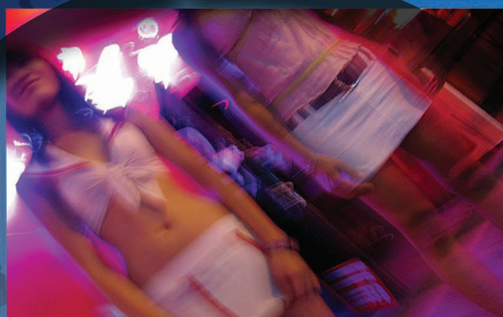


From Asia to Europe and Back

*Rapid appraisal of Thai workers travelling to and from
the European Union, and available assistance*



International
Labour
Organization



Regional Office for Asia
and the Pacific

**Economic and Social Empowerment of Migrants, Including Victims of Trafficking
Returned from the European Union and Neighbouring Countries**

From Asia to Europe and Back

*A rapid appraisal of Thai workers
travelling to and from the European Union,
and available assistance*

By The Foundation for Women

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On the Road. We are also grateful to migrants, both the men and women, who shared with us their nightmarish migrating experience in Europe. Returnees from Sweden and Poland showed us their unified efforts to claim their rights and justice. The situation of women returnees from sexual exploitation in Europe is a reflection of gender injustice and the double burden of social stigma and family obligation. In this narrow space, these women continue their struggle for survival not only for themselves but for their family members. It is clear many of them cannot rid themselves of the traumatizing experiences and return to a normal life. Reintegration support is paramount for migrant returnees, especially for sexually exploited returnees.

We hope that the report will highlight the needs of migrant returnees from labour and sexual exploitation and strengthen the cooperation between organizations in Thailand and Europe in providing assistance to Thai migrants.

The Foundation for Women deeply appreciates the kind support of the International Labour Organization that enabled us to make this report. We look forward to closer collaboration in providing assistance to Thai returnees from Europe.

Executive Summary

The purpose of the rapid appraisal reflected in this report was twofold: first, to compile demographic information on labour migrants to Europe and experiences of returnees who were trafficked or suffered labour exploitation; and second, to assess the delivery of reintegration services in Thailand. The methodology included a desk review, a group discussion with returnees from Europe, and individual interviews with returnees and staff of service-providing organizations in Thailand and Europe.

Labour migration of men and women from Thailand to Europe emerged two decades after the first exodus of Thai women to major sex industry cities in Europe. The migration of Thai women started in the late 1970s along with the emergence of sex tourism. By the early 1980s, migration for sex work had transformed into human trafficking and become an issue of international concern.

Thai labour export policies were introduced in the 1980s. The major destination countries in the first phase of regular labour migration were in the Middle East. Currently, an estimated 13 per cent of Thai migrants go to Europe, the majority of them seasonal agricultural workers. There are no official statistics recording the number of migrants who have returned from Europe and other regions, although the number of migrant workers re-entering the destination countries following renewal of their contracts is known. With high rates of re-migration, it appears that most regulated migrant returnees do not have negative experiences of their overseas employment in Europe. Nonetheless, some regular migrants are in need of assistance, experiencing fraud and forced labour, including forced prostitution. The most common concerns of these returnees, both those exploited through regular labour and others (those who migrated through irregular channels) who classify as trafficking victims, are debts from loans they received to fund their migration.

The repatriation of labour migrants to Thailand is the sole responsibility of the Thai authorities, especially Thai embassies in destination countries. There is no official scheme in Thailand for reintegrating labour migrants on their return to Thailand. It remains to be explored whether they need support to help find stable long-term livelihoods or if they are looking for a way to finance subsequent re-migration.

There are few organizations that migrants can turn to for assistance when abroad or even back in Thailand; what is available largely focuses on human trafficking and do so in collaboration with such organizations as the International Organization for Migration (IOM) and the International Labour Organization (ILO) to provide safe return and reintegration assistance. Social, economic and legal assistance is currently available for returnees in Thailand. However, there is no formal coordination between the different organizations (government, United Nations and NGOs). The pattern of return, through official or unofficial channels, also determines the forms of assistance that returnees will receive, especially from state agencies in Thailand.

Some agreements and informal collaboration exists between Thailand and Europe, such as the Asia-Europe Meeting Action Plan to Combat Trafficking in Persons, Especially of Women and Children, the Thai Women Network in Europe and through Buddhist temples. But the service-providing organizations appear to have a low awareness of those agreements or resources. There is a need to explore cooperation possibilities with trade unions and migration agencies in the European countries that receive large numbers of Thai labour migrants. Further cooperation in such areas as law enforcement and legal redress, psychosocial care and livelihood sustainability also needs to be explored.

To improve reintegration assistance, this report includes the recommended following steps within the relevant agencies:

- Initiate contact with trade unions and migrant workers organizations in the European Union to solicit their support to protect the rights of labour migrants.
- Survey the situation of migrant workers, especially women, in European Union countries to evaluate the extent of labour protection available.
- Monitor closely the recruiting agencies, and revoke their permits when there are reports of breaches of contract and deception over work placements.
- Translate and disseminate relevant international standards and guidelines to all relevant actors, and organize participatory training to put them into practice.
- Develop guidelines compatible to international standards and norms to assist returnees of labour migration and trafficking.
- Review existing training materials to improve their content and training methods.
- Provide information on national legislation and a directory of organizations in the European Union, and give training to volunteers.
- Appoint a national focal point to coordinate assistance to overseas migrants and systematically record the number of returnees.
- Develop a national referral mechanism in Thailand.
- Systematically review the current approach and determine the effectiveness of the reintegration process to draw out lessons learned, and formulate more holistic multidisciplinary and people-centred approaches.
- Provide legal training to all actors on legal documentation, compilation of evidence, litigation processes and witness testimony to improve legal redress.
- Provide recovery activities on a regular basis to returnees, and strengthen peer-support groups.

Abbreviations and Acronyms

ASEM	Asia-Europe Meeting
BATWC	Bureau of Anti-Trafficking in Women and Children
FACE	Fight Against Child Exploitation
FIZ	Frauen Informations Zentrum
GAATW	Global Alliance Against Traffic in Women
ILO	International Labour Organization
IOM	International Organization for Migration
MSDHS	Ministry of Social Development and Human Security
NGO	non-government organization
TOEA	Thailand Overseas Employment Administration
UKHTC	United Kingdom Human Trafficking Centre
UNDP	United Nations Development Programme

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Part I. Moving to Europe

Introduction

The flow of migrants from developing countries to rich nations has long been an issue of concern. Since the 11 September terrorist events of 2001 in the United States, migration has been increasingly perceived as a threat to national security the world over. Many national policies have been formulated to hamper the free movement of foreign nationals, making the lives of migrants, particularly irregular or undocumented migrants, more difficult.

Despite the tightening of national immigration laws and tougher border controls, assistance packages have also been set up to help migrants, especially those who have experienced labour and sexual exploitation and then been given voluntary departure, offering them financial and other assistance in sustaining their livelihoods in their home country.

To frame appropriate policies and programmes for migrant returnees from Europe, the International Labour Organization commissioned the Foundation for Women to conduct a rapid appraisal of the current forms of assistance and the situations of returnees, focusing on those who have been trafficked and exploited in the process of migration to Europe, and the forms of assistance available, including regional cooperation and agreements.

Purpose and method

The purpose of the appraisal was twofold: first, to compile demographic information on Thai labour migrants to Europe and the situations of returnees who are trafficked or suffer from labour exploitation; and second, to assess the delivery of reintegration services in Thailand.

The research methods for the rapid appraisal involved a desk review of appropriate literature, individual interviews with trafficked and labour exploited returnees and staff of service-providing

organizations in Thailand and in Europe, and a group discussion with returnees from Europe.

Historical context of migration to Europe

Based on more than two decades of direct involvement in issues of migration and trafficking, the Foundation for Women finds that the pattern of labour migration of men and women to European countries emerged long after the initial exodus of Thai women in the late 1970s to major sex industry destinations within Western Europe. After the fall of Saigon, Viet Nam, in 1975¹ and the emergence of international sex tourism, Thai women who had previously engaged in providing sexual services for American and other allied soldiers and European tourists migrated to European entertainment centres, such as Amsterdam, Frankfurt and Zurich. Migration for the purpose of sex work was followed by cross-cultural marriages and the mail-order bride business. During the 1980s, many articles highlighted the plight of Thai women in European bars and brothels. Consensual migration for sex work in the early 1980s later evolved into human trafficking, affecting women around the globe and becoming a major international concern.

Restrictive measures preventing the free flow of migrants, for instance visa impositions and strict border controls, cannot effectively stop the migration of women and men or prevent human trafficking; indeed, such measures leave some people with little alternative but to depend on smuggling networks, exposed to the arbitrary treatment of their unscrupulous navigators. The degree of Thai labour migration to Europe via official channels is still limited nowadays, with fewer women than men. Many migrating women and men consequently travel to Europe only with a tourist visa

1 Now known as Ho Chi Minh City, Saigon and South Viet Nam were overtaken by the North Vietnamese People's Army of Vietnam, which had been at war with the United States in Viet Nam.

and can be found working clandestinely in the sex industry.

Numerous rules and regulations are imposed on those from developing countries who want to move to European countries, especially for work. Restrictive visa regulations make it impossible for migrants to venture on their own. Instead, they require an intermediary to find worksites and arrange travel to destination countries. This comes at a high cost, with brokerage fees ranging from 80,000 to 1 million baht (US\$2,400–\$30,300), depending on their choice of worksite.² The women who become involved in the sex industry pay the highest brokerage fee, which usually increases two- to threefold after landing at their destinations in Western European countries. Women working in this sector are either forced to remain against their will or find themselves in a situation of debt bondage, needing to work to repay arbitrary fees and the “costs” to deliver them. In such situations, consensual migration becomes sexual exploitation and human trafficking.

ILO estimates indicate that 14 million of 25 million forced labourers are trafficking victims exploited through economic enterprise and working in the commercial sex industry.³ The profits generated from trafficking victims globally are in excess of US\$30 billion. It is a lucrative and low-risk criminal activity because most of the victims are socially excluded, living on the fringes of society, both in their source and destination countries.

Thai labour migration to Europe

Thai labour export policies were introduced in the 1980s. In the first phase of regular labour migration, the major destination region was the Middle East. Currently, Thai workers are found in every region of the world: 137,775 individuals in total, 81 per cent men and 19 per cent women, at least of those registered with the Thailand Overseas Employment Administration in 2008.⁴

According to the 2009 Human Development Report, 13 per cent of migrants from Thailand moved to Europe. Some 60 per cent went to Asia, and 22 per cent to North America.⁵ The remittance inflow from all overseas workers at that time was US\$1.6 billion, a quarter of which came from Europe. The Thailand Overseas Employment Administration (TOEA) under the Ministry of Labour recorded 8,960 Thai workers across 38 European countries in 2007, 9,883 in 2008 and 9,592 in 2009 (January–August only). In 2008,

6,774 migrants (of which 81 per cent were men) moved to Europe (table 1). The majority of them, especially in Scandinavian countries, were seasonal agriculture workers.

There are four channels of regular overseas migrant labour recruitment under the administration of the TOEA: 1) private labour recruitment agencies; 2) overseas employers; 3) self-arrangement but approved by the TOEA; and 4) companies for outbound migration. Hungary, Czech Republic and Russia (in ranking) were the main destination countries of women who arranged their own migration from 2007 to 2009 (table 4), with those women working mainly in traditional massage and cooking. The overall numbers of women migrants to those three countries were 1,933 in 2007, 2,471 in 2008 and 2,108 in 2009. The United Kingdom and Sweden are the major destination countries with the largest numbers of migrant women from Thailand, mainly employed in traditional massage, cooking and domestic work. In particular, the number of Thai women working in traditional massage in the Czech Republic increased somewhat dramatically from 142 in 2007 to 202 in 2008. In 2007, the TOEA officially sent 43 women and 1,073 men to work in Sweden, which is the only country in Europe with an official arrangement with the Ministry of Labour for seasonal agriculture workers.

