

The Significance of Referral System as a Response to

# HUMAN TRAFFICKING AND UNSAFE MIGRATION





ADB

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# **HUMAN TRAFFICKING AND UNSAFE MIGRATION**

Asian Development Bank

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Printed in the Philippines.

Publication Stock No. BBK 096908  
ISBN 978-971-561-802-1

Cataloging-In-Publication Data

Asian Development Bank.

The significance of referral systems as a response to human trafficking  
and unsafe migration.

Mandaluyong City, Phil.: Asian Development Bank, 2008.

1. Trafficking. 2. Migration. 3. Greater Mekong Subregion.  
I. Asian Development Bank.

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## Acknowledgments

We would like to thank the Poverty Reduction Cooperation Fund of the UK Department for International Development (DFID) for its support to the regional technical assistance project (RETA) in the Greater Mekong Subregion: Preventing the Trafficking of Women and Children and Promoting Safe Migration in the Greater Mekong Subregion. In this context, we would like to take this opportunity to thank the following people from the Asian Development Bank (ADB): Rajat Nag, Managing Director General; Arjun Thapan, Director General, Southeast Asia Department (SERD); Urooj Malik, Director, Agriculture, Environment and Natural Resources Division (SERD); Shireen Lateef, Director, Social Sector Division (SERD); and Sonomi Tanaka, Principal Social Development Specialist, Regional Environment and Safeguards Division (RSES), for their help, encouragement, and support to the regional technical assistance. Susu Thatun of the United Nations Inter-Agency Project against Human Trafficking was a very able collaborator in the project. We also acknowledge the support and active participation of the Ministry of Women and Veterans' Affairs of the Royal Government of Cambodia and the Ministry of Labor and Social Welfare in the Lao People's Democratic Republic (Lao PDR). We would like to specially thank the target communities in Luang Namtha and Bokeo provinces of the Lao PDR, and Ratanakiri province in Cambodia; nongovernment organizations including Save the Children Australia and Save the Children UK, in the joint effort to develop a better understanding of the impacts of development projects on ethnic minorities and other vulnerable groups, with regard to the potential risks of human trafficking. We further acknowledge the intellectual contributions of James R. Chamberlain, Phil Marshall, and Aarti Kapoor in the effort to develop a better understanding of the factors contributing to the growth of human trafficking and appropriate responses to it in the region. The report is based on a paper prepared for RETA 6190 by Aarti Kapoor. The paper was edited by the project officer, Manoshi Mitra, Senior Social Development Specialist, SERD.



# Foreword

The Asian Development Bank (ADB) is committed to fighting poverty and inequality, and to exert consistent efforts to improve the quality of life of people in its developing member countries (DMCs). ADB has been steadily contributing to the economic and social development of all its DMCs since its founding in 1966. ADB adopted the regional cooperation and integration (RCI) strategy in 2006 to guide its work with developing Asian economies. It has become a cornerstone of its strategies to promote economic and social development in the Asia and Pacific region.

ADB has played a key role in supporting programs of economic integration among its DMCs. The Greater Mekong Subregion (GMS) is the most notable instance of ADB's commitment to promoting RCI as a means to developing a prosperous region free of poverty and committed to protecting the environment. The RCI strategy involves improving physical connectivity and exchange among the countries of the subregion. Improved transportation is critical to achieving better connectivity and, in this regard, ADB has been providing significant assistance toward developing road, rail, water, and air transport systems. It has also helped facilitate trade and investments and ease the movement of people and goods across border. However, all such developments can also have negative implications, for instance, through providing a fillip to migration by those vulnerable to exploitation of various kinds. Unsafe migration in the GMS often leads to human trafficking and is an issue of concern to governments, donors, and civil society in the region. Our concern here is unsafe migration by those least prepared for it—poor men and women, children, girls, and youth. Such migration often occurs in a situation of limited options to get out of oppressive situations, as well as aspirations for better prospects, without relevant information and sources of support. In such situations, migrants often end up worse than what they started out with, having lost control of their persons and their lives.

ADB's support for anti-human-trafficking activities in the GMS is anchored in pillar 4 of the RCI strategy, and is aimed at improving regional cooperation in providing regional public goods, seen here as the provision of a safe and enabling environment for the free flow of people seeking better livelihoods and economic opportunities in the region. It is also aimed at strengthening regional cooperation in combating human trafficking, one of the worst crimes against humanity.



The regional technical assistance on Preventing the Trafficking of Women and Children and Promoting Safe Migration in the GMS, (the project) supported by the UK DFID's Poverty Reduction Cooperation Fund, is aimed at identifying the root causes that lead to human trafficking and the means to address these. It also attempts to develop a clear understanding of the nature of risks created by the development process itself—for instance, through improved physical connectivity or by the promotion of tourism—and ways to mitigate/eliminate such risks through active interventions. To test hypotheses that were developed in this context, the project supported primary research in a number of locations in Cambodia and the Lao PDR, where ADB is supporting the development of regional road networks or economic corridors, and promoting pro-poor tourism in some of the most pristine locations, with a view to promoting all-round development.

