

DECEIVED INTO THE FISHING INDUSTRIES:
CASE STUDIES OF TRAFFICKED CAMBODIAN WORKERS



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วิทยานิพนธ์เรื่องนี้ศึกษาประสบการณ์ของชาวกัมพูชาในการถูกนำเข้ามาในขบวนการค้ามนุษย์เพื่อบังคับใช้แรงงานในเรือประมงซึ่งมีสภาพการทำงานที่มีลักษณะเอารัดเอาเปรียบ นอกจากนี้ยังเป็นการศึกษาเปรียบเทียบวิธีการพิสูจน์เอกลักษณ์บุคคลว่าเป็นผู้ได้รับความเดือดร้อนจากการค้ามนุษย์และการบังคับใช้แรงงานดังกล่าวจริงหรือไม่ ซึ่งดำเนินการโดยเจ้าหน้าที่ที่เกี่ยวข้อง วิทยานิพนธ์เรื่องนี้รวบรวมเรื่องราวเกี่ยวกับโครงการที่นำผู้ที่ได้รับความเดือดร้อนเหล่านี้กลับสู่ถิ่นฐาน ซึ่งได้รับการสนับสนุนจากทั้งองค์กรภาครัฐและองค์การพัฒนาเอกชน ทั้งในช่วงก่อนและหลังจากที่ได้มีการส่งตัวผู้ที่ได้รับความเดือดร้อนนั้นกลับถิ่นฐานของตนแล้ว และแรงงานอพยพชาวกัมพูชามีโอกาสที่จะเป็นเหยื่อขบวนการค้ามนุษย์ อันเป็นผลมาจากการแสวงหาแรงงานอย่างไม่เป็นระบบและการขาดการควบคุม การติดตามเฝ้าระวัง และการลงโทษผู้เกี่ยวข้องกับการค้ามนุษย์และการเอารัดเอาเปรียบอย่างมีประสิทธิภาพ

วิทยานิพนธ์เรื่องนี้ศึกษาประสบการณ์ของชาวกัมพูชาในการถูกนำเข้ามาในขบวนการค้ามนุษย์เพื่อบังคับใช้แรงงานในเรือประมงซึ่งมีสภาพการทำงานที่มีลักษณะเอารัดเอาเปรียบ นอกจากนี้ยังเป็นการศึกษาเปรียบเทียบวิธีการพิสูจน์เอกลักษณ์บุคคลว่าเป็นผู้ได้รับความเดือดร้อนจากการค้ามนุษย์และการบังคับใช้แรงงานดังกล่าวจริงหรือไม่ ซึ่งดำเนินการโดยเจ้าหน้าที่ที่เกี่ยวข้อง วิทยานิพนธ์เรื่องนี้รวบรวมเรื่องราวเกี่ยวกับโครงการที่นำผู้ที่ได้รับความเดือดร้อนเหล่านี้กลับสู่ถิ่นฐาน ซึ่งได้รับการสนับสนุนจากทั้งองค์กรภาครัฐและองค์การพัฒนาเอกชน ทั้งในช่วงก่อนและหลังจากที่ได้มีการส่งตัวผู้ที่ได้รับความเดือดร้อนนั้นกลับถิ่นฐานของตนแล้ว และแรงงานอพยพชาวกัมพูชามีโอกาสที่จะเป็นเหยื่อขบวนการค้ามนุษย์ อันเป็นผลมาจากการแสวงหาแรงงานอย่างไม่เป็นระบบและการขาดการควบคุม การติดตามเฝ้าระวัง และการลงโทษผู้เกี่ยวข้องกับการค้ามนุษย์และการเอารัดเอาเปรียบอย่างมีประสิทธิภาพ

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SOVANNA RY: DECEIVED INTO THE FISHING INDUSTRIES: CASE STUDIES OF TRAFFICKED CAMBODIAN WORKERS. ADVISOR: PROF. SUPANG CHANTAVANICH, Ph.D., 216 pp.

This thesis examines the Cambodian seafarer's experiences of trafficking in persons for the purpose of forced labor and exploitative working conditions on fishing vessels. It also investigates the victim identification procedures implemented by operational authorities, and documents victim reintegration programs supported by government and non-governmental organizations prior to and following repatriation for trafficked/exploited victims. Cambodian migrant workers are vulnerable to trafficking in persons as a result of irregular recruitment practices and lack of effective control, monitoring and punishment for trafficking and exploitation.

The study has revealed the existence of trafficking for forced labor based on a set of checklist indicators put forward by the International Labor Organization (ILO) Special Action Programme to Combat Forced Labor (SAP-FL). Using case study analysis, the results of the research identify five strong indicators that can lead to forced labor: (1) threat of physical violence in forms of emotional torture via insult, abusive language or verbal threat, (2) impose restrictions of movement on workers, (3) debt bondage, (4) identification document retention, and (5) threat of denunciation to the authorities. In addition, the research found that due to inadequate identification procedures, the victims are being the re-victimized. Trafficked/exploited victims have psychological concerns of being arrested, detained and deported back to the home country for illegal entry which prevent them from informing the crime of trafficking in persons to competent authorities. Lastly, trafficked/exploited victims have not adequately received immediate assistance and reintegration services in the host countries as regulated by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In actual implementation, Cambodian NGOs play a significant function to provide immediate support on arrival and reintegration planning for repatriated trafficked/exploited victims.

Field of Study: Southeast Asian Studies Student's Signature

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When we did not have enough money during my adolescence, my parents would smile and say, “My lovely son! Mom and Dad will devote everything to your education, so don't worry and study hard!” This golden phrase remains the driving force behind my determination to grow and succeed in society. I would love to kneel down and bow my head to Mommy and Daddy for your sacrifice. I also would like to express my profound gratitude to my two Grandmothers for your unconditional love.

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Chapter 1

Introduction

1.1 Rationale

Globalization is a catalyst for rapid changes in social, cultural, political and economic dynamics of the international community. Countries' inter-relations in regional and global arenas have improved multinational cooperation and collaboration on critical trans-boundary issues like terrorism, migration, and trafficking in persons (TIP). With geographic advantages of low-equilibrium market wages and shortages of employment opportunities in neighbouring countries Myanmar, Lao PDR, and Cambodia, Thailand, as a dynamic economy, has transformed into a potential high-wage country with insufficient supply of blue-collared workers. Thailand is currently a destination, transit, and origin country of large numbers of international migrant workers (both regular and irregular), asylum-seekers, and victims of trafficking (IOM and TIP Report, 2014).

International migration makes a significant contribution to economic and social development in Thailand but in 2014 many key aspects of migration policy remain unresolved (IOM, 2014). H.E. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand, considered migration as a trans-boundary issue and fully recognized problems caused by irregular migration of people, one of which is trafficking in persons (TIP) (Asian Review, Vol. 24, 2011). Therefore, Thailand has

expressed commitment to collaborate with its neighbouring countries, Cambodia in particular, to regulate mechanisms responding to combating trafficking in person, human smuggling, and employment and labour skills development¹.

The Trafficking in Persons Report annually published by the U.S. State Department has downgraded Thailand to Tier Three after three consecutive years on Tier Two (watch list) for inadequate efforts to eliminate trafficking in its multibillion dollar fishing industry, and lack of systematic workers' protection from abusive and exploitative condition (TIP Report, 2014). To avoid international sanctions on Thai seafood product export to the U.S. and European Union, Prime Minister Prayut Chan-o-cha immediately vowed to fight against inhumane fishing practices, stating, "*My government has no excuse and will not sit on this problem.*"²

1.1.1 Cambodian Migrant Workers in Thailand

Prum (2005) insisted that Cambodia's political regime changes in the last three decades from 1970-2000 directed to several painful transformation: from Kingdom to Republic in 1970, from Republic to Communist Regime in 1975, from communist to socialist State guided by Vietnam in early 1980s, from socialism to

¹ Official Website of Royal Thai Government <http://www.thaigov.go.th/en/government-en1/item/87146-87146.html> [Accessed on May 10, 2014]

² For more detail information, please visit the link: www.bangkokpost.com/news/general/539067/prayut-orders-vows-no-complacency-in-fight-against-eu-fish-ban [Accessed on May 10, 2014]

semi-liberalism in 1989, and finally to a liberal democracy in 1993 (Constitutional Monarchy) through United Nations-backed international efforts. Each transformation caused civil war, genocide massacre and political turmoil that led to the massive destruction of soft and hard infrastructures and human capital. The 1991 Paris Peace Agreement marked a dawn of a new era to national reconciliation and the end of civil war with the UN's intervention to establish the United Nations Transitional Authority in Cambodia (UNTAC) to organize a national election during a transitional period in 1993. As a legacy of political transformation, Ojedal & Kim (2011) regarded Cambodia's development movement in the phase of 'post-conflict reconstruction'. According to the United Nations Development Program (2014), approximately 19.8 % of Cambodian population is living below the national poverty line with 1,000 US\$ per capita income.³

Thailand is the most attractive destination for Cambodians as the country has hundreds of kilometres of landed-borders and lack of monitoring at the border. Sachiko Yamamoto, ILO's Regional Director for Asia and the Pacific stated that Cambodian migrant workers represent the second largest group of foreign workers in Thailand, behind the Burmese (Chan's preface (ILO, 2009)). Chan describes that normally Cambodians engaged in work in construction, factory, plantation, household services and fishing sectors, mostly low skilled 3D (dangerous, dirty and

³ Official website of UNDP Cambodia www.kh.undp.org/content/cambodia/en/home.html
[Accessed on May 10 2015]

difficult) work (ibid). There are some populist manifestoes identified by researchers that poverty, deficiency in decent work opportunities, fast growth of younger population in the labour market, and lack of arable land for agricultural harvesting are the driving forces for Cambodian to consider migration as an option to flee from harsh living conditions with the expectation of a better life in seeking work abroad. Simultaneously, as a newly industrialized country, Thailand has dramatically increased demand for a low-skilled labour force from its neighbors to energize economic growth in employment sectors that are normally unattractive to Thai national.

After the military junta seized power, 230,000 Cambodian migrant workers were on a mass exodus to their home country fearing a substantial rumor of a crackdown and abusive treatment toward irregular migrant workers in Thailand (IOM, 2014).⁴ Cambodia's Interior Minister, H.E SAR Kheng, said, as quoted from the Guardian⁵, *"The army has rushed to deport workers who are considered illegal without prior notice or discussion with Cambodia, or at least making contact with provinces along the borders."* Flow of migration progress –both regular and irregular – has existed as clear signs of return movement to Thailand occurred. According to official statistics from the Department of Employment, Thailand Ministry of Labor,

⁴For more information, please visit the link:

<http://www.theguardian.com/world/2014/jun/18/cambodia-thailand-migrant-labourers-border>

[Accessed on May 10 2015]

⁵ Ibid

738,957 Cambodian migrant workers have been registered at One Stop Service Centers, and among them 108,683 migrants applied for verification of nationality (Thai News Agency, February 11, 2015).

Illustrated in an annual report on Trafficking in Persons (June, 2014), the U.S. State Department estimated that there are two to three million migrant workers in Thailand. The Project Issara supervised by Anti-Slavery International however estimates that the population of migrant workers reaches 4 million, many of whom are vulnerable to forced labor in Thailand. The Thai government estimated that up to 300,000 people work within its fishing industry, and 90% represent vulnerable migrants who are trafficked or sold to the sea originating from neighboring Cambodia, Laos and Burma (the Guardian, 2014)⁶. Due to irregular status of migration caused by large numbers of low-skilled workers engaged in informal channels, trafficking in persons is therefore increasingly and closely linked to labor migration (ILO, 2005: 02). Without proper documentation, these workers are extremely vulnerable to potential risks of forced labor and slave-like practices by traffickers, recruiters and employers. The Global Slavery Index (2013) estimated 450, 000 to 500,000 people are believed

⁶ For more detail information, please visit the link: <http://www.theguardian.com/global-development/2014/jun/10/-sp-migrant-workers-new-life-enslaved-thai-fishing> [Accessed on May 10 2015]

to be currently enslaved within Thailand's border and a significant number enslaved are subjected to forced labor on Thai fishing boats.

The nature and consequence of trafficking in persons is a substantial national and international concern that gravely violates the fundamental rights of human beings. Governments therefore take sustainable and meaningful efforts with trans-boundary cooperation on trafficking suppression. The TIP report illustrates by conservative estimation that the majority of tens of thousands of trafficking victims within Thailand are migrants from its neighboring countries who are forced, coerced, or defrauded into forced labor; commercial fishing and fishing-related industry represent significant portion of exploitation (ibid). In 2013, the Department referenced a study by the UN Inter-Agency Project on Human Trafficking (UNIAP) which discovered that Thai authorities deported over 23,000 Cambodian trafficked persons per year without proper victims' identification. In his research, Olivie concluded Thailand is a top destination for victims of human trafficking from Cambodia (UNIAP, 2008). As indicated in 2010, approximately 23 per cent of all Cambodians who were deported by Thai authorities at Poipet (Cambodia's international border with Thailand) were the trafficked victims (ibid).

1.1.2 Problem Statement

Thailand's Anti-Trafficking in Persons Act (2008) stipulated a procedure for victims' identification, proceedings against criminal perpetrators, social assistance and safety protection, and psychological programs for traumatized victims before

repatriating to the country of origin. Not all the deportees are victims of trafficking, therefore, the competent officials are obligated to minimize the cases without prejudice to irregular migrants or criminals. While the Anti-Trafficking in Persons Act illustrates its facilitation on trafficking in persons, it is necessary to conduct research on the procedure of victims' identification at the operational level. Therefore, I would like to propose a topic: *“Deceived into Fishing Industry: Case Studies of Trafficked Cambodian Workers”*

Key Words: Trafficking in Persons, Forced Labor, Fishing Industry, Victim Identification, and Reintegration.

1.2 Research Objectives

This research aims:

- To examine Cambodian seafarer' experiences on the recruitment process and forced labor and exploitative conditions on fishing boats (including reasons for migration and en route movement);
- To investigate the victim identification procedures implemented by operational authorities on trafficked/exploited victims; and
- To document victim reintegration programs supported by government and non-governmental organizations for Cambodian trafficked/exploited victims prior to and after repatriation.

1.3 Main Research Questions

How are Cambodian migrant workers removed from origin villages and recruited to forced labor in the fishing industry? What types of slave-like practices or forced labor experiences have occurred to Cambodian fishermen? How do operational authorities (competent officials) determine the identification status of trafficked/exploited victims? And what are reintegration services are provided by government and non-governmental organizations for Cambodian trafficked/exploited victims prior to and after repatriation? What are the complementary roles of NGOs in providing extra support to trafficked/exploited victims?

1.4 Hypothesis

Cambodian migrant workers are vulnerable to trafficking in persons for forced labor and exploitative working conditions as a result of irregular recruitment and lack of effective control, monitoring and punishment. In addition, due to improper/insufficient identification procedure, the victims are being re-victimized in the process.

1.5 Usefulness of the Research

This thesis will offer some vital contributions. First, it will provide a case study profile pattern to conduct research on other sectors about irregular migration, human smuggling and its link to trafficking in person for the purpose of forced labor. Second, the saying, 'out of sight –out of mind,' is not applicable to trafficking in persons since government, NGOs, media and private sector have considered as a high profile issue.

As a small contribution, this research will provide particular scope to trafficking in persons on identification procedures and victim-centered approaches that policy-makers, officials at the operational level, and relevant non-governmental organizations would learn to effectively improve efforts for the sake of victims to enjoy proper and due proceedings. Third, the research will raise awareness and caution on orderly and safe migration of potential migrants before leaving their villages for a destination, and will encourage trafficking victims to report to the crime to competent officials or NGOs, and if it is in their interests to participate in social and psychological reintegration support prior to repatriation.

1.6 Conceptual Framework

1.6.1 International Migration of Economic Migrants

There are theoretical models with different concepts and assumptions explaining the causes and consequences of international migration that can be applied as a model in this research. According to the Glossary of Migration, an “economic migrant” is a person leaving a habitual place of residence to settle outside his/ her country of origin in order to improve quality of life (IOM, 2004: 21).

Regarding the process of development, neoclassical economics is the most relevant theory as it focuses on differentials in wages and employment conditions, and migration costs of labor supply and demand curves between countries with low equilibrium market wage and high market wage (Massey et al., 1993). An individual is a rational actor that makes a decision to migrate by calculating costs and benefits,

positive net return, estimated wage or income maximization, and work productivity. As a result of these differentials, workers move from low to high-wage countries (ibid). However, Castles (2010) opposed that a family, in a situation of rapid change, may decide to send one or more members to work elsewhere in order to maximize income and survival chances.

Castles and Miller (1998: 20) referenced a “push and pull model” to study migration flows. The author considered ‘push’ factors of demographic growth, low living standards, lack of economic opportunities and political repression, while ‘pull’ factors contained demand for labor, availability of land, good economic opportunities and political freedom. However, Piore (1979, cited in Massey et al., 1993: 440-1) argued that international migration is solely caused by pull factors in receiving countries that have permanent and unavoidable demand for foreign workers to support their economic development.

1.6.2 Irregularity of Migration and Recruitment Process into Forced Labor

Castles (2010: 44) defined irregular migration as the entry to or residence in a country of which he/she is not the citizen and acts against immigration laws and regulation. Thus, an irregular migrant is a person entering or residing in a country of which he/she is not the citizen and acts against immigration laws and regulation (ibid).

The Glossary of Migration provides two distinguished perspectives on irregular migration (IOM, 2004: 34-5). From the perspective of the destination country, it is

illegal entry, residence or employment in a country, and as a result, the migrant does not have necessary authorization or approved documentations under immigration regulation permissible to enter, reside and work. Despite this, from the sending country's perspective, it is an irregularity that a person crosses an international boundary without a valid passport or travel document to fulfill administrative requirements for leaving the country. While there is no universally recognized definition, IOM defined irregular migration as the movement existing outside the regulatory norms of sending, transit and receiving countries, and as the result of this action, "irregular migrants" refer to someone who illegally enters, visa overstays, or lack of legal status in a transit or host country (ibid).

Some terms such as clandestine migration, illegal migration, undocumented migration or migration in irregular situations are exchangeable in meaning with irregular migration (IOM, 2004: 35, Castles, 2010: 45). Castles (2010: 45) explained why irregular migration and irregular migrants were used in his paper. He said "In principle it is wrong to speak of 'irregular migrant'—no person is 'irregular' since all have human rights and dignity that must be respected, however, to call 'illegal migrants' is even worse, no person is illegal or unlawful." Irregular migration is the most neutral descriptive term while undocumented migration is just relatively neutral (ibid).

Castles (2009) insisted that irregular migration can meet labor needs effectively, but creates a situation of insecurity and rightlessness for workers. With the status of irregularity, according to research conducted by the Asian Research

Center for Migration (ARCM, 2010: 35-44), irregular migrants chose to come through illegal channels of recruitment procedures. As stated in the research, there are three types of informal recruiters:

- 1) Individual brokers who work independently to facilitate individual migrants to find jobs informally in Thailand,
- 2) Individual brokers who represent the employers in recruiting migrants, and
- 3) Individual brokers who represent the recruitment agencies in sending country.

Article 2 (1) of International Labor Organization's Convention on Forced Labor (Convention No. 29: 1930) stipulated the definition of forced labor to all work or service which is exacted from any person under the menace of any penalty and for which the person has not offer himself/herself voluntarily. The nature of forced labor is invisible and complicated to identify. Trafficked victims do dare to self-identify due to their illegal statuses, punishment by employers and fear of penalty and deportation. To facilitate 'front-line' criminal law enforcement official, labor inspectors, trade union officers, NGO workers and others to identify forced labor situations, ILO (2012) points out some indicators such as: (1) Abuse of vulnerability, (2) Deception, (3) Restriction of movement, (4) Isolation, (5) Physical and sexual violence, (6) Intimidation and threats, (7) Retention of identity documents, (8) Withholding of wages, (9) Debt bondage, (10) Abusive working and

living conditions, and (11) excessive overtime. The National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT), office of Anti-Trafficking in Person Committee, also issues the *Preliminary Checklist for Identifying Trafficked Persons* to help its competent authorities to provide initial assistance to persons believed to be victims of human trafficking.

1.6.3 Trafficking in Persons

The Trafficking in Persons Protocol (“Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”), in minimum standards and scope, address awareness to eliminate trafficking in persons (TIP) with the 3Ps –Prevention, Protection and Prosecution– paradigm for its Party –Thailand is just a signatory country since there is no official ratification. Base on Article 3 of the Trafficking in Persons Protocol, there are some elements as below to be considered as trafficking:

- a. Movement of human beings through recruitment, transportation, transfer, harboring or receipt of persons;
- b. Means to remove human persons by way of 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;

c. For the purpose of exploitations which include sexual or labor exploitation.

Victims undoubtedly suffer physical and emotional harassment, threats and discrimination, marginalization and exclusion in the absence of fundamental legal protections. To support victims of trafficking in persons to escape from trauma and to be able to reintegrate into the society, Article 6(3) of the Trafficking in Persons Protocol requires a State Party (in cooperation with non-governmental organizations) to consider the possibility of providing physical, psychological and social recovery programs like appropriate housing, legal counseling and information in an understandable language, as well as medical, psychological and material assistance, employment, and educational and training opportunities.

The competent official has duties to identify victims of trafficking. To facilitate the process of victim identification, UNODC has issued lists of trafficking in person indicators that officials can use to judge general situations of trafficking and particular kinds of exploitation (UNODC, Tool 6.4, 2008:280). The Tool pertains to labor trafficking with indicators such as: people live in groups in degraded and unsuitable places; leftovers to eat and dressed inadequately; no labor contract and no remuneration; excessively long working hours with limited rights to move; and subject to insult, abuse, threat or violence (ibid). As a consequence, the authorities shall implement 3Rs –Rescue, Rehabilitation and Reintegration–for the victims.

1.6.4 Victim Identification

The International Organization for Migration (IOM) regulated a crucial instrument namely “*Screening Interview Form*” which is internationally applicable for operational authorities and stakeholder organizations to conduct interviews based on designed questions and a sample checklist. The form has an objective to effectively determine identification status of potential trafficked/exploited victims.

1.6.5 Repatriation and Deportation

According to a report of UNAIP (2008), repatriation is the return of an individual assisted by destination country after having recognized that one particular citizen was a victim of human trafficking, and the victim had received support as regulated in the Anti-Trafficking Protocol and the respective law. In this case, repatriation is done through government to government collaboration (origin and host country) via embassies or consulates or with involvement from non-governmental organizations or international agencies for the best interest of the individual (ibid).

Different from repatriation, deportation is the removal of a non-citizen who resides or is employed in the host country with irregular status or insufficient documentation (visa or work permit) or has stay beyond legal permissions in the country. Deportees would not receive assistance stipulated in the Anti-Trafficking

Protocol, and are subject to removal even without cooperation from the country of origin authority (UNAIP, 2008).

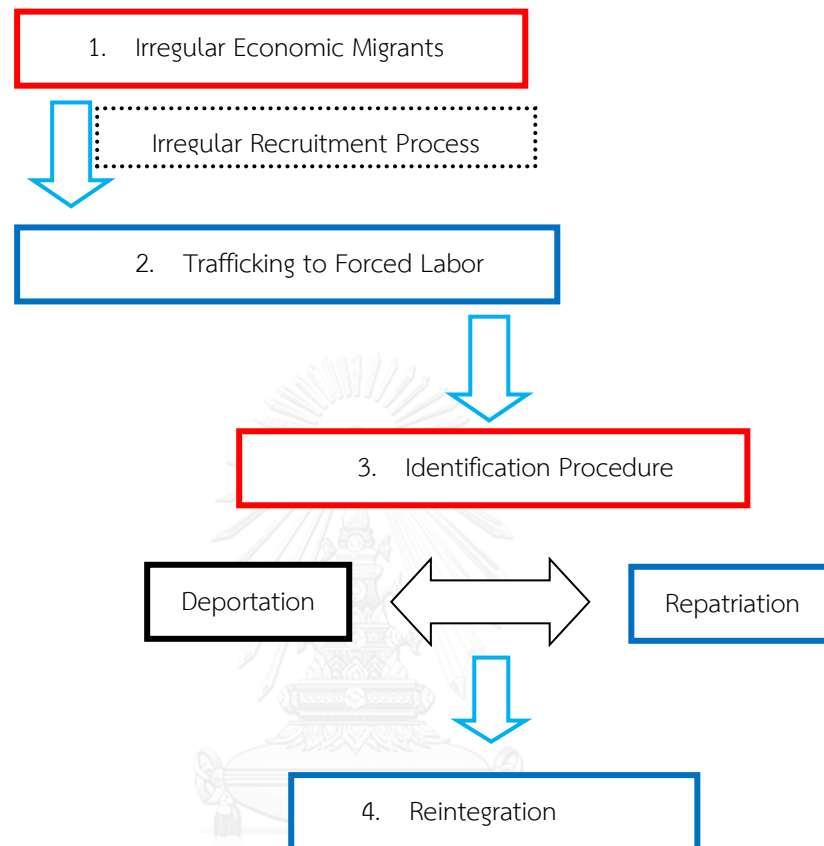
1.6.6 Reintegration of Trafficked Persons

Reintegration is re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of his/her country of origin (IOM, 2004). The Thai Anti-Trafficking in Persons Act assigned the Ministry of Social Development and Human Security to consider appropriate assistances and a reintegration program to trafficked person on providing food, shelter, legal aid, medical treatment, physical and mental disorder, education and training before returning to the country of origin or domicile (Section 33, 2008). To provide meaningful and sustainable efforts, the authorities have to apply the 3Ps paradigm to improve the victim identification procedure in cases of trafficking in persons.

1.6.7 The Structure of the Conceptual Framework

To provide a consistent structure of the conceptual framework, this thesis consists of four blocks formed by core steps of theories to fulfill the research objectives. Initially, international migration of irregular economic migrant seeks employment abroad (Block 1). Irregular economic migrants then engage in recruitment processes into forced labor (Block 2). The incident of labor trafficking has existed for irregular economic migrants (Block 3). Finally, trafficked persons are identified (unidentified) and access the reintegration program (if they were identified as victims) prior to and after repatriation.

Figure 01: Blocks indicate the flow of the conceptual framework structure



1.7 Research Methodology

1.7.1 Data Collection Method and Research Sampling

a. Interview: Semi and In-depth Interviews, Cases of Fishermen

This study used case-based research to understand indicators of trafficking in persons for purpose of forced labor and identification procedure on cases of human trafficking. Of course, identifying key respondents who have faced trafficking and exploitative practices is the first step. The researcher has conducted interviews; both semi- and in-depth interviews, with key respondents including labor trafficked

victims, returnees, and deportees – randomly originating from various provinces in Cambodia. From mid-September until early November 2014, the researcher interviewed with nine key respondents –who were repatriated, returned or deported from several countries, including Thailand, Malaysia, Indonesia, Mauritius, Uruguay, and South Africa, in Cambodia. The researcher travelled to three destinations: Phnom Penh (the capital city), Banteay Meanchey province including Poipet border city, and Kompong Thom province, and was accompanied by a social worker from the Cambodian Women’s Crisis Center (CWCC) in each location.



Figure 02: Map of Cambodia with Names of Its Provinces. This Map Is Used To Indicate the Origin Provinces of Labor Trafficked and Exploited Victims, Returnees and Deportees Who Were Interviewed By the Researcher



- Five cases from Kompong Thom Province (the case study names are aliased as *Ra, Bo, Kun, Lee, and Sa*).
- Three cases from Banteay Meanchey province (including 02 cases in Poipet City) (the case study names are aliased as *Yin, Khem and Reak*).
- One Case from Kampot province (the case study name is aliases as *Rith*).

Profile of Cambodia Women's Crisis Center (CWCC)

Due to direct communication barriers with key respondents, the researcher requested permission from CWCC's director to interview with CWCC's clients; an official term used for trafficked survivors who have received its social support program or reintegration services. As the Center has received hundreds of cases, key respondents therefore were selected from different provinces based on their availability, credibility and relevance to research objectives.

Cambodia Women's Crisis Center (CWCC) is one of the leading non-governmental organizations in Cambodia whose mission is to empower women and girls to equally enjoy the universally recognized human rights to participate in community activity, socio-economic, civil and cultural life⁷. The Center advocates for elimination of all forms of violence against women and children by implementing its three core programs namely Protection, Prevention and Advocacy. The programs

⁷For more detail <http://www.cwcc.org.kh/?p=6> [Accessed on April 17th, 2015]

have extended their scope beyond women and child clients to male victims of human trafficking by assisting with temporary shelter, crisis intervention, reintegration services and cases filed to Cambodian court.

The researcher has closely worked with the Protection Unit of the Center to communicate with key respondents. CWCC's Protection body provides several immediate assistances to survivors or clients of human trafficking such as legal consultation, healthcare for physical and psychological needs, temporary shelter, and social reintegration. According to the Center's statistics 395 cases have been reintegrated, and it had received 196 cases of human trafficking in 2013⁸. With its effective operational experiences for over a decade to promote fundamental human rights, CWCC has been recognized by government, NGOs and civil society, and international agencies as a leading women's organization in Cambodia.

b. Key Informants

The researcher has conducted in-depth interviews with various key informants from public institutions, international agencies, and non-governmental organizations which closely work in the field of trafficking in persons that are based in both Cambodia and Thailand. Table 01 and 02 visually outline the key informants with their responsibilities.

⁸For more detail <http://www.cwcc.org.kh/> [Accessed on April 17th, 2015]

Organizations Based in Cambodia	
Public Institutions or IOs	NGOs
1. Secretary of State of the Ministry of Interior and the Chairwoman of <i>National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor and Sexual Exploitation in Women and Children (NC/S.T.S.L.S).</i>	1 The Program Coordinator on Combating Human Trafficking of Cambodian Women's Crisis Center.
2 Secretary of State of the Ministry of Women Affairs and the Chairwomen of <i>Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT Cambodia).</i>	2. The Senior Officer Specializing on Migrant Workers at <i>Cambodian League for the Promotion and Defense of Human Rights (Licadho).</i>
3 Deputy Director of <i>Department of Anti-Trafficking and Victim Reintegration</i> , the Ministry of Social Affairs, Veterans and Youth Rehabilitation.	3. The Coordinator of Case Support Project of <i>Chab Dai Coalition.</i>

4 The National Project Coordinator of <i>International Labor Organization (ILO), Cambodia.</i>	4. The head of Women's and Children's Rights Section of <i>Cambodian Human Rights and Development Association (ADHOC).</i>
5 The National Project Coordinator of <i>COMMIT Cambodia.</i>	5. The Executive Director of <i>the Coordination of Action Research on AIDS and Mobility (CARAM Cambodia).</i>
6 The National Program Officer of <i>International Organization for Migration Cambodia Country Office.</i>	

Table 01: List of Key Informants from Organizations Based in Cambodia

Organizations Based in Thailand	
NGOs	Public Institution or IO
1. The Founder/Executive Director of <i>Labor Rights Promotion Network Foundation (LPN).</i>	1 The Legal Officer of <i>Pathumthani Provincial Protection and Occupation Development Center</i>

	(For Men), Department of Social Development and Welfare, the Ministry of Social Development and Human Security.
2. The Coordinator of <i>the Foundation for AIDS Rights (FAR)</i> .	2 The Project Assistant to Unit of Labor Migration and Counter-Trafficking, <i>International Organization for Migration, Thailand Country Office</i> .

