

Good practices and lessons learned



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**

Good Practices and Lessons Learned

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Foreword

As part of an overall Asia Regional Labour Migration Programme, the International Labour Organization (ILO) implemented a three-year European Union (EU)-funded Project, “Going back, moving on: Economic and Social Empowerment of Migrants, Including Victims of Trafficking Returned from the EU and Neighbouring Countries” in the Philippines and Thailand.

Consistent with its objectives, the Project had undertaken activities in the areas of developing institutional capacities and the provision of direct services to return migrants. A number of researches and studies were completed, directly contributing to more strategic and responsive Project interventions. Several recommendations were identified to address return and reintegration issues and enhance coordination and cooperation among key agencies and institutions.

The Project worked and partnered with national and local governments and non-government institutions to involve many stakeholders in individual training activities, as well as in collective initiatives by setting up working groups and teams to facilitate assistance to return migrants; and to integrate migration, particularly return and reintegration issues, in governance and development planning at the local level. In Thailand, a Technical Working Group was established at the national level to coordinate and monitor the implementation of the Letter of Understanding (LOU) between the ILO and the Department of Employment (DOE) on combating illegal recruitment practices and the protection of migrant workers. A Multi-Disciplinary Team (MDT) was also constituted in Petchabun Province to assist complainants in their legal claims and support their eventual reintegration. In the Philippines, a multi-stakeholder cooperation led to the development and adoption of a five-year Migration and Development Plan. A similar initiative was undertaken in the other target provinces of Ilocos Sur and Nueva Ecija.

As far as provision of direct services is concerned, the Project reached out to more than 1,000 return migrants in Thailand and the Philippines, and provided them with economic and social reintegration assistance. This resulted in the organization of return migrants either as a cooperative, a migrant support association and/or a self-help group. In the process, the Project likewise developed models of “integrated total approach” to reintegration services for migrants and improved coordination between service providers.

One component of the Project required the documentation of the processes that may be considered as evolving good practices, as well as the lessons learned, in the course of implementing the Project for learning and knowledge sharing purposes. This collection of good practices and lessons learned from activities in both the Philippines and Thailand complements two case studies — - Thai migrant workers’ experiences in Europe (Poland and Sweden), a “story book” of five Thai migrants’ versions of abuse in *No Dream Come True...Only More Debt*, and a collection of Filipino returned migrants’ stories of triumph and hope in *Going Home, Making Good*.

It is, thus, hoped that with this documentation, the benefits derived from Project interventions may be maintained, and that the impact of all activities undertaken shall be further advanced for longer-term sustainability.

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Good practice 1:

Establishing multidisciplinary teams at the provincial and district levels to monitor and protect the rights of migrants

Where: Thailand: Petchabun province

Summary:

Different agencies with different mandates and expertise were brought to work closely together in a multidisciplinary team towards the common goal of providing better protection and assistance to outgoing and returning migrant workers.

The challenge

Outgoing and returning migrant workers often face a wide range of challenges prior to their departure or upon their return to their communities of origin, especially returned victims of labour exploitation and human trafficking. During the initial phase of the project, assessments revealed that Thai migrants going to work abroad were lacking sufficient and reliable information on recruitment procedures and costs, working and living conditions and expenses while abroad as well as information about their rights and where to turn for assistance. This lack of preparedness left many workers vulnerable to exploitation and was an important factor that led to a multitude of cases of deceptive recruitment, labour exploitation and human trafficking. Many of these exploited migrants returned to even more difficult socio-economic situations than before migrating, including greater poverty, unemployment and newly acquired debt.

To break the vicious circle of vulnerability, there was a need in Thailand to empower both outgoing and returning migrants and provide various forms of assistance, such as legal guidance to seek

justice and claim compensation, livelihood support and occupational guidance and skills training to find local employment or to develop small businesses and, in some cases, medical care and psychosocial counselling. But one agency or local authority cannot take on the challenge alone. Providing the best possible assistance at the local level requires close collaboration and referrals among a range of agencies and local authorities.

The response and achievements

The ILO–EU project helped establish a multidisciplinary team (MDT) in Petchabun province in central Thailand that involves various agencies and service providers who are specialized in different areas. The MDT so far has extended a range of both preventive and protective opportunities:

- **Safe migration information and training** were provided to 67 migrants prior to their departure to work in the Republic of Korea and Sweden. Three training programmes focused mainly on the situation of migrant workers in those two countries, recruitment and employment contracts, basic language skills and labour rights and contact points for assistance if needed.
- **Safe migration and safe return handbooks** were developed and handed out to 680 community leaders, 69 jobseekers, 48 returnees and 200 community members.
- **Community monitoring and needs assessment**



MDT in Petchabun Province, Thailand

were carried out in selected areas to find returned migrants who had experienced labour exploitation and/or human trafficking and might be in need of assistance. This resulted directly in locating a number of new cases who were subsequently assisted through the MDT.

- **Occupational and skills trainings** were provided to a number of returned migrants to help them in securing a sustainable livelihood in their local areas of origin. As most returned migrants came from rural communities and preferred to work in agriculture, the trainings were carried out in collaboration with the Agricultural District Office, Fishery District Office and the District Livestock Office. Financial support (grants) was provided to returned migrants who completed the training.
- **Empowering returnees to be community advocates on migrants rights issues.** Groups of returnees and jobseekers participated in a forum to discuss and analyse the situation of migration in their communities and to share their migration experiences. A report including specific recommendations from the forum was prepared and presented to the deputy director general of the Department of Employment, representatives of government organizations, journalists and community members.
- **The work of the MDT led to the first prosecutions of migrant recruitment agencies.** The recruitment agencies and brokers have been prosecuted for deceptive recruitment and fraud (deception and deliberate misguidance of 14 migrant workers). Two recruitment agencies are being prosecuted (ongoing) in cases in which each

worker is claims 49,000 baht in compensation. This is a remarkable achievement not only because it is the first legal case against recruitment agencies brought to a provincial court but also because recovery of compensation as a legal remedy is rarely used in countries affected by labour exploitation .

The process – What was done

- A joint multi-agency training seminar on labour exploitation, human trafficking and safe migration was organized by the Social Development and Human Security Department to bring together all pertinent actors at the provincial level to discuss inter-agency coordination and collaboration. The seminar created awareness and a better understanding of various forms of labour exploitation and human trafficking, including deceptive recruitment, debt bondage, common challenges for returnees and forms of assistance needed.
- During the training, the various actors discussed their specific roles and responsibilities and how to work together to monitor and protect the rights of the migrant workers. The seminar allowed the participants to jointly focus on the common challenge of combatting human trafficking and



MDT meeting, Petchabun, Thailand

labour exploitation of migrant workers and to find ways to contribute to the common goal of protecting and assisting migrant workers.

