



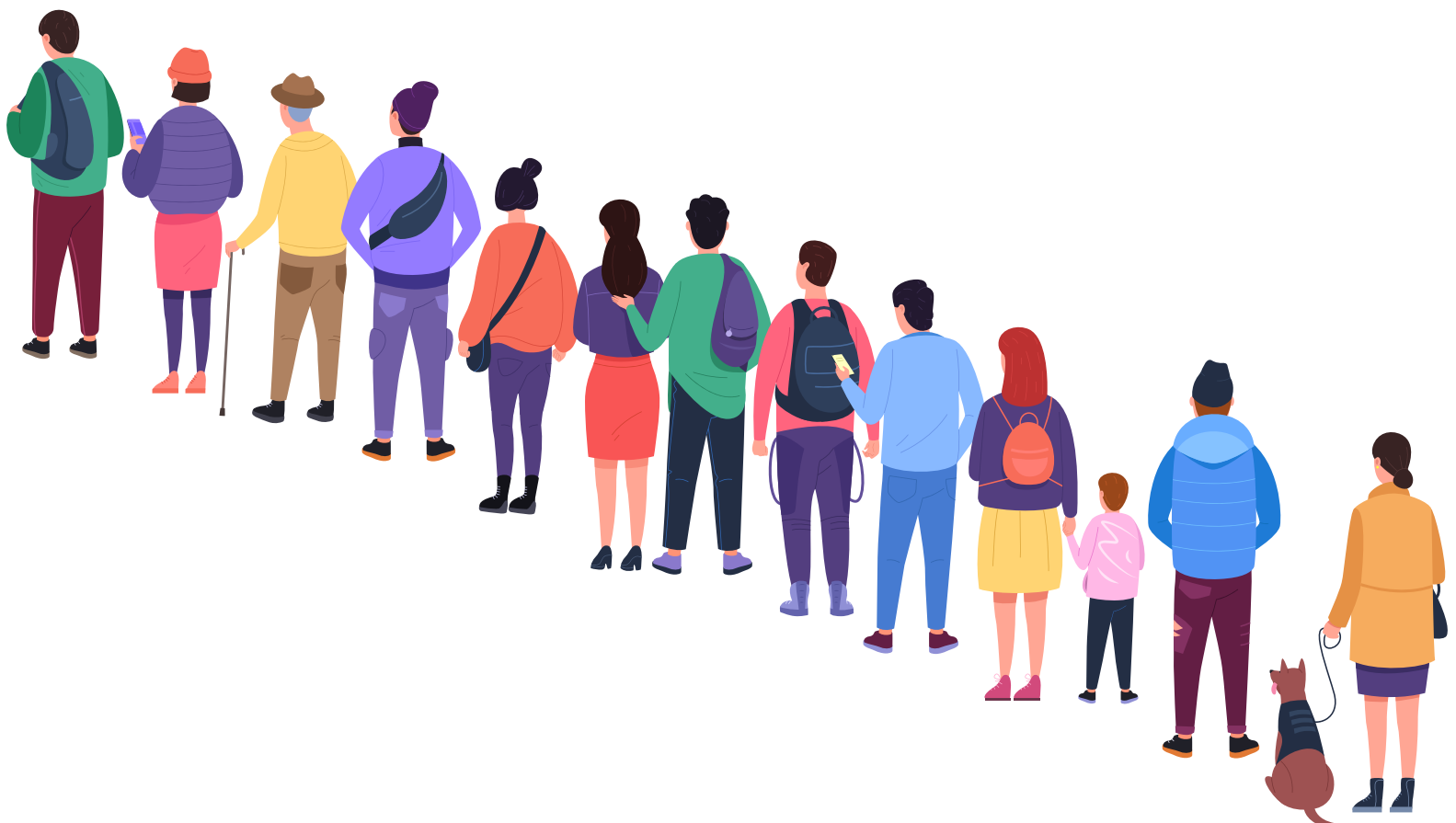
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RESEARCH BRIEF

Addressing vulnerabilities of migrant workers to human trafficking and exploitation in the Greater Mekong Sub-region



EXECUTIVE SUMMARY

Executive Summary

Labour migration is a prominent feature of the economies of the Greater Mekong Subregion (GMS) with individual and collective economic benefits, yet migrant workers face systemic risks of exploitation and human trafficking. The ASEAN-Australian Counter Trafficking program (ASEAN-ACT) is working with partners to document these vulnerabilities and enhance the understanding of stakeholders focused on addressing the issues. The vulnerabilities are complex and multi-faceted, requiring ongoing analysis and adaptation to address. Ultimately, policymakers can best address the problem by engaging with this complexity, and developing coalitions of government and non-government actors to progress initiatives that support the safety and well-being of migrants, while pursuing economic development goals across the GMS.



Introduction

ASEAN-ACT is supporting inclusive and evidence-based policy development, together with the governments, civil societies and industries of the Greater Mekong Subregion, with a role in countering trafficking. As part of this process, we have sought to develop and contextualise the evidence base around exploitation and human trafficking, given the recognized weaknesses in data in the sector.

The program's research partnerships focus on documenting the vulnerabilities of migrant workers to exploitation and human trafficking, based on the understanding that most victims of labour trafficking are never formally identified or supported to access remedies. Trafficking for labour exploitation is typically more difficult to substantiate and the coercive and exploitative conditions many migrant workers in the GMS find themselves in are often categorised as minor labour violations, if at all.

