

Country study

Labour migrants' vulnerability to human trafficking and labour exploitation in Southeast Asia: An analysis of Laos

Lisa Denney and Siliphaithoun Xayamoungkhoun

February 2023



Series

Labour migration and trafficking in persons: a political economy analysis

Readers are encouraged to reproduce material for their own publications, as long as they are not being sold commercially. ODI requests due acknowledgement and a copy of the publication. For online use, we ask readers to link to the original resource on the ODI website. The views presented in this paper are those of the authors and do not necessarily represent the views of ODI or our partners.

This work is licensed under CC BY-NC-ND 4.0.

Denney, L. and Xayamoungkhoun, S. (2023) Labour migrants' vulnerability to human trafficking and labour exploitation in Southeast Asia: An analysis of Laos. ODI Country study. London: ODI (<https://odi.org/en/about/our-work/political-economy-of-labour-exploitation-and-trafficking-in-persons-in-southeast-asia/>)

This document is an ODI publication, in partnership with ASEAN-ACT. ASEAN-ACT is funded by the Australian Government and implemented by DT Global. The views expressed in this publication are the authors' alone and are not necessarily the views of the Australian Government.

Acknowledgements

The authors thank Paul Buckley, Naruephon Boonyaban and Lucia Pietropaoli for their support and valuable insights, as well as the wider ASEAN-ACT team. We also thank the Sebastian Boll for his valuable comments and feedback, and Kathryn Nwajiaku-Dahou for quality assurance. We would also like to recognise the support of Maegan Rodricks, Sherry Dixon and Rawena Russell in the publication process, Deborah Eade for copy-editing and Elaine Antwi for managing the project.

The paper was generously funded by the Australian Government through the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program.

About this publication

This publication was produced as an output of a research partnership between ASEAN-ACT and ODI. The research involved conducting an applied political economy analysis to understand the dynamics of labour exploitation and trafficking in persons in Southeast Asia, for the purposes of: 1) improving the evidence base for ASEAN-ACT and partners' programming and policy engagement; and 2) developing and implementing a process for feeding that evidence into ASEAN-ACT and partners' programming and consultations on a regular basis.

The purpose of this research is to advance understandings of the vulnerabilities of labour migrants to exploitation and trafficking. This can contribute to improved response capabilities of state agencies and international programmes to address these issues and strengthen protection and support for labour migrants and victims of trafficking in persons.

Phase 1 of the research project includes four country studies: Cambodia, Laos, Thailand and Vietnam.

This Country Study is one of four countries assessed in Phase 1. In addition, thematic briefs distil findings from across the four country studies on key cross-cutting issues.

Research team

Lisa Denney and Siliphaithoun Xayamoungkhoun

Contents

Executive summary.....	1
1 Introduction.....	5
2 Methodology.....	7
Figure 1 Mapping the vulnerabilities to trafficking along the labour migration cycle.....	8
2.1 Limitations.....	9
2.2 Trafficking or exploitation?.....	10
3 Context.....	11
3.1 Contextual features.....	11
3.2 Political system and history.....	11
3.3 The economy.....	13
3.4 Social factors.....	15
3.5 Legal and policy framework and key actors for labour migration and anti-trafficking.....	17
3.5.1 Labour migration legal and policy framework.....	17
3.5.2 Anti-Trafficking legal and policy framework.....	18
3.5.3 Relevant actors.....	19
3.6 International counter-trafficking context.....	25
4 Labour migration patterns.....	27
4.1 Migration drivers.....	27
4.2 Labour migrant profiles.....	28
4.3 Labour migration destinations and sectors.....	29
5 Laos–Thailand Migration.....	31
5.1 Pre-departure.....	31
5.2 Transit.....	35
5.3 At destination.....	36
5.4 Protective possibilities.....	37
5.5 Summary of vulnerabilities.....	38
6 Laos–China Migration.....	40
6.1 Pre-departure.....	41
6.2 At destination.....	41
6.3 Protective possibilities.....	42
7 Laos–Golden Triangle Special Economic Zone Migration.....	44
7.1 Pre-departure.....	45
7.2 Destination.....	46
7.3 Protective possibilities.....	48
8 Return to Laos.....	50

8.1 Protective possibilities	51
9 Conclusion and Recommendations	55
9.1 Recommendations	56
9.1.1 Prevention	57
9.1.2 Prosecution.....	59
9.1.3 Protection	59
References.....	61
Interviews	66

Acronyms

ASEAN	Association of Southeast Asian Nations
ASEAN-ACT	ASEAN-Australia Counter Trafficking Program
ATD	Anti-Trafficking Department
ATU	Anti-Trafficking Unit
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CSO	Civil society organisation
GDP	Gross Domestic Product
ILO	International Labour Organization
IOM	International Organization for Migration
LFTU	Lao Federation of Trade Unions
LPRP	Lao People's Revolutionary Party
LWU	Lao Women's Union
MLSW	Ministry of Labour and Social Welfare
MRC	Migrant Resource Centre
MOU	Memorandum of Understanding
NCATIP	National Committee on Anti-Trafficking in Persons
NEM	New Economic Mechanism
NGO	Non-government organisation
PATD	Provincial Anti-Trafficking Department
SEZ	Special Economic Zone
SNCATIP	Secretariat to the National Committee on Anti- Trafficking in Persons
TIP	Trafficking in persons
UNODC	United Nations Office on Drugs and Crime
VATD	Vientiane Anti-Trafficking Departmen

Executive summary

In Southeast Asia, labour migration provides many positives but can pose risks to migrants who fall victim to exploitation or trafficking in persons (TIP). Vulnerability to exploitation and TIP is due not only to lack of knowledge, skills or capacity but is also shaped by structures, institutions, power and interests. Addressing exploitation therefore requires understanding how these dimensions sustain vulnerabilities.

This paper on Laos is part of a series of ASEAN country studies seeking to understand what shapes labour migrants' vulnerabilities to exploitation, including TIP. Laos is primarily a migrant-sending country and an estimated 900,000 Laotians lived abroad in 2019; in 2020 alone, approximately 200,000 Lao migrants returned from Thailand during COVID-19.

An analytical framework was developed to explore vulnerabilities to exploitation (including TIP) facing labour migrants at each stage of the migration cycle, complemented by a political economy approach to examine how these vulnerabilities are shaped. The study included a literature review and 26 interviews with relevant stakeholders in Laos, with the exception of representatives of government and the justice sector, who were not available for interview.

Context

Laos is a landlocked country with a largely rural population of 7.3 million, sharing borders with Cambodia, China, Myanmar, Thailand and Vietnam. It has Asia's youngest population and is one of the poorest countries in the region. There are thus many working-age adults with limited employment opportunities.

Laos is a one-party parliamentary socialist republic, led by the Lao People's Revolutionary Party (LPRP). From the 1990s, economic liberalisation policies aimed to transform Laos into a market-oriented economy connected with the region, though this was not accompanied by political liberalisation. Civic space remains limited and decisions centralised. Pro-growth economic policies have also seen rising inequality and often made livelihoods more precarious. In 2022, economic troubles came to a head with soaring debt (overwhelmingly to China) and rising inflation. Despite the government's commitment to address economic mismanagement and corruption, it is not clear whether this will lead to more responsive government.

Laos supports regular labour migration through Memorandums of Understanding (MOUs) with Thailand, the Republic of Korea and Japan, and is involved in regional cooperation on labour migration. Its legal and policy framework on counter-trafficking includes the 2015 Law on Anti-Trafficking in Persons, ratifying UN Protocols and Conventions, participating in the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) and Laos is a State Party to the ASEAN Convention Against Trafficking in Persons (2015). Trafficking-related offences are criminalised, albeit that gaps in the legal framework remain and implementation is a major challenge. Moreover, this legal and policy framework captures just the tip of the iceberg in terms of how labour migration and TIP operate in practice.

Labour migration patterns

Labour migrants are primarily aged 14–24 with men and boys slightly outnumbering women and girls. Labour migrants from Laos travel to a range of destinations across and beyond Southeast Asia. This report focuses on labour migration from Laos to Thailand, China and the Golden Triangle Special Economic Zone (SEZ).

In 2018, 277,845 regular labour migrants travelled from Laos to Thailand, however, given that most migrate irregularly, actual numbers are significantly higher. At pre-departure, prospective migrants are vulnerable to high levels of indebtedness to recruitment agencies, deception by recruitment agencies, brokers and others, and documentation that may afford them fewer rights in Thailand. During transit, migrants may encounter officials seeking informal payments to facilitate travel, and female migrants may be tricked into sex work. The greatest exposure to exploitation, however, is at the destination, where employers and authorities take advantage of workers with limited options. Fear of authorities and risk of arrest, fines and deportation deter migrants from seeking assistance.

Some protective possibilities exist for Lao labour migrants travelling to Thailand. At pre-departure, a small number of civil society organisations (CSOs) and Migrant Resource Centres (MRCs) provide information on safe migration. Recruitment agencies may offer brief training. Many Lao migrants are already familiar with the country and language, enabling them to understand information or documentation, assimilate and build social networks. Thai CSOs working on labour rights and trafficking may provide a source of protection. A Lao labour attaché in Thailand can, in principle, register workers' grievances. There is also a process for returning identified TIP victims, although this does not always put their rights first.

There is limited information on migration from Laos to China but reports of Lao girls being sold or tricked into marriage has raised concerns about trafficking for forced marriage. Brokers are said to approach girls or their families, preying especially on the poor. Not all marriages materialise, and girls have allegedly been transferred to brothels, massage parlours, or prostitution rings, and possibly

onward trafficking. Some marriages do take place, but the wife may be confined, their passports and identity documents confiscated, or they may be forced into sex work or other labour. Limited access to social networks and linguistic barriers render Lao girls and women more vulnerable, limiting their access to assistance, protection or redress. Yet it is also suggested that some marriages are genuine, and reflective of different marriage practices and may not be instances of trafficking. There is thus a need for stronger evidence on the scale of marriage-related migration and on specific experiences in order to formulate appropriate responses.

The Golden Triangle is the largest SEZ in Laos, bordering Thailand and Myanmar. In 2010, it was leased to the Chinese businessman Zhao Wei for 75 years, allowing it to operate beyond national jurisdiction. At the heart of the SEZ is the Kings Roman Casino. In 2018, Zhao Wei was sanctioned by the US Treasury Department for engaging in 'drug trafficking, human trafficking, money laundering, bribery, and wildlife trafficking, much of which is facilitated through the Kings Romans Casino'; and shipments of methamphetamines have been traced to the Kings Roman Group.

There are no firm figures on migration to the SEZ but reports suggest migrants come from across the region. Attracted by high salaries advertised online, recruitment and travel are facilitated by brokers. Labour migrants are acutely vulnerable on arrival. Working in call centres or online scams selling cryptocurrency, they may be sold, forced into sex work or other labour if they fail to reach sales targets. Interviewees claim labour migrants often receive reduced or no pay, allegedly to cover travel, accommodation or other expenses. There is virtually no labour protection and conditions are difficult to monitor; even the police have limited access and no CSOs are known to have a presence in the SEZ.

Return

Labour migrants may be returned through official channels when identified as TIP victims (regardless of their own wishes), deported if they are working irregularly, or return independently. Thailand and China have processes for identified TIP victims to be returned to their home country, although weak and inconsistent identification criteria and discrimination mean that many victims of exploitation, including TIP, go undetected.

Returning migrants may be stigmatised and isolated, facing mental health challenges and unemployment. Some opt to re-migrate. Support for identified victims of TIP includes shelters providing various services; they also have the right to legal redress. Criminal charges can be brought against perpetrators of trafficking under Lao law and civil compensation can be sought, but there remain significant barriers – especially for cross-border investigations – as well as issues of capacity, independence and willingness of the criminal justice sector to act.

Recommendations

- Move beyond a criminal justice response to TIP by focusing on prevention and expanding protection for vulnerable migrants. The economic crisis in Laos calls for more prevention efforts to avoid a rise in TIP in the coming years.
- Support to the justice sector and civil society may contribute to important shifts towards more robust respect for human rights, enabling more victim-centred TIP response, but will be long-term.

Prevention

- Establish a speedy, low-cost migration process.
- Ensure recruitment agencies do not pass on fees to labour migrants.
- Work with informal brokers as a source of information and connection for labour migrants, rather than criminalising them.
- Consider facilitating other routes to regular labour migration, such as through non-profit organisations, direct recruitment by employers and government-facilitated recruitment.
- Prepare for a growth in online recruitment.
- Build the evidence base particularly on migration to China and the Golden Triangle SEZ.
- Focus on deterring or preventing labour migration to SEZ.
- Continue efforts to disrupt organised crime.
- Support greater regulation and oversight of SEZs in Laos.
- Engage with China on issues of mutual concern through COMMIT, including forced marriages, casinos in SEZs and prosecuting organised criminals.

Prosecution

- Be strategic in using a criminal justice response, focusing investigation and prosecution on the sources of the greatest exploitation: at destination and likely cross-border cases.
- Focus on prosecuting trafficking-related offences, including through civil and administrative law.

Protection

- Continue efforts to strengthen support provided by recruitment agencies regarding complaints and redress for labour migrants.
- Strengthen capacity and coordination of all social, justice and government actors in Bokeo Province to protect migrants in the Golden Triangle SEZ.
- Improve responses to and support for victims, including boys and men as well as girls and women.

1 Introduction

In Southeast Asia, labour migration is a strongly entrenched phenomenon and provides many positive outcomes for those involved – job opportunities for migrants, cross-cultural exchange between countries and valuable labour to the economies of destination countries. Yet labour migration also poses risks to migrants, who may fall victim to exploitation or trafficking in persons (TIP) (UNDESA, 2019). In 2021, it was estimated that on any given day there were 50 million people in situations of modern slavery (whether forced labour or forced marriage) (ILO, 2022: 1). Of those, approximately 15 million were estimated to be living in forced labour conditions in the Asia Pacific (ILO, 2022: 3). This paper – part of a series of ASEAN country studies – focuses on Laos and is concerned with understanding what shapes labour migrants’ vulnerabilities to exploitation, including trafficking. Such vulnerabilities are not simply the result of lack of knowledge, skills or capacity that can be addressed through technical solutions. Rather, they are shaped by a wider constellation of structures, institutions, power, interests and incentives. These coalesce in ways that shape:

- why people migrate for work;
- who experiences vulnerability to exploitation in so doing, how and what protective capacities are available to them;
- how exploitation takes place; and
- the response of relevant criminal justice and social welfare agencies.

Addressing vulnerabilities to exploitation, including trafficking – through both prevention and response tactics – therefore requires understanding these dimensions and how they sustain vulnerabilities in ways that make the problem of TIP and exploitation of labour migrants persistent.

Laos is primarily a source country for labour migration within Southeast Asia. Lao migrants migrate overwhelmingly to neighbouring Thailand, but also to China, Malaysia, Japan, South Korea and further afield. The migration of Lao, Thai and other regional labourers to the Golden Triangle Special Economic Zone (SEZ)¹ has been gaining attention as accounts of exploitation come

¹ The SEZ was leased for 75 years (extendable to 99 years) in 2007 to a company run by the Chinese businessman, Zhou Wei, who runs the Kings Romans Group, which includes the Kings Romans Casino, suspected of involvement in transnational organised crime (Gore et al., 2022). Lao authorities have limited control over or ability to operate in the SEZ (Berlinger, 2020).

to light. While there are no precise numbers of labour migrants from Laos, it is estimated that 900,000 Laotians lived abroad in 2019 (IOM, 2020: 2) and that 588,000 were engaged in transnational labour migration in 2010 (Sunam et al., 2021: 7). In 2020 alone, it is estimated that 200,000 Lao migrants returned from Thailand due to COVID-19 (IOM, 2021: 2).

Lao labour migrants are vulnerable to exploitation and, potentially, TIP at various stages of their migration – from preparation and recruitment, to transit and – most commonly – in destination countries. These vulnerabilities are shaped by a range of factors, including migrants’ personal profiles, their documentation and regular or irregular migration pathways, the sectors they work in and the networks and capacities they possess. Each of these can afford migrants more or fewer options to negotiate better conditions and protections for themselves and to avoid risks. Most commonly, however, Lao labour migrants are vulnerable to exploitation due to their highly constrained livelihoods opportunities. This vulnerability can range from uninformed or deceptive facilitation of employment by brokers and recruitment agencies that in some cases may lead to exploitation, to exploitative employment conditions in the destination country, to intentional, organised trafficking by criminal organisations. The ability of Lao authorities to disrupt such exploitation, rescue and return labour migrants (where this is what they want), and arrest and prosecute those involved is hampered by challenges in implementing existing laws, poor coordination among relevant agencies and limited international cooperation on cases concerning TIP or labour exploitation.

This paper examines Lao labour migration to understand the specific vulnerabilities to exploitation, including trafficking and how these can be addressed to ensure safe migration and livelihoods opportunities. It is structured as follows. Following this introduction, Section 2 describes the methods used in undertaking this study. Section 3 explores the wider political, economic and social context in Laos that shapes labour migration, followed by Section 4 looking at patterns of labour migration – who travels, where and why. The following sections examine three migration pathways in further detail: Laos–Thailand (Section 5); Laos–China (Section 6); and Laos–the Golden Triangle SEZ (Section 7), chosen because of the relative scale of migration (Laos–Thailand), the degree of exploitation assumed to be associated with them (Laos–China and Laos–Golden Triangle) and to contribute to building knowledge about less documented pathways (Laos–China and Laos–Golden Triangle). Section 8 examines the experience of victims of exploitation on return to Laos and Section 9 sets out recommendations for both the Government of Lao PDR and organisations working on counter-trafficking.