Table 02: List of Key Informants from Organizations Based in Thailand

c. Documentary

In addition, the researcher used secondary data and key documents such as international instruments (Conventions, Protocols, and Memoranda of Understanding), national law and policy, and organizational reports from agencies such as ILO, IOM, and UNAIP.

1.7.2 Interview Guideline

The researcher recorded all pieces of information of key respondents. To abide by professionalism of research writing, the researcher signed a code of conduct regulated by Cambodia Women's Crisis Center. There are three main guiding principles for conducting interviews: (a) human rights-based approach, (b) informed consent of the victims, and (c) rights to privacy and confidentiality. All key

respondents were males originating from different provinces in Cambodia. It is unnecessary to disclose the names of key respondents for this research. However, the names listed in table are given names to represents each real key respondent.

To provide guidelines for this research, the researcher designed structure and non-structure questions for key respondents and informants. The process of conducting in-depth interviews moved smoothly.

Semi- and In-depth Interview Structure Questions for Key Respondents

- General Information
 - Age?
 - Family origin, marital status?
 - How much formal education have you completed?
 - Do you know how to read and write in the native language?
 - How well do you speak Thai?
 - For how long did you work on a fishing boat?
- Recruitment Process
 - Did you make own decision to work on a fishing boat? If yes, how did you get into the recruitment process to be a fisher on the boat? If no, how did you end up working on a fishing boat? If you came directly from Cambodia to the workplace, how much did

you pay the broker? Do you pay up front or were in debt bondage with the broker?

- If you ask for a recruitment broker to work on fishing boat, how did you know the recruiter? What are the processes of informal recruitment? How much did you pay in commission? Was payment made up front? Or in debt bondage? What is relationship between broker and employer?
- Are you working on a fishing boat against your will? Have you ever tried to flee from the boat? Do you have a formal contract with employer? How do you get paid? How much wage did you agree to work for?
- En Route Movement
 - How were you removed from your origin village? Describe the movement from your village to the border, and from border to Thai territory. (Detail each step).
 - By any means, are there brokers, agents or middlemen facilitating the movement process? What is your relationship with broker?
 - What are the roles of brokers in irregular migration into fishing boats—not just professional brokers but acquaintances too?

- What are the broker's techniques to persuade prospective irregular migrant worker to work in Thailand?
 - Why did you choose Thailand as the destination? What were problems behind your decision? Poverty? Lack of employment opportunity...etc.?
 - Why did you decide to take risk to migrate from Cambodia to Thailand through informal channel? Did you learn about formal channel?
 - Did you realize about the future work as a fisherman? How well did you know about your future in Thailand? (Expectation vs. what will wait for them?)
 - How much did you pay for commission services to broker? Did you ask for loan from anyone? Bank? Informal loaner? How did you pay back the loan?
 - Was Irregular migration an individual decision or pushed by your family?
- Forced Labor Experience
 - How many hours did you typically work on the fishing boat per day, including being on-call? In 24 hours, how many continuous hours of rest did you typically have while you were on the boat?

- Was the food and water provided on boat adequate? Have you ever received any social welfare benefits from by your employers? Have you ever been threatened with violence on the boat? If you had any accidents at work, did you get healthcare assistance from a clinic/hospital?
- Have you ever seen another crew member being threatened with violence?
- Forced Labor indicators: (1) Abuse of vulnerability, (2) Deception, (3) Restriction of movement, (4) Isolation, (5) Physical and sexual violence, (6) Intimidation and threats, (7) Retention of identity documents, (8) Withholding of wages, (9) Debt bondage, (10) Abusive working and living conditions, and (11) excessive overtime.
- Identification Procedure
 - How did you get rescued by the competent authority? Do you know about the rights of trafficked/exploited victim be protected? Are you willing to report the case to the authority? Have you ever complained about rights violation?
 - Are there any NGOs/IOs providing appropriate assistance during the process of identification?

- Do you still remember about your experience in working with the competent authority to identify your status?
- What do you think about the procedure conducted by the competent authority? Did you have chances to communicate with family members or any support bodies?
- Have you ever placed in prison? If yes, for how long?
- Reintegration Programs
 - The Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children (the Palermo Protocol) stipulated a victim-centered approach that signatory parties shall adapt into its national legal framework in order to support trafficked victims within their territory.
 - The approach consists of some assistances such as: Protection of privacy and identity, appropriate housing, counseling and legal rights, medical treatment, employment, education and training, age, gender and special needs of victims, protection of physical safety, compensation and repatriation, and rights to remain temporarily or permanently.

Structure Questions for Key Informants

- Roles and duties to rescue trafficked persons

- What are the roles and duties to hunt for human trafficker? How effective of their roles and duties?
- What are successful experiences to arrest perpetrators of human trafficking? It is fine to learn about cases from other countries.
- What are the main destinations to track down cases of human trafficking?
- How many cases do they receive from Cambodian families on complaint about their members abroad?
- In practice, study about the procedure of identification
 - How do you rescue the labor trafficked victims? Raid? (Describe about working procedure to deal with human trafficking) Draw the procedure in diagram to make sure that the author understands clearly the steps.
 - Does real implementation reflect the preliminary assessment? Do they know about ILO's indicators for forced labor? Forced labor indicators: (1) Abuse of vulnerability, (2) Deception, (3) Restriction of movement, (4) Isolation, (5) Physical and sexual violence, (6) Intimidation and threats, (7) Retention of identity documents, (8) Withholding of wages, (9) Debt bondage, (10) Abusive working and living conditions, and (11) Excessive overtime.

- *Preliminary Checklist for Identifying Trafficked Persons (office of Anti-trafficking in Persons Committee, National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT))*
- How does the Thai government (competent officials) identify labor trafficked victims? What are basic criteria for deportation of labor trafficked victims and irregular migrant workers back to their countries of residence or domicile?
- Who is unfortunate to be deported? As everyone is paying authorities to turn a blind eye, how is deportation caused in general and in fishing industry in particular? How many fishers are deported through Poipet border city or elsewhere?
- Cooperation with Cambodian Embassy/Consulate
 - How does the Thai competent authority communicate with the Cambodian embassy and consulate? (Describe the procedure from the beginning to the end).
 - Relationship between NGOs/IOs with Thai's authorities.
 - Relationship between NGOs/IOs with Cambodian's authorities.
 - Relationship between NGOs and IOs in Thailand.
 - Relationship between NGOs/IOs based in Thailand with Cambodia's office NGOs/IOs and its network.

- Victim-centered approach to provide immediate assistances to trafficked/exploited victim.
- Reintegration Program (Prior and post-repatriation)
 - What are reintegration programs assisted by government and non-governmental organization to support Cambodian labor trafficked victims, returnees and deportees? What are the complementary roles of NGOs to the government on some extra-supports to Cambodian labor trafficked victims, returnees and deportees?



Chapter 2

Literature Review

2.1 Policy on Regularization of Migrant Workers in Thailand

2.1.1 Registration: One Stop Service Centers

Thailand is the main destination country for low-skilled migrant workers (both regular and irregular) from the Greater Mekong Sub-region (GMS) as the result of its fast economic development for two decades (IOM, 2014). The Royal Thai Government (RTG) has expressed willingness to tackle challenges on rapidly increasing irregular migrant workers, and responding to the demand of industrial sectors –construction, fishing and seafood industry, and agriculture – to influx high portions of migrant workers. Therefore, the National Council for Peace and Order issued an Announcement (June 25, 2014) on: “*Interim Measures in Solving the Problem of Migrant Workers and Human Trafficking*”⁹ in order to establish One Stop Service Centers (OSSCs) for the official registration of migrant workers in every province of Thailand. OSSCs are the inter-ministerial combination of officials from the Immigration Bureau, Ministry of Interior, Ministry of Labour, and Ministry of Public Health. If the registration is completed, migrant workers receive a “non-Thai”

⁹For more detail information, please visit the link: <http://www.mfa.go.th/main/th/media-center/3756/47535-Announcement-of-the-National-Council-for-Peace-and.html> [Accessed on May 11, 2015]

identification card which provides interim permission to reside, work and access health care in Thailand (Huguet, 2014). The official statistics from the Department of Employment have shown that approximately 2 million migrant workers have registered for this status.¹⁰

2.1.2 Memorandum on Employment Cooperation

Thailand has signed Memoranda of Understanding (MoU) on Cooperation in the Employment of Workers (2002-2003) with its neighbouring countries to regulate legal channels for labour migration prior their arrivals (MMN, 2014:10). In addition, to regularize irregular residents in Thailand, the RTG implemented a generous registration policy (2004) to allow workers to apply for Tor Ror 38/1 (One year interim Identification Cards) for free of charge and not bound to any particular employer (ibid).

Migrant workers are recruited via formal channels assisted by employment agencies to get passport, and a Thai visa and work permit valid for two years, renewable for an additional two years, yet the regular channel has not been successful, and migrants receive very low benefits (Natali et al., 2014). The statistic given by the Department of Employment, Ministry of Labour, of recruitment procedures via MoU reaches only 139,000 workers in July 2013.

¹⁰ For more detail information, please visit the link:
<http://www.nationmultimedia.com/national/One-stop-service-centre-for-migrant-labourers-open-30237417.html> [Accessed on May 11, 2015]

2.1.3 National Verification (VN)

During the official visit to Cambodia on October 30-31, 2014, Prime Minister *Prayut Chan-o-cha* signed on the *Memorandum of Understanding on Bilateral Cooperation in Eliminating Trafficking of Children and Women and Assisting Victims of Trafficking*. In addition, Cambodia will send more mobile teams to speed up the national verification process for its migrant workers in Thailand.¹¹ According to IOM's Thailand Migration Report (2014), NV consists of 13 steps including registration and Tor Ror 38/1 application, medical check-ups and submitting a work permit form. Once the worker had registered, employers can submit workers' names requesting NV to the Department of Employment (DOE), the Ministry of Labour. The report continues that the Department is responsible for submitting the application file –via embassy or consulate– to authorities in the country of origin. If the eligible citizen passes VN, the migrant will receive a temporary passport (ibid).

According to Mr. Sumet Mahosot, the Director-General of Employment Department, in total there are 1.6 million migrant workers who have applied for

¹¹ For more detail information, please visit the link:

http://thainews.prd.go.th/centerweb/newsen/NewsDetail?NT01_NewsID=WNPOL5711010010008

[Accessed on May 11, 2015]

national verification from Lao PDR, Myanmar and Cambodia¹². The Department decided to extend national verification deadline until June 29, 2015 because at the moment it has verified only 200,000 applicants (ibid).

2.2 Current Situation of Thailand's Fishing Industry

Situated in a prime location, Thailand is one of the world's largest fishing producers with nearly 50,000 registered vessels, with export seafood supplies valued at approximately USD 7.3 billion (IOM, 2011). IOM expressed serious concerns of "ghost boats," or unlicensed replicas which closely deal with modern slavery practice on Thai fishing fleets (ibid). The Guardian Newspaper had conducted six months investigation on the Thai fishing industry. It concluded that the industry is built on slavery, with men often beaten, tortured and sometimes killed –all to catch "trash fish" to feed cheap farmed prawn sold to leading supermarkets around the world in top four global retailers like Walmart, Carrefour, Costco and Tesco in the U.S., Great Britain, and the European Union.¹³

In February 2015, the Royal Thai Government released its Country Trafficking in Persons Report 2014 explaining its tireless efforts to eliminate trafficking in persons since the military government seized power. Its aims were to persuade the US State

¹² For more detail information, please check on the link:

<http://englishnews.thaipbs.or.th/deadline-for-nationality-verification-of-foreign-migrant-workers-extended-until-june-29> [Accessed on May 11, 2015]

¹³ For more information, please visit the link: <http://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour> [Accessed on May 11 2015]

Department to remove Thailand from Tier 3 status on its 2015 TIP Report.¹⁴ However, Slavery at Sea of Environmental Justice Foundation (EJF, 2015) strongly believes that Thailand has not sufficiently improved efforts to fully comply with the minimum standards for the elimination of trafficking.

In addition, the National Council for Peace and Order has issued an announcement (No.77/2014) to: *“Establish Additional One Stop Service Centers for Registration of Migrant Workers and Measures for Orderly Management of Migrant Workers Working on Fishing Vessels in Provinces Bordering the Sea.”* The announcement ordered employers of migrant workers on fishing boat to report and notify their subordinates to Provincial Employment Office in 22 coastal provinces such as Chon Buri, Pattani, Ranong, Rayong, Songkhla, Samut Prakan, and Samuth Sakhon...etc.¹⁵

The National Legislative Assembly formally ratified the Maritime Labour Convention (MLC, 2006) which is regulated by International Labour Organization (ILO) to protect seafarers’ rights to working conditions, and to ban forced labour and discrimination. H.E Surasak Karnjanarath, the Labour Minister, said that: “the

¹⁴ For more detail information, please visit the link: <http://www.mfa.go.th/main/en/media-center/28/54633-National-Sub-Committee-on-Public-Relations-and-Leg.html> [Accessed on May 11, 2015].

¹⁵ For detail information, please visit the link: www.mfa.go.th/main/th/media-center/3756/47535-Announcement-of-the-National-Council-for-Peace-and.html [Accessed on May 11 2015]

Ratification would increase credibility for Thailand's enforcement of maritime standards and improve living and working condition of seafarers on Thai ships.¹⁶

Recently, European Commission has issued a formal warning notice (yellow card) to the Royal Thai Government for not taking adequate efforts in combating illegal fishing (IUU Regulations) after its has found that the Thai authority insufficiently monitors, controls and systematically punishes slavery and trafficking crimes in the fishing industry.¹⁷ Karmenu Vella, the European Commissioner for Environment, Maritime Affairs and Fisheries said: *“Our EU rigorous policy on a harmful practice such as illegal fishing, together with our genuine capacity to act, is paying off. I urge Thailand to join the European Union in the fight for sustainable fisheries. Failure to take a strong action against illegal fishing will carry consequences.”*

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¹⁶ For more information, please visit the link: www.bangkokpost.com/news/general/548591/nla-ratifies-mlc-passes-maritime-labour-bill?fb_action_ids=1004507739567 [Accessibility May 11 2015].

¹⁷ For more information, please visit the link: http://europa.eu/rapid/press-release_IP-15-4806_en.htm?subweb=343&lang=en [Accessible on May 11, 2015].

2.3 Irregular Recruitment of Cambodian Migrant Workers into Thailand's Fishing Industry

Seng (2005: 13) identified structural push factors that strongly related to Cambodian migrant fishers' decision to migrate from their homelands such as no cash wage opportunities and high unemployment compounded by difficult living conditions in rural regions, which face inadequacy of food, debt, sickness, poverty, etc. As mentioned in the research, there are many types of migration facilitators – working in systematically ways to maintain intricate networks – such as: real brokers who work closely with recruiters, police, and local authorities to facilitate village cooperation. Sometimes, workers themselves have roles as brokers.

There are two types of Cambodian brokers: 1) Recruiters in the villages, 2) Border passing facilitators (Seng, 2005: 16). Recruiters in the village can be the village head, villagers or former workers whose roles are to persuade fellow villagers to take jobs with high wages or easy ways of pass over the border. Border passing facilitators then guide villagers to cross the border at night with strict instructions, and transfer people to Thai brokers who wait for them in Thailand. However, the migrants often pay between 2,500 (\$65USD) and 3,500 Baht (90\$) for the whole journey from the village to the destination, which includes all expenses and a guaranteed job (Seng, 2005: 19). According to the ILO, it is not a surprise that villagers choose illegal channels because the average cost of sending migrant workers to Thailand via legal channel is about USD 700 (ILO: 2009).

A recent publication of research conducted by ARCM and ILO (2013:36) titled “Employment Practices and Working Conditions in Thailand’s Fishing Sector” indicated that Cambodian workers made up the largest group of both regular and irregular fishers in Thailand’s Rayong province. According to the research, approximately one-third of the migrant fishers were recruited into the industry to fill vacancies on board fishing vessels by brokers who served as intermediaries between employers and employees. Brokers charged a commission service varying from THB 2,000 to 20, 000 (ibid: 49). ILO determines the scope of deceptive and coercive labour practice to indicate the most common sign or ‘clues’ of possible existence of forced labour that are applicable for fishing industry in Thailand. The indicators are: concept of involuntariness, non-financial penalty, and financial penalty (ibid: 66-74).

The 2011 Thailand Migration Report stated that human rights violations against migrant workers remain systematic and institutionalized in Thailand, and require urgent address to prevent exploitation practices by employers and government officials, particularly by police (IOM, 2011: 71). The Report critiqued most government officials for lack of knowledge about basic rights of migrant workers. Moreover, a large number of Thais including officials, employers and lay people do not understand the different immigration statuses of migrant workers and classify all of them as ‘illegal aliens’ or ‘second-class citizens’ coming to earn money in Thailand, and fail to recognized the contribution migrant workers to Thai society (ibid).

2.4 Cambodia Economic Growth Could Slow Migration Flow?

The World Economic Outlook (2015) of the International Monetary Fund indicated that Cambodia's economic growth for 2015-2016 will remain strong with real GDP growth at approximately 7.2 percent. Cambodia is emerging as a key investment destination and potential consumer market for foreign direct investment in Southeast Asia. In addition, Asian Development Bank (ADB) estimates that Cambodia's GDP is projected to expand by 7.3 percent in 2015, and will climb to 7.5 percent for 2016 (Asian Development Outlook, 2015). However, Cambodia's growth largely depends on a labor-intensive economy in the manufacturing and garment industrial, agriculture, construction, tourism and services.¹⁸ Due to lower wages and poor incentives, there is currently a large outflow of Cambodian workers to Thailand, Malaysia, South Korea and China (ibid).

In 2014, the Royal Cambodian Government increased monthly minimum wage to \$128 USD for workers in the manufacturing and garment industries. The manufacturing and garment sectors are the country's largest industries attracting foreign direct investment, and they comprise of 960 factories with approximately 620,000 workers (Statistic of Cambodia Minister of Labor) with \$5-6 billion USD in

¹⁸ For detail information, visit the link: www.voacambodia.com/a/economic-growth-could-slow-as-workers-migrate/2694075.html [Accessed on May 11 2015]

exports to international markets.¹⁹ Yet, the Labor Union representative demands a minimum wage to be raised to \$160USD per month. Of course, by and large, increasing of minimum wage will provide additional benefit to workers and sustainable growth in the garment industry²⁰. Mr. IN Channy, the Executive Director of ACLEDA Bank, expressed his optimism on Cambodia's economy within greater political and social stability to boost for growth in all industries in 2015-2016 (ibid).

Even though the Cambodian government has set up job centers across the country to inform local people about available job opportunities –particularly in construction and service sectors – and this effort has still been insufficient in informing citizens in rural and remote areas. To prevent workforce deficit and to generate growth, Cambodia has to provide a competitive minimum wage, create more innovations in agriculture, create more jobs, and enhance skilled labor.

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¹⁹ For detail information, visit the link: www.thecambodianherald.com/cambodia/cambodia-to-raise-monthly-minimum-wage-for-garment-workers-to-128-usd-for-2015-7643 [Accessed on May 11 2015].

²⁰ For more information, please visit the link: www.phnompenhpost.com/business-forecast-2015 [Accessed on May 11 2015]

Chapter 3

Case Studies and Analysis on Migration and Trafficked/Exploited Practices

This chapter mainly concentrates on the first research objective. To work around time limitations, comprehensive questions have been prepared for structured and non-structured interviews specially designed to address certain areas of study:

1) Questions were asked to establish a case study file based on true stories of key individual respondents. The case study will describe the profile of key respondents, giving family background, social status and educational level and reason for migration;

2) The interviews also gathered information on the recruitment process and route movement from an origin to destination country, Cambodia and Thailand or other destinations respectively, what were the experiences during journey and recruitment stage (e.g. whether or not a broker was involved in the process); and

3) Individual respondents were asked to describe their experiences of forced labor and exploitative practices on fishing boats.

There are significant indicators that have been explored to give appropriate answers to the first research objective. The researcher has applied themes of the conceptual framework to understand the profiles and factors contributing to

migration and trafficking/exploitation practices on labor trafficked victims, deportees and returnees. To provide order and interconnected analysis, the analysis is divided into four main sections: (3.1) Case Studies; (3.2) Fishermen Recruitment Process in Cambodia and Thailand; (3.3) En Route Movement from Origin to Destination Country; and (3.4) Forced Labor and Exploitative Practices.

3.1 Case Studies

Cambodia has achieved tremendous improvement on human development as it has succeeded in 4 among 8 milestones of the Millennium Development Goals to eradicate extreme hunger and poverty, reduce child mortality, improve maternal health, and combat HIV/AIDs, malaria and other diseases (UNDP Cambodia Annual Report 2013). With two decades of constant growth, in the near future Cambodia will become a lower middle-income country (MIC) since its economic performance has ranked among the best in the world, and its growth rate reached about 7.6 per cent with USD1,036 GDP per capita in 2013 (ibid).

Castles (2010:51) identified that young populations, in the cycle of economic migration, have strong motivation to search for temporary work with intention to return home savings remittances. In this research, age indication is an important factor. UNDP has categorized demographic advantage as a bonus score for

Cambodia's development opportunity.²¹ According to the Ministry of Education Youth and Sport [MoEYS, National Policy on Development of Cambodian Youth], youth refers to those who are ages between 15 and 30 years that represented approximately 33 percent of the population.

Approximately 300,000 young people with constraints or insufficient skills became new workers in the Cambodian labor market, as expected by UNCT's Common Advocacy Points in 2011. Youth represents the highest percentage among key respondents. Mostly, physically strong youth are interested in searching for employment opportunities abroad with an expectation of a better life in consequence. Migration is a life transition located on the edge of opportunity and risk. Of course, irregular migration is a driving force to vulnerability.

There are significant indicators to help understand how migrants made decision to leave their places of origin for a destination abroad. Some indicators are used in every semi and in-depth interview to gather personal information such as: age, education and skill, ability to read and write Khmer language, marital status, employment prior to migration and places of origin. The personal information of individual respondents was illustrated case by case as below:

²¹ For more detail information, please visit the link: <http://www.kh.undp.org/content/cambodia/en/home/countryinfo/> [Accessed on November 12th, 2014]

3.1.1 Case 1: Ra and Bo: Two Brothers Exploited in Pattani, Thailand

Personal Information: Social and Educational Status

Two brothers, *Ra* and *Bo*, are 30 and 26 years old, respectively. They originated from a rural area of Baray district, Kompong Thom province. *Ra* is a father of two daughters, and *Bo* is a single man. Even though *Ra* has his own family, he was totally dependent on his parents' financial support as they were living under the same roof. From a young age, the two brothers have worked physically in different uncertain jobs in paddy fields, construction sites and other complementary work with their father for remuneration for just a living in their village.

As the brothers had no opportunities to attend formal education or vocational training classes, they cannot read or write Khmer language. *Ra* and *Bo* have expressed sympathy to their parents, and explained their reasons for migration that: *"We were really miserable to stay at home as we could not find alternative way to earn money to support our daily expenses. We had no any career at home, so we decided to go for fishing boat in Thailand"* [Interview on October 4th 2014, Kongpong Thom province].

In addition, *Ra* and *Bo* were born to a large family with nine siblings. Their parents were illiterate with uncertain careers. In such poor living conditions, to earn money to feed the stomach is the main priority. In a harsh livelihood situation with insufficient employment opportunities and low living standards, the two brothers made the decision to travel to a good economic destination in Thailand with the

expectation that they would escape from poverty in their rural area in Kompong Thom province, Cambodia.

Irregular Recruitment and En Route Movement

The two brothers, *Ra* and *Bo*, were lured by a broker with high expectations of salary and acceptable working conditions. The Cambodian broker worked independently to facilitate the brothers to flee from their origin village in Kompong Thom province for a fishing boat in Thailand. The broker travelled to different villages to encourage adult and strong men living in rural and remote areas through false advertisement about high wages and better employment opportunities on the boat. *Ra* described: *“We left our village together with broker by van without documentation. In total, there were 10 people on a van heading to Poipet border city”* [Interview on October 4th 2014, Kompong Thom province]. In fact, besides pieces of information the brothers received from broker, there were no other sources of knowledge on high risks of irregular migration which they would probably encounter. The brothers described the network of broker facilitated route movement: *“A new broker transported us to Thai territory by crossing over a steam. Once again, we met the broker [who assisted transportation from the village] in Thai territory, and he brought us to a van heading to Pattani province”* [Interview on October 4th 2014, Kompong Thom province].

Experiences on Forced Labor and Status Identification

Ra and *Bo* described their slave-liked working conditions on a Thai-owed vessel for three months in Pattani province. In fact, they both were irregularly recruited by broker for a long haul vessel which returned offshore every three years. The two brothers experienced intimidation and threat, abuse of vulnerability, and working and living under duress.

Therefore, the brothers made the decision to escape from abusive and exploitative practices. To reach shore, the two brothers secretly paid money to a small boat sailor. *Ra* and *Bo* were trafficked victims of forced labor on a Thai fishing trawler, but were never identified. With constrained knowledge on human trafficking issues, they did not self-identify to the police for investigation.

****Note:** *Ra* was a fisherman on a short haul vessel in Pattani province when he was 19 years old. He sought employment opportunities in the fishing industry with assistance from broker. After 20 months of working without legal documentation, he returned to Cambodia. *Ra* did not describe of forced labor or exploitative conditions in his work in his first experience in Thailand. He said “*The boat left Pattani’s port for about 5 days (sometimes, 2-3 days) to Malaysia. I worked there for about 20 months, and I received only 7,000Baht. We worked at night, and repaired damage nets on daybreak. We had enough food to eat, and I did not receive torture from captain*” [Interview on October 4th 2014, Kompong Thom province].

3.1.2 Case 2: Yin and Khem: Life on Benjina, Aru Archipelago, Maluku Province, Indonesia

This is a case study of Cambodian fishermen who had been deceived by brokers to leave their origin village in Cambodia for Thailand. *Yin* and *Khem* were among eight Cambodians who had received assistance and successfully repatriated after initial investigation by the Associated Press in 2014. The investigation was the first stage with particular scope of migrant workers. The result of interview had revealed that Cambodian migrant workers were irregularly recruited through brokers with fraudulent and false promises of work on fishing vessels in Thailand, where they were on boats and removed to Benjina, Aru Archipelago of Maluku Province, Indonesia. *Yin* and *Khem* had experienced forced labor with severely exploitative practice to catch seafood that was shipped back to Thailand. Benjina is located in a remote area and hardly reachable which no phone service and no way out as the landscape is covered by seawater.

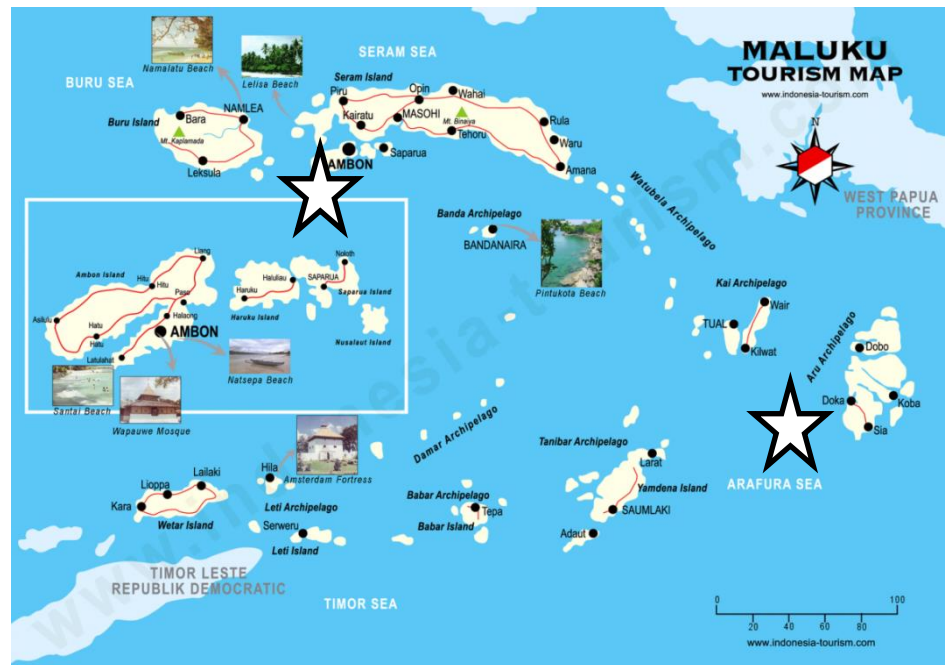
Map 01: Location of Benjina, Aru Archipelago of Maluku Province, Indonesia²²



- Aru is one of districts in Maluku province which covers an area of 54.398 Km² – a combination of landscape about 6.325Km² and 48.070Km² of sea water. Dobo is the capital of the district.
- There are 7 subdistricts in Aru Archipelago. Benjina is the capital of Kecamatan Aru Tengah subdistrict. Total population of the archipelago is approximately 90.037. Most of the populations are fishermen and farmers.

²² Visit this link below: <http://aruislands.blogspot.com/2010/09/introduce-to-aruisland.html> or <http://travellermeds.blogspot.com/2011/11/journey-through-aruislands.html> [Assessed on June 12th 2015].

Map 02: Show the location of Ambon –the center of Maluku Province, and Aru Archipelago District²³.



Personal Information: Social and Educational Status

Yin and Khem is nephew and cousin aged 20 and 47 years old, respectively.

They originated from Kompong Cham province, and due to economic disadvantages in their place of residence, their families had migrated to Poipet border city, Banteay Meanchey province. This case study had an extraordinary value to study on. There was an existence of child forced labor and exploitation on Thai fishing boat because when the phenomenon slave-like practices had occurred, *Yin* was just 16 years old.

²³ For more detail information, please visit this link:

<http://newsandfeaturesonindonesia.blogspot.com/2012/12/icw-urges-minister-to-remove-ar.html>

[Accessed on June 12th 2015].

While *Yin* is a single man, *Khem* is married, and has two children. *Yin* had decided to sacrifice his formal education for uncertain employment since grade two in primary school to expand family income. Therefore, he could barely read or write Khmer language, even his own name. However, *Khem* did not have opportunity to attend formal education because he was born during the Cambodian civil war, and he can barely read and write Khmer language. *Yin* and *Khem* had no particular skill. *Khem* had worked in uncertain jobs to earn money to support all expenditures of the family.

Their living status was less-improved and poverty resembled the family's shadow. *Yin* has three siblings. *Yin*'s mother was a rice pudding seller whereas his father was a motor-taxi driver. *Yin*'s parents are rural poor persons and illiterate, living in a small rented room and able to earn just small amounts of income to support their children.

As the head of a family, *Khem* has hard tasks on his shoulder to bring a suitable living standard to his children. *Khem*'s parents are of old age. Because of harsh livelihood opportunities at home, he decided to leave his wife for a better life in Thailand.

