



International Labour Organization
Organisation internationale du Travail
Organización Internacional del Trabajo

Thailand – EU Service Providers Meeting

Strengthening the Coordination and Referral System on Return and Reintegration of Migrant Workers

16-18 February 2010, Bangkok, Thailand

Part of the ILO and European Union Project

**“Going back, moving on: economic and social empowerment of migrants,
including victims of trafficking, returned from EU countries”**

MEETING REPORT

Facilitated by: Kusumal Rachawong, National Project Coordinator, ILO/EEC

Agenda

1. Introduction
2. Overview of ILO-EEC project
3. Presentation of Rapid Assessment on the Thai and Return Migration from Europe: Return, Reintegration, Policy and Service Delivery
4. Sharing of existing policies and experiences by providing on-site services to exploited and trafficked persons in Thailand
 - Presentation of Rapid Assessment: the Situation of Thai Returnees from EU – Return, Reintegration, Policy and Service Delivery
 - Introduction and update on R&R practices in Thailand
 - Sharing Case Studies and recommendations for further improvement
5. Assistance in the Destination country
6. The situation of Thai workers in Northern EU countries

- 1. Introduction**, by Kusumal Rachwong , National Project Coordinator (NPC), ILO/EEC
Opening speech, by Alcestis Abrera Mangahas, Senior Regional Migration Specialist,

The NPC presented the agenda and meeting materials. The 3-day meeting will have daily objectives and deal with matters such as; experience sharing about Thai migrant workers in Europe; group work and discussions; case studies; and articulation of strategies and establishment of coordination.

The ILO Senior Regional Migration Specialist outlined the workshop objectives and the commitment of the ILO to continue to work on return and reintegration (R&R) which has been understated in the past. One of the biggest challenges is that returning is often considered the last option for migrants, and facing authorities/embassy/NGO is avoided because migrants generally do not want to share their problems, partly because of fear of authorities but especially because of fear of being sent back home where they often have heavy debt and might face social stigma etc. The previous Japan/Human Security Fund (HSF) funded ILO project (2006-2009) on return and reintegration was aimed at migrants returning from Asia, and it enabled the ILO, partners and stakeholders to see the vital need for assistance in destination countries. It is important that the return process is well prepared and well handled by the right authorities and organizations. We aspired to fill the particular gaps on how to strengthen the link between these organizations in Thailand that provide support for returning migrants.

The EU representative expressed an eagerness to help because of the EU focus on human rights, international cooperation and international registration standards as well as migration. The representative reviewed the conclusions and reflected on the way to forward for the project and how the operation can be improved.

A representative from La Strada, Czech Republic raised an interesting case of Vietnamese in the Czech Republic, where migrant workers often ended up in heavy debt and struggled to

survive. La Strada is looking for some concrete examples and suggestions for action from the meeting, especially on policies in regards to migration in the country of origin that can be measured and realized by the government.

Another point, raised by Ms. Nonglak from the Thai Women Network, in this first session of the meeting, was the difficulty in acquiring coordination from different offices in Europe through the embassies. Each organization often passed on the responsibility through never-ending referrals to other organizations. The EU representative replied that there is a need to address the thematic programmes supporting non-state actors and NGOs and they should be in charge and improve the development in that matter.

2. Overview of ILO-EEC project, by Kusumal Rachwong , National Project Coordinator (NPC), ILO/EEC

The project proceeds from the previous ILO-HSF reintegration project but expands the categories of beneficiaries to exploited migrants (from solely focusing on victims of trafficking in the previous project) and focuses on EU and neighboring countries (the previous geographical focus was Asia). The ILO/EEC project operates in Thailand and the Philippines. The “Going back-Moving on” project is an EU-funded project with project duration of 3 years from February 2009 to January 2012. The specific objective is to improve the efficiency in terms of coordination and referral systems among service providers for both origin and destination country.

The objectives of the project are:

- To reach the a number of 1,000 Thai and Filipino beneficiaries (returnees including official, unofficial and deportees) and provide social and economic empowerment
- To improve coordination and cooperation between stakeholders in the countries of origin (Thailand and Philippines) and the EU and neighboring countries
- Key results and outputs is highlighted as follows:
 - i. Improve knowledge about migrants: more solid data on support/future trends for migrants, directory of service providers.
 - ii. Improve coordination and referral system: to get clarity on procedures including online system, training courses, etc.
 - iii. Improve pre-return and post-return services: improve counseling at destination and origin countries including repatriate, financial support, business start-up guidance and legal assistance.
 - iv. Provide long term and sustainable social and economic support such as occupational guidance, essential life skills, and family-oriented attitudes.

Ms. Siriporn, Foundation for Women (FFW), raised the issue of lack of language skills. Migrants who do not understand other languages than their mother tongue have limitations in accessing services. In addition in comparison to the Filipinos’ network, the Thai networks are relatively weak.

The discussion went on with a suggestion from Ms. Siriwan, Employers Confederation of Thailand (ECOT) about an approach with the embassy, examining the case of migrant workers in Japan as an example.

The ILO Regional Senior Migration Specialist added the need to go beyond the embassy by establishing relationships with the Thai people networks and other channels. Standardization of messages in order to avoid conflicted messages, and acknowledging the importance of each organization and the roles and responsibilities they have in this process. In addition, strengthening the link between formal and informal authorities by working from the bottom-up can be another effective approach to address these challenges. Building a successful tangible case would be a great sample that could lead to more trust, and thus more success.