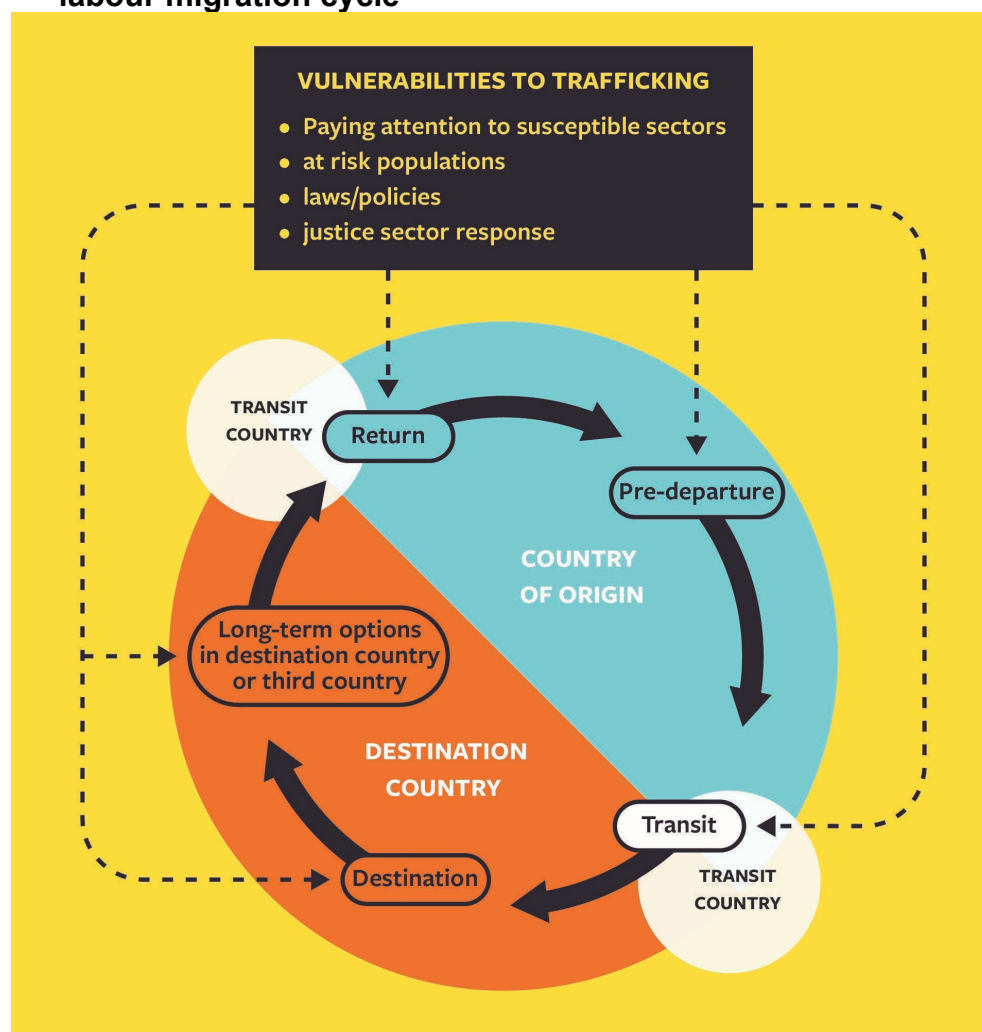
2 Methodology

This paper is part of a series of country studies commissioned by the ASEAN-Australia Counter-Trafficking Program (ASEAN-ACT), which was interested in understanding the vulnerabilities of labour migrants, in particular. The research began by developing an analytical framework that sought to unpack the structural features, formal and informal rules, power relationships and interests that shape labour migrants' vulnerabilities to trafficking at each stage of the labour migration cycle. Using this framework as an organising device, a literature review was conducted and key informant interviews were undertaken in Laos. In addition, three workshops were held to distil and test findings with ASEAN-ACT and the wider research team who were concurrently undertaking identical country studies in Cambodia, Thailand and Vietnam (studies in other ASEAN countries will take place in a second phase).

The research used a political economy analysis (PEA) to examine how vulnerabilities to trafficking are shaped at each stage of the migration cycle. The political economy lens highlights the role and interlinkages across formal institutions, law, informal rules and practices as well as wider social norms related to labour migration and trafficking in persons (TIP) in the region. It also engages with the incentives, interests and distribution of power among different actors, how these shape behaviour and strategic choices. Importantly, the political economy lens engages with how these dynamics shift as relationships, rules and practices (formal and informal) evolve over time. It also identifies opportunities to advance change which supports improved prevention and protection capabilities in addressing vulnerabilities to trafficking.

Vulnerabilities to trafficking were identified and mapped at each stage of the labour migration cycle: pre-departure; transit; arrival in destination country; long-term options in the destination or third country; return (possibly involving transit) (Bisong and Knoll, 2020). Analysis then examined what context-specific factors enable or sustain the vulnerabilities identified at each stage of the labour migration cycle, as well as beginning to note potential opportunities for change (see Figure 1).

Figure 1 Mapping the vulnerabilities to trafficking along the labour migration cycle



Source: ODI, 2023

A review of academic and grey literature focused on issues of labour migration, trafficking and responses in Laos. This review provided an initial grounding and contributed to identifying key themes, relevant stakeholders for interview, as well as the areas where less is documented. The desk review on Laos also revealed that focusing on the sector of employment was less relevant than a focus on specific migration corridors. Accordingly, the desk review engaged with the vulnerabilities that have been identified in relation to the main corridors of labour migration from Laos.

The research team conducted interviews with a wide range of stakeholders focused on labour migration and human trafficking in Laos. These included international organisations, local non-government organisations (NGOs), academics and migration/trafficking experts, recruitment agencies, and prospective and returned migrants. In total, 26 interviews were conducted (see Annex 1 for a list of interviews). These are fully anonymised to protect those who participated in the research. The interviews

provided insight into labour migration experiences and trafficking from Laos, as well as state, civil society and international responses. Interviews with individual migrants and victims of TIP, while anecdotal, provided more up-to-date information on actual experiences of migration, exploitation and involvement with support services. Data from the literature and interviews were analysed using the PEA framework mapped against the labour migration cycle, set out in Figure 1. This involved distilling themes related to the structures, formal and informal institutions and interests and incentives of different actors and how these come together to shape vulnerabilities to exploitation, as well as protective possibilities, at the different stages of the labour migration cycle.

The research was guided by the Australian Council for International Development (ACFID) Principles and Guidelines for Ethical Research and Evaluation, as well as ODI's Research Ethics Policy. As the research focused on persons of concern from vulnerable populations, notably victims of TIP, ethical procedures were of high importance. This included sensitivity in research design including the location of interviews. Informed consent was based on the local context, varying between written and verbal consent. Attention was also paid to data protection and ensuring the anonymity of participants. The methodology and ethics assessments for in-country fieldwork were approved by the ODI Ethics Review Committee.

During the research process, periodic workshops were held with research teams undertaking studies in Cambodia, Laos, Thailand and Vietnam to share approaches being taken, emerging findings and challenges that arose during fieldwork. In addition, a sense-making workshop was held towards the end of the research process to enable connections and interrelationships across the country studies to be further examined and integrated into country reports. It also helped to identify cross-cutting themes that are explored in the shorter thematic briefs that accompany the country case studies.

2.1 Limitations

With changes in the TIP National Committee leadership, the request to conduct interviews with government stakeholders did not receive approval. It was not possible to interview anyone from the Lao Government, the criminal justice sector, or government-affiliated entities, such as the Lao Women's Union (LWU). This is a significant limitation – though one that has been noted as a challenge in research on Laos more broadly (Creak and Barney, 2018). To address this shortcoming, the research team undertook additional interviews with other respondents to strengthen the basis of emerging views. But it remains a limitation that official viewpoints are not represented beyond what is available in the literature.

In addition, the small sample size of the interviews in Laos means that the report cannot claim to represent migrant labour or TIP victim experiences. Rather, it draws on the interviews to provide insights

and snapshots, and to complement academic and grey literature with current experiences.

2.2 Trafficking or exploitation?

A key issue that emerged through the interviews and continued discussions with other country research teams was whether it made sense to speak about labour exploitation or trafficking (I9, 1 April 2022; I10, 8 August 2022). Much has been written about the definitions of trafficking and how the term is used in practice (see, for instance, McAdam, 2020, 2016; Chuang, 2014; Weitzer, 2014: 7-8). What seems clear in the Laos case, is that while there are examples of trafficking of labour migrants – especially in relation to destinations with explicit links to organised crime – far more common is the exploitation of migrant workers by employers at the point of destination. Clearly, all forms of exploitation are serious matters, but this paper aims to draw attention to how counter-trafficking responses might best be devised to address the realities of the exploitation that occurs. For this reason, this paper refers to ‘exploitation’, which may include trafficking in some but not all cases. What emerges from this research, in keeping with similar findings in the literature, is that this might best be thought about as a spectrum of exploitation, on which trafficking lies at one end (Huysmans, 2006: 11). This issue is discussed throughout the report and is dealt with more fully in a thematic brief (Denney et al., 2022).

3 Context

The vulnerabilities of labour migrants to exploitation and trafficking cannot be understood independently of the wider context that shapes migration, vulnerabilities, exploitation and trafficking and responses to these. This section captures some of the most pertinent features of the context in Laos.

3.1 Contextual features

Laos is a landlocked country with a largely rural population of approximately 7 million people. It has historically been isolated from the wider region due to limited infrastructure, land abundance, and a closed political order (Rigg, 2007: 164; Haughton, 2006: 11). The country shares borders with China, Myanmar, Thailand, Vietnam and Cambodia, with much of the population living near the Thai border (Huysmans, 2006: 14). Over half of the border follows the Mekong River, while the rest is often in remote, rural areas – offering many opportunities for informal border crossings. As the country has become more open and connected to the region, this geography has facilitated greater migration.

Laos has the youngest population of any country in Asia, with nearly 60% under 25 years of age (UNICEF, n.d.). It is also one of the poorest countries in Southeast Asia, with limited job growth and challenges related to a large informal economy and seasonal work in its large agricultural sector (Lao Statistics Bureau and World Bank, 2020). This means there is a very high proportion of working-age adults with few employment opportunities.

3.2 Political system and history

Laos has undergone significant political transition in recent years. From 1975 to the 1990s, the country's communist government sought to avoid integration with the global capitalist economy. Laos remains a one-party parliamentary socialist republic in which the Lao People's Revolutionary Party (LPRP) is the only legal political party. This leads to a close relationship between the state and the party, captured in the local phrase *phak-lat* ('party-state') (Creak and Barney, 2018).

In the 1990s, the LPRP introduced the New Economic Mechanism (NEM) which aimed to 'transform... the country from a centrally planned economy reliant on subsistence agriculture to a more market-oriented model of production connected with the wider region' (Huysmans, 2006: 15). This has seen the progressive normalisation

of trade and diplomatic relations with the international community in a gradual process in which political decisions remain centralised. Development is largely state-led and economic liberalisation has been attended by weaker political liberalisation and limited civic space (Creak and Barney, 2018).

The administrative system enshrines the power of both the government and the party. While the government appoints ministry heads at the central level and provincial departments, the party appoints central and provincial governors and mayors of municipalities, who also oversee provincial or municipal ministry functions. As a result, at all levels there are technical government (called vertical governance) and political party components (called horizontal governance) to each portfolio. For instance, the Anti-Trafficking Department (ATD) within the police has a country-wide mandate to undertake surveillance, investigation and arrests related to trafficking offences. The Vientiane ATD (VATD) is responsible for handling TIP cases in Vientiane Capital. The VATD falls under the administrative authority of the Vientiane Capital Police Command and is vertically managed by the Ministry of Public Security (MPS). By contrast, at the provincial level, the Provincial Anti-Trafficking Division (PATD) has a provincial mandate for TIP-related issues and falls under the administrative authority of the Provincial Police Command, thus reporting to both the party-appointed Governor, as well as to the ATD. This administrative structure means that both the technical arms of government, as well as the political arms of the party, are relevant to governance functions.

Decentralisation has been underway since 2000, although power remains largely centralised in Vientiane and the 13-member Politburo and Central Council. Decentralisation efforts have increased state presence at the village level but not always resulted in greater awareness of local needs in government decision-making (Croissant and Lorenz, 2018; 2009: 21). Thus, while government is highly present in people's lives, it does not always meet the needs of more remote areas and ethnic minorities in particular (ADB, 2009: 21). Education, for instance, is given solely in Lao and not the many other languages that Laotians speak (it is estimated that the country has over 86 spoken languages) (ADB, 2009: 1-2; 32). This contributes to lower literacy rates in rural areas and high rates of school dropouts, particularly among ethnic minorities (Buakhiao, 2020: 229). This dynamic can drive migration.

More recently, however, there have been efforts to improve the responsiveness of governance in Laos. Under the government's '3-Builds' (Sam Sang) policy, from 2012 to 2015 policy-based planning and implementation were strengthened at the provincial, district, and village level. This was widely seen as a means for rural communities, and the village and district administrations designed to support them, to engage and develop a voice in the strategic choices and political processes that determine what is done for social and economic

development in Laos, as well as how it is implemented (Adam Smith International, 2015).

Civil society organisations (CSOs) were able to formally register and gain legal status in Laos under a 2009 Government decree (GIZ, 2022). The decree was updated in 2018 and there are now around 250 registered CSOs (CIVICUS, 2022). Of those, most are based in the capital city and focus on particular issues, including poverty reduction and service delivery. While Lao CSOs are increasingly able to be involved in high-level dialogues, technical and policy development, there are strict limitations and processes for conducting research or advocacy, especially regarding human rights (CIVICUS, 2022). Registration processes to acquire a license or MOU to operate are reported to be lengthy, suggesting that ‘...public administration is not yet sufficiently familiar with the new regulatory framework in order to implement it in a manner that is practice-oriented and enabling for civil society engagement’ (GIZ, 2022). The country’s 24 newspapers, 32 television networks and 44 radio stations are required to follow information provided by the LPRP’s People’s Propaganda Commissariat. Media is closely monitored by the LPRP, which can result in self-censorship (CIVICUS, 2022). This environment means that civil society remains nascent and does not play a strong accountability function. Moreover, many support services for labour migrants and victims of trafficking are handled by the government rather than civil society (Gallagher, n.d.).

In 2022, as economic crisis has hit Laos (see below), the former Prime Minister publicly acknowledged public dissatisfaction and undertook to address economic mismanagement and corruption, with a range of cabinet reshuffles (Hunt, 2022). It remains to be seen to what extent this dissatisfaction will lead to more responsive government, particularly under new Prime Minister, Sonexay Siphandone since December 2022.

3.3 The economy

Laos’ economic troubles come to a head in 2022 and has continued into 2023, with soaring debt and rising inflation. In 2021, the World Bank reported that its debt burden, principally to China, was 88% of GDP, making default highly likely (Kurlantzick, 2022). The Laotian kip continues to depreciate against the US dollar, making debt repayments more difficult. In June 2022, Moody’s further downgraded the Lao currency, suggesting default is imminent with little prospect of recovery in the near future (Rolle, 2022). Moreover, averaged 23% throughout 2022 – up from 3.8% in late 2021 (ILO, 2023). The impact on people’s day-to-day lives of is being keenly felt – with long queues for fuel (which has been imported from Russia in an effort to ensure supply), rising food prices and increasing household debt. In a bid to address the economic crisis, the government announced an increase in the monthly minimum wage from 1.1 million kip (US \$75) to 1.3 million kip (US \$88) (RFA Lao, 2022). The impact of this economic

situation on the lives of the population is likely to be greater precarity, which in turn is likely to drive migration as people seek a way to earn a living, and more risk-taking, increasing people's vulnerability to exploitation.

The recent economic crisis follows various economic policies intended to drive economic growth in Laos, but which have sometimes made livelihoods more precarious. Liberalisation of the economy under the NEM in the 1990s led to strong economic growth, which averaged more than 7% from 1993 to 2019 (Lao Statistics Bureau and the World Bank, 2020). Yet inequality has increased significantly (Alston, 2019: 1; Sunam et al., 2021: 7).

Economic policies such as large-scale infrastructural development, establishment of special economic zones (SEZs), land forest allocation, village consolidation, and opium and swidden eradication² have variously interrupted the livelihoods of many Laotians (Sunam et al., 2021; Barney and Souksakoun, 2021: 95; ADB, 2009: 16; 21). For instance, forest allocations saw the re-drawing of maps across the country designating conservation, production, living and utilitarian land. Top-down implementation of these maps meant the reduction of swidden cycles, resulting in decreased farming production and, consequently, over-exploitation of forests as people try to compensate for production losses (ADB, 2009: 21). Land forest allocation also grouped previously separate communities by consolidating villages. As one labour migrant noted: 'This caused a land shortage and a labour surplus, which provided the rationale for traveling to Thailand' (quoted in ADB, 2009: 25). An ADB study (2009: 33) found that villages not affected by relocations or consolidations did not migrate and that those villages most affected are more likely to do so. Experiences of trafficking were also noted to be more common among labour migrants who were from relocated villages (ADB, 2009: 5).

Foreign-backed infrastructural developments, including in newly established SEZs, have been another key element of Laos' economic growth (Barney and Souksakoun, 2021). Roads, railways and hydropower dams have driven economic integration and growth (particularly through selling hydropower energy to neighbouring countries) (Sunam et al., 2021: 7; Huysmans, 2006: 15). These construction projects have been criticised for not generating significant numbers of decent job opportunities for Lao people, since much of the construction work has been undertaken by imported Chinese workers (Lindsay, 2020). These projects have also forced people off their land and interrupted water flows that feed rice paddies, making them less productive (ADB, 2009: 25). This can have wide-ranging impacts beyond the already significant toll on livelihoods and wellbeing. For instance, being removed from ancestral lands can leave people 'spiritually impoverished' and strip

² Swidden farming involves clearing land (often by burning) for rotational farming.

families of their customary stature that (at least in Northern Laos) is associated with communal feasting, which requires livestock and land (ADB, 2009: 34; 36; Huysmans, 2006). It can also have detrimental impacts on women, who lose control of agricultural land and so are no longer being involved in rituals for ancestors or valued as guardians of culture, given that these roles and sources of power are linked to land (Karim, 1995, cited in ADB 2009: 20).

Many of these infrastructural projects have been financed by China and its state-owned and private enterprises (Barney and Souksakoun, 2021; Peter, 2020). Laos has also increasingly provided land to China for SEZs to build hydropower projects and the Lao–China high-speed railway. Such moves influence migration in at least three ways. First, by pushing Laotians off land for infrastructural developments or SEZs, and thus being another impetus to migrate (see Barney, 2010). Second, by accumulating more debt, Laos increases the amount of government spending that needs to be allocated to debt servicing, rather than providing for its citizens. The high-speed railway financed by China, for instance, is estimated to have cost USD \$6 billion – a third of Lao’s GDP (Medina, 2021). Sunam et al. (2021: 7) note that Laos is one of the ten countries worldwide with ‘the largest gap between the share of government revenues allocated for debt servicing, versus the share of revenues spent on healthcare ... and household health emergencies are identified as a key shock that can tip households back into poverty status’. Such shocks and experiences of poverty can drive the need for labour migration. And third, economic dependency on China shapes how Laos cooperates with China on issues such as TIP in forums such as the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Process (see later sub-section on international counter-trafficking).