The project also supported the community level work done by the two nongovernment organizations, Save the Children UK (SCUK) and Save the Children Australia (SCA), in the Lao PDR and Cambodia respectively. Through their work, the need for timely and relevant services for potential migrants, victims of human trafficking and their families at the community and other levels emerged as a key issue in combating trafficking and promoting safe migration.

This paper explores the concept of “referral systems” as an organized set of support services for potential migrants or actual victims and/or families and others. Such systems are based on mutual cooperation and timeliness and relevance in responding to expressed needs.

The paper was presented and discussed along with other outputs of the project at a regional workshop held in Manila in July 2007. Workshop participants appreciated the results of the project and recommended a wider dissemination of the outputs. Furthermore, the workshop highlighted the importance of availability of information in the communities; networking arrangements between communities and district and provincial authorities; and cooperation between agencies dealing with migrants, victims, and potential victims within and outside national borders.

The project has resulted in several interesting and important outputs, such as this report, which are being published to facilitate wide dissemination. I hope that these will be found to be relevant and useful for government agencies in DMCs in the GMS, ADB staff, NGOs and civil society partners, communities, researchers, and other stakeholders, who are working to eliminate the risks of human trafficking and improve the quality of life of women, men, and children, those who are most vulnerable to the risks of unsafe migration and human trafficking.

Signed

Arjun Thapan

Director General, Southeast Asia Regional Department

## Abbreviations

ADB	–	Asian Development Bank
DMCs	–	developing member countries
GMS	–	Greater Mekong Subregion
IOM	–	International Organization for Migration
Lao PDR	–	Lao People’s Democratic Republic
MIC	–	Migration Information Center
NGO	–	nongovernment organization
RETA	–	regional technical assistance
SCA	–	Save the Children Australia
TA	–	technical assistance
UNIAP	–	United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region

## Introduction

The Asian Development Bank (ADB) regional technical assistance (RETA) project for Preventing the Trafficking of Women and Children and Promoting Safe Migration in the Greater Mekong Subregion (GMS), financed by the Government of United Kingdom's Department For International Development (DFID)'s Poverty Reduction Cooperation Fund, was aimed at (i) looking at ways of improving the safety of migrant workers in the subregion, particularly of poor women and men; (ii) reducing migration by vulnerable groups such as children and adolescents; and (iii) promoting economic benefit to the poor from the greater safety and ease of cross-border movements. The TA aims to encourage subregional cooperation in GMS countries, promote safe migration, and address trafficking issues in subregional projects. The RETA was anchored on the knowledge that human trafficking is a serious and growing menace in the GMS, and requires sustained attention and action on the part of ADB, DMCs, international organizations, and civil society, in cooperation with communities/groups which may be at risk.

To have a well-concerted and coherent strategy to deal with human trafficking which is mired in complexity, international agencies and national governments have developed and implemented various anti-trafficking measures. Close cooperation has been developed with nongovernment organizations (NGOs) and non-state actors over the years to deal with the issues. However, while earlier measures strengthened commitment to combat trafficking, the experience until now shows the importance of adopting rights-based approach to victims which can help avoid further traumas for them. For instance, trauma may be increased in instances where victims may be found to be "illegal" migrants into countries of destination, or if they are treated as offenders rather than victims.

A rights-based approach can help develop a comprehensive response to trafficking; and can promote accountability, transparency, and good governance. To do that, it is essential to treat all relevant agencies, both state and non-state, as well as communities/groups that may be particularly at risk, as partners in the same effort. It is necessary to develop their capacity to respond appropriately to all situations, and function as part of a comprehensive anti-trafficking system geared to respond to the needs of victims/potential victims. Such a system needs to have linkages both horizontally and vertically, so that its different parts can work with each other and provide services at appropriate levels. That sort of a system may be defined as a "referral system."

RETA 6190 included a number of components of which a major part was to deal with (i) the lack of reliable information regarding trends in human trafficking in the GMS; (ii) factors leading to human trafficking; (iii) developing an understanding of the extent to which poverty and insecurity of livelihoods is a contributing factor to risk of trafficking; (iv) links between migration and trafficking; and (v) the identification of communities at risk of trafficking. Availability of reliable and timely information would aid governments and civil society, as well as international organizations, to prepare meaningful campaigns of prevention and control, combating human trafficking, which is a highly complex phenomenon, at several levels. In regard to the above objectives, it was important to examine the situations of groups at risk to identify specific vulnerabilities to trafficking and unsafe migration. For example, which groups face the most risk and what is the nature of the risks they confront that makes them vulnerable? Furthermore, mitigation of such risks would necessarily involve examining ways and means that groups at risk may use, to cope with such vulnerabilities. For example, what mechanisms, if any, currently exist in the identified communities that would mitigate risks encountered and prevent them from falling victim to trafficking or unsafe migration? If no such coping mechanisms exist in the identified communities, then what kinds of mechanisms are needed and would be effective? Finally, such coping mechanisms for risks and vulnerabilities would need to be immediately developed, strengthened, and supported.