3. Presentation of the reports : Rapid Assessment in Europe and Thailand

3.1 Rapid assessment on the Thai Migrants in Europe: Return, Reintegration, Policy and Service Delivery by Mr. Anders Lisborg, Migration resource person

The assessment includes an overview of Thai and Filipino migrants, including victims of trafficking in the EU and neighboring countries, the assistance available and key points, based on existing research, online sources and questionnaire as follows:

- Two categories of returnees are identified: forced and voluntary (Assisted returnee, who receives support in returning and Spontaneous returnee, who moves back by their own decision)
- There are more than 1 million Filipino and Thai migrant workers in Europe, with the largest group being Filipino (954,000) while Thai is around 200,000-300,000. The majority tends to be long-term migrants mostly through marriage.
- The majority of Thai migrants live in North-western Europe while Filipinos are concentrated in the Southern part, mainly Italy, France and Spain. The reason, based on FFW's research, shows a lot of migration started in the 80s by following the European tourists back to Europe and developing social networks among Thais. Social network were exploited and turned into trafficking. For Filipinos in Southern Europe, it might be because of cultural reasons i.e. Spanish language, religion etc.
- This project is covering not only the EU but including also neighboring countries.
- Social networking makes it a gender sensitive migration; due to the fact the majority is female which concentrated in service sectors and in entertainment venues, namely the sex sector.
- Migrant status often starts up legally but ends up in irregular status due to illegal recruitment, overstaying, or becoming a victim of trafficking.
- Our target groups are exploited migrants and VOT (victims of trafficking).
- Despite the broad range of assistance in Europe, we still need this project because the assistance is only available to officially identified victims of trafficking and doesn't cover exploited victims with difficulty to access the quality of assistance and real impact on beneficiaries.
- NOT ALL sufferers need ALL services in the packages, our job is to identify their need and offer what is available and appropriate.

Action point: all the participants to suggest recommendations in order to:

- 1. Fill in the gap of current R&R programmes.*
- 2. Ensure proactive outreach to potential beneficiaries and service providers in destination countries.*
- 3. Improve the knowledge base on Thai and Filipino migrants in Europe.*

Mr. Monchai, Director of Protection of Thai Nationals Abroad Division, Ministry of Foreign Affairs (MOFA), pointed out that 1) the number quoted in Mr. Lisborg's report is not the true number of workers in Germany but only the numbers of migrants, because only 4% of migrant workers are recruited by the government, thus leaving the 90% to pay high a commission fee. 2) MOFA emphasizes that programming should not only focus on a solution but should also focus on prevention. There is a necessity to identify the real need for migrant workers, especially unskilled ones in the destination countries, and if there is such a need, it should be a G2G (government to government) only process, not manpower to manpower because it will yield no commission fee.

3.2 Rapid assessment on the returned Thai Migrants from Europe: Return, Reintegration, Policy and Service Delivery Social and economic empowerment for migrants by Ms. Siriporn Skrobanek, Chair person, Foundation for Women (FFW)

The FFW presented the report findings of the research on Thai migrant workers in Europe, background and history, and statistics addressing the key questions during the presentation:

Ms. Skrobanek highlighted a few key concerns:

- Main underlying reasons for female migrant workers that tend to go to new countries in the EU, including the networking and recruiting processes
- Education is one of the main barriers while bad experience is not a prevention tool to protect them from repeating the same mistake
- Lack of coordination between government authorities, service providers and lack of social networking between these migrants
- Unclear numbers of trafficked woman (government-funded returns were recorded but not those who funded their own returns)
- Improvement of mental, legal support is required
- Unclear definition of the "Victim of trafficking" concept disabled some "innocent victims" from receiving assistance and how to identify "innocent victims" from those who want to exploit the official assistance.
- Horizontal support is as important as vertical support in order to get more parties involved i.e. peer support group programme
- Centralization of the referral system and coordination of support

Some key questions related to the above findings:

- What drives women entering into massage businesses despite most of them being a disguise for prostitution and human trafficking?
- What drives migrant workers to go and work abroad for unworthy pay, despite a huge debt from loans both legal/illegal?
- Does Government bank's loaning programme i.e. BAAC increase the opportunity for workers to be exploited and trafficked abroad and how to encourage them to utilize these loans?
- How to utilize the existing convention i.e. ASEM, GRETA and get more countries involved?

4. Sharing of existing policies and experiences on providing on-site services to exploited and trafficked persons in Thailand

4.1 DSDW / BATWC's experience on R&R by Ms. Yanee Lertkrai, Deputy Director-General, BATWC, Department of Social Development and Welfare, MSDHS

The status of Thailand is as origin, transit and destination country for human trafficking was described. BATWC also emphasized on the need for and availability Reintegration and Socio-economic Empowerment for trafficked persons. They have commenced a tangible project tied up with 3 key procedures: 1) Reception: sectioning a room at the airport for return migrant workers enabling them to have a "personal space" to think and make decisions. 2) Interim care and support: providing financial support for them to return home upon their consent; and 3) Integration: especially in the aspect of social stigma elimination, career path building, legal support, and health support, both mental and physical. Building one good sample of successful work is a great lead in to more cases.

BATWC provides services based on individual's needs regardless of if they want to return home or not, establishes a link to local mechanism i.e. CM (case manager), RaksThai foundation, SEPOM etc.

Tendencies and challenges: 1) Improvement of reintegration system by replicating good practices of the project 2) Development of tools i.e. manuals, handbooks about social and economic empowerment; 3) Strengthening the referral system by decentralizing and adding more weight on coordination between countries, and coordination with local organizations; and 4) To develop ways of thinking and procedures by having a space for domestic and international organizations to exchange opinions and working methods to achieve better practice.