Laos’ economic policies and current economic crisis shape people’s livelihoods, of which labour migration is one component. Facing significant precarity, households may simultaneously pursue multiple strategies to mitigate risk – including intensive farming, subsistence farming, keeping one child (or more) in formal education and labour migration (Manivong, Cramb and Newby, 2014; Molland, 2010; Rigg, 2007). Labour migration offers the possibility of remittance income and results, in the short term, in fewer dependants. Remittances contributed significantly to the Laotian economy before COVID-19, worth US \$220 million in 2019 (Kurlantzick, 2022). As the impacts of the economic crisis become more keenly felt, this is likely to drive greater labour migration and greater vulnerability to exploitation.

3.4 Social factors

Recognising the social dynamics that drive labour migration is an important corrective to the conventional economic argument. While economic incentives for migration are clear and precarity forcing

people to seek out alternative livelihoods is a reality, as Jonathon Rigg (2007: 169) notes:

The deficiencies of seeing migration as a straight product of economic differentials are clear. At its most simple, the poorest villages in Laos do not have the highest levels of mobility and the poorest households are not more likely to engage in migration than the less poor.

A reductionist approach to understanding migration thus misunderstands the decisions people take to migrate as being solely based on maximising utility, when it is in fact much more complex (Huysmans, 2006: 21). Among other factors, ethnic diversity, cross-border networks and popular culture also shape labour migration in important ways.

Laos is characterised by significant ethnic diversity. The government recognises 50 ethnic groups and more than 160 ethnic sub-groups (IWGIA, n.d.). Some groups (such as the Hmong) are noted in the literature as being less likely to migrate for work (ADB, 2009: 24). Others are more likely to migrate to destinations with similar language and culture (such as China or Thailand, depending on the ethno-linguistic group and their location). There are four ethno-linguistic families in Laos. Lao-Tai-speaking groups represent two-thirds of the population while the other third speaks languages belonging to the Mon-Khmer, Sino-Tibetan and Hmong-Ew-Hmien families and are considered to be the Indigenous Peoples of Laos. The Lao government uses the term ethnic group to refer to indigenous people and officially, all ethnic groups have equal status in the country (Alston, 2019). Ethnic minority groups operate primarily under traditional and customary land law and little legal information is generally available in their languages (many ethnic groups do not have a written language).

Interviews with experts for this study suggested that some ethnic minorities were more likely to migrate due to deeper economic precarity (ethnic minorities have historically experienced higher rates of poverty, illiteracy and fared worse on health indicators than the dominant Tai Kradai ethnic group) (Mann and Luangkhot, 2008; Huysmans, 2006: 19; 12, 25 February 2022; 19, 1 April 2022). This precarity was seen as potentially making them more vulnerable to exploitation. It has also been noted that ethnic minorities might be more likely to migrate since they live in border areas that facilitate access, face discrimination and having been resettled from their land by government policies (Buakhiao, 2020: 227; ADB, 2009: 24-26; Huysmans, 2006: 14-19;). The wider literature also points to ethnic minorities as being more vulnerable because they are less exposed to the outside world, or – in the case of women – their subservience to men (see, for instance, Buakhiao, 2020: 232; Huysmans, 2006: 20). It is not clear that this is substantiated in practice, however, and there is no available data on victims of trafficking to verify whether ethnic minorities are indeed more vulnerable.

Historically, Laos has a particularly close socio-cultural relationship with Thailand, with parts of modern-day Laos having previously been territories of Siam (now Thailand) in the late 1800s and early 1900s, before French colonisation. As a result, shared language, religion and diet continue to link Southern Laos and Thailand in particular, with extended families often spanning the border. Migration between Laos and Thailand is thus well established, and Laotians have travelled to work on the farms of extended family in modern-day Thailand for generations (Huysmans, 2006: 15). In this sense, cross-border migration is an established means of livelihood and not especially novel. These links mean that Thailand is seen as a familiar place where there are existing social and kinship connections (ADB 2009: 26). Others have described the Lao–Thai border area as a ‘shared community’ (Molland, 2010: 837). Such migration links and cultures of mobility have been noted as particularly important in determining the level of migration from Laos to Thailand (Rigg, 2007: 166-168). They can also do so in ways that connect particular cross-border communities, with labour migrants following the paths trodden by previous migrants from their community in ways that also build a loose social network (Rigg, 2007: 172). Similarly, those living in Northern Laos close to the Chinese border have frequently crossed the border for seasonal work on Chinese farms or for marriage.

Moreover, the preponderance of Thai popular culture in Laos means that migration is not just a means to earn higher income, but also an opportunity for adventure and an escape from insular, rural life, particularly for young people. Most popular culture in Laos is produced in Thailand, and Laotians watch Thai television and listen to Thai music (Molland, 2010: 838). ‘The role of Thailand as a gateway to modern encounters for young Laotians’ is thus also an important motive for migration (Molland, 2010: 838).

3.5 Legal and policy framework and key actors for labour migration and anti-trafficking

3.5.1 Labour migration legal and policy framework

The legal and policy framework to support regular labour migration in Laos has had to catch up with the reality of long-existing patterns of labour migration from Laos. Memoranda of Understanding (MOUs) between Laos and other countries have been introduced to promote a strong relationship between the countries involved through labour and training cooperation and boosting the protection of the workforce, as well as productivity. The MOUs facilitate regular migration between the two countries, enabling stronger access for migrant workers to social protections in the destination country. To date, these bilateral MOUs have been signed in relation to migration with Thailand (2002), the Republic of Korea (2016) and Japan (2017). Laos has also been involved in regional cooperation on labour migration, including (among others):

- Bangkok Declaration on Irregular Migration, 1999
- Amendment to the Agreement between and among the Government of the Lao PDR, the Kingdom of Thailand, and the Socialist Republic of Vietnam for the Facilitation of Cross-Border Transport of Goods and People, 2001
- ASEAN Declaration on the Protection and Promotion of Migrant Workers, 2007

There is a wider range of government, non-state and international actors working to facilitate safe labour migration in support of these legal instruments, as set out below. As this report will show, however, these formal laws and policies barely capture how labour migration operates in practice.

3.5.2 Anti-Trafficking legal and policy framework

Laos was one of the first countries in the region to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children (2003) and has also ratified the UN Convention on Transnational Organized Crime and the UN Convention on the Rights of the Child (1991). Not all of these conventions are reflected in national law, however. Regionally, Laos participates in the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT), established in 2004 and is also a State Party to several ASEAN Conventions, the most relevant of which is the ASEAN Convention against Trafficking in Persons, Especially Women and Children (2015).

In 2004, the government passed a Law on Development and Protection of Women that covers the protection of women and children from TIP, criminalising both trafficking and complicity in trafficking. It also provides for the protection of victims, both internally and through international cooperation; and prohibits the punishing of trafficking victims upon their return to Laos. The Penal Code criminalises trafficking in all persons, expanding the earlier law to cover men as well as women and children. In 2015, the Law on Anti-Trafficking in Persons was signed and adopted, superseding the previous definition of Trafficking in Persons (the Penal Code 2005, Article 134). The current trafficking definition is broad, providing room for interpretation as to what constitutes TIP (Article 2):

[T]rafficking in persons shall mean recruitment, abduction, movement, transportation or transfer, harbouring or receipt of persons, by means of persuasion, recommending, deception, payment or giving benefit, inducement, incitement or abuse of power, the use of threat or other forms of coercion, debt bondage, concealed child adoption, concealed engagement, concealed marriage, pregnancy for other, forced bagging, producing, showing and publishing pornographic materials or by other forms for the labour exploitation, sexual exploitation, slavery, prostitution, involuntary prostitution, removal of organs for purpose of trade and

other forms of unlawful conducts contradicting to the national fine culture and traditions or for other purposes to gain benefits.

In addition, a Tripartite Guideline between the Ministry of Public Security, the Office of Supreme People's Prosecutor and People's Supreme Court on the Prosecution of Trafficking in Persons Cases at the Preparatory and Attempt Stages 2020 was adopted to coordinate trafficking-related offences.

This legal framework has been operationalised through a range of policies and processes. Beginning in 2004, the Lao government created a National Committee on Anti-Trafficking in Persons (NCATIP) (translated from Lao in various ways), which brought together the wide range of government ministries working on trafficking at the ministerial level to drive policy direction. In addition, the National Secretariat on Anti-Trafficking in Persons is the working-level forum for implementing Laos' anti-trafficking policies and programmes. Multisectoral Anti-Trafficking Committees are also in place at provincial and district levels to implement the 2015 Law on Anti-Trafficking in Persons and National Plans of Action. The Anti-Trafficking Department (ATD) was established under the General Police Department in 2011. In 2012, the Lao government adopted a National Anti-Human Trafficking Strategy, leading to the first National Plan of Action on Anti-Trafficking that same year. The latest National Plan of Action was released in 2021 for 2021-2025.

Victims of trafficking in Laos are legally entitled to a 'range of assistance and protection measures including the right to ask for help from people nearby; the right to protection and care for their personal safety; and the right to receive suitable assistance in terms of shelter, food, clothing, medical services, vocational training and repatriation' (Gallagher, 2006: 537). Lao Embassies are required to provide protection or assistance to Lao trafficking victims abroad; and victims have the right to report, testify and present evidence and to request compensation and rehabilitation (Gallagher, 2006: 537).

Despite the wide range of laws, policies, plans and processes governing labour migration and counter-trafficking efforts, some gaps remain and implementation is a significant challenge. As one of the interviewees for this study noted 'there are beautiful laws but their enforcement is not easy' (I2, 25 February 2022). As the experiences of migration and vulnerability to exploitation captured in this paper make clear, the formal laws, policies and myriad actors formally involved in safe migration and anti-trafficking do not function as the above description may suggest.

3.5.3 Relevant actors

A wide range of actors are involved in labour migration and counter-trafficking efforts in Laos, making for a complicated web of interests and incentives. Below, the diversity of these actors and their roles and responsibilities is briefly set out.

Government agencies

National Committee on Anti-Trafficking in Persons (NCATIP)

The NCATIP is a state body established by the 2015 Law on Trafficking in Persons (Article 55), with a non-standing function appointed by the Prime Minister. It serves as the secretariat to the government by supervising, monitoring, inspecting, encouraging and supporting relevant ministries, organisations, and other sectors to research and study policies, strategic plans and laws relating to issues related to anti-trafficking in persons. It takes a central role in campaigning, mobilising and competing for financial and technical support, in coordinating and cooperating with all relevant national and international organisations to implement anti-trafficking activities in Lao PDR.

The NCATIP comprises the following 13 members, as set out in Article 56 of the Law on Trafficking in Persons:

- Deputy-Prime Minister as Chairman;
- Minister of the Ministry of Public Security as Vice-Chairman with standing function;
- Vice-Minister of the Ministry of Labour and Social Welfares as Vice-Chairman;
- Vice-President of the Lao Women Union as Vice-Chairperson;
- Vice-Minister of the Ministry of Foreign Affairs as Vice-Chairman;
- Vice-Minister, Deputy Permanent Secretary of the Prime Minister's Office as Member;
- Vice-Minister of the Ministry of Justice as Member;
- Vice-Minister of the Ministry of Public Health as Member;
- Vice-Minister of the Ministry of Education and Sport as Member;
- Vice-Minister of the Information, Culture and Tourism as Member;
- Deputy Secretary of the Lao Revolutionary Youth Union as Member;
- Vice-President of Lao Federation of Trade Union as Member;
- Deputy Director General of the General Police Department, Ministry of Public Security, supervising anti-trafficking in persons activities, as member and head of Secretariat to this Committee (see below).

Currently the NCATIP also has 17 Committees at the provincial level and some at the district level. The Provincial Committees on Anti-Trafficking in Persons (PCATIP) have similar roles and responsibilities as the NCATIP. The PCATIP is chaired by the Vice

Governor of the province with provincial government agencies as members.

Secretariat to the National Committee on Anti-Trafficking in Persons (SNCATIP)

A Department under the General Police Department, the Ministry of Public Security takes the central role as Secretariat to the NCATIP (Article 58 of the Law on Anti-Trafficking in Persons) in coordination and cooperation with relevant domestic and foreign organisations with regard to the anti-trafficking in persons activities (Article 57 of the Law on Anti-Trafficking in Persons). The SNCATIP is appointed by the Chairman of the NCATIP. A division under the Public Security office of the Provinces and Vientiane Capital take the roles of secretariats to Committees on Anti-Trafficking in Persons of Provinces and Vientiane Capital respectively (Article 59, Law on Anti-Trafficking in Persons).

The SNCATIP was nominated in 2018 which comprises 24 members from the main ministries that participate in the NCATIP, the members of the SNCATIP rank between the Director or Deputy Director General of related ministries. The SNCATIP helps develop laws related to combatting TIP, reviews and approves MOUs and guidelines related to combatting TIP, and coordinates with related in-country development agencies on the implementation of activities combatting TIP, including TIP data-system development. The Secretariat is responsible for overseeing implementation of the Combatting Trafficking in Persons National Plan of Action at the central, provincial, and district levels and report to the NCATIP. The SNCATIP also has Provincial Committees on Anti-Trafficking in Persons and at District Committees on Anti-Trafficking in Persons.

Anti-Trafficking Department (ATD), Vientiane Anti-Trafficking Division (VATD) and Anti-Trafficking Units (ATUs)

In order to carry out the anti-trafficking work effectively, the Ministry of Public Security issued an agreement on the establishment of the Anti-Trafficking Department (ATD) in 2011, as well as to be the Secretariat Office of the NCATIP. The ATD is the Government of Laos' central coordinating body for combatting TIP. It coordinates efforts between the NCATIP and its Secretariat, as well as among other ministries, development partners, NGOs, CSOs, and embassies. The ATD, and its Anti-Trafficking Units (ATUs) that operate at the provincial level are responsible for officially identifying and certifying TIP victims. Only individuals officially identified as TIP victims can receive government support and services. ATD and ATUs also play important roles in assisting survivors of trafficking. The VATD has similar roles and responsibilities.

Ministry of Labour and Social Welfare (MLSW)

The MLSW has a mandate to support at-risk populations, disadvantaged people, and victims of trafficking in persons. It supports vocational training and other services for TIP survivors. MLSW manages three of the country's six Migrant Resource Centres (MRCs) to facilitate safe migration. It also oversees and manages recruitment agencies operating in Laos.

Migrant Resources Centres (MRCs)

The Ministry of Labour and Social Welfare and the Lao Federation of Trade Unions run six MRCs located in Champassak, Luang Prabang, Sayaboury, Savannakhet, Bokeo and Bolikhamxay provinces. To date, the International Labour Organization (ILO), with funding from donors, has supported funding of three of these MRCs. The MRCs serve Laotians migrating both domestically and internationally, providing information about available jobs and the legal migration process for working abroad. Individual MRCs operate under either the MLSW or the Lao Federation of Trade Unions (LFTU). Under MLSW management, MRCs provide counselling, legal information and other assistance to migrant workers. MRCs also disseminate information on labour markets and conduct outreach activities such as job fairs. Under LFTU management, MRCs provide counselling, information on legal labour migration abroad and labour rights, and pre-departure orientation for migrants to minimise potential risks. Under LFTU, MRCs conduct outreach activities on safe migration, especially in border areas. (CTIP, 2021).

Job Centres (JCs)

JCs are government units responsible for matching individuals seeking employment with jobs within provinces and under the MOUs of placement of Lao workers to work abroad. JCs serve the needs of migrant workers as part of the MLSW's national strategy. Each of Laos' 17 provinces has a JC under the Provincial MLSW tasked with inclusively supporting migrant workers wishing to work abroad under the government MOU (most commonly Thailand). There is significant overlap between the roles of the MRCs and JCs, although only the latter can facilitate the paperwork for migrants who wish to work abroad in destination countries covered by a MOU (CTIP, 2021).

Lao Women's Union (LWU)

The Lao Women's Union is a mass organisation established in 1955 within the political system of the LPRP. According to the Law on the Lao Women's Union, it represents the rights and legitimate interests of women and children and operates under the constitution and laws of the Lao PDR. Members of the LWU are present throughout Lao communities and have village-level responsibilities to supervise, address and prevent issues pertaining to women's and child rights. The LWU plays an important role in victim support and protection,

reporting suspected TIP cases to ATUs and the ATD, providing services to survivors, and helping them to reintegrate in their communities.

Legal Aid Offices (LAOs)

Legal service providers have different nomenclatures across agencies. There are two types of LAO, one under the Ministry of Justice, known as the Legal Aid Office and another under the Lao Federation of Trade Unions, known as Legal Counselling and Promotion. Yet another type of LAO is managed under the Lao Bar Association, known as Legal Aid Clinics. The LAOs provide legal assistance to vulnerable persons free of charge, in accordance with the Legal Aid Decree of 2017. The Decree provides four types of legal aid services: legal information; legal counselling; legal document drafting; and legal representation. Some LAOs provide all four services, while others – such as the LAO under the Ministry of Justice – does not provide representation since it lacks in-house lawyers. LAOs generally provide legal assistance in the cases of domestic labour disputes and human trafficking cases (article 12 of the Legal Aid Decree specifies victims of trafficking as eligible beneficiaries of legal aid), rather than to labour migrants who are in a dispute with an overseas employer.

Non-government agencies

Recruitment Agency (RAs)

RAs are sending agencies with the authority to recruit and send workers via the government-to-government recruitment agreements between Laos and countries of destination. RAs are responsible for providing all information related to employment, overseeing contracts, wages and working conditions, as well as arranging pre-departure orientation for enrolled migrant workers. Now, however, despite being private-sector entities, RAs are under the management and oversight of the MSLW. In the case of violation of workers' rights, RAs are responsible for reconciliation and negotiation to protect their rights.

Shelters

Shelters provide safe accommodation, medical care and counselling services to TIP victims and others who are vulnerable. There are government-run and NGO-run shelters. Officially identified TIP survivors qualify for government shelters and assistance, while returned migrants and at-risk individuals who are not officially identified as TIP victims may also qualify for some services at NGO-run shelters. Shelters can also assist in prosecutions by documenting evidence of violence or sexual assault and linking TIP survivors with legal assistance. Shelters also provide many secondary services

such as food and clothing, mental health support, life and vocational skills training. Currently, there are two government shelters under the management of LWU and four NGO shelters. It should be noted that there are few shelters that can accommodate male victims, as these cater overwhelmingly to girls and women.