Trafficking and unsafe migration are believed to be increasing in magnitude and severity, as well as sophistication. Furthermore, the most common obstacle identified in adequately curbing the problem is the lack of understanding of the related issues and the absence of coordinated information gathering. RETA 6190 supported the preparation of this paper to examine ways in which “referral systems” can be used to help develop and/or strengthen coping mechanisms to deal with trafficking. The paper is based on the hypothesis that “referral systems” can offer advantages to all stakeholders involved in combating human trafficking—from potential migrants and their families, vulnerable groups, community leaders, to local and central government agencies, international organizations, and donors. If a comprehensive referral system that spans several levels can be built up and sustained, setting up preventive and combat and control mechanisms, and support services, their implementation may be improved as well as updated, in order to respond to changing circumstances. Let us see how this may be developed.

## What is a Referral System?

The paper aims to expound on the significance of “referral systems” in the context of the particular areas of trafficking and migration. A proposed definition of referral system is as follows: A referral system, in essence, is a network of various agencies and individuals that provides support and services for any person in a particular situation. Any person may access any of the support and services that the network offers, according to his or her needs, by only making initial contact with any one of these agencies or individuals in the network. The referral system is, therefore, not only a group of various agencies and individuals, each offering his or her discrete and unique services, but also a fast and efficient set of communication and information lines among them.

The most attractive aspect of referral systems is the two-pronged benefit they provide. Primarily, referral systems may be seen to provide a variety of necessary services to individuals to prevent or improve a certain situation. In addition and may be equally important in the long term, referral systems provide a coordinated monitoring mechanism from which a well-developed database system of information can be established. As mentioned before, one obstacle in dealing with trafficking and unsafe migration is the lack of coordinated information collection. A referral system—if well developed with free flowing information lines—may facilitate improved levels of information collection and dissemination, which can be used to monitor trends, deepen analysis, as well as alerting relevant authorities on increasing negative trends. In essence, a referral system is a support system specifically developed for a particular purpose with an intentionally targeted informational communication network and various mediums for access to information.

Given the specific and ever-growing problem of trafficking and the well-identified obstacle of lack of understanding of the nature of the issue in responding to it, this working concept of referral systems should not be underestimated as a possible tool in anti-trafficking policy information.



# Referral Systems for Victims of Trafficking

At present, the term “referral system” is predominantly used in regard to actual and identified trafficking cases. Such referral systems already exist in destination areas and are constantly being improved and developed. The target areas of this project (Luang Namtha, Bokeo in the Lao People’s Democratic Republic [Lao PDR] and Ratanakiri in Cambodia) are comparatively lacking in resources and coping mechanisms because they are potential source points for trafficking and unsafe migration. This section describes an ideal referral system for potential and actual victims of trafficking and how it can be used as a basis for establishing simpler systems in target areas.

Where trafficking has actually occurred, there would have inevitably been a victim who would have been trafficked for the purpose of exploitation. Depending on when the case was discovered, the victim may have suffered many traumatic experiences that may have permanently affected him or her and, therefore, requires specific needs and services. Taking a typical case of trafficking of a young woman or girl for sexual exploitation, one may assert the types of responses and support services that would be needed.

## ***Outreach social work***

- a. What is a victim’s best chance to get out of her place and situation of exploitation?
- b. How can she access help? Phone lines, outreach workers, police?
- c. How can she protect herself? Condoms, awareness, literacy, confidence, and stamina?

## ***Investigations***

- a. Who will find her?
- b. Who can family and friends go to about a trafficking case?
- c. Who can family and friends go to about a suspected trafficking case (such as a missing person who may be a victim of trafficking)?
- d. How will the police listen and investigate complaints?
- e. How will information regarding trafficking victims be investigated?



### ***Rescue***

- a. How will a lawful rescue be permitted?
- b. How will a raid on places of exploitation be permitted by owners?
- c. What mechanisms are in place to ensure that raids and rescues will not lead to further victimization?
- d. How easy or difficult is it for the victim to escape from her place of exploitation?

### ***Shelter/Temporary accommodation***

- a. What will be the victim's first refuge after a rescue operation?
- b. Who will take care of the victim in the short term?
- c. What types of facilities are available for temporary shelter?
- d. How difficult or easy is it to find temporary shelter?
- e. How secure is the available shelter to protect the victim from any harassment?

### ***Services (Medicolegal)***

- a. What emergency medical and counseling services exist to support the victim?
- b. What type of medicolegal examinations can be made for the victim immediately after rescue or escape?
- c. Is there any legal representation immediately available and provided for the victim?
- d. What is the level of skills of the professionals (i.e., social workers, caregivers, security, translators) offering social, medical, and legal services to the victim in the short run?

### ***Long-term care***

- a. Is there any long-term accommodation available for victims of trafficking?
  - i. What types of facilities are they? Do they have a peaceful atmosphere?
  - ii. What type of security does it have?
- b. What types of services are provided for the victims?
  - i. What type of legal follow-up is offered to the victim?

- ii. How free is the victim to go and do as she wants?
  - iii. How much access do victims of trafficking have to information?
  - iv. Does she have access to her family?
  - v. What specific services are there for child victims?
- c. What rehabilitation services are provided for the victims?
- i. Is there any psychosocial counseling available?
  - ii. How well is the trauma of victims of trafficking understood?
- d. What processes are implemented to ensure empowerment and economic independence of the victim?
- i. What types of education and training are offered to the victims?
  - ii. What vocational and other skills trainings are offered to the victim so that she may be competent in a marketable skill?