The Director of Protection of Thai Nationals Abroad Division, MOF, challenges the meeting board on how to address the problem on the "group" level and not only in individuals. Because in some communities in northern of Thailand have migrated abroad. BATWC's Deputy Director-General quoted their current work with groups but only shared about an individual approach because it aligns more with the focal point of this meeting.

Ms Siriporn from FFW suggested to BATWC to have a dynamic fund, whereas the fund recipients are supposed to pay back when they can get by on their own, instead of the one-time fund. Ms. Bu-nga Galong from BATWC replied that right now the fund committee is still the same group of people so all the procedures will stay the same until the new act becomes effective and the new committee is set up, of which she will keep the meeting board updated.

Mr. Boonsong and Ms. Siriporn agreed with each other on assisting Thai migrant workers by offering a choice to stay in the destination country upon their consent, instead of sending them home.

4.2 The TOEA experience on R&R, by Ms. Usa, representative from Office of Thailand Overseas Employment Administration, MOL

TOEA has established Thailand Overseas Labour Center to help Thai labourers in terms of benefits and rights. However, the project has not been a success so far with only 700 registered workers and only 24 workers getting employed abroad since the center was established in 2009. One of the reasons might be the lack of publicity. Apart from this the

center has a fund to help Thai workers overseas for members who are recruited to work through the government, self-arrangement and recruitment companies. The financial aid is around 15,000-30,000 Baht. For those who are sent to work overseas by a Thai company assistance should be provided by the Social Security Office.

The TOEA representative informed about to G2G (Government to government) recruitment processes that can help to eliminate high commission fees. The countries involved so far are Korea, Japan and Israel. Libya, UAE and Taiwan are currently under negotiation.

Ms. Usa added on that MOL representative's role (Labour Attaché) only takes care of migrants in terms of employment while the Thai Ambassador covers more aspects of life and the well-being of Thai people abroad. Ms. Nonglak added that the labour attaché can cover a larger geographical area i.e. the labour attaché in Geneva is responsible for UN-related labour work as well.

4.3 Assistance to trafficked returnees by Ms. Matthana Chetamee, Project Coordinator, Foundation of Women (FFW)

Ms. Matthana presented the available assistance by NGOs and government officials plus concerns on the human trafficking and exploited migrant workers in a current context. A specific assistance by FFW as follows:

- Reintegration activities: Meeting with those who shared the same experience of exploitation and trafficking, providing information to sufferers and friends helping friends programme
- Legal assistance to the sufferers: help the sufferers to bring the justice to them and punish the "bad guys"
- Consorting them to their new lives: conduct interim assessment of their need and provide career guidance.

4.4 Analysis and the way forward on migration and labour trafficking by Ms. Junya Yimprasert, Director, Thai Labour Campaign

Many interesting points were raised in the presentation:

- She mentioned that the law on how to define "self-arrangement" is outdated which is actually the same case with arrangement by labour recruitment companies
- There are poor policies on labour protection due to parliamentary systems. There is a need to strictly enforce MOUs otherwise it will lose its relevance
- Human trafficking and exploitation is driven by false expectations and unscrupulous recruiters
- Human trafficking is becoming more complicated with marketing and benefit scams, including techniques i.e. convincing workers' right after their harvesting period
- Inter-governmental organizations cannot handle overcharged commission fees in cooperation with rejecting of reality by MOL which often refuse the capability of the ministry to send workers abroad, resulting in unsolved, overcharged brokerage fees
- Corruption in Thai politics, plus multiple levels of exploitation worsens the situation for victims.
- Despite the small number of trafficking cases, it has resulted in big cost, i.e. Berry picking incident caused a 644 million loss

- Despite support and assistance from the Thai Labour Campaign, some of the workers decided to go an easy way by accepting compensation money from the agency rather than keep fighting for worthier compensation in order to avoid longer legal cases (only 7 plantation workers in Spain out of 19 that insisted to appeal on 16 Feb and only 2 left on 17 Feb.)
- NAT working strategy is 1) Protection: from debt and other issues, 2) Prevention: by punishing blood-sucking traffickers and to abolish labour recruiting cartels, and 3) Rehabilitation: encouraging employment in local communities, promotion SME and organic agriculture
- TLC has requested to audit TOEA's transparency

4.5 Sharing case studies and recommendations for further improvement: Berry picking incident by Mr. Boonsong Chaletorn, Representative from Sweden to Thai Women Network

The representative from Sweden presented the background on the berry picking case and the weather-dependant and "luck-dependant" work conditions. Unlimited picking quota in combination with a decrease in the numbers of Polish workers, who increased their standard of living after entering EU, has encouraged more Thai workers to enter the business. The workers have changed from "travelers" status to "Guest Workers" status. Migrant workers have to pay fees including transportation, meals, and accommodation whilst a quantity of berries cannot be guaranteed. This is mainly due to the recruitment company/middle man never informing them about the risks, but instead keeps telling stories about stable profits. The governmental support is rarely timely and most often do not deal with the root causes of the problem.

In order to deal with the root causes, negotiations with the Swedish government (or any other destination government) must be held with emphasis on limitations of VISA granted, reduction of VISA fees etc. Destination countries must know how to control their employers, and not only take into account their benefits from migrant workers, i.e. job creation for locals and high VISA fees for the government, but also the origin country must know how to prevent the employees from false advertisement.