Other migrants mostly move to work on one-year contracts, with the possibility of subsequent renewal. Nearly 43 per cent of the total 161,852 overseas workers re-entered their destination country following renewal of their contract in 2008.⁶ There are no official records on the age groups of these workers, who mostly come from different provinces in the north-east of Thailand, which has a long tradition of domestic and international economic migration.

There are also many irregular workers; for example, in Germany, some estimates place up to 100,000 Thai workers in total, only half of them living there legally.⁷ Far more female migrants exist than the official figures show. One data set suggests that 85 per cent of Thais living in Germany are women.⁸ It is clear that the current official labour migration statistics do not capture the flow of women migrating to European countries. Over the past two decades, many Thai women moved to countries within Europe and became naturalized citizens after obtaining permanent residence. For instance, in Norway, there were 200 women naturalized compared to 47 men, as of 2008. Those groups of women set up networks that have

brought other women, either kin or acquaintances, into the countries of their residence on the premise of family visits. This personal arrangement is also a camouflage for short-term employment and has additionally become a channel of human trafficking, especially for the purpose of sexual exploitation.

One woman's experience

Srisai arrived in Berlin with a tourist visa to visit her elder sister. The cost of living in Germany is very high, so she worked with her sister in sex work. She was arrested, detained and then deported.¹⁰

According to TOEA statistics, a majority of overseas migrant workers do not have more than a primary school level of education (table 3). Statistics from the Norwegian Government show that Thai women rank lower than men in terms of education.¹¹ A low level of education hampers women in learning a new language and adapting to a new cultural

environment as well as accessing social assistance and other benefits. Communication problems arising from their lack of command of a foreign language means that they cannot compete with labour migrants from other countries and, consequently, their employment opportunities are limited.

In conclusion, labour migration to Europe expanded long after the first exodus of Thai women to major cities for the European sex industry. Records are incomplete because many women enter the destination countries with tourist visas and have no official registration beyond their entry and exit. Many of them end up in trafficking situations. Women who had migrated long ago, to such countries as Germany, have since facilitated a one-step pattern of migration (from village to abroad) of women from their community of origin. This pattern of migration typically involves women without prior migration experience. There are often elements of deception and exploitation that result in a woman migrant becoming a victim of international human trafficking.

Table 1: Country of destination and number of regular Thai overseas migrant workers in 2008

Country/territory	Self-arrangement		Employer arrangement				Labour recruitment company		
			Work		Training				
	Women	Men	Women	Men	Women	Men	Women	Men	Total
1. Sweden	13	62	212	3 568	-	-	-	-	3 855
2. Finland	51	53	37	37	-	-	-	-	178
3. Denmark	3	5	-	626	-	3	-	-	637
4. United Kingdom	81	128	5	5	13	15	32	61	340
5. Russia	149	22	-	37	-	-	-	65	273
6. Germany	14	43	-	1	4	36	-	-	98
7. Italy	33	9	-	-	-	-	-	6	48
8. Hungary	118	23	1	-	-	-	-	-	142
9. Czech Rep.	133	10	-	7	-	-	-	-	150
10. Spain	34	112	-	-	-	-	-	-	146
11. France	35	63	-	-	2	1	-	-	101
12. Switzerland	5	9	-	-	3	3	-	-	20
13. Ireland	6	15	12	-	-	-	-	-	33
14. Poland	47	103	15	7	1	-	-	9	182
15. Portugal	6	3	12	-	-	-	23	108	152
16. Norway	7	14	-	-	-	4	-	-	25
17. Slovenia	36	3	-	1	-	-	-	-	40
18. Greece	3	1	-	-	-	-	9	2	15
19. Montenegro	2	1	-	-	-	-	-	-	3
20. Ukraine	44	4	-	-	-	-	-	50	98
21. Bulgaria	-	8	-	-	-	-	-	-	8
22. Slovakia	22	-	-	-	-	-	-	-	22
23. Serbia	1	-	-	-	-	-	-	-	1
24. Latvia	9	13	-	-	-	-	13	19	54
25. Iceland	5	1	-	-	-	-	-	-	6

26. Turks and Caicos Islands	-	1	-	-	-	-	-	-	1
27. Malta	12	15	-	-	-	-	-	50	77
28. Estonia	-	-	-	-	-	-	-	-	-
29. Belgium	2	1	1	1	-	-	-	-	5
30. Romania	3	2	-	-	-	20	-	-	25
31. Netherlands	2	3	-	-	-	3	-	-	8
32. Austria	1	-	-	6	-	-	-	-	7
33. Luxembourg	1	-	-	-	-	-	-	-	1
34. Croatia	7	3	-	-	-	-	-	-	10
35. Monaco	1	-	-	-	-	-	-	-	1
36. Albania	2	-	-	-	-	-	-	-	2
37. Lithuania	6	-	-	-	-	-	-	-	6
38. Moldova, Rep. of	3	-	-	-	-	-	-	-	3
Total	897	730	295	4 296	23	85	77	370	6 773

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 2: Source provinces of regular labour migrant workers in 2008

Source province	Men	Women	Total	%
Udon Thani	17 045	2 312	19 357	11.96
Nakhon Ratchasima	12 521	1 845	14 366	8.88
Khon Kaen	7 965	1 056	9 021	5.57
Chaiyaphum	7 762	851	8 613	5.32
Buriram	6 426	863	7 289	4.50
Other provinces	85 606	17 600	103 206	63.77
Total	137 325	24 527	161 852	100

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 3: Education of regular labour migrants in 2008

Education level	Men	Women	Total	%
Primary	69 339	8 502	77 841	48.09
Secondary	48 677	9 778	58 455	36.12
College	12 151	2 336	14 487	8.95
University	7 158	3 911	11 069	6.84
Total	137 325	24 527	161 852	100.00

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 4: Countries of destination for regular women labour migrants

Rank	2007		2008		2009 (January–August)	
	Country	Number	Country	Number	Country	Number
1	United Kingdom	563	United Kingdom	576	Sweden	617
2	Hungary	177	Sweden	230	United Kingdom	355
3	Ireland	148	Russia	211	Finland	181
4	Czech Republic	146	Czech Republic	206	Hungary	127
5	Russia	128	Hungary	193	Czech Republic	126
6	Italy	112	Ireland	159	Russia	102
7	Sweden	90	Italy	124	Ireland	92
8	Spain	82	Finland	113	Italy	82
9	Finland	77	Spain	81	Spain	52
10	Slovenia	53	Slovenia	73	Slovenia	50
11	Others	357	Others	505	Others	324
	Total	1 933	Total	2 471	Total	2 108

Source: Thailand Overseas Employment Administration, Ministry of Labour

Table 5: Occupations of regular women migrants in European countries

Rank	2007		2008		2009 (January-August)	
	Position	Number	Position	Number	Position	Number
1	Traditional massage	723	Traditional massage	1 056	Traditional massage	675
2	Cook	316	Cook	305	Orchard work	665
3	Domestic helper	135	Orchard worker	225	Cook	222
4	Orchard worker	109	Domestic worker	106	Domestic worker	76
5	Waitress	80	Waitress	76	Agricultural worker	60
6	Cook Thai restaurant	50	Assistant cook	51	Waitress	34
7	Assistant cook	45	Cook Thai restaurant	51	Cook Thai restaurant	30
8	Manager	26	Agricultural worker	46	Cleaner	19
9	Cleaner	25	Cleaner	41	Assistant cook	18
10	Trainees	20	Air hostess	37	Air hostess	17
11	Others	404	Others	477	Others	292
	Total	1 933	Total	2 471	Total	2 108

Source: Thailand Overseas Employment Administration, Ministry of Labour

Returnees

There are no official statistics on the number of migrants who have returned from Europe and other regions. The only information available refers to the number of migrant workers re-entering their destination country after having contracts renewed. Based on the large number of re-entry migrant workers from all

regions (68,252 in 2008), it seems that most regular migrant returnees have not had negative experiences from their overseas employment. After the renewal of their contracts, these workers resume their previous employment. There is no record of complaints in this group of returnees from Europe.

Table 6: Selected top European countries for re-entry migrant workers

Country	2007			2008		
	Men	Women	Total	Men	Women	Total
1. United Kingdom	790	403	1,193	801	456	1,257
2. Italy	191	91	282	289	91	380
3. Ireland	139	127	266	162	141	303
4. Russia	209	25	234	85	62	147
5. Germany	70	24	94	88	21	109
6. Norway	77	13	90	45	12	57
7. France	40	31	71	50	17	67
8. Finland	20	14	34	155	25	180

Source: Compiled from Thailand Overseas Employment Admin

Current records cover returnees who require assistance in their destination countries. According to the Consular Office of the Ministry of Foreign Affairs, in the first half of 2009 there were 391 workers who were assisted by Thai embassies around the globe.¹² Of them, 96 worked in the fishing industry and 189 were involved in the sex industry. The records indicate two main groups of migrants in need of assistance: The first group consists of men and women returning home after having experienced fraud and forced labour migration, while the other is predominantly women going back after having suffered degrading and exploitive experiences in forced prostitution.

The Inspection and Job-Seekers Protection Division (within the Ministry of Labour) reported that in the 12 months from October 2006 to September 2007, there were 1,277 returnees from overseas employment (20 per cent of them women) who filed complaints against recruitment agencies for damages totalling 70.7 million baht, and 1,298 overseas workers (28 per cent women) who filed suits against their local recruiters for damages totalling 87.9 million baht.¹³ During the same period, the Ministry of Labour provided assistance to 1,026 overseas workers (21 per cent women) and was able to demand payment of damages for these workers totalling 39.8 million baht from overseas employment agencies. The official records do not specify the destination countries of those returnees or their employment.

Returnees from Sweden

In August 2009, a large group of migrants, both male and female, returned from Sweden accusing four officially registered recruitment agencies of deception because the working conditions differed from the contract terms. They demanded that they be reimbursed the brokerage fee. In total (beyond the group that returned in August), 5,911 migrants had each paid in the range of 85,000–100,000 baht to the four recruitment companies, amounting to about 502 million baht.¹⁴ The returnees mainly came from the north-eastern provinces of Thailand (Nakhon Ratchasima, Khon Kaen, Chaiyaphum, Surin, Buriram and Ubon Rachathani) and one province in the central region (Petchabun). Upon landing in Sweden, their work as fruit pickers was greatly affected both by the scarcity of wild berries and the abundance of workers not only from Thailand but also other Eastern European countries. Consequently, the workers could not earn the salary stated in the contract. They still had to pay for food and transportation costs. All of them obtained loans either through a bank or from private moneylenders to pay for the brokerage fee. After returning, the returnees filed complaints with the Department of Special Investigation and sent a petition letter to the prime minister.

Source: Letter submitted to the Thai prime minister by returned migrant workers, dated 9 September, 2009

Labour migrant returnees

To learn more about the situation of migrant workers who have returned due to unfavourable conditions, the Foundation for Women organized a group discussion with 27 returnees from Sweden and Poland in September 2009. Of them, 19 (4 women and 15 men) were recruited to pick wild berries in Sweden by local brokers who worked for three legally registered overseas employment agencies, while the other eight (five women and three men) were recruited by individuals. One of the recruiters was a man from a Middle Eastern country and one was a member of a tambon municipality council in Thailand whose sister was married to a former German immigration police officer. They were promised work on farms or

Table 7: Age of labour migrant returnees in the group discussion

Age group	Man	Woman	Total
18–24	3	1	4
25–34	4	4	8
35–44	6	3	9
Older than 45	5	1	6
Total migrants	18	9	27

and Agricultural Co-operatives. To facilitate overseas employment, the bank offers a specific low-interest loan to potential overseas migrants who typically offer land as collateral.