### ***Reintegration***

- a. What type of family tracing and family reunification schemes are available?
- b. What family tracing and family reunification schemes are undertaken on behalf of the victim?
- c. What analysis of the family and community is undertaken to see if it is suitable for the return and reintegration of the victim?
- d. What market analysis or search of employment opportunities is made when planning reintegration of the victim?

### ***Repatriation***

- a. What arrangements can be made to safely transport the victim back to her country and home?
- b. How long does the process of family tracing and repatriation take?
- c. Who can facilitate the transportation arrangements and documentation needed?
- d. When transported back to her country, does the victim have a status of an illegal immigrant or a victim of trafficking?

- e. On arriving back to her home country, what services are offered to her for rehabilitation and reintegration?
- f. Is the victim safe and secure on reaching back home?
- g. What chances of re-trafficking are there once the victim is repatriated?

Table 1 (see page 14) shows some basic services that would be necessary in an ideal referral system that deals with trafficked victims. The table outlines some characteristics of the situation a victim may find herself in, along with corresponding needs. An ideal referral system would be able to provide all such services by collaborating with each agency in the system through a streamlined exchange of communication and information. For example, one agency may have access to places of exploitation through their HIV/AIDS prevention outreach work. In the course of their work, they may come across a victim of trafficking in need of help. They can transfer this information onto another section of the referral system that is able to further investigate and lodge a complaint with the police department and local municipal court. This may be another nongovernment organization (NGO) that provides legal services. Once the necessary authorizations have been collected, the police are able to intervene in the place of exploitation. The police may collaborate with a victim support agency (an NGO or the Ministry or Department of Social Affairs) to act as care providers for the victim(s). A screening process may follow after which the victim may either be taken home or referred to a victim support agency that can offer her relevant services, such as medical, psychological, or other types of care according to the victim's needs or wishes. These services may need to be more specialized where the victim may have particular needs, for example, if he/she is a child. Local schools, training centers, or NGOs may provide for other needs of the victim, such as income or the ability to earn an income.

If the victim is from another country, facilitation of repatriation would need to be organized. Again, this may be done through partnership between the victim support agency, the International Organization for Migration (IOM), and the relevant government ministry, as well as the relevant embassy of the victim's country. Every need of the victim may be catered for through the referral system. This allows agencies to specialize in their respective fields without having to expand their particular ambit of work to other areas. Referral systems should, as a result, encourage specialization in each field and, therefore, collaboration rather than competition between agencies in attempting to provide all services to the

victim. In any ideal referral system, the relevant government department should be, at least, a collaborating partner at every level. Most NGOs in the GMS generally cover many services and the level of government involvement varies considerably from country to country. The interaction inherent in an ideal referral system is highlighted in Diagram 1 (see page 16).

Table 1 and Diagram 1 show only a basic array of characteristics for the situation and needs of a victim of trafficking. As the list exhibits, in reality, the aftercare needed for a trafficked victim may be far more complicated, highlighting a need for a referral system to be flexible and adaptable to the specific needs of any individual victim. Where such referral systems are successfully established, they sometimes become rigid and are unable to cope with newly highlighted needs. This can result in the improper care of trafficked victims whose needs may not reflect the services imposed on them. Therefore, care must be taken in endeavoring to make a referral system as wide in scope as possible, to create a sufficient number of choices and possibilities for each individual. Here again a rights-based approach will always ensure that the victims or potential victims within the jurisdiction of the state are treated as having human rights, irrespective of their background, origin, nationality, activity that they may have allegedly involved in, their willingness or otherwise to cooperate with law enforcement authorities.

This again makes a strong case for a referral system that encompasses various specialized services from specialized agencies in their respective services, i.e., agencies specializing in legal services for women and children, agencies specializing in psychological services for victims of trauma, etc. For example, in the transit center in Poipet in Cambodia, where victims of trafficking are repatriated from Thailand, victims are divided into three categories—victims of trafficking for sexual exploitation, child victims of trafficking for other forms of exploitation, and women victims of trafficking for other types of exploitation. Different NGOs provide support to the three categories. The aftercare of trafficked victims is a very complicated process. The causes and factors that enabled exploiters to use an individual's vulnerabilities against her are often still starkly present after her exploitation has ended. In fact, one may argue that once an individual has been victimized, she is even more vulnerable to being trafficked. The experience of NGOs providing care for trafficked victims shows that they are often re-trafficked—or return voluntarily to their places of exploitation—for a range of reasons. Such eventualities can only be avoided by endeavoring to provide each individual with his or her needs in the best way possible.

The geographical locations of the service providers must also be considered when analyzing referral systems. For example, if the nearest long-term shelter were in another province, it would be necessary to have existing secure temporary emergency accommodation in the locality before referring the victim to the long-term care shelter. If the long-term shelter is too faraway, this may mean that a long-term shelter is needed nearby. In such cases, a needs analysis for such shelters, whether temporary or long term, needs to be undertaken. The needs assessment necessitates a reliable estimate of the capacities needed in the shelter, such as the number of people it needs to accommodate, for what periods of time, and what specialist staff should be recruited. Such needs analysis may be undertaken for any other aspect of a referral system.

