for the communication of knowledge for the Khmu girl victims of human trafficking in order to improve social reintegration into their own localities. These activities are offered to enable the knowledge on basic writing and reading skills for social reintegration.

Also, some reading and writing materials, for example, reading books, magazines and the basic Lao cartoon books are provided by the NGO, especially the Foundation for Women in Bangkok to support the Khmu girl victims of human trafficking in the shelter for their enhancement of the knowledge and skills in reading and writing abilities in order to reach an approach of sustainable reintegration into their places of origin in Laos.

4.2.3 Activities provided by Lao Staff

In the duration of stay in the protection and occupational shelter Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, the representatives from the Ministry of Labor and Social Welfare in Laos in cooperation with the Lao embassy in Bangkok.

Also, they come to the shelter in order to see the living situations and what supports have been provided for Khmu girl victims of human trafficking in accordance with the bilateral Memorandum of Understanding between the government of the Laos and the government of the Kingdom of Thailand on cooperation to combat trafficking in persons, especially women and children.

In addition, an open half-day talk on the anti-trafficking issues is also provided for the Khmu girl victims of human trafficking in the shelter by the representative of Lao staff in cooperation with social workers. Moreover, the Lao staff and representative from the embassy in Bangkok also talk about the negative impacts of trafficking in persons and the issue of unregistered labor in Thailand. This information can help the Khmu girl victims of human trafficking themselves prevent future risks of being victims of trafficking again and also facilitate the transfer of knowledge to other Khmu girls in their regions upon their return to their places of origin.

4.3 Expectation of Khmu Girl Victims

Through interviews with Khmu girl victims of human trafficking in the shelter, they have expected to transfer the knowledge that they gained in the shelter in Thailand in their own regions.

The table below displays the expectation of the Khmu girl victims of human trafficking in the shelter for their return into their places or origin in Laos. The table illustrates the expectation of Khmu girl victims of human trafficking in the shelter upon returning Laos.

Table 7. Expectation of Khmu Girl Victims upon Returning their Places in Laos

No.	Case	Expectation of Khmu girl victims upon returning their places of origin in Lao PDR
1	Miss C	She expects to open a shop running small business to selling towels and clothes in her own village.
2	Miss F	She plans to run a business to offer the Thai massage and sauna services in her home town serving four or five guests per day.
3	Miss L	She expects to make small cotton wallets and towels to sell to the visitors in her locality.
4	Miss N	She has a plan to work in a guesthouse in order to be a cook for serving guests with her knowledge obtained from the shelter in Thailand.
5	Miss P	She expects to work in a restaurant in her home town to offer Thai massage.
6	Miss T	She has planned to run business offering hairdressing and nail cutting services in her village.
7	Miss V	She plans to open a shop that offers services on decoration for events of wedding and housewarming parties.

Source: Author based on interviews the trafficked Khmu girls in shelter, September, 2014

As result from table above, cases no. 1 and 3 have a plan for running a business on selling towels, clothes and cotton wallets upon returning to their places of origin in Laos. As result from the interview, they said that selling small cotton wallets for outside visitors is the most profitable in their locality. Another common expectation is that they will provide Thai massage and sauna. Cases no. 2 and 5 are planning to open and work in restaurants offering Thai massage for guests.

The other three cases expect to run other business, for example, case no. 4 plans to work in restaurant to cook food in serving guests, while case no. 6 has planned to open a small business offering hairdressing and nail cutting services in her own village. She said that offering hairdressing and nail cutting services earn higher incomes, because there are just two small shops in the village, but the demand is very high.

Moreover, the other interesting topic is opening a shop for offering decoration for special events such as wedding and house warming parties. In present, there are some victims of human trafficking are prepared to be sent back to their places of origin with the arrangement of a trip, which is organized by the governmental protection and occupational shelter under the Ministry of Social Development and Human Security in collaboration with the Lao embassy and Department of Labor and Social Welfare, the Ministry of Labor and Social Welfare in Laos.

4.4 Human Security for Khmu Girl Victims

This section presents the human security for the Khmu girl victims of human trafficking in the governmental protection and occupational shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security. It first focuses on food security and it then follows with healthcare security.