Table 6: Origin, destination and employment of group discussion participants

Origin province	Destination country				Purpose of employment	Total
	Sweden		Poland			
	Man	Woman	Man	Woman		
1. Udon Thani	13	4	2	3	Pick wild berries	22
2. Nong Bua Lamphu	2	-	-	1	Agriculture or restaurant	3
3. Nong Khai	-	-	-	1	Pick wild berries	1
4. Tak	-	-	-	1	Factory	1
Total	15	4	2	6		27

Of the 27 labour returnees, only two men and one woman identified their marital status as single. One woman who went to Poland was separated from her husband. The rest were married and lived with their spouses.

in a restaurant in Poland and were required to pay a brokerage fee of 250,000 baht (US\$7,575), while other migrants to Sweden paid 75,000-100,000 baht to their agents. The majority of the labour migrants in the group discussion came from Udon Thani Province, with Kumpavapee district of Udon Thani accounting for the largest number (11 men and 3 women).

Nine returnees were aged 35–44, eight aged 25–34, with five men and one woman older than 45 years. One man in this latter age group had been involved in seasonal work overseas on many occasions through the assistance of a relative living in Sweden and had returned home with earnings of more than 50,000 baht from picking wild berries. In his most recent trip abroad, a local agent had recruited him and his son to collect the berries in Sweden. In his previous trips to Sweden, he hadn't paid anything except airfare; this time he had obtained a loan of 75,000 baht for both his son and himself from the Bank for Agriculture

It is interesting that 37 per cent of this group had graduated from senior high school or had a higher level of education. This suggests that the level of education is not a decisive factor in preventing migrants from falling for the tricks of labour recruitment agencies.

Loans for Overseas Labour Migration Project, Bank for Agriculture and Agricultural Co-operatives

The Loans for Overseas Labour Migration Project works with the Employment Department to:

- 1) Promote employment for farmers and their families to upgrade their quality of life.
- 2) Reduce migrants' costs in moving abroad and protecting them from loan sharks.

The target groups are:

- loan takers who are farmers
- loan payers who are farmers or members in the family, including their in-laws.

The purpose of the loan is for overseas labour migration, and the maximum amount for an individual loan is 180,000 baht, with normal interest rates applied according to the bank's regulations. The loan has to be paid back within 18 months; the first three months are interest free. The migrant has to take out life insurance and identify the bank as the beneficiary.

Source: Bank for Agriculture and Agricultural Co-operatives; "Loan to work abroad", brochure of the Bank for Agriculture and Agricultural Co-operatives.

The migrant workers who went to Poland all received their contract shortly before boarding their flight to their destination countries. Five returnees reported they had been arrested two weeks after their arrival in Poland for having fake visas, which the agents had arranged for them. They were detained in immigration detention cells following a thorough body search. Thai embassy officials intervened in time to prevent them from being jailed. Their level of education (three had only completed primary school and two had completed senior high school) was not a factor in their understanding of the process of visa application, the geographical location of Poland and the living conditions. Three women returning from Poland also complained about being confined in a house and suffering physical and sexual harassment from the employer's staff after they refused to sign documents relating to changes in their work contract and conditions. Even though Poland is ranked highly (41st globally) for its human resources development, the returnees discourage anyone from working there

migrant returnees who endured exploitation in European destination countries still need to be alert when re-migrating. Previous migration experience cannot adequately prevent anyone from being deceived or exploited for their labour in the re-migration process.

Also, the nature of the work that returnees end up in can affect their post-migration life. Migrants who are deceived or exploited in a migration experience in Europe, even workers in the agriculture labour sector, have a chance to seek justice and/or claim compensation or their rights. They can even more freely talk about the exploitive situation. This contrasts with the situation of women who end up migrating into or are deceived and forced to work in the sex industry. Due to the social stigma and prejudice that that type of work attracts, to claim their rights or disclose the exploitation can subject them to enduring stigma.

Trafficked returnees

There is no national coordinating centre in Thailand that compiles statistics on migrant returnees trafficked for the purpose of sexual exploitation. The Department of Consular Affairs produces reports on the assistance provided to Thai nationals living overseas, but this is done only periodically. The report, however, does include migrants involved in the sex industry abroad; for instance, 447 in 2007, 409 in 2008 and 189 in the first six months of 2009.¹⁶

The number of trafficked returnees with access to assistance may not be representative of the overall picture of migrants experiencing difficulties abroad, given their lack of legal status. A few returnees from Europe informed the Foundation for Women that they were recruited to work in traditional massage

Table 8: Level of education of labour migrant returnees in the group

Level of education	From Sweden		From Poland		Total
	Man	Woman	Man	Woman	
Primary	8	2	2	1	13
Secondary	2	-	-	1	3
Senior high school or college	5	1	1	3	10
University	-	1	-	-	1
Total	15	4	3	5	27

because they think that the average level of salary and quality of life is lower than in Thailand.¹⁵

Based on the two cases of migrants who went to Sweden and Poland, it seems undesirable conditions of working and living overseas persists and labour

but after arrival were forced into prostitution. Taking into consideration the official statistics of women with proper migrant papers who were involved in traditional massage in 2008 (for example, 202 in the Czech Republic, 62 in Spain, 51 in the United Kingdom and 44 in Italy), it is probably safe to presume there are

many more cases of trafficking of Thai women into the sex industry in Europe. The difficulties in assessing the level of incidence is also partly due to the right to privacy of returnees who do not want to receive any assistance from service providers in Thailand for fear of stigma or reprisal from the agent. Staff with the International Organization for Migration (IOM) in the Netherlands and the United Kingdom have reported that certain Thai returnees did not want to receive any assistance from government agencies.¹⁷ While respecting the right to self-determination of women, it is crucial to determine the reasons for such requests in order to respond more effectively to their situation and to capture an accurate picture of migrant returnees, especially trafficked women returning from Europe.

The Bureau of Anti-Trafficking in Women and Children (BATWC) within the Department of Social Development and Human Security (in the Ministry of Social Development and Human Security) and IOM provided support to 32 returnees (31 women) who were victims of human trafficking during the period of 2006–2008.¹⁸ All 31 women were sexually exploited in three destination countries: Italy, Switzerland and the United Kingdom. The one man who returned was a victim of agricultural labour exploitation in the United Kingdom. All the returnees received assistance in their destination countries from IOM and the Thai embassy. For the majority of the women, it had been their first time to work overseas. They were recruited by relatives, acquaintances and neighbours to work in restaurants but were eventually forced into prostitution. A few of them knew they were headed for sex work but were completely unaware of the working conditions. They were aged between 30 and 39 years and had either a primary or secondary level of education. All of them came from the north-eastern provinces of Sisaket, Nakhon Ratchasima and Udon Thani.

IOM provided assistance to seven women migrants who returned from Denmark and the Netherlands and five from the United Kingdom during 2007–2009. Most of them had previously migrated to countries in Asia (Japan, Malaysia and Singapore) and knew they would be employed in sex work; but, like the others, they were unaware of the working conditions. A few were told they would work in a restaurant or traditional massage but after arrival were sexually exploited. Seven of the women came from the north-eastern provinces of Khon Kaen, Udon Thani and Nakhon Phanom, but little else is known about the others.

From 2005 to 2009, 20 women received assistance from the Foundation for Women after they returned

from a migration experience in Europe; the majority of them were originally from the north-eastern provinces of Thailand and had only a primary school education. All of them moved to Europe under the false promise of either marrying a Western man or working in the

Table 9: Number of trafficked persons from Europe

Country	2006	2007	2008	2009	Total
Italy	20*	1	8	-	29
United Kingdom	10**	3	5	-	18
Switzerland	1	-	5	-	6
Germany	-	3	-	-	3
Denmark	-	-	1	1	2
Netherlands	-	-	1	-	1
Spain	-	-	-	1	1
Total	31	7	20	2	60

Sources: Interviews with BATWC social worker and IOM project assistant, September–October 2009; Foundation for Women's record of assistance to trafficked women

agriculture or service sectors; other details about their situation were not disclosed.

Based on information from the service-providing agencies, it appears that the numbers of returnees from Italy and the United Kingdom are increasing. The United Kingdom Human Trafficking Centre (UKHTC) was established in October 2006 as a special police unit to combat human trafficking and to coordinate with agencies in countries of origin for further assistance for trafficked returnees. It is a multi-agency organization that promotes a victim-centred human rights approach by working with various actors from government and NGOs in the United Kingdom and abroad. It provides a central point for building expertise and cooperation on trafficking and to improve standards of care.

The repatriation of Thai migrant women from Italy is mainly facilitated by IOM. According to On the Road – a women's organization in Italy dealing with trafficking and prostitution cases – there is no indication that Thai women are a target group.²⁰ On the Road provides assistance to foreign women through counselling or a drop-in centre.

The compilation of reported individual cases does not capture the overall picture of migrant Thai women who are trafficked to Europe and then returned. Based on available information from the TOEA, seasonal migration to European countries is growing in both the number of migrants and destination countries, especially to Eastern European countries.

In conclusion, the known cases of migrant women who became victims of human trafficking in European countries were largely from the north-eastern provinces of Thailand and aged 30–39 years. They were mostly married and had only a primary school education. Many migrants who have returned home without any prior assistance in the destination countries remain unaware of available assistance. Although regular migrant returnees can contact the relevant agency in the Ministry of Labour, returnees who had an irregular status who were trafficked cannot access such channel due to the informal and unregistered arrangement of their migration (mostly through relatives and acquaintances). Additionally, many do not seek out such a government channel because of their fear of social stigma. Their lower level of education in comparison with formal labour migrants is a prime factor in limiting their access to information, assistance and justice.

A common concern of returnees who had been exploited or trafficked in their migration experience is the debt from loans they received initially to migrate, either from the Bank for Agriculture and Agricultural Co-operatives or private moneylenders. High interest rates make it impossible for many of the returnees to free themselves from a heavy financial burden. Those who mortgaged plots of land are worried that they will lose them if they cannot find the money from other sources within the given time.

Current forms of assistance

Many organizations in Thailand deal with human trafficking situations, but most focus on children. Very few of them deal with adult women and men and are less likely to work with people trafficked to Europe. Most local organizations working on labour issues prioritize promoting and protecting the rights of foreign migrant workers in Thailand and pay little attention to the international migration of Thai nationals. Although a labour migrant returned from Europe can complain directly to the Ministry of Labour to take up their case against the recruitment agency, trafficked migrants have to depend on social assistance from service-providing agencies. The key actors are international agencies, such as IOM and ILO, that collaborate closely with the Bureau of Anti-Trafficking in Women and Children (within the Department of Social Development and

Welfare) and some NGOs. With the enactment of the Protection and Suppression of Human Trafficking Act in 2008, the Ministry of Social Development and Human Security is mandated to coordinate its enforcement. The law contains provision for victim protection and assistance, and the BATWC is the primary agency for coordinating assistance to Thai and foreign women and children who are victims of national and cross-border human trafficking. BATWC has broadened the scope of assistance to men who are exploited, which occurs mostly in agricultural labour and the fishing industry.

In addition, the Foundation for Women provides assistance to returnees from Europe by coordinating with agencies in the destination countries. Collaborating with the Thai consulates around the world and the airport immigration office in Thailand, the Foundation for Women disseminates information on available assistance to Thai migrants. A number of women either contact the Foundation for Women on their own after picking up an information postcard at the immigration arrival desk in Suvarnabhumi Airport in Bangkok or are referred by consulate staff in the country they have left.

Assistance in European destination countries	Assistance in Thailand
<ul style="list-style-type: none"> • rescue • shelter • immediate relief • legal assistance • damage compensation 	<ul style="list-style-type: none"> • communication with affected migrants • reception at airport • temporary accommodation • recovery activities • reintegration plan and support • legal assistance • follow-up case support

Based on information from returnees from European countries, available assistance can be summarized as follows:

Assistance to labour migrants in Europe

Exploited labour migrants sometimes receive far less assistance than those who are treated as victims of trafficking. The key actor dealing with exploited labour migrants is the Thai embassy, which has an office for protecting Thai nationals overseas. This was the case with seasonal agriculture workers in Sweden who contacted the embassy when realizing that the conditions of their work differed from what was promised in their contract. An embassy official was sent to investigate the situation and provide immediate assistance, including shelter, food and warm clothes. The embassy official also solicited support from the Thai community in Sweden. As explained in the following case study, the

ambassador was ordered to prohibit the official from any further contact with the workers. This experience reflects the lack of coordination between state agencies.

