

CHAPTER II

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

2.1 Introduction

This chapter provides an overview of human trafficking at the global level and at the Greater Mekong Sub-region level. Then it discusses the conceptual debates over reintegration and reviews the literature on reintegration. Finally, it presents the conceptual framework used in this research.

2.2 Human trafficking

2.2.1 Human trafficking at the global level

Trafficking in human beings is a criminal practice and illegal trade. It is called a “modern form of slavery”, which is the worst form of human rights violation. It continues to bring global concentration and awareness in trafficking policy and programming. The multifaceted character and cross-disciplinary interest of trafficking has prevented consensus in reaching an agreement on the definition of trafficking.

The Global Alliance Against Trafficking in Women (GAATW)¹ has introduced wide definitions of trafficking into the public debate, framing trafficking in women primarily as an issue of social justice and economic human rights. GAATW defines trafficking as:

“All acts and attempted acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, harboring or receipt of a person involving the use of deception and coercion including the use or threat of force or the abuse of authority or debt bondage for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded

¹ The Global Alliance Against Trafficking in Women (GAATW) is “an Alliance of more than 80 non-governmental organisations (NGOs) from all regions of the world. GAATW is committed to promote the human rights and the use of appropriate instruments and mechanism to address specific issues in the context of migration, and to advocate for the inclusion of legal protection of the human rights of trafficked persons”.

labor, or in slave-like conditions, in a community other than the one in which such person lived at the time of the original deception, coercion or debt bondage.” (Global Alliance Against Trafficking in Women [GAATW], 1999: 11)

Due to transnational advocacy, in 2000, the United Nation (UN) Assembly adopted the Convention against Transnational Crime, which was supplemented by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, trafficking is defined as the following:

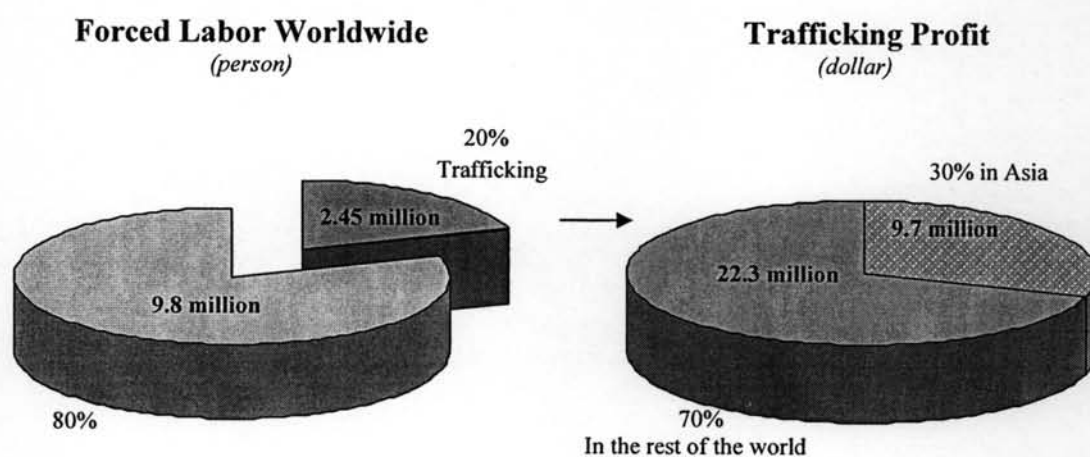
“Trafficking in persons’ shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” (United Nations Inter-Agency Project on Human Trafficking in the Mekong Sub-region [UNIAP]: 4)

Trafficking has drawn a great deal of attention and cooperation from global citizens and has encouraged groups of people to form organizations to specially combat the problem by pressuring governments into formulating policies and laws against it. As one region of origin, South-East Asia has sent at least 200,000 to 225,000 (one-third of the global trafficking trade) of trafficked women and children to many countries all over the world (Derk, 2000: 16).