- The joint training led to the establishment of the provincial MDT with police officers, social workers, labour officers, staff of non-formal

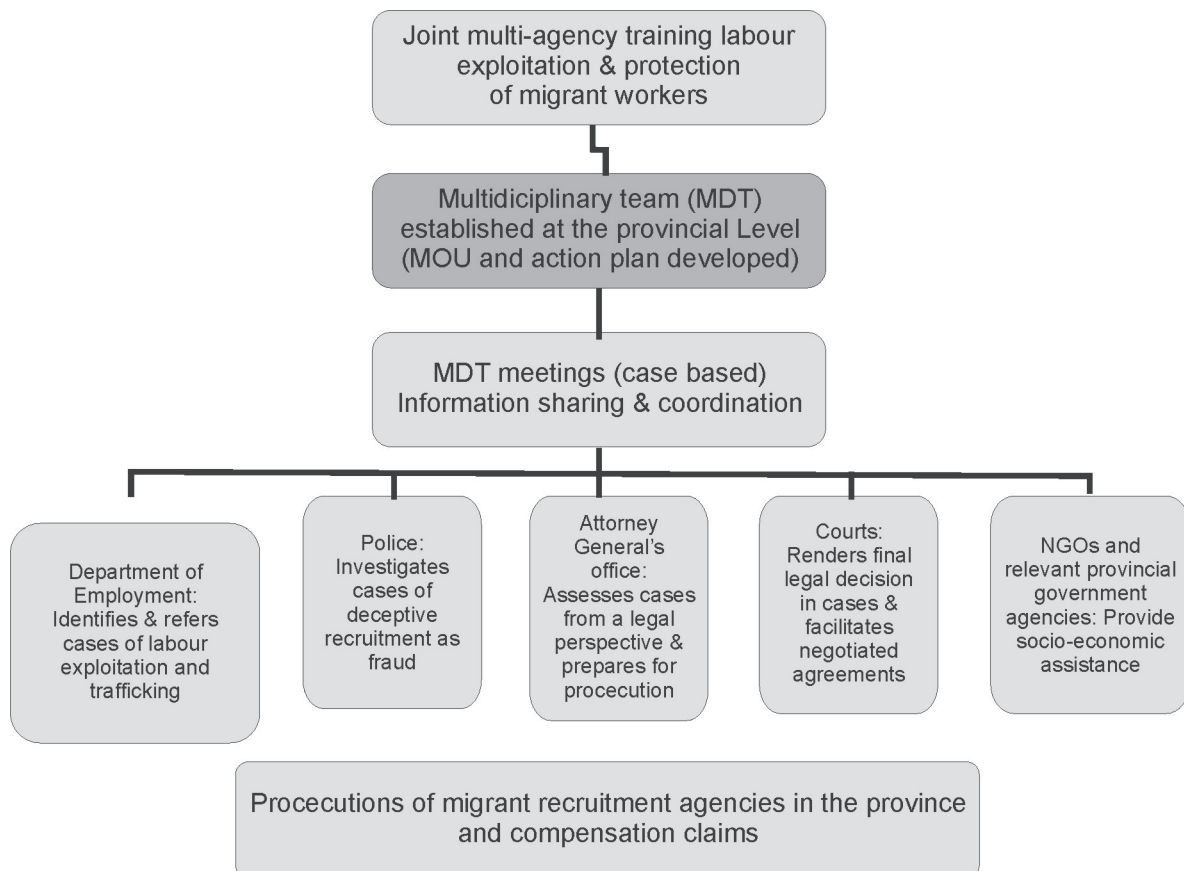
education programmes, officials from the Department of Agriculture and Fisheries and the Department of Employment, prosecutors and staff from the Attorney General's office.

- The different agencies chose representatives and agreed on how each of them would contribute to the MDT. On this basis, an MDT Action Plan was

developed.

- A memorandum of understanding among members of the provincial MDT was signed to formalize the cooperative arrangement.
- Following the establishment of the MDT, a subdistrict committee meeting was convened to inform the various districts in the province about

Figure 1: Establishing a multidisciplinary team in Petchabun province, Thailand



Lessons learned

To ensure a successful replication of establishing provincial MDTs, the following lessons from the process in Petchabun province should be considered:

- Development of professional and personal relationships among persons from different agencies and institutions is crucial to ensure effective collaboration and coordination among members of the multidisciplinary team. In Petchabun, such relationships were established through participation in the programme's training sessions, a series of case conferences, the regular exchange of information and the sharing of case updates. Such joint activities and meetings proved to be extremely useful in creating mutual understanding among professionals and officials who had different backgrounds and represented agencies with different mandates.
- The MDT members and agencies from the outset should have a clear understanding of their respective roles and responsibilities and how they will coordinate their work. This could include establishing commonly agreed lines of communications and a matrix or flowchart of "who is doing what and when" as a part of the MDT action plan.
- An MDT operating at the provincial, district and subdistrict levels optimizes the effectiveness, coordination and sustainability of the roles and responsibilities, but it needs to be backed up by an appropriate and formal executive order or memorandum from a relevant authority.
- To maintain continuity and sustainability, it is also important to arrange regular meetings and case conference meetings to maintain focus and information sharing. Regular meetings could be hosted by a specific focal agency for a certain period and could rotate among agencies.
- It is necessary to continue to train officials, administrators and other actors on such issues as migrants' rights and human trafficking to strengthen the MDT and the assistance provided to both outgoing and returned migrants.



MDT members: a police officer and a volunteer lawyer in Petchabun, Thailand

Good practice 2:

Emphasizing economic empowerment:

From exploited labourers abroad to empowered entrepreneurs at home

Where: Philippines: Overseas Workers Welfare Association

Summary:

A group of Filipino female migrant workers who were victims of deceptive recruitment and labour exploitation in a factory in Romania were empowered in setting up a cooperative and starting their own garment production for a sustainable livelihood.

The challenge

The push factors that drive migrants to migrate, such as family responsibilities, economic hardship, the pressure of debt, lack of adequate job options and a desire for the social status and respect that is gained through affluence, often remain the most important challenges for migrants upon their return. Migrants who have experienced trafficking and labour exploitation abroad often emphasize that their greatest concerns when they come back still include supporting their family, having a job with a secure income and having enough money to avoid worrying about debt. Indeed, several studies have revealed that many returned trafficked persons emphasized future livelihood possibilities and economic independence.¹ Economic empowerment most often ranks very high as a priority for returnees, becoming one of the most crucial aspects to ensure successful reintegration. However, the economic empowerment of returned migrants and assisting them in finding “work that works” is highly challenging. Although many returnees want to work to improve their livelihood, they often possess inadequate

labour market skills; upon their return, they still face the same lack of decent work opportunities that first propelled them to seek employment abroad. In the Philippines, there was a need for quality skills and business training that would lead to employment and economic independence.

The response and achievements

The ILO–EU project set out to assist returned victims of trafficking and labour exploitation with a specific emphasis on economic empowerment. One group of migrants who were targeted involved 47 women who had received direct assistance from the Philippine Embassy in Romania, the Philippine Overseas Labor Office and the Overseas Workers Welfare Association (OWWA) and were repatriated home. Through the ILO–EU project back in the Philippines, they received further assistance: Several of the women joined hands to establish their own ready-to-wear clothing production. The production has been

¹ A. Brunovskis and R. Surtees: *Leaving the past behind: Why some trafficking victims decline assistance* (Oslo, Norway, Fafo Institute, 2007); A. Lisborg and S. Plambech: *Going back—moving on: A synthesis report of the trends and experiences of returned victims in Thailand and the Philippines* (Bangkok, ILO, 2009); A. Lisborg: *Rethinking (re) integration* (Bangkok, UNIAF, Strategic Information Response Network (SIREN) report, 2009); E. Peason: *Human trafficking, human rights: Redefining victim protection* (London, Anti-Slavery International, 2002); R. Surtees: *Re/integration of trafficked persons: How can our work be more effective?* (Vienna, Nexus Institute, Issues paper No.1, 2008); G. Tylidum, M. Tveit and A. Brunovskis (2005): *Taking stock*, (Oslo, Norway, Fafo Institute, Fafo-report 493, 2005).

Labour exploitation in Romania



Filipino women returned from labour exploitation in Romania. Through assistance they have been successful in establishing a cooperative and their own clothes production for a sustainable livelihood.

Among the returned migrants assisted through the ILO–EU project were a group of 47 Filipino women migrants who had been victims of deceptive recruitment and labour exploitation in a garment factory in Romania. They had all migrated to work in Romania through a recruitment agency in Manila and signed contracts that promised them a basic monthly compensation of US\$400, including guarantees for twice the hourly wage for overtime, plus free food and accommodation. Based on these conditions and the expectation of a monthly income of US\$600–\$800, the women decided to risk taking loans to cover the recruitment agency fee and the travel costs of US\$2,500 per worker.

Upon arrival at the factory in Romania, however, they were given another work contract with stipulations contrary to the original contract. It included additional clauses that allowed the company management to lower the wage and to squeeze the maximum work performance out of the workers (a 30-day trial period would not be remunerated, for example), even though all the workers were hired as skilled seamstresses. Furthermore, US\$70 was to be deducted from the wage for food and accommodation each month and the employer could impose production quotas.