Closing speech

The Thai Women Network in Europe has started up a project for legal support. Some examples include a volunteer attorney for Thai people abroad, a Law student working as a weekly volunteer legal consultant in Switzerland, and female lawyer working in collaboration with the Ministry of Social Development and Human Security in U.K. etc. Going forward, they are trying to engage more countries to get involved.

The chair, Ms. Rachawong, summarized the meeting and elaborated on the Feb.17 agenda focusing on case management and strategic placement for exploited and trafficked migrant workers, for those who decide to return or stay.

Facilitated by: Kusumal Rachawong, National Project Coordinator, ILO/EEC

Agenda

0. Recap Day 1
1. The situation of Thai workers in Northern EU countries¹
2. Assistance in the Destination country²
3. Sharing Case Studies and recommendations for further improvement
4. Enhancing Coordination and referral within and between countries of destination and origin
 - Sharing Case Manager Manual for R&R
5. Brainstorming session to discuss How to provide better R&R assistance

0. Recap session, by Kusumal Rachawong, NPC, ILO/EEC

The meeting started with categorizing the ideas and thoughts from yesterday's meeting into problem structure, problem nature (facts and finding in spite of unclear figures) and recommended solutions, dividing it into two sides: origin and destination country:

	Workers	Origin country	Destination country
Problems	<ul style="list-style-type: none">• Uneducated/inadequate education/knowledge• Language barriers• False belief in false dreams• Trend followers• Inadequate knowledge on human rights• Huge debt	<ul style="list-style-type: none">• Unclear information• Difficulty in approaching service providers• Lack of coordination in-country-wise and international-wise• Inadequate official representative overseas i.e. "labour ambassador"	<ul style="list-style-type: none">• Unclear information• Inadequate knowledge about current job• No establishment of systematic migrant tracking process• Unreal job vacancies
Recommendations	<ul style="list-style-type: none">• Attitude change• Building more trust towards government officials/NGOs and less towards brokers• Find a successful case as a pilot case• Building awareness for existing resources (service provider's assistance)	<ul style="list-style-type: none">• G2G employment policy• Local/community empowerment• Strict/clear policy to audit work contracts• Clarified/standardized measurements/procedures• Referral system from bottom-up (local to	<ul style="list-style-type: none">• Identification of the real "need" for imported workers, esp. unskilled• G2G if there is a real need• Government negotiation on VISA fee reduction/elimination, limitation of VISAs granted

¹ Agenda carried over from day 1

² Agenda carried over from day 1

	Workers	Origin country	Destination country
		international) <ul style="list-style-type: none"> • Knowledge/capacity building • Alternative solutions in case workers refusal to return • Utilization of existing resources to create fruitful activities for the sufferers • Provide basic support i.e. language, cultural awareness, contract translation (focus on "positive" word usage) 	<ul style="list-style-type: none"> • "Plan-B" in case migrants desire to stay, there should be alternative job available • Required to conduct an initial assessment before sending migrants back • Coordinate with origin country in case of return upon sufferer's willingness

1. Presentation of the situation of Thai workers in Northern EU countries

1.1 Swiss Repatriation, by Nonglak Trepp, President of Thai Women Network in Europe

After making an interesting point in regards to different criteria used by different parties to collect data on migrant workers that has resulted in confusing figures, the President of the Thai Women Network in Europe quoted the number, according to AUPT and overseas official authorities' statistics, of 400,000-500,000 Thai people currently in Europe. Switzerland has become one of the leading countries in terms of migration data collection due to a systematic approach and detailed statistics. But what really marks its outstanding feature is how the government, in collaboration with IOM, has defined immigration management based on factors: 1) Law 2) Politics 3) Economic 4) Culture 5) Mental health 6) Leaflet for guidance and recommendation and 7) Background check.

Repatriation is based upon possibility and sustainability (Are they able to survive upon their return?) for the following people:

1) Refugees 2) Exploited cabaret artist in Switzerland and 3) **VoT** including **witnesses**

Procedure for repatriation, in collaboration between the MOL, Police department, Department of Social Development and Welfare, is outlined by

- Voluntary return: starts with asking for their consent upon returning, checking the possibility to adjust themselves to the society and surroundings, available sustainable projects in the origin country including guidance providing, airport-chaperone by IOM, health care, financial support up to 1,500 Swiss Francs (approximately US\$ 1,300), mental health care, reintegration support and even career support provided by the Swiss government in the origin country especially the countries with many returnees from Africa.
- Forced return in case of fleeing in the country illegally for political/economic reason (up to 3 years legal process before forced return)

Ms. Nonglak mentioned that Thai migrants abroad rarely know their rights, they hardly believed their relatives/peers would deceive them and their belief in karma makes them tolerate to exploitation. Mr. Monchai added that this group should be considered “the real victims” because they do not even know they are the victims.

1.2 Thai women status in Scandinavia, by Mr. Boonsong Chaletorn, Representative from Sweden to TWN

The representative from Sweden presented 3 statuses of Thai women in Scandinavian countries: 1) political/economic migrants 2) marriage (with or without license and no gender limitation), and 3) temporary migrants: temp workers/students. According to the Thai Ambassador in Sweden, there were around 40,000 Thais in Sweden in 2009 and an estimated 50,000-60,000 Thais in Scandinavian countries, of which 70% are women.

Among the aforementioned, migrants by marriage are the majority. Scandinavian countries have set different periods of 3-7 years varied by country for women/men married into the country to stay up to the time or else it will be considered “invalid”. The above criteria can create a viscous cycle of “**human trafficking and exploitation**” where Scandinavians have been found to marry Thai girls for a short period, exploit their labour with domestic work and break up with them before acquiring a new bride. Language barriers also cause these women to sign the prenuptial agreement not to receive any provision of division of property in the event of divorce.