**Case study:
Labour exploitation in Sweden**

An official from the Thai embassy visited aggrieved workers in Sweden and coordinated with the Thai community there (housewives of Thai nationals) to provide the workers with immediate assistance. A representative from the Ministry of Labour went to Sweden to meet with those workers and then demanded that the Thai ambassador prohibit the embassy official from further contact with the workers. He argued that the official had overstepped his responsibility and interfered with the work of other government agencies responsible for labour matters. The workers subsequently thought that they did not receive adequate protection from the Ministry of Labour official. After returning home, the workers submitted a petition to the prime minister to stop any sanctions against the embassy official who they thought had done more to help them.

Source: Document attached to the petition letter to the prime minister

In Poland, the Thai embassy also provided prompt assistance to a group of men and women who entered the country with forged visas. The embassy staff's timely intervention with the Polish immigration office meant that the workers avoided long-term detention. It also facilitated their return without delay to Thailand. The group received without any further grievance reimbursement of the 250,000 baht brokerage fee from their recruiter shortly after returning to Thailand due to negotiation assistance by Ministry of Labour officers.

There are still discrepancies in providing assistance to workers; for example, support from the Thai embassy did not extend to another group of three women who were deceived about their work in Poland. In that case, the embassy official told them they must follow the contract they had signed. This is perhaps because they were seen as guilty parties rather than innocent victims; the three women were not content with the conditions of their employment because they were given odd jobs (either in the agriculture or factory setting where they worked). The element of deception and coercion was unclear, making it difficult to determine whether they were victims of human trafficking and labour exploitation. Instead of

providing assistance and investigating their complaint, the official told them to comply with the contract terms they had signed in Thailand.

The issue of a migrant's "innocence" is important among assisting government agencies and was discussed during a seminar of the National Human Rights Commission in 2009.²¹ The BATWC officials wanted appropriate guidelines to identify "genuine" victims of human trafficking to prevent other migrants, especially those involved in the sex industry, from exploiting official assistance. According to them, many migrants consent to certain types of work, including sex work, but after arrival in the destination country they do not like the conditions of that work or want to return home free from legal sanctions; thus they report to an embassy for assistance. In such cases, the migrants, particularly those in consensual sex work, exploit available funds for assisting victims of human trafficking. BATWC has completed a set of guidelines to identify trafficking victims, but there is a need to evaluate the effect of such material after it has been used.

Other guidelines to identify victims have been developed by some service-providing agencies in Europe.²² La Strada in the Czech Republic has a standard procedure to help social workers decide if the person fits into a determined target group. The Foundation for Women uses a questionnaire to interview migrants detained in the Immigration Detention Centre. Rights-based principles of confidentiality and voluntary acceptance of help should be at the core of such guidelines. A person who has not been trafficked but is asking for help should be referred to other agencies for social assistance. There is a need to develop comprehensive guidelines for providing assistance to labour migrants that take into account the workers' labour rights as enshrined in ILO instruments.

None of the European countries that rank high in the UNDP Human Development Index are state parties to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and only four countries with a high development rank (Albania, Bosnia and Herzegovina, Montenegro and Serbia) have ratified that Convention. This is in stark contrast to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention Against Transnational Organized Crime, which has been ratified by all member States of the European Union.²³ A simple conclusion drawn from this reality is that the member countries of the European Union put more emphasis on combating

human trafficking than protecting the rights of migrant workers. Even so, there are still many international instruments relating to labour protection that can be used to protect migrant workers in European countries.

Finally, the repatriation of labour migrants to Thailand remains under the sole responsibility of Thai authorities, especially the embassy in the destination country. However, there is no official scheme for the integration of labour migrants once they return from Europe or other regions. Based on information from returnees from Sweden and Poland, it seems that migrant returnees want to be employed in formal sectors overseas, including agriculture, rather than live without regular income in their own community (due to the lack of job opportunities). This is an issue that needs to be further explored, taking into consideration whether they need assistance in making long-term individual plans for their livelihood, or if they only want assistance to claim reimbursement of the brokerage fee from recruiting agencies as a way of financing their re-migration. If the latter is the case, there is also a need to provide accurate and holistic information on overseas employment to prevent further exploitation.

Assistance to trafficked migrants in Europe

Unlike the focus placed on trafficking prevention, attempts to protect migrant labour are limited and underfunded. Apart from the Trafficking in Persons Protocol, the Council of Europe adopted the Convention on Action against Trafficking in Human Beings in May 2005. It entered into force in February 2008 after ratification by ten member States.²⁴ As of April 2008, 16 States had ratified the Convention and 22 had signed it.²² It is a comprehensive treaty primarily focusing on the protection of victims of trafficking and safeguarding their rights. It incorporates all purposes of human trafficking, under a definition in line with the Trafficking in Persons Protocol. Moreover, Article 17 obliges state parties to promote gender equality and use gender mainstreaming in anti-trafficking measures. The Group of Experts on Action Against Trafficking in Human Beings serves as a monitoring mechanism for the Convention. Assistance to trafficked persons includes a recovery and reflection period, residence permit, compensation and legal redress and repatriation but does not cover reintegration. It was expected that ratification of the Convention will ensure adequate assistance to trafficked persons in all the coverage areas.

To date, no trafficked persons returned to Thailand have received the treatment outlined in the Convention. This is because either they returned

home before the Convention came into force or their destination countries were not state parties to the Convention. Nonetheless, there are a few coordinated cases of assistance between organizations in Thailand and European countries, such as Germany, Switzerland and the United Kingdom. This includes reception at the airport, an escort for a court appearance as a witness and help with compensation claims. The Foundation for Women recently coordinated with Project Hope (El Proyecto ESPERANZA, a Spanish NGO), via the Global Alliance Against Traffic in Women, to rescue a Thai woman from a brothel in Spain. The Foundation for Women directly discussed the police rescue plan with the woman by cell phone; she then went on to stay in a shelter in Madrid before returning to Thailand.

After escaping from undesirable workplaces, trafficked persons, mainly women, are accommodated in safe shelters available in destination countries in the European Union. The length of stay depends on the condition of each case. Periodic “reflection” makes it possible for women to decide whether they want to be witnesses in court cases against their traffickers. In destination countries, IOM assists in the repatriation and informs the IOM office in Bangkok of the need to coordinate reception and other assistance, should any woman require it. This is good practice because the service-providing agency respects the rights of women in terms of whether they want assistance as well as their right to privacy.

Reception at airport

Airport reception is arranged on a case-by-case basis, especially for trafficked returnees. Women who are rescued by police mostly prefer someone to receive them at the airport, to avoid trouble with local authorities resulting from the work they performed in the destination country. Three organizations provide this service – BATWC, IOM and the Foundation for Women. Sometimes the Anti-Trafficking Unit of the Thai police is also present to receive returnees at the airport. In some cases, more than one agency receives a trafficked returnee. A small room for interviewing returnees is available under the coordination of IOM and BATWC. However, this practice needs reconsideration because some women feel they are treated differently from other arrival passengers. A signboard bearing their name is a further issue of concern. Returnees should be invited to share their thoughts on the reception process at the airport. More positively, the airport reception allows some returnees to register a complaint against their traffickers through

the assistance of the organizations that receive them. In short, there is a need to develop a standard procedure for receiving trafficked returnees, including details of information that should be provided on return.

Temporary accommodation

The Kredtrakarn Protection and Occupational Development Centre (Kredtakarn Home) in Bangkok can accommodate trafficked returnees; however, none of the returnees want to remain there, even when returning home is not possible. In such a case, the Foundation for Women provides accommodation by renting a small room for the period of need. A volunteer with similar personal experience is assigned to talk with the returnees and provide assistance, including access to medical care, legal counselling and complaints, and access to social assistance. Because of concern that institutional care, especially for children, may lead to further abuse, this kind of approach might be more appropriate for adult returnees.²⁶ If there is a need for shelter or residential care, “do no harm” guidelines for social workers and care providers should be prepared.

Health care

Some returnees need medical and psychological care. No specific government agency or NGO is assigned to take care of these needs for migrant returnees, especially trafficked persons. The Ministry of Foreign Affairs has organized a team of psychologists to visit and provide counselling to Thai migrants in Germany and Switzerland but there is no such programme within Thailand. The BATWC arranges mandatory health check-ups for women who have returned home, mostly to check for sexually transmitted diseases, including HIV.²⁷ The Foundation for Women arranges for returned women who have attempted suicide to see psychiatrists in public hospitals. There is a need to further develop appropriate health care to migrant returnees to provide them with timely assistance. According to the La Strada NGO in the Czech Republic, positive change in affected persons begins only after they enter a stabilization period in which all of their physical and psychological needs are addressed.²⁸ Health care and recovery is thus a long process requiring attentive care and regular contact. In general, comprehensive knowledge on psychosocial care for trafficked persons is still limited in Thailand. Exchanges of experience and the sharing of good training practices with organizations in the destination countries in the European Union would be a useful step. The London School of Hygiene and Tropical Medicine has developed a conceptual framework on the health risks that trafficked persons are exposed to

through all stages of the trafficking experience, from pre-departure to reintegration.²⁹ The IOM also has issued a set of minimum standards concerning mental health care for trafficked persons.³⁰

Legal assistance

Although prosecution is the prime concern of the international community, legal assistance to trafficked persons remains limited. In Thailand, there is no agency with the legal expertise to provide comprehensive assistance and monitor court proceedings. Some organizations in the destination countries in the European Union, such as the UKHTC in the United Kingdom, take a proactive role in pursuing prosecutions.

The Fight Against Child Exploitation (FACE) NGO, though focusing its work on children who are sexually exploited, provides legal assistance to women who have returned from Europe and who want to file court cases against their recruiters. However, FACE does not have an adequate budget for lawyers to monitor the legal proceedings. During trials in which women have to appear as witnesses, the Foundation for Women provides financial assistance for transportation and food as well as accompanying staff. Women are also assisted in claiming compensation as victims of crime through the Ministry of Justice.

Assistance in this area can be further strengthened to achieve successful prosecutions. There should be a coordinating body consisting of government and non-government bodies and a legal service-providing agency to manage and monitor the cases. The Human Trafficking Unit under the Thai police should set up a system for collecting data on complaints, the prosecution of cases and links with government security units responsible for policing human trafficking in European countries.

Reintegration

The reintegration of trafficked persons is a still a challenge. One current debate is on the appropriate terms to use in enabling returnees to rebuild their lives. There is no common agreement on the concept of reintegration; some people argue that to repatriate and return victims to live with their families is inappropriate because they are often exposed to further harm.³¹ Good practices need to be further documented.

Although no official programme of reintegration for labour migrant returnees exists, a few organizations offer reintegration programmes for trafficked women returnees. The ILO and IOM have supported the Foundation for Women in providing financial assistance

to women who want to generate income and to take care of family members. The BATWC manages a national fund to assist trafficked persons. The problem in this area is the lack of sufficient guidance to affected women in developing an individual economic plan that is both feasible and empowering. The Foundation for Women has initiated activities for recovery and empowerment, but it needs to evaluate outcomes and identify areas to further explore in supporting women to sustain their lives after returning from abroad. Most reintegration programmes tend to oblige women to return to their origin community, even though some returnees from Europe would have a better life outside their community. So the concept of reintegration should be discussed with service providers to help reduce any conditions imposed on returnees.

Another issue of concern is the home visit practice of officials to women who request reintegration assistance. Guidelines for this practice need to be developed to improve the understanding of authorities regarding the right to privacy and “do no harm” principles.

Case follow-up

In the United Kingdom and the Netherlands, women have appeared as witnesses in legal cases against their traffickers. In one such case in London, the BATWC and the Foundation for Women were requested to chaperone the trafficked returnees from Thailand to the court. The British police are now working on claiming compensation for one of the cases. This has involved police officers travelling to Thailand to collect more information from the woman at the Foundation for Women; they also visited other relevant organizations, with assistance from FACE.