Friend's International (Peuan Mit)

Peuan Mit ('Good Friends' in Lao) is an NGO operating a holistic programme for children, youth and caregivers living on the streets and in marginalised communities in Vientiane and Luang Prabang Province. The NGO also provides vocational training, job orientation and job placements to unemployed and marginalised groups.

Village Focus International (VFI)

VFI is an NGO supporting women and girls who are TIP survivors and other vulnerable groups. The NGO also provides support in skills and vocational training, social enterprise knowledge, small start-up funding and job placements in Vientiane and Champasak Province. VFI also works with local authorities on victim identification, protection and support.

Sengsavang

Sengsavang is non-profit organisation providing care and recovery for women and girls rescued from human trafficking and sexual exploitation. The shelter offers education, job skills training and micro-business starter kits to support sustainable community reintegration and family support. Its work also includes prevention and awareness-raising activities, advocacy and campaigning, as well as representation and participation in women's issues.

Job Assist Office

The Job Assist Office is a free career counselling service for unemployed youth in Vientiane Capital. Services include career counselling and planning, job matching, applications screening, resumé writing and job-preparedness training.

Legal assistance agencies

Association for the Development of Women and Legal Education (ADWLE)

ADWLE is a CSO providing legal aid services to victims of gender-based violence and vulnerable groups in Saysetha and Xaythany District, Vientiane Capital. ADWLE also provides legal representation for TIP victims in TIP cases.

Law and Development Partnership (LDP) and Songvilay law firms

These are the only two private law firms providing free legal aid support to vulnerable groups under the Legal Aid Decree adopted in 2017. LDP previously provided pro bono legal support to assist more than 100 domestic workers at a factory in Vientiane Capital secure compensation for breaches of contract by their employer.

International organisations

Several international organisations work in Laos on issues related to labour migration and trafficking. The United National Development Programme (UNDP) (as Secretariat to COMMIT), the United Nations Office for Drugs and Crime (UNODC), ILO and the International Organization for Migration (IOM) all have programmes in Laos, including with a focus on safe labour migration and counter-trafficking. The Asia Foundation supports one of the shelters to conduct research related to patterns of labour migration. The USAID-funded Laos Counter Trafficking in Persons project, implemented by Winrock International, is a five-year commitment to support vocational training and employment opportunities for specific populations in Laos to reduce their vulnerability to trafficking. These efforts offer a model of prevention and protection for the Government of Laos to learn from, support and sustain. Finally, the ASEAN-Australian Counter-Trafficking Program, funded by the Australian Department of Foreign Affairs and Trade (DFAT) supports regional cooperation, strengthening of national justice agencies to respond to trafficking, protection of victims and inclusive policy reform, in partnership with civil society and the private sector.

3.6 International counter-trafficking context

Laos' response to the challenge of human trafficking is also shaped by the wider international context, in which various factors interact. Most notable, perhaps, has been the push from donors and institutions to take a robust approach to TIP. This has been most evident since the 2000 United Nations Convention Against Transnational Organized Crime and its associated 2003 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Continued funding and programmes in support of these instruments by international organisations (often funded by western governments), such as UNODC, IOM and the ILO, as well as bilateral programmes in Laos funded by the US and Australian governments, keep the issue of TIP in the public eye.

The US in particular has underlined its interest in addressing human trafficking through the State Department's annual publication of Trafficking in Persons (TIP) Reports. These reports provide a snapshot of the trafficking situation in each country, as well as the response by the government and rate each government accordingly (Horning et al, 2013). The method determining these rankings has been criticised for its lack of transparency, including its focus on the number of prosecutions as opposed to other measures (Gallagher,

2011). While not explicitly linked to funding decisions, some countries in the region nonetheless see the rankings as being important to their reputations and can indeed affect the extent of US funding. Downgrading of the Lao Government in 2018, for instance, led to restrictions on demining and military education and training assistance (Congressional Research Service, 2018). These international pressures push the Government of Laos to act on TIP, but perhaps in ways that satisfy the US TIP report's focus on number of prosecutions.

This international pressure to respond to the challenge of TIP largely frames the issue through a securitised lens (see, for instance, Aradau, 2004). Through this lens, trafficking is seen as a security challenge threatening victims' rights and safety, as well as threatening the rule of law in countries more broadly, with concerns about criminal groups gaining a foothold. This overlooks its economic (and other) dimensions – and the ways in which exploitation or trafficking of labour migrants is connected to the wider capitalist economic system (LeBaron et al., 2018: 6). The push for ever-cheaper labour within global production chains creates incentives for labour exploitation of which more unscrupulous employers or criminal organisations may take advantage (LeBaron et al., 2018: 19). Yet this economic dimension of TIP receives comparatively limited attention in international responses, related in no small part to the interests of various international actors. This influences how the issue of trafficking is framed domestically within Laos, as well in the wider region.

Trafficking in persons has also risen up the agenda in Laos' more immediate region with the establishment of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) process in 2004 (supported by the UN) and the 2015 ASEAN Convention on Trafficking in Persons, Especially Women and Children. While these initiatives demonstrate important progress on TIP across the region, there are competing interests at play. The prioritisation of economic growth in national development plans by Mekong and ASEAN governments, including through the use of SEZs with weaker labour and environmental protections, means that efforts to address trafficking are refracted through this wider lens. For Laos, China provides much of the financing for its economic development plans, including in SEZs in Laos. This dependence on China may complicate enforcing or rising labour or regulatory standards in SEZs given the sensitivity with political allies, requiring strong cooperation among different government agencies to consistently push for labour and regulatory protections.

4 Labour migration patterns

The contextual features set in Section 3 shape migration patterns from Laos, influencing who travels, why and to where. This in turn shapes vulnerabilities to exploitation (including trafficking) for those who migrate. Perhaps the most striking feature of labour migration patterns from Laos, however, is the lack of reliable data (IOM, 2021: 13; Gallagher, 2006: 533). The scarcity of data means that much of what is recorded in the literature relies on anecdotes or small-scale studies.

Laos is primarily a country of origin for labour migration – although an increasing number of Chinese and Vietnamese workers are coming to work in Laos, or transiting through Laos to other destinations (IOM, 2021: 13; Gallagher, 2006: 533). There are also growing concerns about the Golden Triangle SEZ as a destination for labour migration and trafficking (Gore et al., 2022; US State Department, 2022: 343-344). Moreover, as Vientiane expands and offers greater employment opportunities, it is likely that Laos will see more domestic labour migration, and domestic trafficking may become more of a concern (Sunam et al., 2021: 9; Molland, 2010: 846). These features aside, this study explores Laos as a source of origin for labour migrants, given that this is currently the dominant trend.

4.1 Migration drivers

Various factors that drive migration are evident from the earlier sections of this report. The effects of land forest reallocation, village consolidation, swidden and opium eradication and large-scale infrastructural development have contributed to people being pushed off their land and disrupted various social and ancestral bonds. The more constrained livelihoods and lack of employment and choices that result, particularly lack of job security and low wages, are key contributing factors driving numbers of Lao people to leave their homes to seek better opportunities abroad (IOM, 2020; ADB, 2009: 23).

Yet it has also been noted that the economic arguments for explaining labour migration are inadequate. Interviews with Lao migrants also tell a story of seeking adventure and the experience of ‘modern’ life in Thailand. In addition, travel to Thailand – and to a lesser extent China – for seasonal agricultural work and marriage is common among people who live in border areas, or who have extended family and other social networks living across the border. These socio-cultural features also drive and sustain labour migration.

4.2 Labour migrant profiles

Interviews for this study confirmed findings from the wider literature that it is primarily younger people (aged 14-24) who migrate for work (World Vision, n.d.: 1; ADB, 2009: 5; Rigg, 2007: 168; I1, 18 February 2022; I2, 25 February 2022; I3, 2 March 2022). In 2020, a survey of migrants who had returned to Laos found that their average age was 28 (IOM, 2020: 3). There are slightly more men than women migrating for work both regularly and irregularly, although more female migrant workers are irregular (ILO and UNDP, 2018: 11). Some ethnic minority groups migrate more than others (the Hmong, for instance, tend to migrate less than other ethnic groups) and may be more likely to travel to destinations other than Thailand, as they do not share the language similarities that the Laos majority *tai* ethnic group do (Sunam et al., 2021: 8; ADB, 2009: 5). As we saw in Section 3, there have tended to be more migrants from villages that have experienced relocation, or been consolidated with other villages, in part because the resulting social dislocation has severed bonds with place, and also because greater competition for land leads to the need to seek alternative livelihoods (ADB, 2009). Labour migrants (both regular and irregular) are overwhelmingly likely to have worked in agriculture before migration (ILO and UNDP, 2018: 24). They also tend to have low levels of education, with one study finding that over 30% of regular and 20% of irregular migrant workers did not complete formal schooling; and only 33% of regular and less than 60% of irregular migrant workers finished primary school (ILO and UNDP, 2018: 23).

In some cases, entire families migrate together – particularly for seasonal agricultural work (Rigg, 2007: 168). In other cases, families encourage children to migrate for work, often as part of a multi-pronged livelihood strategy (Rigg, 2007: 170). This may involve some children continuing in school (usually boys); some working on a family farm or plot; and others being sent to work overseas to send back remittances, as well as reducing the number of dependants (ADB, 2009: 25; Rigg, 2007: 170). The length of stay can vary considerably – with some migrating for short-term, seasonal work of four or five months, and others staying away for several years (ADB, 2009: 25).

Women or girls are noted in the literature and by interviewees for this study as migrating at a younger age than men and boys and interviewees considered them to be more vulnerable to exploitation (World Vision, n.d.: 1; Huysmans, 2006: 25; I1, 18 February 2022; I2, 25 February 2022; I3, 2 March 2022). Young women and girls are more likely to drop out of school at a younger age to earn money to contribute to their family (Sengsavang, n.d.). With less experience due to their young age, such migrants are seen to be especially vulnerable to false promises and exploitation (World Vision, n.d.: 1). Girls and young women, in addition, are often socialised to be more submissive and this may also make them more vulnerable to

exploitation (Sengsavang, n.d.). One recent study notes that women and girls may be more likely to migrate for work if they have experienced family violence, viewing labour migration as a means of both physical and financial escape (Buakhiao, 2020: 225, see also World Vision, n.d.: 1). It is also not uncommon, although rarely documented, for children to accompany parents who migrate for work (Huysmans, 2006). A 2020 survey of 326 returned migrants found that 48% had children, 24% of whom had them with them in Quarantine Facilities (IOM, 2020: 3). There was no information on labour migration by people living with disabilities either in the literature or from interviews conducted for this study. When asked, interviewees consistently said they expected that people with a disability were less likely to migrate for work because of the additional difficulties of gaining employment if they were seen as likely to be less productive and to require additional support. More information is needed on the migration experiences of people living with disabilities.

4.3 Labour migration destinations and sectors

Labour migrants from Laos travel to a range of destinations across and beyond Southeast Asia, including Japan, South Korea, Malaysia, Thailand, China and – increasingly – the Golden Triangle SEZ. It also extends to the Middle East, Europe and North America (Southichack, 2014: 4-5). Different destinations offer distinct opportunities; and each route entails its own associated risks of exploitation. For the most part, migration to Japan and South Korea is highly sought since jobs are better paid and are generally accessible only through regular migration and valid documentation (there are MOUs between Laos and Japan and South Korea to facilitate labour migration). This also means that it tends to be more qualified Lao workers who travel there. It should be noted, however, that negative experiences of those going through the technical intern programme in Japan have been documented (Tran, 2020).

Labour migration to Malaysia is of growing concern in Laos. The number of workers migrating there was thought to be low, given the lack of a MOU between Laos and Malaysia, meaning that any labour migration is irregular. Yet during COVID-19, the number of workers returning from Malaysia suggests that the scale of migration there has been larger than previously thought (I3, 2 March 2022). It is assumed that the risks of exploitation on the Laos–Malaysia route are high given the irregular status of those who migrate there for work. However, this was not a focus of this study, as three main routes were seen to be of greatest concern.

Overwhelmingly, labour migrants from Laos travel to Thailand (Gallagher, 2006: 533) (see Section 5 for further detail). This migration pathway is well-trodden and was therefore described by those interviewed for this study as being a relatively known quantity in terms of the vulnerabilities that labour migrants face (I1, 18

February 2022; I6, 6 April 2022; I7, 8 April 2022). The sheer scale of migration to Thailand, however, means that these vulnerabilities – however well-known – cannot be overlooked. In Thailand, common sectors for Lao labourers include (for women) the entertainment industry and domestic work, as well as agriculture, food processing and manufacturing, and (for men) agriculture, construction and manufacturing and fisheries (IOM, 2020: 5; Sunam et al., 2021).

Interviewees considered that the two other migration routes discussed in this report were far less frequented than Thailand; but posing significantly greater – and less understood – risks to migrants (I1, 18 February 2022; I6, 6 April 2022; I7, 8 April 2022). Migration to China is perceived to be on the increase, although there is limited data to verify this. News reports in Laos of forced marriages of Lao girls to Chinese men has led to a growing interest in forced marriage as a form of human trafficking. There is also thought to be growing labour migration to China for seasonal agricultural work, as well as some to work in manufacturing – both of which are believed to offer higher salaries in China than in Laos.

Finally, and of greatest concern among interviewees, is the growth of labour migration to the Golden Triangle SEZ to work primarily for online scams, although often ending up in industries tied to casinos, such as sex work (I1, 18 February 2022; I3, 2 March 2022; I6, 6 April 2022; I7, 8 April 2022). This might be thought of as a form of domestic migration, given that the SEZ is located on Laos territory in Bokeo Province. It has been included in this study (which is focused on cross-border labour migration) given the particular concerns about vulnerability to trafficking raised in this migration pathway, as well as the unique nature of the SEZ and its degree of autonomy – which makes the region more similar to a cross-border location than is the case with most other SEZs.

A key feature of labour migration from Laos to each of these locations is that it most often begins voluntarily,³ with Lao people deciding to travel for work (or marriage), however constrained by limited livelihood options or influenced by exaggerated salaries or working conditions (Huysmans, 2006: 25). Labour migrants may then be tricked, cheated or forced into exploitative situations once they have embarked on migration (Sengsavang, n.d.). The following section explores experiences of labour migration from Laos to Thailand, China and the Golden Triangle SEZ respectively, the vulnerabilities and protective capacities facing labour migrants on these routes, and their experience of support services and legal voice and agency on return.

³ The exception here may be marriages to China – although the extent to which these are necessarily forced remains unclear. This is discussed in the sub-section on Laos–China migration.

5 Laos–Thailand Migration

In 2013, the widely accepted estimate was that 300,000 Lao migrants travelled to Thailand for work every year (Southichack, 2013: 5). Since then, it is assumed that this has increased. In 2018, 277,845 regular labour migrants travelled from Laos to Thailand (IOM, 2021: 2). However, it is widely known that most Lao migrant labourers continue to travel irregularly, and so actual numbers are significantly higher (IOM, 2021: 2; Huysmans, 2006; World Vision, n.d.: 1). It is estimated that at least half of all migrant labourers from Laos travel to Thailand and that up to 10% of the country's labour force works in Thailand (cited in Molland, 2010: 838). Thailand is heavily dependent upon workers coming from around the mainland Southeast Asian region, representing 10% of the total Thai workforce (Sunam et al., 2021: 7). As the main destination for migrant workers from Laos, Thailand is seen as presenting risks of labour exploitation given the sheer scale of migration, while also being considered a safer, 'known quantity' compared with other destinations.

A wide range of Laotians travel to Thailand for work, but perhaps most notably the majority *tai* ethnic group that is concentrated in Southern Laos and in border areas (Sunam et al., 2021: 8; ADB, 2009: 33). It is this ethnic group that shares the strongest linguistic and cultural similarities with Thais, making Thailand a familiar place to travel, work and live (Huysmans, 2006: 14; 20).

5.1 Pre-departure

The uncertainty of the precise levels of migration to Thailand are largely due to the ways in which labour migrants travel. Thailand and Laos signed a MOU in 2002 (with recruitment under the MOU commencing in 2006), facilitating regular migration of Laotians for work. However, it is estimated that only a small proportion of Lao migrant workers travel under the MOU. An IOM survey found that only 28% of returnees had travelled with MOU documentation (IOM, 2020: 5). There are thus significantly higher numbers of Lao migrants working irregularly, not covered by the MOU.

While there have been considerable efforts to encourage Lao migrant workers to use the MOU to facilitate regular labour migration – as well as to regularise Lao workers already living in Thailand – in practice significant obstacles remain (IOM, 2021: 16). For instance, migrating under the MOU requires workers to apply for work through registered recruitment agencies in Laos. There are currently 38 recruitment agencies in operation, mostly based in the capital (US

State Department, 2022: 343). The agencies have networks of agents throughout the country and carry out outreach activities to reach the provinces. Agents are often trustworthy local persons or village chiefs who have been trained by recruitment agencies and act as local recruiters of job seekers in their communities. Travelling via a recruitment agency is widely perceived to be expensive, as the agencies require applicants to obtain a passport and other documentation to facilitate their employment. Recruitment agencies and international organisations report that application under the MOU costs around USD 500 (I18, 18 January 2022; I19, 19 January 2022; I20, 19 January 2022; I1, 18 February 2022). There may also be informal payments to community authorities to facilitate documentation – for instance passport applications (I7, 8 April 2022). An ILO study on the costs of recruitment for labour migrants found that, from a sample of 302 Lao migrants, the average cost for regular migration to Thailand was USD 542, while the average cost of irregular migration was USD 401 (ILO, 2020). The costs associated with labour migration through a recruitment agency are usually borne by the prospective migrants – if not upfront then through debt, which can lead to debt bondage, whereby workers' salaries are deducted or withheld to repay the recruitment agency or employer (IOM, 2021: 21). Guidelines from the Lao Ministry of Labour and Social Welfare stipulate that recruitment agencies can charge up to 15% of workers' monthly wage over the period of their employment abroad to recoup these expenses (ILO and UNDP, 2018: 5). This is contrary to the stipulations of the ILO's 1997 Private Recruitment Agencies Convention, which prohibits recruitment agencies from passing on costs to labour migrants. In 2022, officials reportedly began consultations to reduce recruitment brokerage fees although it is unclear how this has progressed (US State Department, 2022: 343).