4.3.1 Food for Khmu Girl Victims

As having discussed that the Khmu girl victims of human trafficking in the protection and occupational shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security are not allowed going outside the shelter themselves.

This situation could lead to limitations for their livelihood opportunities. Nevertheless, the social workers offer food for the Khmu girl victims of human trafficking adequately, funded by the Royal Thai Government. The “food is offered for Khmu girl victims of human trafficking three times a day”, added by Mrs. K, the social worker in the shelter.

Moreover, the Khmu girl victims of human trafficking are not also prohibited to promote planting vegetables and catching fish in the shelter. Not only is food provided, but also snacks and even clothing are offered for the Khmu girl victims of human trafficking in the shelter, which is sponsored by the Royal Thai Government.

As having interviewed with one of the Khmu girl victim of human trafficking in the shelter, Miss P⁹. explained that:

“I have enough food in the shelter. The social workers offer me three meals per day. I have a breakfast at 8.00 am, lunch at 11.30 am after I finish training on offering the services of Thai massage and dinner is always offered at 4.30 pm. Some of the girls, who are new in shelter, are a bit worries about food, because they are not familiar with early inner. But we have also given some snacks, e.g., bread and some drinks during evening. I am also encouraged to plant vegetables for cooking during the weekend.”
[Miss P. Khmu girl victim, interview date 26 August, 2014]

4.3.2 Healthcare for Khmu Girl Victims

Regarding access to healthcare in the governmental protection and occupational shelter in Thailand under the Ministry of Social Development and Human Security, the Khmu girl victims of human trafficking are strongly encouraged to access to healthcare services. There are highly trained healthcare staffs in the shelter that offer the basic healthcare services for victims of human trafficking.

The healthcare services such as the information on diseases prevention or even lessons about the treatments are also provided for the Khmu girl victims of human trafficking by the nurses in the shelter, especially for new-comers. Unfortunately, the other aspects of human security such as environmental security and personal security are not possible to examine due to limited time and shelter regulations and special condition.

⁹ The in-depth interview Miss P. was conducted at the governmental shelter in Thailand under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security, on August 26, 2014.

CHAPTER 5

CONCLUSION, DISCUSSION AND RECOMMENDATIONS

This chapter presents the conclusion, discussion and recommendations of the study on the “Protection and Prosecution of Khmu Girls from Laos: Cases of Pre-reintegration process and Human Security in Thailand”. The first component of this research presents the conclusion of the study such as the protection and prosecution on behalf of the Khmu girl victims of human trafficking from Laos.

It is then followed by the pre-reintegration process and human security for the Khmu girl victims of human trafficking in the governmental protection and occupational shelter in Thailand under the Ministry of Social Development and Human Security. It follows with a discussion of the study. Lastly, it focuses on the recommendations for further research on the issue of anti-human trafficking in persons.

5.1 Conclusion of the Study

This section presents the protection and prosecution process on behalf of Khmu girl victims of human trafficking through the victim identification and prosecution process and emphasizes on the mechanism has offered to lead the pre-reintegration process and ensure the human security of the Khmu girl victims of human trafficking in the shelter in order to achieve an approach of sustainable reintegration into their places of origin in Laos.

5.1.1 Protection for Khmu Girls Victims

The police and social workers place a strong emphasis on prioritization for the safety of potential victims of human trafficking. After the victim identification process is complete, the Khmu girls who are identified and classified as victims of human trafficking are offered and receive protection by police and social workers. Then, they have to be sent immediately to the governmental protection and occupational shelter under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security. When they first arrive at the

shelter, they have to be sent to the recovery center for mental and physical treatment. At the same time in the recovery center, basic healthcare is also provided in order to offer the knowledge on how to protect themselves from any diseases.

In addition, when the police or NGO workers come to the shelter for interviews with the Khmu girl victims of human trafficking, they are to be accompanied by social workers in the shelter during the interview and sometimes the small special room is provided for the Khmu girl victims of human trafficking, while the interviews are provided for the police.