In reality, such specialized services, as highlighted above, are not always so easily available. For example, a commune or province may not have any specialized center or adequate medical facilities. Therefore, the question arises as to what one must do when confronted with a case of trafficking or exploitation. Even where the provisions of necessary services are bare, the importance of a referral system is still present. As already mentioned, a referral system's most vital element is its information and communication lines. If an individual comes across information about a case of trafficking, that individual should know where to go and who to give the information to. This may be the local police station or the representative of the Department of Women's Affairs.

They, in turn, may contact various NGOs, other government agencies, or their commune chief to provide care for the victim. Whatever services are available, the most important aspect of any referral system is that those services are used as a choice in the response to the case. A safe, temporary sanctuary could be the house of a commune official or a sympathetic neighbor. The medium-term shelter may be in another city. The victim's family may provide counseling and care, with some guidance from the local department of social affairs. Even the simplest set of coping mechanisms can be networked together through information and communication lines to establish a referral system. Furthermore, such a system would highlight the most important requirements in the system itself as gaps unfold. Simple referral systems may be sufficient for rural areas where trafficking may not yet exist or where infrastructure and resources are lacking.

In any referral system, the questions regarding the needs of the targeted beneficiaries can be used to coordinate the services offered to them. Different services for the victim according to her rights and needs

can be provided by different agencies. In areas such as Phnom Penh, a handful of agencies can provide all these services for a victim. In areas such as Ratanakiri or Stung Treng in Cambodia, such services may not be available at all. It would be interesting to note where the largest gaps are. Priority service providers, such as shelter and social work, should be considered the most important and integral parts of the referral system. It is usually from these service providers that other services can be facilitated. Gaps in priority service providers would significantly affect the overall system and have a negative impact on the rights of the victim.

The descriptions of existing and ideal referral systems for victims of trafficking give a deeper presentation of how such systems can be used as an adequate response to trafficking. Furthermore, they give a basis on which to build and/or strengthen more specific referral systems for other situations. The starting point for future actions on referral systems should always be from the existing resources and coping mechanisms for the problems that need to be solved. Once such lines of information exchange and communication are established and known, a referral system may develop and improve with each case that comes within the network.



## The Role of Referral Systems for Victims in Communities of Origin

A referral system's most vital element is its information and communication lines. For example, if an individual comes across information about a case of trafficking, that individual should know where to go and who to give the information to. This is particularly relevant in communities of origin where individuals are targeted and are trafficked from. As proposed, a needs assessment of existing mechanisms of a community of origin should be undertaken. This would provide a baseline understanding of current networks of communication and information upon which to build, strengthen, or redevelop. Research carried out in Cambodia and the Lao PDR under the TRACE project of the United Nations Inter-Agency Project on Trafficking (UNIAP) showed the serious consequences of lack of information channels at the community level.<sup>1</sup> In the Lao PDR in one instance, families did not receive information about their missing children until a number of days had passed and delays occurred in information flows, allowing the children to cross the national borders. Once they crossed the border, tracking them and recovering them became difficult. Such situations highlight the importance of referral systems which transfer information from bottom up and top down. It shows the importance of simple systems at the community level, with community-based surveillance of sudden arrivals of outsiders into the village, or sudden disappearance of children, can be quickly tracked and related to relevant persons.

In particular, such needs assessment should analyze the mechanisms available in emergency situations, such as discovery of a trafficking case. What would parents do when they find their daughter missing? How far would that information go, and what ultimate action would be the most probable? If the information goes no further than the commune chief, this may highlight a lack of information about trafficking, lack of activity on the part of the authority, or lack of communication with the relevant local government department. It is proposed that the primary focus should be on the appropriate opening of communication lines with the relevant government departments and to establish rapid information gathering and responsive action by the relevant department. This may simply mean passing on the information to the local police station or an NGO. Thereafter, subsequent information and communication lines may

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<sup>1</sup> United Nations Inter-Agency Project on Trafficking (UNIAP). 2004. Lessons Learned through TRACE: Human Trafficking from Laos to Thailand, Bangkok.



be established with relevant agencies that may be able to provide the most appropriate actions possible. For example, the local Department of Women’s Affairs may decide to inform a local, provincial, national, or international NGO present in the country to investigate the case. In the Lao PDR instance, ultimately an international NGO was brought in to help. However, as it happened, because of delayed information, not much could be done. With timely information, the NGO may be able to provide some kind of relief and support to the family and facilitate criminal complaints to the local municipal court and police. Lastly, it is important that all agencies to which information is passed on to—that is, all agencies in the referral system—be “active,” in that responsive action will result. For example, in established referral systems, agencies often transfer information to known and reputable police stations or officers who are trusted to use the information appropriately.