In addition to the costs involved, applying for work through a recruitment agency also takes time – between two to six months, depending on the applicant's existing documentation (I1, 18 February 2022; IOM 2021: 19). Given that many labour migrants seek work in Thailand because they face economic precarity and debts – often to informal lenders on unfavourable terms – this timeframe is not viable (US State Department, 2022: 343). Jobs secured through recruitment agencies also usually lock labour migrants into work with a particular employer – they cannot easily change jobs once in Thailand. Some migrants report that they prefer to arrange their own employment so they have the option to leave if they do not like the conditions (IOM, 2021: 19). Moreover, in a country where people generally try to avoid official processes as much as possible, a highly formalised approach to labour migration is likely to be viewed cautiously. A 2020 survey of returned Lao migrants found that just 20% had entered Thailand through a recruitment agency (IOM, 2020: 5).

Given these obstacles to applying for work through recruitment agencies, as well as established informal pathways, the majority of Laotians opt to arrange employment irregularly. This can be done in

a range of ways – though informal brokers, including family members, friends or other community connections, or by oneself (Rigg, 2007: 168).

Brokers act as facilitators, connecting prospective labour migrants with employment opportunities in Thailand. They are often people with links to Thailand – whether through family, friends or previous travel themselves. In the literature on human trafficking, brokers are often referred to as ‘traffickers’ and described – either implicitly or explicitly – as coming from outside the community to lure unsuspecting young people into situations of exploitation, in which the brokers are intentionally collaborating with exploitative employers and intermediaries in Thailand. As Molland explains (2010: 849-850):

Socially, the market metaphor reinforces the notion of traffickers being mystical creatures, coming from outside the community, implying that no traffickers exist within the social borders of a community. This imagery is evident in recent awareness-raising material produced in the Lao anti-trafficking sector depicting ‘victims’ as potentially young villagers and ‘traffickers’ as middle-aged men and women, most likely to come from outside the village community.

Yet there seems to be little evidence for this characterisation, as Molland goes on to argue. Rather, brokers often come from the community (Haughton, 2006: 4). Interviews conducted for this study confirmed that brokers connect prospective migrants with a variety of jobs, some of which are exploitative and some of which are not (I1, 18 February 2022; I6, 6 April 2022; I7, 8 April 2022; I9, 1 April 2022; I10, 8 August 2022). The degree to which the brokers themselves know in advance the likelihood of exploitation is not known. When pressed, interviewees working for civil society and international organisations suggested that many brokers probably do not know about the labour conditions to which they are sending prospective migrants (I1, 18 February 2022; I6, 6 April 2022; I7, 8 April 2022; I9, 1 April 2022).

It was not possible to speak with any brokers as part of this research. But what seems a more accurate characterisation is that there is a wide range of brokers. Their roles are those of facilitators who link labour migrants with jobs of varying quality and they appear to have a weak sense of accountability for the quality of employment that they facilitate. Some may be involved in organised trafficking, operating in collaboration with employers in Thailand. Others may well be incentivised to overstate the quality of work in Thailand, perhaps by exaggerating salaries or workplace conditions, for instance. Facilitating labour migration is the brokers’ livelihood and they live in the same constrained economic situation as other Laotians. But this does not necessarily mean that brokers are uniformly part of an organised system that intentionally exploits labour migrants.

Prospective labour migrants are often connected to jobs by family or friends (Rigg, 2007). According to an IOM survey of 326 returned Lao

migrants, 39% reported having found work through friends, 31% through family and 20% through their own efforts (IOM, 2020: 5). This suggests that it may be friends and family who act as brokers and are those most commonly connecting prospective labour migrants with work. Often, this may be friends who have worked in Thailand and returned to Laos. Thai employers may pay their Lao workers a small commission to recruit others while they are back home and this may involve deception about the nature or quality of the work (Molland, 2010: 843). The relationships among migrant labourers – often assumed to be a source of support and trust – cannot be presumed as such and may in fact be competitive and deceitful, rather than a source of protection (Molland, 2010: 848).

Brokers, as well as individuals who arrange their own migration, have a wide range of documentation available to them to travel to Thailand. For the increasing number of Laotians who have a passport (Sunam et al., 2021: 8), it is straightforward to get a Thai entry stamp, allowing for 30 days in Thailand. Migrants then find employment within the month and have a Thai employer to regularise their work, making their residence regular from the Thai perspective (although still technically irregular from the Lao perspective, making them susceptible to fines on re-entry to Laos) (I24, 15 June 2022; I25, 15 June 2022; I26, 15 July 2022). Another common form of documentation is a border pass, which allows entry to Thailand for three days. Labour migrants might then overstay, or, if they are working close to the border, return to Laos to renew the pass (Molland, 2010: 843). Survey data from 2020 suggests the most common form of documentation was a work permit (33%), followed by a passport (31%), under the MOU (28%) or with a border pass (4%) (IOM, 2020: 5). It is also possible to cross the border without any documentation – either by using unmarked crossings, or taking advantage of market days and festivals when those in border communities ‘are generally exempted from “paper work” and can cross freely in either direction’ (Huysmans, 2006: 17).

From 2016 to 2018, Thailand also developed a more comprehensive legal framework to respond to the complexity of foreign migrant workers in the country, including the adoption of the Royal Ordinance concerning the Management of Employment of Foreign Workers, B.E. 2560 (2017, revised 2018). The Royal Ordinance sets out that the MOU procedure is the only official channel for low-skilled⁴ migrant workers to enter Thailand, however section 64 offers one exception, the Border Employment Regulation. This is a more flexible option compared to the MOU modality, as it allows employers to hire workers for a short-term period (for instance, seasonal agricultural workers), although in practice no Lao workers have been registered under this Regulation. While the MOU and the border employment scheme remain the two formal channels for migrant workers to enter

⁴ The term ‘low skilled’ is used to refer to the attributes of the occupation rather than the person. Many jobs in agriculture, construction, manufacturing, and services fall in this category, and are classified as elementary in the international classification of occupations.

Thailand, the government has periodically allowed irregular migrants already working there to formally register through the Nationality Verification (NV)⁵ regularisation process (Natali, Mcdougall and Stubbington, 2014). A Pink Card offers only temporary legal status while migrant workers complete the NV process (Mekong Migration Network, 2018). This measure is part of the history of short-term amnesties for irregular migrant workers, dating back on a semi-annual basis to 1992 (Harkins, 2019).

In addition, since September 2016, migrant workers who wish to work in the fisheries sector have been able to apply for migrant Seabooks,⁶ which allows migrants with passports, temporary passports, personal documents, or resident documents to remain in Thailand to work in the sector for one year. This 'emergency measure' is authorised in the 2015 Royal Ordinance on Fisheries (section 83) and allows the Department of Fisheries to effectively bypass the Ministry of Labour's safeguards on recruitment. In 2020, the Government of Thailand announced that with the new legal framework, migrant labourers can only be recruited through MOU channels or the border employment mechanism and that there will be no further amnesties. Although, in 2022 and into 2023, Thai employers have again been allowed to register undocumented workers.

Governments and some anti-trafficking advocates have been advocating for regular migration under the MOU as 'safe migration' – offering the greatest protections to labour migrants and granting access to social services in Thailand. However, barriers to access such as cost and time, as well as a perception that it locks labour migrants into potentially unfavourable work conditions, means that various other documentation remains the norm (Sunam et al., 2021: 8). Moreover, the long history of largely informal labour migration between Laos and Thailand that has happened 'with little fanfare', and with regular amnesties providing alternative routes to social protections, make it difficult to change established modes of crossing (Molland, 2010: 843; Huysmans, 2006).

5.2 Transit

The routes to travel to Thailand are widely known and given language familiarity, Lao migrants can navigate generally independently. Brokers may arrange a taxi, motorbike or boat in some cases, but it is not clear that this is anything other than a local form of transport and not necessarily part of an organised trafficking effort. Even where border crossings take place irregularly without documentation, as Huysmans (2006: 18) notes, 'these are likely to be facilitated, however seldom in an exploitative manner, thus portraying

⁵ Nationality Verification is a temporary stop-gap measure initiated in 2004 to register all irregular migrants from Cambodia, Lao People's Democratic Republic and Myanmar who were already living and working in Thailand, without requiring them to return to their countries of origin. To legalise their status through the NV mechanism, irregular migrants were required to obtain certification documents from their country of origin, such as a temporary passport or certificate of identity.

⁶ Seabook is an identification document for foreign fishers.

the facilitator uncritically as a “trafficker” is dubious’. During COVID-19, more circumspect arrangements were required to cross into Thailand given the closure of international borders. During this time, regular migration was not possible and fees paid to brokers for irregular border crossings reportedly rose (Khemanitthathai, 2021).

Rent-seeking by border officials and police is common when leaving Laos, although it is ad hoc and small scale and there was not evidence of systematic official involvement or complicity in trafficking (Gallagher, 2006: 533-535; Haughton, 2006: 5). Small bribes are seen to ‘smooth the path’ for crossing borders or as a kind of informal tax for presumed higher wages in Thailand (Gallagher, 2006: 532). Once over the border, labour migrants tend to travel on their own or in small groups, largely to avoid attention from authorities who may attempt to extract bribes (I6, 6 April 2022). Independent travel can be a source of vulnerability for women in particular, who may be tricked or lured into sex work en route to another destination or workplace (I2, 25 February 2022).

Crossing borders irregularly without documentation at informal crossings, or with a wide range of documentation that provides some degree of legality at Lao’s 27 official border crossings, has long been practised, including during COVID-19 when borders were closed. In the case of informal crossings, the sheer length of the border makes it hugely difficult to monitor migration for a security sector with constrained capacity and resources (Gallagher, 2006: 533). There is also limited appetite on the part of the Lao Government or provincial authorities to crack down on seasonal cross-border migration that has been the historical norm for many Laotians and is key to the livelihoods of many Lao communities (Gallagher, 2006: 533). In addition, since the 2019 Decree on International Border Management, anti-trafficking police are no longer working at the border posts. It is now only military troops stationed at the border and they are not members of the NCATIP, meaning there is little or no TIP expertise present.

5.3 At destination

Once in Thailand, Lao labour migrants work in a range of sectors, including domestic work, sex work, agriculture, construction, manufacturing and fisheries (Sunam et al., 2021: 8). Work conditions vary but poor, deducted or withheld pay, long hours and confiscation of identity documents are commonly reported (World Vision, n.d.: 1). Physical and sexual abuse and confinement are also experienced (Huysmans, 2006: 24). It is at this stage of labour migration from Laos that the greatest vulnerability to exploitation is evident. Exploitation is considered more common in sectors that are ‘hidden’, or benefit from limited oversight, such as domestic and sex work, fisheries and remote agriculture (Huysmans, 2006: 25; I1, 18 February 2022; I3, 2 March 2022; I4, 11 March 2022; I5, 11 March 2022). Notably, these are also sectors with limited or no labour

organising or collective bargaining and less developed legal and policy frameworks.

Labour migrants are also vulnerable to exploitation by officials who demand petty bribes. Most often, this is described as Thai police threatening migrants with deportation, fines or arrest due to their inappropriate documentation (Huysmans, 2006: 18; I1, 18 February 2022; I6, 6 April 2022). The general fear of attracting the attention of Thai authorities means that Lao migrant labourers avoid them as much as possible (IOM, 2021: 3). This can mean that a potential source of protection – at least in theory – is viewed as a last resort. Employers can take advantage of, and stoke, such fears among labour migrants, perpetuating poor labour conditions with little likelihood of complaint.

Vulnerability to exploitation by employers is considered to be greater for irregular labour migrants, given their irregular status may make them less likely to report exploitation to police (Buakhiao, 2020: 236). In theory, regular migrants travelling via a recruitment agency have recourse to complain about poor workplace conditions through the agency, who will take the matter up with the Thai employer. In practice, it is unclear whether this complaint mechanism is used or works to improve workplace conditions – not least because labour migrants are tied to particular employers as part of their contracts (I1, 18 February 2022; I2, 25 February 2022; I3, 2 March 2022; I7, 9 April 2022). A 2018 study found that while 63% of regular migrants were aware of opportunities to raise concerns about employment conditions, over a third did not have access to complaints mechanisms or were not aware of their existence (ILO and UNDP, 2018: x). Moreover, almost all complaint mechanisms were to supervisors or employers; labour inspectors, trade unions, CSOs, recruitment agencies or other authorities reportedly played no significant role (ILO and UNDP, 2018: x). Regular migrants travelling under the MOU have also reported routinely having their passports confiscated by employers to limit their freedom of movement (IOM, 2021: 20). One study found that 96% of regular Lao labour migrants in Thailand had their passports confiscated by employers (ILO and UNDP, 2018: 44).

Many labour migrants also lack knowledge on their entitlements to social security benefits and rights in Thailand, if they are regularised or travelling under the MOU (IOM, 2020: 5). This became apparent during COVID-19, for instance, when large numbers of Lao workers left Thailand to return home, many without their final salary or social security funds (IOM, 2021: 3). More generally, not availing themselves of the healthcare and social services to which they are entitled makes labour migrants more vulnerable.

5.4 Protective possibilities

There are some protective possibilities that can offer a degree of protection to Lao labour migrants at various stages of the journey to Thailand. Pre-departure, some CSOs and MRCs in Laos provide

information to prospective migrants on safe migration and potential risks. However, only a small number of Lao CSOs offer information on safe migration and the six MRCs operating nationwide are government-run with ILO support and not widely accessed. For those travelling via recruitment agencies, most offer some form of training to migrant labourers, which vary from two hours to a full day, and the content and quality are not known (I2, 25 February 2022; I3, 2 March 2022). Given the well-established migration between Laos and Thailand, there are also social networks of family, friends and others who have previously travelled to Thailand and can be a source of information, advice and connections.

During transit, the Lao Government, international organisations and CSOs provide a range of information on safe migration at formal border crossings. These are primarily in the form of leaflets and billboards and interviewees for this study suggested that these are unlikely to have much impact (I1, 18 February 2022; I3, 2 March 2022). Prior to COVID-19 international organisation staff visited border crossings to provide in-person information and advice but this has not happened since early 2020.

Once in Thailand (as well as during transit) Lao migrants benefit from a cultural familiarity with Thailand that enables them to easily understand information or documentation, as well as to assimilate with the Thai population and build social networks. Active CSOs in Thailand working on labour rights and trafficking also provide a potential protective capacity. Lao's Ministry of Labour and Social Welfare employs a labour attaché in Thailand, who can register labour grievances of Lao workers in the country (US State Department, 2022: 343). It is unclear, however, whether the attaché is accessed by Lao workers or has recorded any instances of trafficking or exploitation (US State Department, 2022: 343). Finally, there is an established process for return of identified trafficking victims (see ATD and JICA, 2019) although this does not always operate in ways that put the victims' rights first and there are some discrepancies between the ways in which the Government of Thailand and Government of Laos identify victims, with potential repercussions for entitlements to services.

5.5 Summary of vulnerabilities

A range of vulnerabilities to exploitation are thus apparent at every stage of labour migration from Laos to Thailand. At pre-departure, prospective migrants are vulnerable to high levels of indebtedness to recruitment agencies, misrepresentations or deception by recruitment agencies, brokers (including friends and family) or others facilitating irregular travel, and documentation that may potentially afford them fewer rights once in Thailand. During transit, migrants are vulnerable to officials seeking bribes or informal payments to facilitate travel and female migrants, in particular, may be tricked into sex work with the promise of alternative employment. The greatest vulnerability to

exploitation occurs at the destination by employers and Thai authorities, taking advantage of workers with constrained livelihoods options and a fear of authorities and the risks of arrest, fines and deportation.

What emerges, then, is serious labour exploitation, which might in some cases constitute human trafficking, but tends not to be an organised, intentional system of trafficking across multiple stages of labour migration. As Haughton noted and interviews for this study supported, there are no reported cases of kidnap and very few of people being sold in Laos (Haughton, 2006: 12; I1, 18 February 2022; I5, 11 March 2022; I6, 6 April 2022; I9, 1 April 2022). Young people migrate voluntarily from Laos in very large numbers (Haughton, 2006: 12; Huysmans, 2006: 24). Of those 'a small percentage disappear and although it cannot be ascertained, it is feared ... have fallen victim to severe trafficking situations' (World Vision, n.d.: 1). A much larger number end up in exploitative and deplorable work conditions (World Vision, n.d.: 1). The fact that migration often begins voluntarily and does not necessarily fit the most extreme notions of human trafficking does not mean that there are no deceptive recruitment practices and exploitation nor that labour migrants do not suffer serious human rights breaches (World Vision, n.d.: 1; ILO and UNDP, 2018; Huysmans, 2006: 24). Nonetheless, being clear about the nature of the vulnerabilities and risks of exploitation facing labour migrants is essential to devising appropriate prevention and response strategies that target the core of the problem.

6 Laos–China Migration

There is a dearth of reliable information on migration from Laos to China, in part due to difficulties in conducting research on this migration route. While historic patterns of cross-border migration for seasonal agriculture are recognised, it is more recent migration for the purposes of marriage that are attracting attention within Laos. A series of news articles about young women from Laos being sold or tricked into marriages to Chinese men have raised concerns about trafficking for the purposes of forced marriage (Rozario, 2021; Thanabousay, 2021a; see also Buakhiao, 2020: 226; Boliek, 2017). One such article notes that Lao anti-trafficking campaigners have reported that approximately 3,000 Lao women and girls have been lured into China between 2008 and 2018, and that only about 600 have returned (Rozario, 2021). Marriages to men in China are driven by the deficit in the female population as a result of the one-child policy, resulting in 33 million more men than women overall (Chandran, 2018). It is alleged that rates of cross-border marriages are increasing in the wake of COVID-19, as households experience greater economic pressure (Thanabouasy, 2021b).

Girls ranging from the ages of 13 to 18 years, particularly those in upper high school, are seen as most likely to be lured into cross-border marriage (Buakhiao, 2020: 226; Boliek, 2017). Some sources suggest it is primarily those living in areas of Northern Laos close to the Chinese border who are more likely to be involved, especially from ethnic minorities such as the Akha and Yao (Buakhiao, 2020: 226). In part, this may relate to the fact that ethnic minorities experience more acute poverty, as well as highly patriarchal cultures that favour and invest in males as ‘custodians of the clan’, with women viewed as temporary members who will eventually leave upon marriage (Buakhiao, 2020: 231). Some ethnic minority communities in Northern Laos also span the contemporary border between Laos and China, such that international borders may remain fluid as communities move back and forth, including for marriage (I9, 1 April 2022).