According to a UNIAP report, 2.45 million out of 12.25 million forced laborers are trafficked per year, and this number accounts for about twenty percent of the total number of forced laborers worldwide. Trafficking made about 32 billion dollars world wide while 9.7 billion dollars or about thirty percent was made in Asia

alone (International Labor Organization [ILO] cited in UNIAP, 2007: 11) (See Figure 2.1). The UNIAP report shows that there is a large number of trafficking victims all over the world and the profit made from this “business beyond frontiers” is even larger.

Figure 2.1 Number of forced labor worldwide and trafficking profit



(Source: UNIAP, 2007: 11)

2.2.2 Human trafficking at the Greater Mekong Sub-Region level

The Mekong River is regarded as the bloodline of the GMS. It starts in China and winds its way through Myanmar, Lao PDR, Thailand, and Cambodia before spilling out over the Mekong Delta in Vietnam. Migration along the Mekong River is an on-going trend and is also spilling out over the GMS since people are struggling and seeking better economic opportunities.

The GMS is recognized as a region of origin, transit and destination for trafficking. Citizens of Thailand, Myanmar, Lao PDR, Cambodia, Vietnam and the Yunnan province of China migrate to overseas countries to seek better economic opportunities available to them, with some finding themselves as victims of trafficking in the destination country. Some migrants, during their migratory journey

and at the end point of various sectors, experience several forms of exploitation and forced labor which turns a migratory situation into a trafficking situation. Others find economic opportunities that meet their needs with moderate working conditions. In recent years the issue of trafficking in people has received more attention because it has increased phenomenally across the globe. Brown and Mahatdhanobol's studies show that trafficking in the GMS has existed in the region for decades. For example, human trafficking from Yunnan province to Thailand has existed for longer than twenty years (Mahatdhanobol cited in Jayagupta, 2007: 104). Women, men and children from Myanmar, Cambodia, Yunnan province of China, and Lao PDR were trafficked to Thailand for begging, sexual exploitation, and farm, industrial and construction labor (Academy for Educational Development cited in Jayagupta, 2007: 104). Hundreds of thousands of Burmese women were found in Thai brothels in the North of Thailand, while over a hundred thousand Thai women were found in Japanese brothels (Brown, 2000: 23). A similar situation has occurred in Cambodia, where girls did not know they would become sex workers and most of them were barely more than children when they began sex work (Brown, 2000: 89).

2.3 Reintegration

2.3.1 Definition of "reintegration"

There is no accepted definition of the term "reintegration". In Reintegration of Victims of Trafficking in Cambodia, Derks defines "reintegration" as the following:

"Reintegration of victims of trafficking is more than just a geographic movement of a child or women back home or to any other selected place. To integrate means to unify, or to put or to incorporate (parts) together in a whole." (Webster's New World College Dictionary cited in Derks, 1998: 10)

Derk's definition provides a broad and general picture of reintegration without mentioning any specific aspects of reintegration. Meanwhile, the European Council on Refugees and Exiles (ECRE) has narrowed down the term "reintegration" based on levels of reintegration. According to the ECRE, reintegration is defined as:

“...the process of inclusion and rebuilding relationships within a community in the country of origin at four levels: physical, socio-economic, socio-political and cultural.” (European Council on Refugees and Exiles cited in *International Journal of Refugee Law* cited in GAATW, 2003: 8)

The ECRE definition is specifically for refugees and asylum seekers. However, it can also apply to trafficking returnees since the definition covers persons benefits from complementary protection.

Finally, Agir Pour Les Femmes en Situation Précaire (AFESIP)² introduced a new definition specifically addressed for sexual trafficking returnees. AFESIP defines reintegration as:

“...the financial and sustainable independence of the reintegrated persons which includes a five-step reintegration process; family tracing and risk assessment; support to clients; establishment of small-scale income generation initiatives; post-reintegration follow up; and regular market analysis.” (AFESIP cited in Asia Foundation, 2005: 34)

AFESIP’s definition of reintegration describes an additional aspect of reintegration for trafficked returnees. AFESIP considers post-reintegration follow up as one important step in the reintegration process of trafficked returnees.

