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**UN Inter-Agency Project on Trafficking in Women and
Children in the Mekong Sub-region**



**Globalization, Migration and
Trafficking:
Some Thoughts from the South-East
Asian Region**

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Foreword

The past decade has seen a substantial increase in the growth of trafficking in people worldwide, a trend which has been characterized by the abuse of basic human rights. The Mekong Sub-region - Cambodia, China, Lao PDR, Myanmar, Thailand and Viet Nam - has been no exception. Many factors have contributed to this phenomenon: rapid and varying economic and political developments; gender relations; improvements in transport infrastructure across borders; and widening disparities, accentuated by the economic crisis.

As the international community has become conscious of this issue, more and more governmental and non-governmental organizations and UN agencies have been working to respond, backed by an influx of donor funding. Conscious of the need for close cooperation between the mushrooming number of initiatives, thirteen UN agencies, one intergovernmental organisation and seven international NGOs have joined together to establish a UN Inter-agency Project, with support from the UN (Turner) Foundation and AusAID. Established in 1999, the UNIAP aims to reduce trafficking of women and children in the Mekong Sub-region through improving national and regional co-ordination, identifying and filling gaps in programme implementation and adding value to existing initiatives.

Human trafficking has become a hot issue and it sometimes seems that it has generated more heat than light to date. At what constitutes a relatively early stage in the global response, it seems timely to reflect on this. On what we are trying to do, and how we will know whether we are on the right track. Improved coordination, working more closely together, and creating synergies will help us to do things right. But this will be of limited value if we are not doing the right things, if the issues are not framed in appropriate ways and if the problems are not clearly and actively defined.

This paper, presented by the UNIAP Manager, aims to make a contribution to the discourse, looking at trafficking through a lens of globalization and reviewing several of the assumptions that underpin existing responses. It should be seen as a work in progress. The complexity of the task at hand, difficulties in gathering information on this largely hidden issue, the lack of longitudinal research, and the relative newness of our responses mean that there are some questions we simply do not know the answers to at present. This is a long-term issue and it requires a long-term response. How we conceptualise the issues will be fundamental to the success of this response. For only by adding more light to the heat will we provide more than cold comfort to the women, children and men affected by this appalling phenomenon.

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GLOBALIZATION, MIGRATION AND TRAFFICKING: SOME THOUGHTS FROM THE SOUTH-EAST ASIAN REGION

Introduction

I have the rather broad topic of Globalization and Migration. I wish to focus this down a bit, based on my work as Manager of a regional trafficking project in South-East Asia, taking the opportunity presented by this Workshop to examine the phenomenon of human trafficking from a perspective of globalization and migration. Rather than provide a comprehensive overview, the intention is to generate points of discussion and the views expressed are mine and not necessarily those of any of the agencies represented in the project.

Globalization

Globalization has been defined as “a process through which finance, investment, production and marketing are increasingly dominated by agents whose vision and actions are not confined by national borders or national interests. Global corporate actors are forming complex networks around a hierarchy of technological capabilities, comparative advantage and production practices leading to an increase in cross-border flows of trade, capital and information.”¹

The impacts of globalization are of course mixed. Market integration has generated substantial economic growth on a global scale, resulting in more jobs, improved livelihoods and an overall reduction in poverty. At the same time, by bringing larger benefits to individuals and countries already possessing physical and human capital, globalization has accentuated disparities within and between countries. Among the effects of this are increases in urbanization and cross-border migration.

The distinction between poverty (sometimes called absolute poverty) and disparity (also referred to as relative poverty or inequality) is a crucial one. For while there is significant evidence that economic growth leads to a general reduction in poverty, the impacts of growth on disparity are less clear cut. As often as not, growth appears to have accompanied an increase in disparity as a decrease.

Taking this further, globalization is distinguished by increased focus on competitive markets. Such competitive markets tend to be characterized by considerable inequality in incomes and wealth. And it is this inequality, this disparity, coupled with the rise of consumerism that, as much as poverty, drives migration. For if the expectation of better opportunities were not available elsewhere, there would be less cause to migrate.

¹ Keller-Herzog, A. & Szabo, S., “Globalization and Development”, *Development Express No. 8*, CIDA, 1997.

Migration and Development

Rubens Ricupero, Secretary-General of UNCTAD, has said that ‘international migration is the missing link between globalization and development.’²

However, while orderly migration can forge economic, social and cultural bonds between peoples and countries, migrants compelled or choosing to resort to irregular forms of migration may not easily avail themselves of the socio-economic benefits of regular migrants. Irregular migrants are also vulnerable to human rights abuses.