The history of (Thai) workers migrating to Scandinavian countries started with women following tourists back to their countries. There is evidence of more educated women following the trend of acquiring Scandinavian husbands in the hope of a better future or European residence permit. Starting in the 1990s, more Thai women were trafficked or involuntarily went into prostitution in the Scandinavian countries.

The Scandinavian countries have different laws and regulations dealing with prostitution:

A) [Denmark](#): Prostitution is legal (legalized the sale of sexual services in 1999), but it is still illegal to earn money from selling sexual services of others. It is however not a legitimate job, earnings from prostitution are undeclared, no taxes paid, and prostitutes have no contracts regulating their conditions. This is therefore a “grey” area. B) [Sweden, Norway](#): Prostitution is illegal, but only on the demand side equaling up to 6 months imprisonment for sex buyers

2. Mechanism of coordination for assistance in countries of destination when a case of migrant in distress is identified by Dr Irena Konečná, La Strada Czech Republic

The Czech Republic is considered a destination, transit and origin country in Europe. The country has got a national policy to fight trafficking effective from 2003, namely Program to Support and Protect Victims of Trafficking, with stakeholders from the Ministry of Interior, OCUP, NGOs and IOM. For undocumented trafficked persons, the program enables them to legalize their stay up to a 2 month reflection period (obligation for European directives) and allows the acquisition of a long term residence permit for the purpose of protection **only if VOT is willing to cooperate with the investigation**. This also reflects the government's prioritization on a criminal approach over human rights.

La Strada International is composed of 9 organizations in Europe, aiming to *advocate* for the rights, *provide* social assistance and *inform* possible dangers to trafficked and risk groups of trafficking, using a multidisciplinary approach in terms of social assistance, prevention & education with many concrete projects i.e. SOS hotline (gate to assistance).

La Strada has identified some challenges in destination countries in regards of protection against human trafficking and labour exploitation as follows:

- Obstacles for VOT to contact NGOs: lack of trust in host country, attitude, fear from deportation, shame of failure, indebtedness, dependency on trafficker (economic crisis makes people want to work just for a shelter) manipulation, isolation, language barrier
- Definition of human trafficking/trafficked persons, border line between labour law violation versus crime of human trafficking
- Existing criteria for Long term residence permits (only for those who cooperate instead of ALL sufferers)
- Undisclosed witness: cannot claim compensation and need to work on how to keep the witness's ID as confidential
- Limited access to compensation
- New provision to Penal Code "notification duty" (effective Jan 2010, sufferers has a responsibility to notify crime of trafficking immediately, failure in doing so is considered violation of treaty of EU commission (2 reflection period is no longer in use)

3. A case study on plantation workers in Spain by a group of representatives who suffered from labour exploitation in Spain

Ms. Junya, Thai Labour Campaign (TLC), brought in seven representatives from exploited migrant workers in Spain as a case study. There was a discussion between workers who were exploited, TLC representative, Director of The Protection of Thai Nationals Abroad Division (MFA) and Chief of Intake Ad Considering Complaints Section (MOL) on the case follow-up. A consensus was reached to move forward with the lawsuit because the brokerage companies refused to compromise.

One of the lessons learnt from this case is the difficulty in punishing brokers because undocumented brokers' arrangements, which are disguised as self-arranged when asking for embassy's VISA approval. Another challenge is bribery and threat of the workers making the case unstable and difficult to bring victory in court.

4. Enhancing Coordination and referral within and between countries of destination and origin : Referral and R&R practices

4.1 Manuals for standards in dealing with returned Thai trafficked sufferers from overseas, by Mrs. Saowanee Khomepatr, Director of BATWC, Department of Social Development and Human Security, MSDHS

The director of BATWC presented the manual's objectives to ensure a unified level of understanding among related personnel in regards of trafficked migrants' protection, along with assurance of efficient operation.

Below are procedures that are outlined in the manuals:

- 1) Preparation before returning: IOM plays a more important role than the government and consular on this and standardized sufferer's filtering process
- 2) Reception at the airport by a Case Manager. A one stop service unit at the airport is under construction from collaboration with the government and Ministry of Transportation, including interim support from a psychologist and a social worker to talk to the returning migrants about their needs
- 3) Reintegration: most important in terms of protection against "repeated trafficked sufferers" by conducting attitude adjustment, coordinating with local officers, organizations to track their return, providing continuous support and initial assessment of damage, forming a plan on how to bring them back to the society (i.e. talk to the family to gain mutual understanding and mental support for the sufferer), finding appropriate funding i.e. for lost time compensation etc.
- 4) Follow-up and monitoring: prevent repeat victims as well as new victims using a peer program (Friend helping Friend)

4.2 Manual for Case Managers on economic empowerment, by Mrs. Suwaree Jaihar, Expert on Prevention and Resolution of Human Trafficking, Department of Social Development and Welfare

These manuals aim to yield appropriate service to sufferers for the purpose of economic empowerment and to develop Case Manager's capabilities and enable reintegration. Currently there are 8 CMs in Bangkok, 6 in Payao and 6 in Chiang Rai, under the concept of developing survivor self-efficiency for a better proficiency.

The practice in the manual is based on the ideas of 1) sufficiency economy: because money is a main factor that drives these migrants to work overseas, 2) basic needs: identify and cater their basic needs, and 3) savings: encourage them to save and manage home accounting.