Based on these three interpretations of reintegration, reintegration includes the process of preparing and returning trafficked returnees back to society in their country of origin in order to cope at different levels of reintegration. However, a more detailed and internationally agreed-upon definition of reintegration is not yet available. The lack of consensus over the definition of “reintegration” makes the reintegration of trafficked returnees more challenging for organizations working on reintegration. As Limanowska states, it is difficult for government and international agencies to ensure

² Agir Pour Les Femmes en Situation Précaire or Acting For Women In Distressing Situations (AFESIP) is a non-governmental, non-partisan, and non-religious organization. AFESIP exists to combat trafficking in women and children for sex slavery; to care for and rehabilitate those rescued from sex slavery; to provide occupational skills and to reintegrate those rescued into the community in a sustainable and innovative manner.

reintegration of trafficked returnees without a clear standard and an understanding of reintegration (2005: 30).

2.3.2 “Reintegration” versus “integration”

Although government agencies, NGOs and INGOs have put effort into the reintegration of trafficked returnees, it is still difficult for returnees to find their ways to survive due to all the difficulties back home and the lack of information regarding their rights and social services they may need. One difficulty faced by organizations working on reintegration is that there is debate over usage of the terms “reintegration” and “integration”. The two terms “reintegration” and “integration” have been used by various government agencies and organizations working with trafficked returnees. It has been discussed and debated whether reintegration or integration is well-described under the circumstances of trafficked returnees. According to the Oxford Dictionary, “reintegration” means “the process of integrating back to society”, while “integration” means “the intermixing of persons previously segregated” (Oxford Dictionary cited in Arowolo, 2000: 62). Preston argues that within the migratory cycles, “Integration is applied to the return migrant as if there was no integration experience at the point of origin while reintegration implies that the social and economic environment to which people return has changed since they left” (Preston cited in Arowolo, 2000: 62). Therefore, both voluntary and exploited migrant returnees need to be “reintegrated” back into the societies where they were acculturated. However, Marshall argues that the term “integration” is preferred among practitioners since it implies that successful reintegration does not necessarily include returning to the family and community of origin (Marshall cited in Huguet & Ramangkura, 2007: 43).

2.3.3 “Victims first” approach

Regarding the provision of reintegration assistance and services, the “victims first” approach is suggested but not always implemented by governmental and non-governmental organizations. From reviewing the literature, it is clearly seen that

services and assistance provided to trafficking victims is currently based on “providers” instead of “victims” being at the center of the reintegration process. However, according to Buckley and Limanowska, it is important to ensure that trafficking victims are at the center of any process and response to their needs and that it is their opinion that determines the assistance provided (Buckley, 2007: 13; Limanowska, 2005: 31). The needs of returnees are different depending on their individual circumstances. It seems that without a better understanding of the real needs of returnees and without taking these needs into account while creating policies, assistance and reintegration programs, reintegration programs will not be more effective, regardless of all the efforts of the government (Limanowska, 2005:31). Therefore, putting returnees first in reintegration programming is key for successful reintegration.

2.3.4 Indicators of reintegration

Currently, there are no standard indicators with which to monitor and evaluate the success of trafficked returnees in their reintegration process, although some indicators have been set up by certain organizations. The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) uses the number of children discharged from care and reintegrated with their family as an indicator to measure successful reintegration (United Nations Economic and Social Commission for Asia and the Pacific [UNESCAP], 2006: 25). Meanwhile, the Ministry of Social Affairs, Veterans and Youth Rehabilitation in Cambodia looks at whether returnees stay in a long-term placement for longer than one year as an indicator to determine the stability of returnees (Cambodia Ministry of Social Affairs, Veterans and Youth Rehabilitation, 2005: 16). Finally, Derks proposes, “most important for successful reintegration, in whichever environment, is that the child or women has a place – physically, emotionally and economically” (1998: 14). Although different indicators for reintegration have been proposed, indicators need to be standardized in order to be able to measure whether returnees have been integrated or not (Buckley, 2007: 15).