The new contract was only in English and Romanian; most of the migrant women's mother tongue was Tagalog. Many did not understand all the clauses of the second contract. According to one of the migrants, they were all urged to sign quickly and not allowed to ask questions. In the first two months, they worked 80 hours in excess of regular working hours, but the overtime services were not compensated. They only received around US\$235 a month – almost half of what they were supposed to receive as per the original contract and just a third of what they had expected to receive after working overtime.

The production quota the factory management had set and imposed upon them was unrealistically high and seemed mainly a way to push the workers to work more. Many of the women suffered, lost considerable weight and felt weak because of the hard work, bad food and poor living conditions. Women who complained were threatened and put down as “stupid”. They said they were under permanent stress and their dignity violated. They tried in various ways to make their employer pay the full wage promised the original work contract but to no avail. Their only remaining option was to resign and seek help in returning to Manila to a situation of heavy debt and an uncertain future.

a success, and they have been able to grow and expand the production to a point where they now are hiring additional employees.

- Some of the other women exploited in Romania set up their own small businesses and have become vendors.
- Together, the women set up their own cooperative and cooperative savings account to provide microfinancing to members with specific business plans and/or to augment capital in their clothes production business.
- The women received legal assistance to pursue a criminal case for illegal recruitment they filed against their recruiters, which is ongoing; some

of them were successful in obtaining financial compensation through a labour court (see good practice 6 for more information on legal assistance, prosecution and compensation).

- The economic empowerment has had a tremendous positive effect on their psychosocial well-being. The women formed a peer support group after attending an ILO–EU project-sponsored training on establishing peer network. They now reach out to other returned migrants in their communities who might have been victims of labour exploitation or trafficking and in need of assistance or who might be vulnerable to ending up in such a situation.
- Some of the women have become resource persons for the OWWA and are able to inspire new returnees

"I am very proud and happy to come back from that difficult situation in Romania and now be able to live a better life in the Philippines."

A Filipina migrant worker
returned from Romania

"We got courage to continue to work together and start our own business after getting support from the ILO and OWWA."

A Filipina migrant worker
returned from Romania

by sharing their example of successful integration and economic empowerment.

The process – What was done

Return, repatriation and initial assistance

Pre-return assistance was provided to the extent possible by the Philippine Embassy and OWWA representatives in the destination countries. This mainly included temporary shelter, counselling and legal assistance.

- The Philippine Embassy and the Philippine Overseas Labor Office, in collaboration with a Romanian lawyer, filed charges against the employer while awaiting the migrant workers' repatriation.
- Repatriation costs to the Philippines were covered by OWWA in the cases in which it was needed and in cases in which the recruitment agencies in the Philippines failed to provide repatriation assistance.
- Arrival assistance was offered in Manila and consisted of temporary shelter in an OWWA halfway house for the women who could not or did not want to return to their homes immediately.

Long-term integration assistance and economic empowerment

- Long-term integration assistance and economic empowerment started with individual intake

assessments based on the Manual on Case Management for Trafficking and Severely Exploited Migrant Workers developed jointly by OWWA and the ILO.

- OWWA conducted needs-assessment sessions with project beneficiaries to develop individual integration plans and to identify specific skills or livelihood training needed.
- The Skills and Occupational Training Catalogue, jointly developed by ILO and OWWA, was used to help returnees to choose from a variety of training programmes they found best suited, based on their aptitudes and aspirations.
- Because the returned migrants from Romania were all experienced seamstresses, they mostly wanted to go back to sewing and engage in subcontracting women's apparel production and children's dresses from main contractors. They planned to seek out job orders directly from mall owners and local markets.
- OWWA administered the Personal Entrepreneurial Competencies and Career Interest Assessment to the women to determine their capacity and readiness. Before the start-up business grants were supplied, the women attended livelihood training courses on starting a small business that included modules on financial literacy, basic accounting and bookkeeping.



Filipino women returned from labour exploitation in Romania; through the ILO–EU Project and OWWA assistance, they have been successful in establishing a cooperative and their own clothes production for a sustainable livelihood

- After completing carefully a skills-training programme, the returnees were granted seed capital to start various livelihood activities or a small-scale business. For example, some of the women used the seed capital of approximately 12,500 pesos (US\$300) to buy second-hand industrial sewing machines. Some of the women maintained a secondary small “back-up business”, such as a food stall in their homes, to augment their income from sewing. Others were engaged in trading rice, selling accessories in mobile carts, selling small toys or other forms of small-scale businesses.
- The women returnees from Romania organized themselves into an association and initiated a fund built up with the income from their respective businesses. The share of each member is equivalent to the amount of the capital assistance given to them. The fund serves as the group’s savings and income-generating scheme and is used for loans by members who need additional start-up capital for their individual businesses. The group elected its own board and adopted a constitution and by-laws. With guidance from OWWA, the group registered with the Cooperative Development Authority, the main agency regulating cooperatives in the Philippines.

Pre-conditions and considerations for replication

A general lesson learned over the years from working with persons returning from labour exploitation or trafficking situations is that pre-designed and generalized “one size fits all” assistance programmes often result in their decline of assistance or dropping out because they feel it is not well-suited for their specific situation. To improve successful assistance, it is crucial to offer individualized support and to take as point of departure each person’s specific needs and concerns, his/her specific strengths and his/her personal resources and aspirations. This means service providers should be flexible and prepared to address different needs and situations while building a broad, secure referral system, establishing close links with other service providers, local government institutions and the private sector. This also means that assistance programmes should be holistic and able to address a range of situations. Finally, it means that there is no prescribed recipe for how to provide efficient and successful assistance. One approach or method might prove to be successful

in a specific socio-cultural context but would not necessarily work in another context. It means that good practices as documented here should not automatically be replicated without taking the specific pre-conditions for why it became a success into consideration. Some of these pre-conditions were as follows:

- The returned migrants from Romania had all been through the same experiences and had already bonded socially through their ordeal, which meant that they were highly motivated to work together to improve their situation upon return and to set up a cooperative and business together.



Filipino women returned from labour exploitation in Romania

- The women were all trained seamstresses and had similar skills training and professional experience to start up a business focused on sewing and producing clothes. Thus the women were both socially and professionally very well aligned to form a group and start a business together. The same level of success should not be automatically expected in situations in which returnees have very different backgrounds socially, professionally and with regard to their migration experience.
- Geographical proximity was important as well. The returned migrants mostly originated from the same general area outside Manila and were able to meet regularly and could start their business within fairly close distance to all involved.
- Consistent coaching or mentoring and regular monitoring by OWWA case managers were crucial as well because it provided the returned migrants with a general feeling that the assistance was genuine and focused on ensuring a positive impact.

- A final pre-condition for success was family support. The returnees' families were overall understanding and supportive towards the returned women's idea of establishing a cooperative and starting a business together. As with most new businesses, it takes time to reap the results of the efforts and it was very important that the families were patient and continued to encourage the women to go on and succeed.

Lessons learned

- It proved highly useful to consider the returnees' existing vocational skills, life skills and working experience when providing guidance on future livelihood options and while planning skills and business training programmes. Even skills and working experiences obtained as a migrant worker abroad and through periods of labour exploitation might be useful to a returnee afterwards. In this case, the seamstresses had learned valuable lessons about sewing and apparel production while working in Romania that turned out to be very useful when they started up their own production back in the Philippines.
- Because most of the returnees had families and children to look after, many preferred to have a livelihood within their community. Hence, intervention plans should adequately address domestic responsibilities and issues, which could contribute or hamper eventual reintegration.
- Continuous capacity building for the service providers is important to provide the best possible and effective assistance. This includes maintaining and strengthening network and referral mechanisms with other service providers.