In another case from 2008, court personnel in the Netherlands organized a virtual court so that three women who had been trafficked into prostitution could give testimony from Bangkok. After the conviction of five perpetrators, the women were awarded compensation for physical damage totalling 8,100 euros as part of the court verdict. The women thought the punishment was not on par with the suffering they endured when forced to provide sexual services in the Netherlands over long periods.³² Three of the sentenced perpetrators were given two years’ probation. Following the court ruling, the prosecutor believed the sentence to have been too light, whereas the principal defenders thought the punishment too severe for their case. Until now, the three women have still not received the compensation.

Capacity of service providers

Europe

National organizations offering assistance, especially women’s organizations, exist in nearly all of the European destination countries of Thai migrants, including former Communist countries. The core interest of these organizations, however, is human trafficking, working closely with international organizations such as IOM and UNICEF for the prevention and protection of trafficked persons. Assistance and protection of labour migrants is not as prevalent as that for human trafficking. Although there is concern over how the international economic crisis and growing unemployment will be conducive to the acceptance and integration of migrant workers in host countries, there is a need to explore cooperation with trade unions and organizations working with refugees and asylum seekers in European Union countries to solicit their support for migrant workers who experience labour exploitation. First and foremost, there is a need to improve the understanding of people in European Union countries on the situation of migrants, encouraging them to be perceived as economic and social contributors to the host country and not as aliens taking jobs from locals. The Caritas Europa Migration Forum meeting in September 2009 on the free movement of workers led to two important suggestions: 1) consider the emotional stress that migrant workers suffer and its consequences and try to find a way to help alleviate their suffering; 2) ensure that irregular migrant workers can access legal assistance (or an ombudsman with binding decision-making authority over employers).³³

Since the fall of the Berlin Wall in 1989, the eastern countries of the European Union have become increasingly source, transit and destination countries for international migration and human trafficking. International agencies have tried to assist these States in combating the trafficking of their own citizens to other countries. A case in point is the formation of La Strada,³⁴ a network of nine independent women’s rights organizations that works to eradicate human trafficking, especially of women and children, by providing social assistance, safe return and support to survivors within Eastern European countries. This practice is similar to that of IOM.

Human trafficking has become an intraregional issue and is reportedly growing within European Union States, thus concerns and resources are concentrated there. Assistance to women and children from other regions is now limited or neglected. The

only organizations that have experience working with women from other regions, especially from Thailand, were established during the 1980s, such as Ban Ying in Germany and the Frauen Informations Zentrum (FIZ, or Women's Information Centre) in Switzerland.

In many countries, social assistance to trafficking victims enshrined in national anti-trafficking legislation and policy is conditional on the cooperation of women in court cases. Often, there is a reflection period allowing a trafficked woman to decide whether she wants to be a witness in court against her perpetrator or to return home without any redress. The conversations with the returnees suggest that most women do not receive adequate information, especially concerning assistance they are entitled to, if they do choose to cooperate with the authorities.

It is therefore crucial to cooperate with the relevant agencies in destination countries to develop comprehensive and easy-to-read material that informs trafficking victims of the available assistance and the options that they can consider. Because new States in the European Union have become destinations for Thai migrants, there is a need to initiate contact with local organizations. This is especially true for those countries with large numbers of Thai migrants.

Correspondence from an officer in La Strada, a Czech Republic NGO working against human trafficking, to the Foundation for Women, November 2009

"We know that a lot of Thai women work in massage saloons, especially here in Prague, and they might endure substandard work conditions (long working hours, a lot of women living in one apartment), but we never have any real connection with them. To be honest, I haven't even heard about a connection between massage and forced prostitution among Thai women here in the Czech Republic. They seem to be quite a closed community due to the language barrier and their different cultural background.

We cooperated with one Thai woman but she wasn't forced to do anything (according to her). She had some problems with her employer regarding her work contract. When she came to us (her boyfriend contacted our hotline), she had been illegal[ly] here for almost one year. We helped her return to Thailand. She did not want to cooperate with the police."

Thailand

There is not at present any formal coordination among organizations providing social, economic and legal assistance to migrant returnees in Thailand. IOM has provided training to BATWC on case management and also developed a manual on case management. But referral to other agencies is still on a case-by-case basis. Resulting problems sometimes discourage returnees, especially those who are witnesses in court cases.

The Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of Social Development and Human Security are the primary government agencies responsible for providing social assistance to overseas Thai workers and trafficked migrants. Their main collaborating agencies are IOM and police in destination countries. NGOs, such as the Foundation for Women, work more closely with women's organizations in the European Union destination countries, especially in Germany and Switzerland.

Language and communication limitations affect Thai migrants' access to available assistance in host countries. Immediate assistance and repatriation preparations mainly come from Thai embassies and consulates. Those service-providing agencies for trafficked women that employ Thai outreach workers can gain access easily. Ban Ying and FIZ are the only two organizations that coordinate effectively with organizations in Thailand to assist Thai migrants. Also, rights-based principles are not yet well understood among most service providers in Thailand. By tending to adopt a vertical rather than a horizontal approach, official responsible agencies do not facilitate the participation and empowerment of returnees.

To effectively assist migrants affected by labour and sexual exploitation in Europe, there is a need to improve the language skills of service providers in destination and origin countries. In destination countries where there are large numbers of regulated Thai migrant workers, there should be Thai staff or volunteers working with relevant agencies to reach out to the migrant community and gather information. Agencies in Thailand should also have basic information on destination countries of Thai migrants as well as personnel that can communicate adequately with service providers in host countries. International standards, principles and norms relating to the treatment of migrant workers and trafficked persons have not been properly introduced to service-providing agencies in Thailand. The Asia-Europe Meeting (ASEM) Action Plan to Combat Trafficking in Persons, Especially

Women and Children can help strengthen coordination, but there is little awareness of it.

Cooperation and agreements

There are no binding agreements between Thailand and any European Union member country for dealing with migrants and trafficked persons. The existing international instruments and guidelines, for instance the 2000 Trafficking in Persons Protocol, the 2002 UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking and the ILO labour standards, can be used as a framework in providing assistance to migrants and trafficked persons. The initiatives in place that focus on trafficked persons entail:

1. ASEM Action Plan to Combat Trafficking in Persons, Especially Women and Children

While awaiting the full implementation of the Council of Europe Convention to be monitored by the Group of Experts on Action Against Trafficking in Human Beings, the ASEM Plan of Action, as accepted by the foreign ministers of ASEM Partners in May 2001, can help to intensify cooperation to combat human trafficking and the respect and protection of the rights of victims. The ASEM Action Plan is not legally binding but is a political commitment of ASEM Partners and contains five objectives:³⁵

- strengthen knowledge and overall coordination
- prevent and combat trafficking
- strengthen law enforcement and the protection of victims of trafficking
- promote the recovery, repatriation and reintegration of trafficked women and children
- monitor and follow up activities.

For the objectives of recovery, repatriation and reintegration, the ASEM Action Plan calls for exchanges of experiences and lessons learned for developing appropriate reintegration approaches and coordinating between governments and NGOs in order to strengthen the capacity to assist victims. The ASEM Action Plan also calls for a gender perspective and for attention to the rights of women and children in national development policies and programmes. Although conferences and seminars have been organized, there seems to be little awareness of the action plan.

2. Cooperation with the Thai Women Network in Europe

There is no bilateral agreement between Thailand and any European Union destination country on the

treatment of labour migrants and trafficked persons. One initiative exists between the Ministry of Foreign Affairs and the Ministry of Social Development and Human Security to provide support and strengthen the Thai Women Network in Europe to help Thais living there and to provide assistance to trafficked women and children. The Network was registered as an association in France in 2004, with members from at least ten countries.³⁶ These members have formal and informal organizations in their own countries to specifically assist Thai women. For instance, the Thai Women Association in Norway³⁷ provides legal information and advice and helps women victims of physical abuse. The common objectives of these national groups are to help Thai residents to culturally adapt to new environments and to promote Thai national culture. Cooperation is still limited to the Thai Women Network in Europe and the two government ministries. Members of the Network are invited to visit the work of the Ministry of Social Development and Human Security in Thailand. At this stage, it is not possible to assess the extent of assistance that the Network provides.

According to FIZ, no coordination guidelines exist to help service-providing organizations and Thai embassies in the European Union assist Thai migrants and trafficked persons. The Thai embassy in Switzerland does not officially work with the Swiss-based FIZ, well known for its trafficked victim assistance. Migrants trafficked from Thailand to Switzerland are still sent home without any appropriate information on their rights or available social assistance – for instance, the right to stay for medical care and access financial support from the Swiss Government and other agencies, such as IOM. While the embassy supports the Thai Women Network in Europe and invites their members to Thailand to share their experiences on the situation of the trafficking of Thai women, FIZ has never participated in any of these activities.

3. Cooperation with Buddhist temples

The Ministry of Social Development and Human Security has collaborated with Buddhist temples in Berlin, Hanover and Zurich to set up a pilot social development and welfare learning centre to train community volunteers in Germany and Switzerland.³⁸ The pilot project is funded by the Ministry in collaboration with an abbot in Bangkok. The three centres aim at strengthening the Thai community in the two countries and equipping volunteers with social welfare knowledge to better assist Thai migrants. In August and September 2009, the Ministry also organized a one-day awareness-raising meeting in

Table 10: Assistance from the Thai consulate to Thai migrants in European Union countries

	January– December 2007		January– December 2008		January– July 2009		Total		Total
Country	Male	Female	Male	Female	Male	Female	Male	Female	
Greece	0	4	0	1	1	1	1	6	7
Czech Republic	7	2	2	5	7	6	16	13	29
Denmark	1	4	1	4	2	11	4	19	23
Turkey	1	13	1	11	0	1	2	25	27
Norway	2	4	1	4	1	3	4	11	15
Netherlands	0	1	1	1	3	3	4	5	9
Belgium	0	2	2	3	1	1	3	6	9
Portugal	0	0	1	1	0	3	1	4	5
Poland	5	2	7	1	7	2	19	5	24
France	14	11	5	13	0	2	19	26	45
Finland	2	1	3	1	0	4	5	6	11
Germany	7	15	13	26	7	23	27	64	91
Russia	0	3	0	0	0	3	0	6	6
Romania	0	0	0	1	0	0	0	1	1
Lithuania	0	0	0	0	30	8	30	8	38
Spain	4	5	0	1	1	0	5	6	11
Slovenia	0	0	0	2	0	0	0	2	2
Switzerland	6	3	1	7	0	6	7	16	23
Sweden	6	8	1	7	1	12	8	27	35
Austria	3	5	3	8	4	2	10	15	25
United Kingdom	14	27	9	13	0	2	23	42	65
Italy	2	17	6	2	6	2	14	21	35
Hungary	0	2		0	0	2	0	4	4
Total	74	129	57	112	71	97	202	338	540

the three major north-eastern provinces of Khon Kaen, Udon Thani and Ubon Rachathani where many overseas labour migrants come from.

The impact of the economic crisis

Official statistics on regulated labour migration to Europe are still limited, especially with most migrants arranging their own overseas employment. Anecdotal information from returnees suggests that there is a large number of women who were recruited with the promise of working in the service sector, including the sex industry, who cannot afford to pay back the high brokerage fees (averaging 15,000–20,000 euros). According to two women returnees from the United Kingdom and Spain, given a small number of clients they had to work for very long periods to rid themselves of debt. The financial burden pushes them to seek assistance from clients or police. According to the statistics of the Department of Consular Affairs, the

level of assistance to Thai nationals in Europe increased considerably – from 169 (66 per cent women) in all of 2008 to 154 in the first seven months of 2009 (58 per cent women); 91 Thais were assisted in Germany, along with 65 in the United Kingdom. There is no specific information on the number of assisted migrants who returned to Thailand.