**Table 1: Victim of Trafficking**

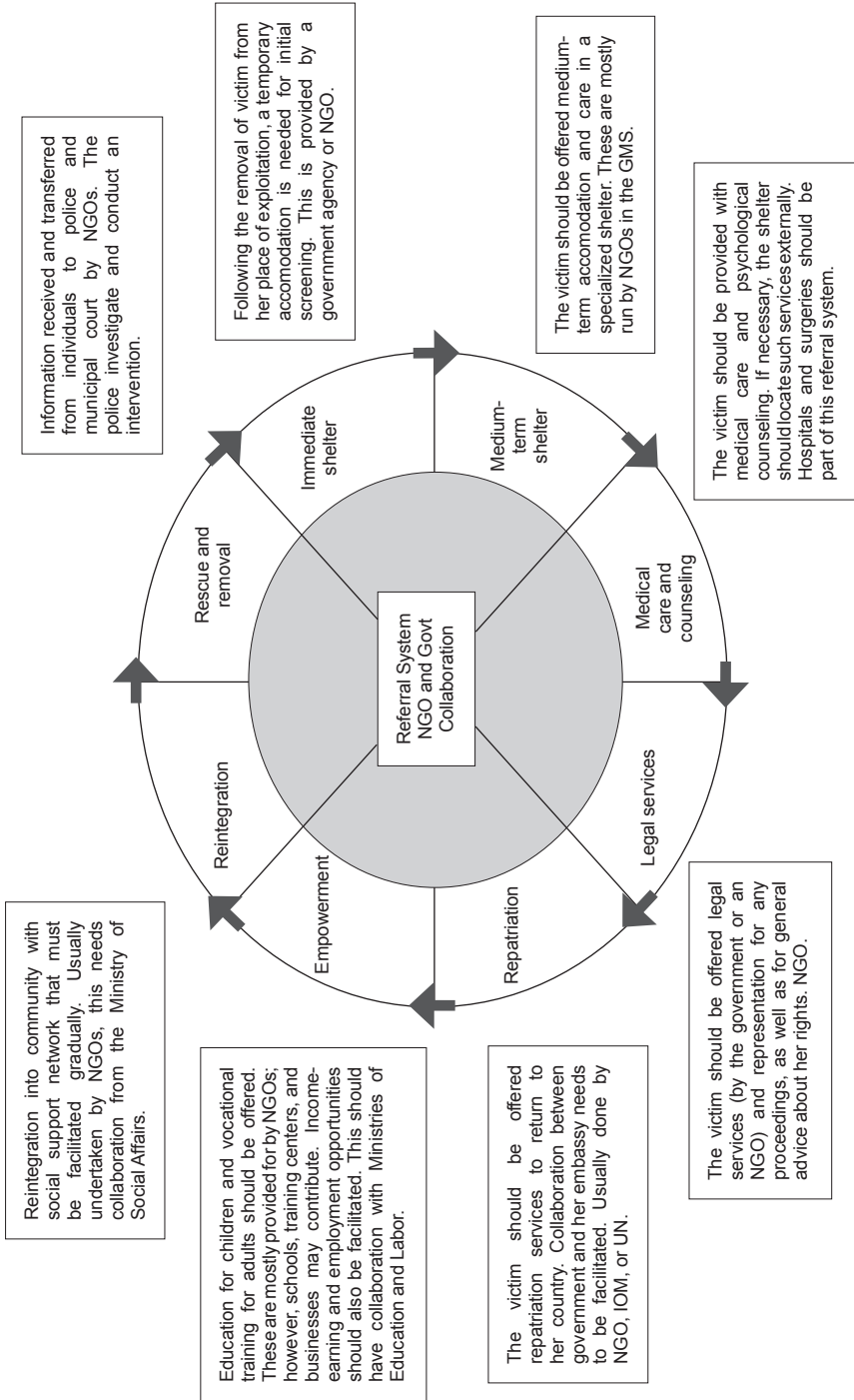
<b>Situation</b>	<b>Need</b>	<b>Service Provider</b>	<b>In Collaboration with (Referral System)</b>
Is/Are being trafficked or exploited	Rescue, removal from exploiters Opportunity to access assistance.	Police	NGOs, community, or individuals who receive and pass on information to the police
Is missing or suspected of having been trafficked	Mechanism to follow up on suspected cases		NGOs, community, or individuals who receive and pass on information to the police
Without immediate temporary accommodation	Temporary, safe accommodation	Ministry of Social Affairs, NGOs	Police, Ministry of Social Affairs
Without a safe sanctuary to go to	Medium-term safe shelters specializing in care for victims of trafficking	NGOs	Ministry of Social Affairs, NGOs
Physical and medical problems	Doctor and medical help	NGOs, hospitals, and surgeries	NGOs, community, and individuals
Without compensation and damages for exploitative “labor”	Legal services to make a legal claim	NGOs, Ministry of Justice	NGOs, Ministry of Justice, community, and individuals

<b>Situation</b>	<b>Need</b>	<b>Service Provider</b>	<b>In Collaboration with (Referral System)</b>
Traumatized, afraid, confused, dehumanized	Psychological and social counseling, care and love	NGOs	NGOs
No education or marketable skills to empower themselves	Schooling for child victims, and vocational and other skills training for adults	Ministry of Education, Ministry of Labor, ILO, NGOs, and schools	Ministry of Education, Ministry of Labor, ILO, NGOs, community, and individuals
Need and obligation to financially support family	Facilitate income-earning activities or employment opportunities	Ministry of Labor, NGOs, community, and employers	Ministry of Labor, NGOs, employers, and community
Without a social support network	Gradual reintegration into relevant community with family or peers	Ministry of Social Affairs, NGOs	Ministry of Social Affairs, community, and NGOs
In a strange, foreign country	Translators for all above services and repatriation services	NGOs, IOM, and Ministry of Social Affairs	NGOs, IOM, and Ministry of Social Affairs
Afraid of retribution from exploiters	Security, protection for herself and family	Police, Ministry of Social Affairs, and NGOs	Police, Ministry of Social Affairs, and NGOs

ILO = International Labour Organization, IOM = International Organization for Migration, NGO = nongovernment organization.