Good practice 3:

Identifying and assisting self-returnees through community outreach in migrant-sending areas

Where: Philippines and Thailand

Summary:

Groups of migrant returnees who had returned on their own from exploitive or trafficking situations abroad were located through community outreach activities in known migrant-sending areas and offered appropriate assistance.

The challenge

Many migrant victims of labour exploitation and trafficking are not discovered in the destination areas or enrolled in official return and reintegration programmes. Instead, they return “silently”, as “self-returnees”. This does not mean that they are not in need of assistance. Often they are simply unaware of any available assistance, and they struggle alone to cope with difficulties upon return. In the ILO–EU project intervention areas in Thailand (Petchabun province) and in Philippines (Metro Manila and the provinces of La Union, Ilocos Sur and Nueva Ecija) provincial and community meetings and initial mappings and needs assessments revealed large groups of migrants who had returned from exploitive situations on their own (as self-returnees) and/or had never been offered any kind of assistance, although many of them returned with nothing (no savings) and were struggling with a range of difficulties, such as debt, poverty, emotional stress and unemployment. To reach self-returnees, there was a need to reconsider conventional victim identification strategies and apply more proactive methods for outreach.

“My employer locked me up in the toilet for long periods with no food.”

Filipina migrant who worked as a domestic worker in Lebanon

“I only got four-month salary out of three years of work.”

Filipina migrant who worked as a domestic worker in Jordan



Filipino women back home in their fishing village from such countries as Lebanon and Kuwait, where they were cheated by recruitment agencies; they worked as domestic workers 12–15 hours a day for US\$150 a month (US\$5 a day), some were not paid at all and experienced various forms of exploitation and abuse

The response and achievements

The ILO–EU project partners – local government agencies, the multidisciplinary team in Thailand and Kanlungan Centre Foundation, Inc., the Batis Center for Women and the Overseas Workers Welfare Association (OWWA) in Philippines – worked closely together to reach out to self-returnees in villages. They activated their social and professional networks at different levels and in different geographical areas to locate and provide assistance to vulnerable returnees, including victims of trafficking who otherwise would not have been reached, by establishing community watch or support networks in hotspot origin areas or through outreach and service provision along routes and transit points used by self-returned victims (such as deportation channels and immigration checkpoints). They tapped into migrant social networks as well. It is well known that migrants rely heavily on social networks in the out-migration phase, and this also can be used in the return phase. Members of peer support groups thus were oriented to help spread the word about assistance available in their areas and to invite other returned victims of labour exploitation and trafficking to participate in reintegration meetings and activities.

As a result, they were able to reach out and provide assistance to a large number of returnees:

Community outreach to migrant returnees in need of assistance

Philippines:

- In La Union, 74 returned migrants who had been victims of labour exploitation and/or trafficking were located and offered assistance. The returned migrants were all female and all had been domestic workers in Lebanon, Syria, Jordan or Cyprus. They had experienced physical and emotional abuse, were paid salaries less than the contract stipulation, worked excessive hours, had no rest days and lacked sleep. Some had been sexually abused.
- In the provinces of Ilocos Sur and Nueva Ecija and in Metro Manila, 201 male and female returned migrants who had been victims of labour exploitation

and/or trafficking were located through community outreach activities. They had returned from Europe and neighbouring countries in the Mediterranean. A large majority came from Lebanon with a few from Algeria, Cyprus, Germany, Greece, France, Israel, Italy, Libya, Syria and the United Kingdom. Many were domestic workers who suffered labour exploitation, maltreatment and abuse from their employers. Many had received very low and delayed salaries while others were never paid. Their employers had breached contractual stipulations, including unauthorized salary deductions and long hours of work (in some cases up to 20 hours a day); many had experienced restricted mobility. Most of the women were married and had children to support, especially in cases in which their husband had no job or regular income. The male migrant workers all came from Libya where they mainly worked in construction but had been forced to leave because of the conflict in the country.

“In just 20 days we were able to identify 80 returnees in the province, through community outreach, who all had experienced labour exploitation or trafficking and who needed assistance.”

OWWA project officer in
La Union, Philippines

Thailand:

- In Petchabun province, 132 returned migrant workers were located through community outreach. Before the community outreach strategy, there had been no known cases and no referral of cases from certain municipalities. Now many cases are referred and increasing numbers of returned migrants are being assisted.
- The community outreach strategy also led to increased awareness about the risk of labour exploitation and trafficking of migrants and assistance available to returned migrants who have experienced exploitation abroad.
- The increased awareness has created more frequent and open discussion in communities about the potential negative impacts of migration and the risks associated with migration, including labour exploitation and human trafficking.

Assistance provided to returned migrants

The newly located returned victims of labour exploitation and trafficking were offered various forms of assistance, based on their individual needs and aspirations. A few of them needed medical care

and were referred to hospitals; some needed mental care and received psychosocial counselling by trained counsellors and some received legal assistance. Some took part in family counselling sessions and peer support groups to share past migration experiences and encourage each other in making plans for the future. Because most of them mainly were concerned about debt and the lack of sufficient income opportunities to support themselves and their families, long-term assistance emphasized socio-economic empowerment. Different strategies were used by project partners in different provinces in Philippines and Thailand, based on the local context (local employment and business options) and the returnees' backgrounds and aspirations. But in general, economic empowerment included various elements of aptitude testing, occupational and livelihood counselling, skills training and financial support in the form of start-up grants, with the following results:

"No more migration for me. Now I have my own business and I can stay home with my family and neighbours."

"I am very happy to be back home. I won't go again."

"It's better being back home because abroad we just worked and worked and worked and didn't get any money or proper food and we missed our children and families."

Filipina migrants returned from
Lebanon, Kuwait and Singapore

Philippines:

- A group of female returnees from remote fishing villages in the northern Ilocos Sur province formed a community group to help each other start up a business selling fish to markets in and around the province. They attended various skills training programmes, including trainings arranged by the Technical Education and Skills Development Authority and the Batis Center for Women. Following the trainings, the group submitted a project proposal and business plan to the Batis Center for Women and received a grant of 7,000 pesos (US\$170) in three instalments as seed money to start up their joint business selling fish, most of which was caught by their husbands and relatives.

They transferred their grants to a new community bank account, which was managed jointly by the group of returnees. The Batis Center staff continued to monitor the progress and provide support and additional training, such as for bookkeeping and financial management of small businesses. The group has been successful in achieving their goal of becoming economically empowered and able to have a sustainable livelihood at home where they can live with their families and raise their children. They now aim to buy a truck to be able to reach fish markets further away without dependence on transport companies. They were referred by the Batis Center to the local office of the Department of Labor and Employment for additional financial assistance.

- A female returnee in Vigan City opened a small shop and is now able to earn more money at home from the business than she could earn as a migrant worker abroad. She returned on her own from Lebanon where she worked for three years as a domestic worker until her employer asked her to pack a few things one day because the family purportedly was going on a ten-day holiday. When they arrived at the airport, however, the employer gave her a plane ticket and told her to fly home. The employer still owed her several months of wages, and the woman had not packed all her things because she thought she would be back soon. She was not able to complain because she would have missed the flight and would have been stranded with no money (sending migrant workers home suddenly with no warning is a common practice used by some employers to avoid paying salaries and bonuses earned through years of work and to avoid complaints from the workers). Back in the Philippines, she was identified as a victim of labour exploitation through social networking and community outreach activities of the Batis Center for Women. She received assistance and training

"Without the grant from the ILO-EU project, our situation would have been hopeless.... before the Batis Center for Women arrived in the village [to offer assistance through the project] I was just sitting at home doing nothing."

Filipina migrant returned
from Lebanon



A returned migrant has started her own business

on starting up a business; she then developed a proposal to start a small shop near her home. Based on her proposal, she received a start-up grant of 7,500 pesos (US\$180), which she used to invest in items for the new shop. The shop business has proven to be very successful, and she is happy to be economically independent and able to stay home with her children and family.