The significance of this in terms of globalization should be clear. For, while capital and technology flows freely across borders, the same freedom of movement does not apply to labour. There is a clear asymmetry of policy here – well illustrated for example in WTO discussions around trade in services. With increasing disparity and opportunities across borders and in the absence of legal systems to facilitate movement, it appears inevitable that the supply of people willing to migrate illegally will continue to grow.

The Demand Side

At the same time as this potential increase in supply we have an increase in demand. The last two decades have seen a major transformation in the economies and societies of the South-East Asian region. Rapid economic growth in the newly industrialised countries, including more lately Malaysia and Thailand, the graduation of the hitherto unskilled labour pool into higher working standards, and declining fertility rates, have brought about labour-deficit economies. This has led to need to import labour, particular for unskilled jobs into which irregular migrants are increasingly being drawn. One estimate is that there are more than 6.6 million migrants outside their country of citizenship in East and Southeast Asia alone, that perhaps half of these migrants are in an irregular situation, and that this proportion may even have increased following the 1997 economic crisis.³

The illegality of much of this migration clearly makes migrants vulnerable to exploitation – to becoming victims of human trafficking.

Migration and Trafficking

Recent years have seen a huge increase in international attention on the human trafficking phenomenon. The popular regional stereotype tends to be a twelve year old girl being sold into sex slavery by unscrupulous parents. This plays into a discourse which has trafficking as something done by a few (or many) bad people, with the logical inference that if you arrest enough of them and lock them up, you will have a major impact on the problem.

² International Organization for Migration, “The Link Between Migration and Development in the Least Developed Countries”, Geneva, 2001.

³ Skeldon, R. “Discrimination Against Migrants in the Asian Region: General Trends, Priorities and Obstacles”, Paper for *Asia-Pacific Seminar of Experts on Migrants and Trafficking in Persons with Particular Reference to Women and Children*, Bangkok, 2000.

At least in the Mekong region, however, it appears that, in the vast majority of cases, the actual movement aspects of the trafficking are by and large ‘voluntary’ in the sense that the person has made the decision to travel for work themselves, within the (often limited) range of choices available. In this first and largest category of trafficking, it is the end outcome – the nature, the terms and conditions, of work at the destination point which defines most cases as trafficking. In this sense, we are talking about a combination of (generally irregular) migration and labour exploitation – exploitation in a range of forms including debt bondage, low or no wages, excessive working hours, unsafe conditions, etc. Industries characterized by high proportion of irregular migrants include factory work, fisheries and domestic labour. The degree of exploitation varies and it may often not even be seen as such by the “victim”, who may see themselves as being nonetheless better off than if they had stayed at home. In most cases, there is legitimate unmet demand in the local market and this has important implications for policy.

The second and most high profile outcome of trafficking is of course prostitution or sex work, although in some ways similar to other forms of labour exploitation above, falls into a slightly different category as it has often illegal or ambiguous status. This will be covered below.

There is a third category of trafficking, however, bringing in those forms of “labour” which address demands which society generally finds unacceptable. This includes the trafficking of young children for begging, such as from Cambodia to Thailand often it appears with at least some degree of assent from parents or other family members. It also includes the abduction of young boys in China and the trafficking of Vietnamese and Burmese women into China for brides.

It is clear, but at the same time often overlooked, that different responses are needed for each of these categories. Before talking about the response, however, I would like to make the point it is often hard to tell where trafficking begins and ends. Some cases involving sale or abduction are clear cut and very much to one end of the trafficking continuum. But in others the distinction between (poor innocent) trafficking victim and (nasty) economic migrant is much less clear. At what stage, for example, does a contract dispute become exploitation? And who decides? For the degree of exploitation varies and it may not even be seen as such by the “victim”. For example, a person may receive much lower than market wages and work very long hours but still perceive that they are better off than if they had stayed home. And even when we have a clear definition, difficult situations can arise, such as when a raid on a brothel identifies 17-year-old migrants as trafficking victims and 18-year-olds as illegal migrants and illegal sex workers.

The Response to Date

So let’s look at what has happened to date. And certainly we have come a long way recently. Anti-trafficking initiatives have mushroomed, globally and regionally, and trafficking projects have become a focus among international development agencies. Within the Asian region, an increasing number of forums exist on a range of levels. In addition to the national/regional workshops run by the Mekong Regional Law Centre, we have the Asia Pacific Consultation, the Manila Process and potentially a new ASEAN Trafficking Project supported by AusAID. There have also been

various one-off initiatives which address irregular migration and its links to trafficking such as the International Symposium on Migration (which gave rise to the Bangkok Declaration), ARIAT and the Asia-Pacific Seminar of Experts on Migrants and Trafficking (a preparation meeting for the World Conference against Racism). At the same time, moves continue to 'put trafficking on the agenda' of other regional forums such as APEC and the Asia-Europe Summit (ASEM). An increasing number of regional projects and sub-regional projects are coming into operation within widespread interest from UN agencies (notably ILO-IPEC), bilateral donors and international NGOs. All governments in the region have taken positive steps against the problem and I'll give some examples of that below.