Irregular Recruitment Process and En Route Movement

Yin and *Khem* had mentioned that fake promises for employment opportunities with high salary and better working conditions were luring people into miserable experiences as slaves on Thai fishing vessels. The broker was a far distant relative to both *Yin* and *Khem*, and undoubtedly the two men believed in false promises about the prospective jobs and remuneration. The broker's house was a meeting and waiting destination of potential irregular migrants from different provinces who believed in fate to travel with irregular status for economic purposes in Thailand. *Khem* said: "As we both were living in Poipet border city, we went directly to the broker's house where there were about 30 people waiting for border-passing at midnight" [Interview on October 3rd 2014, Poipet border city, Banteay Meanchey province]. This was likely an organized crime as offenders had well-established functions. For instance, the broker had consistent responsibility to move irregular migrants to the final destination in Thailand.

Interestingly, the broker's network was flexible, consistent and strong to move irregular migrant (a few dozen people) from one stage to another without awareness from authorities. To avoid the police's attention, the broker had techniques to arrange workers to be invisible in their vehicles. The practice was inhuman. When the irregular migrants arrived Thailand, *Yin* and *Khem* and other fellows were all detained and controlled by a gunman for about 15 days in an

unknown place in Mahachai. Furthermore, everyone was asked to take a photo for fake documentation arrangements like Thai passports.

Experiences on Forced Labor and Status Identification

This is a case of child forced labor because *Yin* was less than 18 years old working on the Thai fishing vessel. *Yin* and *Khem* experienced abuse of vulnerability, abusive working and living conditions, excessive overtime, intimidation and threat. *Yin* and *Khem* and eight other Cambodian fishermen were rescued from the crime site and brought to a police station on an island.

This case study is a good example of identification procedures on labor trafficked victims by several stakeholders as both of them had been interviewed by Immigration Police, IOM Indonesia, Cambodian Royal Embassy, and UN official to compile a case of human trafficking. In addition, *Yin* and *Khem* received immediate and appropriate assistance on food, shelter, clothing, and medical treatment prior repatriation to Cambodia.

3.1.3 Case 3: Kim: A Prisoner in Malaysia

This is a controversial case regarding identification procedures. *Kim*, a labor trafficked victim was put in detention centers for about seven months in Malaysia. *Kim* had described detention treatment as an environment that was seriously undesirable. As a consequence, the detainee was in poor health condition. In

addition, Kim did not receive any assistance or reintegration services during the detention period.

Personal Information: Social and Educational Status

Kim is 27 years old and originated from Kompong Speu province. *Kim* had expressed deep interest in education; however farming was draught and unproductive, so his family was unable to participate in formal education. Therefore, *Kim* had to quit school to earn a living in primary level, grade four, and he cannot read or write Khmer language. With support from elders, *Kim* got married, but did not have certain employment in 2011.

Kim's mother passed away since he was just three months old. To growth up without mother, he depended entirely on four elder siblings' generosity for living. Because his father remarried to a new wife and had other five children, he seemed so reluctant to support his ex-wife's children. In fact, his elder siblings' economic conditions were not good and they were facing a hard life as some were famers and others were manufacturing workers in Phnom Penh. Among *Kim's* elders, some are literate while others are illiterate.

Irregular Recruitment Process and En Route Movement

Kim entirely believed the broker who provided fake advertisements about high wages and better employment opportunities on a boat in Thailand. In fact, the broker was also a resident in the villages adjacent to *Kim's*. The broker went to rural and remote communities to encourage villagers to migrate for a better life in

Thailand. *Kim*'s village was located far away from town; therefore brokers were really able to lure villagers for working abroad, in Thailand particular. The broker had several previous experiences sending people to work on the fishing vessel in Thailand. Finally, eight people originated from the same village as *Kim* were lured by broker. Everybody was accompanied by the broker from the origin village to Poipet border city.

Experiences on Forced Labor and Identification Status

Kim experienced abuse of vulnerability, working and living under duress, excessive overtime, restrictions on movement and intimidation and threat. *Kim* was charged by a Malaysian prosecutor for illegal entrance without documentation. Therefore, he had been transported from one detention center at the State border to another center for the final destination at Kuala Lumpur. *Kim* criticized the awful and disgusting living conditions in the detention centers that caused hazardous disease, physical weakness, and rapidly weight loss. *Kim* had been interviewed by Immigration Authority, IOM Malaysia and Cambodian Royal Embassy for identification processes which were slow.

3.1.4 Case 4: Reak: Experiences of Banteay Meanchey Resident from Mauritius Island

This case study provides an overall understanding of legal passage through Poipet International Border Checkpoint into Thai territory for Banteay Meanchey residents. *Reak* was a Banteay Meanchey resident, so he could just buy a border pass

ticket which cost 10 Thai Baht without any broker assistance to Rong Kleu Market in Aranhprathet, Sa Keo Province. However, his legal status became illegal once he overstays or moves to another province.

Personal Information: Social and Educational Status

Reak quitted his studies in primary school, grade 4, so he could barely read and write Khmer language. *Reak* is 28 years old. Before leaving for Thailand, he was an unemployed person and entirely depended on his parents. In fact, he got married and had a daughter. *Reak* originated from Oddar Meanchey province but now he is living with his wife in Banteay Meanchey province.

Reak was born to a large size family with seven siblings, and his parents were farmers depending on good seasonal fate in the paddy fields. *Reak's* parents are illiterate. When *Reak* was young, his parents were not able to support their living because the rice fields were not in good productive. His parents did not have money to send him for schooling. As parents were illiterate, education as a long-term investment, was not as important as feeding an empty stomach that was starving – an immediate need. In *Reak's* family, there were five siblings all working in Thailand.

Reak explained his reasons for leaving his village: *“Several families in the same village and adjacent area left their origin to seek employment opportunities in the fishing industry in Thailand, and their family situations got better. Of course, I believed that I would get the same fate if I worked on fishing vessel; I therefore*

decided to go to Thailand. Frankly, I did not know how hard working conditions on the boat would be” [Interview on October 2nd 2014, Banteay Meanchey province].

Irregular Recruitment Process and En Route Movement

As a Banteay Meanchey resident, *Reak* was certain about the method of passing through Poipet border town into Thai territory. Without assistance from any broker, *Reak* bought a border pass ticket and walked to Rong Kleu Market in Aranyaprathet, Sa Keo province, Thailand. Even though he could go to Thai territory independently, he still asked for assistance from a broker about where he could work as fisherman. He paid 2,000 Thai Baht for transportation service to Pak Nam, Rayong province.

Experiences on Exploitative Works and Status Identification

Reak experienced excessive working overtime, abuse of vulnerability, intimidation and threat, physical violence and restrictions on movement. *Reak* was repatriated from Mauritius Island when the police conducted an investigation on the Thai fishing boat as it violated the country’s territorial water regulations. Nobody was detained in the prison. *Reak* filed a complaint directly on the phone from Mauritius Island to non-governmental organizations in Cambodia such as IOM Cambodia and Adhoc –a local NGO in Phnom Penh.

3.1.5 Case 5: Kun: Experience in Suan Plu Immigration Detention Center (IDC), Thailand

This case portrays an implementation example of an identification procedure where labor trafficked victims did not reveal or report the crime of human trafficking to competent authority. Of course, *Kun* and his fellow friends were afraid to tell the truth for they assumed their captain would bribe the police official and transfer them to slave-like working condition on a fishing vessel. In fact, *Kun* was interviewed by immigration police. *Kun* expressed the concern that: *“We deadly scared that our boss would bring us back to the ship. Therefore, during the interview, we told the police that we had worked at a construction site instead. We were detained in several detention centers (approximately 20 centers) from deep southern provinces until the final destination at Suan Plu IDC, Bangkok”* [Interview on October 4th 2014, Kompong Thom province].

Kun was one among 13 ethnic Kouy people who had been sold by brokers to a Thai-owed fishing vessel with slave-like working conditions in the form of debt bondage for 15 years in Pattani Province, Thailand. Ethnic people are vulnerable to be irregularly recruited, turn to be victims of human trafficking as the consequence. With constraint information on human trafficking and barely uneducated, ethnic community has become a favorable group for independent broker to persuade or trick for false promise of employment opportunity abroad.

Personal Information: Social and Economic Status

Kun, 23 years old, is an eldest child in the family, and he had to devote his effort to earn extra money to support younger brothers' and sisters' education. For the sake of younger siblings, *Kun* decided to quit school in primary level, grade three, to work in several uncertain jobs for small amount of money. As a result, *Kun* cannot read and write Khmer language. He is single man originated from Baray district, Kompong Thom province. *Kun* depicted the family condition that: *"We were living in a poor status in the village. My mother had a serious illness, and we really need money"* [Interview on October 4th 2014, Kompong Thom province].

Kun was born in a remote area as an eldest brother among five siblings, and his parents were merely ethnic minority farmers. *Kun's* livelihood was so poor. His parents were illiterates and had no rice field for cultivation. As an eldest child in the family, he had to devote his effort to earn extra money to support younger brothers' and sisters' education.

Irregular Recruitment Process and En Route Movement

In *Kun's* case, the broker went directly to persuade numbers of the ethnic community to work in a fishbowl production factory in Thailand. Simultaneously, everyone was attracted by high salary, better working conditions and expectations for a better future in a foreign country. *Kun* had to pay 7,000 Thai Baht for commission service to the broker, but he could pay later with deduction from his employment salary. In this case, 13 ethnic villagers trusted the brokers, and were gathered and

transported to broker's house in Malai district, Banteay Meanchey province. There were two brokers who accompanied 13 villagers from the origin village to the border province.

3.1.6 Case 6: Rith and Lee: Illegal Recruitment by Agency

This is a case study which describes an incidence in which a licensed recruitment agency (RA) via brokers had facilitated a recruitment process for individual migrants to flee from origin villages to destination countries like Uruguay and South Africa. Of course, RA had obtained license from the Ministry of Commerce and Ministry of Labor and Vocational Training, Cambodia, to recruit/send workers overseas.

Personal Information: Social and Educational Status

Rith, 26 years old, originated from Kampot province. Among his siblings, *Rith* could reach the highest class, grade 10 in a village high school. While *Rith's* brothers and sisters could hardly read or write Khmer language, he could read and write the language. To find an alternate way to earn extra-money for his mother, *Rith* decided to quit school in adolescence. Prior to migration, he was a car repair person. *Rith* described of his family's situation: *"It is really hard to describe our family situation. We are so poor, and we earn for just one day living without any possession left for the future"* [Interview on September 18th 2014, Phnom Penh].

Lee, 25 years old, originated from Brasat Sombour district, Kompong Thom province. He did not have the opportunity to participate in formal education and he

quitted primary school when he was in grade 5. Therefore he had little knowledge on how to read and write Khmer language. *Lee* was unemployed before leaving Cambodia. *Lee* is married, and he has received financial support from his parents to run a small business at home.

Rith was born in a single parent family, a fatherless child with seven siblings. His mother earned a living as a food vender at home and rice harvested in the rainy season. Being born in the countryside, *Rith* totally depended on his mother's income. As an illiterate woman, his mother toiled day and night to support their family under poor living conditions. With assistance from his elder siblings, *Rith* left the province for a training course as a car repair person in Phnom Penh. In fact, he had knowledge and ability, and wanted to operate his own business, but he did not have money to run a repair garage.

Lee, on the other hand, was born to parents who earned a living as farmers in a rural area, and had five siblings. His parents' livelihood largely depended on traditional methods as its rice product represented the main source of income for their family. *Lee's* parents are illiterate and their family was challenged with economic hardship as their agricultural farming was not productive.

Irregular Recruitment Process and En Route Movement

Rith and *Lee* were irregularly recruited to work on the fishing boats overseas by the Giant Ocean Co., LTD. However, RA is not legally permissible, according to the Labor Ministry's regulation, for fishing industry to any country. The Giant Ocean Co.,

Ltd used its license to illegally recruit and send Cambodian workers abroad. For recruited migrants like *Rith* and *Lee*, they received solely the information from one channel; the company, and mostly the agency did not inform about hardship and high risk on the fishing boat. Of course, in this study, forced labor indicators existed to prove that RA could be charged of human trafficking for the purpose of enslavement based on Cambodian Anti-Trafficking Law.

In this case, the company paid for all documentation expense such as passport, airfare, visa and work permit, and an initial monthly salary about \$100 USD. There was no accompaniment even though the flight had many transits from Cambodia to Uruguay and South Africa. Both *Rith* and *Lee* said that: “*Fortunately we asked for help from airport officers in each transit because there was a person among us could slightly speak English*” [Interview on September 18th 2014, Phnom Penh, and October 4th 2014, Kompong Thom province].

Experiences on Forced Labor and Identification Status

Rith and *Lee* had experienced abuse of vulnerability, working and living under duress, excessive overtime, intimidation and threat, and restriction on movement. Initially, both *Rith* and *Lee* had never thought about forced labor or exploitation. Everybody had realized this was a forced labor and trafficking situation when they communicated to family in Cambodia. Their family did not receive monthly salaries that the company had promised to transfer monthly into bank account. In this case, the victim’s relative filed a complaint to the Ministry of Interior and NGOs based in

Cambodia. As the victims' families put pressure on the company and the Ministry of Interior, the company representative flew to Uruguay to facilitate the return process. For *Lee's* case, the Ministry of Interior, Kingdom of Cambodia, had informed South African authorities about illegally recruited-fishermen for purpose of forced labor on fishing vessels. Then he was facilitated to return to Cambodia.

***Note: Lee had been working as a crab catcher in Chonburi province, Thailand. He left his origin village with assistance from an independent broker in Poipet city. In addition, to get the job, he had to pay 2,500 Thai Baht for commission service. Lee expressed on the working condition that: "I had to work without free time. Even if you are sick, you still have to work. It was true; sometimes I worked for 24 hours. If you did not work, you would be insulted by captain" [Interview on October 4th 2014, Kompong Thom province]. He mentioned about his working conditions in general aspect as "The working situation was not hard, and I was not forced to work. I had received 400Baht per day" [Interview on October 4th 2014, Kompong Thom province].*

3.1.7 Case 7: Sa: A Returnee's Experience, Thailand

This is a case study of *Sa*, a returnee, after three years of working on Thai-owned fishing vessel. He shared how he left Pattani province to Poipet Immigration Police.

Personal Information: Social and Educational Status

Sa, 28 years old, originated from Baray district, Kompong Thom province. As an eldest child among four siblings, he had a huge responsibility to earn extra-money to support the whole family. In fact, *Sa* had duties as a father since his father passed away. Being a fatherless child, he decided to quit school in secondary school, grade 7, to work in different uncertain jobs. However, he could read and write Khmer language. *Sa* married, and his wife was pregnant. Prior to migration, he did not have any specific job.

Sa's family was challenged with economic hardship. As an eldest child among four siblings, he had a huge responsibility to earn extra-money to support the whole family. In fact, *Sa* had duties as a father since his father passed away. His mother was illiterate, and earned living as a small vender at home. Even though *Sa* was a married man, he still received financial support from his mother.

Irregular Recruitment Process and En Route Movement

Sa was encouraged by a former fisherman from his neighborhood to leave his village to work for a fishing vessel in Thailand. Of course, the former fisherman had known a broker who could facilitate an informal channel border pass in Malai district,

Banteay Meanchey Province. As noted during interview, *Sa* had mentioned that the former fisherman successfully persuaded and removed about 50-60 people from different villages in Kompong Thom province to the broker's house in Malai district, Banteay Meanchey Province. *Sa* was accompanied by the former fisherman with 50-60 other migrants on several buses to the broker's house. In this case, the key respondent totally trusted the former fisherman who promised a high salaries job on a fishing vessel and affordable working conditions in Thailand. However, he had to pay 2,500 Thai Baht to the broker (including commission service to the former fisherman).

Experiences on Exploitative Works and Identification Status

Sa experienced abuse of vulnerability, working and living under duress, excessive overtime, restriction on movement, and intimidation and threat. In this case, *Sa* was never identified by Thai operational authority. He paid for transportation services to Immigration Police to facilitate the process of deportation to Cambodia.

3.1.8 Summary of Case Studies

Case's Order and Individual Information

The key respondents' individual information provide links to understand several issues related to trafficking in persons which relevant to the analysis in next section. The case files in this study contain of pieces of information such as age, education level, ability of writing and reading Khmer language, skills, marital status, and employment background prior migration to destination country (See table 03).

Table 03: The Key Respondents' Background Information

Case's Order (By Name)	Background Information					
	Age	Education* (Formal)	Ability (Reading/ Writing Khmer)	Skill	Marital Status	Employment (Prior Migration)**
1. Ra and Bo	30/26	N	No	No	M/S	Uncertain
2. Yin and Khem	20/47	PS/N	No	No	S/M	Uncertain
3. Kim	27	PS	No	No	M	Unemployed
4. Reak	28	PS	No	No	M	Unemployed
5. Kun	23	PS	No	No	S	Unemployed
6. Rith and Lee	26/25	SS/PS	Yes/No	Yes/No	S	Car Repair Person/ Unemployed
7. Sa	28	SS	Yes	No	M	Uncertain

- PS: Primary School, SS: Secondary School, N: Not Participate in Public School
- S/M: Single/Married

Note:

*Article 68 of the constitution, Kingdom of Cambodia, stipulated that "State shall provide free primary and secondary education. Citizens shall receive education for at

least 9 years.” Primary school sets from grade 1 to grade 6. Secondary education has two categories; secondary school ranges from grade 7 to grade 9, and high school limits from grade 10 to grade 12.

** Unemployed referred to the situation that a person “Not having a job.” However, uncertain was used in a condition that a person “Have a job, but temporary, insecure and unproductive.”

Analysis of Individual Information of Key Respondents

Vulnerable people and labor trafficked/exploited victims have a lower literacy level, whether adult or children (ILO, 2014:35). Cambodia has a high rate of dropout in secondary schools which accounts for about 20 percents whereas dropout rate in primary and high schools are 9 and 12 percent respectively (USAID, 2011:v). The results of in-depth interviews show that the majority of respondents are illiterate or semi-literate. Some respondents had dropped out from formal education at younger age, and therefore could not read or write Khmer language. However, adolescence who did not quit school in younger age could read and write the language. Moreover, two respondents never had the chance to acquire to education. As observed by the researcher, early school-leavers and adolescent dropouts are unskilled persons because they have never received short or long term skills or vocational training.

Working abroad is not only attractive to single men, its prospects also catch the attention of married persons. Interestingly, a single man probably thinks that

working abroad would be the best alternative way to earn money to support his siblings and/or to operate a small investment in the home country after a few years of hard work abroad. A married person is a head of family and has duties and obligations to support daily expenditures. The fact, the status quo of key respondents' livelihoods had motivated young populations to find alternative livelihoods or decent employment destination via internal or external migration.

Unemployed and uncertain careers are crucial indicators to understand respondents' employment prior to migration. All respondents were unemployed and had uncertain careers in their origin country. In fact, youth unemployment is an epidemic disease as thousands of youth annually are new entrants into Cambodia's labor market. The key respondents were challenged to find decent work in their origin country. The main component and motivation for migration is predominantly economic.

Information on Key Respondents' Social Status

Castles and Miller (1998:20) suggested the use of the push and pull model to study the root causes of migration flow. Poverty is one of the indicators referenced in the push model. In fact, there was no measure of poverty at the household levels, however direct and indirect measures were used such as income shock, debt, wage and food security (ILO, 2014: 35-36). To learn about poverty levels, the researcher probed on family situations and social status of the key respondents. As the researcher had interviewed some respondents at their residence, observation

technique were used to understand general standard of living for respondents. The key respondents' livelihoods are described below in Table 04.

Table 04: Individual Information of Key Respondents' Social Status

Case's Order (By name)	Individual Social Status*	
	Sibling	Family's livelihood
1. Ra and Bo	09	(1) Miserable to stay at home due to lack of employment opportunity, (2) No alternative way to earn money to support daily expenses, and (3) physical work to earn little money for just a living.
2. Yin and Khem	03/04	- Yin's family's livelihood: (1) Received little income, but high daily living expenses such as food and education...etc., and (2) have no land possession as they were living in a rented house. - Khem's family's livelihood: (1) Khem is a household head, and (2) he had duties to support for whole family's expenses.
3. Kim	05	(1) Relies on kind support from elder siblings, and (2) elders' economic conditions were not good as their incomes had declined.
4. Reak	07	Unable to support living costs as rice field was unproductive.
5. Kun	05	(1) No land for cultivation, (2) Mother was ill, and (3) needed

		money to support younger sibling's education.
6. Rith and Lee	07/05	- Rith's family's livelihood: (1) totally depended on his mother's single source of income, and (2) the income could only support subsistence livings. - Lee's family's livelihood: (1) rice field largely depended on traditional farming methods, and (2) agricultural farming was not productive.
7. Sa	04	(1) Little income for a large household, and (2) No alternative methods to increase income.

Note:

*As observed by the researcher, great majority of key respondents and their families are originated from rural areas of Cambodia.

Analysis of Key Respondents' Social Status and Reason for Migration

The majority of key respondents originated from large families with at least three siblings and at most nine siblings. Two arguments have been given on who make decisions for migration. The first argument insists that individual migrants are rational actors in their decisions to migrate with expectations of alternative livelihoods (Massey at al., 1993). On the contrary, Castles (2010:50) argued that individuals are not the decision makers for migration; rather the families decide in order to generate extra income and opportunities.

The research suggests multidimensional factors and actors are involved in the decision making process. The respondents thought about escaping from harsh living condition at home for employment opportunities and sending remittances to support the household in return.

This research found that discussions were a significant input and were used as a bridging tool between individual migrants and families to make the decision to migrate. To understand the discussion process, respondents' household structures shall be identified. All single respondents were residing under the same roof as their parents. Most married respondents were living at their parents' houses with the exception of *Khem* and *Kim*, who had different households. To raise some components of discussion:

- (1) For single men, approval from parents is significant;
- (2) For married men who reside under their parents' roof: initially migrants discuss with and get approval from their wives, and then ask for final permission from parents; and
- (3) For married men who were not living in different households: discussion and approval from spouse is significant, and they just inform parents after.

In fact, no respondent had been forced by parents to work abroad. As a confirmation, married migrants in this study asked for approval from their wives. Elder

siblings culturally devote their effort and hard work to provide opportunities to younger siblings.

The literacy level of the parents (or heads of household) would influence the result of forced labor/exploitation for their children. At the household levels, literate heads were less likely to be in forced labor/exploited (ILO, 2014:35-38). Unfortunately, the great majority of respondents' heads of household or parents were illiterate. Therefore, to that extent, as a decision-maker, it would negatively affect the migration outcome.

Taylor (2006:3) explained that low incomes create an incentive for people to migrate. The key respondents were predominantly economic migrants. In the above Tables, the key respondents originated from rural poor, backgrounds as farmers, informal workers (e.g. vendors, sellers and motor-taxi drivers), and uncertain employment. Information about family's livelihoods gave an overall profile of key respondents' household poverty level indicating low living standards, lack of employment opportunity, and economic hardship with declining income or illness. Parents of key respondents have some challenges at household level such as:

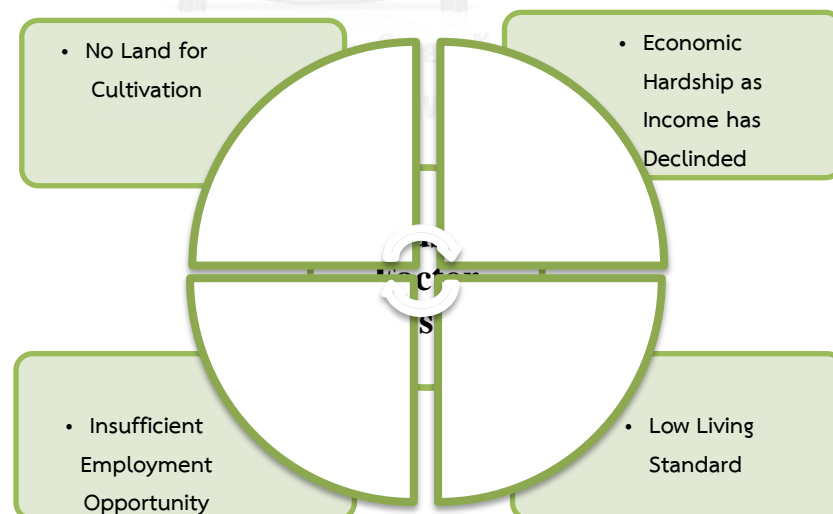
- (1) For farmers, rice product represents the main source of income, but they are seasonally dependent farmers who largely rely on traditional methods for farming. The respondents mentioned unproductiveness of their rice fields. Of course, the farmers probably lack technical skills to increase

their rice production. In fact, income is a constraint for large sized households. Some families do not have arable land for cultivation.

(2) Informal works and uncertain employment: As respondents mentioned, income could serve to cover just a single day's expenditures, and insufficient employment opportunities existed to alternatively expand family income. *Yin's* parents had no land possession, and they were living in a small rented room. The majority of households received little income, which is unbalanced with inflated prices for fundamental products. Some key respondents described their family situations and social status which indicated poverty at the household level.

Figure 03: Poverty at Household Level Indicated as the Push Factors

Contributing to Migration

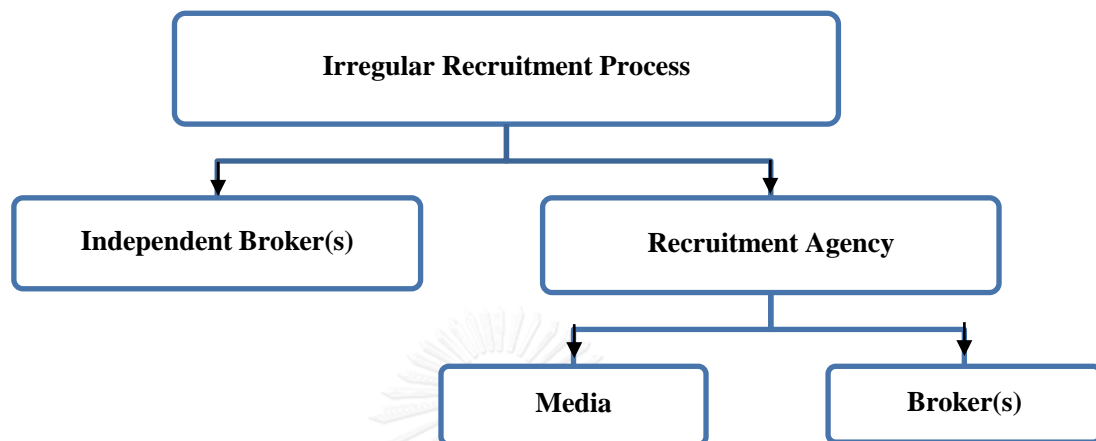


3.2 Analysis of Irregular Recruitment Process in Cambodia and Thailand

Taylor (2006:3) discussed the concept of incentives versus constraints of poor households for international migration decisions. The concept has controversial direction, as poor households have positive trends in working overseas as economic migrants to collect remittances to support family livelihoods at home, yet the poor does not have money to pay recruiters, travel's fees or services charges by brokers. In a study conducted by ARCM (2010:35-44), three methods of recruitment were indicated as migrants were recruited by: (1) independent brokers, (2) brokers representing a recruitment agency, and (3) brokers working for recruitment agencies in the receiving country.

This research found that key respondents had experienced two types of irregular recruitment processes. To make an ultimate decision for irregular migration, key respondents shall have reasonable proof to trust in independent brokers or recruitment agencies. In this regard, the researcher asked: why did key respondents believe in independent brokers or recruitment agencies? The researcher analyzed key strategies that were used by independent brokers or recruitment agencies as an effective tool to lure or persuade villagers to leave their origin villages for final destinations in Thailand. Figure 04 depicts the overall irregular recruitment process experienced by key respondents.

Figure 04: Main Components of Irregular Recruitment Process Experienced by Key Respondents in Cambodia



3.2.1 Irregular Recruitment by Independent Brokers

Independent brokers refer to persons who work independently to facilitate individual migrants to leave their origin villages for destination countries. In this research, the brokers have significant functions to irregularly recruit and remove targeted people from their villages for particular purposes in Thailand. Of course, brokers understand the household poverty level and poor immediate needs in these areas, therefore they travel straight to different villages in rural and remote communities to entice strong adult and men to migrate for a better life abroad. Moreover, ethnic communities increasingly fell into the most vulnerable group of irregular recruitment by brokers as large majorities of people were uneducated and had less communication with authorities.

Irregular migrant workers are the most vulnerable to human trafficking for the purpose of exploitation abroad. Table 05 categorizes some key respondents who

were lured and persuaded by independent brokers to facilitate en route movement and irregular recruitment process.

Case's Order	Ra and Bo	Yin and Khem	Kim	Kun	Sa
Recruited by Independent Brokers	Yes	Yes	Yes	Yes	Yes

Table 05: Respondents Who Were Irregular Recruited by Independent Brokers

Why do key respondents believe in independent brokers?

To provide an appropriate answer, the researcher shall illustrate key strategies that had been used by brokers to remove targeted people from origin villages to Thailand, a destination country. Information had been collected from key respondents to understand the nature of voluntarily belief in brokers to make decisions for irregular migration.

Irregular Recruitment Strategies Used by Broker			
Select the Target	Promise	Services	Trust
(1) Rural poor, remote area and ethnic communities, (2) Less educated	(1) High wage (at least 300 Baht plus overtime bonus), (2) Free of charge for food	(1) Free of charge services: transportation and food, and (2) Deducted monthly	(1) Fellow villager, (2) Experiences of sending people abroad, (3) A relative or distant

family, and (3) Received inadequate news and information of high risk of irregular migration.	accommodation, and (3) Acceptable working condition.	salary for commission fee later.	relative, and (4) Build good relationship, and well communicative.
All Key Respondents	All Key Respondents	All Key Respondents (Excluding Sa)	Yin and Khem, Sa and Kim

Table 06: The Key Recruitment Strategies Used by Brokers

The result has shown the process of irregular recruitment as below:

(1) Broker shall consider targeted people's origin villages; regularly rural poor, remote areas or ethnic community that received inadequate education, no news and information about incidents or high risk of irregular migration.

(2) Fake promises are the fundamental strategy to lure targeted people. The promises combined of high wage (at least 300 Thai Baht per day plus overtime wage), better employment opportunity on fishing boats or other sectors, acceptable working conditions (minimum 8 hours per day), and free of charge for accommodation and food.