Thailand:

- A group of male and female migrants returned from Sweden where they had been working as seasonal berry pickers. Most had borrowed large amounts of money to pay the recruitment fee and expected high earnings and to return with large savings. However, they were not paid as much as they were promised, and many were not able to save money at all because of expenses they were not told about. They ended up returning to Thailand heavily in debt. Through the assistance provided by the ILO–EU project and project partners, including the multidisciplinary team in Petchabun province, many were able to improve their livelihood and socio-economic situation. The returnees received various forms of skills training, based on their needs and aspirations (such as training in organic farming and using organic fertilizers, raising fish in ponds and other forms of agriculture based livelihoods). After completing the training programmes, some project beneficiaries received grants to improve their rural livelihood, such as purchasing water pumps and pipes to improve their rice production.

The process – What was done

- Members of all involved agencies and organizations in the selected provinces (both in Philippines and Thailand) participated in joint training programmes that focused on sensitizing them on labour exploitation of migrant workers, human trafficking, migrants' rights and the how to better provide assistance to outgoing and returning migrants.
- Mappings and situation assessments of migration flows and vulnerable groups and migrant returnees in the provinces were conducted at the provincial and community levels.
- Based on the joint trainings and the mapping exercises, different agencies and organizations arranged a series of community meetings at the municipality and village levels to create awareness about human trafficking and migrants' rights and assistance available to migrant returnees who are victims of labour exploitation or trafficking.
- In some communities, peer support groups for migrant returnees were already established,



Meeting of Thai migrant workers returned from Sweden

- and these were encouraged to reach out to more returnees in need of assistance. In communities where no peer support groups existed, efforts were made to locate returnees and set up new such groups or encourage returnees to join support groups in nearby towns or villages.
- The groups of migrants and their families (peer support groups) in the communities acted as advocates for the protection of migrants and spread awareness about assistance available to migrant returnees.
- Proactive returned migrants, peer support groups and supportive local leaders also acted



Thai migrant worker returned from Sweden

as community watchdogs who monitored the recruitment practices to identify vulnerable groups and returned migrants who might need assistance.

- In some communities, village leaders who attended the provincial trainings and awareness programmes promoted the protection of migrant rights and initiated action plans and activities that were supported by the ILO–EU project.

The ILO–EU project partners conducted several group conferences in communities and individual assessments through home visits to returned migrants. Returned migrants who had been victims of labour exploitation and trafficking participated in an initial intake assessment with the local service provider. When found to be qualified for assistance, an intervention and assistance plan was developed with the returnee. They were subsequently offered assistance as part of a full holistic package of assistance, such as medical and psychosocial care, skills training and livelihood support including grants and seed money and family orientations (counselling-styled sessions with family members to prepare for a returned migrant). In special cases, referrals to the most qualified agencies and service providers were arranged.

Lessons learned

- Meaningful community outreach requires collaboration from a range of agencies and organizations, and it is most effective if, from the outset, they have a common framework and mutual understanding of how this can be done and how each of them will contribute to

the joint effort of protecting migrants' rights and providing assistance to returnees. There is need for close coordination to reach returned migrants in remote areas and to divide responsibilities and geographical coverage in order to optimize resources and avoid overlapping activities. Joint training programmes for parties at all levels are very useful to ensure a common understanding of the issues and challenges and to improve coordination among agencies.

- Strong support from local governments is important to encourage the commitment of agencies and their full participation at both the provincial and village levels. Community outreach has proved to be most effective when it is fully supported by the provincial government and is undertaken in partnership with local governments and other local partners.
- Local government data and information on outgoing and returning migrants (where such data exist) are very useful as a starting point for community outreach and finding victims of labour exploitation and human trafficking.
- It is crucial to mobilize, train and support volunteers to be migrant protection advocates in communities.



Filipino migrant women back home in their fishing village in northern Philippines

Good practice 4:

Mainstreaming the protection of migrant workers and the migration development nexus into provincial strategic development plans

Where: Philippines: La Union province

Summary:

A pioneering initiative that paved the way for the development of a provincial Migration and Development Strategic Plan that will eventually be integrated in the overall local development plan, thereby creating sustainable support mechanisms for protecting migrant workers and ensuring that migration benefits the province and its residents.

The challenge

Anchoring initiatives and project activities to government structures, such as local institutions, is vital to the sustain project outcomes and to ensure long-term impact beyond a project's life cycle. This is also the case regarding efforts to protect and assist migrants. In Philippines, there was a need to raise the consciousness of local authorities on the critical role they have in labour migration governance.

The response and achievements

The ILO–EU project promoted the inclusion of labour migration issues into local development planning through the formulation of migration and development plans and the creation of support mechanisms for reintegrating returned migrants. Officials from 14 of the 20 municipalities in La Union province and other local actors (including Kanlungan Centre Foundation Inc. and the Bannuarti La Union) participated in a series of consultation meetings that led to the adoption of a five-year La Union Migration and Development

Strategic Plan. The plan is a pioneering initiative, with La Union the first province in the country to adopt such an approach. The plan, which can serve as a model for replicating in other provinces, is a blueprint for mitigating the risks and adverse effects of migration and ensuring that migration remains a benefit to the province and the families who engage in it.

An assessment of the migration situation, achieved through a series of multi-actor consultation workshops, highlighted the following development imperatives that will shape the provincial migration and development agenda over the next five years:

- 1) promote the well-being of migrants and their families, especially women migrant workers who comprise the majority of overseas Filipino workers from the province;
- 2) protect vulnerable groups and individuals from predatory and exploitive practices of recruiters and employers;
- 3) improve the social and economic re-integration of returning migrant workers;
- 4) develop an integrated, comprehensive, effective and proactive support system for migrants and would-be migrants; and
- 5) optimize the beneficial effects of migration as an important element in the sustainable development of the province.

The La Union Migration and Development

Strategic Plan takes the perspective of key provincial parties: i) migrants, their families or dependants as well as their own associations or organizations; ii) local government units at the provincial, city, town and barangay levels; and iii) public/state, non-government and business entities or organizations offering services either directly or indirectly to migrants and their families. These parties are considered the owners of the strategic plan.

The parties behind the Migration and Development Strategic Plan recognized the importance of productive, progressive and prosperous migrants who are actively engaged in and contributing to the sustainable socio-economic development of the province. By 2016, according to the plan: i) the majority of the returned migrants will be fully integrated into the localeconomy, and ii) the incidence of illegal recruitment and exploitation will be reduced significantly. Success in these twin goals will be measured in terms of the following outcome indicators:

- 80 per cent increase in the number of returned migrants engaged in local enterprises/initiatives;
- 80 per cent increase in the number of returned migrants employed in local enterprises;
- 80 per cent decrease in the number of illegal recruitment cases; and
- 80 per cent decrease in the number of reported cases of abuse or exploitation.
- The Migration and Development Strategic Plan was only recently developed so results or impacts have yet to emerge. Thus at best it is perceived as an emerging good practice. However, the process of developing the plan led to the following results:
- Raised awareness among local authorities on the critical role they play in the overall labour migration governance and protection of migrant workers from the province.
- Broader recognition of migrants' challenges, concerns and needs at the provincial level.
- Increased awareness, both at the local government level and among people in general, about the risk of exploitation and human trafficking and the nexus between migration and development.

- Commitment of the local government to provide better protection and services to migrants.
- Sustainable efforts to protect migrants and provide assistance to them in the province through provincial fund allocation. The plan has an estimated budget of 49 million pesos over five years (around 9.8 million pesos per year), to be sourced mainly from local government and from the budgets of national government agencies.

The process – What was done

The La Union Migration and Development Strategic Plan (2012–16) was launched in a provincial summit in September 2011. About 140 national and local migration actors attended the event, with the Undersecretary of the Department of Labor and Employment delivering the keynote speech (on behalf of the Secretary of Labor and Employment).