Other sources suggest, however, that girls and young women from across Laos are being lured by the prospect of marrying a wealthy Chinese man (Thanabouasy, 2021b; Boliek, 2017). In some cases, such a marriage is believed to open access to opportunities for better-paid employment, although legally a person must be resident in China for five years before being eligible to work, and even then only under certain conditions (I9, 1 April 2022; Rozario, 2021).

6.1 Pre-departure

Brokers approach families or girls directly, and are said to prey on poor families with the offer of an attractive bride price or dowry (up to as much as USD \$4,000) to travel to China for marriage (Rozario, 2021; Thanabouasy, 2021a). The payment of bride price is sometimes depicted as the families 'selling' their daughters into forced marriages or trafficking. Alternatively, brokers may attract girls to travel on their own or with friends with the promise of a finding a wealthy husband, the possibility of work in factories or farms with better pay than they can earn in Laos, enabling them to send remittances (Thanabouasy, 2021b). There are also increasing reports of brokers using online recruitment, for instance through Facebook employment sites, to attract young women to China to marry in order to obtain well-paid employment opportunities (Thanabouasy, 2021b). There was no available information on the identity of the brokers, though interviewees suggest that they are likely to be Lao people with connections or previous travel experience in China (19, 1 April 2022).

Other reports indicate that Chinese men also come to Laos in search of a young bride (Boliek, 2017). Some interviewees also spoke about the growing number of Chinese workers in Laos as part of large-scale infrastructural developments and the establishment of SEZs and how this was also contributing to more cross-border marriages (11, 18 February 2022). As there are too few Chinese women of marriageable age in China for all men to marry, Chinese men working in Laos may take advantage of the opportunity to find a wife who will go back with them.

It is not clear what documentation girls have when they cross the border, and whether this documentation makes their travel regular or irregular, and to what services it entitles them on arrival. Nor is there any available information on transit and the vulnerabilities that girls may face.

6.2 At destination

On arrival in China, girls and women face various situations. The marriage may or may not materialise. In some cases, the promise of a marriage was false and girls are reportedly transferred to brothels, massage parlours, bars or prostitution rings, with some suggestions of onward trafficking in China or to SEZs (Thanabouasy, 2021b; Buakhiao, 2020: 226; Boliek, 2017). In other cases, girls are married to Chinese men but may be locked up in the house and not allowed to leave, and their passports and other identity documents are confiscated (Rozario, 2021). Or, they may be forced to be a sex worker, labourer or engage in another activity, and their husband keeps their earnings (Rozario, 2021). Alternatively, according to articles published in Chinese media outlets, Lao women are said to live happily with their Chinese husbands (Lancang-Mekong Cooperation, 2021; China Daily, 2016). A diversity of situations is not

surprising but what seems apparent is that across all these experiences Lao girls and young women are vulnerable given their limited social networks, lack of fluency in the local language and young age. This limits the extent to which they can seek assistance or protection.

The 2016 US Trafficking in Persons report notes that ‘a small, possibly increasing, number of women and girls from Laos are sold as brides in China and subjected to sex trafficking’ (cited in Boliek, 2017). The 2022 US Trafficking in Persons report notes that unlike in 2020, none of the 2021 trafficking convictions involved forced marriage (US State Department, 2022: 341). It is thought that many of the marriages could be legitimate. An interview with a counter-trafficking expert who has worked on Laos–China migration suggests that it is unclear how widespread deception, coercion and exploitation are within patterns of marriage migration and that some marriages – rather than being instances of trafficking – may reflect different understandings of marriage that are common in Laos and China (I9, 1 April 2022). For instance, the lack of contact between a woman and her natal home on marriage is not necessarily striking in the context of some ethnic minorities in Laos where it is understood that a married woman leaves her family definitively. Differing marriage practices among some ethnic groups can be a factor in gendered cross-border migration to China (UNIAP, 2013). Similarly, the lack of remittances to the wife’s family may be explained by some Chinese marriage cultures, in which upon joining the man’s family, loyalty and financial contributions would be to his family, rather than to her own (although this may not be known in advance by Lao women) (I9, 1 April 2022). This is not to suggest that instances of trafficking do not occur in Laos–China migration for marriage – clearly some do – but that the focus should be on building a solid evidence base on which to devise policy and programming responses. This evidence base should focus on understanding under what conditions cross-border marriages are likely to be exploitative and leave women and girls vulnerable to trafficking, rather than treating all such marriages as instances of trafficking. This is essential given that, as the UNODC (2020: xiii) notes: ‘trafficking in persons in the context of marriage is a particularly complex subject, owing to deeply ingrained cultural, religious and economic factors relating to the institution of marriage as practised and understood in certain parts of the world’.

6.3 Protective possibilities

A key reason for including Laos–China migration is the extremely limited protective possibilities available to women and girls involved in cross-border marriages. While this migration is on a significantly smaller scale than Laos–Thailand migration, it is this lack of protective capacities that makes the risks of exploitation so much greater.

China has few CSOs, particularly in rural areas where most Lao women and girls reside, and virtually no organisations working on counter-trafficking (I9, 1 April 2022). This is in stark contrast to the active civil society space in Thailand, for instance. In addition, Lao women and girls generally lack the language skills to access services or build social networks that may afford some protection and information sharing. In response to this challenge, Lao NGO Village Focus International has been training Lao women in the use of WeChat – a popular social media platform in China – so that if necessary they can post a message to alert people to their situation (Chandran, 2018). Of course, there may be no such language barrier in the context of a marriage within a single ethnic group.

Women and girls can turn to the Chinese police for assistance, but there are some reports of police returning them to their husband's household. Some women and girls have had more success in reporting to Chinese police further away from where their husband lives, as they are less likely to know his immediate family (I9, 1 April 2022). In some such cases, the Chinese police have returned women and girls to Laos as part of wider Laos–China cooperation under a 2014 MOU on Anti-Human Trafficking Cooperation (Whong, 2019; Boliek, 2017).

7 Laos–Golden Triangle Special Economic Zone Migration

SEZs play an important role in the development plans of many Southeast Asian countries and Laos is no exception, with 14 SEZs approved in its territory with varying levels of regulatory authority (Stimson Centre, 2021). In 2017, the Lao Government was reportedly planning another 40 in the next decade (Laungaramsri, 2017). Five of these zones, totalling 244 km², are leased to Chinese companies for ownership and operation (Stimson Centre, 2021). The Golden Triangle is one such SEZ and the largest in Laos, situated in Bokeo Province on the border with Thailand and Myanmar (Gore et al., 2022: 18). In 2010, the 100 km² territory was leased by the Lao Government to Chinese businessman and Chairman of the Kings Romans Group, Zhao Wei, for 75 years (extendable to 99 years),⁷ on the basis of his plans to develop the region into a tourism hub (Berlinger, 2020; Stimson Centre, 2021; Laungaramsri, 2017). The Golden Triangle agreement enables the SEZ to run its own affairs – from urban planning to municipal finances and even some security functions (Strangio, 2021; Berlinger, 2020). It caters primarily to Chinese tourists and effectively operates outside Lao legislative jurisdiction (Berlinger, 2020; Whong, 2020). It has been reported that ‘The businesses, involving shops, restaurants, pharmacies and mini markets are mainly operated by Chinese nationals, signs are in Mandarin, Chinese yuan is the main currency used and even clocks are set to Beijing time’ (Gore et al., 2022: 13). Thus, while the SEZ remains within Lao borders, it operates as a distinct jurisdiction and Lao local authorities do not feel empowered or authorised to enter the SEZ. For this reason, increasing reports of labour migration to the SEZ are included here as an instance of de facto cross-border migration.

Levels of migration to the Golden Triangle SEZ are unknown. It has been reported that 96% of jobs created in the SEZ has been of foreign migrant labourers (Stimson Centre, 2021). Most are Burmese labour migrants (Laungaramsri, 2017), but reports suggest others also come from Laos, China, Thailand, Vietnam and Russia (Gore et al., 2022: 20; US State Department, 2022: 344; Whong, 2022). Some

⁷ Following a 2007 agreement establishing it as an economic and tourism zone.

of those who had previously worked in and around the casino in Boten SEZ (also in Northern Laos) reportedly moved to the Golden Triangle when the Boten casino closed in 2011 (Gore et al., 2022: 17).

At the heart of the Golden Triangle SEZ is the Kings Romans Casino – featuring marble statues of Roman gods and topped with a golden crown, surrounded by apartment complexes, hotels, nightclubs, shops and restaurants (Gore et al., 2022: 18; Strangio, 2021). There are reported plans for golf courses, resorts, restaurants, a museum and a plastic surgery centre (Berlinger, 2020). While Zhao Wei maintains that his activities are entirely legal, he previously owned a casino in Mong La in Myanmar that was largely funded by proceeds from drug trafficking, and Zhou is alleged to maintain close relationships with armed groups in Myanmar that are involved in the international drug trade (Gore et al., 2022: 18; Kennedy and Southern, 2022). In 2018, Zhou was sanctioned by the US Treasury Department for engaging in ‘drug trafficking, human trafficking, money laundering, bribery, and wildlife trafficking, much of which is facilitated through the Kings Romans Casino’ in the Golden Triangle (US Treasury Department cited in Whong, 2020; Strangio, 2021). The Golden Triangle used to be the world’s largest producer of heroin, and in 2016 Myanmar and Laos still produced 20% of the global opium supply (Berlinger, 2020; UNODC, 2016a). However, the region has become increasingly involved in the synthetic drug trade, especially methamphetamine (Berlinger, 2020), of which large shipments seized in China, Laos and Thailand have been traced back to the Kings Romans Group (Gore et al., 2022: 18).

Zhou Wei is also reportedly seeking to expand his reach within Laos. He was the main investor in the now-cancelled Ban Mom Port development in Bokeo Province, about 15 km from the SEZ, which would have provided warehousing and cargo-handling services facilitating commerce between China and Laos (Whong, 2020). Given the high dependence on chemicals to produce methamphetamine, the development of a port was viewed as a way to facilitate imports from China for both licit and illicit purposes (Berlinger, 2020). Zhou has also reportedly been in discussions with other provincial governors about establishing enterprises in the South, Central and Northern regions of Laos (Gore et al., 2022: 21; Strangio, 2021).

7.1 Pre-departure

Young people throughout Laos have been attracted to work in the Golden Triangle SEZ due to the high salaries that are advertised as being possible to earn there. Recruitment agencies in Vientiane interviewed for this study either reported that they were not involved in providing labour for the SEZ, or declined to talk about it. From interviews with migrants, victims of TIP and the wider counter-trafficking community, most recruitment to the Golden Triangle takes

place through brokers who facilitate travel and connection to an employer in the SEZ (I3, 2 March 2022; I7, 8 April 2022; I26, 15 July 2022). Increasingly, recruitment is taking place online via social media, such as through Facebook. Advertisements on social media promise high-paid jobs (up to 10 million kip per month – around US\$600) and free meals and accommodation to work in online platforms or call centres – offering attractive opportunities to young Laotians with limited alternative sources of employment (I3, 2 March 2022; I2, 25 February 2022; US State Department, 2022: 344).

To address concerns about labour conditions in the Golden Triangle SEZ, the Lao Government reportedly opened two new recruitment agencies in Bokeo Province in early 2022, intending to focus on regular recruitment for the SEZ (US State Department 2022: 343). The impact of these recruitment agencies on labour recruitment practices in the SEZ remains unknown and there are concerns about whether it will be possible to implement or enforce contractual conditions given jurisdictional challenges with the SEZ (US State Department, 2022: 343). Some reports are of children travelling without their parents' permission, and who are distraught when discovering their child has gone to the SEZ. No information could be found about how labour migrants travel to the SEZ and the vulnerabilities they face en route.

7.2 Destination

There is a lack of information about what happens when labour migrants arrive in the SEZ, given the more general lack of oversight there. Even the Provincial Governor of Bokeo Province, where the SEZ is located, is said to have to obtain high-level central government approval to travel to the SEZ (I3, 2 March 2022; I6, 6 April 2022; I7, 8 April 2022). Two different experiences were recounted in interviews for this study with victims of TIP and counter-trafficking organisations. In some cases, labour migrants are deceived from the outset and forced into sex work or other labour associated with the casino. There is no job in a call centre (I3, 2 March 2022). In other cases, labour migrants might work in a call centre or online company running scams – this was said to involve online gambling, selling fraudulent shares in SEZ companies, as well as cryptocurrency transactions. Online scams based in casinos in the region increased during the COVID-19 pandemic as casinos struggled to attract customers given the pandemic-related restrictions (Kennedy and Southern, 2022). If labour migrants make good profits, then they may continue to work there – often working off debts to the brokers or their employers who facilitated their employment. If not, they may be sold, forced into sex work or other forced labour (US State Department, 2022: 344). Many are unable to meet the 'unattainably high sales quotas set by the casino managers and are forced to incur debt to pay the difference, as well as to pay for meals and accommodations; casino managers then leverage this debt to confine them and subject them to forced labour and sex trafficking'

(US State Department, 2022: 344). Interviewees for this study also claimed that often labour migrants in the SEZ are not paid or their pay is withheld, allegedly to cover costs of travel, accommodation or other expenses (I3, 2 March 2022; I6, 6 April 2022). These descriptions are supported by the accounts of a group of Thai nationals who escaped the Golden Triangle SEZ in 2022, after being trafficked in 2021 (Gore et al., 2022: 22). The Thai citizens were recruited by brokers promising jobs running an online casino, but on arrival the workers were made to sell dubious shares online via fake social media accounts with near-impossible sales targets (Whong, 2022). If they refused they were threatened with being forced into sex work or sold to other companies (UCA News, 2022).

Labour migrants experience particularly acute vulnerability to exploitation and trafficking once in the SEZ. A recent report on casinos in the region notes that:

Survivors and rescuers interviewed in Laos and Thailand described workers trafficked into these compounds [in Bokeo, as well as in Myanmar and Cambodia] as being beaten, electrocuted, starved of food and water, and sold to other companies if they resist or fail to make their targets. Suicides are commonplace, as are videos circulating of handcuffed recruits being tasered in their dorms. Enslaved workers are bought and sold between companies, including through a human trafficking Telegram channel called White Shark. (Kennedy and Southern, 2022)

Two features of the wider context help to explain this extreme precarity. First, the link between the SEZ and organised crime means that labour migrants are in an environment in which criminal activity is commonplace – including drug trafficking, money laundering and trafficking of exotic animals. This permissive environment makes other illegal activity, such as human trafficking, more likely (Gore et al., 2022: 1). Here, the Kings Romans casino is the hub, being a vehicle for and attracting organised crime. As the Global Initiative Against Transnational Organized Crime explains:

The risks and vulnerabilities of money laundering and other criminal activity are ever-present around gambling activities. This is partially due to the cash-intensive nature of the business and its 24/7 operations, but also to the valuable financial mechanism that criminals can exploit. Specifically, the conversion of cash into chips, the utilization of foreign exchange services, casino ‘front money’ accounts, security deposit boxes and the ability to utilize funds in another jurisdiction through foreign holding accounts all create ideal conditions for criminal groups looking to obscure the origins of the ill-gotten cash. (Gore et al., 2022: 6)

The Asia-Pacific is home to the world’s fastest growing market for gambling even though gambling is illegal in both China (outside Macau) and Laos (Gore et al., 2022: 4-5). SEZs like the Golden Triangle thus provide a sought-after location for casinos to operate,

and bring with them a range of crimes (Global Initiative Against Transnational Organized Crime, 2021: 4). The connections to organised crime and other offences such as drug trafficking, sex trafficking and wildlife trafficking, make labour migration to the SEZ a much riskier venture with extreme vulnerability to human trafficking.

Second, labour migrants are especially vulnerable in the SEZ because of the limited external oversight of activities. Operating beyond normal legal and regulatory frameworks that apply in the rest of the country, SEZs operate with a 'state of exception' (Laungaramsri, 2017). This means that labour conditions are difficult to monitor. Exploitative working conditions have been documented in casinos operating in the Sihanoukville SEZ in Cambodia and Myanmar and it is very likely that experiences are similar in the Golden Triangle (Global Initiative Against Transnational Organized Crime, 2021: 5). It also means that external authorities – including police and labour inspectors – have extremely limited capacity to police activities or rescue victims of crime. For the most part, the Kings Romans Group has its own private, foreign security service that provides 'policing' for the SEZ, making it difficult to monitor or take action against any illegal activity that takes place (Global Initiative Against Transnational Organized Crime, 2021: 7). This has become more extreme recently, with Lao police now reporting that they are unable to even gain access to the SEZ casino area (Gore et al., 2022: 22). However, the NCATIP recently reported that TIP police have been assigned to the SEZ, based in Bokeo, for assisting cases of labour and TIP exploitation.

In part, this lack of oversight of SEZ operations is due to the ability of business elites like Zhou Wei to build relationships with Lao leaders that give them some degree of protection. Lao's dependence on China also makes it more difficult for Lao authorities to take action against Chinese companies and investors throughout the country, including in the Golden Triangle (12, 25 February 2022; Gore et al., 2022: 12).

7.3 Protective possibilities

There are very few protective possibilities available to labour migrants in the Golden Triangle SEZ. No CSOs are known to be operating in the SEZ itself; and only a small number of organisations in Bokeo Province. Lao police have limited authority within the SEZ and more recently seem to be unable to gain access to the casino area. This makes it very difficult to rescue those suffering exploitation.

Some of the Thai victims of trafficking to the SEZ mentioned earlier managed to escape the Golden Triangle by paying brokers to return them to Thailand (UCA News, 2022). The remaining Thai workers were later rescued in unclear circumstances but apparently involving the Thai government (Gore et al., 2022: 22). It is unlikely that most labour migrants in situations of exploitation have funds available to

pay brokers to escape. For those that have escaped, very few have been identified as victims of trafficking and the prospects for receiving any unpaid wages are slim.

The other protective possibility that emerged in this research were personal networks and word of mouth, which enabled some victims of trafficking to phone people in Laos to inform them of their situation. However, the ability of those contacted to offer support or the possibility of rescue is limited given lack of access to the SEZ.

8 Return to Laos

The final stage of the labour migration cycle is 'return'. Labour migrants may be returned through official channels when they have been identified by the host country as a victim of trafficking (regardless of whether they wish to return home), may be deported if they are found to be working irregularly, or they may return home independently.