For example, the Khmu girl victims of human trafficking and social workers have to stay in a small glass room, but the police are in the other room during the interview. They cannot see each other between the victims and social workers and the police, the police can talk to the Khmu girl victims of human trafficking through a micro phone. Moreover, during the stay at the governmental protection and occupational shelter, they are not allowed to go out by themselves. They are always under the supervision of social workers in the shelter.

5.1.2 Prosecution for Khmu Girl Victims

The prosecution process is important in order to avoid the human trafficking in the future. The Royal Thai Government has strongly emphasized on the enforcement of the “Anti- Trafficking in Persons Act B.E 2551 (2008)”, the section 53, “Any juristic person commits an offence of trafficking in persons shall be liable to the punishment of a fine from two hundred thousand Baht to one million Baht” (Thailand, 2008).

In addition, the police are more concerned about the prosecution process in order to ensure the traffickers receive punishment and are not concerned about human trafficking again in the future. The police collect information, including photos, phone records and other related evidence to support court procedure in order to wrap up the case. The traffickers later have been punished and sent into prison. According to discussions with the police, who come to the shelter, there were approximately 45 cases on human trafficking issues in 2013, but there were only 21 traffickers who have been sentenced to prison.

Also, the victims of human trafficking have been compensated. If the case has finished, the victims are in the process of preparation to be sent back to their places of origin in Lao PDR with a trip, which is arranged by the Royal Thai Government in collaboration with the Lao Embassy to Thailand in Bangkok.

5.1.3 Pre-reintegration Process for Khmu Girl Victims

In the shelter, there are many types of support for the Khmu girl victims of human trafficking in order to have an approach of sustainable reintegration into their places of origin in Lao PDR. There are some supports from the social workers, nurses and psychologists in the shelter. They offer lessons on healthcare services.

In addition, there are also some supports from the NGOs and representatives from the Lao Ministry of Labor and Social Welfare in collaboration with the embassy of Lao PDR to Thailand in Bangkok. The NGO offers the activities, which are related to Lao language classes as many of the girls come from mountainous areas and their knowledge of Lao language is not good enough to read and write, yet they are not absolutely illiterate.

Moreover, these Khmu girl victims of human trafficking can speak Lao and communicate verbally, but the problem is that very little numbers of Khmu girls can write and understand large descriptions like reading books, magazine, news and information, which are related to human trafficking. The activities related to the language learning are to support the Khmu girl victims of human trafficking to have an opportunity to socially reintegrate into their places of origin in Lao PDR. The other important element for supporting Khmu girl victims of human trafficking in the governmental protection and occupational shelter is the training programs on vocational education. There are many types of training programs offered in the shelter so Khmu girl victims of human trafficking may gain knowledge and skills to pursue job opportunities. The Khmu girl victims of human trafficking can choose topic of training that interest them. This vocational education and training program can support the economic reintegration of the Khmu girl victims of human trafficking into their own communities in Laos.

As discussed during the interviews, many Khmu girl victims of human trafficking in the protection and occupational shelter have a clear plan for the future.

Some are planning to open a shop offering hairdressing and nail cutting services in their own villages and some girls are planning to run a small business offering massage and sauna services in their hometowns.

Moreover, one victim of human trafficking mentioned that she would like to open a shop for making, sewing and selling clothes in her village and sale of small handmade cotton wallets for foreigners as this would be most profitable. Also, as having discussed with social workers and NGO workers who conducted a follow up on sustainable reintegration, they found that some of the Khmu girl victims of human trafficking who have already returned are encouraged and accepted by the local authorities to be involved in the social structures.

5.1.4 Human Security for Khmu Girl Victims

In the governmental protection and occupational shelter in Thailand under the Ministry of Social Development and Human Security, the human security of Khmu girl victims of human trafficking is more emphasized by the Royal Thai Government in order to ensure their livelihoods.

As determined through interviews with the social workers in the shelter, the Khmu girl victims of human trafficking are provided adequate food and even clothes are offered by the Royal Thai Government. Also, they are provided three meals per day and the quantity of food is enough for the Khmu girl victims of human trafficking. In addition, the victims in the shelter are also offered snacks and some drinks during evening.