Some of the officials and professionals involved in developing the Migration and Development Strategic Plan (2012–16) for La Union, Philippines

The provincial government, through a member of the Provincial Board, expressed strong support for the plan's enforcement. An audio-visual presentation of the strategic plan was produced and shown during the event. The affair concluded with the signing of a Covenant for Action by local leaders and major actors and was covered by media, making headline news the next day. The key components and steps in the process were as follows:

- **Improving the knowledge base and mapping**

migration and impact of migration in the province. Enhancing the knowledge base on out-bound migration and return migration was a starting point to make the advocacy for a migration and development plan effective, evidence-based and relevant. The ILO–EU project, in close coordination with implementing partners, sponsored a series of studies and a mapping exercise to generate critical findings that would become the basis for formulating local government action. Kanlungan Centre Foundation, Inc., an NGO partner, in coordination with the provincial government and the Bannuarti La Union (Heroes of La Union), a people’s organization, conducted the mapping of migration patterns and migrant returns in La Union. The mapping covered half of all municipalities/cities. The results yielded key information on the profile of migrant workers (age, sex, educational attainment, destination and experiences of returned migrants), the problems they confronted during recruitment, employment and return, and recommendations for policy and programme development.

The mapping results were presented to local migration actors in a conference in December 2010 in the provincial capital, with the vice governor the featured speaker. The provincial government saw the value of the research and the mapping and recommended arranging a provincial summit among all key parties to construct a provincial plan that addresses migration-related challenges, including return and reintegration. Validation workshops among municipalities that participated in the mapping were subsequently arranged in February 2011. The Kanlungan Centre Foundation and other local partners agreed to continue the mapping for the remainder of municipalities not covered by the initial survey.

- **Analysing the migration situation.** The ILO–EU project next conducted a situation analysis of migration in La Union, building on and expanding the mapping exercise. The situation analysis examined the outbound and return migration situation as well as the local policy and programme frameworks and operational mechanisms for the assisting migrant workers and harnessing the development potential of migration to local development. The situation analysis report revealed: i) overseas migration is an important strand in La Union’s social and economic fabric, a

fact not yet given full recognition; the huge amount of remittances that are channelled back to the province are underutilized for investment that could generate more jobs; and ii) although mechanisms for protecting overseas Filipino workers exist and many government agencies provide some services to them and their families, there is a need for improvement. The situation analysis also revealed that setting up and activating a migrants’ desk is crucial for all municipalities in La Union where the volume of overseas migration is high and where the desire to migrate is strong. Such migrants’ desks have the potential to substantially reduce the search and information costs of finding overseas work and should reduce the incidence of irregular recruitment, job scams and human trafficking.

- **Developing the local strategic action plan on the migration development nexus.** The mapping and the situation analysis reports served as basis for developing a local strategic action plan, improving inter-agency work against illegal recruitment and trafficking and in providing victim assistance and protection. In line with the agreement from the December event in La Union, the ILO–EU next hired a local consultant to assist the provincial government in developing the strategic plan on migration and development. The results of the mapping exercise and the situation analysis report provided the background from which the objectives, priorities and targets of the plan were drawn. The Kanlungan Centre Foundation, in coordination with the provincial government, conducted province-wide consultations among local government officials, national government line agencies, non-government organizations, the private sector, academics and other local actors that culminated in a provincial workshop to review the draft local plan.
- **Integrating the plan into local governance and development planning.** The following were next agreed upon by the provincial technical working group: i) issuing an Executive Order by the governor adopting the plan and requesting the local legislative body to allocate resources for its enforcement; ii) adopting a resolution by the Provincial Development Council to integrate the plan into the overall provincial development plan; and iii) transforming the technical working group into a sector committee of the Provincial Development Council.

The provincial Migration and Development Strategic Plan is first of its kind in Philippines, and the ILO–EU project is supporting efforts to replicate the process in other provinces. A situation analysis of outbound and return migration have been conducted in the other two project provinces (Ilocos Sur and Nueva Ecija); the ILO–EU project and the Batis Center for Women assisted the local governments of those provinces in preparing and advocating the adoption of a similar plan as that of La Union.

Lessons learned

- Increasing the knowledge base on migration issues within the province (both outbound and inbound/return migration) through mappings and situation analysis proved to be very important for generating solid data as a foundation for mobilizing actors and creating awareness at all levels about the importance of the migration and development nexus.
- Dedication and commitment from all involved parties is very important. In the case of La Union, the provincial government representatives praised Kanlungan Center Foundation and the ILO–EU project for their initiative and dedication throughout the whole process.
- Close collaboration and coordination among various agencies and organizations is also crucial. Mutual trust among agencies is important because all agencies and persons involved invest time and resources and rely on each other.
- Written agreements, such as a memorandum of understanding, between the parties involved is useful to make an account of agreements and roles and responsibilities.
- A fairly stable and homogenous political environment at the provincial level is important to ensure the necessary support and thrust is given to develop and implement a migration and development strategic plan. In this regard, local leadership and strong support from the provincial government are imperatives.

Good practice 5:

Institutionalizing multi-actor coordinated action to improve recruitment practices and protect migrant workers

Where: Thailand: Department of Employment, Ministry of Labour

Summary:

Well-coordinated inter-agency action to improve recruitment practices and the protection of migrant workers was institutionalized through a range of activities to prevent and respond to labour exploitation and human trafficking.

The challenge

Labour migration can be a mutually beneficial process – for migrants and their families, and for countries of origin and countries of destination. Thailand is both a sending and receiving country. Each year, approximately 150,000 Thai women and men go through regular channels to find work abroad, while more than two million migrants from neighbouring countries currently work in Thailand. Despite the potential benefits, migrants take on numerous risks and are vulnerable to exploitation and human trafficking. With the growing concern over the recruitment of seasonal migrant workers from Thailand and their working conditions in European countries, such as Poland and Sweden, there was a need to regulate recruitment practices to better protect workers from abuse and exploitation.

The response and achievements

The Department of Employment within the Ministry of Labour and the National Committee to Combat Human Trafficking endorsed a review of the Employment and Job-Seeker Protection Act and the Declaration for Work with Dignity (2010), with the primary aim of reducing recruitment costs, suppressing unlicensed recruitment actors and protecting the rights and welfare of migrant workers. With funding support through the ILO–EU project and the AUSAID-funded Tripartite Action to Protect Migrants within and from the Greater Mekong Subregion from Labour Exploitation project, a comprehensive range of activities was initiated to better regulate recruitment practices and protect Thai workers going abroad and migrant workers in Thailand. Some of the main activities and achievements were:

- A letter of understanding (LOU) between the ILO and the Department of Employment on cooperation on recruitment practices and protection of migrant workers was signed on 26 May 2011. The LOU came about after eight months of preparatory work and coordination; it is a channel to formalize the cooperation and to sustain the many initiatives to provide better protection to migrant workers. It was the vehicle also for bringing key partners to

work together and to strengthen their coordination and operations at various levels.

- After the signing of the LOU, a technical working group was constituted by the Director General of the Department of Employment. The technical working group was assigned to monitor and follow up on efforts to improve recruitment practices and the protection of migrant workers, provide technical guidance, review progress made in two selected pilot provinces (Petchabun and Chiang Mai) and promote possible replication in other provinces. The technical working group provides the Department of Employment with technical inputs to strengthen the legal and policy framework and ensure its enforcement.
- A coordinating office was established under the supervision of the technical working group to continue activities under a collaboration framework.
- Staff from 45 recruitment agencies were trained on the labour dimensions of trafficking, the role and responsibilities of recruitment agencies under the law, the labour protection laws and good practices and lessons learned in the recruitment process. The participants also initiated a code of conduct on deployment of Thai workers for overseas employment.
- Fifty officials participated in a training workshop on labour exploitation and trafficking.
- An action plan was developed in Petchabun province for the prevention and suppression of human trafficking (2011–12).
- An information dissemination system was developed and decentralized to provinces.
- Materials and manuals on safe migration and pre-departure orientation were developed and disseminated at the provincial level and trainings were arranged for returned migrants and jobseekers.
- At least ten returned migrants were assisted through follow-up attention and the organizing of case conferences to coordinate action of various agencies. Reports on the studies, good practices and lessons learned were shared with the participating agencies and actors.