Source: RETA 6190: Research Report, 2007.

Diagram 1: Levels of a Referral System



GMS = Greater Mekong Subregion, IOM = International Organization for Migration, NGO = nongovernment organization, UN = United Nations. Source: Author.

## Referral Systems for Potential Victims of Trafficking or Unsafe Migration

Referral systems have traditionally been viewed as a way of providing assistance once a trafficking case has occurred. Yet the strengths of the referral system concept also have potential in preventing trafficking cases. For instance, research carried out by Save the Children United Kingdom in Luang Namtha and Bokeo provinces,<sup>2</sup> showed that the lack of awareness of risks attendant on cross-border crossings was high even among migrants who had some level of education. It clearly emphasized the need for better services being made available in areas where cross-border migration is increasing. Such services need to include information; but horizontal and vertical links with relevant agencies both within and across national boundaries are also important.

Based on the researches conducted under RETA 6190, the main causes of victims falling to trafficking are (i) poverty; (ii) lack of education and information on labor markets, laws and risks attendant on unsafe migration; (iii) regional economic disparities; (iv) forces of supply and demand for cheap labor; (v) lack of legal status for migrant labor, demand for trafficked labor in destination countries, loss of land or access to land;<sup>3</sup> (vi) weakening of cultural ties,<sup>4</sup> inability to access citizenship; (vii) lack of employment at source; (viii) external shocks, such as droughts, flooding, civil and/or political instability; (ix) individual family situations; (x) abuse; and even (xi) boredom.<sup>5</sup> These are just a few causes of trafficking and unsafe migration that have been recognized as relevant vulnerabilities. This is not to ignore the fact that the main cause of trafficking is the actions and choices made by traffickers and exploiters. In this effort, however, we are mainly focusing on the vulnerabilities of the victims and potential victims assuming that traffickers will always exist where there is opportunity.

Most risks and vulnerabilities can be perceived as particular needs that can be provided for with a focused response. For example, the lack of education can be perceived as a need for education opportunities, and the lack of employment at the source can be perceived as a need

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<sup>2</sup> Save the Children UK. 2007. *Participatory Action Research with Migrant Children and Youth in Luang Namtha and Bokeo Provinces*. ADB.

<sup>3</sup> Chamberlain. James. 2007. *Research Report Lao Peoples' Democratic Republic*. ADB. Manila.

<sup>4</sup> Footnote 3.

<sup>5</sup> Refer to Inception Report for RETA 6190 on Preventing the Trafficking of Women and Children and Promotion of Safe Migration.

for adequate economic development at the source. For any negative characteristic in the causes and consequences, there is an ideal response, whether or not it is within the means of any particular project. These responses may be best executed by any one of a number of actors. Actors best placed may be the communities themselves because of their direct involvement and access to persons in need; by the governments, due to their legal authority and mandate to provide public goods; or by other stakeholders, due to their specific skills or financial ability. The complexities of the causes and consequences of trafficking and unsafe migration necessarily involve a whole host of responses and can not be provided by any one agency. It is in this regard that this paper examines the roles and possibilities of comprehensive referral systems.

Essentially, this can be viewed as an “upstream” response that is intervening in response to the vulnerability itself, not the outcome of that vulnerability (trafficking or unsafe migration). For example, a family suffers a health emergency and gets into heavy debt. This provides an opportunity for a trafficker to deceive a daughter into migrating and then selling her through the sex trade. Rather than intervening at the latter stage, an intervention to assist the family minimize or manage their debt would not only stop the daughter from being trafficked but would also be extremely cost effective, compared to the costs of rescue, rehabilitation, and reintegration. Such an intervention is proposed below.

Similarly, when families are vulnerable because of land insecurity, the point of intervention should involve assisting them to claim their land rights rather than waiting until the land is lost and the family is forced into making risky decisions.

Creating an ideal referral system for potential victims concentrates on attempting to eliminate the vulnerabilities that allow traffickers to succeed, while empowering the victim. To this end, such a “safety net” referral system is surely more relevant to combat trafficking at least in combination with that discussed in the previous section when focusing on source or potential source areas for trafficking. However, a safety net referral system would need to encompass a much wider range of services, as well as more deeply entrenched general lines of communication and information. Additionally, such a system would itself encompass a number of smaller referral systems, each dealing with a specific area, such as emergency health care, migration, or domestic violence. These referral systems, though specifically described to prevent trafficking or unsafe migration, actually revolve around the more general socioeconomic problems in relatively undeveloped areas and vulnerable communities.