Moreover, the access to the healthcare is also provided by highly trained nurses in the shelter. The session on basic healthcare is regularly offered for the Khmu girl victims of human trafficking in the shelter, particularly for new-comers to the shelter.

5.2 Discussion of the Study

The section presents the discussion of what protection and pre-reintegration are provided according to the anti-human trafficking and further expectation for

Khmu girl victims in order to help them achieve better livelihood on returning to their places of origin in Laos.

5.2.1 Protection and Pre-reintegration according to Anti-Trafficking Law

The Khmu girl victims of human trafficking received the protection in the governmental protection and occupational shelter under the Ministry of Social Development and Human Security. They are always under supervision by the social workers in the shelter and are not being allowed to go outside the shelter alone. If they need to go outside the shelter for numerous reasons, they are accompanied by the responsible social workers in the shelter.

In the shelter, there is much assistance to support the Khmu girl victims of human trafficking to gain more knowledge and ability in order to achieve sustainable reintegration upon returning to their places of origin in Laos. The supporting programs are 1) a basic Lao language course, which was implemented by Lao volunteer student from Chulalongkorn University, faculty of Political Science, assisted by Foundation for Women in collaboration with social workers; and 2) trainings courses on vocational education programs, which were arranged by social workers in the shelter.

Besides the two programs above, there is also an activity, e.g., an open day program on the issue of anti- trafficking, which was implemented by the Lao Ministry of Labor and Social Welfare and Lao embassy to Thailand in Bangkok in cooperation with social workers. Also, some reading books, magazines and newspapers for basic Lao language are provided by Foundation for Women in Bangkok in order to help encourage the Khmu girl victims of human trafficking enhance their basic reading and writing skills in order to enable them to the returning to their places of origin in Laos.

As observed, the Khmu girl victims of human trafficking who are victims of sex trafficking took more time to recover through physical and mental treatment. It might be because they were forced to work in prostitution. However, the girls who were labor trafficked went through mental and physical treatment more quickly than the sex trafficked girls during the psychological sessions.

Nevertheless, the social workers, highly trained nurses and psychologists have been working very hard to take care of all victims of human trafficking in the shelter. Also, healthcare is provided for the Khmu girl victims of human trafficking in order to help prevent themselves from any diseases. Moreover, the Khmu girl victims of human trafficking are encouragingly promoted to present their products, which were made by themselves outside the shelter in some events, arranged by the Ministry of Social Development and Human Security and other public and private stakeholders.

5.2.2 Expectation of Khmu Victims and Sustainable Reintegration

As having discussed with the Khmu girl victims of human trafficking in the shelter, the knowledge and abilities gained from the trainings on vocational education programs from the shelter is extremely crucial in order to lead economically sustainable for the Khmu girl victims of human trafficking on return to their places of origin. Luang Namtha is a province, located in the borders to the People's Republic of China, the fast development and Republic of the Union of Myanmar. It is the fast development province, where the Road No. 3 from Kunming to Bangkok passes the middle of Laung Namtha town.

As a result of the good conditions of the province, the Khmu victims of human trafficking turn their work in farming into business sectors. They all expect to implement their knowledge gained from vocational education programs in the shelter in Thailand in their localities. Also, in order to achieve economic reintegration, the training course on business management is more crucial for victims of human trafficking, because they need knowledge for setting up their businesses. This training course can help victims to have knowledge on running a business. For example, they can calculate the capital needed for investment. This training cannot only sustain the livelihoods of the victims themselves, but also contribute to the communities' development in their own localities in Laos.

5.2.3 Language and Social Reintegration

In order to achieve social reintegration into their places of origin in Laos, the Lao language course on non-formal education as adult literacy is offered in a period

of four or six months to help the victims live in Laos with better communication skills.

As the result of basic Lao language courses that had already been provided to victims in the governmental protection and occupational shelter under the Ministry of Social Development and Human Security, Thailand is not enough. The Khmu girl victims of human trafficking need to more continuously further their education, for instance, through non- formal education in order to enhance and strengthen their communication skills on returning to their own communities in Lao PDR.