Debate over the concept of reintegration, working organizations that do not use the “victims first” approach, and lack of standard indicators of successful reintegration make it more difficult to help returnees reintegrate back into society and to measure the successful reintegration of trafficked returnees.

2.4 Reintegration of returnees

2.4.1 Health

Physical health

Many returnees complain about contracting diseases during their trafficking experiences. While skin diseases are common for those trafficked into begging and the sex trade, those who were sexually exploited are especially at risk of Sexually Transmitted Disease (STDs) and other diseases related to abortions (Derks, 1998: 22). Moreover, HIV/AIDS is repeatedly reported in a number of cases of sexually trafficked returnees (Therese & Yuriko, 1999: 80; Derks, 1998: 23; Beesey, 2003: 86). The reintegration of returnees is difficult enough already, but the additional challenge of dealing with HIV/AIDS makes the reintegration process of returnees incredibly hard (Derks, 1998: 24). From another point of view, HIV/AIDS in returnees has led to the “breaking the rules” or tempting fate in the silence (Beesey, 2003: 83).

Mental health

Although returnees do not seem to have serious physical health problems besides HIV/AIDS, their mental health is doubly affected from their exploitative experiences. Mental illness symptoms can include lack of coherence, sleeping problems, talking to oneself, being perpetually upset, and crying (IOM, 2004: 34). According to Derks, “Stigmatization is often seen as the main problem for

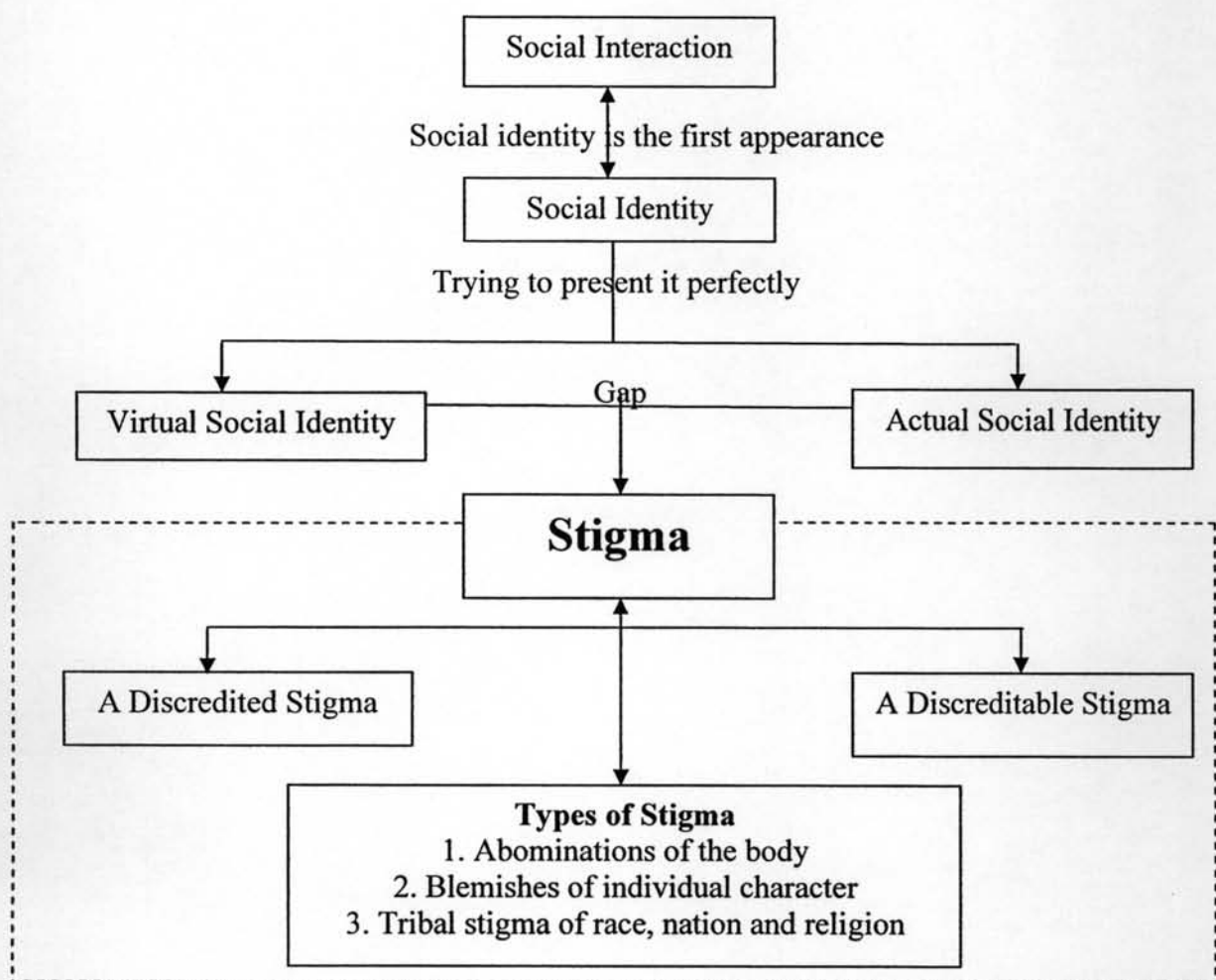
reintegration of victims of trafficking” (Derks, 1998: 33). Therefore, it is important to point out the connection between stigmatization and reintegration of returnees.