Referral Systems to manage sufferers from the destination country starting with BATWC officials who coordinate with a consular on reception at the airport, sending a social worker to provide an initial assessment by an interview if a) sufferers refusing to return to hometown will be referred to service providers in Bangkok i.e. FFW, b) sufferers desiring to return to hometown will be forwarded to local units. All service providers in both (a) and (b) cases will get together regularly to ensure mutual understanding and collaboration. During the process, concerned staff will use the following tools as a standard guideline:

- 1) Handbook: survey of career interests, health assessment, etc. in cooperation with training courses for CM on skills and how to use the handbook
- 2) Catalogues
- 3) Referral system

5. Brainstorming session to discuss *How to provide better R&R assistance*

The FFW chairwoman triggered the board's attention on a need to provide R&R assistance on a community level, not only with individuals. Then move on to the national and

international levels by strengthening the coordination with destination countries and studying and utilizing their existing convention from concerned bodies i.e. GRETA. La Strada representative supported the suggestion focusing on the action-oriented approach.

One point of concern is on the definition of **innocent victims of trafficking** duly mentioned in the *Manuals for standards in dealing with returned Thai trafficked sufferers from overseas* by BATWC. However, the policeman is the final body to make a call on this.

Action: 1) The board is to use this filtering process as a guideline to define innocent VOT

2) More discussion is needed to define “Labour exploitation”

3) La Strada is to share keywords in terminology of human trafficking

A brainstorming session yielded several outstanding points with sample cases on issues/characteristics which can be plotted into a SWOT analysis table as follows:

Strength (Internal)	Weaknesses (Internal)
<ul style="list-style-type: none"> • Experienced NGO staffs and government officials due to high exposure of human trafficking and exploitation • Strong funding project • Available resources (service providers) 	<ul style="list-style-type: none"> • Language barriers • Labour's lack of knowledge on cultural awareness, human rights • Negative attitude: Underestimation of collective thinking, trend-followers • Incorrect way of thinking: owing heavy debts for non-guaranteed dreams • Corrupted/inefficient government officials both in-country and overseas • Low bargaining power in other country's opinion. Negative perception of “careless, fun loving” country • Political instability
Opportunity (External)	Threat (External)
<ul style="list-style-type: none"> • Abundant identified/unidentified community's resources and skills to suggest work/investment with to their lifestyle • “Real” Job vacancy for migrant workers are still available • New technologies enabling easier and more approachable tools • Interim eagerness to support from overseas NGOs → better chance to approach and strengthen coordination with external parties • Existing case of migrants being rescued → Can be a pilot case to gain more trust and yield more success • Standardized measurement in some 	<ul style="list-style-type: none"> • Creation of unreal job need • Unfair treatment in dealing with the issue from destination country who is in favor of their economic over migrant's human rights • Negative effect from some sanctions i.e. EU sanction directives against employer with irregular workers creates the situation where employment agency is willing take a risk to be punished from human trafficking and labours exploitation because it is easy to start a new company and trigger the wicked cycle again after being announced bankruptcy to avoid legal punishment • Policy on reopening of Middle-East countries -> more windows for exploitation

organization i.e. sufferers filtering process from BATWC → adapt and apply to other org to gain mutual understanding and standard	<ul style="list-style-type: none"> • Brokers are becoming more tricky i.e. using a successful migrant workers as a trend-setter
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Apart from analysis, several ideas were gathered to address the issues using the internal and external factors as follows:

Review existing policies and how to improve it

- Efficiency of mandatory training course enforced by MOL needs to be reviewed and adjusted
- To conduct a study on G2G approach, seeing it as an effective way to eliminate risk of human trafficking and labour exploitation, why did it cover only 4% of all migrations in the past?
- Encourage more collaboration among government officials focusing on “quality” staffs and pushing a “critical thinking” process
- Bring more creativity to career development in the reintegration process focusing on utilization of community resources i.e. agricultural SME utilizing organic products

Action: BATWC to consider adjusting the catalogues by adding more space for “creativity” and SME investment

- Involve target groups in the process of job design, encouraging self-dependency
- Improve education by adapting curriculum for Thai people overseas to changes in modern society while still maintaining Thai cultural awareness
- Taking a proactive approach of “leading by example”
 - Success is contagious: Existing cases of migrants being rescued can become pilot cases to gain more trust and yield more success.
 - Bad rumors travel fast:
 - Local: Turning crisis into a success by disseminating real dark-side stories of migrant working to target groups building the network of awareness i.e. Chutima case
 - National: Government to also disclose damages cost from migrant working apart from money flowing into a country
- Proactive measure from each Ministry in both origin and destination country is required:
 - Embassy to be an active actor in distributing the leaflets
 - Government to place a proactive policy on migrants who want to stay in the destination country after becoming sufferers

Action: Swedish representative to come up with a structured suggestion on how to assist the sufferers to extend their stay and/or regularize them upon their desire and how ILO can help coordinating

Closing speech, by Kusumal Rachawong, National Project Coordinator, ILO/EEC

The chairman summarized ideas and suggestions and encouraged participants to review the Logical Framework materials to ease tomorrow's group work session.

18th February, Amari Watergate, Bangkok, Thailand

Facilitated by: Kusumal Rachawong, National Project Coordinator, ILO/EEC

Agenda

0. Recap Day 2
1. Draft Intervention strategies and coordinative arrangements

0. Recap session, by Kusumal Rachawong, National Project Coordinator, ILO/EEC

The chairman started by walking participants, who showed up before 9.30am, through the board of ideas generated from the past two days meeting to ensure the same level of understanding.