5.3 Recommendations

This section of the study presents recommendations to support Khmu girl victims of human trafficking in achieving a sustainable reintegration into their places of origin in Laos in order to ensure human security. The following recommendations are offered.

- Awareness and protection of small ethnic minority groups about human smuggling are not so strong and provided by the government of Laos;
- The budget for communication in the center, e.g., the cost of calling by phone for the Khmu girl victims of human trafficking with their parents should be also supported by the government of Laos;
- Local interpreters, for instance, Khmu translators should be also arranged by the government of Laos. It is sometimes difficult to communicate with girls from small ethnic minorities during the victim identification process and also to support their cases in court;
- The further training topics to support Khmu girl victims of human trafficking who have returned to their places of origin shall be offered. As some topics of training were provided in Thailand and some of the girls have not finished the training before their cases were wrapped up. When they are sent back to their places of origin in Laos, they need continuous support for the same training in Thailand in order to continue learning;

- The Ministry of Labor and Social Welfare of Laos should grant the right to work for trafficked Khmu girls who have been supported to return their places of origin; and
- In the governmental protection and occupational shelter under the Ministry of Social Development and Human Security in Thailand, the training on basic calculation on a business setting management should be offered for Khmu girl victims of human trafficking, before they return into their places of origin in Laos.



REFERENCES

- Chantavanich, S. (2006). *Mekong Migration Network Migration Needs Issues and Responses in the Greater Mekong Sub-region*. Chulalongkorn University, Bangkok, Thailand: Asian Research Center for Migration (ARCM), Institute of Asian Studies.
- Chantavanich, S. (2007). *Mitigating exploitative situations of migrant workers in Thailand*. Chulalongkorn University, Bangkok, Thailand: Asian Research Center for Migration (ARCM), Institute of Asian Studies.
- COMMIT. (2004). *Memorandum of Understanding on Cooperation in Greater Mekong Sub-region countries on the Operation against Trafficking in Persons, especially the Women and Children*. Yangon, Republic of the Union of Myanmar.
- Dabek, K. (2009). *Human Trafficking on Cross-bordered Trafficking for Sexual Exploitation* (Vol. Sachsen-Anhalt). Sachsen- Anhalt, Federal Republic of Germany: Faculty of social sciences, the University of Magdeburg.
- Glossary on Migration. (2004). *International Migration Law*. 17 Route des Morillons, 1211 Geneva 19, Switzerland: International Organization for Migration.
- GMS Sustainable Tourism Development Project in Lao PDR. (2014). Luang Namtha province Map. Retrieved http://www.ecotourismlaos.com/maps_namtha.htm
- Global Slavery Index. (2013). The highlights of the global slavery index. Retrieved <https://www.google.co.th/url?sa=t&rct=j&q=&esrc=s&source=Fknowledgehub%2Fresource-centre%2F2013%2>
- Green Discovery Laos. (2014). Facts about the Khmu people. Retrieved <http://www.greendiscoverylaos.com/travel-info/wiki/item/177-facts-about-the-khmu-people>
- Jayagupta, R. (2014). *Major type of mobility: Human trafficking and smuggling*. Political Science, Chulalongkorn University, Bangkok, Thailand: Master of Arts in International Development Studies Program.
- Kallenback, S. (2013). *Adult Education and Immigrant Integration: Networks for Integrating New Americans*. Office of Vocational and Adult Education: United States of American Department of Education.
- Kuhn, A. (2005). *The chronicle of women, the trafficking in women as migration legal problem*: Nwe York Press.