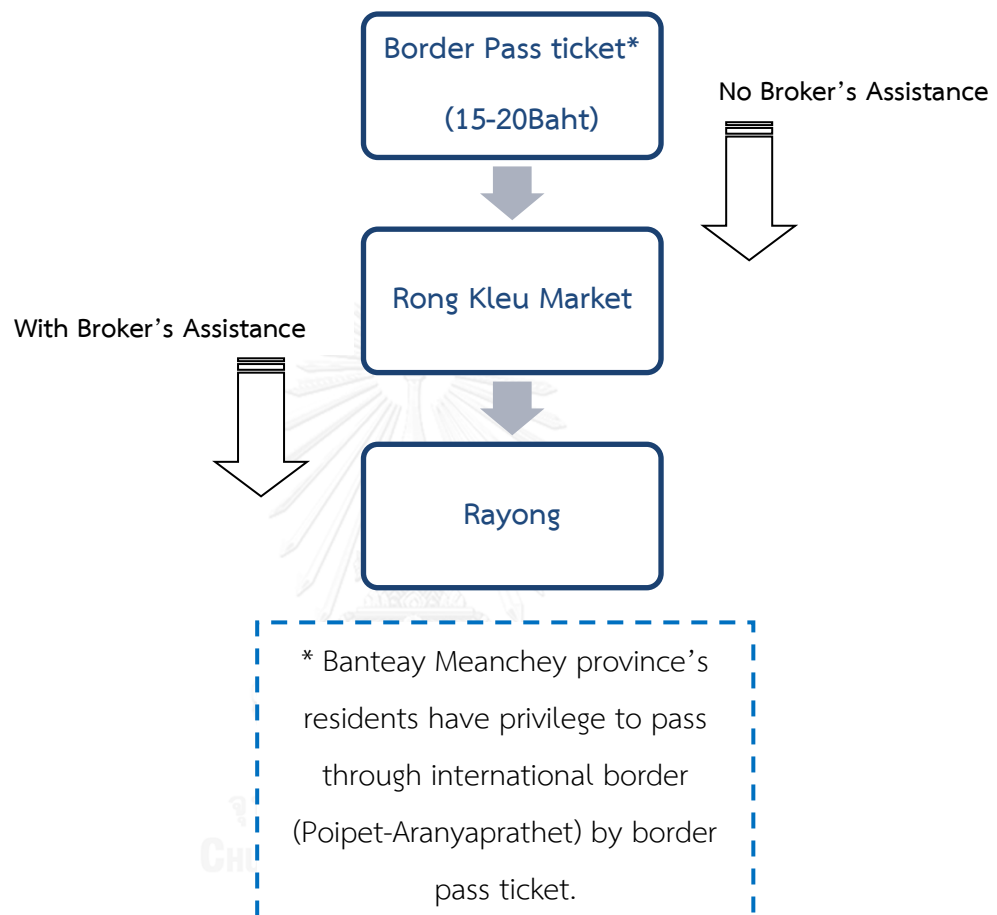
(3) The most persuasive technique is targeted people are not required to pay for broker's services; transportation expense is covered from origin village to final destination. Broker simply explains that commission services will be deducted from their monthly salary.

(4) To build trust with villagers, broker has good relationship as a reliable person and communicates well with targeted people. Broker can be a fellow villager in the same or adjacent village with targeted people, and whether or not had previous experiences sending people to Thailand. Moreover, in some cases, the broker was distant relative or relative of targeted people, and then lured people to leave their origin village for Thailand.

(a). An Exceptional Case: Reak's Experience on Irregular Recruitment

According to *Reak's* description, he was not lured or persuaded by any independent broker to flee from his village to a final destination in Thailand. As a Banteay Meanchey province resident, *Reak* had certain access to pass through the Poipet border into Thai territory. Without assistance from any independent broker, *Reak* bought a border pass ticket and walked to Rong Kleu Market in Aranyaprathet. Even though he could go to Thai territory independently, but he still asked for assistance from independent broker about where he could work as a fisherman. He paid 2,000 Thai Baht to the broker and took a van from Rong Kleu Market to Pak Nam, Rayong province; the final destination suggested by independent broker.

Figure 05: *Reak's* traveling experiences illustration with/without assistance from independent broker



A crucial motive has represented as *Reak's* push factor to search for an opportunity abroad. The motive would be visible in his statement as quoted:

"...Many neighbors in the same village and adjacent area went to work on fishing boats in Thailand, and their situations were getting better. And I really believed that I would get the same fate, and then I made

decision to leave my village for Thailand” [Interview on October 2nd 2014, Banteay Meanchey province].

To escape from poverty and unemployment in his village, *Reak* undoubtedly believed that working abroad would improve his status quo. Obviously, it was visible as *Reak* learnt that many neighbors in the same village and adjacent areas who went to work on Thai fishing boat had sent annual remittances to support family members in Cambodia. From what *Reak* had seen, their livelihoods, more or less, had positive changes, particularly for those who worked as fishermen. Even he did not know how hard working conditions would be on the boat, he really believed in fortune and made decision to leave his village for Thailand with high economic expectations.

(b). Irregular Recruitment for Fishing Vessel in Thailand

Case classification has shown that the majority of key respondents were irregularly sent and recruited by independent brokers for fishing vessels in Thailand (See Table 07). Of course, the brokers had communicated or networked with crew, captains or brokers who demanded migrant labor in destination. The key respondents had never been registered with local authority, therefore they were considered as irregular migrants without legal documentation to stay or work in the country. In fact, the brokers had arranged the process of transporting and recruiting workers for fishing vessel destination. Irregular migrant workers are vulnerable to exploitative and abusive working conditions.

There are five cases that have certain evidence of irregularity in the recruitment stage. There is a case in which the key respondent informed that Thai-owner had identified his status to local police official. Regarding the report to a local police official, *Reak* said: “The police took my picture to confirm that I was a fisherman working for a Thai-owner, even though I did not have passport” [Interview on October 2nd 2014, Banteay Meanchey province]. Normally, irregular migrants have to pay commission fee for brokers’ services.

Table 07: Irregular Recruitment for Fishing Vessel in Destination

Case’s Order	Recruitment to Fishing Vessel	Destination
1. Ra and Bo	No Documentation	Pattani
2. Yin and Khem	15 days in Detention, Fake Documentation	Mahachai
3. Kim	No Documentation	Pattani
4. Reak	Report to Local Police Official	Rayong
5. Kun	No Documentation	Pattani
6. Sa	No Documentation	Chulbori

Yin and *Khem* provided information on organized crime that offenders had played several important roles. The key respondents and other fellows Cambodian were all detained and controlled by a gunman for about 15 days in an unknown

place in Mahachai. In addition, during the detention period, everyone was asked to take a photo for the arrangement of fake documentation such as Thai passport, fake name, address...etc. prior to their departure to international waters, not far from Indonesia's islands.

3.2.2 Irregular Recruited by Recruitment Agencies

In 2010, the Cambodian government stipulated the Policy on Labor Migration, and formally declared that labor migration provided advantages for households and individual migrants to improve their living conditions which contributed to the human resource development and implementation of its policy on poverty reduction. To ensure the safety of Cambodian workers in receiving states, recruitment agencies²⁴ have a significant duty to operate a satisfactory recruitment process and protection mechanism in order to reduce burdens on health care, law and workers' rights and benefits, and cultural adaptation (Article 02 of Prakas on Recruitment Process and Pre-Departure Orientation Training, No: 046/13, 2013, hereinafter Prakas No: 046/13).

²⁴Article 04 of Sub-decree on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies (2011), hereinafter Sub-decree No. 190, defined recruitment agency to any private legal entity duly established under Cambodian applicable laws and regulations, and officially licensed by the Ministry of Labor and Vocational Training to be responsible for providing full job placement service abroad.

However, in reality migrant workers were trafficked or exploited by recruitment agencies as reported by NGOs and relevant authorities (ILO and ARCM, 2010: xii). The Cambodian legal framework on sending migrant workers abroad contains loopholes and vague clauses which present as major challenges and obstacles on the recruitment process that caused excessive expense and prolonged procedure. In this research, key respondents will provide several reflections on the trafficking recruitment phase by agencies. Table 08 mentions the name of key respondents who were irregularly recruit and send to work overseas by recruitment agency.

Table 08: The Name of Recruitment Agencies Irregularly Recruit and Send Migrant Abroad

Case	Irregular Recruitment by Agencies
Rith and Lee	The Giant Ocean International Fishery Co., LTD

The Giant Ocean International Fishery Co., LTD

The Giant Ocean International Fishery Co., LTD, hereinafter ‘the company’ was a recruitment agency that obtained official license to send migrant workers abroad from the Ministry of Labor and Vocational Training of the Kingdom of Cambodia. The company had headquarters in Toulkork district, Phnom Penh, Cambodia. According to NGO statistics, approximately 1,000 men were trafficked to be fishermen in Malaysia, Uruguay, Hong Kong, Singapore, Fiji, Mauritius Island and

South Africa...etc.²⁵ Two of the key respondents, *Rith* and *Lee*, were irregularly recruited to work on fishing vessels overseas in Uruguay and South Africa, respectively, by the company.

The company used its license to illegally recruit and send Cambodian migrant workers to fishing vessel as this sector was impermissible by Cambodian Labor Ministry. During a workshop on “Trafficking in Persons in Fishing Sector,”²⁶ Mr. Chiv Phally, Deputy Director of the Department of Anti-Trafficking and Juvenile Protection of the Ministry of Interior, Cambodia, said:

“To send Cambodian workers abroad, a licensed recruitment agency has to follow proper procedure of the competent authority, the Ministry of Labor and Vocational Training. Even though the agency received official license to recruit/send workers overseas, however, they are not legally permitted to recruit/send workers to fishing vessels. If the agency did this, it is illegal.”

²⁵ For more detail information, please visit the link:

<http://www.cambodiadaily.com/archives/taiwanese-national-accused-of-trafficking-fishermen-arrested-23576/> [Accessed on December 14th, 2014]

²⁶ The workshop organized by Secretariat of National Committee to Lead S.T.S.L.S at Phnom Penh Hotel on July 15th, 2014.

(a) Rith's Experiences on Irregular Recruitment

Rith thought that working abroad was a good way to earn some money to run his own future business in Cambodia. He individually made the decision to work in Uruguay after an acquaintance brought him to the Giant Ocean International Fishery Co., LTD to observe recruited-workers' training.

There were some suitable reasons to trust in the company. In principles, as explained by a company representative, fisherman would work approximately 8 hours per day within an acceptable working condition on fishing vessel. Moreover, the company would be responsible for all documentation expenses such as passports, airfare, visas and work permits, and pay an initial monthly salary of about \$100 USD. Money would be transferred to a bank account which was established by the company in Cambodia.

Rith knew that Uruguay would be his destination country, although he had never heard about this country or the hard entailed of being a fisherman. To earn money, he agreed to work on the sea. Unfortunately, he did not know whether the company had official license to send workers abroad. Before leaving for Uruguay, the company supported a temporary stay during the training session, *Rith* and other 20 recruited workers received medical check-ups and a Chinese language training course.

“Just about 10 days, we were all ready for traveling to the destination. We had all legal documents for the journey like passports, visas and work permits, and air-ticket. However, we would be traveling to fishing boats in different destination such as South Africa, Fiji, and Singapore...etc” [Interview on September 18th 2014, Phnom Penh]

(b). Lee’s Experiences on Irregular Recruitment

Lee had received significant influence from his cousin who had a strong desire to work in the fishing industry via the company’s recruitment process. In fact, *Lee*’s cousin had believed in the broker who worked for the recruitment agency. His cousin and *Lee* therefore left their village for the company’s office in Phnom Penh.

The company did not require recruited workers to pay any expenses for documentation preparation, air-tickets, temporary stay prior to departure and training fees. To build trust with workers, the company created a bank account to facilitate remittance transfer to family in Cambodia, but his mother never received any money in this account.

Approximately 30 recruited workers had participated in training sessions on survival Chinese language, body exercise and other activities which were arranged by the company for about 15 days prior to the departure date. *Lee* described the recruitment process:

“Mr. Chhay, a company trainer, brought me and my cousin to his company’s office. We were not required to pay money for any documentation arrangement, and we would get first month salary from the company. We temporarily stayed in the company for about 15 days waiting for departure. The company informed that we would be leaving for a fishing boat in South Africa”

[Interview on October 4th 2014, Kompong Thom province].

(c). Summary

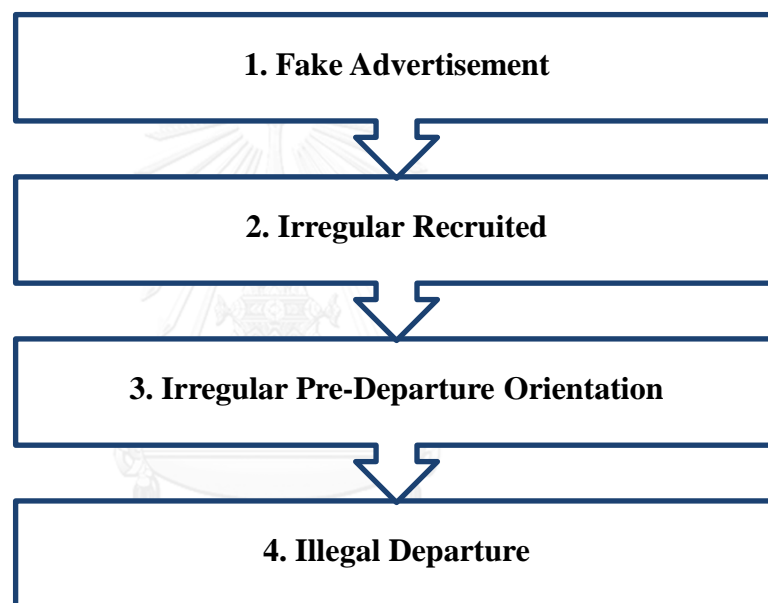
According to key respondents’ narrative stories, the researcher has found some irregularities in the recruitment process. To lawfully send Cambodian migrants overseas, a recruitment agency shall abide by the Prakas on Recruitment Process and Pre-Departure Orientation Training (Prakas No. 046/13), a minimum standard procedure which is stipulated by the Ministry of Labor and Vocational Training.

In this description, there are three main irregularities: (1) fake advertisement, (2) Irregular Recruitment, and (3) Irregular Pre-departure Orientation.

Figure 06 briefly explained irregular procedures on recruiting and sending Cambodian migrant workers conducted by the Giant Ocean International Fishery Co., LTD. The consequence of irregular recruitment provided negative suffering on Cambodian migrant workers who were vulnerable targets of trafficking and exploitation. Responding to dramatically increases of migrant workers’ rights

violations involving the Giant Ocean International Fishery Co., LTD, several Cambodian non-governmental organizations²⁷ released a joint statement to put pressure on the Cambodian government and the court to take serious action against the company.

Figure 06: Procedure of Irregular Recruitment Arranged by the Giant Ocean International Fishery Co., LTD



(1) **Fake Advertisement:** Prakas No. 046/13, Article 02, has required the recruitment agency to promote real and reliable information to potential migrant workers in terms of employment opportunity, advantages and working standards that

²⁷ The joint statement was signed by Cambodian Human Rights and Development Association (Adhoc), CARAM Cambodia, Cambodian Human Rights Action Committee (CHRAC) and NGO Committee on CEDAW on August 14, 2014.

prospective workers would probably experience. In *Lee's* story, the company had brokers who lured potential workers with fake advertisements on employment opportunities and working conditions. *Rith* had learned about the company from an acquaintance, and he went to observe a company training before making a decision to work on one of its fishing vessels. In fact, the company provided fake and unreliable information in order to persuade prospective workers to fall into its trap on employment opportunity, working condition and salary. In reality, Cambodian migrant workers were at high risk to its slavery-like working conditions on its fishing vessels. For recruited migrants, they received only one-sided information from the company and made an irrational decision with less knowledge on hardship and high risk on the fishing boat.

(2) Irregular Recruitment: *Rith* and *Lee* had acknowledged that the company had solely recruited workers for fishing boats in Uruguay and South Africa respectively from the company's representative. In fact, the Ministry of Labor and Vocational Training had banned recruiting and sending Cambodian migrant workers to the fishing industry. In this regard, the company had clearly violated the Ministry's prohibition. *Rith* and *Lee* both claimed that they had legal documentation such as passports, entry visas, work permits and air-tickets for travelling. To escape from the legal web prohibiting that migrant workers are sent to the fishing vessels, the company therefore used its official license and false statements to complete the

package of documents on medical checkup (physical and mental) and legal documents for travelling that are required by Article 5-7 of Prakas No. 046/13.

(3) Irregular Pre-Departure Orientation: According to the Prakas No. 046/13, Article 8-9, in any circumstance, before sending workers abroad, the company shall conduct training on pre-departure orientation on language and relevant skills instruction to workers. *Rith* and *Lee* had received pre-departure orientation conducted by the company. As the nature of recruitment was irregular, the orientation therefore would be classified as irregular.

“We [NGOs] have observed that there are a lot of issues challenging migrant workers such as: rights violation, physical assault, forced labor, disappearance, detention in the receiving country without salary or a reduced salary, lack of food which may cause sickness, and death may also occur from a variety of different factors.”

3.3 Analysis of Route from the Origin to Final Destination

Hugo²⁸ (2005:3) insisted that social networks and the migration industry were the two influential elements of international migration. According to the author, social networks had emotionally pushed and promoted mobility in the form of relatives or friends who had already migrated to the destination country, and

²⁸ Hugo, 2005:03 Migration in the Asia-Pacific region: a paper prepared for the policy analysis and research programme of the global commission on international migration, National Center for Social Application of GIS, University of Adelaide)

migration industry referred to the form of chain linking in the migration system that comprised of migration agents, recruiters, travel providers, migration official, etc. In this study, independent brokers and recruitment agencies are the driving force for international migration industry between Cambodia and Thailand. Undoubtedly, this trans-boundary migration industry had boomed and is profitable with flexible networks and connection establishment as a result of improved transport systems, opened borders, trade and communication and proliferation of international media. In this regard, to study the route of migration would provide crucial understanding of the migration industry.

In previous sections, irregular recruitment processes, independent brokers, and recruitment agencies are two significant actors provoking targeted populations to depart from their country of origin for destinations abroad. Of course, the process of migration is complicated. The key respondents were asked about travelling experiences from their village to final destination. This section examines the routes taken by the key respondents that were organized by: (1) independent brokers, and (2) recruitment agencies, in migration from their country of origin to final destination. Furthermore, to better understand this section, the researcher had distinguished the process of migration into two phases, from origin village to border destination, and from Cambodian border to final destination.

3.3.1. Route Arranged by Independent Brokers

❖ Phase 1: From Origin Village to Border Destination

This phase generally outlines key respondents' route experiences of irregular migration arranged by independent brokers. It provides a clear direction on travelling experiences of key respondents who originated from different provinces in Cambodia. In the first phase of movement, the researcher concentrates on how key respondents were transported from their origin villages to border destinations. The section will analyze the working process of independent brokers to successfully move people to border destinations.

This section analyzes three important issues: (1) independent brokers' networks, (2) meeting points at the border destination, and (3) transportation of groups of people.

(1). Independent Brokers' Networks: The statements of the key respondents revealed flexible, consistent and strong networks of independent brokers to conveniently move irregular migrant workers while avoiding attention of authorities from origin villages to border destinations in Poipet city or Malai district, Banteay Meanchey province. Technically, a network of independent brokers comprise of members (estimate of at least three members) with particular roles and functions. This research discovered independent brokers with different roles and functions as: (a) brokers who are responsible for persuading and moving migrant workers from their

origin to Poipet city or Malai district, (b) brokers who control hidden waiting places for migrant workers prior to departure to the Cambodian border, and (c) crossing facilitators. For example, *Ra* and *Bo* said: *“We were welcomed by another broker –as the first broker had disappeared. That broker transported us to Thai territory”* [Interview on October 4th 2014, Kompong Thom province]. In addition, brokers had communicated with the network in advance as explained by *Kim*: *“A broker transported me and other 8 villagers to Poipet border city. When we had arrived Poipet, there awaited motor taxi drivers to bring us to a place (where I do not know) waiting for next departure into Thailand at 3:00AM”* [Interview on September 18th 2014, Phnom Penh].

(2). Meeting Point: In this case, the majority of key respondents were transported to Poipet border city prior to the next departure to their destination in Thailand. Poipet city is located on the Cambodia-Thailand international border. The city is considered the most popular destination of Cambodian migrant workers (both regular and irregular) from several provinces who desire to cross over the border to work in Thailand. Brokers transported potential migrants originating from different provinces to Poipet (at the broker’s house or a hidden place) waiting for border crossing at midnight. Besides Poipet, Malai district also functions as a borderline for irregular migration. Figure 07 visually explains the en route that key respondents had travelled from their origin village to Poipet city, the border destination (See Figure 07). However, there is an exceptional case for a Poipet city dweller and Banteay

Meanchey resident. Banteay Meanchey resident and Poipet city dwellers have privilege to pass through Aranyaprathet border checkpoint by border pass ticket (one day admissible) which costs about 15-20 Thai Baht. However, the key respondents that were Poipet city dwellers went directly to a broker's house waiting for the next journey into Thai territory at midnight. *Yin* insisted that: *"The broker's house was a meeting point and waiting destination for many people who would travel to Thailand. As we lived in Poipet border city, my uncle and I went directly to broker's house where there were 30 people waiting for border-passing at midnight"* [Interview on October 3rd 2014, Poipet city, Banteay Meanchey province].

(3) Groups of People: Interestingly, the key respondents' statements showed that potential migrants had left their origin village with brokers in groups of people ranging from 8 to 13 individuals. The brokers tended to recruit groups of people for border destinations. The people were gathered from villages and put into a van or vehicle. For instance, in *Kun's* case, as he said: *"I left my village with 13 fellow Kouy ethnic villagers. We were gathered in our village and departed for the broker's house in Malai district, Banteay Meanchey province. There were 2 brokers who accompanied us to the border destination. We had to wait until midnight for next phase of travel"* [Interview on October 4th 2014, Kompong Thom province]. Similar to *Kun*, *Ra* and *Bo* confirmed that: *"We left our village together with a broker by van without any documentation. In total, there were 10 people on a van*

heading to Poipet border town” [Interview on October 4th 2014, Kompong Thom province].

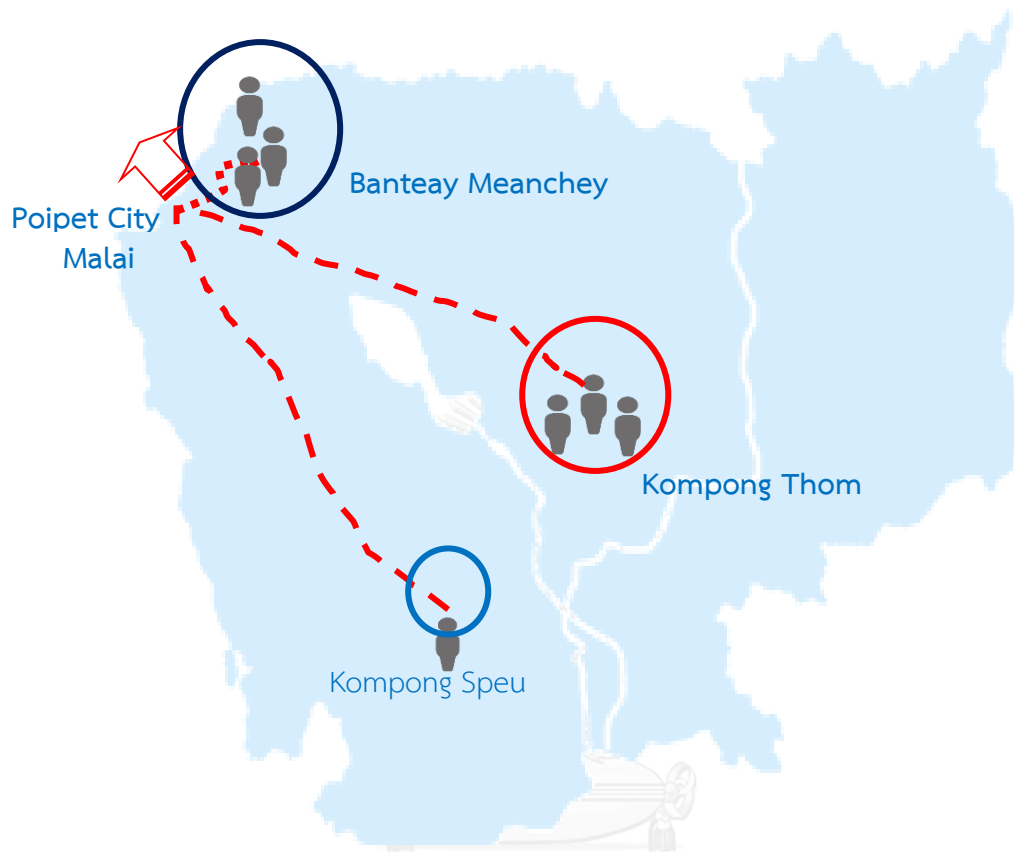


Figure 07: The Key Respondents' Routes from their Origin Province to Poipet City or Malai District, Border Destination

❖ Phase 2: From Cambodia Border to Final Destination

This is a second phase of migration movement which focuses on brokers' methods to move Cambodian irregular migrant workers from the border to final destination in Thailand. This phase provides information on key respondents' en route experiences arranged by independent brokers. In this study, key respondents were moved to different provinces in Thailand. Moreover, the analysis realizes the

working process of independent broker to successfully move the people for the final destinations. The key respondents had mentioned inhuman treatment during their journey due to brokers' efforts to evade Thai police from the border to the final destination.

Analysis of Route from Cambodia Border to Final Destination:

Crucial information given by key respondents in the table above is a key instrument for analysis of migration en route practiced by brokers. The scope of analysis covers 3 points: (1) Illegal passage over the border, (2) network of broker transportation, and (3) inhumane treatment during the journey.

(1). Illegal Passage over the Border: All of key respondents (except *Reak*) had illegally passed over the Cambodian-Thai border at midnight to evade from authorities' notice. The movement process was facilitated by a broker who had the particular functions of moving recruited migrants across the border. In this stage, there were one to three brokers present. Everyone had to follow strict instructions of the brokers. The journey was dangerous and awful. The recruited workers trekked before reaching the meeting area in Thai territory. In some cases, the broker moved recruited workers by small boats, which could carry 2-3 people each across a stream. Moreover, targeted people had to run quickly while passing over plantations.

- Experiences on the Route from Cambodia Border to Pattani Province, Thailand

Kim described in detail how the brokers facilitated the movement to cross the Cambodian-Thai border via Poipet border city: “I took a small boat that could carry 2 to 3 persons each which facilitated by broker to cross a stream. We had arrived in Thai territory, and waited for the next movement in a bamboo patch. Then a van came and picked us up to places I had never known. I realized later that the van brought everyone to Bangkok. The driver suggested us to get out at a train station that headed to Pattani province” [Interview on September 18th 2014, Phnom Penh].

Kun explained the route from Malai district, Banteay Meanchey province, to Thailand that: “At night, brokers directed us to illegally pass through a sugar cane plantation for Thai territory where there was a van waiting for us. Everyone was brought to Pattani province” [Interview on October 4th 2014, Kompong Thom province].

(2). Network of Broker on Transportation: According to key respondents’ descriptions, it is likely there are two channels of movement. In the first channel, brokers in Cambodia side transport targeted people over the border to a meeting area where the second channel begins. There are brokers in Thailand side awaited for the groups. As noted, the groups of targeted people range from 8 to 30

individuals being transported into Thai territory. Cambodian brokers hand over recruited migrant workers to Thai brokers who are responsible for the next departure to the final destination. This network is flexible, consistent and strong. The brokers moved recruited migrant workers successfully to many destinations in Thailand such as Pattani, Rayong, and Mahachai while evading police's notice (See Figure 08). For instance, Sa portrayed the movement in detail: *"I paid 2,500 Thai Baht to the broker. At night, we left from the broker's house at Malai district, Banteay Meanchey province for the illegal crossing to Thailand. It was complicated as we had to walk into a forest, but we had brokers assisting us. There were vans waiting for us in Thai territory. The van was heading to our boss's house in Chonburi province, Thailand "* [Interview on October 4th 2014, Kompong Thom].

(3). Inhumane Treatment on the Journey to Final Destination: The key respondents illustrated how they were inhumanly treated on the journey by the Thai brokers to the final destination. To avoid immigration police investigation on the status of irregular recruited migrant workers, brokers packed few dozens of people overloaded into a van or Hilux Vigo. People had to lie down in a row on in Hilux Vigo and were stacked on the top of each other. Some people on the bottom would not be able to breathe. This is a life risk that targeted people experienced. Yin and Khem described their movement: *"Could you imagine how broker arrange 30 people in a Hilux Vigo? We were seated on one another for the front-row seat in the car, we had only space to breath in and out. However, in the back, people were arranged as*

pigs; stacked on one another, and cover by tent. Everyone then had arrived at one place, and had a temporary stayed (about 2 weeks) there. However, we were safeguarded by a gunman” [Interview on October 3rd 2014, Poipet City, Banteay Meanchey province].

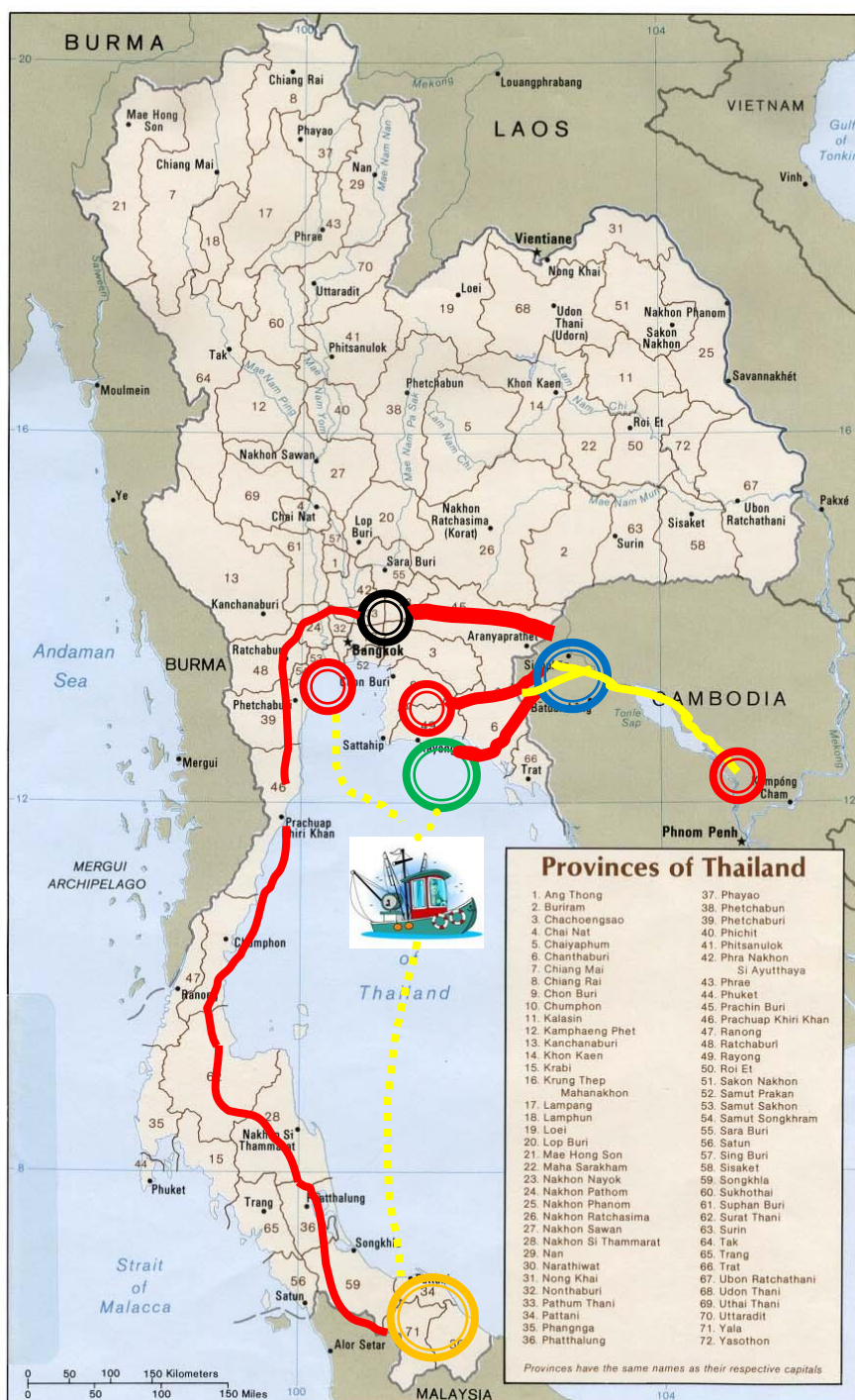


Figure 08: The Key Respondent's Route Movement from the Cambodia Border to the Final Destinations in Thailand

3.3.2. Route Arranged by Recruitment Agency

This study explains the route experiences of key respondents arranged by the recruitment agency to move recruited workers from Cambodia to their prospective destinations. It includes a description analysis on systematic means of moving key respondents to their destinations. The key respondents' descriptions show that the recruitment agencies recruit and send Cambodian migrant workers to different destinations such as Uruguay and South Africa.