The process – What was done

- A technical working group was set up to monitor and follow up on recruitment practices and the protection of migrant workers. The technical working group was hosted by the Department of Employment, with other concerned agencies as members, including the ILO. The technical working group provided technical guidance and reviewed progress made through the ILO–EU project and promoted possible replication in other provinces. The technical working group also provided technical inputs to the Department of Employment to strengthen the legal and policy framework. Additionally, the technical working group focused on the following specific issues:
 - use of complaint mechanisms, follow-up action taken and processes for compensating migrants and would-be migrants;
 - penalties issued to recruitment agencies and brokers for various offences;
 - documentation of good practices on bilateral cooperation with countries of origin and destination;
 - capacity building of Department of Employment operational staff and other key actors;
 - inter- and intra-ministerial cooperation on overseas labour migration; and
 - international comparison of practices on recruitment regulation for countries of origin and destination.
- **Two pilot provinces were selected (Petchabun and Chiang Mai);** one with a large concentration of Thai workers going abroad, and the other with a large number of in-bound migrant workers. A provincial action plan was developed in Petchabun province to promote the principles of the Declaration for Work with Dignity and the proposed revisions to the Recruitment and Job-Seeker Protection Act. The action plan includes range of strategies for in-bound and out-bound migration.
- **Trainings to officials in local labour offices and labour volunteers were conducted.** The training centred on the use of monitoring guidelines and tools and on new legislation and policies to suppress irregular migration, fraudulent recruitment practices and human trafficking.

- **Information on recruitment agency performance was publicized.** The channels for registering complaints and the list of suspended or blacklisted recruitment agencies were publicized through the Department of Employment newsletters and web site. Information and analysis of registered complaints was also shared with relevant parties, including the monitoring teams and the labour attachés in destination countries.

- **Accurate information (on recruitment, migration or registration) in communities was disseminated to counter-balance the false or misleading information propagated by unscrupulous agents.** For outbound migrants, this was provided before the decision to migrate was made through pre-employment orientation seminars and information campaigns. Once a contract was signed, pre-departure training that is job- and country-specific is now provided. Knowledge, attitude and practice (KAP) surveys were conducted before and after the training to assess the impact of the information campaigns and training.



Signing ceremony between the Thai Department of Labor (DOL) and the International Labour Organization (ILO) to formalize their cooperation to improve recruitment practices and protect migrant workers.

- **Developed and pilot-tested a monitoring system for recruitment agencies that sets out clear criteria and benchmarks, against which their performance can be evaluated** (such as legislation, the conditions stipulated in the license and a code of conduct). The monitoring system incorporates a review of licensing documentation, registered complaints, the screening of job advertisements, NGO reports, unannounced visits and the verification of employers through consular officials in destination countries.
- **Supported, trained and followed up with the 87 recruitment agencies that signed the Declaration for Work with Dignity to develop a code of conduct that includes sanctions for non-compliance.** The training was organized by the Thai Overseas Employment Administration

and included such topics as the labour dimensions of trafficking, the role and responsibilities of recruitment agencies under the law, the labour protection laws and the sharing of good practices and lessons learned in the recruitment process.

- **Developed an online facility for migrants to access government services, including an avenue to lodge complaints or air grievances.** This should lead to better access and use of complaints mechanisms, more information on the follow-up action taken and processes for compensation, existing legal recruitment agencies and to publicize the penalties issued to recruitment agencies as well as a list of service providers.

- **Followed up on complaint cases.** The working group committee identifies cases to follow up either from a direct complaint taken and/or identified by the Division of Inspection and Job-Seeker Protection. The steps involved cover fact finding, investigating, information gathering and then a roundtable consultation/case conference. The process involves the multidisciplinary teams (as described in good practice 1).

• **Improved the knowledge base.** The working group provided inputs to a study commissioned under the ILO–Department of Employment cooperation framework. The study, *An Assessment of Complaint Mechanisms to Address Grievances in the Recruitment of Inbound and Outbound Migrant Workers in Thailand*, was carried out by the Asia Research Centre for Migration. The technical working group also facilitated the research team's access to information and provided feedback at a roundtable meeting to discuss the draft report.

- **Organized regular meetings for the working group committee.** Once a month the technical working group met to follow up and review the progress of the ILO–EU project activities.

Lessons learned

- The creation of a multi-actor technical working group to coordinate and monitor the implementation of the LOU proved to be a useful strategy to improve the achievement of project objectives and to institutionalize the mainstreaming and sustainability of the action outcomes beyond the project's life cycle.
- The participation of the Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of Social Development and Human Security in addressing the problems of seasonal migrants through the LOU and technical working group improved their common resolve and interest in doing more to protect Thai migrant workers.
- The collaboration covered a two-year period; typically, more time would be needed to ensure sustainability and successful mainstreaming of the

Good practice 6:

Providing legal assistance and compensation to exploited and trafficked migrant workers

Where: Philippines and Thailand

Summary:

A group of migrants who were victims of trafficking and labour exploitation abroad received legal assistance that made it possible for them to persevere with their court cases and ultimately receive a more fair compensation.

The challenge

Although there is an emerging awareness about the right to legal assistance and compensation for victims of trafficking and labour exploitation and various legal assistance and compensation mechanisms exist, the actual receipt of a compensation payment by the victims is often very rare and access to compensation remains one of the weakest among the rights trafficked persons have. They are often not informed about their rights and do not receive sufficient legal aid – if any at all. There is often a lack of knowledge on compensation measures by the authorities and other agencies and organizations that provide assistance to victims of trafficking. Still, legal assistance and compensation for trafficked people is crucial in the fight against trafficking – not only as an instrument of restorative justice and prevention of re-trafficking but also as recognition by the State of the violation of trafficked persons' rights and the damages they have suffered. Compensation includes remuneration of unpaid wages

and payment in restitution for both general damages and special damages suffered by a victim of a crime. General damages compensate the claimant for the non-monetary aspects of the specific harm suffered, such as physical or emotional pain and suffering.

Compensation is a right for trafficked or exploited persons that can be recognized and granted within the existing criminal justice framework of most countries. All parties can gain from a system of compensation

I felt there was no way out. ... Our only choice was to go back and fight our case at home. I started to realize then, I had been cheated."

Thai migrant berry picker in Sweden

"I calculated roughly and found that to pay off all the debt and have a bit of savings, my wife and I needed to pick 200 kilos of berries a day. Most days we managed 20 kilos."

Thai migrant berry picker in Sweden

for trafficked persons: i) trafficked persons, because compensation provides justice and recognizes their right to redress for damages suffered as well as for unpaid labour; ii) the State, because people do not return home empty-handed and so have the means to regain control over their lives and build a future, increasing their chances of successful reintegration into their society, which drastically reduces the chances of re-trafficking; and ii) agencies, because compensation can be used as a tool in the international fight against trafficking that addresses both the criminal and the human rights dimension of the phenomenon. Confiscation of assets would provide a disincentive to engage in this crime and will make trafficking less of a high profit–low risk enterprise.

In Philippines and Thailand, the successful prosecution of traffickers and exploitive recruitment agencies remains a serious challenge and compensation to victims of trafficking and labour exploitation and deceptive recruitment is rare. There was a need to expand legal assistance and seek compensation for trafficked persons and returned migrant workers who had experienced labour exploitation abroad.

The response and achievements

Philippines:

- With assistance from the Kanlungan Center Foundation Inc. in La Union province, 29 returned migrants were oriented on pertinent laws, such as their legal rights, illegal recruitment and trafficking in persons as well as the legal process in filing complaints. The orientation was conducted by Kanlungan's volunteer lawyers from the St. Louis University in La Union. Of the 29, four pursued legal cases, and their cases have been handled by paralegal advisor and volunteer lawyers.
- The ILO–EU project also supported the Overseas Workers Welfare Association's efforts to extend financial assistance to cover fees for retaining the services of private counsel to represent 78 migrant workers who had returned from Romania in court. Some cases are still ongoing, while some of the migrants were successful in achieving financial compensation through a court decision.