- Migration, I. O. f. (2003). *Combating Trafficking in Women in Southeast Asia: A Review of Policy and Program Responses for International Organization for Migration (IOM)*: International Organization for Migration.
- Mistry of Labor and Social Welfare of Laos. (2008). *The limitations set by the Ministry of Labor and Social Welfare concerning the kind of professions the Lao government does not allow to be recruited for labor abroad (unofficial translation)*. Vientiane, Lao PDR: Ministry of Labor and Social Welfare.
- MOU. (2005). *Memorandum of Understanding on Cooperation between Government of Lao People's Democratic Republic (Lao PDR) and Royal Thai Government on Combating Trafficking in Persons, especially the Women and Children*. Bangkok, Thailand.
- Multi- Disciplinary Team. (2013). *Multi- Disciplinary Team Operation Guideline for prosecution and protection of human trafficking, Bangkok, Thailand, 2013*. Bangkok, Thailand: Japan International Cooperation Agency.
- NCA. (2005). *Migrant Children and Youth in Lao PDR: Migration along the border to Thailand*. Vientiane, Lao PDR: Norwegian Church Aid, Save the Children.
- NGPESP. (2010). *National Growth and Poverty Eradication Strategy Plan*. Vientiane, Lao PDR: Ministry of Foreign Affairs.
- NGPESP. (2012). *National Growth and Poverty Eradication Strategy Plan*. Vientiane, Lao PDR: Ministry of Foreign Affairs.
- NOCHT. (2013). *The Report on the Implementation of Prevention and Suppression of Human Trafficking*. Bangkok, Thailand: National Operation Center for Anti-Human Trafficking, Permanent Secretary Office, the Ministry of social Development and Human Security.
- Pearson, E. (2006). *Human Rights and Trafficking in Persons: Global Alliance against trafficking in Women*. Bangkok, Thailand.
- Schidlof, B. (2006). *The trafficking in persons, especially the child, his story and essence*. Berlin, Germany.
- Stephanie, L. (2013). *Child Trafficking: Case study of the perceptions of child welfare professionals in Colorado*. (Doctor of Philosophy Child Trafficking: Case study of the perceptions of child welfare professionals in Colorado), Colorado State University, Fort Collins, Colorado.
- Thabchumpon, N., Moraras, B., Laocharoenwong, J., & Kraom, W., (2011). *Human security assessment of the social welfare and legal protection situation of displaced persons along the Thai-Myanmar border*. Bangkok, Thailand: Asian

Research Center for Migration (ARCM), Institute of Asian Studies, Chulalongkorn University.

- Thailand. (1998). *Labor Protection Act. The Thai Law on Governing Labor Protection*. Bangkok, Thailand.
- Thailand. (2008). *Anti-Trafficking in Persons Act. The Prevention and Suppression of Trafficking in Persons, especially the Women and Children*. Bangkok, Thailand.
- Thongyou, M., & Ayuwat, D. (2005). *Social Network of Laotian Migrant Workers in Thailand*. Hong Kong, People's Republic of China: Southeast Asia research Centre, the City University of Hong Kong.
- UNDP. (2012). *Lao Human Resources Development, the Third Lao PDR National Human Development Report*. Vientiane, Lao PDR: Committee for Planning and Investment, National Statistics Center.
- UNODC. (2005). *Gender in the Criminal Justice System: Gender in the Criminal Justice System Assessment Tool*. Retrieved <http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/E-book.pdf>.
- Vungsiriphisal, P., Laodumrongchai, S. Eksaengsri, N., Reungrojpitak, P., Makcharoen, P., & Jitpong, W., (2008). *Migrant Recruitment from Cambodia and Lao PDR into Thailand*. Bangkok, Thailand: Asian Research Center for Migration (ARCM), the Institute of Asian Studies, Chulalongkorn University.
- Wangaao, S. (2014). *Major types of mobility: Development- induced displacement, resettlement and conflict resolution*. Bangkok, Thailand: Master of Arts in International Development Studies Program, Political Science, Chulalongkorn University.

APPENDICES



จุฬาลงกรณ์มหาวิทยาลัย
CHULALONGKORN UNIVERSITY

APPENDIX 1

QUESTIONNAIRES FOR IN-DEPTH INTERVIEW KHMU GIRL VICTIMS OF HUMAN TRAFFICKING IN SHELTER IN THAILAND

Date and place of interview _____, Signature: _____

1. **Questions about personal information;**
2. **Questions on the prosecution and criminal justice;**
3. **Possibility of adult literacy and vocational training programs in enabling reintegration.**

These questionnaires are to be answered individually by the Khmu girl victims of human trafficking from Lao PDR, who are in the governmental shelter in Thailand.