The 2009 ILO annual report *Global Employment Trends for Women* noted that the economic crisis was expected to push the number of unemployed women up to 22 million in 2009. The economic crisis was cited as affecting sustainable and socially equitable economic growth, making decent work for women increasingly difficult.³⁹ This is indeed the case for migrant returnees who experienced labour and sexual exploitation in Europe. Generally, employment opportunities for returnees in Thailand in the formal sector are limited. Currently, 23 million of the country's 35 million labour

force is in the informal sector and excluded from unemployment benefits. Likely income is mostly from unprotected and insecure work in the informal sector and seasonal agricultural wage labour. Repatriation is not always in the best interests of returnees because it can place them back in the same situation that forced them to migrate originally. Male returnees from Sweden have reported that they still wanted to find overseas employment after paying back their debt for migrating because it was the only way to get a regular source of income. Although usually possessing a small plot of land, these returnees, both men and women, are dissatisfied with the low price of agricultural products as their seemingly only income-earning option.

Part II. BACK HOME

This part of the report is a compilation of information from 28 returnees from Europe. Of them, 15 had been trafficked into seven countries (Austria, Germany, Italy, Netherlands, Spain, Switzerland and the United Kingdom), and 13 were migrant workers who had worked in Poland and Sweden (included in research for previous section). The period since returning from Europe varied from two months to nine years. The returnees had contacted the Foundation for Women for counselling and other assistance. The majority of the trafficked women are members of Live Our Lives, a self-help group of trafficked returnees. The information was compiled from individual interviews and a group discussion.

The returnees had returned from the destination countries with assistance or intervention from organizations (national and international agencies) and a Thai embassy. All the labour migrants had valid tickets enabling them to return without delay, while many of the trafficked migrants were assisted in flying home because their tickets had expired or were kept by their traffickers. The mode of return was both official and unofficial. The official channel involves an agency in the destination country informing the authorities or relevant organizations so that they may receive returnees at the airport and provide them with further assistance. The unofficial channel occurs when returnees, with assistance from agencies in the destination country, return home, sometimes without informing any organizations in Thailand. Those returning through unofficial channels are often victims of human trafficking.

Trafficked returnees are provided with information on agencies offering them support; however, it is their decision whether to contact the organizations or not. Legal action cannot be taken against agents unless returnees initiate the complaint. While this practice respects the rights of the individual returnee, it affects national records. According to Article 40 of the Anti-

Trafficking in Persons Act 2008, the Ministry of Social Development and Human Security has the mandatory task of preparing an annual report on the situation and prosecution of trafficking cases. But this report does not capture the actual situation of international human trafficking because it does not include the number of unofficial returnees. There is a need for agencies to collaborate more closely in providing assistance to migrants, especially to trafficked persons, so that the number of cases they have assisted in and the reasons for their unofficial return can be compiled.

Concerns of returnees before moving back

Finance is the prime concern of migrant returnees, regardless of where they actually end up working. All of the 28 returnees interviewed were in debt, with the failure of their migration making it impossible to repay their loans. While regular labour migrants whose debt is mostly with the Bank for Agriculture and Agricultural Co-operatives do have the possibility to renegotiate the terms of payment, trafficked migrants whose debtors are informal lenders charging them exorbitant interest rates do not believe that anyone can help them out of the situation. Some migrants are indebted both to the bank and informal lenders. The interviewed migrants said they were obliged to pay interest to informal lenders at 3–5 per cent per month. One married couple migrated together, accruing debt amounting to 500,000 baht. They fear losing the title to their land because it would create trouble for others in their family. As family care providers, they worry about meeting basic needs, including the education of their children.

While debt worries affect the psychological well-being of both labour and trafficked migrants, sexually exploited women migrants have further psychological burdens:

- fear of the reaction of family and community if they know that they have worked in prostitution

- fear of arrest after return because they have used forged documents
- fear of reprisal from agents
- fear of contracting sexually transmitted disease, including HIV, and pregnancy.

It is thus necessary that this group of women receive medical care and psychological counselling while staying in shelters.

After finding themselves free of an undesirable situation, many migrants want to return home as quickly as possible; the longer they stay, the more worried they become. They think they cannot get accurate information and are not being consulted on the process of their return or the legal aspects of their case. For instance, none of the returnees from Italy received information on the rights and assistance they were entitled to according to the Italian national anti-trafficking law, considered one of the best in the European Union. Deprivation of adequate communication, including the right to participate in informed decisions in destination countries, increases the anxiety of migrants and is detrimental to their mental well-being.

Return process and channels for labour migrants and trafficked returnees

Labour migrant returnees

Of the 28 returnees interviewed, 12 (eight from Sweden and four from Poland) received assistance from the Thai embassy in each country. The assistance included temporary shelter and food, provision of an interpreter and an official from the Ministry of Labour receiving them at the airport and arranging negotiations over compensation of brokerage fees. In contrast, two other returnees from Poland were treated very differently: The embassy in Poland offered them no assistance and suggested they remain with their employer; they did however, finally obtain a return ticket from the Thai embassy in Berlin. The two returnees said they could see no discernable reason as to the why the cases were treated differently.

The official intervention of the Thai embassy in destination countries has an impact on case settlement, as shown in the two cases from Poland. The official intervention and support of the embassy and the Ministry of Labour for the first group in Poland made it possible for an out-of-court settlement that yielded a tangible result in favour of the migrants, who received reimbursement of their brokerage fee without delay

from their agent. In contrast, the workers in the second case did not receive any official support from the embassy in Poland and returned home via unofficial channels. Because it was not possible to have an out-of-court settlement for compensation, they had to initiate their own legal complaint against the recruiters in the criminal and civil courts.

Trafficked returnees

Of the 28 returnees, 13 trafficked migrants received support in the destination country, and only one returned home without asking any local organization for assistance. The IOM provided support and facilitated the return of eight women. Three others received assistance from women's organizations in Germany and Spain, while the other two women were rescued and assisted by the police in the United Kingdom. The women were provided with safe shelter, adequate care and relevant counselling. After the police in the Netherlands assisted three women who had been trafficked, they were separated and kept in different shelters, without knowing why they were isolated from each other. They went on to collaborate as witnesses for the prosecution of their traffickers, each being provided return tickets and grants of 670 euros from the IOM. After arrival home, they contacted the Foundation for Women for further support. Five years after those events, the women were still awaiting compensation from the agency in the Netherlands for being victims of a crime.

Among all the women who received a return ticket and grant from the IOM, the amount varied (670 euros for returnees from the Netherlands, 400 euros from Italy and 5,200 Swiss francs from Switzerland) as did the length of stay in a shelter, depending on the complexity of the case. The IOM arranged for their official return by informing the relevant government and non-government agencies and arranging for officials to receive the returnees at the airport unless the returnees opted against it. The return from the United Kingdom was arranged by the UKHTC, which also enabled the women to act as witnesses against the perpetrators. Those women did not receive any financial support, but they were requested to return to the United Kingdom and provide more evidence in the court. Currently, the UKHTC is pursuing efforts to claim compensation for one woman after the conviction of her trafficker.

The interviewed returnees reported that they did not receive any information on the rights of victims of human trafficking. None of them had heard of the term "reflection period" nor knew of the entitlement they would receive if deciding to collaborate in the criminal

proceedings against their traffickers. In Italy, all of the women returnees wanted to take legal action against their agent who came from the same village as they did in Thailand. The authorities, however, did not provide them with any information on how they could do so, and instead they were investigated by the immigration officers who paid more attention to their entry and status of stay in the country. The women were eventually received by BATWC, which helped them to pursue their legal case against the trafficker with police in Bangkok.

The provision of legal assistance was evident only in the case of two women taking refuge in the shelter of Ban Ying in Germany. One of the cases centred on divorce from a husband who profited as a procurer (pimp). In the other, action was taken against the trafficker, which was unsuccessful given insufficient evidence and the physical and mental condition of the woman involved.

Official and unofficial returns

Only one group of returnees from Poland was received at the airport by officials from the Ministry of Labour. Trafficked returnees, especially those who returned with temporary documents (certificates of identity) issued by the Thai embassy, typically want to have someone receive them at the airport, preferably plainclothes officials, for fear of arrest or harassment by other government authorities. In a few cases, organizations in destination countries chose to ask NGOs to receive the returnees at the airport and collaborate further on case monitoring, including social assistance and legal proceedings.

Unofficial return from Spain

Pa is in her 30s and came from the North of Thailand. She went to Spain for work in the sex industry, and after arrival she was employed in a house in the North of Spain. After arrival, she found that the brokerage fee was higher than previously agreed in Thailand. There were also few clients and high living expenses. She would have had to work for several months to cover her 15,000 euro debt. Pa approached one of her clients for help; the client contacted Project Hope (El Proyecto ESPERANZA) in Madrid and someone there contacted the Global Alliance Against Traffic in Women and the Foundation for Women. Pa was then rescued by local police. But she made her own arrangements for going home. She did not want to have anyone meet her at the airport. After arrival in Bangkok, she contacted the Foundation for Women out of fear of reprisals from the agents but finally decided not to take any legal action against them. After a few weeks, she changed the number of her cellular phone, making further contact impossible.

The trafficked returnees who were interviewed shared their concern over official return and reception at the airport, suggesting the following practice: 1) have a plainclothes official wait with an organization signboard; 2) no interview should be conducted at the airport; 3) standard information on available assistance and contact organizations should be provided to returnees in a language-friendly format; 4) transportation costs to the origin community should be provided.

Returnees should have the right to choose the most appropriate channel, official or unofficial, for their return. The unofficial return channel should not be part of the criteria determining whether they can apply for or access integration assistance.

Availability and quality of services in the European Union

Services provided to migrants experiencing difficulties in destination countries in Europe are chiefly focused on those migrants who end up in sexual exploitation rather than other work sectors. Migrants in other sectors could, in theory, have tried to gain access to local trade unions for further assistance, although none have tried. The possibility of involving trade unions should be further explored. Labour migrants should also have a list of organizations in destination countries from which they can seek assistance in times of difficulty.

Information from the trafficked returnees from Europe indicates that available assistance for temporary shelter and immediate care is satisfactory. A more urgent area for improvement is the participation of returnees in planning their return and reintegration. This need is in part attributed to communication problems. Recently, the organization Project Hope (El Proyecto ESPERANZA) in Spain involved the Foundation for Women as an intermediary to communicate with trafficked women in planning for the process for rescue, after care and repatriation. Both organizations enabled the women to make decisions based on the information provided to them and decide whether they want to participate as witnesses in a court case and access available assistance or return home. The returnees could directly and anonymously contact the Foundation for Women staff to freely voice their concerns and fears. They could continue confidential counselling with the Foundation for Women after returning to Thailand as well.

Further development of this pattern of service should be considered, building on the expertise of

established organizations working on these issues in Western Europe and Thailand. Some of the women returnees, especially those who had pursued the prosecution of their traffickers, complained about the inaccurate and inadequate translations provided by official translators who didn't seem to understand the issue and who were unfriendly to them. While establishing this type of cross-border communication service for direct assistance to trafficked and exploited women migrants, there is also a need to provide training to people involved in providing the translation for women in shelters and during court proceedings.

This can be initiated with organizations in European countries where the number of Thai migrants is increasing so that they can extend better services to all trafficked or exploited migrant women.

Availability and quality of reintegration services in Thailand

Reintegration is typically considered to be the process of return back to the society or community where a migrant originated. As such, reintegration services should employ a multifaceted approach aimed at the holistic well-being of the person in their own social and cultural setting. Available services for reintegration include psychosocial and physical health care, legal redress and economic support. The reintegration services are provided on the assumption that they can help migrant returnees live a normal life (psychologically, physically and economically) in their community of origin. However, there is some debate on whether reintegration should focus only on return to the community of origin or include wherever the individual chooses to build a new life. Some returnees who were interviewed decided to live outside their community of origin to be free from family pressure and community stigma.

After the adoption of anti-trafficking efforts as a priority in the Thai national agenda in 2005, a national fund of 500 million baht was set up to provide assistance to trafficked persons, with the Ministry of Social Development and Human Security responsible for managing the fund. Following the enactment of a new anti-trafficking act in 2008, the fund was re-allocated and is now under the monitoring of a fund committee. According to the new regulations, an economic grant shall not exceed 25,000 baht, but trafficked persons are entitled to access medical care and other compensation as victims of a crime.