The Role of Organised Crime

At a global level, much recent discussion on trafficking has taken place in the context of the Convention on Transnational Organised Crime and related protocols. In many parts of the world, human trafficking is considered to be dominated by organised crime. At least within the Mekong region, however, trafficking resembles more cottage industry than organised crime, with a range of small-scale operators along the way. Those people who facilitate migration which has an outcome of trafficking may often be the same as those who facilitate other forms of less exploitative migration. And such agents and even traffickers or smugglers are often seen as providing a service to the community. Refugees, for example, are often forced to resort to the same informal networks that are involved in trafficking.

In this regard, it must be asked whether tighter controls on the movement of people migration will actually reduce migration or simply change its nature, by encouraging a move to more organised forms of smuggling. Experience from the US-Mexico border has shown a major trend away from individuals attempting their way across the border to the use of smugglers as law enforcement has been tightened. Where most trafficking/ migration remains cottage industry, we might reflect on the costs and benefits of such actions which put small-scale operators out of business creating a void in a region where transnational organised crime already has a strong foothold in other sectors. The effect of this would most likely be enantiodromic, actually strengthening the organisation of criminal networks, concentrating benefits in fewer and fewer hands and making the situation more dangerous for migrants.

For, essentially, the presence of organised crime depends on there being illegal markets, the existence of which directly relates to the actions and policies of Governments. And it seems at this stage crucial to acknowledge that the record of law enforcement in addressing issues where these illegal markets are large – where significant supply and demand exists – is not strong, be it for alcohol prohibition, prostitution or drug control.

This is not to deny a key role for law enforcement. The development and enforcement of appropriate laws is essential for setting appropriate norms, taking away immunity of traffickers and exploiters and rescuing and providing help to victims. China, for example, has established a nationwide DNA database of parents and kidnapped children and also a database of traffickers, resulting in many hundreds of children being reunited with their parents. It is important, however, that law enforcement efforts are targeted where they can have the most impact. In the case of

trafficking, emphasis might less be put on the movement aspects, where there is substantial demand and supply, and more on the exploitative aspects of the outcomes of such movement.

Putting resources into improved border enforcement may, for example, have limited effect in comparison to, say, strengthened enforcement of laws on forced labour, particularly given that destination countries tend to have relatively higher law enforcement capacity than sending ones. One example of where a strong emphasis on law enforcement would be worthy of further analysis is in terms of child begging. By its very nature, this must take place in well-populated public places, generally those frequented by tourists. A concerted campaign to rescue children and track their exploiters until this exercise simply ceases to be profitable is worth considering. It is, however, hard to see the same approach working from domestic workers for example.

A Migration Based Approach

If one moves away from the organised crime paradigm to recognising that the majority of trafficking is a fall-out from irregular migration, new alternatives arise in the response. This would involve several components: regularisation of labour migration where feasible, providing alternatives to migration, protecting the rights of migrants, strengthening return and repatriation, and monitoring the impact.

1 Regularisation of Migration

In many cases where there is supply and demand, some form of orderly managed migration would seem to be feasible. This would recognize the benefits of migration to both sending and receiving countries and could help to counter negative consequences for migrants, especially violations of their human rights. Many questions remain of course, such as for example, the rights of long-term migrants to seek citizenship and it should also be noted that if basic rights aren't available to indigenous peoples and citizens, they cannot be expected for migrants.

Many countries have already taken steps in this area. Thailand, for example, has recently established a multi-sectoral task force on migration to investigate ways to bring at least some of the illegal migration under a regulatory framework. However, the relationship between immigration policies and labour laws is a dimension that has often been missing from the growing number of discussions on human trafficking within the region.