1. **Questions about personal information**

- 1.1 Name of interviewee: _____
- 1.2 Type of trafficking. Sex, Labor
- 1.3 Age: _____ years old in present, _____ years old, since started working in Thailand.
- 1.4 Education: Complete in grade _____, drop out grade _____
- 1.5 Ethnicity: Hmong-Lao, Khmu-Lao, Lao-Loum
- 1.6 Number of household members: _____ persons
- 1.7 From which village: _____, District: _____
Province: _____
- 18 What reasons has brought you into Thailand?

2. **Questions for the prosecution and criminal justice for the Khmu girl victims of human trafficking in Thailand**

- 2.1 What types of work that you were working, including working places; e.g., district and province?

2.2 How long have you been working with your employer, and what situation did you get?

2.3 How do you contact your friends or parents in your home country, when you are forced to work, if you are not satisfied?

2.4 Where did you get information to help you to get out of the places that you were working?

2.5 How have you been assisted and by whom?

2.6 How long was the screening taken place?

2.7 Were you afraid of giving information for those people, who helped you?
If, yes, Why?

2.8 What brings you not to be afraid?

2.9 How have you been rescued and identified?

2.10 Were you taken to the shelter immediately? yes, no
If no, what happened?

2.11 At the shelter, how is the criminal justice procedures started?

2.12 How many times have you been taken to the court in Thailand?

2.13 During the court, what happened? Please explain!

2.14 How long have you been waiting for the case to be wrapping up?

3 Possibility of adult literacy and vocational training programs in enabling reintegration

3.1 Do you have any plan, when you come back to Laos? yes, no

3.2 If yes, what type of plan that you are going to do?

3.3 How would you think the training programs will help you in earn income, when you return to your places of origin?

3.4 What will you recommend or what other services would you like to suggest for you or your friends in the future?

3.5 List the first prioritization, second and third things, if you have three wishes.

APPENDIX 2

QUESTIONNAIRES FOR INTERVIEW KEY INFORMANTS, SOCIAL WORKERS, NGO WORKERS AND POLICE SUPPORTING PROTECTION OF KHMU GIRL VICTIMS IN SHELTER

Date and place of interview _____, Signature: _____

Questionnaires are to be answered individually by the key informants; social workers, NGO workers and police, who support protection of Khmu girl victims in the shelter in Thailand.

1. Name and nature of work of personal practitioner, e.g., social worker, consultant, etc.

2. What are your responsibilities and roles with the victim?

3. How many trafficked Khmu girls are there in the shelter?

4. How are the processes of the rescuing and victim identification of potential victim of human trafficking?

5. How many cases have been wrapped up, what is the situation of the traffickers and employers, if the cases are wrapped up?

6. What types of protection mechanism do you offer for trafficked Khmu girl in the shelter?

7. What are the constraints with the victims, which will be appeared in the shelter?

8. If problems occurred, how could be solved the constraints?

9. Regarding the sustainable reintegration, what types of support do you offer?

10. In order to achieve a sustainable return, do you offer some classes on language learning? yes, no

If yes, what languages have you offered?

11. In order to achieve a sustainable return, do you provide some training programs? yes, no

If yes, what types of training programs have been trained?

12. What are your recommendations and suggestions in concerning the prosecution and protection of Lao trafficked girls?

APPENDIX 3**APPRECIATION FROM KHMU GIRL VICTIM OF HUMAN TRAFFICKING IN
SHELTER (MISS K)**

Miss. K is a Khmu girl victim of human trafficking from Lao PDR. She would like to say thank you to all concerned parties in helping and rescuing her from an unexpected working, especially the government of Lao PDR and the Royal Thai governments, who have more dealing on the emphasis on anti-trafficking in persons. Also, she would like to give her appreciation for those people, especially the social workers, NGO workers and consultants, who are working very hard in the shelter for the training the victims of human trafficking and support them in returning into their places of origin safely.