There are established processes in both Thailand and China for identified victims of trafficking to be returned to their home country. Such processes do not appear to exist within the Golden Triangle SEZ, although Laos has officially returned some Thai victims of trafficking following pressure from the Thai Government for them to be rescued and returned (UAC News, 2022). While a small number of Lao women have returned from China having been trafficked through fraudulent or forced marriages, by far the largest number of official returnees of victims of trafficking are from Thailand. Between 2001 and mid-2017, the Lao Government reported that 2,470 victims of trafficking had been returned to Laos from Thailand via official channels (IOM, 2021: 22). Of those, an overwhelming 84% were under the age of 18 and nearly 95% were women (IOM, 2021: 22). These statistics may be indicative of the biases in victim identification efforts, which have tended to focus on children and women in sex work. Victims are usually identified by the Royal Thai Police, with identified trafficking victims then placed in Thai shelters before being returned to Laos. In 2018, however, the US Department of State estimated that there were more than 10,000 Laos migrants deported from Thailand each year without official notification (US Department of State, 2018). This almost certainly includes others who have experienced exploitation (including trafficking) but have not been formally identified and returned through official procedures.

Still other labour migrants who have suffered exploitation return home themselves or remain in their destination country, not having sought assistance or been identified by officials in their country of destination. Migrants who return home independently may receive fines or incur payments when crossing back into Laos, due to not having the correct documentation or having overstayed a visa (IOM, 2020: 7). Of 326 returned Lao migrants interviewed in 2020, half reported paying such fines, ranging from US\$3 to US\$386 (IOM, 2020: 7). During COVID-19, when the Lao borders closed and many workplaces in Thailand let go of their employees due to shutdowns, many Lao migrant workers chose to return home. In 2020 alone, it is

estimated that approximately 200,000 Lao migrants came back from Thailand (IOM, 2021: 2). On return, they were placed in mandatory government quarantine centres to be screened for COVID-19. The Lao Police Anti-Trafficking Department was not given access to the centres, nor were the shelters that run services for victims of trafficking (I3, 2 March 2022; I5, 11 March 2022; US State Department, 2022: 324). As a result, it is not known how many victims of exploitation went unidentified during this time. According to official figures cited in the 2022 US Trafficking in Persons Report, the Laos Government reported 110 cases of trafficking in 2021 (including 30 women, 62 girls, five men and 13 boys (2022: 342). This is less than in previous years and thought to be due to the closure of the LWU shelters for much of 2021 due to COVID-19 public health measures (US Department of State, 2022: 342).

Returnees, regardless of how they return, can experience social stigma and isolation, mental health challenges and unemployment (Molland, 2010: 838). Returning labour migrants may be stigmatised – particularly women from ethnic minority groups whom their community may view as tainted for having left (Buakhiao, 2020: 237-8). For this and other reasons, migrant labourers may not want to return to village life and instead settle in Vientiane or other towns in Laos. Returnees may also experience social isolation and poor mental health, compounded by the difficulties of employment. As an IOM study of returnees from Thailand found (2021: 4):

Most respondents, both migrant workers and their parents, experienced mental health challenges caused by unemployment, lack of income and financial struggles. Young returnees, especially men, reported higher alcohol consumption for stress relief. Male returning migrant workers seemed to have more choices in access to employment opportunities at urban and local levels and have more independence in term of decision-making in job seeking compared to women migrant workers. Women migrant workers, after returning to their communities, are back to their traditional roles and enter unpaid work, leaving them more vulnerable to access to employment, services and information.

In some cases, returning migrants may choose to re-migrate (Huysmans, 2006: 24). The diverse experiences of returning migrants highlights the fact that migration entails a degree of social dislocation, including upon return (Rigg, 2007: 171).

8.1 Protective possibilities

There are, at least in theory, a range of protective possibilities available to returnees who have experienced exploitation. Shelters for victims of trafficking provide free accommodation, counselling and psychosocial support, skills training and connection with legal advice, as well as support for reintegration into their community as necessary. The shelters are primarily run by CSOs with limited funding of their own, and therefore dependent on international

organisations (OpenDevelopment 2018; UNODC, 2016b: 2; Gallagher, 2006). Two are government shelters run by the Lao Women's Union (LWU). In 2021, the Lao Government reported providing only 15 of the 110 victims of trafficking identified that year with shelter, medical care, education/vocational training, financial assistance and community reintegration support through the LWU shelters (compared to 60 referrals to the LWU shelters in 2020) (US Department of State, 2022: 342).

The shelters are also not solely for victims of trafficking but provide support services to women in a range of vulnerable situations – such as those fleeing family violence, or kicked out of their home (I2, 25 February 2022; I3, 2 March 2022). Historically, they have focused on victims of sex trafficking, and this is still a strong focus of their work (I9, 1 April 2022). This is apparent in the fact that until recently, there have only been shelters for women and girls, meaning that exploited male labour migrants have received no such support.

As they are oriented largely to sex trafficking also means that the shelters have adopted a view of trafficking as being connected with threats of physical violence, and thus a strong focus is on keeping women safe in facilities that are protected from the wider community. However, in relation to exploitation of labour migrants, as this paper has argued, in most cases this is not the result of an organised system that is sexually or physically abusive but by exploitative employers in Thailand. Keeping victims in shelters that are isolated from the wider community therefore makes little sense and seems unhelpful in helping to reintegrate these women into their communities. A World Vision trafficking programme experimented with community-based reintegration programmes in Savannakhet, which may offer a valuable model on which to build (I9, 1 April 2022).

Given that the shelters have limited funding, there is also a question about the quality of services they provide. In regard to training opportunities, for instance, historically these have been delivered in-house and not connected to accredited training institutions in Laos, which may be more useful for securing future employment – although this is now changing (I9, 1 April 2022). The shelters thus offer important access to services for victims but there are also opportunities for a thorough review of whether they best reflect victims' needs given what is known about labour migration and exploitation.

Victims of trafficking also have the right to legal redress for the exploitation they have suffered. Criminal charges can be brought against perpetrators of trafficking under Lao law, but civil compensation can also be sought, including in conjunction with criminal prosecution (US Department of State, 2022: 343). But the barriers to legal redress for trafficking or labour exploitation in Laos are high. While Laos has been ranked by the US Trafficking in Persons reports as 'Tier 2' since 2020 (not fully meeting the minimum

standards for the elimination of trafficking but making significant efforts to do so), issues of capacity, independence and willingness of the criminal justice sector to act remain (US Department of State, 2022: 342; I1, 18 February 2022; I2, 25 February 2022; I3, 2 March 2022; I10, 8 August 2022).

The Anti-Trafficking Department (ATD) in the Lao Police are the only authority able to formally identify victims of trafficking – although in practice presumed victims of trafficking are identified by the LWU, village authorities or immigration police and then verified by the ATD (US State Department, 2022: 342). Prior to COVID-19 the ATD had some presence at major official border crossings but this ceased with the pandemic-related restrictions and they were unable to access the quarantine facilities to carry out identification. In any case, it is mostly Thai authorities who identify Lao victims of trafficking, with the ATD playing a less proactive role. While having benefitted from a range of training provided by international anti-trafficking organisations and programmes, the police are described as remaining largely reactive in dealing with cases of suspected trafficking. Families or individuals may contact the ATD, who conduct investigations and may use established working relations with their counterparts in Thailand but not for other destination countries. Information exchange and cooperation is slow and limited, which tends to discourage frontline officers (Gallagher, 2006: 533; I10, 8 August 2022). The ATD is not incentivised to take a different approach and the wider institutional culture within the Lao Police does not encourage proactive policing (I10, 8 August 2022).

Interviewees describe prosecutors and judges as having greater capacity than the ATD, but the justice sector overall remains weak (I7, 8 April 2022). There are few lawyers – particularly outside the capital – and there is limited transparency and independence of prosecutorial and judicial processes (Gallagher, 2006: 536).

Because cross-border trafficking cases are difficult to pursue, the ATD and prosecutors overwhelmingly focus investigative efforts and prosecutions on domestic actors accused of trafficking (I7, 8 April 2022; I10, 8 August 2022). Nationally focused investigations are more likely to result in prosecutions and convictions that help to meet indicators measured by the US Trafficking in Persons reports, in which governments in the region – including Laos – are keen to demonstrate good performance (I10, 8 August 2022; Gallagher, 2006). The Lao actors involved include low-level brokers and transporters with often dubious intentions to have exploited labour migrants. There is therefore a danger that a further injustice is committed in attempting to address human trafficking. Certainly, it seems that prosecuting low-level brokers and facilitators – themselves poor Laotians who are often not intentionally involved in the exploitation that labour migrations experience in the destination country – was not the intention of the Trafficking Protocol (McAdam, 2020; 2016: 123-125; Chuang, 2014: 611). But the difficulty of cross-

border prosecution of those most culpable for exploitation or of those associated with organised crime networks such as those in the Golden Triangle SEZ, means this focus on the 'low-hanging fruit' continues.

Although data on prosecutions and convictions reportedly varies across different justice agencies in Laos (17, 8 April 2022), the US State Department reports that in 2021, 39 potential cases of trafficking involving 77 suspected perpetrators were investigated by the ATD (2022: 342). Of these, 25 cases were referred to the Office of the Supreme People's Prosecutor (OSPP), 21 of which were taken to prosecution. Court proceedings were initiated for 13 cases, seven of which resulted in the conviction of 10 traffickers (US Department of State, 2022: 341). In the same year, Lao courts ordered nine defendants to pay 65.6 million Lao kip (US \$5,880) to 11 victims, although it is not clear whether payment of the fines was enforced (US Department of State, 2022: 343). Despite reportedly making some efforts to investigate claims of labour exploitation in the Golden Triangle SEZ, there were no criminal investigations, prosecutions, or convictions of SEZ officials for complicity in trafficking or trafficking-related crimes in 2021 (US Department of State, 2022: 341-2).

Legal redress thus offers some protective possibilities for victims of trafficking, but the weaknesses of the criminal justice system, as well as the difficulty in pursuing cross-border prosecutions for those most culpable for exploitation mean this is often illusory. While it is a high bar, it is striking that there have been no reported convictions of high-level employers or organised criminals to date. Indeed, the challenge of investigating, prosecuting and convicting such individuals means that the criminal justice sector focuses its efforts on low-level brokers and facilitators in Laos, although it is not clear that these are involved in systematic, organised trafficking. Such efforts may in fact do more to undermine the rule of law, rather than to support it.

9 Conclusion and Recommendations

Labour migration from Laos is shaped by various contextual features arising from the country's geography, political history, economic situation and social environment. These have shaped people's lives in ways that have contributed to labour migration. The country's increasingly developed legal and policy framework on labour migration and counter-trafficking, as well as the number of agencies and stakeholders formally involved in regulating these, suggests a robust and proactive institutional environment. In practice, however, a range of informal ways of working, relationships and other priorities mean that labour migration remains overwhelmingly irregular and vulnerability to exploitation – including but not only trafficking – is common.

Importantly, the exposure to exploitation varies significantly by destination. Thailand, by far the largest destination for Lao labour migrants, has been the focus of many of the counter-trafficking efforts in Laos. And yet, the exploitation experienced by labour migrants on this migration route frequently appears to be at the point of destination, rather than in transit. Clearly, employers in Thailand are frequently exploitative – in some cases extremely so. But connections to organised crime are not systematically apparent. For those brokers, transporters and facilitators in Laos, the intention to exploit labour migrants is dubious, and a focus on convicting these actors – given the pressure to adopt a 'tough on trafficking' posture – seems to mistake the real locus of exploitation: at destination. A broader response to exploitation of labour migrants seems appropriate in this case – including pursuing prosecution of related offences, such as labour exploitation, as well as focusing on improving the protective capacities of labour migrants and the protections available to them.

Forced or false marriages to China have attracted greater media attention in recent years but there is little reliable evidence on the scale of such marriages, and what proportion are voluntary or take place through varying degrees of deception, coercion and use of force. Nonetheless, the more limited protections available to labour migrants to China, as well as the vulnerabilities given high levels of demand for marriage in China, and some reports from other countries, that indicate a degree of coercion is cause for concern.

Where trafficking is most alarming is in the Golden Triangle SEZ, where the connections with transnational organised crime, extreme vulnerability and high levels of exploitation are increasingly documented. There is a need for further research, particularly because the difficulty of obtaining access to the SEZ means that much of the existing information is from news media. The jurisdictional challenges of the SEZ status makes it hard to address trafficking but the increase in labour migration to the Golden Triangle SEZ, including due to efforts to attract labour migrants to work in online scams during COVID-19, as well as the exploitative precedent that the Golden Triangle might set for other SEZs, mean that labour migration to this destination requires urgent attention.

At the point of return, labour migrants require assistance to seek redress for any exploitation they have experienced. There are various ways to improve the experience of return for labour migrants, as set out in the following recommendations. This may be more important than ever, given the hundreds of thousands of Lao migrants who have returned since the COVID-19 pandemic. Combined with the dire economic situation in Laos that came to a head in 2022, unemployment and financial precarity are likely to deepen, making the Lao people especially vulnerable to exploitation. In the immediate term, therefore, a focus on prevention of trafficking and other forms of exploitation, as well as on expanding the protective capacities on which labour migrants can draw, may need to be prioritised to avoid a dramatic increase in cases of exploitation.

9.1 Recommendations

Based on the vulnerabilities of Lao labour migrants to a wide range of exploitative experiences, which varies in relation to the destination, the following recommendations are framed broadly to apply both to the Government of Laos, as well as to local and international organisations working on counter-trafficking. There are two general recommendations, followed by 16 recommendations categorised under Prevention, Prosecution and Protection responses to trafficking.

Move beyond a criminal justice response: Shift away from an overly criminal justice response to trafficking and focus more on prevention, expanding the options for vulnerable migrants to afford them as many protections as possible. Given the economic precarity that many more Laotians are experiencing with the wider economic crisis in the country, the push for migration will be even stronger, potentially making Lao labour migrants more vulnerable to exploitation. Prevention efforts should thus be increased to avoid a rise in trafficking in the coming years.

Focus on strengthening the general justice sector and civil society: The rule of law remains underdeveloped in Laos and protection of individual rights remains less of a priority. This creates an environment in which preventing or responding to trafficking is

challenging, and protecting victims constrained. Providing more general support to improving the independence, transparency and quality of the justice sector, as well as to supporting Laos' limited civic space, could contribute to important, longer-term shifts in the context towards more robust respect for human rights. This is not a short-term endeavour.

9.1.1 Prevention

Establish a speedy, low-cost migration process: The Government of Laos, with support from its partners, should ensure that passports and other legal documents required for safe migration can be obtained swiftly and at low cost.

Ensure recruitment agencies do not pass brokerage fees on to labour migrants: Labour migrants' payment of such fees and the resulting debt by makes them more vulnerable to various forms of exploitation. The Ministry of Social Welfare and Labour should be supported to establish laws, policies and procedures governing recruitment agencies to ensure these fees are borne by employers, in compliance with the ILO Private Employment Agencies Convention (No. 181) of 1997.

Work with, not against, informal brokers: Given the strong role played by informal brokers in facilitating labour migration, in particular to Thailand, there may be opportunities to engage them in ways that increase protection for labour migrants. Currently, brokers appear to have a weak sense of accountability for the quality of employment they facilitate. Greater accountability might be cultivated by using them as a source of information and connection for labour migrants, rather than criminalising them, which may be more fruitful in a context in which their role is so entrenched in long-established migration patterns.

Consider facilitating other routes to regular labour migration: Routes other than recruitment agencies might include direct recruitment by employers, government-facilitated recruitment and recruitment through non-profit organisations. CSOs and donor-funded anti-trafficking initiatives should consider supporting and monitoring these alternative routes.

Prepare for a growth in online recruitment: Increasing use of online recruitment of labour migrants is already apparent in migration to China and the Golden Triangle SEZ, as well as further afield. It is also a growing trend in Cambodia and likely to become a feature of labour migration more widely. Planning, studies and pilot interventions should be developed to respond to this trend and establish suitable protection. This might include digital literacy, awareness raising and training, as well as investing in learning about the benefits and risks of online recruitment. As with existing forms of recruitment, online recruitment is to be likely diverse – some regular,

some irregular and some outright deceptive and exploitative. It will be important to develop responses to address this diversity.

Build the evidence base: While there is considerable available data on migration experiences from Laos to Thailand, there is a dearth of knowledge about some other migration routes, where vulnerabilities may be more extreme. Evidence building should be focused on areas where knowledge gaps are greatest. For example:

Evidence on marriages to China: The focus should be on building a solid evidence base on which to devise policy and programming responses. This should focus on understanding under what conditions cross-border marriages are likely to be exploitative and leave women and girls vulnerable to trafficking, rather than treating all cross-border marriages as instances of trafficking.

Evidence on situations in SEZs: Documenting the treatment of labour migrants in SEZs can play a role in raising awareness about zones where transparency and oversight are very low. This can be used both to push for greater access to existing SEZs, as well as to inform the regulations and agreements established in future SEZs in order to incorporate better labour protections from the outset.

These are difficult contexts in which to undertake research and will thus need to be approached carefully, modestly and in creative ways.

Focus on preventing labour migration to Golden Triangle SEZ:

Given the difficulty of oversight by Lao authorities in the Golden Triangle SEZ and the country's dependence on China, efforts to address TIP in the SEZ should concentrate on preventing young people from migrating therein the first place. Unlike other destinations, where there is greater possibility of a degree of protection for migrant workers, once in the SEZ, migrants are exceptionally vulnerable. Given the known links between SEZ authorities and organised crime, these vulnerabilities are particularly extreme. Such prevention work might be via nationwide campaigns about the risks of the SEZ; use of migrant networks; social media campaigns, etc.

Continue efforts to disrupt organised crime: International efforts should continue to focus on disrupting transnational organised crime through constraining supply chains, sanctions, freezing or seizing assets and other available means.

Support greater oversight of SEZs: Much greater consideration should be given to the regulatory status of SEZs and the degree of oversight under which they operate. This is true in Laos especially but is also an ASEAN-wide issue and could thus be taken forward both at the national level in Laos, as well as at the regional level to create momentum and pressure on the Lao Government. In part, this

includes working with and strengthening the local authorities of those places where SEZs operate (such as Bokeo Province in Laos, for instance).

Engage China: The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Process should be used as a platform to raise important areas of mutual concern between Laos, China and other governments in the region in relation to trafficking. This should include forced marriages and casino activity in SEZs, as well as sharing expertise on prosecutions of organised criminals, in which China has demonstrated some success.