Sex work

And if we are looking at regularisation, then we must consider whether that includes sex work. Unlike many of the other outcomes of trafficking, sex work does not tend to come under labour laws in most countries. It is of course a highly contentious issue, as illustrated during the negotiations around the UN Convention against Transnational Organised Crime and related Protocols on trafficking and smuggling. The legality or otherwise of sex work is of course ultimately the decision of individual Governments. Several questions are worth considering, however. First, is there evidence that banning sex work has a significant impact on its magnitude? Recent trends would seem to suggest that increasing disparity appears to be a much more

significant factor, which is again where globalization fits in. Second, many countries ban selling of sex, not buying. The impact of this is to add to the vulnerability and exploitation of an already vulnerable and exploited group of young women, children and men. Third, should those most affected by these laws and policies not have some say in their development? Fourth, well-intentioned laws to prevent people living off the proceeds of prostitution effectively group all forms of sex work together, irrespective of the age of the person or the amount of say they have over whether they want to be there. This places the owners of any form of sex establishment outside the law. In this case, the quest for profit will often encourage owners to seek a premium that can be made on children or those who can be kept against their will, in debt bondage etc. And finally, who among us really has the right to say that someone should not of their own free will exchange an hour or two of sex work for a few weeks in the rice field? This is a globalization issue, it's a migration issue and it's a human rights issue.

One alternative to decriminalizing sex work would of course be to change the emphasis on the laws away from controls on selling of sex to controls on buying, This would move the focus to the group with greater control on its behaviour while at the same time allowing various welfare and support programmes to engage sex workers without being outside the law. In this regard it is worth noting though that the best source of information on child prostitution tends to be clients of overage sex workers – demonstrating just how complex this issue is.

Cambodia is one country giving strong consideration to such issues at the moment, within a long-term goal of eliminating prostitution but recognising this is not feasible in the short-term and looking at the best ways to mitigate the negative effects in the meantime.

2 *Providing Alternatives to Migration*

Obviously the most straightforward method of discouraging migration is to provide more opportunities in sending communities. Countries which have benefited greatly from globalization but wish to protect their borders might view additional investment in development, particularly at a community level, as a means to this end. At the same time it is important to be realistic about both feasibility and timeframes.

The case of Poipet on the Cambodian side of the Thailand border illustrates some potential difficulties with the alternative development approach. Children from Poipet can reportedly generate between 300 and 1000 Baht (\$7 - \$25) a day begging on the streets of Bangkok. This is five-sixteen times the adult labouring rate in Poipet. From a straight economic point of view, closing this gap significantly would require almost unprecedented income generating programmes. At the same time, a growing number of people are migrating to Poipet from other parts of Cambodia because Poipet, although less affluent than most parts of Thailand, offers more opportunity than their home villages. This reinforces the importance of considering disparity alongside poverty.

Providing more opportunity should be complemented by more emphasis on equipping people with better information on which to base their decisions - on closing the gap between the myth and the reality. In some cases, this may lead to a decision not to

migrate. In others the migrant would be better prepared. HIV education to potential migrants is one example. Another is providing information on possible avenues for assistance if they get into trouble – the challenge being of course to provide a safety net without necessarily encouraging people to jump.

There are good examples of promising programmes in Laos and Myanmar. In Laos, the Department of Social Welfare while undertaking research on trafficking in a remote area took time out to show a video on the realities of migration to Thailand, based on the anonymous testimonies of twenty girls who had recently returned. Word spread and hundred of people from neighbouring communities turned up to see the video and participate in a question and answer session which lasted for hours – the community response was that ‘they simply didn’t know that this could happen’.⁴

3 *Protecting the Rights of Migrants*

It is self-evident that reducing exploitation of migrants requires them to have basic rights, regardless of their legal status. The issues are obviously complex covering a wide range of issues including citizenship and child registration but are well covered by other papers so I will not go into detail here. But one important initiative in this area might be to provide migrants with avenues of complaint through mechanisms which do not bring them into direct contact with Police and Immigration officials, thus encouraging migrants to report cases of exploitation without having to worry about the risk of deportation.

Complementary initiatives would include measures to work with local communities to increase acceptance of migrants, something that will hopefully be taken up by the forthcoming World Conference Against Racism.

Finally, a fresh look might be taken at the Convention on the Rights of Migrant Workers and Their Families, which as already noted in this forum has been ratified by only a few countries in the region.

4 *Rescue, Return and Reintegration*

One area where significant progress has been made in the past few years is rescue and return. Governments of the region are increasingly recognizing victims of trafficking as just that, rather than as criminals, and developing a range of welfare services. Thailand for example has established welfare centres especially to provide for victims of trafficking from other countries. These provide health care, including counseling, and vocational training while families are traced and assessments made about whether they can return home. Measures in Thailand have even extended as far as seeking redress for victims in the form of unpaid wages. At the same time, return of victims to their respective countries of origin, which in the past has tended to resemble deportation, is now taking place in a more systematic way.