"We were happy to win this case (against the recruitment agency in court). It showed us that little by little we were able to get something. It was a psychological victory."

Filipina migrant worker returned from Romania

- The cases of the exploitation of Filipino migrant workers in Romania were referred to the Inter-Agency Council Against Trafficking to explore the possibilities of filing criminal case against the recruitment agencies for violating the national anti-trafficking law.

Thailand:

- The Thai Labour Campaign, one of the project partners in Thailand, provided counselling and legal assistance to 639 exploited returned migrants. The returned migrants included 542 from Sweden, 19 from Spain and 78 from Poland.
- The Thai Labour Campaign accompanied them to Thai authorities to report and file complaints against those responsible for their recruitment. Of them, 153 filed a case before the Labour Court with support from the S.R. Law Office and its founder Siriwan Wongkiatpaisan, a well-known and internationally respected human rights lawyer (see the following box).
- In total, 118 cases were filed by the 153 returned Thai migrant workers (jointly) against two Thai recruitment agencies. The recruitment agencies were eventually charged with deceptive recruitment and fraud (deception and deliberate misguidance of migrant workers) and ordered to pay compensation for the migrant workers' expenses.
- In one labour court case, 43 Thai migrant workers demanded a total of 8.2 million baht (191,374 baht each (US\$6,400)) in compensation for deceptive recruitment that led to labour exploitation in the agriculture sector in Sweden (berry pickers) and left many of the migrants in huge debt upon return. This case is still not resolved. Some workers received direct compensation from the recruitment agency and withdrew their case after an agreement between the workers and the recruitment agency was reached and approved by the court. So far, 32 workers opted to continue their case in court.
- In another labour court case, 44 migrant workers demanded nearly 7.9 million baht (179,305 baht each, approximately US\$6,000) also in compensation for deceptive recruitment that led to

labour exploitation in Sweden. In this case, the court attempted to bring the workers and recruitment agency to a settlement agreement, but the parties did not agree. Later, an agreement was finally obtained, and the workers were compensated by the recruitment agency. The agency also cancelled the loans the workers had taken from the agency to pay for the migration costs. One worker managed to recover two land titles that were used as collateral for the loan.

- In Petchabun, the work of the multidisciplinary team (see good practice 1) led to the first prosecution of migrant recruitment agencies in the province. The recruitment agencies were prosecuted for deceptive recruitment and fraud (the two cases are still ongoing) and requested to pay compensation. Although the cases are still unresolved, it is considered a remarkable achievement not only because it is the first legal compensation case against migrant recruitment agencies in the province but because also because compensation as a legal remedy is rarely used in countries affected by labour exploitation.

"I agreed to meet halfway. I would take my land title back with my debt cleared. Although I did not get enough to pay off the debt for what I had borrowed from others, I thought at least the company relented to our demands."

Thai migrant worker returned from Sweden

- Preparing victims. The victims were trained and prepared for the court process – making sure they understood that it is most often a long process that can be mentally and physically exhausting and that they have to be ready to give witness statements. It was important to inform the workers carefully about all these aspects, first because awareness about their rights and the legal system made them much better witnesses and helped them gain confidence to speak up in the court. Second, they were able to spread the word and tell others in their communities about their rights and options for legal redress and compensation, which meant they became rights advocates.
- Confidence building. As a part of the preparation for the court cases, a lawyer went through the

The process – What was done

The process and the specific steps taken in Philippines and Thailand to provide legal assistance to victims of labour exploitation and human trafficking and to take cases to court for compensation for the victims vary from case to case. However, in general the process most often included the following steps:

- Fact finding. Each case was studied carefully by a professional with a legal background (in most cases an experienced lawyer) to explore options for legal action and to provide legal advice to the victims. A lawyer made a legal assessment of each case to determine what possible charges may be applied and the standards of evidence for such charges.
- Educating victims. The victims were trained on the basics of the legal system and their rights in order for them to fully understand their situation and their own case from a legal perspective. They were informed about human trafficking, labour laws and other relevant laws.



Fighting for fairness: As a human rights lawyer Siriwan Wongkiatpaisan has for years been committed to fighting human rights violations in Thailand and Asia. Siriwan and her law firm have been providing legal assistance to victims of trafficking and labour exploitation, holding traffickers and exploitive recruitment agencies and employers accountable to justice and ensuring that vulnerable groups in Thailand have access to the legal system and compensation

details of the case with the victims and witnesses and advised them on how to respond in court. Confidence building for the victims is important not only in rebuilding their lives but also to prosecute the recruiter and/or employer. It is often a difficult step for the victim to act as a witness against an individual who has exercised power and control over them. Yet testimony from the victims is what the lawyers need to pursue a case to a just conclusion. Empowering the victims to speak confidently in court was in particular important in cases in which the judge suggested to resolve the case through negotiation and direct agreement between the recruitment agency/employer and the workers; the lawyers are required to leave the courtroom during such a procedure, which means that the victims are on their own to negotiate with the recruiter and the judge.

- Reviewing procedures. During the court case, it is important the lawyer reviews each day with the migrant workers and prepares them for the next day in court. One lawyer in Thailand trained the victims and witnesses through rehearsals and role plays in which they were asked questions similar to what they would be asked by a lawyer or the judge in court.
- Ongoing encouragement. The legal team and the supporting organization continued to provide both moral and socio-economic support (transportation and accommodation assistance) to the victims and workers to the extent possible to empower and encourage them to keep engaged in the court procedure.

Lessons learned

- Similar to other labour dispute cases, a court procedure is often a lengthy process that can go on for years, which is both physically and mentally exhausting for victims and witnesses. The courts are located in the capital or main cities far from the victims' home areas (mostly in poorer rural communities) and transport and accommodation remains a practical and financial challenge. This means that many workers and victims without full support are not able to fight a case for a long period, and often it is difficult for them to see how they will benefit from the court case, especially in the short term. They are also very often burdened by heavy debt and high interest rates, which weaken their willpower to persevere with the court case procedure. As a result, migrant workers and victims end up agreeing to a negotiated agreement

and receive a lower level of compensation instead of seeing the case through to the end. It is important to understand the perspective of the workers and victims and to encourage them to be determined and endure the court procedure by continuing to provide moral, practical and financial support throughout the process.

- Often exploited workers and victims of human trafficking do not have a thorough understanding of the legal provisions and their rights. They are most often coming from relatively poor rural communities and are easily intimidated or discouraged to continue a case by rich or influential employers and recruitment agencies and in some cases even by the defendants' lawyers or the judge. Therefore it is crucial that workers and victims are well informed about their rights and are empowered through constant support from organizations that provide legal assistance.
- It is important to choose a lawyer with specialization on human and labour rights and who has been successful in winning court cases and compensation for migrant workers and vulnerable groups.
- The timing for criminal and labour/civil cases should be carefully orchestrated to ensure that they are mutually beneficial. One case is often required to support the other.
- For the legal system to have a preventive effect on deceptive recruitment practices, labour exploitation and human trafficking, there is a need to ensure that offenders are punished. Very often, offenders who are taken to court are able to pay a relatively low level of compensation, at least compared with what they have profitted, and only rarely are they fined or jailed. This means they can "afford" to lose a case and still keep operating their business and recruit new workers. There is a need to strengthen the legal system and court procedure to ensure that exploitive employers and recruitment agencies and human traffickers are effectively punished for their crimes and stopped or discouraged from committing similar labour and human rights violations.
- Close cooperation among lawyers and direct assistance providers (government agencies and NGOs) is needed to build a strong case for those victims who choose to pursue justice through the courts.



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