1. Group working and presentation of proposed major activities by individual agencies

The chairman opened the meeting formally with a conclusion on the target group of the ILO-EU project:

- Both Female/male (around 500 persons)
- Being exploited in terms of labour and Human trafficking
 - o Sex
 - o Labour
- Geographical coverage: Europe, focusing on Northern Europe due to concentration of Thai labours there
- Including "legal human trafficking" by marriage

The Director of Thai Women Network in Europe emphasized that we should not stick to the legal framework, but instead look at the "problem framework". If there is a problem, though it is legal, then the project should cover it, for instance the exploitation of women in Sweden by Swedish men in form of a husband-wife relationship.

Dr. Irena also pointed out an existing study in the form of a documentary film, namely "Tickets to Heaven", which was previously used in the Human Rights Film Festival in Prague. TLC representatives also have gotten the same materials regarding labour exploitation and human trafficking in Spain and Sweden which shall be shared later.

Action: Boonsong to study exploitation in Sweden and come up with the report.

Action: La Strada to find and share more details on the documentary film.

Action: TLC representative, K'Junya, to share TLC's documentary film.

Below is the summary of intervention strategies and coordinative arrangement during the brainstorming session:

Draft Intervention strategies and coordinative arrangements

Topic	Ideas/Activities	Actors
STRENGTHING REFERRAL SYSTEM <ul style="list-style-type: none"> Pre departure from the destination country 	<p><i>To map all the processes of the referral system, identifying key contacts for each kind of service</i></p> <p>To publish CM's manuals in order to create a standard for CM in dealing with the case with the following procedure</p> <ol style="list-style-type: none"> 1. The status of migrants legal or illegal, victims or not, using the filtering process. What documents we can check 2. Survey the need of the labour, process is gender/age sensitive 3. Establish the center of expertise linking the experts in each category together 4. Checklist of support we should provide on case by case basis (using the experienced case as a sample of the support coverage) 5. Provide legal support with detailed procedure i.e. who to go, where to go 6. Provide healthcare 7. "Resurrection" in either their hometown, other province or destination country 8. The next journey: we cannot stop them from going but we can arm them with intelligent weapons so they won't repeat the same mistake 	FFW
	<p>Review and revision of the handbook (manuals of economic empowerment) - to cover exploitation of labour, not only human trafficking in terms of sex. Also the need to mention the variables that can contribute to failure in each case i.e. original asset (skills, capability).</p> <p>CM training on the potential target groups and how to use the manuals: especially the North-Eastern part i.e. Udonthani, Khonkhan, Nongbualumpoo, Chaiyapoom and Booreerum, plus more psychological work to returned migrant workers.</p> <p>To consider having a "fixed" period to follow-up and track the case esp. on financial support</p>	BATWC
	<p>Thailand overseas labour center</p> <ul style="list-style-type: none"> Member: Providing financial support to help members regarding legal operation. 	TOEA

Topic	Ideas/Activities	Actors
PREVENTION (Cont'd) <ul style="list-style-type: none"> Community of Origin 	6. To study, and if applicable, start a P2P approach esp. with the Swedish case to pilot a base practice for Thai labour 7. Open a center in Khonkhan for labours outside Bangkok, focusing on the North-Eastern part, as a center of information, working expertise, market for local products, reduce labourers' transportation cost to BKK. 8. Support those labourers who are fighters for "the right course" and encourage collective power TLC to help workers outline the project of collective power for sustainable economy campaign, in collaboration with TOEA	K'Boonsong
	Study on "Ticket to Heaven" documentary and the possibility of adopting it to the campaign: Encourage an approach of potential target groups with a new channel of media i.e. film.	FFW
<ul style="list-style-type: none"> Destination country 	To disseminate warnings in terms of risk exposure to all kind of dangers rather than showing only the "clean" side of migrant working. To conduct an announcement via the practical channel of media i.e. radio in order to approach to villagers. To warn them about the upcoming berry picking season 4 months from now	TOEA
PREVENTION (Cont'd) <ul style="list-style-type: none"> Destination country 	To survey Thai communities in the Czech Republic on the situation, background for better understanding in both destination and origin country	FFW + La Strada
	Existing plan from a destination country, Czech Republic, to commence within 2010 <ol style="list-style-type: none"> 1. Monitor the situation of Thai workers in CZ – small survey investing 1 month (plan to finish in March 2010) 2. Agree with foundation for Woman that they might do a screen here in Thailand to focus on the recruitment agency that's recruiting for CZ Republic specifically, describe which condition and coordinate with La Strada to help monitoring (around July) 3. Translate basic material into Thai language 4. Identify a core person as a contact with Thai Women Network in Europe in order to be the bridge between Thai woman in Europe and a focal person in CZ (core person in CZ for FFW) 	La Strada (+FFW)
	To utilize the existing projects and add more content on human trafficking and labour exploitation	Thai Women Network in