The following describes the route experiences of the key respondents whom the company (the Giant Ocean International Fishery Co., LTD) had recruit and send to Uruguay and South Africa. It will show how the company moved Cambodian recruited workers from their origin to prospective destination countries. The following analysis is based on interviews responses of the key respondents.

Analysis of En Route Movement Arranged by Recruitment Agency

According to key respondents' descriptions, the analysis is divided into two main issues: (1) preparation for departure, and (2) arrival in prospective countries (See Figure 09).

(1) Preparation for Departure: Recruitment agencies had prepared some strategies to move recruited workers from their origin villages to destination

countries. The analysis below identifies these strategies and procedures as arranged by the agencies.

a. The Giant Ocean International Fishery Co., LTD: The Company initially arranged a schedule for recruited workers to leave their origin villages for the company's headquarters in Toukok district, Phnom Penh. The Company's representative informed and communicated with the workers on phone. The recruited workers had to wait at least 1 to 2 weeks prior to departure date. During this waiting period, the company provided pre-departure orientation and training, and workers received free meals and accommodation. On the departure date, the company representative sent the workers to Phnom Penh International Airport. There was no direct flight from Cambodia to Uruguay or South Africa. The key respondents had to travel in a group of people ranging from 3-5 to prospective countries without accompaniment; even though the destination had several transit points. As noticed, in a group of people, there was at least one person who could slightly speak English. Fortunately, all key respondents received assistance from airport officers in each transit (See Figure 09).

○ Departure to Uruguay: *Rith* stated that: “*There were five people (including me) travelling from Cambodia to Uruguay. Mr. Chhay, a company representative, sent us to Phnom Penh International Airport. There was no accompanier even though our flight had many transits. Fortunately, we asked for help from airport officers in each*

transit because a person among us could slightly speak English”

[Interview on September 18th 2014, Phnom Penh].

○ Departure to South Africa: *Lee* explained about the journey experience: “A company representative sent us to Phnom Penh International Airport. We traveled by ourselves to South Africa. We left Cambodia without any follower even though there were many transits. However, we asked for assistance from airport official at each transit”

[Interview on October 5th 2014, Kompong Thom province].

(2). **Arrival:** When key respondents had safely arrived at the destination countries, there were people (whom they did not know) waiting for them at the airport’s meeting point. The Cambodian migrant workers were checked for passports and brought to the place of employment by those people.

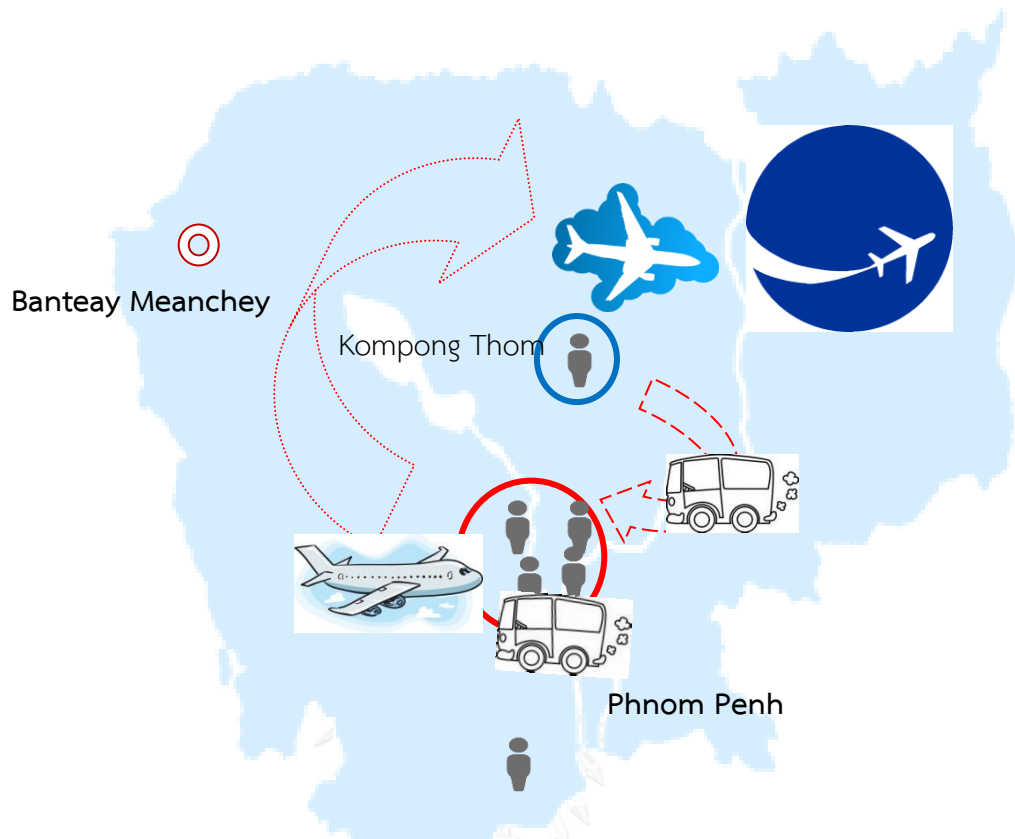


Figure 09: Virtual Explanation of the Procedure of Moving Cambodian Migrant Workers from their Origin to Destination Countries as Arranged by the Company

3.4 Forced Labor and Exploitation Practices

Theoretically, the ILO Forced Labor Convention, 1930 (No. 29), Article 2.1 defines forced labor as: “*all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*” In practice, however, the ILO’s Special Action Programme to Combat Forced Labor (SAP-FL) gives 11 indicators for front-line individuals, relevant officials at operational level whose responsibility is to eliminate compulsory labor, to visually judge or identify “clues” in a situation that possibly contains element of forced labor (ILO Indicators of Forced Labor, 2012). The indicators are: (1) abuse of vulnerability, (2)

deception, (3) restriction of movement, (4) isolation, (5) physical and sexual violence, (6) intimidation and threats, (7) retention of identity documents, (8) withholding of wages, (9) debt bondage, (10) abusive working and living condition, and (11) excessive overtime (ibid).

In ILO's publication titled *–Hard to See, Harder to Count: Survey Guidelines to Estimate Forced Labor of Adult and Children*, discusses the operational definition of forced labor for adults in the concepts of “involuntariness” and “coercion” (ILO: Geneva, 2012: 13). Two significant elements; involuntariness and coercion, to be indicated as forced labor. Involuntariness refers: “to the momentum that a person was forced to work against his/her will, whereas coercion is the menace of any penalty if the person rejected to work by employer or third party.” Furthermore, ILO explicitly features dimensions of forced labor in four principles such as unfree recruitment, work and life under duress, impossibility of leaving an employer, and penalty or menace of penalty toward worker or hi/her family (ibid 14-16).

Ideally, the ILO's Special Action Programme to Combat Forced Labor (SAP-FL) guides the direction of front-line officials at the operational level to understand common sign of forced labor by visibly illustrating on its indicators and dimensional principles. To design a framework for the study, the researcher seeks to establish a subset which is based upon the ILO's guideline above in accordance to the objectives and results of the literature review. Table 09 clearly explains the ILO operational standards to identify forced labor, and researcher has adopted this

standard to be applied as relevant for the study (See Table 09 below). Moreover, the ILO's operational standard represents crucial components of forced labor and exploitative practices. The section divides into four subtitles as: (3.3.1) unfree recruitment, (3.3.2) work and life under duress, (3.3.3 impossibility of leaving an employer), and (3.3.4) penalty or menace of penalty.

Table 09: Dimensional Principles and Indicator of the ILO's Operational Framework to Identify Forced Labor

Dimensions	Explanation	Indicators
1. <u>Unfree Recruitment</u>	Forced and deceptive recruitment	<ul style="list-style-type: none"> - <u>Deception</u>: False promise on working condition and wage, either verbally or in writing. - <u>Debt bondage</u>: Wage advances or loans on recruitment or transport costs with inflated interest rates. This reflects on imbalance of power between worker-debtor and the employer-creditor.
2. <u>Work and Life</u>	- Excessive volume of	- <u>Abuse of Vulnerability</u> :

<p><u>under Duress</u></p>	<p>work that is far beyond framework of national labor law permitted.</p> <p>- Degrading living conditions, limits on freedom or excessive dependency.</p>	<p>Employer takes advantage of worker vulnerable in position by imposing excessive working hours...etc.</p> <p>- <u>Abusive Working and Living Condition</u>: Humiliating, dirty, or hazardous work (without adequate protective gear), and worker is forced to live in substandard living conditions (overcrowded or unhealthy).</p> <p>- <u>Excessive Overtime</u>: Work excessive hours or days beyond limits prescribed by national law or collective agreement.</p> <p>- <u>Isolation</u>: Remote locations, and denied contact with outside world.</p>
<p>3. <u>Impossibility</u></p>	<p>- When a worker leaves or</p>	<p>- <u>Restriction on Movement</u>: To</p>

<p><u>of Leaving an Employer</u></p>	<p>escapes from duties, s/he receives a penalty or risk.</p> <p>This is a form of limited freedom.</p>	<p>lock up, guard and prevent worker from escaping. Worker is not free to exist from working premises.</p> <p>- <u>Retention of Identity Document:</u> Unable to access identity documents or other valuable personal possession.</p>
<p>4. <u>Penalty or Menace of Penalty</u></p>	<p>- Means of coercion applied directly to the worker or to members of his/her family.</p>	<p>- <u>Intimidation and Threat:</u></p> <p>When worker criticizes working conditions, or rejects work, they may experience intimidation and threats including loss of wages or denunciation to authorities.</p> <p>- <u>Physical and Sexual Violent:</u></p> <p>Actual physical and sexual violent, or control over workers by forcing them to use drugs or alcohol.</p>

		<p>- <u>Withholding of Wage:</u></p> <p>Employer systematically or deliberately withholds worker's wages as means to control or deny the rights of new employment opportunities.</p>
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Source: ILO's Special Action Programme to Combat Forced Labor (SAP-FL) and Hard to See, Harder to Count: Survey Guidelines to Estimate Forced Labor of Adult and Children.

3.4.1 Unfree Recruitment

A significant component of unfree recruitment is involuntariness of migrant workers to willingly accept a job offered. Involuntary recruitment is the consequence of forced or deceptive recruitment. Table 10 illustrates indicators of unfree recruitment and its relationship to the key respondents interviewed in this study. (See *the Table below*). The table reiterates that all key respondents had experienced deceptive recruitment. In addition, three cases had involved in debt bondage on their fishing boat.

Table 10: The Key Respondents' Indications on Unfree Recruitment

Unfree Recruitment	Case Studies						
	Ra and Bo	Yin and Khem	Kim	Rea k	Kun	Rith and Lee	Sa
<u>Deception</u>	✓	✓	✓	✓	✓	✓	✓
<u>Debt Bondage</u>	×	✓	✓	×	✓	×	×

a. Deception

Deception represented the most common reason that caused key respondents to enter abusive and exploited traps on boat. Deception occurred in a systematic form of false promises on salary and working hours, accommodation and food subsidy, and working requirements. The key respondents never received what they were promised, either verbally or in writing. Deception was a motive leading to unfree and improperly informed consent to toil on a fishing boat. The majority of key respondents had left his original village through informal channels assisted by brokers, so it was impossible that a writing contract had been made. The brokers simulated fake advertisements about high salaries, working hours and acceptable working conditions on the fishing boat.

These are a few examples of deception that key respondents experienced. *Ra* and *Bo* mentioned: “*Pieces of information I had received from the broker were the main source of my decision to leave my village for Thailand. The broker had promised that I would get a high salaries and an 8 hour timetable working schedule on the fishing vessel. Instead, I toiled day and night for more than 8 hours, and I have not received remuneration*” [Interview on October 4th 2014, Kompong Thom province]. In addition, *Kim* believed that he would work in the fishbowl production factory with 300 Thai Baht per day plus overtime payment in Thailand. However, when he had arrived Pattani, Thailand, he was recruited to work on a fishing boat instead.

In this study, four key respondents confirmed that they had an obligation to pay off the amount of debt that arose from expenses in advance by brokers or their bosses in the transportation and recruitment process. As a consequence, respondents had not received remuneration from their hard labor for years on the fishing boat. The key respondents had to toil to unfairly pay off their debt on daily living charges such as food, accommodation, medicine...etc.

b. Debt Bondage

Debt bondage had trapped key respondents to toil in slave-like practices on the fishing boat. In addition, key respondents reiterated that imbalanced practices occurred between worker and creditor. In this case, all respondents were illiterate,

and they become vulnerable for repayment. There are three cases with clear evidence of debt bondage. Key respondents were sold to work on fishing vessels for years without remuneration. *Yin* and *Khem* that: *“We had realized that we were sold by broker for \$2,000 USD each. Therefore, we have to toil in slave-like conditions for at least three years without salary”* [Interview on October 3rd 2014, Poipet City, Banteay Meanchey province]. *Kun*, an ethnic Kouy, was sold by the broker, and he described, *“I thought I was probably sold by the broker as I saw the broker had received a bunch of money from my boss. Of course, my fellow co-workers confirmed that I was sold to work on a fishing boat for at least 15 years”* [Interview on October 4th 2014, Kompong Thom province]. In addition, *Kim* explained how he fell into forced labor by stating, *“Eight villagers and I were sold by broker for two years slave-like works on a fishing boat”* [Interview on September 18th 2014, Phnom Penh].

3.4.2 Work and Life under Duress

This subsection will discuss two aspects; 1) work under duress and, 2) life under duress. The worker adversely works for and lives in a condition of duress in the form of threat, exploitation or penalty if they dared to reject to what he was ordered. Of course, legal frameworks (both national and international) have prohibited inhuman or slave-like working conditions. Worker shall not be allowed to excessively work far beyond the maximum limitation within the labor regime of national regulation. In addition, the workers shall not live in the constraint of freedom, liberty

or severely dependent situations enforced by employers. Table 11 explains the relationship between the key respondents and their experiences relevant to work and life under duress on the fishing boat (*See the table*). There are four indicators to be considered a plight as work and life under duress such as: abuse of vulnerability, abusive working and living conditions, excessive overtime and isolation.

Table 11: The Key Respondents' Indications on Work and Life under Duress

Work and Life under Duress	Case Studies						
	Ra and Bo	Yin and Khem	Kim	Reak	Kun	Rith and Lee	Sa
<i>Abuse of Vulnerability</i>	✓	✓	✓	✓	✓	✓	✓
<i>Abuse Working and Living Condition</i>	✓	✓	✓	✓	✓	✓	✓
<i>Isolation</i>	✓	✓	✓	✓	✓	✓	✓
<i>Excessive Overtime</i>	✓	✓	✓	✓	✓	✓	✓

a. Abuse of Vulnerability

According to data from in-depth interviews, all the key respondents suffered from abuse of vulnerability. The abuse had occurred when they worked under supervision of their employers (boss or captain occasionally) on a fishing boat. Abuse of vulnerability exists in the situation where an employer takes advantage of a worker's vulnerable conditions. The employers abusively treated the workers by requiring excessive working hours, salary deduction, not providing enough food...etc. All the key respondents completely depended on their employers for meals and accommodation, drinking water, bathing, medicine, and other working protection equipment. The employers definitely abused worker's vulnerability on the fishing boat.

b. Abuse of Working and Living Condition

Moreover, the key respondents depicted their working and living conditions on the fishing boat where no labor inspector checked on conditions reported to be far below standards of the national framework. The fishermen had worked and lived in unsanitary, human degrading conditions that were hazardously affected by transmitted diseases like cholera, diarrhea or vomit. The workers lived in an overcrowded accommodation with no space to row back and forth, and were unhealthy and untidy. In addition, the workers did not have access to sufficient fresh-

water. Mostly, they used sea water for bathing. The key respondents complained unhealthy living experiences with proof of skin dermatitis caused by grime.

- **Experiences of Ra and Bo:** This is the experience of living conditions on the fishing boat as portrayed by *Ra* and *Bo*. They lived on a fairly big boat (5 meters wide and 10 meters long) with other 30 workers originated from different countries Cambodia, Thailand, Myanmar and Laos. *Ra* and *Bo* insisted: “*We worked really hard; we even did not have time to take rest, but we did not receive money. If we cultivated a large amount of fish, we would gain fewer insult as our boss was happy. Even though you were sick, you would have to work to heal your illness. We did not have enough food to eat, and we did not have enough freshwater to drink. We took sea water for shower*” [Interview on October 04th 2014, Kompong Thom province].
- **Experiences of Yin and Khem:** Both described on insufficient medicine and used of drug substances in food to push workers to be more energetic for their hard workload. *Yin* and *Khem* said, “*In our boat, we had only Paracetamol. We started working from 3:00AM until midnight. You can imagine, if we could not finish our tasks, we would not be allowed to take rest. We knew that there was drug substance in our food, but we did not have meals provided by our captain*” [Interview on October 03rd 2014, Poipet City, Banteay Meanchey province].

- **Experiences of Kim:** The research found that on the fishing boat, there was a methamphetamine market involving the captains or bosses who played a significant role in giving it to the workers. Workers had to pay for the substance. Kim said, *“To be honest, to have physical strength, I used drug. If I still stayed on the boat, even if I did not die by hard labor, I would have died of drug addiction”* [Interview on September 18th 2014, Phnom Penh].

Even though, there are indications that the workers had constrained freshwater and food, insufficient medicine, narrow spaces for accommodation, and protection equipment, four key respondents, during in-depth interview, confirmed that the overall living conditions were acceptable. In fact, key respondents had compared their living condition with different fellow fishing boats that had received worse treatment. Of course, fishermen had different fortunes regarding the treatment standards depending on the characteristic of their boss or captain.

- **Experiences of Kun:** The ethnic Kouy described his working and living conditions on the fishing vessel. Despite of the existence of excessive overtime, Kun described living conditions as: *“We likely worked as slaves as we had no time to sleep. There were about 20 Cambodian workers on the fishing boat. If you did not work, you would be punished or seriously tortured by captain. However, we received sufficient freshwater and food; two times*

per day. Our sleeping space was so small” [Interview on October 04th 2014, Kompong Thom province].

- **Experiences of Rith and Lee:** These respondents had similar experiences on the living condition. They said: *“Workers received clothes, toothbrushes and soap. In addition, there was first aid facility for slightly wound and illness such as stomach aches...etc. There were medicines available on the boat. Moreover, there were enough food, drinking water and fairly acceptable sleeping space”* [Interview on September 18th 2014, Phnom Penh and October 05th 2014, Kompong Thom province].

c. Isolation

The main indication of isolation is characterized by unreachable location of working site or inability to contact the outside world. In addition, employment in an unregistered or informal sector may cause difficulty for law enforcement to investigate irregular practices occurring on its premises. The key respondents did not know whether or not their fishing vessels had been registered. In this case, workers were trapped to toil without means of communication to their families or to seek for assistance to escape from exploitation.

As the majority of key respondents had worked on long distant fishing vessel on ocean, they did not know their exact locations at sea. The fishing boats had travelled to territorial waters of Indonesia, Malaysian, Taiwan, Mauritius and

international waters in the Indian and Pacific Oceans. Some key respondents had stayed up to three years on a fishing vessel with no communication to their families as the boat never returned to shore.

Table 12: Duration on Fishing Vessel

Case Studies	Indicator: Duration on Fishing Vessel*
1. <i>Ra and Bo</i>	<p>As a long haul vessel, the boat would return back to shore in Patani province after three years. However, the two brothers escaped from severely exploitative work after three months.</p> <p>[3 Months]</p>
2. <i>Yin and Khem</i>	<p>They had to toil for at least three years without remuneration to repay their \$2,000 USD debt. However, when the boat had arrived at Benjina Island – an Indonesian territory surrounded by sea, they escaped. However, as the captain had a good network with police on the island, he bribed the police to arrest and torture the escapees in a prison for about 20 days before handing them over to the boat’s owner.</p> <p>[At least 3 years]</p>
3. <i>Kim</i>	<p>The boat would travel to Malaysia and return back to Patani’s shore in every three months. Kim and eight other</p>

	<p>villagers were sold by the broker for two years slave-like works on the fishing boat.</p> <p>[3 Months]</p>
4. <i>Reak</i>	<p>Workers were impatient with the horrible working conditions, so they urged boss to return back to Thailand, but their boss rejected the idea. Reak and other workers worked on the vessel for about three years.</p> <p>[3 Years]</p>
5. <i>Kun</i>	<p>Kun was sold by broker to be a fisherman for 15 years to repay his debt. He made the decision to flee from slavery-like practices when the ship returned to Malaysia's port.</p> <p>[2 to 3 Months]</p>
6. <i>Rith and Lee</i>	<p>About 3-5 months, the ship would head back to the port. However, it would return back earlier than it was predicted if the ship contained large amount of fish.</p> <p>[3 to 5 Months]</p>
7. <i>Sa</i>	<p>He had worked on boat for about three years.</p> <p>[3 Years]</p>

*Key respondents experienced isolation when they were working on fishing vessel.

d. Excessive Overtime

All the key respondents were subjected to obligated excessive overtime imposed by their employers. The national regulation, on employment contract, both verbally and in writing, prescribed a minimum standard on working hours or days that are applicable to contract parties. In some cases, employers and workers agreed working hours' allocation in a collective agreement. However, excessive overtime is a form of compulsory and severe work beyond the maximum described in the national framework. Of course, employers probably reject breaks, days off, or continue to standby over the shifts. Workers could not object to assigned orders, otherwise they would be threatened. Criteria to definitely evaluate excessive working hours are complicated.

These are the expressions of key respondents describing the excessive overtime work on the fishing boat. Of course, these experiences created a systematic practice on forced labor and exploitative working conditions. *Ra* and *Bo* originating from Kompong Thom province mentioned,; “*We toiled on the boat without contract for more than 12 hours per day. We had to throw and pull trawl nets into and from the water about 6 to 7 times per day. Furthermore, we had to repair damaged nets in the daytime. In total, we could rest for about 1 hour. We had to wake up early as honking sounds almost broke our ears*” [Interview on October 04th 2014, Kompong Thom province].

In addition, *Yin* and *Khem* also shared experiences of excessive overtime, explaining, “*We were forced to toil on the fishing boat as animals; we worked even harder than a machine. If you were sick, you dared not to ask for a break, and you were forced to work until you recovered, otherwise you would receive torture*” [Interview on October 03rd 2014, Poipet City, Banteay Meanchey province].

Furthermore, *Kim* worked for more than 12 hours per day, and he insisted, “*I feel self-pity. I was on a brink of slavery and dead. I toiled as a machine for 24 hours. If I was lucky, I would have a few hours to sleep. If I did not work, I would be treated as an animal with punishment*” [Interview on September 18th 2014, Phnom Penh].

Similar to fellow key respondents, *Reak* mentioned about his working condition, “*We were working really hard without a specific schedule. Even if a big storm affected on us, we still worked; we were forced, otherwise we would be insulted, punished or unable to get the salary. If there was going to be a big storm, we were forced to finish our work before the storm arrived. The ocean’s waves were huge. If you were sick, you were still ordered to work though. Some days we toiled for 24 hours, but on some lucky days, you probably worked for more than 10 hours*” [Interview on October 03rd 2014, Banteay Meanchey province].

Rith and *Lee* had mentioned, “*Our works was really hard as we had to throw and pull trawl nets into and out of the water physically. We routinely rotated with one another on a night shift to take rest, but we normally did not have break-time. We were very curious about our working conditions as we had worked from 18 to 20*

hours. The recruitment agency had explained that we would work for about 8 hours per day. In total, for about three months, we could have 2 days freed of work” [Interview on September 18th 2014, Phnom Penh and October 05th 2014, Kompong Thom province].

3.4.3 Impossibility of Leaving an Employer

This part focuses on another dimension of forced labor. Impossibility of leaving an employer refers to a situation where workers have limited freedom or difficulty to terminate the contract or resign from their occupation. Resignation or contract termination, as a consequence, would be a risk to the worker. In addition, it is one of elements of forced labor if an employer deliberately freezes their worker’s wage as a penalty for leaving. Table 13 provides two indicators of impossibility of leaving an employer and its reflection on key respondents.

Table 13: Indication of Impossibility of Leaving an Employer to Case Studies

Impossibility of Leaving an Employer	Case Studies						
	Ra and Bo	Yin and Khem	Kim	Reak	Kun	Rith and Lee	Sa
<i>Restriction on Movement</i>	✓	✓	✓	✓	✓	✓	✓
<i>Retention of</i>	x	x	x	x	x	✓	x

<u>Identity</u>							
<u>Document</u>							

a. Restriction on Movement

There are two cases to be considered on movement restriction: prevention of escape from worksite and the recruitment process. It is complicated to reasonably identify on a strong indicator of movement restriction. However, there is a question to be asked whether workers are free or not to enter and exit the worksite. Moreover, the employer may hire guards to control workers' movements to escape from the work place. There is an exceptional case, of course, to protect workers' security and safety, there are internal regulations imposed by an employer that could be considered as legitimate restriction. *Yin and Khem* insisted, "*We were all detained and controlled by a gunman for about 15 days in an unknown place in Mahachai. Afterward, we departed from the residence to a huge ship, and travelled for about 20 days to international waters, not far from Indonesia's islands*" [Interview on October 03rd 2014, Poipet City, Banteay Meanchey province].

Khem had mentioned restriction of movement when the fishing vessel had arrived Benjina Island, Indonesia. Police on the island had roles as guards to watch the movement of fishermen. *Khem* escaped from his terrible working conditions, but was arrested later by the police. He said, "*I escaped from the ship, but as our*

captain had an irregular network with the police – our disappearance was informed to the police. We were then arrested and tortured in prison for about 20 days before the police handed us over to our boss” [Interview on October 03rd 2014, Poipet City, Banteay Meanchey province].

A majority of key respondents had experienced observed movements by captains or bosses while performing their tasks on the fishing vessel. In fact, by nature, their jobs have the movement restriction. Fishermen have to work at sea for months or years without returning to shore. Therefore, it is impossible for them to communicate with their family members or to ask for assistance from relevance authorities. A key respondent, *Sa*, explained that the employer had not restricted the movement, but if a worker terminated the task earlier than agreed upon the schedule (oral or written), they would not receive wages. Therefore, the practice pushed fishermen to work in terrible working conditions.

b. Retention of Identity Document

Identity documents refer to several kinds of paperwork which migrant workers use to receive legal permission for employment, contracts, or access to essential services assistance by public authorities or non-governmental organizations. The paperwork consists of passports, national identity cards, working permits, or other registration papers. These documentations are significant to determine regular or irregular status of migrant workers. The identity documents are the worker’s

possession, and shall not be held or refused to return the items when it needed by employer. If these documents are confiscated, there is an objective element of forced labor.

The results of in-depth interview have shown that a great majority of the key respondents did not have any identity documents as they had left through informal channels from their villages in Cambodia. They were irregularly recruited by the brokers, and not registered to get the paperwork. Key respondents did not have Cambodian national identity or registration card. In the case study, only *Rith* and *Lee* had received valid passports with visas and working permits prior leaving Cambodia for the destination countries, Uruguay and South Africa respectively. *Rith* and *Lee* passports had been confiscated at the airports, and both said, “*When we arrived the airports, there were people waiting for us at the meeting point. They had checked for our passports but never returned them back, and then departed us to the port where we had not known its name*” [Interview on September 18th 2014, Phnom Penh and October 05th 2014, Kompong Thom province].

3.4.4 Penalty or Menace of Penalty

Penalty includes all kinds of punishment or threat directly on workers or his/her family members as means of forced labor on the workers. In this part, there are three strong indicators to be considered as the penalties on key respondents: (a) intimidation and threat, (b) physical and sexual violence, and (c) withholding of

wages. Table 14 briefly describes key respondents' reflections on the penalty or menace of penalty.

Table 14: Strong Indications of Penalty and Menace of Penalty

Penalty or Menace of Penalty	Case Studies						
	Ra and Bo	Yin and Khem	Kim	Reak	Kun	Rith and Lee	Sa
<i>Intimidation and Threat</i>	✓	✓	✓	✓	✓	✓	✓
<i>Physical and Sexual Violent</i>	x	x	✓	✓	x	x	x
<i>Withholding of Wage</i>	x	x	x	✓	x	✓	✓

a. Intimidation and Threat

Intimidation and threat are strong indicators of forced labor. Victims are in vulnerable position in which they are unable to complain about exploitative working conditions or where it is impossible to resign for a new job. If the victim dares to act against their employers, they are threatened with physical violence or arrest by immigration police. In addition, intimidation also exists when employers threaten

their subordinates by worsening the severity of hard labor or reducing of rights and privileges like deduction of food, break time or access to medicine, etc.

Common forms of intimidation and threat revealed by the key respondents were insult, punishment and torture. As *Ra* and *Bo* mentioned about their experience with insulting and punishment, *“In total, we can take rest for about 1 hour. If you did not work, you would be insulted and punished by the boss and captain”* [Interview on October 04th 2014, Kompong Thom province]. In addition, *Kim* insisted that workers would receive punishment if they dared to reject a working assignment. *Kim* explained that: *“If I was lucky, I would have few hours to sleep. If I did not work, I would be treated as an animal with punishment”* [Interview on September 18th 2014, Phnom Penh].