Additionally, international organizations, such as IOM and ILO, have reintegration support schemes through which small grants are offered to trafficked returnees. Apparently, there is no similar policy for the reintegration of exploited labour migrant returnees (other than trafficked persons). None of the interviewed labour migrant returnees had heard of any reintegration support programme. Exploited labour migrant returnees are also in need of social counselling and financial assistance to rid themselves of their debt and psychological impacts. Those interviewed did not want to identify themselves as being trafficked, even in the case of migration to Poland where the element of deception was clear. Hence, they were not entitled to the national fund for assisting trafficked persons but needed to support themselves if initiating complaints against their recruiting agency or finding lawyers to pursue legal proceedings.

The Network Against Exploitation and Trafficking of Migrant Workers and the Thai Labour Campaign, in a letter to the Swedish embassy in Bangkok, argued that a group of Thai workers in Sweden, of whom 400 are members of the Network, were victims of labour trafficking. The Thailand Overseas Employment Administration, according to Network, provided crucial help in a process to declare the migrants as trafficking victims. The Network has also organized a petition on behalf of the members, including the group returned from Sweden, asking that they be placed in the first quota list for the following berry harvest season. The Network will process their applications and make the necessary arrangements as well as open a dialogue with labour unions in Sweden for further necessary support once they arrive to work. The Network recommends that a thorough discussion involving the participation of the migrant workers will help define the best strategy for assistance and help determine what form of reintegration of trafficked persons is in their best interests.

Long-term services provided to migrant returnees, especially trafficked persons, can be classified as follows:

- legal assistance
- psychosocial and medical care
- economic assistance.

The actors providing these services are government, non-government and international agencies and, in cases of litigation, the law society as well as labour and legal experts of agencies.

Legal assistance

Access to justice is a form of redress and reintegration, especially for women trafficked into prostitution. Apart from the possibility of gaining civil compensation, conviction of the perpetrators also enables the women to prove their innocence to their families and community. Among the 28 interviewees, all of the labour migrant returnees initiated complaints against their brokers, and eight trafficked returnees pursued criminal prosecution against their traffickers. Intervention from the Ministry of Labour did achieve out-of-court settlements, with the deceived migrants recovering their paid brokerage fees. The other labour migrants had to work with the local law office and

independent legal experts to pursue court cases, and they were uncertain about the outcome. The trafficked returnees who were court witnesses in destination countries (the Netherlands and United Kingdom) have had their cases resolved and are awaiting civil compensation. The three women who returned from Italy received support from the BATWC and Foundation for Women for litigation against their traffickers. The court of first instance in Thailand ruled in absentia against the defendant, sentencing her to 18 years prison and ordering 1.5 million baht compensation for the three women. That ruling proved the women's innocence, reaffirming that the well-connected recruiter acted deceptively and illegally.

Table 11: Legal redress of trafficked and labour migrants interviewed during rapid appraisal

Case	Year	Destination country	Thailand	Result
I. Trafficked migrants				
1. Germany	2000	Pressed charges with police against trafficker	Pressed charges with police against local recruiter	Lack of evidence to pursue court case in Germany; case still under investigation in Thailand.
2. Netherlands	2004	Prosecution against traffickers	-	Perpetrators convicted and given light sentence; the trafficked women are still awaiting compensation.
3. United Kingdom	2004	Prosecution against trafficker	-	Trafficker convicted and sentenced to 14 months imprisonment.
4. Switzerland	2006	-	Pressed charges against trafficker	Case is in trial.
5. Italy	2006	-	Pressed charges against trafficker	Perpetrator sentenced to 14 years in the first court, with case now in the appeals court.
6. Italy	2006	-	Pressed charges against trafficker	Perpetrator convicted in absentia and sentenced to 18 months imprisonment, with 1.5 million baht in compensation awarded to the victims; the court issued a warrant to extradite perpetrator from Italy.
7. Germany	2007	Pursued divorce from pimp husband	-	Divorce was granted in October 2009.
8. Austria	2008	Pursued divorce from husband	-	The case is in trial.
9. United Kingdom	2009	Prosecution against trafficker	-	Perpetrator convicted and sentenced to six years imprisonment; the police are working on compensation for the woman.

II. Labour exploited migrants			Case petition was submitted to the prime minister, the Department of Special Investigation and the Parliamentary Labour Committee	Many agencies are working on the case but a legal charge has not yet been pursued in court.
10. Sweden	2009	-		
			Out-of-court settlement	
11. Poland	2009	-	Pressed charges against recruiter and agent in criminal and civil courts	The recruiting agency returned the brokerage fee of 250,000 baht to the four migrants.
12. Poland	2009	-		Local recruiter convicted in the first court, with case now under appeal; the German broker is in immigration custody. The local recruiter agreed to return 100,000 baht to each migrant (the brokerage fee was 250,000 baht).

Legal proceedings are long-term processes that require external support. There is no concerted effort to coordinate the different actors involved in court litigation and legal case monitoring. The assistance that is provided (transportation costs to the court during the hearing, accommodation and food) is not yet regulated, and sometimes the process and the attitude of the authorities discourages the victims, especially women, from continuing as witnesses. There is still a shortage of competent lawyers and personnel among service-providing agencies who can pursue the cases and accompany women to court. There is not yet any provision in the national fund to assign independent lawyers to oversee and monitor legal proceedings. Lack of due process demoralizes returnees and affects their psychological well-being. International cooperation between Thailand and destination countries is an important requisite when presenting an effective legal case. As in the example of Italy, although the returnees were satisfied with the court ruling in Thailand, they were still concerned as to how the convicted trafficker would be extradited to serve the sentence and pay them their compensation. According to the women, the convicted perpetrator still continues to collaborate with her kin in recruiting local women to work in Italy. The evidence from their case is not strong enough to

provide a warning to others in the community on the kind of work they are likely to end up undertaking in Italy. Thus the scope of cooperation should not be solely limited to having the witness appear in court in the destination country but should encompass the extradition of the convicted person. This prosecution of perpetrators should be considered not only as part of the legal arena but also as a process contributing to the long-term reintegration of returnees who are victims of labour and sexual exploitation.

Psychosocial and medical care

Migrant returnees, both from labour and sexual exploitation, demonstrate psychological issues at different levels: insomnia, lack of appetite, anxiety and depression. Two women returnees from Italy attempted suicide and were under medication and counselling for a period of time. Women demonstrating these symptoms need to be addressed by professionals on a regular basis. However, in rural settings, available psychological care is still limited, and very often those who seek counselling are stigmatized or considered to be on the verge of madness. Returnees cannot fully reintegrate unless psychological problems arising from their traumatic experiences are adequately treated. While serious symptoms require clinical care, there

should be an alternative process of psychosocial interaction to relieve them from worry and depression. This kind of service for post-traumatic stress syndrome is still underdeveloped, and access is limited for labour and trafficked returnees.

Economic assistance

Current long-term reintegration services focus primarily on financial assistance to generate income activities for trafficked returnees. Exploited labour migrant returnees are also in dire need of financial assistance to start economic activities that might sustain their livelihood within the community. Indeed, the unavailability of economic support for labour migrant returnees can be a significant factor pushing them to again seek overseas labour migration work. Among the group of labour migrant returnees participating in the rapid appraisal, most had experienced intraregional labour migration before moving to Europe, and they still wanted to engage in overseas employment, either

seasonal or on a long-term contract. One of the reasons they give is that with their low education, they cannot earn a regular income outside the agriculture sector, which doesn't provide them much anyway. Changing rural lifestyles together with desired investments in the education of children force them to look for enough money to fulfil family members' material needs. This situation also applies to the situation of trafficked women returnees, especially those who are head of the family and deprived of care from other family members.

Income-generating activities for women requiring financial assistance tend to focus on petty trade and agricultural production. Six returnees had become waged employees, and three of them lived in a new place. Four women who did not receive any financial support lived with their family or partner; and one woman decided to continue her studies in a university far from her province. One woman who opened a local gasoline shop was still in need of extra funding to support her family.

Table 11: Legal redress of trafficked and labour migrants interviewed during rapid appraisal

Age at return	Domicile	Present residence	Form of economic assistance	Result
47	Udon Thani	Udon Thani	200,000 baht grant to open grocery shop	Wage worker in a bottling factory
50	Pijit	Pijit	88,000 baht grant to open local gasoline shop; financial assistance from other sources	Insufficient income and has contacted other sources for more financial support
27	Roi-et	Bangkok	160,000 baht grant to attend hairdressing course	Wage worker in her sister's noodle shop
31	Buriram	Samut Prakarn	44,000 baht grant to raise cattle and sell cloth	Wage worker in a furniture shop
27	Amnat Charoen	Amnat Charoen	50,000 baht grant to raise cattle and open a grocery shop	Works in a community day-care centre
31	Sisaket	Sisaket	45,000 baht grant to open a noodle shop and repair shop	Wage worker in an electric appliance shop
33	Mahasarakam	Mahasarakam	53,000 baht grant to raise cattle and for scholarships for the children	Farming
46	Sisaket	Saraburi	90,000 baht grant to raise cattle and weave silk, plus scholarships for the children	Wage worker in dairy farm

46	Sisaket	Sisaket	80,000 baht grant to purchase pick-up vehicle for rental and selling food, plus scholarships for the children	Rents out pick-up for transportation and runs grocery shop in village
26	Sisaket	Sisaket	83,000 baht grant to raise cattle, grow chillies and open noodle shop	Closed noodle shop and continues farming and seasonal wage work
39	Sisaket	Sisaket	61,000 baht grant for subsistence farming	Continues farming
23	Lampang	Bangkok	-	Lives with partner
42	Buriram	Buriram	-	Lives with family
25	Nong Khai	Chonburi	-	Studies at university
30	Chiang Rai	Bangkok	-	Lives with family

Source: Foundation for Women

Note: The financial grants that the women received came from different sources (BATWC, IOM, ILO and Foundation for Women)

The process of consideration for a grant is far too long. On average, it takes seven to eight months until women receive financial support to start the economic activities that they have planned, and by that time the situation has changed both at the personal and community levels. According to the women, the financial assistance does not cover all of their needs, and so it is just not possible to start the economic activities in the way they had planned.

One woman's experience

Joy received scholarship support to attend a hairdressing course. After completing the training, she wanted to open a small salon in her community, but she did not receive any grant. Instead she had to work as an employee in a shop with very low wages. Finally, she decided to work in her sister's noodle shop.

The economic assistance component of long-term reintegration needs to be reviewed. The scope of economic activities should be broadened, incorporating cooperation from other sectors. Economic assistance is managed under the auspices of social welfare rather than from the angle of sustainable economic livelihood. The responsible anti-trafficking agencies, both government agencies and NGOs, offer little support

to returnees for personal economic planning and management. Available economic assistance is still limited, which may mean that recipients aim only at small-scale income-generating activities. It might be too ambitious to expect sustainable long-term reintegration of returnees with the current modes of economic assistance.

Needs, concerns and aspirations of reintegration

Prior to return

The interviewed labour migrants who found themselves in difficult situations in Sweden and Poland were primarily concerned with the exorbitant amount of debt and other troubles they faced upon their return to Thailand. They did not believe that the authorities would help them out of the situation and thought that they might well have to remain for long periods of time in Sweden or Poland. All of them could foresee the difficulties they would experience after returning. First and foremost was the need to claim back the brokerage fee from their recruiters and agencies. This would involve more money and finding another source from which they could obtain the funds. The labour migrants did not consider receiving any reintegration support even though they did see themselves as victims of unscrupulous recruiting

agencies due to the element of deception in their labour contract. Although there is more assistance generally for trafficking victims, the exploited labour migrants were in a better position in some ways because they could contact the Thailand Overseas Employment Administration to make direct complaints against their recruiting agencies for breach of contract. Trafficking victims, at least those who were irregular migrants, could not. Nonetheless, the migrants were concerned over the extent to which the authorities would provide them with legal support and act on their behalf. For example, the reaction of the Ministry of Labour official who went to Sweden, noted earlier, was not supportive of the migrants' aspirations to pursue justice through a court case.