Topic	Ideas/Activities	Actors
	<ul style="list-style-type: none"> Information on each country's situation needs to be pointed out on the human trafficking and labour exploitation issue Psychologist caravan in Europe Law caravan in Europe - Thai people have little knowledge on this, especially human rights and the procedure/process related to human rights Interpreter training course on ethics, background of human trafficking Hotline in each country, France, Switzerland, Germany (both volunteer and organisation) including training for hotline personnel 	Europe
	<p>To outline his project to establish a center of Thai people in Europe and outline the main activities</p> <p><u>Add-on suggestion</u></p> <ol style="list-style-type: none"> Create a small unit within one existing migrant organisation, you'll have administrative background to help with the project outline. Just approach some well-established existing organisation Create a trade Union or approach a trade union and create a small unit within this trade union because they are rich in some countries, and can be helpful to approach those workers who are exploited Create a sense of ownership to workers, make them contribute 	Sweden Rep
DIRECT ASSISTANCE <ul style="list-style-type: none"> Pre-Departure 	<p><i>Identify the kind of service we should provide and the actors responsible.</i></p> <p>How to make them aware of the potential problem they might be facing.</p> <ul style="list-style-type: none"> Thai overseas officials + Assigned In-country/international organisation Provide professional assistance in translation <p>Create a language-friendly checklist for migrant workers to track their status abroad, enable workers to get a better idea on their status if they fall into an exploited labour/trafficked person and a better approach on information resources.</p> <p><i>Remark: ILO to share IEC as a practice</i></p>	FFW + ILO

Topic	Ideas/Activities	Actors
<ul style="list-style-type: none"> Upon Arrival 	<p><i>Where is the space for them to turn to upon their return to Thailand, beginning at the airport</i></p> <ul style="list-style-type: none"> Legal assistance (legal guidance/lawyer) 	N/A
<p>POLICY DEVELOPMENT</p> <ul style="list-style-type: none"> Government 	<p><i>Encourage G2G approach to combat high brokerage fee for migrant workers</i></p> <p>Review the punishment, disciplinary action - <i>to strengthen better control to prevent those recruitment companies that intend to exploit Thai's labour</i></p> <p>Auditing transparency of the procedure - <i>learning from experience how brokers/agencies encourage Thai workers to deceive the embassy disguising as "self-arrangement" in order to get VISA approval, to audit the government officials' transparency. TLC is getting a petition to work on this and will keep ILO updated</i></p> <p>To put pressure on the government, esp. the Ministry of Labour, to launch a "job guarantee" to migrant workers , encourage MOL to become a service provider for overseas work in order to eliminate the extremely high brokerage fee</p> <p>NGOs to collaborate directly with MOL (TOEA) in regards to sending a worker to work overseas by passing on the case whereas NGOs is contacted by an overseas company to TOEA, TOEA will coordinate with the company and the government in the destination country</p> <p>TOEA (MOL) to work with MFA to limit the quota for VISA granting to work in each country considering previous numbers of real job demand and be more vigilant on the contract for the best interest of Thai workers</p>	<p>MOL + MFA</p> <p>TLC TLC+MOL</p> <p>MOL + MFA</p>
<ul style="list-style-type: none"> Recruitment Agencies 	<p>To review and revise (if applicable) TOEA's policy: promoting a proactive policy, being more aggressive in combating agencies/brokers who aim to exploit Thai labours</p> <p>Conduct a study of damage done from theses recruitment agencies and the gap that we can fill in the best interest of Thai labours</p> <p><i>Suggestion: To conduct a profound study on Ajarn Supang's thesis (more details from K'Junya)</i></p>	TOEA

Closing speech, by Kusumal Rachawong, National Project Coordinator, ILO/EEC

The facilitator thanked all the participants for their cooperation during the past 3 days. Even though some of the ideas were just a draft and not a concrete plan it still looked promising and encouraged better coordination between the team. The only topic that has yet to be mentioned is the study on Thai agriculture. However, ILO will take all the proposals and suggestions to talk with the concerned parties as a follow-up later on.

ANNEX 1

Participant list

NO.	NAME	POSITION / ORGANISATION
1	Ms Yanee Lertkrai	Deputy Director-General, Bureau of Anti-Trafficking in Women and Children, DSDW, Ministry of Social Development and Human Security
2	Mrs Saowanee Khomepatr	Director of BATWC, Department of Social Development and Welfare
3	Mrs Suwaree Jaiharn	Expert on Prevention and Resolution of Human Trafficking, DSDW
4	Ms Patcharee Naewpanich	Director of Division of Assistance and Protection for Thai Victim of Human Trafficking and Vulnerability, BATWC, Department of Social Development and Welfare
5	Ms. Usa Sridhoop	Labour Specialist Professional Level, Overseas Employment Administration Office, Department of Employment, MOL
6	Mr Suthi Sukosol	Director, Overseas Employment Administration Office, Department of Employment, MOL
7	Mr Sathaenpong Laohasirichaikul	Finance and Accounting Analyst, Office of Overseas Employment Administration
8	Mr Suthep Benjaphakeesakul	Chief of Intake and Considering Complaints Section, Inspection and Jobseekers Protection Division, MOL
9	Mr Monchai Patchanee	Director, Protection of Thai Nationals Abroad Division, Department of Consular Affairs, MFA
10	Ms Nalatporn Charoenwan	Social Development Officer, National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT)
11	Ms Siriporn Skrobaneek	Chair Person, Foundation for Women
12	Ms Usa Lerdsrisuntad	Interpreter, Foundation for Women
13	Ms Matthana Chetamee	Coordinator of Project, Foundation for Women
14	Ms Siriwan Romchatthong	Secretary General, Employers' Confederation of Thailand (ECOT)
15	Ms Junya Yimprasert	Director, Thai Labour Campaign
16	Dr. Irena Konecna	La Strada Czech Republic
17	Mr Boonsong Chaletorn	Representative from Sweden
18	Ms Nonglak Trepp	President of Thai Women Network in Europe
19	Ms Alcestis Abrera Mangahas	Sr. Migration Specialist, ILO
20	Ms Kusumal Rachawong	National Project Coordinator-Thailand, ILO

Special guests on February 17

7 returned migrant workers from Spain