Furthermore, remuneration deduction is a form of employers responding to workers who dared to refuse their orders. *Reak* described of his experiences, *“We were working really hard without a specific schedule. Even if a big storm affected on us, we still worked; we were forced, otherwise you would be insulted, punished or unable to receive the payment”* [Interview on October 04th 2014, Banteay Meanchey province]. Moreover, all workers’ activities are controlled by vessel’s captain. *Rith* and *Lee* said, *“The captain controlled all of our activities, and we would probably receive insult or punishment if we did not work hard.”*

In the results of in-depth interview with the key respondents, the researcher found indicators of intimidation and threat. All of the key respondents described

different forms of intimidation and threat if they dared to either complain about their exploitative conditions or desired to change their jobs. The common forms of intimidation and threat were punishment (physical violence), insult and torture. The captains or senior crew carefully observed the working progress of the crew members. Most of the victims had experienced constant insulting or intimidation by their captains, bosses or senior crew members.

b. Physical and Sexual Violence

Indicators of physical and sexual violence actually happened to victims or their family members. Violence can include the act of greater control over the victim by forcing workers to use prohibited drug substance such as methamphetamine or alcohol and causing addiction. Workers are forced to undertake tasks far beyond the mutual agreement or legal permission without or less remuneration. As a general practice, violence is not justifiable as a regulatory measure under any circumstance.

Even though all key respondents indicated intimidation and threat by their bosses, captains or senior crew members, the result of in-depth interviews showed that only two victims exhibited strong indicators of physical violence. *Yin* and *Khem* said, “*To increase fishing catching production, workers were encouraged to use drug substances. After having meals, I was so active or tireless to work. Therefore, we knew that our food had been drugged*” [Interview on October 03rd 2014, Poipet City, Banteay Meanchey province]. The employers had motive to silently force or

encourage workers to take methamphetamines to be a strong, active and productive for exploitative working conditions on the fishing vessel. *Kim* insisted, “*To be honest, to have physical strength, I used drugs. If I still stayed on the ship, even I did not die of hard labor, I would have died of drug addiction*” [Interview on September 18th 2014, Phnom Penh]. In this case, there is a significant relationship between intimidation or threat and physical violence on fishermen. A great majority of the key respondents mentioned that they dared not complain or reject abnormal obligatory work assigned by their employers as a result of intimidation and threat.

c. Withholding of Wages

As implied by interviews responses, workers were held in obligatory positions to work in exploitative or abusive conditions while waiting for remuneration owed by employer. To understand employers’ intentions for indications of forced labor, it is crucial to know whether withholding of wage measures systematically and whether they deliberately forced or denies worker the rights to seek new opportunities. Withholding of wages put fishermen in an obligatory position, as *Reak* mentioned, “*In fact, the fellow crews were impatient with horrible working conditions, and everyone thought about plans to escape from the ship. We wanted our remuneration; we would be paid when the ship returned back to Thailand after three years. Therefore, we had no option, but to work in exploitative conditions*” [Interview on October 03rd 2014, Banteay Meanchey province].

The outcome of the in-depth interviews has clearly shown few indicators on withholding of wages to impose obligatory works with inhuman treatment on the fishing vessel. In addition, *Rith* said, “*Mr. Chhay, the company representative, negotiated with Cambodian crews in Uruguay. He made two options available to everyone: (1) continue working in fishing vessel; or (2) return to Cambodia without salary. As we could not work in such horrible conditions, we decided to return to Cambodia without remuneration.*” As extra piece of information, some key respondents had toiled in this form of debt bondage for years. Employers undertake remuneration deliberately to impose forced labor on their crews. The key respondents mentioned that employers systematically rejected early payment, and took advantage of their vulnerable condition to create abusive working conditions.

3.4.5 Summary

The results of in-depth interviews informed the indicator’s checklist of forced labor which are shown in Table 15. In reflection of the components and strong indicators of forced labor according to operational standard regulated by the International Labor Organization (ILO), the case study can be classified into three categories:

- Clear evidence of forced labor,
- Evidence of exploitation exists, however further investigation is required for reliable information to understand the plight and the presence of indicators leading to forced labor, and

- With little/no report of exploitation.

The ILO has identified five strong components that possibly lead to forced labor: (a) threat of physical or sexual violence in the forms of emotional torture likes insulting or abusive language or verbal threats, (b) to impose restriction of movement on workers to a particular constraint area, (c) debt bondage which includes systematic deduction and withholding or refusal of remuneration payment, (d) passport and/or identity document retention to force workers to stay in exploitative working conditions, and (e) threat of denunciation to the authorities.

The researcher found strong indicators had clearly existed during the recruitment process, and in working and substandard living conditions. All key respondents had experienced common forced labor practices such as excessive overtime, restriction on movement, intimidation and threat, deception, abuse of vulnerability, isolation and abusive of working and living conditions. In addition, debt bondage are means to exploit workers for years on fishing vessels. Physical violence is also reported by key respondents. Three key respondents had been sold by brokers. However, two cases reported to have received little remuneration for their hard work before the workers returned to the country of origin.

Of the key respondents, there were five cases with clear evidence of forced labor depicted in red label in Table 15. Moreover, two cases have pieces of evidence of exploitation which demand further information through reliable investigation for the

presence of forced labor indicators. These cases are depicted in dark green color in the Table 15.

Table 15: Case study's checklist on the Components and Strong Indicators of Forced Labor

Forced Labor		Checklist on Case Study						
Components	Strong Indicators	<i>Ra</i>	<i>Yin</i>				<i>Rith</i>	
		<i>+ Bo</i>	<i>+ Khem</i>	<i>Kim</i>	<i>Reak</i>	<i>Kun</i>	<i>+ Lee</i>	<i>Sa</i>
1	Deception	✓	✓	✓	✓	✓	✓	✓
	Debt Bondage	×	✓	✓	×	✓	×	×
2	Abuse of Vulnerability	✓	✓	✓	✓	✓	✓	✓
	Abuse of Working and Living Condition	✓	✓	✓	✓	✓	✓	✓
	Isolation	✓	✓	✓	✓	✓	✓	✓
	Excessive Overtime	✓	✓	✓	✓	✓	✓	✓
3	Restriction on Movement	✓	✓	✓	✓	✓	✓	✓
	Retention of	×	×	×	×	×	✓	×

	Identity document							
4	Intimidation and Threat	✓	✓	✓	✓	✓	✓	✓
	Physical and Sexual Violence	×	×	✓	✓	×	×	×
	Withholding of Wages	×	×	×	✓	×	✓	✓
Category Status								

(1) Unfree recruitment, (2) work and life under duress, (3) impossibility to leave an employer, and (4) penalty or menace of penalty.

Chapter 4

Victims Identification and Reintegration Procedure

This chapter concentrates on the identification procedure in screening instances of trafficked/exploited victims by using a standardized system –the trafficking screening interview form –regulated by the International Organization for Migration (IOM). In addition, it intends to examine reintegration services for identified trafficked/exploited victims provided by different stakeholders prior to and after repatriation to the origin country. This chapter provides appropriate answers to the second and third research objectives by investigating the identification procedure that key respondents experienced, and documenting reintegration programs supported by government and non-governmental organization prior to and after repatriation.

The screening process is a significant method of ensuring that plight of trafficking/exploitation exists or the case is considered as human smuggling or irregular migration. Potential trafficking/exploitation victims are not self-identified; therefore all are responsible for report suspected cases to stakeholders such as Immigration Police Officials, NGOs and international agencies, health services, relative or friends to take serious measures against modern-day slavery. In addition, if a person has been identified as a victim of trafficking, s/he shall receive immediate assistance with healthcare, shelter, consultation and other reintegration programs

stipulated in the recognized standard of Anti-Trafficking Protocol. To cover a complete picture of the objectives, this chapter has been divided into three sections: (4.1) Victim Identification Procedure; (4.2) Bilateral Cooperation to Facilitate Identification Procedure; and (4.3) Reintegration Procedure.

4.1 Victims Identification Procedure

4.1.1 Principle Procedure of Identification

To deliver meaningful efforts to assisting trafficked victims or exploited individual, identification procedure with a recognized standard system shall be implemented by the operational authorities. The standardized system illustrates general guidelines applicable for relevant authorities, irrespective of whether the trafficking case occurs in countries of origin, transit or destination. In this regard, IOM simulated a standardized tool titled “Screening Interview for Identification of Victims of Trafficking.” The tool is introduced to responsible officials of state operational authority (e.g. immigration police, health care personnel, social workers), or other relevant working groups consisting of NGOs or International Organization (IO).

Three main sections are applied to assist and facilitate victim identification procedures: (1) Report Case; (2) Screening Interview; and (3) Decision (See figure 10). Each session of identification aims to identify whether a person is an actual victim using a checklist form and format of interview questions. Figure 10 provides general portrayal of identification procedures with key explanations from the first to final step.

1. Report Case: There are two channels to bring the trafficking case to authorities both in destination and origin countries respectively. For the first channel, trafficking case appeals come from relevant bodies of origin country. Complaint can be reported by origin authorities, local NGOs, IOs or victim's families to the Royal Cambodian Embassy or Consulate, NGO partners or IOs in the destination country. In addition, case files of trafficking can be informed by relevant authorities of the destination country. There are some actors who inform the case, such as police or detention center's officials, and NGOs or IOs in the country of destination to the Royal Cambodian Embassy or Consulate. As observe, destination countries, in some circumstances, conducts rescue operations and/or detain potential victims before arranging preliminary screening procedures for first efforts of identification. For instance, Thailand used a Preliminary Screening Form to initially gather simple indicators prior an actual interview.

2. Victim Identification: After the report case of trafficking has been alerted to the Cambodian Embassy or Consulate in destination countries, embassy and consulate staff carries out the screening process to identify a potential victim in partnership from IOM and relevant organizations (MoSVY, 2012:7). There are two stages to process victim identification. First, operational level officials such as police or detention center officer

shall conduct a Pre-Interview Assessment with preliminary general questions. In this case, the questions are not specific and cover simple indicators like recruitment, transportation and employment phase. Second, staff from the Royal Cambodian Embassy or Consulate conducts a Victim Screening Interview with collaboration from NGOs and IO, especially IOM (See figure 10). The IOM's "Screening Interview Form for Identification of Victim of Trafficking" is recommended for use when conducting this assessment. Informed written consent of the victim is a crucial document to be attached with registration and case data. In this situation, potential victims to be identified receive immediate assistance such as food, shelter, clothing, and medical checks and other needs. In the form, there are checklists of indicators to be evaluated such as: recruitment and transportation phase, exploitation phase, etc. In addition, additional information and documentation relevant to the person are also inputs for the screening interview.

- 3. Decision:** The result of interview should be evaluated in consideration of three main materials: Pre-Interview Assessment, pieces of information gathered from screening interview questions, and additional collaborative documents given by authorities, news or relevant organizations.

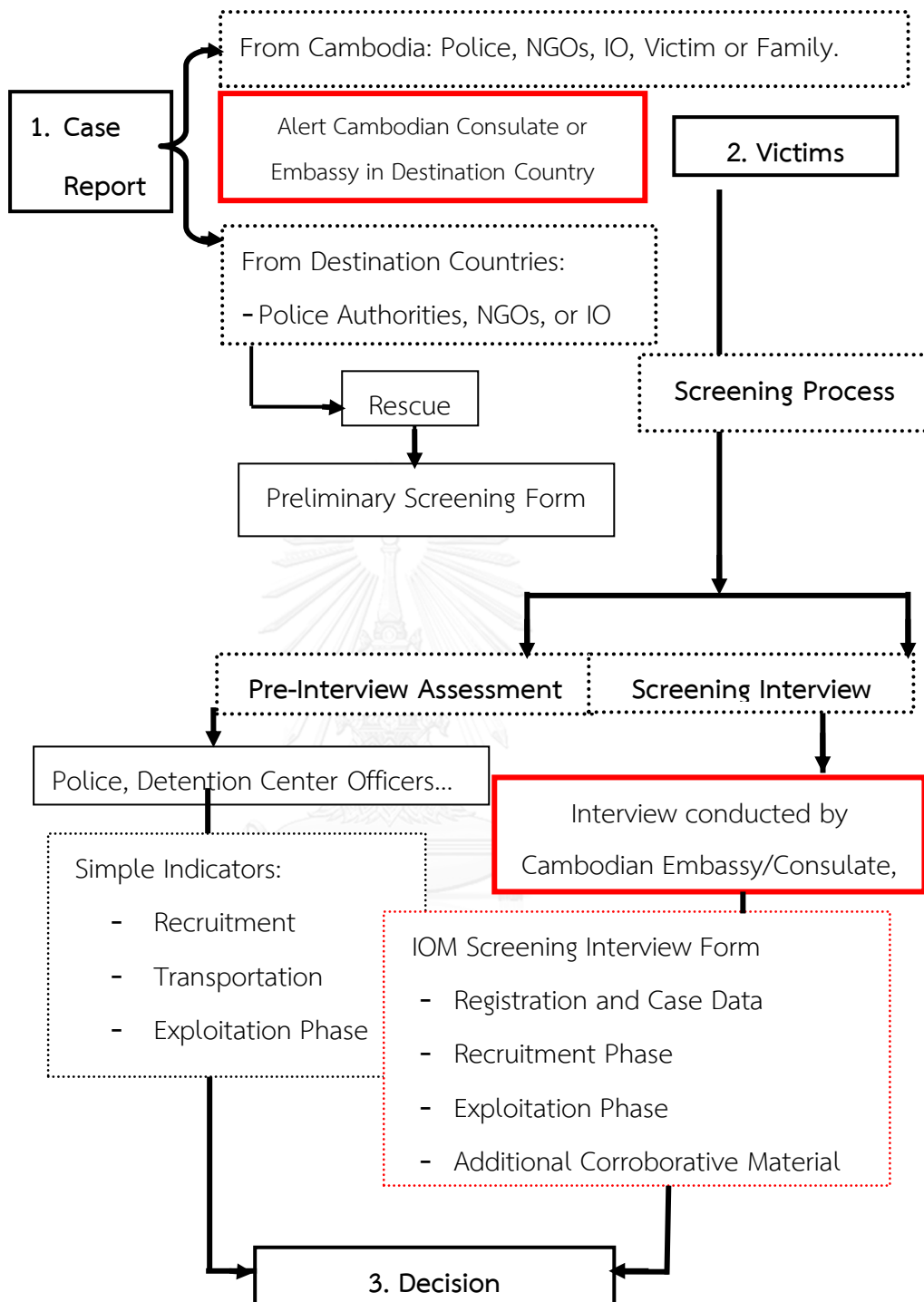


Figure 10: Identification’s Stages to Assist and Facilitate Victims of Trafficking

4.1.2 Analysis on Identification Procedure

The key respondents described their experiences of the identification procedure as conducted by operational levels of authorities prior to repatriation, deportation or return to Cambodia. The experiences provide knowledge on actual implementation of destination countries toward identifying potential victims of trafficking. Key respondents had different experiences of the identification process, and these facts reveal strengths and weaknesses of authorities for better improvement of trafficking victims' assistances and efforts to minimize re-victimization by officials. The case study's identification examines severe circumstances based on actual stories of each key respondent. The researcher has arranged case study in order as:

(a). Thailand Identification Procedure

- Case 1: Ra and Bo, Thailand

To escape from harsh labor exploitative conditions on the Thai-owned fishing vessels, two brothers –Ra and Bo – secretly paid money to a small boat sailor to reach shore in Pattani Province, Thailand. Because this was a forced labor trafficking case for identification, operational authorities were required to investigate and provide immediate assistance prior to repatriation to origin country.

However, Ra and Bo never went through identification procedures. The key respondents never self-identified for forced labor and exploitation practices to the

police. As such, the police authorities did not conduct the Preliminary Screening Interview with these potential victims. Rather, they communicated with family in Cambodia to transfer some money (about 2 million Riel (\$500USD)) for deportation services arranged by the immigration police.

Even though the family was living in poor conditions, to get money for deportation, the parents had deposited their land certificate to a local lender who charged a high interest rate (\$50 USD per month). In this case, *Ba* and *Bo* reported their status to Immigration Police for deportation to Cambodia. However, deportees are required to pay for the service, which costs 3,500 Thai Baht. *Ra* said, *“When I received money from my wife, I went to the Immigration Police. We paid for 3,500 Thai Baht each to the police. Then we took bus from Pattani province, and when we had arrived Aranyaprathet, we were asked to get out. We were transferred to a truck with bars at the backyard to be dumped at the Poipet Immigration Office”* [Interview on October 04th 2014, Kompong Thom province].

Table 16: Summary of Identification Procedure in Case 1

Case’s Status on Identification	Mean to Origin Country
Not Identified	<p>Deportation: Paid for deportation service 3,500 Thai Baht to Immigration Police</p>

- **Case 5: Kun, Thailand**

This case illustrated a now or never option in which a slave workers made a high-risk escape from the fishing vessel. The key respondent was sold for abusive and gravely exploitative conditions for 15 years in the form of debt bondage. Therefore, *Kun* and other fellow Cambodian fishermen had fled from such inhuman practices when the Thai-owned vessel returned to Malaysia's port. *Kun* did not report the case of trafficking to Malaysian police. It was a fortunate that *Kun* and friends met a gentle Cambodian-Cham (Muslim Cambodian ethnic minority)-Malaysian man who could speak Cambodian language, and provided assistance for a border crossing from Malaysia into Thailand's deep southern territory. However, *Kun* and friends were arrested by Thai Immigration Police as they did not have any legal documentation. Everybody was put in a detention center. Even though this case has certain evidence of labor trafficking, the victim was not identified by the operational level officers. There are some issues to discuss below:

- a. **Case Report:** When the key respondent was arrested by the police, by a good chance, there was a Surin resident police officer who could speak Cambodian language. The police conducted pre-interview assessments by asking preliminary questions on the plights of the recruitment phase, transportation and working conditions. They were put in a detention center. However, *Kun* and friends did not report the actual fact to police

officer. Everybody created another irrelevant story for answering the question as they were afraid of the Thai captains would bribe the police and return them to abusive working conditions on the fishing vessel. The real incident of trafficking was never revealed during the preliminary interview. Therefore, *Kun* and his fellow Cambodians suggested that police to send them back to the Cambodia's border. *Kun* said, "*We were deadly scared that our boss would bring us back to the vessel. During the interview, therefore, we told the police that we had worked at a construction site. We were leaving from one prison to another (moved from the Thai southern province to Bangkok through almost 20 detention centers). Finally, we were deported from Bangkok to Poipet Immigration Police Office*" [Interview on October 04th 2014, Kompong Thom province].

- b. **Interview at Suan Plu Detention Center in Bangkok:** In each detention center, *Kun* and friends were interviewed by police officers as part of identification procedures. However, everyone was afraid that their boss would bribe the police officers if their identities had been revealed to bring them back to slave-like working conditions. In this case, the key respondent was deported back to his country of origin as irregular migrant worker, and they therefore did not receive appropriate assistances or reintegration program to which they were entitled by Section 33 of Thailand's Anti-Trafficking in Person Act. This is an example in which the

potential victims of trafficking did not trust public authorities to fairly conduct identification procedures.

Table 17: Summary of Identification Procedure in Case 5

Case's Status of Identification	Mean to Origin Country
Not Identified	<p>Deportation: Put in detention centers, and did not receive immediate assistance or integration service.</p>

- **Case 7: Sa, Thailand**

This case study portrays a Cambodian crab catching person who had shown pieces of evidence that indicate exploitative practices while working on a vessel for about 3 years. *Sa* had no knowledge about forced labor trafficking on males, and he even did not realize he was exploited on a Thai-owed vessel. Therefore, he never reported his case to authorities. However, this case provides an understanding on the method of return to the country of origin.

Sa reiterated that Immigration Police had facilitated the return to Cambodia. Independent brokers communicated with the Police to deport Cambodian irregular migrant workers to Aranyaprathet, Sa Keo Province, Thailand. Returnees had to pay 1,200 Thai Baht for the transportation services. In addition, workers had to pay extra

200 Thai Baht in case the bus was investigated along the way to the origin country (at about two or three check points) by police officers. He said, *“I contacted to broker to communicate with the Immigration Police to return to Cambodia. I had to paid 1,200 Thai Baht. We could not directly contact the Police. I had left Pattani province to Aranyaprathet by bus with other fellow Cambodians. However, we had to pay an extra 200 Thai Baht to police who investigated our bus along the way (2 or 3 check points)”* [Interview on October 04th 2014, Kompong Thom province]. When the bus arrived Aranyaprathet, everyone would be asked to get out for personal information check such as name, age and thumbprint, and paid 200 Thai Baht for the service. Unfortunately, if anyone did not have money, they would probably stay in the office for one night before being transferred to a caged truck, and transported to Immigration Police Office at Poipet. *Sa* told about his return experiences, *“When the bus had arrived Aranyaprathet, everyone had to get out, and the police would ask for your name, age and thumbprint, but you had to pay for 200 Thai Baht. If you did not have money however you would have to stay one night in the office. We then were transferred to a caged truck, then departed to Immigration Police Office at Poipet”* [Interview on October 04th 2014, Kompong Thom province].

Table 18: Summary of Identification Procedure in Case 7

Case's Status of Identification	Mean to Origin Country
Not Identified	Deportation: In the form of irregular

	migrant worker, have to pay money, and did not have any investigation.
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(b). Indonesian Identification Procedure

- Case 2: Yin and Khem, Indonesia

Key respondents described a strong and irregular network between the Thai fishing boat owner and police authorities on the island in case crew members dared to escape from forced labor and exploitative works on the vessel. Escapees were arrested and seriously tortured by the police in a prison of Benjina Village before being handing over to captains for departure to the ocean. *Khem* escaped from Thai-owned vessel then was arrested and detained in prison. *Khem* told of failed experiences of escape, *“We escaped from the ship, but as our captain had a network with the police –my boss informed our disappearance to police, we were then arrested and tortured (excluding me as I severely got sick) by police in the prison for about 20 days before handing over to our boss”* [Interview on October 03rd 2014, Poipet City, Banteay Meanchey province].

However, *Yin* and *Khem* did not abandon of dream fleeing from their harsh and abusive treatments. They successfully escaped from their fishing vessel, and cautiously avoided the police. This case study is a good example for victim identification procedure because the trafficked victim received immediate assistance

from the authorities. As a reflection to principle guidelines of identification procedure, the researcher will illustrate the process in detail below:

- a. Case Report:** Key respondents directly communicated and informed the trafficking situation to family in Cambodia. Therefore, their family members respectively filed complaints to the Ministry of Interior and some non-governmental organizations such as Licadho and IOM Cambodia. As the consequence, this trafficking case is alerted to Cambodian authorities. In addition, an Indonesian woman was sympathetic to the victims, and had reported the human trafficking case; forced labor and exploitation on Cambodian fishermen to different authorities besides police on Benjina Village as she realized the corruption and irregular networks of police on the village. A dawn of hope appeared, *Yin, Khem* and eight other Cambodian fishermen were rescued from and brought to Dobo Police Office of Indonesia.
- b. Victim Identification:** The key respondent also passed through a pre-interview assessment as they were briefly interviewed with preliminary questions on recruitment and exploitation phase of slave-like experiences on the Thai fishing vessel, etc. *Yin* described the procedure, *“We had to travel to many places. We left Benjina to Dobo by a small boat. We were briefly interviewed on Dobo before leaving for Hanbo by airplane”* [Interview on October 03rd 2014,

Poipet City, Banteay Meanchey province]. In this case, the screening interview was conducted by the Cambodian Embassy to Indonesia in partnership with Indonesian Immigration Police, UN and IOM. *Yin* explained in detail of the screening process, “*We finally arrived in Jakarta, Indonesian capital city, where we had chance to meet with the Cambodian embassy officers and IOM. Everybody had been interviewed by staff from Royal Cambodian Embassy, Indonesian officers, UN, and IOM.*” [Interview on October 03rd 2014, Poipet City, Banteay Meanchey province]. In this stage, *Yin* and *Khem* received immediate assistance with food, shelter, medical checkup, and clothing.

- c. **Decision:** *Yin* and *Khem* were identified as victims of trafficking.

Table 19: Summary of Identification Procedure in Case 2

Case’s Status on Identification	Mean to Origin Country
Identified	Repatriation: Passed through the Identification Procedure, and received immediate assistance prior to repatriation.

(c). Malaysia Identification Procedure

- Case 3: Kim, Malaysia

In this case, Kim had fled from slavery practices when the Thai fishing vessel returned from fishing at sea to a port in Malaysia. Pieces of evidence have proved that Kim was a victim of forced labor and trafficking, and he would be identified. The key respondent also had passed through victim identification, but there were some issues delaying the process of screening interviews and some obstacles expressed by the trafficking victim.

- a. Report Case:** After escaping from the vessel, Kim had communicated to family in Cambodia to file the complaint to authorities. However, he was arrested by the police and was put in a Detention Center. Kim and friends were officially charged with illegal entrance without documentation by a prosecutor.
- b. Victim Identification:** In principle, trafficking victims shall not be charged with the status of illegal entrance in the destination country.

○ *Illegal Entrance and Detention:* Kim was detained in several detention centers from one state to another. It was uncertain whether Kim and friends were considered as potential trafficking victims or irregular persons with illegal entry to the country. Kim was detained in detention centers for 7 months. In addition, Kim

had appeared for trial in front of a judge twice for this charge. Furthermore, police also conducted interviews with Kim assisted by a Khmer interpreter.

- *Slow Phase of Screening Process*: Everyone was interviewed by the Cambodian Embassy and international representative such as IOM Malaysia when key respondent had been transported to the Detention Center in Kuala Lumpur, the capital city. However, the screening process was slow and complicated. The identification procedure is a bit controversial, as *Kim* and his friends had to pay 2 million Riel (\$500 USD) each to speed up the case for repatriation. *Kim* and his friends borrowed the money from a private lender with high interest rates. On the departure date, *Kim* and his friends received an Open Letter for Border Pass Permission from the Cambodian Embassy to Malaysia. *Kim* told about his experiences on identification procedure, “*If we have money, we can leave in just 15 days*” [Interview on September 18th 2014, Phnom Penh].

- *Health Problem in Detention Centers*: *Kim* criticized the awful and disgusting living conditions in the detention centers that caused hazardous disease, physical and emotional weakness, and rapidly weight lost. The detention treatment and its environment were

seriously undesirable, and as it was hard to adapt to the situation, the detainee fell ill in consequence. According to the respondent, he never received any immediate assistances or reintegration services prior to repatriation.

- c. **Decision:** Kim was identified as a labor trafficking victim.

Table 20: Summary of Identification Procedure in Case 3

Case's Status on Identification	Mean to Origin Country
<p style="text-align: center;">Identified</p>	<p>Repatriation: put in detention centers, illegal entrance charge, paid \$500 USD to expedite the identification process, experiences health problems without medical checkups assistance, clothing and other repatriation services.</p>

(d). Mauritius Identification Procedure

- Case 4: Reak, Mauritius Island

The key respondent said it was likely a fortune for the fishermen as the Thai-owned vessels had violated Mauritius water territory then maritime police took strong measures to force the ship to go to Mauritius's shore. In fact, workers were so impatient about the horrible working conditions on the fishing boat for years. When the boat arrived at port, the police conducted investigations on the working conditions of Cambodian fishermen as the authorities had realized the forced labor and exploitative working conditions via complaints by Cambodian officials. However, nobody was detained in a detention center. *Reak* went through an identification procedure conducted by Mauritius authorities and IOM. Therefore, the case study's experiences are broken down below:

- a. **Case Report:** Key respondent was initially interviewed by Mauritius immigration police on the plights of trafficking and exploitation he had experienced. This is a kind of self-identification to the authorities. Therefore, the Mauritius police authority conducted assessment via a preliminary interview questions. In this stage, *Reak* and other Cambodian fellow fishermen received support from Cambodian and Chinese communities with meals, drinking water, shelter and freedom to travel to many places in the country. However, the process for screening was slow

and caused everyone to stay on the island for seven months with uncertain future for repatriation.

- b. Victim Identification:** To put pressure on the identification procedure, *Reak* filed complaints directly from the island to IOM Cambodia and Adhoc –a Cambodian NGO based in Phnom Penh. Therefore, the NGOs alerted the Ministry of Interior and Ministry of Foreign Affairs and International Cooperation of Cambodia to communicate with Mauritius Immigration Police for an identification procedure. There was no the Royal Cambodian Embassy to Mauritius. In this case, IOM based in Mauritius played a significant role to assist both Cambodia and Mauritius Authority in the screening process. The Cambodian Embassy to Malaysia had issued the Open Letter for Border Pass Permission. The cooperation approach between public authority and NGOs sped up the screening process. *Reak* recalled the moment after his complaint had been filed with NGOs, “*After a week of filing complaints with NGOs, everybody was interviewed by the police official and IOM Mauritius. In fact, a UN official also visited us, and took photos for documentation preparation. Finally, I had legal documentation for travelling like Border Pass Permission and air-ticket for repatriation. We were all accompanied by UN officers from Mauritius to Cambodia*” [Interview on October 03rd 2014, Banteay Meanchey province].

- c. **Decision:** This case was identified with good cooperation among various stakeholders such as destination authority, IOM Mauritius, IOM Cambodia, Ministry of Interior and Ministry of Foreign Affairs; Cambodia, and a partner NGOs.

Table 21: Summary of Identification Procedure in Case 4

Case's Status on Identification	Mean to Origin Country
Identified	Repatriation: pressure from various stakeholders to speed up the process of screening and repatriation.

(e). Uruguay and South Africa Identification Procedures

- Rith and Lee, Uruguay and South Africa

In this case study, both Rith and Lee initially did not self-identify as victims of forced labor and trafficking or exploitative practices as they expected that family members in Cambodia would receive their monthly salaries transferred to their respective bank as promised by the company promised. However, family members reported that remuneration had never been transferred since Rith and Lee left for their respective destination countries. Therefore, Rith and Lee's relative filed

complaints to the Cambodia Ministry of Interior and some non-governmental organizations such as Adhoc and Lecadho based in Phnom Penh. Their relative put pressure on the company and the Ministry of Interior to take responsibility. Unfortunately, Rith and Lee were never identified by Uruguayan or South African authorities or Cambodian authorities prior to the return process to the country of origin.

Rith's Return Process

Rith's mother had informed him that the company did not transfer his monthly salary to her bank account, and reported the trafficking case relevant to the agency which investigated by the Cambodian authority. Therefore, *Rith* escaped from the ship without any legal documentation. To find a way to return home, he searched for a Royal Cambodian Embassy or Consulate to Uruguay, but there was no Cambodian representative there. As the public put pressure on the agency, Mr. Chhay, an agency representative, flew to Uruguay for negotiation on behalf of the fishermen there. *Rith* said that agency representative gave two choices to workers: (1) continue working in Uruguay after which the agency would pay the salary in the next few months; or (2) to return back to Cambodia without salary. As working on fishing vessel was a dangerous job with little remuneration, everyone decided to return back home without payment. *Rith* explained about the return process, "*Seven days after negotiation, there was a van which brought us to the airport and Mr. Chhay gave us*

the passport and air-ticket for a flight from Uruguay to Cambodia” [Interview on September 18th 2014, Phnom Penh].