Stigmatization and reintegration

Among sociologists and psychologists, stigma is described as a situation where an individual is disqualified from full social acceptance (Goffman, 1963: 9). According to Goffman, the Greeks created the term “stigma” to refer to “bodily signs designed to expose something unusual and bad about the moral status of the signifier” (Goffman, 1963: 11). Stigma can be described as “a dynamic of devaluation that ‘significantly discredits’ an individual in the eyes of others” (Goffman cited in Joint United Nations Program on HIV/AIDS [UNAIDS], 2005: 7).

Goffman explains that “social identity” refers to the character and attributes of an individual as perceived by others (Goffman, 1963: 12). People have expectations and certain assumptions of what is normal and what is different, and therefore bad. “Virtual social identity” refers to the character and attributes that other people think an individual should have, while “actual social identity” refers to the character and attributes that an individual actually has. Stigmatization occurs when there is a gap between “virtual social identity” and “actual social identity” (Goffman, 1963: 12-13). There are also two different situations of stigmatization. “Discredited” refers to the stigma that an individual assumes others know already, and “discreditable” refers to the stigma that individuals fear others will know (Goffman, 1963: 14).

Figure 2.2 Goffman's stigmatization process



(Source: Goffman's explanation of stigma as presented by Chaw-wattanakun, 2004: 29)

Trafficked returnees do not see themselves as victims of trafficking but blame themselves instead. In addition, society normally labels trafficking returnees as voluntary sex workers who do not follow the social norm even though sex trafficking is a forced action against their will and a serious human rights violation. Social labeling leads to social exclusion and devaluation, which can reduce social acceptance, social and economic opportunities, and life chances (Jangjamras, 2000: 7-11).

Stigmatization and discrimination are interrelated. Stigma is likely to lead to discrimination or social rejection. According to the Joint United Nations Program on HIV/AIDS, “discrimination consists of actions or omissions that are derived from stigma and directed towards those individuals who are stigmatized” (UNAIDS, 2005: 9). The negative social perception towards sex trafficking leads to questions of acceptance or rejection of returnees by their families and communities. This social threat can be seen as the second instance of stigmatization for trafficked returnees after having already faced stigmatization when they were forced to do sex work. It can be said that trafficking returnees are “re-victimized” by society.