9.1.2 Prosecution

Be strategic in using a criminal justice response: A stronger focus on prevention is not to say that the criminal justice system does not have an important role to play but should be used more strategically. Criminal investigations and prosecutions should focus on where the greatest exploitation has been experienced. This will most likely be cross-border cases, given that is it at the point of destination that most exploitation occurs, as well as where there are connections to organised crime (most obviously in the Golden Triangle). This would orient the focus of the criminal justice response on exploitative employers and high-level, organised crime, rather than domestic low-level brokers/facilitators/transporters. Such an approach remains true to the intention of the Trafficking Protocol but avoids creating a further injustice in attempting to address trafficking by prosecuting the 'low-hanging fruit'.

Focus on prosecuting trafficking-related offences, including through civil/administrative means: While it is important to secure convictions for trafficking, given the difficulty of securing conviction for the crime of trafficking, it is also important to focus the justice response on related offences where conviction may be more possible. This includes, for instance, crimes of labour exploitation, forced labour, debt bondage and the like, as well as using civil and administrative law.

9.1.3 Protection

Continue efforts to strengthen the support provided by recruitment agencies: In theory, recruitment agencies offer some opportunity for complaint and redress for labour migrants experiencing poor work conditions if they have used this regular migration channel. These mechanisms, however, remain under-researched and largely untested. Strengthening these may provide regular migrants with a viable possibility of protection from exploitative or negligent employers.

Strengthen capacity and coordination of government, justice sector and civil society to respond to the situation in the Golden Triangle SEZ: The SEZ presents a particularly dangerous context for

labour migrants and is a complex administrative and jurisdictional environment given the lease of the area. Counter-trafficking efforts to protect labour migrants and rescue victims require better equipped and coordinated local agencies across government, the justice sector and civil society in Bokeo Province.

Improve the quality of victim response: In-community services for victims may be more appropriate than shelter-based services. Review services to victims of TIP and other exploitation in whether these are best placed to address victims' needs. Training programmes, for instance, might improve employment prospects if they are connected to accredited training providers. Ensure access to support services for men and boys as well as for women and girls. Given high rates of re-migration, use shelters as an opportunity to educate victims about risks of exploitation. Consider the shelters as an entry point to potential network that can share that information more broadly with others likely to migrate.

References

- Alston, P. (2019) Statement by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights on his visit to Lao PDR, 18-28 March, Geneva, United Nations Human Rights Office of the High Commissioner (<https://www.ohchr.org/en/statements/2019/03/statement-professor-philip-alston-united-nations-special-rapporteur-extreme>).
- ADB (2009) *Broken lives: trafficking in human beings in the Lao People's Democratic Republic*. Manila: Asian Development Bank.
- ATD and JICA (2019) *Repatriation handbook for foreign victims of trafficking: Lao PDR*. Bangkok: JICA.
- Barney, K. and Souksakoun, K. (2021) 'Credit crunch: Chinese infrastructure lending and Lao sovereign debt', *Asia & the Pacific Policy Studies* 8: 94-113.
- Berlinger, J. (2020, 8 December) 'Is an alleged drug kingpin from China investing millions in a port in Laos?', CNN (<https://edition.cnn.com/2020/12/07/asia/laos-ban-mom-port-zhao-wei-intl-hnk-dst/index.html>).
- Boliek, B. (2017, 13 February) 'Chinese marriage proposals become prostitution nightmares for some Lao girls', Radio Free Asia (<https://www.rfa.org/english/news/laos/chinese-marriage-proposals-02132017122352.html>).
- Buakhiao, H. (2020) 'Ethnic female human trafficking: the case of Hmong women in Laos', *Rajabhat Journal of Sciences, Humanities and Social Sciences* 21(1): 224-244.
- CIVICUS (2022, 18 July) "'Closed" civic space shows Laos not taking annual human rights dialogues seriously' (<https://monitor.civicus.org/country/laos/>)
- Chandran, R. (2018, 7 December) 'New roads, old war fan sale of Southeast Asian brides in China', Reuters. (<https://www.reuters.com/article/us-southeast-asia-trafficking-china-feat-idUSKBN1O60Z3>).
- China Daily (2016) 'Laotian wives in East China', China Daily (https://www.chinadaily.com.cn/china/2016-04/25/content_24826552.htm#iscment).
- Chuang, J.A. (2014) 'Exploitation creep and the unmaking of human trafficking law', *The American Journal of International Law* 108(4): 609-649.
- Congressional Research Service (2018, 18 December) 'Laos', In Focus (https://www.everycrsreport.com/files/2018-12-18_IF10236_b5300cff3b49aca06cadaa46651e72ff0576e6c2.pdf).
- Creak, S. and Barney, K. (2018) 'Conceptualising party-state governance and rule in Laos', *Journal of Contemporary Asia* 48(5): 693-716.

- Croissant, A. and P. Lorenz (2018) 'Laos: the transformation of periphery socialism', in *Comparative politics of Southeast Asia: an introduction to governments and political regimes*. Cham: Springer, pp. 113-139.
- CTIP (2021) 'Service providers for survivors of trafficking in persons, returned migrants and vulnerable populations in Lao PDR: a mapping study in four provinces'. Vientiane: USAID Laos Counter-Trafficking in Persons (CTIP) Project.
- Denney, L. Alffram, H., Domingo, P. and Jespersen, S. (2022) 'Addressing exploitation of labour migrants in Southeast Asia: beyond a counter-trafficking criminal justice response'. Thematic Brief 1. London: ODI (https://cdn.odi.org/media/documents/Thematic_brief_4_FINAL_MR.pdf).
- Freedom House (2021) 'Freedom in the world 2021: Laos' (<https://freedomhouse.org/country/laos/freedom-world/2021>).
- Gallagher, A. (2006) 'A shadow report on human trafficking in Lao PDR: The US Approach vs. International Law' *Asian and Pacific Migration Journal* 15(4): 525-552.
- Gallagher, A. (2011) 'Improving the effectiveness of the international law of human trafficking: a vision for the future of the US Trafficking in Persons Reports' *Human Rights Review* 12: 381-400.
- GIZ (2022) 'Citizen Engagement for Good Governance, Accountability and the Rule of Law (CEGGA)' (<https://www.giz.de/en/worldwide/73603.html>).
- Global Initiative Against Transnational Organized Crime (2021) 'Casinos in the Mekong and wider region: conduits for criminality?'. Geneva: Global Initiative Against Transnational Organized Crime.
- Gore, A., Kennedy, L., Southern, N. and van Uhm, D. (2022) 'Asian Roulette: criminogenic casinos and illicit trade in environmental commodities in South East Asia'. Geneva: Global Initiative Against Transnational Organized Crime.
- Harkins, B. (ed.) (2019) *Thailand Migration Report 2019*. Bangkok: United Nations Thematic Working Group on Migration in Thailand.
- Haughton, J. (2006) 'Situational analysis of human trafficking in the Lao PDR: with emphasis on Savannakhet'. Bangkok: World Vision.
- Horning, A., Thomas, C., Henninger, A.M. and Marcus, A. (2014) 'The Trafficking in Persons Report: a game of risk', *International Journal of Comparative and Applied Criminal Justice* 38(3): 257-280.
- Hunt, L. (2022, 28 June) 'Laos is on the brink of sovereign bankruptcy', *The Diplomat* (<https://thediplomat.com/2022/06/laos-is-on-the-brink-of-sovereign-bankruptcy/>).
- Huysmans, J. (2006) 'Children, childhood and migration'. Working Paper Series No. 247. The Hague: Institute of Social Studies.
- ILO (2017) 'Global estimates of modern slavery: Forced labour and forced marriage'. Report. Geneva: International Labour Organization.
- ILO (2020) 'A global comparative study on recruitment fees and related costs'. Interregional research on law, policy and practice. Geneva: International Labour Organization.

- ILO (2022) 'Global estimates of modern slavery: Forced labour and forced marriage'. Report. Geneva: International Labour Organization.
- ILO (2023) 'TRIANGLE in ASEAN Quarterly Briefing Note Lao PDR,' Bangkok: International Labour Organization.
- ILO and UNDP (2018) *What's the incentive? Comparing regular and irregular migrant work experiences from the Lao People's Democratic Republic to Thailand*. Geneva: International Labour Organization and United Nations Development Programme.
- IOM (2019) 'Regional Office for Asia and the Pacific: Infosheet' (https://www.iom.int/sites/g/files/tmzbd1486/files/country/AP/roap_infosheet_2019.pdf).
- IOM (2020) 'Lao People's Democratic Republic returning migrants survey'. Vientiane: International Organization for Migration.
- IOM (2021) 'An analysis of migration trends of Lao Migrants for Lao People's Democratic Republic in two selected provinces: Savannakhet and Xayaboury'. Vientiane: International Organization for Migration (<https://publications.iom.int/system/files/pdf/Analysis-MIG-Trends-Lao.pdf>).
- IWGIA (n.d.) 'Indigenous Peoples in Laos' (<https://www.iwgia.org/en/laos.html>).
- Kennedy, L. and Southern, N. (2022) 'Inside Southeast Asia's casino scam archipelago', *The Diplomat* (<https://thediplomat.com/2022/08/inside-southeast-asias-casino-scam-archipelago/>).
- Khemaniththai, S. (2021) 'Situation on Migrant Workers and Border Crossing During the Covid-19 Pandemic'. Bangkok: Migrant Working Group.
- Kurlantzick, J. (2022) 'Laos' debt-fuelled economy is going up in smoke'. Briefing. World Politics Review (<https://www.worldpoliticsreview.com/articles/30688/laos-economy-is-the-latest-to-crumble-under-debt-load>).
- Lancang-Mekong Cooperation (2021) 'Love stories blooming along with construction of China-Laos Railway' (http://www.lmcchina.org/eng/2021-10/29/content_41731465.html).
- Lao Statistics Bureau and the World Bank (2020) *Poverty Profile in Lao PDR and Poverty Assessment 2020: catching up and falling behind*. Vientiane: Lao Statistics Bureau and World Bank.
- Laungaramsri, P. (2017) 'A Chinese Special Economic Zone in Northern Laos', International Institute for Asian Studies Newsletter 76. Leiden: International Institute for Asian Studies.
- LeBaron, G., Howard, N., Thibos, C. and Kyritsis, P. (2018) 'Confronting root causes: forced labour in global supply chains'. Sheffield: openDemocracy and the Sheffield Political Economy Research Institute.
- Lindsay, S. (2020) 'Laos: concerns over local communities and workers' wages remain unsolved as work resumes on China-Laos railway,' *Business and Human Rights Resource Centre* (<https://www.business-humanrights.org/en/latest-news/laos-concerns-over-local-communities-and-workers-wages-remain-unresolved-as-work-resumes-on-china-laos-railway-2/>).

- Manivong, V., Cramb, R. and Newby, J. (2014) 'Rice and remittances: crop intensification versus labour migration in southern Laos', *Human Ecology* 42: 367-379.
- Mann, E. and Luangkhot, N. (2008) 'Study on women's land and property rights under customary or traditional tenure systems in five ethnic groups in Lao PDR'. Land Policy Study No. 13 under LLTP I (<http://mekonglandforum.org/node/2527>).
- McAdam, M. (2020, 26 February) 'There's no human trafficking or migrant smuggling without organised crime, the law says – and that matters' *OpenDemocracy* (<https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/theres-no-human-trafficking-or-migrant-smuggling-without-organised-crime-the-law-says-and-that-matters/>).
- McAdam, M. (2016) 'Not all prosecutions are created equal: less counting prosecutions, more making prosecutions count', *Anti-Trafficking Review* 6: 123-125.
- Medina, A.F. (2021, 21 December) 'The completed China-Laos Railway: bringing opportunities for ASEAN and the Asia Pacific'. *ASEAN Briefing* (<https://www.aseanbriefing.com/news/the-completed-china-laos-railway/>).
- Miller, R. and Baumeister, S. (2013) 'Managing migration: is border control fundamental to anti-trafficking and anti-smuggling interventions?', *Anti-Trafficking Review* (<https://www.antitraffickingreview.org/index.php/atrjournal/article/view/29/49>).
- Molland, S. (2010) 'The perfect business: human trafficking and Lao-Thai cross-border migration', *Development and Change* 41(5): 831-855.
- OpenDevelopment (2018, 8 October) 'Laos: human trafficking' (<https://laos.opendevlopmentmekong.net/topics/human-trafficking/>).
- Peter, Z. (2020, November 9) 'Laos bids to shed least developed country label', VOA Southeast Asia (<https://www.voacambodia.com/a/5653664.html?utm>).
- Radio Free Asia (RFA) Lao (2022, 19 June). 'Low wages and soaring inflation push Laotians to Thailand', Radio Free Asia (<https://www.rfa.org/english/news/laos/passport-applications-06172022181454.html>).
- Rigg, J. (2007) 'Moving lives: migration and livelihoods in the Lao PDR', *Population, Space and Place* 13: 163-178.
- Rolle, C. (2022, 16 June) 'Moody's downgrades Laos deeper into junk territory on debt woes', *Citywire Asia* (<https://citywireasia.com/news/moodys-downgrades-laos-deeper-into-junk-territory-on-debt-woes/a2390014>).
- Rozario, R.R. (2021, 9 July), 'Covid-19 fuels trafficking of Lao women to China', Union of Catholic Asian News (<https://www.ucanews.com/news/covid-19-fuels-trafficking-of-lao-women-to-china/93213>).
- Sengsavang (n. d.) 'Human trafficking in Laos' (<https://sengsavang.org/en/human-trafficking-in-laos/>).
- Southichack, M. (2014) 'Lao labor migration and remittance: trends and economic and livelihood implications', Vientiane: Swiss Agency for Development and Cooperation.

- Stimson Centre (2021, 29 January), 'Lao People's Democratic Republic' (<https://www.stimson.org/2021/lao-peoples-democratic-republic/>).
- Strangio, S. (2021, 8 April) 'Chinese casino magnate's empire set to expand in Laos', *The Diplomat* (<https://thediplomat.com/2021/04/chinese-casino-magnates-empire-set-to-expand-in-laos/>).
- Sunam, R., Barney, K. and McCarthy, J.F. (2021) 'Transnational labour migration and livelihoods in rural Asia: Tracing patterns of agrarian and forest change', *Geoforum* 118(2021): 1-13.
- Thanabouasy, P. (2021a, 24 June) 'Lao authorities and Women's Union assist trafficking victims', *The Laotian Times* (<https://laotiantimes.com/2021/06/24/lao-authorities-and-womens-union-assist-trafficking-victims/>).
- Thanabouasy, P. (2021b, 5 July) 'Increase in trafficking of Lao women to China amid Covid-19 pandemic', *The Laotian Times* (<https://laotiantimes.com/2021/07/05/increase-in-trafficking-of-lao-women-to-china-amid-covid-19-pandemic/>).
- Tran, B.Q. (2020) 'Vietnamese technical trainees in Japan voice concerns amidst COVID-19', *The Asia-Pacific Journal* 18(11), Article ID 5478.
- UCA News (2022, 17 March) 'Trafficked Thai workers escape Chinese-run scam in Laos', Union of Catholic Asian News (<https://www.ucanews.com/news/trafficked-thai-workers-escape-chinese-run-scam-in-laos/96531>).
- UNDESA (2019) *International Migration 2019 Report*. (ST/ESA/SER.A/438). New York: United Nations Department of Economic and Social Affairs Population Division.
- UNIAP (2013) 'Report on an exploratory research about migration and human trafficking to China in Luang Namtha and Phongsaly, Lao PDR'. Vientiane: United Nations Inter-Agency Project on Human Trafficking.
- UNICEF (n.d.) 'Laos: Adolescence and youth' (<https://www.unicef.org/laos/adolescence-and-youth>).
- United States Department of State (2022) 'Trafficking in Persons Report,' Washington, DC: US Department of State.
- UNODC (2016a, 22 November) 'Mekong officials gather to address the Golden Triangle opium economy' (<https://www.unodc.org/roseap/en/2016/11/golden-triangle-opium-economy/story.html>).
- UNODC (2016b) 'Final independent project evaluation of the 'Strengthening Criminal Justice Responses to Human Trafficking in Lao PDR' Project, Vienna: United Nations Office on Drugs and Crime.
- Warr, P., Rasaphone, S. and Menon, J. (2015) 'Two decades of rising inequality and declining poverty in the Lao People's Democratic Republic'. Economic Working Paper Series No. 461. Manila: Asian Development Bank.
- Weitzer, R. (2014) 'New directions in research on human trafficking', *The ANNALS of the American Academy of Political and Social Science* 653: 6-24 (<https://doi.org/10.1177/0002716214521562>).

- Whong, E. (2019, 4 October) 'Family of 25-year-old Lao woman married off in China seeks help getting home', Radio Free Asia (<https://www.rfa.org/english/news/laos/laos-china-trafficking-25-55-10042019165248.html>).
- Whong, E. (2020, 7 October) 'Chinese casino kingpin behind new Mekong Port to Serve Golden Triangle SEZ in Laos,' Radio Free Asia (<https://www.rfa.org/english/news/laos/port-10072020195319.html#>).
- Whong, E. (2022, 15 March) 'Last of 15 Thais trapped in Laos' Golden Triangle SEZ are rescued', Radio Free Asia (<https://www.rfa.org/english/news/laos/thais-03152022200847.html>).
- World Vision (n.d.) 'Human trafficking in Laos PDR,' Vientiane: World Vision Lao PDR.
- Yap, J. (2018, 14 September) 'Foreigners married to Lao citizens now entitled to spouse visa', *The Laotian Times* (<https://laotiantimes.com/2018/09/14/foreigners-married-lao-citizens-spouse-visa/>).

Interviews

- I1, 18 February 2022
- I2, 25 February 2022
- I3, 2 March 2022
- I4, 11 March 2022
- I5, 11 March 2022
- I6, 6 April 2022
- I7, 8 April 2022
- I8, 4 Mat 2022
- I9, 1 April 2022
- I10, 8 August 2022
- I11, 16 February 2022
- I12, 18 February 2022
- I13, 16 February 2022
- I14, 16 February 2022
- I15, 22 February 2022
- I16, 1 March 2022
- I17, 16 February 2022
- I18, 18 January 2022

I19, 19 January 2022

I20, 19 January 2022

I21, 21 December 2021

I22, 11 January 2022

I23, 18 January 2022

I24, 15 June 2022

I25, 15 June 2022

I26, 15 July 2022