Lee’s Return Process

After years of harsh working under abusive and exploitative conditions, *Lee* was severely ill and his captain sent him via a friend from sea to Cape Town city for return to Cambodia. *Lee* was briefly interview at the police station. The Ministry of Interior, Kingdom of Cambodia, informed South African authorities about the illegal recruited fishermen for the purpose of forced labor on fishing vessels. When the police realized that *Lee* was a Cambodian citizen, they interrogated him on issues of trafficking and forced labor. However, the *Lee*’s captain was at the sea, and the investigation process would take times, so he had to stay in Cape Town for about 26 days will serious illness before returning back to Cambodia. *Lee* was never identified by either South African or Cambodian Authorities prior to the return to the country of origin. *Lee* said, “*The Captain’s friend gave passports and air-tickets to me for the returning to Cambodia*” [Interview on October 05th 2014, Kompong Thom province].

Table 22: Summary of Identification Procedure in Case 6

Case’s Status of Identification	Mean to Origin Country
Not Identified	Return: Did not receive salaries, unable to get assistance as required for a labor trafficked victim. Lee had not received

	medical care even though he was seriously ill.
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4.1.3 Challenges on Identification Procedure

Pieces of information gathered from the in-depth interviews provide wide understanding of overall challenges in actual implementation of identification by operational authorities in destination countries. Such challenges negatively affect potential trafficking victims as they do not have access to their rights and social protection, or they become re-victimized by inflexible systems of identification. The Table 23 below illustrates overall facets that occurred in the identification procedure as reported by the key respondents. This part will analyze the key respondents' experiences and challenges in identification process.

Table 23: Overall Facet that Occurred in Identification Procedure Reported by Key Respondents

Case's Order	Status	Rescued	Assistance	Arrested	Detained	Health Issue	Money Charged	Late Screening Process
1. Ra and Bo	NI-D	x	x	x	x	x	✓	x
2. Yin and Khem	I-R	✓	✓	x	x	✓	x	x
3. Kim	I-R	x	x	✓	✓	x	✓	✓
4. Reak	I-R	✓	✓	x	x	✓	x	✓
5. Kun	NI-D	x	x	✓	✓	x	x	x
6. Rith and	NI-Re	x	x	x	x	x	✓	x

Lee								
7. Sa	NI-Re	x	x	x	x	x	✓	x

Note:

- NI-D: Not Identified-Deportation; I-R: Identified-Repatriation; NI-Re: Not Identified-Return
- Assistance: Immediate and circumstance assistance on shelter, food, clothing, drink, etc.
- Money charged refers to payment that potential victims of trafficking paid for repatriation, deportation or return.
- **Arrest, Detention and Deportation:** *Arrest:* Potential trafficking victims had psychological worry that they would be arrested by the police as a consequence of insufficient legal documentation to protect themselves in the destination countries. In addition, police authorities had inadequate practice standards on arresting migrant workers (as an assumption), so they did not trust the authorities (Case 5). The Universal Declaration of Human Rights requires that arrested persons shall be informed of the cause of arrest and accusation against them in their understandable language (Case 3). *Detention:* Potential trafficking victims were held in several detention centers for unspecified durations (Case 3 and 5). The preliminary screening process ensured some vulnerable groups (as trafficking victims) would receive protection outside detention centers. Moreover, detainees complained about poor condition such as overcrowded facility, sanitary, and lack of food or drinking water (Case 3 and 5). *Deportation:* Authorities caused re-victimization of trafficking victims as they failed to identify the potential group (Cases 1,3,4,6, and7). Important

questions on labor abuse, recruitment and exploitation assist the pre-interview assessment.

- **Standard of Deportation from Pattani Province, Thailand:** In Cases 1, 5 and 6, the key respondents –*Ra* and *Bo*, *Kun* and *Sa* – are potential trafficking victims in the same location, but were never identified by the authority. Therefore, they were deported to the origin country as irregular migrant workers. *Ra* and *Bo* and *Sa* paid for the transportation service, so the deportation process was not as complicated as the case of *Kun* who was detained in several detention centers. As an observation, there were two standards to be implemented for deportation:

- *Cases 1 and 5:* Payment to immigration police sped up the deportation process. Figure 11 portrays the route from location of destination –Pattani province, to the border of origin country at Poipet city. However, they had to pay extra money to police who investigates en route.
- *Case 6:* Respondent was placed in several detention centers while waiting for deportation.

Figure 11: Pictures Explained en Route Movement from Destinations to Border of Origin Country.



2. Deportees were put in caged truck to *Poipet Immigration Police Office*.



1. Deportees were transported from various Thai's province to Aranyaprathet, Sa Keo Province.



Note: Deportees had to get out when they had arrived Aranyaprathet, Sa Keo province for personal check on name, age and thumbprint by the authority. Then deportees would be packed in caged trucks for deportation to Poipet Immigration Police, Cambodia.

- **Delayed Screening Process:** The Key respondents had been detained in various detention centers waiting for the screening process even though they had pieces of evidence to support their cases (Case 3 and 4). Delayed screening processes may have psychological affect the victims as they were detained many months in undesirable living environments in detention centers (Case 3).
- **Irregular Migrant Workers and Trafficked Victim:** Operational authorities in destination countries play a significant role in ensuring that the facts of trafficking are revealed or assumed by their preliminary assessment. Even if the presumed victims are not actually victims, the authorities still have to make the assessment. In these case studies, trafficking victims were mistaken for irregular migrants and deported or put in detention centers with constrained identification process (Cases 1,3,4,6 and 7).
- **Victim-Center Approach:** The majority of key respondents did not receive immediate or proper assistance as victims of trafficking according to the Anti-Trafficking Protocol (Cases 1,3,4,6, and 7). In addition, even though potential trafficking victims had not been identified, destination country authorities have to respect and protect of the rights and dignities of all person as human beings according to minimum standards of human rights which are globally recognized.

4.2 Bilateral Cooperation to Facilitate the Identification Procedure

Significant international cooperation would push for a smooth and quick screening and identification process. Several stakeholders are actively involved in partnership with state institutions both in origin and destination countries. As a complementary role, NGOs contribute to social awareness and attitude changes on trafficking issues. This section discusses the international cooperation of various relevant partners in origin as well as destination countries to actually identify trafficking cases. There are three main subsections: (4.2.1) Origin country; (4.2.2) Destination country; and (4.2.3) Partnership between origin and destination country.

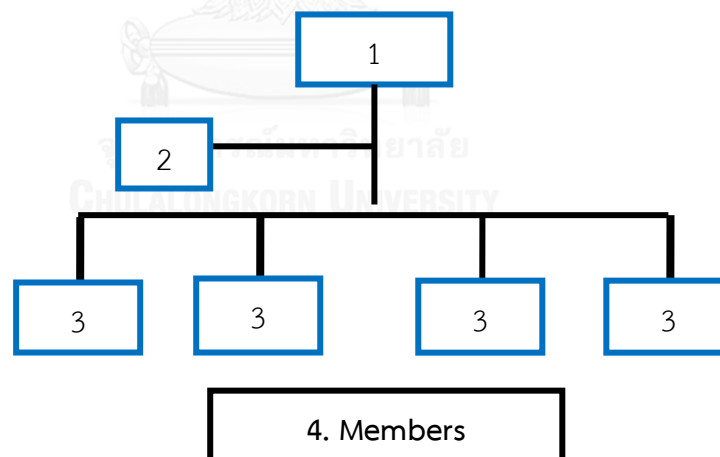
4.2.1 Origin Country

National Mechanism to Facilitate Identification Procedure

- *The National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor and Sexual Exploitation in Women and Children (NC/S.T.S.L.S)*: Officially created in 1999, the National Committee has become the only central body with the formation of new structure, functions and obligations to lead the national mechanism –from national to sub-national level – to combat trafficking in persons, smuggling and exploitation in Cambodia. The National Committee Secretariat (NSC) has a significant role to lead coordination with several stakeholders such as Ministries, local NGOs, international agencies and relevant authorities in destination countries to protect, rescue, assist and repatriate Cambodian citizen from trafficking, smuggling and exploitation.

The NSC has direct privilege to command provincial and municipal commanding units to maintain, monitor and evaluate overall situations on issues of trafficking in persons, smuggling and exploitation in their locations. If the Secretariat has received case reports on the issues, it immediately takes action to rescue, protect, repatriate and provide rehabilitation assistance. The Secretary of State of Ministry of Interior and the NSC's Chairwoman, described on the organization's duties, *"We are responsible for leading the coordination among relevant working groups and sub-national committees to eradicate impunity by encouraging investigation and prosecution on ring leaders and offenders who committed crimes of trafficking, smuggling and exploitation."*

Figure 12: The structure of National Committee Secretariat:



1. Chairperson: Secretary of State (SS) of Ministry of Interior (Mol)
2. Permanent Staff and Department of Anti-Trafficking and Juvenile Protection of National Police, Mol.
3. Vice Chairpersons: (01) SS of Ministry of Women's Affairs, (01) SS of Ministry of Social Affairs, Veterans and Youth Rehabilitation, (01) SS of Ministry of Labor and Vocational Training, and (01) SS of Ministry of Justice.
4. Members: (01) SS of Ministry of National Defense, (01) SS of Ministry of Foreign Affairs and International Cooperation, (01) SS of Ministry of Information, (01) SS of Ministry of Post and Telecommunication, (01) SS of Ministry of Economy and Finance, (01) SS of Ministry of Culture and Fine Arts, (01) Commissariat General of National Police, and (01) Commander of Military

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Permanent staff and the Department of Anti-Trafficking and Juvenile Protection are the commissioners of the National Secretariat to ensure proper investigation, and accordingly, identification screening if the official has realized that Cambodian citizens are involved in trafficking and exploitation both inside and outside of Cambodia. Sources of information that possibly link to investigation are mass media, NGO partners or potential victim's relatives. The Chairperson of NSC explained on case report procedure, *"We welcome all sources of information irrespective of newspaper, Facebook, radio or TV, NGOs or complaint from victim's relatives. In initial stages, we have to make a pre-assumption for the benefit of the victims in case of ambiguity. The Department of Anti-Trafficking and Juvenile Protection will take immediate measure for investigation."*

In special circumstances that Cambodian victims of trafficking or exploitation are residing in a destination country, the Department will communicate directly with the victims, and report the case to police officials of the host country for repatriating the survivor to Cambodia. Simultaneously, the Department contacts with the Ministry of Foreign Affairs and International Cooperation –Department of Law and Consulate or Cambodia Embassy/Consulate in the host country –to prepare for a border pass letter. Partnerships with IOM (both in destination and origin countries) are a core practice to successfully repatriate the victim back to Cambodia. The Department, Cambodia Embassy/Consulate, IOM and host country authorities work in close collaboration to assess identification screening of Cambodian victims. If an individual has been identified as a trafficked victim, the Embassy or Consulate requests the Border Pass Permission from the Ministry of Foreign Affairs and International Cooperation for repatriation assistance. Cambodian authorities ask IOM for repatriation facilitation with attachment of full screening assessments and other reliable evidence.

- **COMMIT- Cambodia:** The Coordinated Mekong Ministerial Initiative against Human Trafficking represents a government-led process comprised of six member countries in the Greater Mekong Sub-region such as Cambodia, China, Laos, Myanmar, Thailand and Vietnam in a formal alliance to combat human trafficking (Commit SPA 3th: 2007-2013, 04). The Secretary of State of Ministry of Women Affairs, and the chairwoman of Commit-Cambodia has considered the initiative as the road map for

state parties to implement regional plans and contract to fight in a cooperation platform to eliminate human trafficking in the GMS. Of course, the action plans have been rapidly improved to create a sustained and effective system.

As COMMIT-Cambodia does not work directly to identify potential victims, it has promoted effective measures and policy via collaboration of Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY), Cambodia and Ministry of Social Development and Human Security, Thailand, or its departments located in the borderline province. The Chairwoman of COMMIT-Cambodia has mentioned, *“We have a challenging issue in relationship with Thailand. There are thousands of Cambodian migrant workers (regular and irregular status). We suggested COMMIT-Thailand to cooperate, share information, or report trafficking case to UNIAP based in Bangkok.”* COMMIT is not a trafficking case reporting channel. However, destination members can be suggested to observe on situations of particular cases.

Partnership with Non-Governmental Organizations

- ***Cambodian Women’s Crisis Center (CWCC):*** To promote public awareness on safe migration and immediate responses to trafficking, the Center has introduced a popular outreach program called SMART along the Cambodian-Thai border in Banteay Meanchey province. Through this program, information on migration and a hotline phone number for case report has been disseminated to potential and prospective migrant workers in various communities.

Recently, CWCC with financial support from USAID Counter Trafficking in Persons Program conducted training sessions for motorbike and tuk tuk taxi drivers to understand safe migration and report suspected case of trafficking to local authorities. The sessions were held in Siem Reap and Banteay Meanchey province – the corridor destination for cross-border migration to Thailand. In addition, CWCC has implemented a program called “*Safe Migration*” to stakeholders at the community level to meaningfully response to irregular migration and trafficking such as commune councilors and village heads in several provinces.

The CWCC Program Coordinator on Combating Human Trafficking, described real implementation when the center receives case report on trafficking where the victim is residing in the destination country, “*There are two steps: (1) report the case to and closely cooperate with NGO partners in destination country; and (2) alert the case to the Cambodian embassy or consulate in the host country.*” Partnership with NGOs based in the host country will facilitate for potential victims to rescue, immediate assistances and assessment, screening process, etc. as several stakeholders have observed and followed up on the case.

- ***Cambodian League for the Promotion and Defense of Human Rights (Licadho):*** As a Cambodian human rights organization, *Licadho* has been actively working to promote and protect civil, political, economic and social rights of Cambodian citizens. *Licadho* has implemented various projects to advocate for people’s rights and freedom, and monitor of government from its headquarters in

Phnom Penh and other 13 provincial offices²⁹. This organization has offices located in main provinces such as Banteay Meanchey, Battambang, Koh Kong, Kompong Thom which represent the source areas for international migration. Therefore, its hotline for safe migration and trafficking report provides assistance for potential victim's families and relatives.

Licadho's Senior Officer Specializing on Migrant Workers, explains that the Cambodian government does not have operational regulations on minimum standardized procedures or mechanism frameworks to provide assistance to human trafficking survivors who resided in a host country. Therefore, in practical way, according to the Officer, to speed up the procedure, Licadho submits cases or sensitive complaints to various relevant institutions (because some local NGOs cannot push forward for quick response). He continued, "We will submit case's file to Secretariat of National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor Exploitation and Sexual Exploitation in Women and Children (NC-STSL)."

- ***Chab Dai Coalition Cambodia:*** *Chab Dai*, meaning that a joining hand in Khmer, is a coalition of approximately 50 member organizations and networks to deal with and collaborate on issues of trafficking and abusive practices in

²⁹For more detail information, please visit this link: <http://www.licadho-cambodia.org/aboutus.php>
[Accessed on April 26, 2015]

Cambodia³⁰. The Coalition has been implementing a Case Support Project which provides referral assistance to Cambodian victims of trafficking both residing in or outside of Cambodia. To promote public awareness on trafficking, *Chab Dai* has strong networks with local police and authority, communities and NGO partners. Anyone can report cases or perpetrators to a 24-hour hotline which is attached on its leaflet distributed to various stakeholders such as teachers, communities, polices and parents of potential migrants. In addition, the Coalition has good communication and partnerships with the Cambodian Embassy or Consulate and NGOs where represented high rates of trafficking and exploitation practices.

The Coordinator of the Case Support Project, has described *Chab Dai's* experiences from the first instance of receiving a case report until identification process for clients who stay in destination country, *"We have to conduct pre-assessment interviews by phone in which we ask some questions regarding recruitment processes, transportation phases or disappearance...etc to the victim, reporter or potential victim's relative."* The Coalition has identified cases based on general assumptions on some indicators reporting on its hotline. In addition, if the victim had been reported to reside in a community besides a detention center, *Chab*

³⁰ For more detail information, please visit this link:

<http://www.chabdai.org/cambodiaprojects.html#SafeCommunityProject> [Accessed on April 27, 2015]

Dai will immediately alert NGO partners such as the Labor Rights Promotion Network (LPN) or other networks organizations in destination country.

Furthermore, *Chab Dai* has explained good practices in terms of providing assistance to potential victims of trafficking oversea. The Coalition had a Support Office based in Kuala Lumpur, Malaysia, and signed a Memorandum of Understanding with the Malaysian Labor Department to provide direct assistance and coordination to both potential survivors and stakeholders in the host country. In case a client has been detained in a detention center, the Coordinator would process the case as such: *“For networks in Malaysia, if our client was detained in detention center, we would contact the Department and ask for permission from the center’s authority to conduct direct assessment with the client.”* As a result of this pattern, *Chab Dai* has collaborated for repatriation assistance of several cases of trafficked victim to Cambodia. The practice has yet to be implemented in Thailand. Therefore, if a potential victim had been detained in detention center, *Chab Dai* would work very closely with NGO partners.

- ***Cambodian Human Rights and Development Association***

(ADHOC): The Association, with decades of experiences, tirelessly works for the empowerment of ordinary citizens to defend and fruitfully receive their fundamental rights by advocating for better governance of public authorities to comply with

minimum practices of human rights standard.³¹ ADHOC is one of the leading non-governmental organizations in Cambodia as it has representative offices located in all major provinces that share land borders with Thailand and potential source areas for international migration. Therefore, ordinary people are enabled to receive direct assistance and consultation with its officers concerning safe migration and responses to human trafficking.

ADHOC's Women's and Children's Rights Section has been working on the issue of international migration, victim identification, and repatriation support. The Section has defended trafficked victims' rights by recording complaints and cases report from victims and family members. In addition, ADHOC participates in interventions and investigation processes in cooperation with public authorities if a Cambodian is reported has been trafficked or suffered in particular destination countries such as Thailand, China, Malaysia, Korea, Indonesia and other Asian nations.

The Section has organized a program called "*Public Forum on Safe Migration*" to boost safe environments prior to making decision for migration oversea. Former victims of trafficking and exploitation who received assistance from ADHOC are invited to share experiences and recommendations on consequences and difficulties of migration. Furthermore, the *Forum* established a communication

³¹ For more detail information, please visit this link: <http://www.adhoc-cambodia.org/?cat=120>
[Accessed on April 28, 2015]

network and understanding with local authorities like villager heads, commune chiefs, or police in remote areas.

The head of Women's and Children's Rights Section, has explained the intervention process to assist trafficked victims in destination countries, "*We received complaints from parents or relatives for disappearances or losing the contact with. They suggest us for assistance and intervention to repatriate potential victims to Cambodia.*" ADHOC takes measures by reporting the cases to the Department of Anti-Human Trafficking and Juvenile Protection of Cambodia's National Police for rescue operations. To keep the public alerts on issues of trafficking and exploitative practices, ADHOC holds press conferences to disseminate complaints it has received to newspapers, radios, and mass media put pressure on authorities to speed up the screening processes and repatriation. ADHOC also works in cooperation with the Ministry of Foreign Affairs and International Cooperation for repatriation.

4.2.2 Destination Country

- ***Labor Rights Promotion Network Foundation (LPN)***: LPN is a Thai non-governmental organization based in Samut Sakhon Province in Thailand, and works very closely with government institutions and NGO partners – both local and neighboring countries – to address encountered-issues relevant to migrant workers in Thailand.³² The crucial aim of LPN is to effectively promote the improvement of

³² For more information, please visit the link: <http://bangkok.usembassy.gov/embassy-activities/2009/march/09.html> [Accessed on May 2nd, 2015]

workers' quality of life through labor rights protection, equality promotion, self-reliance and peaceful living together in society. In addition, *LPN* has established a minimum standard to be implemented on victims of violations and exploitation among migrant workers and their family members originating from Thailand's neighboring countries such as Cambodian, Lao PDR and Myanmar to access health care, safe working conditions, education and other social services.³³

LPN has been working on various programs to provide assistance and direct support to migrant workers in the areas of trafficking in persons and prevention of worst forms of child labor, services on health care and education to migrant workers and their family members, and public awareness on labor rights and welfare. The consequences of the programs have promoted national networks and international cooperation with several NGO partners and Embassies/Consulates, the Executive Director and the Founder of *LPN*, was highlighted as a "Hero" in the U.S. State Department Trafficking in Persons Report in 2008.³⁴

To establish more effective methods to suppress trafficking in persons and exploitation, *LPN* has a strong and expert network working in cooperation with relevant public officers from the Ministry of Social Development and Human Security,

³³ For more detail information, please visit this link: <http://www.jhsph.edu/research/centers-and-institutes/center-for-refugee-and-disaster-response/partnerships/Labor%20Rights%20Promotion%20Network> [Accessed on May 2nd 2015]

³⁴ For more information, please visit this link: <http://bangkok.usembassy.gov/embassy-activities/2009/march/09.html> [Accessed on May 2nd, 2015]

the Ministry of Labor, and the Ministry of Foreign Affairs to formulate migrant workers good practices particularly applying to nine provinces –the primary location of Thai fishing industry and seafood processing factory – located in the Gulf of Thailand. The Executive Director stated *“We have to improve cooperation capacity with official institutions and other NGOs –both based in Thailand or in worker’s origin countries – to inclusively and effectively deliver assistance and proper treatment to trafficked/exploited victims.”* Its internal centers; Labor Center and Seafarers Action Center (SAC) have been established to fulfill gaps of collaboration between law enforcement officials and the victims.

The Executive Director reiterates significance of national and regional cooperation on actual operational means to develop a meaningful identification screening process. In Thailand, there are linkages of migrant workers and labor rights NGOs such as Action Network for Migrant (ANM), Migrant Working Group (MWG), Anti-Human Trafficking Network in Thailand, and the Cambodian and Thailand Anti-Human Trafficking Network (CAHT). As a good example, *LPN* distributes cases of trafficking and exploitation to national and international media to keep the public on alert of the issues.

- ***Foundation for AIDS Rights (FAR):*** *FAR* is a Thai non-governmental organization based in Rayong Province mainly working to promote comprehensive HIV prevention and health care services for both regular and irregular migrant workers in Thailand. To provide better access targeted populations, *FAR* has established a

strong network of civil society, migrant workers and their family's members, and public sectors.

The FAR's Coordinator, explained that the Foundation has conducting community outreach on health issues to migrant workers –mostly fishermen– through training, peer-to-peer education and attitude perception on sanitation. Migrant workers can assess to voluntary and confidential counseling and testing (VCCT) on their health problems. Besides, FAR also files irregular practices and employment conflict between employers and employees on contract, remuneration and working conditions, and submits the files to provincial level authorities for resolution. FAR observes the conflict resolution process to improve public awareness of worker's rights.

4.2.3 Partnership between Origin and Destination Country

- **International Organization for Migration (IOM):** With several decades of internationally recognized capacity, IOM has become a forefront international organization specialized in migration and established close relationship and cooperation with governmental, intergovernmental and non-governmental partners.³⁵ IOM's international mission is to strongly uphold the principle that

³⁵ For more detail information, please visit this link: <http://th.iom.int/> [Accessed on April 29th, 2015]

humane and orderly migration benefits migrants and society to comply with perceptions of human dignity and well-being of migrants.³⁶

IOM has fully supported and worked to promote the principles of the regulation adopted by United Nations Office on Drugs and Crime (UNODC) on the Convention against Transnational Organized Crimes and its Protocol to Prevent, Suppress, and Punish Trafficking in Person especially Women and Children. Regarding trafficking perspectives, *IOM* provides support for voluntary return and reintegration of trafficked individual in partnership with relevant national and international organization. In this part, there are two crucial bodies to be concentrated on: *IOM* Thailand Country Office; and *IOM* Cambodia Country Office.

Thailand Country Office

Thailand has been a member estate of International Organization for Migration since 1986, and Bangkok is home to several significant IOM bodies such as: Regional Office for Asia and the Pacific, Thailand Country Office, and Regional Support Office (RSO),...etc. *IOM* Bangkok Office has introduced an activity on Regulating Migration which covers three main programs of the Counter Trafficking, Assisted Voluntary Return and Reintegration (AVRR) and Border Management/Human Smuggling.

³⁶ For more detail information, please visit this link: <http://www.iom.int/mission> [Accessed on April 29th, 2015]

The Counter-Trafficking Program has been working to improve the identification process and assistance capacity to trafficked victims in Great Mekong Sub-region (GMS) by establishing networks and partnership with law enforcement and civil society to suppress and prosecute perpetrators of human trafficking. The Project Assistant of the Unit of Labor Migration and Counter-trafficking mentioned that the Program coordinated with field presences covering on labor migration, vulnerable groups and victims of trafficking.

There are seven field presences in Chaing Rai, Tak, Saraburi, Sanklaburi, Ratchaburi, Ranong, and Phang Nga provinces of Thailand. Field presences work closely with local authorities and communities to reveal trafficking cases or receive complaints from potential victim's relatives. The Field forwards all the information to the Bangkok Office. The Unit provides direct assistance to victims of human trafficking, or in some circumstances, working in partnership or cooperation with relevant stakeholders.

IOM reports trafficking cases to Local Police, Department of Special Investigation (DSI) or Ministry of Social Development and Human Security to operate rescue missions. In this case, the Unit provides direct assistance such as expense of interpreters, and the participation in identification procedure. The Screening Interview Form is used to identify indicators of trafficking. Furthermore, the Project Assistant explained, *"If a person has been identified as a victim of trafficking by the authority, we would consider providing cost of repatriation to origin country, and if the victims*

need, we can provide reintegration services in the host country.” Regarding the screening process, *IOM* has provided training, financial and technical support to DSI and Immigration Police Officials to fill inadequate gaps of the government action plan.

The Unit is also working with NGO partners to promote public awareness and information on human trafficking issues. In some circumstances, NGO partners report or transfer cases of trafficking to and/or suggest for extra support that they are unable to provide to *IOM*. According to the Project Assistant, direct assistances provided by *IOM* included emergency health care, medical budget, food and shelter, and other documentation fee. However, each victim has different needs for assistance. Therefore, *IOM* plays a significant role to bridge gaps between insufficient services supported by state institutions and immediately needs of the victims.

Cambodia Country Office

IOM has established its Phnom Penh Office in January 1992 with a cornerstone to uphold the principle that humane and orderly migration provides benefits to individual migrants, community and society as a whole. The country office plays a significant function at all stages of suppressing human trafficking in Cambodia by providing technical and financial support to effectively respond to trans-boundary organized crimes, prevention and protection strategies, and prosecution of perpetrators in the judicial system. More importantly, *IOM* is a partner actor for the Cambodian government to facilitate assistance processes to

identification screening of Cambodian trafficked victims in the host country prior to repatriation. The Office based in Phnom Penh undertakes direct communication line with relevant bodies between origin and destination countries to counter language barriers, administrative obstacles, and challenges in family tracking...etc.

The National Program Officer of Cambodia Country Office explains that the office is actively working to support the government's action plans to combat trafficking in persons via capacity building to village heads, councilors, local police and community to be well aware of potential people at risk of trafficking, perpetrators and rights and welfare of trafficked victims. Moreover, *IOM* Cambodia assists Cambodian government to improve its operational ability to combat cross-border human smuggling and related crimes in the migration sector. To enhance productive assistance for male victims of trafficking, as the Program Officer mentioned, *IOM* has worked very closely with the Ministry of Social Affairs, Veterans and Youth Rehabilitation to regulate the Standard Operating Procedures on Provision of Reintegration Support for Male Victims of Trafficking.

Figure 13: International cooperation facilitating assistance to trafficked victims

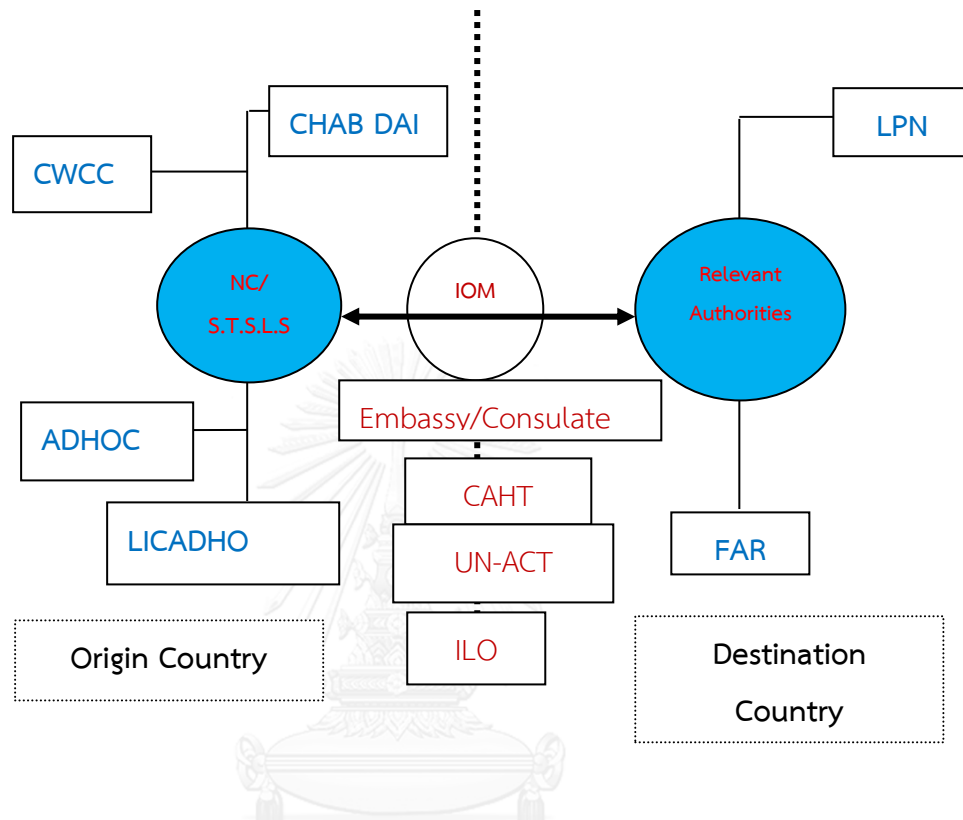


Figure 13 visually describes the international partnerships between stakeholders in both origin and destination countries. The National Committee has a leading function in the form of government to government relationship to provide assistance to Cambodian trafficked victims. In this case, local governmental organizations like Licadho, Adhoc, CWCC, and Chab Dai; observe on working processes and provide extra assistance to the national channel. Moreover, IOM (Cambodia or destination country offices) has significant roles to bridge gaps of communication and facilitation for immediate support prior to repatriation. For

instance, relevant authorities in Thailand established cooperation channels with LPN and FAR responding to trafficking in persons and exploitation.

The Cambodia and Thailand Anti-Human Trafficking (CAHT) Network, as depicted on Figure 13, creates a coordination platform of non-governmental organizations working on relevant issues of trafficking and exploitation –based in Cambodia and Thailand – to systematically expand their working procedures to share updated information, develop cross-border case management, complaint mechanism and immediate assistance for migrant workers who are involved in trafficking in persons and exploitation. Members of the Network have the privilege to report cases of trafficking and exploitation to its partners, and receive updated news on working progress. Prominent members of the Network are Licadho, LPN, FAR, World Vision Cambodia, Cambodian Red Cross, UN-ACT, Legal Support for Children and Women (LSCW) and Agir pour les Femmes en Situation Precair (AFESIP).

4.3 Reintegration Procedure

This section documents immediate assistance and reintegration services that key respondents experienced in stages of status determination and pre-departure in host country and post-repatriation to the country of origin. The section is divided into two parts: (4.3.1) Pre-repatriation; and (4.3.2) Post-repatriation.