Stigmatization plays an important role in the reintegration process, particularly in regards to sex trafficking returnees. In particular, returnees from sex trafficking do not see themselves as victims of trafficking but blame themselves instead, leading to individual stigmatization. These feelings of guilt may then lead to other problems related to stigmatization, such as feelings of isolation and inacceptance, feeling dirty and being blamed (Derks, 1998: 33). When returnees’ self esteem is low, they are at risk of falling back into the trafficking cycle again.

2.4.2 Economic situation

The economic situation of returnees is important and plays a significant role in the process of reintegration. Even though returnees are forced to work under exploitative conditions, some returnees still worry about going back “empty handed” (IOM, 2004: 35).

For child returnees, this economic factor does not seem to affect them much since they are not the main contributors to their family income. As for adult returnees, because they initially migrated due to poverty, economic security is an important factor for reintegration. Unfortunately, due to their lack of skills, returnees often face the same circumstance of poverty that led them to migrate in the first place. Such

situations can lead them to re-migrate, which involves the risk of being trafficked again. The IOM therefore argues that some financial assistance -- such as income generation through micro-credit loans -- is the most promising and common type of support provided to returnees and their families in order to help them in their reintegration process (IOM, 2006: 81).

Many returnees mention wanting to lead peaceful and safe lives as farmers upon their return. In reality, the situation is quite different (Caouette & Saito, 1999: 76). Due to the lack of skills, it is not easy for returnees to obtain a permanent job. Some of them start their own business but face many difficulties, leading to business failure (Caouette & Saito, 1999: 77). Many organizations working with returnees try to sustain the employment situation for returnees in different ways, for example by helping returnees set up their own businesses such as a convenient store. However, these businesses are not always successful due to low profits, limited business skills of returnees, or negative perception of other villagers towards returnees (Derks, 1998: 19).

2.4.3 Family & community relationships

Most returnees, both children and adults who were exploited in different forms of trafficking, wanted to reintegrate back with their original family after being rescued (IOM, 2004: 34; IOM, 2006: 10). Although there were fears and concerns about returning home, most returnees were still hoping for support from their family (IOM, 2004: 34).

Parents expressed that they have no expectation upon the return of their children (IOM, 2004: 35). It is important for returnees to not hold the families' expectation in order to reduce the stress and pressure they may gain during the process of reintegration. Some of the child returnees were happier being at home because they were able to reunite and spend time with other family members, while others wanted to go back to the shelter perhaps due to such reasons as having good

food, more friends, and not having any responsibilities except for studying (IOM, 2006: 14). Why do child returnees want to go back to the shelter? The point of being in the shelter is to help returnees recover from their trafficking experience and prepare them to reintegrate back to their family. This should be another issue to be considered in order to work effectively with children returnees.

Family perception towards returnees can be different among family members, as is shown in the following description by a returnee:

“My father said that I am his daughter, whether I did something wrong or not. He told me to cook for the pagoda, so I will get merit. My mother said that I am spoiled already, so I should continue to do that work in order to get money to buy a house. Then nobody would criticize me. She only thinks of money...Sometimes my parents quarrel a whole day because of me.”
(Derks, 1998: 35)

Some returnees are warmly welcomed back by their families, which is the best safeguard for them and a way to help them get through their past experiences. Meanwhile, other returnees may not receive as much support from their family due to, for instance, their trafficking experience, perceptions of shame, and inability to earn income for their families (Derks, 1998: 35-36). This treatment of returnees lowers their self-confidence and self-esteem. Therefore, the reintegration of these returnees may not be successful.