Thailand and Cambodia have been involved in negotiating an MOU and this week a delegation from China is in Hanoi as a first step towards a repatriation agreement between those two countries. Increasingly, family or community assessments are being undertaken prior to return. This remains a challenging process of course, for

⁴ Onevong Keobounnavong, pers. comm., June 2001.

the conditions that encouraged or forced people to leave generally have not changed and they are not only economic.

Other challenges lie ahead in this area. One is the question of what happens when trafficked victims do not want to go home. Another involves looking at additional ways for victims to come to notice. At present, most adult victims in particular only come to notice when they are arrested. One possibility is support for hotlines providing services in a range of relevant languages. Cambodian is trialling this and its working well, constrained mainly by the limitations of the telephone system. Such hotlines can also be advertised in sending countries but require services in place to support them including rescue, welfare and legal assistance.

5 *Measuring the Impact*

Our capacity to measure the impact of trafficking programmes is currently limited. This is another challenging area. Reduction of trafficking in one community does not necessarily reflect an overall reduction. There is an example from Nepal, for instance, where what had appeared to be a ‘successful’ programme had merely transferred the problem from some villages to others.

Measures to reduce trafficking might also reduce less exploitative forms of irregular migration which have benefits for both sending and destination communities. This last point is particularly relevant to those organisations with such core goals as poverty alleviation or the right to development. And there may be programmes which have an indirect impact on trafficking. Some are positive, for example, research shows in northern Thailand shows the correlation between family size and vulnerability, suggesting family planning programmes can have a positive impact on trafficking. Some might be some negative. UN officials in Afghanistan recently suggested a link between successful opium control programmes and an increase in child trafficking from families which had lost their livelihoods.

An important component of analysis is effective information systems. While a significant amount of data already exists on trafficking, it is not always collated in a form that is readily accessible to those working in the area. In particular, there appear insufficient mechanisms for ensuring that information gained in rescue and rehabilitation is available for those working in prevention, and for cross-referencing information between organisations. The information provided during this Workshop by the New Zealand Human Rights Commission on Thai girls in New Zealand was a good example of that – there is currently no systematic way of aggregating this information and putting it in the policy making realm. Also, in order to start to look at the impact of programmes, information is needed over time as trafficking is a dynamic phenomenon. However, most research carried out to date tends to be of a static rather than longitudinal nature.

If trafficking is seen in the broader context of migration, some possibilities arise. The Inter-Agency Project is making a start by developing a participatory project to track out-migration over time from selected villages in northern Thailand. It is hoped to expand this pilot to other countries and develop it into a form of trafficking ‘sentinel surveillance’ over time. This will be GIS-linked and cross-linked to a

destination database drawing on information from those rescued with a view to building up an overall picture over time.

Conclusion

In summary, globalization is characterized by a move to more competitive markets and the more or less unfettered movement of capital, technology and information. The move to more competitive markets is likely to increase disparity between and within nations, providing the stimulus for rapidly increased migration. With labour not enjoying similar freedom of movement to capital, much of this migration is illegal or irregular, placing migrants in a highly vulnerable position and leading to exploitation and trafficking. Rather than alleviate the situation, moves to tighten up on the movement of people can add to this vulnerability by pushing migrants into more and more dangerous methods of migration, characterized by the involvement of transnational organised crime. A holistic response to the problem must first acknowledge the traditional limitations of law enforcement in responding to issues where there exist substantial demand and supply.

In looking at the relationship between globalization, migration and trafficking, lessons can perhaps be drawn from the harm minimization approach which has been a feature of the global response to HIV. In this regard, such an approach would recognise that, under current global conditions, migration (regular or irregular) is usually a rationale human response to the situation in which people find themselves. It would:

- recognise that people will continue to migrate in search of better opportunities, whether they be socio-economic or for reasons of human security;
- facilitate that migration where there is unmet demand for labour;
- educate people on the dangers and realities of irregular migration, including information that would allow migrants to protect themselves from abuse;
- reduce demand for trafficked labour by concentrating law enforcement on the exploitation aspects rather than movement of people;
- look to reduce supply by providing more assistance for those who have not benefited from, or been disadvantaged by globalization; and this is not just about aid but about the rules of the game at global level;
- assess laws and policies around sex work in terms of their impact, as well as their intention;
- recognise basic rights of migrants regardless of legal status;
- promote increased understanding and tolerance among receiving communities; and, finally
- give consideration to how might we find a place for a meaningful voice for trafficked people in the discourse.

None of these solutions are straightforward of course and these are all long term issues. But, certainly in terms of human trafficking, it is precisely for these reasons that time spent attempting to developing some conceptual clarity around these issues at this stage is time very well spent. And the nexus of globalization, migration and human rights appears a very appropriate place to start.

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