The persistence of exploitation and human trafficking of migrant workers in the GMS is inextricably linked to the region's political economy. ASEAN-ACT is conducting an in-depth study on this issue, in partnership with the Overseas Development Institute, as well as through research and programming with civil society partners in the region. ASEAN-ACT also conducted a desk review to understand the impact of COVID-19 on vulnerability to trafficking for forced labour, which has also informed this research program.

Findings

Thailand is a key destination for migrant workers in the GMS, employed in a range of industries that are considered essential to the country's economic development and well-being. Many migrant workers come from neighbouring countries to Thailand, from countries where industry and livelihood opportunities are less developed, and household incomes significantly lower.

Migrants from Cambodia, Lao PDR, Myanmar, and Vietnam are the main nationalities that come to Thailand for work. Migration is itself sometimes a part of the development policy and spur of economic growth in countries of origin, where under-utilised workforce is supported to find work abroad and also send remittances to home. Formal migration regimes have been established between these countries and Thailand, through Memoranda of Understanding, however it is widely recognized that most migrant workers find work in Thailand through informal channels instead.

The vulnerabilities that individual migrants may experience arise from a broad range of systemic and structural challenges. There is a dependence on low-cost labour in key sectors in destination countries, likely to continue given subregional demographics. There is limited support for workers' welfare through recruitment mechanisms or from employers.

Formal labour migration channels between the countries are seen as slow, costly and difficult to access. They arguably also do not provide sufficient protection from exploitation and abuse, due to the considerable costs and documentation tying workers to employers in some circumstances, when they would be more free to move if they had not come through formal channels¹. As a result, Thailand has had to initiate amnesties for migrant workers on a cyclical basis, often reversing positions against such amnesties.

Long-standing social inequities and discrimination leads to differential access to information, services and social protections for migrant workers in destination countries². Even in cases where migrants are formally entitled to protections and benefits, institutional inefficiencies and coverage failures often occur meaning that migrants often miss out. Abuses of power occur, which mean that authorities at various levels, employers and recruiters exacerbate rather than lessen migrants' vulnerability. Further, stigma and social exclusion affect vulnerability, and while migrant workers were often considered 'essential' workers in the face of COVID-19, only in some contexts was this recognised and credited³.

Responses to this exploitation, and exclusion from protection, to date have focused primarily on identifying victims of trafficking pursuing a criminal justice response. However, broader migration policy settings and the business & human rights agenda are just as relevant and important in responding to this widespread problem. The exploitation of migrant workers in the region has been exacerbated by COVID-19, which has increased the vulnerabilities of populations to a range of abuses that are linked to human trafficking and exploitation. Further, new opportunities to deceive, coerce and exploit have emerged, particularly in Special Economic Zones and casino sites in the GMS.

While there has been a significant improvement in the legal frameworks and policies to counter human trafficking and to a lesser extent labour exploitation more broadly, policy coherence remains elusive and there needs to be integration of policies and responses around economic development, demographics, migration, labour and human trafficking. Forced labour and human trafficking are intrinsically connected and overlapping phenomenon. The progression of the business and human rights agenda from voluntary to increasingly mandatory measures in compliance, presents an opportunity to better mainstream these issues in sustainability. Further, while it is recognized that migrants have their own agency that can be strengthened, to differing degrees, policy reforms are also required to address structural vulnerabilities.



Policy recommendations and implications of the research

Despite the complex and persistent nature of the challenges, opportunities for change do exist. First it is important to recognize the complexity of the issue, that the diverse stakeholders may seek to come together to address.

Countries of origin may consider the factors often identified by advocates and stakeholders that create vulnerability. These include, reducing the time and costs for labour migration through formal channels, and ensuring evidence-based responses in preventing trafficking as well as assisting victims of trafficking for forced labour. Going through regular migration channels does not mean safe migration and yet it arguably should. Only by making the formal channels attractive and feasible (that is safer, cheaper and quicker) will migrant workers be in a position to choose this course. Alongside the policy of facilitating labour migration, a commensurate effort to support and protect the rights of their migrant workers is an important part of national development.

In Thailand, government agencies, the private sector and civil society, may develop an more strategic understanding of the longer-term need for migrant workers and how to manage this demand, taking full account of migrant workers' rights. This will be important in the face of an increasing focus on human rights due diligence in supply chains that increasingly affect business practices and access to global markets.

Thailand and its neighbours may benefit from developing a migration management strategy collectively, taking account of short-, mid- and longer-term needs. With this, rights of migrant workers should be incorporated, following international best practice, such as the ILO Fair Recruitment Guidelines.

As the region looks to recover from the socio-economic impact of COVID-19, there is an opportunity to integrate migrant workers and other marginalized populations and promote more inclusive policy frameworks and workplace cultures that respect and value their economic and social contributions. The broader focus on human rights due diligence, and business and human rights, provides a valuable channel for these efforts. These frameworks are gaining increasing traction in the region, such as in Thailand, Indonesia and Vietnam, and these are entry points for further progress in the region.

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2. Ibid.
3. Buckley, P., Pietropaoli, L., Rosada, A., Harguth, B. and Broom, J. (2022) 'How has COVID-19 affected migrant workers' vulnerability to human trafficking for forced labour in Southeast Asia? A narrative review' *Journal of Public Health and Emergency* 6: 19 (<https://jphe.amegroups.com/article/view/8264>).



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