Returnees trafficked for labor exploitation do not face family and community discrimination against their trafficking experiences (IOM, 2006: 21). However, those returnees trafficked into an entertainment industry are more likely to face family and community discrimination. According to the IOM, “these victims of trafficking are labeled for life as fallen women”, in particular victims of sexual trafficking. This social norm leads to family rejection of sex trafficking victims (Beesey, 2003: 84). Furthermore, other community members may talk behind returnees’ backs about their experiences. Due to this, some returnees do not want to leave their house, while others get very emotional talking about it: “They look down on me. No one wants to

make friends with me. There is only one person who wants to contact me, but that is a bad person like me.” (Derks, 1998: 33).

Interestingly, Caouette & Saito point out that the perception of family and community members might not be the same if trafficked victims return with money, as villagers respect those who have money:

“Before, when women became sex workers it was shameful, but now villagers do not see it like that. Since women have earned good money from prostitution, villagers have begun to think that prostitution is not so bad. Especially when women bring money back to the village.” (1999: 73)

Family and community acceptance or rejection is indeed an important factor in the reintegration process of returnees which could influence success or failure of reintegration. However, Derks mentions that “the issue of stigmatization should not only be addressed as a problem of the social environment, as it is also related to attitude, lifestyle and self-esteem of the individual victims of trafficking” (1998: 33).

2.5 Conceptual Framework

According to FFW, Thailand has a long history of overseas voluntary prostitution migration that eventually turns out to be sexual trafficking (1997: 62). Many Thai women have left their homes with dreams to return with better economic status, but their dreams never came true. They ended up falling into a cycle of sexual exploitation instead. Each year, a large number of returnees have been assisted in integrating back into Thai society. The Thai government has formulated a trafficking policy regarding reintegration in order to help returnees. The former Prime Minister Thaksin Shinwatra announced trafficking in human beings as a National Agenda. Thaksin stated in his speech during the announcement that reintegration policies include remedy and rehabilitation with an initial fund of 500 million baht to assist returnees and those afflicted by other social problems. Within the framework of the National Agenda, a committee comprised of representatives from government