The situation of trafficked migrants is in direct contrast to labour migrants because of their status as victims of a crime requiring protection from the State. However, some of them do worry about legal proceedings and are afraid they will be charged with violating the immigration law of the destination country. For instance, returnees who had worked in Italy explained they were charged with working in prostitution without a work permit and were kept in police custody until an international agency came to their rescue, before being treated as trafficked migrants. They did not receive any information while staying in the shelter concerning the rights they were entitled to under the domestic anti-trafficking legislation. The concern of the women returnees from Italy and the Netherlands was primarily the uncertainty of their status and that of their families at home. Most of the trafficked women strongly internalized the dichotomy of "good" and "bad" women and saw themselves as "dirty" due to the nature of the work they were forced to do. The longer they had stayed in such working condition, the more the loss of self-esteem impacted their psychological and physical condition. A few women who were interviewed appeared to be still suffering greatly.

Thus, while labour migrant returnees who had escaped from undesirable situations are primarily concerned with debts incurred at home, the returnees who were trafficked into the sex industry are occupied with thoughts of their family,

even if they also have the financial burden of large loans at home, mostly obtained from private sources. The difference in the primary concern indicates the impact of the worksite the migrants found themselves in and the social stigma of being prostituted. There is a continuum of suffering, during and after leaving the worksite.

The continuum of suffering

In a recovery meeting organized by the Foundation for Women, women returnees described their emotional feelings after escaping from forced prostitution:

- painful, resigned, torment, bitter, fearful
- depressed, want to commit suicide
- like a dead person
- cannot sleep
- afraid of broken family, abandoned by husband
- fear of revenge and security of children
- shunned by family and community.

It is logical that while waiting for repatriation, trafficking victims should be offered psychological counselling and recovery activities to regain their psychological strength – in addition to financial help to overcome the difficult situation they will face after they return.

After return

Soon after arrival back in Thailand, the labour migrant returnees from Poland and Sweden grouped together to claim reimbursement of their brokerage fees. While the group of returnees from Sweden received external support from labour organizations and legal experts, the women from Poland had to initiate their own complaint with police and later with the National Human Rights Commission. After the criminal court ruling, the women thought that the sentence was inadequate. Since then, the returnees have pursued a civil court case demanding compensation from their recruiters. The convicted local recruiter negotiated the return of 100,000 baht to each of them. The women are concerned because if they agree to the offer, they have to find a remaining 150,000 baht to pay back their moneylender. The returnees from Poland also want to request compensation from the National Fund for Victims of Crime at the Ministry of Justice.

The lack of adequate support in their communities and the good connections of their traffickers forced some returnees to live in isolation; two of them attempted suicide. One has separated from her husband because he was suspicious of the work she undertook in Italy. Another was abused in a new relationship with a married man and became the victim of serious physical violence inflicted by both him and his wife. She had a miscarriage due to a severe beating, and following these events could not remain in her community. In an egregious case like this, a professional psychiatrist is required to treat her psychological condition and help strengthen her sense of self-esteem so that she can continue to live independently.

Psychosocial care and recovery activities need to be provided for trafficked returnees, even for those who have not suffered serious psychological damage. A group of returnees who participated in the recovery activities organized

by Foundation for Women had recommended the creation of a safe space where they can share their migration experiences with each other and develop their future plans. This proposal led to the formation of a peer support group.

For some women, legal redress can help them normalize their lives after returning from abroad. The returnees from the Netherlands who returned to their native community thought that the court verdict in which their traffickers – their kin – were found guilty was concrete evidence proving their innocence. However, one of the women in that group could not remain in the village, and it took her years before she could reconcile with her husband, whose aunt had lured her into prostitution.

Because returnees are not a homogenous group, a case-based approach is required. The interviewed returnees made the following suggestions for assistance at different stages of reintegration:

Country receiving migrants	Country of origin and return
<ul style="list-style-type: none"> • Provide accurate and adequate information on rights and legal entitlement. • Have competent and victim-friendly translators. • Facilitate the return of belongings (from traffickers or police). • Provide unconditionally an airline ticket to Thailand. • Provide financial support to start a new life. Contact organizations in Thailand. • Follow up cases. 	<ul style="list-style-type: none"> • Provide friendly and unofficial reception at the airport. • Provide suitable space for interviews. Respond to the needs of returnees. • Provide accurate and adequate information on rights and legal entitlements. • Provide financial assistance to return home. • Appoint a lawyer to assist in legal cases. • Provide adequate support during court proceedings. • Consult returnees for home visits. • Respect privacy and dignity of returnees. • Organize and support the meeting of returnees as a support group.

Part III. Challenges and Recommendations

The rapid appraisal reveals many commonalities and various differences between trafficked migrants (typically irregular migrants

though not all) and exploited migrants. The following highlights these in terms of pre-departure, at the destination and in returning home.

TRAFFICKED MIGRANTS	EXPLOITED LABOUR MIGRANTS
Pre-departure <ul style="list-style-type: none"> • amount of debt is arbitrarily fixed by trafficker after arrival in destination country • access mainly private loans to pay fees • criminal suppression policy of State increases the vulnerability and dangerous illegal movements • no pre-departure training • absence of labour contract and protection 	Pre-departure <ul style="list-style-type: none"> • fixed brokerage fee • have access to loans from financial institutions • encouraged by state labour export policy • have state organs manage labour contracts and worker assistance funds • pre-departure training and preparation • legal cross-border movement
Conditions of work in destination countries <ul style="list-style-type: none"> • deception of work conditions • expenses on food and accommodation • debt bonded • under surveillance, limited freedom of movement • seizure of passport and return ticket • work without rest day, no sick leave 	Conditions of work in destination countries <ul style="list-style-type: none"> • expenses for food and accommodation • adequate freedom of movement • seizure of travel documents • conditions of work different from contract • able to take rest day
Assisting agencies in destination countries <ul style="list-style-type: none"> • Thai embassy • police • IOM • women's organizations • faith-based organizations 	Assisting agencies in destination countries <ul style="list-style-type: none"> • Thai embassy • Thai community
Concerns <ul style="list-style-type: none"> • social stigma • isolation • individual struggle • family and community • self-esteem • reprisal • sanctions from authorities • compensation for damage 	Concerns <ul style="list-style-type: none"> • debt • reclaim brokerage fee • coherent group effort • self-representation as labour migrants • state accountability • credit liability
Assisting agencies in Thailand <ul style="list-style-type: none"> • BATWC • women's organizations • police • Attorney General's Office 	Assisting agencies in Thailand <ul style="list-style-type: none"> • police • Thailand Overseas Employment Agency • labour organizations • legal institutes or experts • Human Rights Commission

Information shared by both groups of returnees demonstrates the following current challenges in assisting returnees from the European Union:

1. Labour migration from Thailand to Europe has evolved over the past two decades. While regulated labour migrants are not numerous, they have expanded to nearly all European Union countries. Consensual migration is commonly entangled with human trafficking after arrival in destination countries. The primary concern of protection and assistance is with trafficked persons, especially women and children; this means that it can be difficult for other labour migrant workers to access existing social assistance and support for reintegration. Labour migrants move to work without adequate information on the organizations, especially labour unions, in destination countries where they can seek assistance when problems arise. While reported cases of trafficked women and children are repatriated with reintegration assistance, exploited migrant workers are typically deported without any redress. It is thus important to broaden the scope of assistance from anti-trafficking to include help for migrant workers who work under duress in destination countries.

Recommendation 1

Responsible governmental agencies (Ministry of Labour, Ministry of Social Development and Human Security and the Ministry of Foreign Affairs and especially the Thailand Overseas Employment Administration) should provide information to labour migrants on where to seek assistance in destination countries. Responsible agencies should initiate dialogue with trade unions and migrant worker organizations in the European countries to solicit their support in protecting the rights of labour migrants.

Recommendation 2

The Ministry of Labour should take a more proactive role in safeguarding the rights of regulated migrant workers. Staff should survey the situation of regulated workers, especially women who are prone to exploitation in the services and care sector, including traditional massage in new European Union member countries.

Recommendation 3

- a) The Ministry of Labour, especially the Thailand Overseas Employment Administration, should closely monitor recruiting agencies and revoke permits after reports of breach of contract or

deception regarding work. The TOEA should intervene in the best interests of labour migrants for the settlement of brokerage fees with recruiting agencies.

- b) To provide effective and appropriate assistance to migrant and trafficked returnees, international guidelines and standards on state concerns and practices are needed. Knowledge of existing international guidelines, standards and norms is still limited among national actors and service providers, the result being that a well-intended plan can inadvertently infringe on the human rights and dignity of affected migrants. As a consequence, there are returnees who refuse to receive official assistance.

Recommendation 4

International agencies, including the ILO, should provide support in the translation and dissemination of relevant international standards and guidelines, including the newly enforced Convention of the Council of Europe, to all actors. These agencies should also organize competent participatory training to improve awareness on how to put these standards and guidelines into practice.

Recommendation 5

- a) Agencies should coordinate with the BATWC in developing guidelines to assist returnees, including both labour migrant returnees and trafficked returnees. These guidelines should be compatible with international standards and norms and in a user-friendly format.
- b) Conceptual clarification of different forms of human mobility (migration, smuggling and trafficking) is still needed by state and private actors. A review of existing training materials should be done to test whether they provide clarity or create confusion among target groups. Materials should promote safe labour migration rather than constrain the free movement of people.

Recommendation 6

- a) International and national actors should review existing training materials to improve the content and methods of training.
- b) Current forms of cooperation, including support to organizations in the European Union, are vertical in approach because they exclude the participation of local women's organizations in Thailand and the European Union. Officials from Thailand can provide communication training to volunteers in the

European Union; however, the context might not be relevant to the situation in all destination countries.

Recommendation 7

Agencies (Ministry of Labour, Ministry of Foreign Affairs and the Ministry of Social Development and Human Security) should provide information on national legislation and a directory of assisting organizations to migrants and rescued trafficked persons in the European Union. They should work with relevant agencies to train volunteers and develop a national referral mechanism in European Union countries and Thailand.

Recommendation 8

The Ministry of Labour, Ministry of Foreign Affairs and the Ministry of Social Development and Human Security should develop a national focal point to coordinate assistance to overseas migrants, including trafficked persons, and to systematically record the numbers of migrant returnees and detailed information on their situations and case assistance to eventually capture the real magnitude of the international mobility of Thais.

Recommendation 9

- a) The BATWC should appoint a working group consisting of government agencies and NGOs to develop a referral system compatible with international guidelines and standards.
- b) The current approach of the reintegration process puts emphasis on supporting returnees in their own community with financial aid for economic activities. There are, however, some trafficked returnees who cannot remain in the community. They should have the right to receive assistance in another location of their choice.

Recommendation 10

The BATWC should coordinate with other agencies involved in the reintegration programme to systematically review the current approach and determine the effectiveness of reintegration assistance in order to draw lessons and formulate a more holistic, multidisciplinary and people-centred approach.

Recommendation 11

There should be legal training for law enforcers and other support agencies on legal documentation, compiling evidence, litigation processes and witness testimony. Returnees who have already experienced court proceedings should be engaged by relevant organizations to give advice to newly returned migrants

involved in a court case and to accompany them during court hearings.

Recommendation 12

Recovery activities should be offered to returnees on a regular basis, and a responsible agency should coordinate psychosocial care. This service should be available for both trafficked and labour migrant returnees. Appropriate approaches and techniques for psychosocial recovery should be formulated in consultation with psychologists and psychiatrists.

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From Asia to Europe and Back

*Rapid appraisal of Thai workers travelling to and from
the European Union, and available assistance*

This report is a compilation of demographic information on Thai labor migrants to Europe, and the situation of returnees who have been trafficked, or suffer from labor exploitation in the migration process. It also assesses the current forms of reintegration services in Thailand, including regional cooperation and agreements.



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