APPENDIX 4

APPRECIATION FROM KHMU GIRL VICTIM OF HUMAN TRAFFICKING IN SHELTER (MISS L)

Miss L. is a Khmu girl victim of human trafficking from Lao PDR. She would like to thank the Thai and Lao governments for the strong collaboration in order to offer her rescue and also to get her daughter back from the workplace. If there had been no rescue, she would have been forced to work in the workplaces for ever. She is not only a person, who has been cheated as a victim of human trafficking, but there are lots of Khmu girls, who are forced to work with the same situations.

She is also grateful to the social workers, police and people in the protection and occupational shelter under the Department of Social Development and Welfare, the Ministry of Social Development and Human Security for the support of offering the training in order to ensure income generation opportunities. She also would like to give her experiences of being a victim of human trafficking for her friends in her region in order to avoid being a victim of human trafficking in the future.

APPENDIX 5

GUIDELINE FOR VICTIM IDENTIFICATION PROCESS OF HUMAN TRAFFICKING IN THAILAND

Place of interview.....

Date...../...../.....

This interview is on....., indicating the staff and also to whom it may concern

In order to interview Khmu girls in consideration, if the girls are potential victims of human trafficking, as information below

1. Interviewee Information

- Name and family name.....
 (In case of the name cannot mention, the appearance has to be indicated, for example.....)
- Date of birth....., Age....., Nationality.....
- Race..... () Other, please specified.....
- Name of father....., Name of mother.....
- Address.....
- ID card No....., Passport No.....
- Other related document () yes, specified..... () no
- Which way of travelling to Thailand.....
- Type of travelling () by walking

() by vehicles, () car, () bus, () other, specified.....

- Name of the recruitment agency.....

2. In which of the following aspects have been affected

- () Arranged () Bought () Sold
- () Sales () Brought from () Transferred
- () Kept () Rocked () Offered accommodation

3. In which of following has been affected in No. 2, as indicating below

- () Forced () Heavy forced () Kidnaped
- () Cheated () Lying () Violation
- () By giving the money for guardians to attract their interests in order to benefit.

4. In which of following has been affected in No. 2 & 3, as indicating below

- () Benefit from human trafficking () Creation or advertise sex
- () Benefit from sex () Slavery
- () Beggar () Forced to work
- () Forced to cut sex () Other benefit related to slavery

5. Summary of recommendations

- () not related to human trafficking
- () May concern to human trafficking, protection shall be provided or waited for more investigation
- () Human trafficking as result following.....

.....

.....

.....

6. Recommendation for further assistance

.....

.....

(Name)..... Interviewee
(.....)

(Name)..... Interviewer
(.....)

Position.....

(Name)..... Interviewer
(.....)

Position.....

(Name)..... Interpreter
(.....)

Position.....

(Name)..... Interviewer/note taker
(.....)

Position.....

Remark: 1. if it happens with a child, although it is not included in no. 3 above and or a child is not forcing, the child is categorized for the human trafficking; and 2. In case of the interviewee cannot give the name, the right thumb finger is printed on the form.

VITA

Vongsa Chayavong is from Luang Namtha, the poorest province in the northern Laos, where it borders to People's Republic of China to the north and Republic of the Union of Myanmar to the west. He was born on 12 June 1974 in Luang Prabang, the world heritage city in the northern Laos. He completed his undergraduate degree in bachelor of Business Administration at Keophoxay Economic College in Luang Namtha. He has been working as planner and decision maker at the provincial level for educational development.

In addition, he received further training on International Diploma of Educational Planning and Administration in National University of Educational Planning and Administration in New Delhi, India in 2007. He also received further training on International Training in Management for Technical and Vocational Education and Training Institutions in Indonesia, Laos and Vietnam in Kassel, Germany in 2013. He then went to Bangkok for Chulalongkorn University, Faculty of Political Science, where he studies the program on Master of Arts in International Development Studies. He is married to a lovely Lao- Tai-Deang girl, who is originally in Luang Namtha. He has one daughter. He loves playing badminton, football and table tennis. Also, he likes fishing on the weekend with his family.