

EXPLOITATION AND HUMAN TRAFFICKING: TARGETING VULNERABILITY FACTORS IN LAO PDR

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Name: Ms Julie Danielle CHINNERY
Institution affiliation: Royal Melbourne Institute of Technology (RMIT, Melbourne, Australia)
Mailing address: Ms Julie D Chinnery
CL Plaza de la Font 2 Entl 1°
Tarragona
Tarragona
España
43003
Email address: juliechinnery@hotmail.com
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ABSTRACT(updated 08.10.12)

Lao PDR is currently enjoying a period of economic growth; however, this growth is occurring mainly in select locations, such as Vientiane Capital and Savannakhet Town, and in select industries, especially mining and hydroelectricity. This leaves 75% of the population living in relative poverty, dependent on rural livelihood and agrarian activities as the major source of income. Coupled with the impact of growing land and agrarian instability due to environmental changes and lack of adequate income-generation activities, this failure of economic growth to reach rural settings has heightened the need for many rural-dwellers to undertake seasonal migration to Thailand, often illegally, to seek a form of income as part of their annual activities for survival. This report shows that throughout the migration process exploitation is a notably frequent occurrence, and that specific factors which leave seasonal migrants susceptible to the possibility of exploitation and human trafficking can be identified.

Research shows that when designing anti-trafficking programs and activities, many end up being wrongly targeted due to their failure to consider that different locations, communities and individuals suffer different vulnerabilities to exploitation and, in Lao PDR, failure to consider the integral nature of seasonal migration in exploitation. Therefore, the purpose of this study is to identify factors which render some villages in Savannakhet Province more vulnerable to exploitation and human trafficking than others, so that future anti-trafficking programs, activities and educative materials can be better targeted to specific audiences for specific purposes. By also examining the causal steps in the seasonal migration process, push/pull factors for migration, and legal factors underpinning both migration and exploitation, a fuller picture of what makes some villages more open to exploitation than others can be gained. Lessons can also be learned from the preventative measures other villages have evolved and implemented to make themselves less susceptible to exploitation throughout the migration process.

The evidence indicates that there are both many push factors and many pull factors for villagers when making the decision to undertake income-seeking migration to Thailand. Push factors include having limited economic resources, limited support to find gainful employment, and land instability; pull factors include Thai demand for migrant labour, friends returning safely and with financial capital from Thai migration experience, and exposure to 'modern' life through tv. Factors which were shown to influence how vulnerable an individual/village group

is to being exploited during the income-seeking migration process include: Whether the individual migrates safely and/or legally, with documents; whether the individual/village already has well-established networks and relationships throughout Thailand to assist with employment and transport (even if migration is illegal); and whether the village has had incidence of exploitation and/or trafficking before, hence awareness and exposure. Factors which assist individuals and villages to prevent exploitation during seasonal migration were also observed, one of the greatest of these being well-established routes, locations, networks and companions for seasonal migrants during the income-seeking process which, notably, are often born of having had exposure to exploitative incidence/s in the past.

The multi-tiered nature of exploitation and human trafficking for Lao PDR is notable for the high incidence of seasonal migrants suffering some form of exploitation – most commonly low-to mid-level exploitation – throughout any of the many stages of the seasonal migration process. Forms of exploitation observed include exploitation by: *Agents* who assist migrants to find ‘employment’, usually severely underpaid or not paid and in very poor, factory conditions. These agents usually receive a fee from the employer and also usually extract an exorbitant fee from the migrant; *employers* who exploit young and/or inexperienced and/or illegal migrants usually in factories or restaurants for cheap and/or unpaid labour, and who often confiscate legal documents hence trapping victims in their service; and, occasionally, *law enforcement* (border control, police) on both sides of the border who are advantageous in exploiting illegal migrants for small financial gain for themselves. The weakness of the legal systems to be able to protect (for example, illegal migrants in Thailand) or to be able to exact recourse for traffickers or agents (in Lao PDR) adds another layer of complexity to this issue.

Combating exploitation and human trafficking in Savannakhet faces a number of inherent challenges, namely that more than 90% of the Savannakhet population rely on seasonal migration in some way for survival; that the exploitation takes place outside of the country, hence is not readily acknowledged nor solutions sought for it by higher levels *inside* the country; and that those who fall victims to exploitation have often entered it voluntarily and/or illegally, hence are not readily protected by the law. Furthermore, that many push and pull factors are underpinned by pervasive development issues in Lao PDR, such as endemic poverty, agrarian instability, lack of a stable job market, and weak legal systems to be able to effectively deal with the problem, also makes this a difficult challenge to address.

Recommendations are offered for ways to address some of the issues at village, provincial and national levels. Village level recommendations include conducting awareness raising activities in safer methods for seasonal migration and knowledge of Thai labour laws; and provincial level recommendations include creating mechanisms and networks for increasing employment opportunities, and increasing community awareness of exploitation and human trafficking issues. National level recommendations focus on providing training for provincial staff in how to create employment networks and opportunities, training for border and law enforcement staff in recognition of exploitation and trafficking and correct procedures for dealing with these issues, and revising Lao labour laws regarding citizens’ legal option to work seasonally in Thailand.