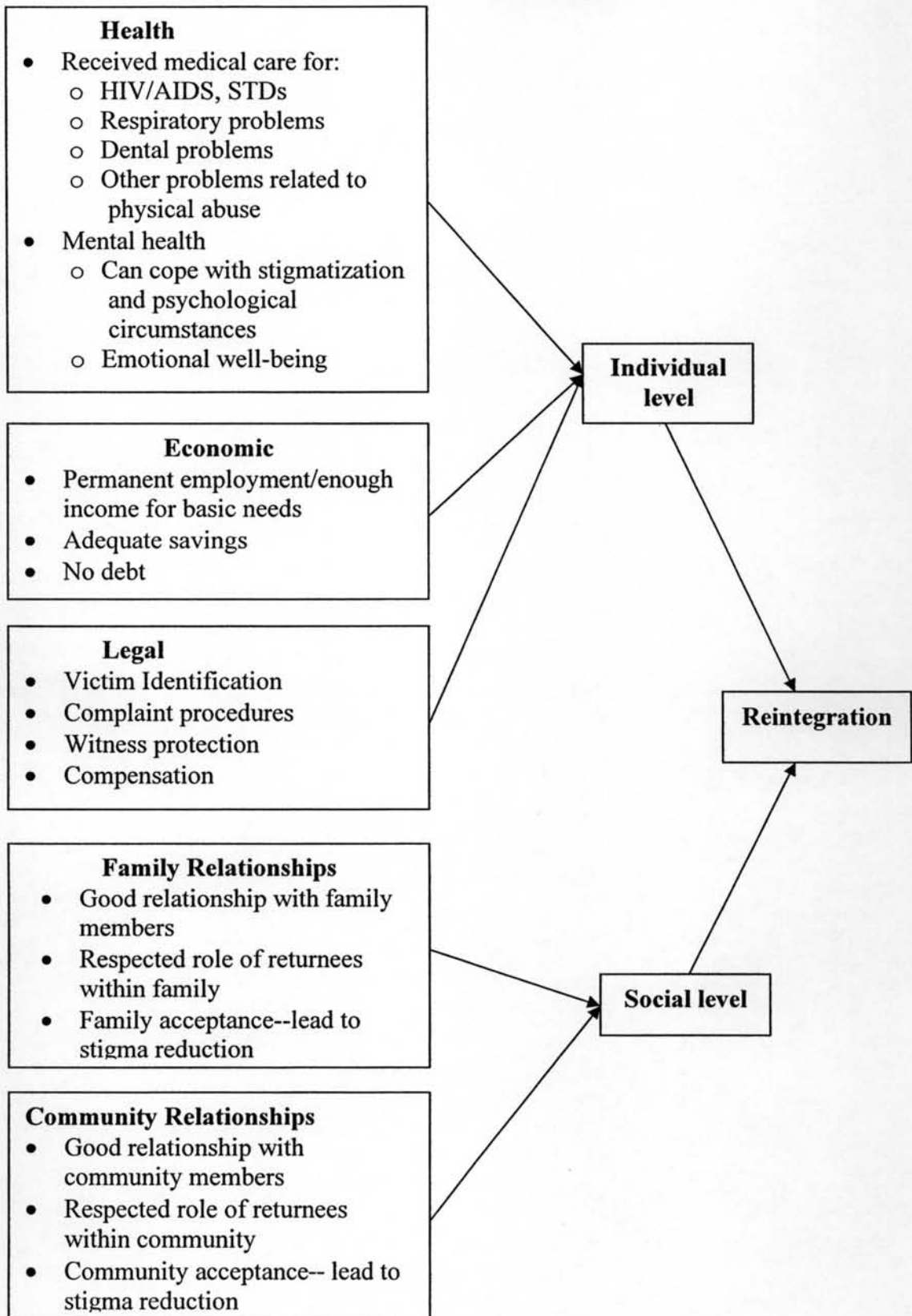
organizations and NGOs was established to manage the fund; a change in discriminatory attitudes that stigmatize victims of trafficking was mentioned; and assistance and services for trafficking victims were created among involved government agencies (*Thailand's Country Paper*: 3).

Reintegration assistance in Thailand often uses separate types of assistance such as legal, psychological, medical care, residential care and shelter, employment, and finance. However, using separate approaches may not be the most effective method for integrating trafficked returnees back to society. Recently, the multidisciplinary approach was introduced in order to address returnees' needs in multiple areas at the same time. According to Buckley, a multidisciplinary approach to reintegration practice may include legal support, financial support, residential care, psycho-social support, medical attention, economic and business counseling, employment facilitation, and peer support (Buckley, 2007: 14). The main advantage of the multidisciplinary approach is that addressing returnees' physical, mental, and social needs all together leads to increased self-esteem and skills and therefore more empowerment of returnees (Skrobanek, 2003: 5).

This research adopts the multidisciplinary approach used in the provision of reintegration of assistance and services as well as draws upon documentary research describing challenges during the reintegration process as mainly health, social, economic and legal in nature. "Reintegration" will be conceptualized as follows:

"The process of regaining relationships within a family and society in a returnee's origin country while a returnee is able to be secure in health (physical and mental), economic, and legal situation, which can help lead to empowerment." (adapted from International Journal of Refugee Law cited in GAATW, 2003: 8; Buckley, 2007:14)

Figure 2.3 Conceptual framework for reintegration



2.6 Conclusion

There is debate over the definition of “reintegration,” approaches to reintegration programming, and indicators of reintegration, so more research is needed in these areas. Returnees face many difficulties during their reintegration process, including family and community acceptance, and health and economic problems. The conceptual framework of reintegration is based on individual factors of health, economic, and legal situation, and social factors of family relationship and community relationship.