4.3.1 Pre-repatriation

International Organization for Migration (IOM) has been implementing a program called Assisted Voluntary Return and Reintegration (AVRR) to support

repatriation payments and reintegration services for targeted groups of people who wish to voluntarily return to their origin country.³⁷ The groups consist of migrants in irregular situations including victims of trafficking without legal status in country of residence, smuggled persons, vulnerable migrants, or unsuccessful asylum seekers.

Furthermore, the IOM's Regional Support Office (RSO) based in Bangkok had received financial support from the Australian Government to initiate a project called "*Voluntary Return Support and Reintegration Assistance for Bali Process Member States*". The Project aims to conduct regional assistance mechanisms to assist the voluntary, safe and dignified return of targeted groups by offering pre-departure counseling and information provision, pre-embarkation assistance, medical checks, transportation, reception assistance and provision of reintegration grants³⁸. In 2002, 42 Ministers and law enforcement agencies from different regions such as Middle East, Asia, and Pacific launched the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime with the particular mission of combating people smuggling, trafficking and relevant trans-boundary crimes (ibid).

³⁷ For more detail information, please visit the link:

<http://th.iom.int/index.php/activities/regulating-migration> [Accessed on May 5, 2015].

³⁸ For more detail information, please visit the link: <http://th.iom.int/index.php/featured-projects/18-avrr> [Accessed on May 5, 2015].

On the process of status determination, potential trafficked/exploited victims shall receive significant immediate support services. IOM has regulated minimum operational standard as below:

- **Pre-departure medical assistance:** covers basic health care and medical assessment (both physical and psychological evaluation) that the person's probably injuries.
- **Temporary Accommodation:** Prior to schedule voluntary return, trafficked or exploited victims may have safe and secure accommodations for temporary stay. The accommodation is probably supported by local NGOs that run shelters or government centers.
- **Temporary Document and/or Visa:** the victims usually are in irregular status without identification or travel documents. Therefore, it is necessary that the Embassy or Consulate works closely with IOM to issue temporary stay in the host country.
- **Pre-departure Reintegration Plans:** The evaluation of reintegration plans shall follow the personal assessment of "needs and wants" when the trafficked/exploited victims arrived in the country of origin. The result of the assessment from the host country's office will be forwarded to NGOs or partners based in victim's home country for reintegration assistance.

- **Travel Grant:** It shall cover the travel fee and other relevant expenses such as food and water for a comfortable repatriation –particularly for transit destinations or long journeys – to the country of origin. The presence of partner organizations or public officials in the final arrival destination is necessary.

(a). Lessons Learned on Pre-Repatriation Assistance

➤ **Good Pattern: Case Study of Indonesia**

In-depth interviews have revealed on voluntary return with the informed written consent of trafficked/exploited victims. Case study of *Yin* and *Khem* represent a good pattern of international cooperation among various stakeholders to provide a satisfactory pre-repatriation assistance in Indonesia –the host country. Tripartite collaboration between International Organization for Migration (IOM), Cambodian Royal Embassy and Indonesian Authority has formed a good channel communication, trafficked victims therefore had been provided with minimum operational standard assistance prior repatriation. The key respondents had received the whole package of assistance such as medical checkup, temporary document for legal residence – the Border Pass Permission issued by the embassy, pre-departure reintegration consultation, and travel grant.

➤ **Insufficient Assistance: Case Study of Malaysia and Mauritius**

Kim and *Reak* were potential trafficked/exploited victims, and had passed through all the screening processes for identification determination involving by IOM and the Cambodian Royal Embassy in Malaysia and Mauritius, respectively. However, the victims had criticized the slow speed of the phase and inadequate basic support like medical and psychological checkups, and consultation reintegration planning in the origin country prior to voluntary return.

➤ **Experiences of Returnees: Case Study of Uruguay and South Africa**

The analysis of the case study indicated that *Rith* and *Lee* were potential victims of trafficking. However, both of the victims were never identified by authorities in the host countries. The recruitment agency made a compromise in returning process. In this case, the victims did not receive immediate support prior to repatriation to country of origin. As a reflection, the case has shown insufficient cooperation between relevant authorities of host and origin countries.

(b). Provision on Assistance Prior Repatriation in Thailand

Section 33 of Thai Anti-Trafficking in Persons Act enlists particular assistance and protection on safety prior voluntary return to country of origin. According to the Section, the Ministry of Social Development and Human Security is the responsible channel for providing support on food, shelter, medical treatment, physical and

mental rehabilitation, education, training, legal aid, legal proceeding and the return of trafficked/exploited victims to their country of origin or domicile.

Accompanying the Anti-Trafficking Act, the Provincial Protection and Occupation Development Center (For Men) was established by the Department of Social Development and Welfare, Ministry of Social Development with the purpose of providing welfare assistance and reintegration services for male trafficked victims of both Thai and foreign citizen age 15 years and up. The Center has four locations in Pathumthani, Chiang Rai, Ranong and Songkhla Province. For the case of Pathumthani Provincial Protection and Occupation Development Center (“Ban Pathum”), it has received trafficked/exploited victims originating from Myanmar and Cambodia.

The Legal Officer of Ban Pathum explains that the Center is informed trafficking and exploitative case from various stakeholders (the most relevant partners) such as Central Investigation Bureau (CIB), Department of Special Investigation (DSI), National Operation Center on Prevention and Suppression of Human Trafficking, Immigration Bureau and General Staff Division, and NGOs such as IOM, LPN, the Mirror Foundation and World Vision. Therefore, Ban Pathum assigns social worker to participate in a team displaying multidisciplinary collaboration to rescue trafficked victims from factories or harmful situations.

According to the Act (Section 33), the Center has facilities to support accommodation, health care services, food and clothing, multidisciplinary teams for consultation, legal officers, occupational training, and repatriation coordination to

country of origin. The Legal Officer illustrated the process of accepting trafficked/exploited persons and its assessments for reintegration at the Center in two processes as below:

Process 1: Accepting the Victim: Ban Pathum receives potentially trafficked/exploited victims from the rescue team after conducting a pre-assessment or the identification screening. During the first intake, the Center gathers personal information, family and social status relevant to the client. Social worker analyzes the overall problem concerning physical injuries, traumatized conditions, and education and behavioral attitudes before planning the recovery, reintegration and legal processes. The Center communicates to a hospital or any health care service to check the victim's age in case of uncertainty of whether he/she is under 18 years old.

Process 2: Assessment for Reintegration and Repatriation: The social worker examines for physical and mental abuse and initial test for HIV and sexually transmitted diseases. Interviews with the victim will be done by social workers and psychologist in field of trafficking in persons. In addition, the Center will assist lawsuit both for criminal and civil cases until the final verdict. The victim shall receive appropriate compensation. Available services could be applicable to the actual situation of the victims. Finally, the Center contacts and transfers the "case report" with photos and documentation of victims to the Bureau of Anti-Trafficking in

Women and Children and Department of Social Development and Welfare to send the case to country of origin's authorities for family tracking and national verification.

➤ **Implication of Case Study**

In this research, two case studies –Ra and Bo and Kun – were potentially trafficked and exploited victims, but were insufficiently identified by the operational authorities. The victims were re-victimized as the host country deported them back to their country of origin without providing particular assistance. Ra, Bo and Kun were not properly assessed for determination status and lacked participation from relevant stakeholders such as the Cambodian Embassy or Consulate or NGOs.

(c). Family Tracing and Repatriation to Cambodia

The primary objective of family tracing is to search whether the victims have family in Cambodia. The information provides a general understanding on the victim's situation regarding reintegration planning. To trace the family, government to government cooperation is an effective means. Guiding information can be collected through police record, identity document, conversation or phone number to locate the family member in Cambodia. In addition, information gathered from different sources like NGOs or IOM during the screening and identification stage may be useful for tracing of victim's family members.

Regarding financial support of repatriation, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, Cambodia, cooperates with IOM to allocate a

budget for transportation and temporary stay for the survivors of trafficking in persons. The Ministry of Foreign Affairs and International Cooperation via its Embassy/Consulate will issue traveling documentation in the form of “Border Pass Permission” to be used in repatriation.

4.3.2 Post-repatriation

➤ Understanding the Department of Anti-Trafficking and Victim Repatriation

The Department of Anti-Trafficking and Victim Reintegration of Cambodia’s Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) is the central responsible body which collaborates with various stakeholders to provide reintegration assistance to trafficked/exploited victims in Cambodia. With support from IOM, the Department has regulated a Standard Operating Procedure on the Provision of Reintegration Support to Male Victims of Trafficking in 2012. The Standard Operating Procedure (SOP) is a minimum operational process to ensure the victims are sustainably reintegrated with safety and dignity into society.

In principle, the Department is an intermediary body of cooperation between 18 non-governmental organizations that have signed the Memorandum of Understanding to receive legal concessions and survivors of trafficking in persons with the privilege to provide reintegration services such as shelter support in the center, legal consultation and health care. The Memorandum indicates the minimum

standard and obligation that signatory organizations have to abide by in delivering services. Even though, some organizations have not signed the Memorandum, they still have the privilege to accept victims. Signatory NGOs can export equipment and facilitation with tax exemption.

The Deputy Director of the Department, explained on acceptance of victims that: *“The Ministry of Interior will be a main commissioner on rescuing and identifying the victim of trafficking. In some cases, our Department also cooperates in rescue missions and initial interviews for identification. When the Police have finished the pre-assessment and screening processes, they will send the case to our Department to search for any possible services for immediate assistance and reintegration.”* This working standard is also applied at sub-national level whereas the police will cooperate with the Provincial Department of Social Affairs, Veterans and Youth Rehabilitation.

➤ **Post-repatriation Assistances**

The Department does not have shelter assistance for temporary stay of trafficked victims. In this regard, the Ministry of Social Affairs works as a coordinator searching for services and shelter provided by signatory organizations for immediate assistance and reintegration plan. At the provincial and district levels, cooperation with NGOs has played a crucial function to follow up on survivor’s livelihoods. The Department receives financial support, technical and skill training from IOM Cambodia’s country office.

- **Immediate Assistance on Arrival:** This is a fundamental support offered upon the arrival of trafficked/exploited victims from the destination country. The support covers the food and temporary accommodation, medical care, counseling and psycho-social assessment. The Department works in partnership with IOM, NGOs and local teams to ensure that immediate assistance is available for the victims. IOM Cambodia has a budget to cover on temporary shelter, food support, medical care and transportation fees to the victim's province/community. The Provincial Department of Social Affairs, Veterans and Youth Rehabilitation (DoSVY) is also involved in the assistance process.

- **Immediate Assistance at Poi Pet Transit Center:** The Thai Bureau of Immigration normally repatriates or deports Cambodian trafficked/exploited victims or irregular migrant workers respectively to Thailand Aranyaprathet/ Cambodia Poipet International Border Checkpoint. Poipet Transit Center is the arrival destination for both victims and deportees. Therefore, the Center has functions to provide immediate assistance such as temporary shelter, food and clothing, medical checkup, and psycho-social counseling prior to next leg of travel to their prospective communities. The Center receives direct support from relevant NGOs like CWCC, IOM, UN-ACT, World Vision Cambodia...etc.

➤ **Reintegration Program of Cambodia Women’s Crisis Center**

To complement MoSVY’s insufficient reintegration services, CWCC has been implementing a Reintegration Program to provide safe and secure assistance the trafficked/exploited survivors. Of course, a majority of the clients experience trauma and are physically weak after years of slave-like working conditions. To provide effective planning, the Program works in partnership with DoSVY and other NGO partners. CWCC has signed the Memorandum of Understanding with the MoSVY, and it provides reintegration services to 395 clients.³⁹ The Program Coordinator of CWCC stated, *“Reintegration program provides holistic –whereas our partner mostly provide partial series – services for the client covering consultations, legal support and reintegration planning for the clients.”*

The Monitoring and Safe Shelter Program, CWCC’s internal body, may refer clients to reintegration program if they are ready. As some clients have not been properly identified in the destination country, CWCC’s social worker shall conduct assessment and screening interviews. In fact, the Center has arranged interview’s questions based on its internal rules and minimum standard that draw from the Palermo Protocol on Human Trafficking and IOM Screening Interview Form to evaluate on indicators of trafficking. The Program Coordinator mentioned, *“The Palermo Protocol is an international form with appropriate standards which are*

³⁹ For more information, please visit the link: <http://www.cwcc.org.kh/> [Accessed on May 9, 2015]

globally applicable, that is why we use it as a mechanism for the identification process. In addition, we encourage official advertisement on TV and radio about elements of the crime, and formally disseminate the national identification procedure to operational authority at sub-national levels. ”

Clients may receive reintegration services from CWCC in two channels: (1) Client Care Center (permissible to stay in the Center), and (2) Client Care in Community. The Program will support from the start up until the client can live independently in the community. Internal specialized groups will arrange reintegration planning (with limit amount of financial support). However, there are cases in which clients reject services supported by CWCC, especially for those who immediately need money to support family livelihoods for survivors who were not subjected to serious abuse of forced labor. The duration of the reintegration program run by CWCC lasted from 1-2 years, yet the client can stay in the shelter for only 3-6 months. In fact, clients are encouraged to stay in the community. There are criteria for clients to stay in the shelter such as: (a) women; or (b) children aged less than 10 years old. Male clients are ineligible to stay in the shelter. CWCC has several expert divisions covering on various issues such as domestic violence, rape and trafficking, reintegration and repatriation, legal consultation...etc. The Program Coordinator explained about the process of delivering reintegration services into four processes as below:

Process 1: Crisis Intervention: Safe temporary stay (in the center's shelter or elsewhere) is supported by CWCC for particular durations based on the situational assessment. Moreover, food, clothing, and health care will be provided to the victims.

Process 2: Assessment of Individual Needs: In this stage, social workers conduct detailed interview with the victims to understand their skills or vocational experiences, family's pressure on social and economic needs, educational background, and commitment to participate in the reintegration services. In addition, the social workers explain the optional reintegration services to the victims. Gathered information provides clear knowledge for the social worker to make an individual assessment of each victim.

Process 3: Integration Planning: The Literacy, Vocational Skills Training and Employment Program, the internal body, advocates for skill and vocational training and job placement for survivors or vulnerable groups to prevent international migration. CWCC conducts Small Business Training to provide knowledge on creative ideas, profit calculation, and business plan and budget preparation. For instance, the Program has arranged pig and chicken-raising training to clients on topics of vaccination, sheltering, feeding, medical care, food mixed ingredient, feeding...etc.⁴⁰

⁴⁰ For more information, please visit the link: www.cwcc.org.kh/?p=21 [Accessed on May 9, 2015]

Process 4: Monitoring the Reintegration Process: If the clients have been reintegrated to live in the community, CWCC has a package to start up a new life (“Life Startup Plan”) with a particular amount of financial support for business planning. Yet, social workers still keep updated on their livelihoods or conduct field visits to their community directly. There are two kinds of monitoring: (a) direct visiting (2 or 3 times per month); and (b) phone communication. CWCC will close the case if: (a) the client has the ability to live independently in society; and (b) failure of reintegration plan and no information or lack of communication with the client.



Chapter 5

Conclusion, Discussion and Recommendation

5.1 Conclusion

Cambodian migrant workers are vulnerable to trafficking in persons for forced labor and exploitative working conditions as a result of irregular recruitment and lack of effective control, monitoring and punishment. The trafficked or exploited victims had low literacy level, and predominantly left origin country for the economic purpose. Low incomes, poverty at household level, and insufficient employment opportunity create an incentive for people to migrate overseas to collect remittance to support family members. Unemployment is a serious issue as thousands of young populations annually enter into the Kingdom's labor market.

Two significant actors have irregularly recruited potential people for fishing industry in destination countries, in particular Thailand. The actors are independent brokers and recruitment agencies. Practically, the brokers have improved strategies to successfully deceive targeted people to leave their villages for the fishing vessel. Rural poor, remote or ethnic communities that received insufficient information on safe and sustained migration have become the target for irregular recruitment from Cambodia. The brokers give fake promises on high wages, acceptable working conditions, or free of charge food and accommodation. In addition, recruited persons are not required to pay commission services or to deduct monthly salaries in the

destination country. The research found the flexible, consistent and strong network of independent brokers who efficiently smuggle people from origin villages to brokers' house located in border provinces (Poipet border city or Malai district, Banteay Meanchey province), and then from the border to the destination country. Moreover, the trafficked or exploited victim experienced inhumane treatment on the journey to final destination as the transportation vehicle was overcrowded.

The recruitment agency study in this case does not have permission from the Ministry of Labor to recruit or send Cambodian workers for to the fishing industry abroad. However, the research found out that the recruitment agency had recruited and sent Cambodian migrant workers to South Africa and Uruguay. The agency used its license to illegally recruit or send workers abroad. To do so, the agency practiced fake advertisement on working conditions and monthly remuneration to irregularly recruit (irregular pre-departure orientation) hundreds of workers. Before the departure date, the agency representative would inform and communicate with recruited workers by phone. The agency's headquarters based in Phnom Penh was the meeting point of workers who originated from different provinces. Workers had to travel to destination countries in a group of people with at least one person who could slightly speak English.

The research has revealed clear evidence of forced labor and crucial information of exploitative working conditions from the key respondents. There are five cases with clear evidence of forced labor, and two cases with elements of

exploitation. The existence of five strong components are necessary to identify forced labor according to indicators of the International Labor Organization (ILO). There were the existence of threat of physical violence in the forms of emotional insult, abusive language or oral threat, restriction of movement, debt bondage, passport or/and identity document retention, and threat of denunciation to the authority.

Identification screening is a significant method to ensure that the plight of labor trafficking and exploitation has been recorded properly by operational authority (both receiving and origin countries). Technically, potential victims are unable to self-identify, yet good collaboration from various stakeholders such as Immigration Bureau, DSI, NGOs, NC/S.T.S.L.S, IOM, etc. would facilitate the determination status meaningfully. The International Organization for Migration (IOM) has stimulated a minimum standardized instrument called “*The Screening Interview for Identification of Victim of Trafficking*” to follow efforts to identify victims.

However, the research found that trafficked or exploited victims have concerns of arrested, detention and deportation back to the country of origin by the immigration police rather than reporting the case to criminalize the offenders. In some circumstances, the potential victims failed to be identified in the preliminary screening process as the authority has assumed that they were irregular migrant workers. In addition, the victims had been detained in Detention Center for several months for illegal entry into the destination country in poor conditions with overcrowding, lack of food or drinking water. The victims were re-victimized as the

authorities failed to determine their status rather deporting them to their origin country.

This research discovers inadequate minimum standards of deportation conducted by Thai authorities. The victims have to pay for transportation fees otherwise they would be detained for a particular duration prior to the deportation in Detention Centers. Moreover, the research shows evidence of slow processes of identification screening. As a result, detained victims have probably experienced psychological effects. The majority of the key respondents did not receive immediate assistance and reintegration as stipulated by the Anti-Trafficking Protocol or Thai Anti-Trafficking in Persons Act.

International collaboration between various stakeholders in both origin and destination countries have smoothly sped up identification and repatriation processes. The National Committee has a leading function to conduct government to government cooperation to assist Cambodian trafficked/exploited victims abroad. Besides, NGOs and international agencies have complementary functions to bridge the gap of communication and facilitate immediate support prior to beginning repatriation processes.

The Cambodia and Thailand Anti-Human Trafficking (CAHT) Network has established a collaboration platform of non-governmental organizations –based in Cambodia and Thailand –to systematically develop networking, share information on trafficking, and create complaints mechanism for the operational authority.

Importantly, IOM (in both Cambodia and destination country offices), has played a significant role to work with authorities in order to identify the status of victims, immediate support and grants for repatriation.

During the process of identity verification, potentially trafficked and exploited victims are eligible to receive pre-departure medical assistance, temporary accommodation and visa or legal documentation, pre-departure reintegration plans, and travel grant, etc. The research found good patterns of implementation by the Indonesian government in cooperation with the Cambodian Embassy for repatriation. For the Thailand case study, the victims were deported back to the country of origin without providing particular assistance.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation, Cambodia, does not have a center for temporary stay or reintegration services for trafficked and exploited victims who were repatriated or deported from destination countries. The signatory non-governmental organizations and international agencies, therefore, have played a complementary function to provide immediate support, reintegration and follow-up assistance to the victims. This working pattern is also applied at the provincial and district levels (sub-national bodies). In this study, trafficked and exploited victims have been receiving safe and secure assistance and reintegration plan from Cambodian Women's Crisis Center (CWCC) – a signatory NGO which abides by the regulation of the Memorandum of Understanding with MoSVY. Of course, the

victims had received post-repatriation reintegration services based on their actual situation from the Cambodian Women's Crisis Center.

5.2 Discussion

5.2.1 Irregular Economic Migration

In this study, Cambodian migrant workers leave habitual residence for economic pursuits in destination countries. As described by Castles and Miller (1998:20), the research discover push and pull factors for migration including insufficient employment opportunity, no land for cultivation, economic hardship as income has declined, and low living standard at household levels.

Irregular migration is a common form among Cambodian migrant workers. Of course, irregular migration responds to labor needs quickly, but increases a situation of insecurity and lack of rights access for workers. The current tendency is for rural poor Cambodian households to want to work abroad with dream of better employment opportunity and high salary rather than working in their origin village or home country. However, the nature of working conditions in the fishing industry is really difficult in terms of insufficient health care facilities, lack of access by authorities to check on working standards (minimum working hours, day off, contract, wage or conflict resolution between employer and employees), physical labor, and workers challenges with language barriers.

Due to their irregular status, Cambodian migrant workers have become the most vulnerable group to be engaged in trans-boundary movement for forced labor

and modern slavery practice in the Thai fishing industry. The research discovered irregular form of the recruitment process. Undoubtedly, human smuggling services have increasingly boomed as its profitable business model has flexible network and strong organized crime along hundreds kilometers of opened borderline between Cambodia and Thailand.

The Ministry of Labor and Vocational Training, Cambodia, has prohibited recruitment agencies from recruiting and sending Cambodian workers for fishing vessel overseas. There is a question to be asked, of whether the Cambodia's Ministry of Labor should remove prohibition on recruiting and sending workers by recruitment agencies for fishing industry overseas, to Thailand in particular.

At policy level, there are two different perspectives with critical supporting reasons to answer the question. The Secretary of State of Ministry of Women Affairs and Chairperson of COMMIT- Cambodia, approved with some conditions to remove the ban by insisting that: *“To me, we should value their works. You will not be a cheap person because you are a fisherman. We suggest Cambodian workers to migrate in legal channels to avoid harm and dangerous consequences. It is untrue that mankind is generally bad. There is a Fishing Vessel Association in Thailand, and their mission is to reduce irregularity in their fishing industry.”* In contrast, the Secretary of State of Ministry of Interior and Chairperson of NC/S.T.S.LS, disagreed to remove the prohibition to recruit/send Cambodian workers for Thai fishing industry by explaining that: *“Thailand does not have effective measures to protect foreign*

workers in its fishing industry. Foreign fishermen are not applicable to gain benefit of overall labor standards. The Thai fishing industry involves modern day slavery and serious exploitation of fishermen.”

In this case, the Royal Cambodian Government should regulate a comprehensive policy on recruitment processes for fishing vessels responding to increasing numbers of migrant workers on fishing boats. The policy should be inclusive and involved with several stakeholders such as recruitment agencies, NGOs and destination countries.

5.2.2 Trafficking in Persons for Forced Labor and Identification Procedure

This research analyzes trafficking case studies following three main elements of Trafficking in Persons –movement, means and the purpose – stipulated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The concept of forced labor consists of two elements: involuntariness and coercion. The research has followed the ILO operational standard to identify forced labor with indicators or significant clues such as: (1) abuse of vulnerability; (2) deception; (3) restriction of movement; (4) isolation; (5) physical and sexual abuse; (6) intimidation and threats, (7) retention of identity documents; (8) withholding of wages; (9) debt bondage; (10) abusive working and living condition; and (11) excessive overtime.

In addition, to evaluate the identification process, the research has applied IOM's *Screening Interview Form* to assist operational level officials to determine the status of potential victims. The *Form* covers minimum standard questionnaires containing on detail elements of trafficking in persons and forced labor. At the national level, Thailand has issued a *Preliminary Checklist for Identifying Trafficked Persons* as a guideline for competent authorities to verify the status. However, in practice, the majority of potentially trafficked or exploited victims are not properly identified by authorities in host countries. On the contrary, the national preliminary checklist limits the screening process as the questionnaires are not clearly described.

Potential trafficked/exploited victims experienced psychological concerns that they are vulnerable to being arrested by police because of insufficient documentations to legally enter/reside in the destination country. Of course, the trafficked/exploited victims are not self-identified. Police should build trust and consider the environment for the victim to report the plight of trafficking in persons, forced labor or exploitative practices they experienced during the pre-interview assessment. Trafficked/exploited victims expressed their concerns during the study on corrupt officials –a reflection of experience from the origin country – if they reported the crime. Therefore, public authorities should clearly explain the implementation standards to the arrested persons.

5.2.3 Repatriation and Reintegration

Repatriation is the return of an individual assisted by host country authorities and other stakeholders after the person has been recognized as a victim of trafficking. International cooperation among stakeholders (NGOs, public officials, and international agencies) both in origin and destination countries will smoothly facilitate the verification screening process, and provide immediate assistance and reintegration service prior to voluntary return, and post-repatriation supports.

In this research, as in actual implementation, the Cambodia and Thailand Anti-Human Trafficking (CAHT) Network is a good coordination platform comprising of NGOs working in the field of trafficking in persons –based in two countries – systematically improving mechanisms to file complaints, identification process involvement and providing immediate assistance for trafficked/exploited victims.

Collaboration from various partners will put pressure on public authorities to speed up the process of status determination, assistance and voluntary return. However, the study found that not many Cambodian trafficked/exploited victims have been identified, but were instead deported as irregular migrant workers.

At policy level, both the Secretary of State of the Ministry of Interior and the Secretary of State of the Ministry of Women Affairs are not satisfied with current results of cooperation with Thai authorities. The Secretaries of State strongly believe that via years long of experiences working together in the field of trafficking in

persons, Cambodian and Thai operational level officials shall improve practical mechanism for better collaboration and understanding for mutual benefits.

There are some obstacles in the coordination procedure: both countries shall improve technical methods to report cases, partnership in the identification determination, deportation and voluntary return of trafficking in persons, human smuggling, and exploitation. The Secretaries of State both agreed that: *“The problems will not be solved if you work unilaterally. In our relationship with Thailand, we face challenging issues as it hosts thousands of Cambodian migrant workers. Bilateral discussions will promote sustainable and meaningful solutions.”*

What are the functions of Cambodian NGOs responding to trafficking in persons? There is an obstacle for non-governmental organizations because public authorities have allegedly accused them of working for the opposition party. In this case, the current authorities seem to be confusing roles and responsibilities of NGOs that constructively criticize government bodies that are work ineffectively to provide assistance to Cambodian trafficked/exploited victims.

The fact is that NGOs are not working for opposition parties, but for the sake of Cambodia’s victims. The Cambodian Embassy or Consulate has to arrange effective mechanism in the favor of the workers by willingly accepting constructive criticism from stakeholders. In addition, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, the most relevant ministry working on reintegration services, has to directly provide sufficient services, technical facilitation and advertisement that

are implementable rather than transforming these duties to signatory NGOs as is being practiced nowadays. It is a social responsibility that states are obligated to provide services with budget allocation for a long term operations. NGOs with a complementary role are working to fill the gaps left behind by the government bodies.

5.3 Recommendation

From the analysis of several aspects covered by the research, there are various recommendations proposed for better response to identify trafficked/exploited victims and facilitate assistance prior to and post repatriation both in the scope of policy and practice area as below:

1. Promote comprehensive and mutual cooperation between Cambodia and host countries, Thailand in particularly according to the principles of human rights and rules of law work to hand in hand on rescue operations, identification procedures, relief facilitation and crucial assistances prior to repatriation. The Royal Cambodian Government should consider Memoranda of Understanding with other host countries such as Malaysia and Indonesia for cooperation in eliminating trafficking and assisting victims of trafficking.

2. To promote an effective mechanism and implementation, the Cambodia Embassy or Consulate employed with skill training on the issues should collaboratively work with IOM and NGOs (regional and local organizations) to provide immediate support and voluntary return for the sake of trafficked/exploited survivors.

The Cambodia Embassy or Consulate should pay more attention to living and working conditions of Cambodian migrant workers overseas by expanding its horizons to accept constructive criticisms from the stakeholders.

3. As long as criminal justice procedure and no Cambodian NGOs are based in the host countries, Thailand and Malaysia in particular, Cambodian Embassy/Consulate should consider a possibility of operating a shelter for temporary stay for the Cambodian trafficked or exploited victims. If the government does not have the budget to support the project, as a long term plan, the cooperation with NGOs would strengthen the capacity to promote good practice to immediately respond to the needs. The Ministry of Foreign Affairs and International Cooperation should understand that the Royal Cambodian Embassy to Thailand is understaffed and unbalanced compared to the size of Cambodian population in the country.

4. The Cambodian Ministry of Social Affairs, Veterans and Youth Rehabilitation should indicate a particular budget for reintegration programs and repatriation assistance to its citizens. In addition, the Ministry should provide sufficient services on technical facilitation to NGOs and educate the public about safe and secure migration, trafficking in persons...etc. The Ministry should speed up the process of money allocation to support the Cambodian victims' financial grants for repatriation costs. Moreover, the Ministry should focus on services for survivor's recovery and reintegration rather than totally depending on NGO programs.

5. The majority of male client experiencing forced labor and exploitative working condition on fishing vessel do not realized that trafficking in persons occur to male victims. Therefore, the survivors do not know which reintegration services suits to their needs. The stakeholders should promote public awareness of trafficking in persons for the purpose of forced labor (especially for male victims) on television, newspaper, leaflets and communication outreach efforts.

6. There are some challenges as a reflection from rescue mission in Cambodia. The Department of Anti-Trafficking and Juvenile Protection has limited authorities to ask for documentation from other ministries. Therefore, Cambodian authority should have systematic good practices for data and documentation gathering to investigate or uncover suspicious of the case of trafficking in persons, vulnerable workers...etc.

7. The Ministry of Labor and Vocational Training, Cambodia, should discuss with stakeholders whether recruitment agencies should allow for recruiting/sending Cambodian workers for fishing vessel overseas, but with strict enforcement and control on minimum wages, working conditions and protection of labor rights. The current trend, thousands of Cambodian fishermen is irregularly recruited by brokers and intermediary in Cambodia and Thailand. The consequences, Royal Government of Cambodia can address on the issue of forced labor on fishing boat and reduce vulnerabilities for fishermen. In addition, the Ministry should consider on revision on some loophole articles of sub-decree on the Management of

the Sending of Cambodian Workers Abroad through Private Recruitment Agency to get access to social protection.

8. The Cambodian operational authorities should coordinate with the host countries to share information on trans-boundary organized crimes including trafficking in persons and human smuggling, and to increase knowledge on significant elements of trafficking in persons –means, movement and purposes –to police and authority at sub-national level. Moreover, the relevance authority should actively work to arrest, eliminate and prosecute broker’s network.



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