The following is a nonexhaustive list of vulnerabilities (especially to trafficking and unsafe migration):

- Difficult/broken family
- Poverty
- Abused (physically, sexually, or emotionally)
- Children (not yet adults)
- Loss of land and or livelihood
- Indebtedness (or family is in debt)
- Family emergency (health, drought, threats)
- None or low education
- Migrant
- Desire to migrate
- Family pressures to migrate in order to earn money
- Presence of exploiters (and established trafficking networks)
- Breakdown of social structure
- Naivete
- Misinformation
- Not enough employment opportunities
- Other huge cultural shifts in the community (such as war or large-scale landgrabbing)
- Lack of access to citizenship/birth registration

Whereas those that are trafficked often come from the migration pool—in other words, those that had already chosen to migrate—other victims of trafficking are poorer and have been deceived into leaving their homes. Table 2 looks at a proposed safety net referral system that would deal with the various vulnerabilities to trafficking or unsafe migration.

In terms of the role of referral systems, distinguishing between those vulnerabilities that are endemic and those that are acute is important. Endemic vulnerabilities, such as generalized levels of poverty and lack of access to education, need to be addressed by long-term development interventions. Others, however, may be addressed directly.

Table 2 shows some basic situations of individuals who could potentially fall victim to trafficking or unsafe migration and the services they might require for them not to become vulnerable. As mentioned, these situations generally depend on the much wider socioeconomic conditions of many communities in the GMS. One may note that the “safety net referral system” described here reflects a social system. In essence, a referral system is a social system specifically developed

**Table 2: Potential Victim of Trafficking or Unsafe Migration**

<b>Situation</b>	<b>Need</b>	<b>Service Provider</b>	<b>In Collaboration with (Referral System)</b>
Lack of education	Schooling, training	Ministry of Education, schools, colleges, and universities	Ministry of Education, Ministry of Women's Affairs, schools, colleges, universities, communities, individuals, and NGOs
Lack or loss of land	Protection from landgrabbing, land alienation; provision of rights	Ministry of Land, Ministry of Interior, and all other relevant ministries involved in development alienating people from their land	All relevant government ministries; UN and other development agencies, including ADB; NGOs; communities; and individuals
Health emergencies	Proper access to medical health care	Ministry of Health, hospitals, and NGOs	Ministry of Health, hospitals, NGOs, communities, and individuals
Broken or abusive family	Community involvement and/or alternative housing or accommodation	Ministry of Social Affairs, NGOs, community, and individuals	All relevant government ministries; community institutions, such as hospitals and schools; NGOs; community; and individuals
Lack of employment or income-earning opportunities	Investment, economic development, community development, rural development	Ministry of Rural Development; all relevant government ministries and departments; UN and other development agencies, including ADB; NGOs; businesses; communities; and individuals	Ministry of Rural Development; all relevant government ministries and departments; UN and other development agencies, including ADB; NGOs; businesses; communities; and individuals
Desire to migrate	Full information about situations, languages, job opportunities, money transfers, administrative procedures, support network	All relevant government ministries and departments, NGOs, UN, communities, and individuals	All relevant government ministries and departments, NGOs, UN, communities, and individuals

<b>Situation</b>	<b>Need</b>	<b>Service Provider</b>	<b>In Collaboration with (Referral System)</b>
No social support network	Communication with relevant people, other migrants, peers who speak same language communications with family	NGOs, communities, and individuals	Ministry of Labor, UN, NGOs, communities, and individuals
Exploitation	Trustworthy officials and people to go to for remedy and protection	Ministry of Interior, Ministry of Labor, trade unions, NGOs, communities, and individuals	Trade unions, employers, employees, Ministry of Interior, Ministry of Labor, NGOs, communities, and individuals
Lack of registration or records of work, whereabouts, or even existence	Monitoring system of people's movements	Relevant government ministry or department, UN, NGOs, communities, and individuals	Relevant government ministry or department, UN, NGOs, communities, and individuals

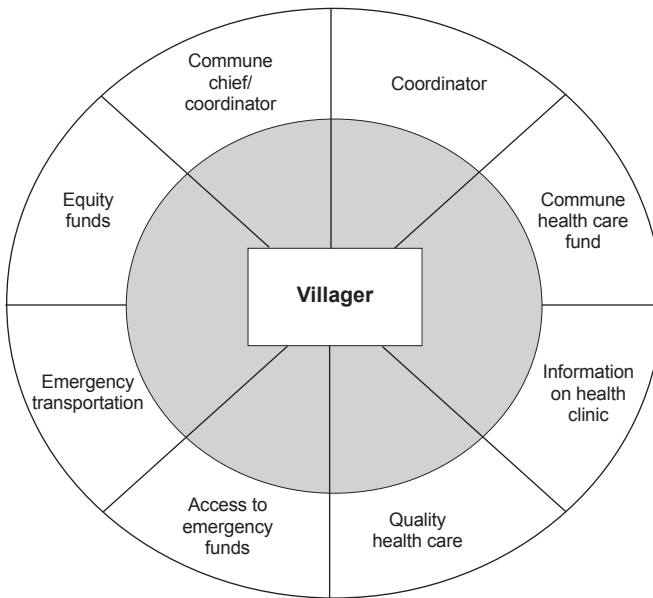
ADB = Asian Development Bank, NGO = nongovernment organization, UN = United Nations.  
Source: Author.

for a particular purpose and with an intentionally targeted informational communication network. The safety net referral system for potential victims of trafficking and unsafe migration is so wide and all encompassing that it actually reflects the most basic needs in a given society. Relative economic disparities, lack of access to land or land alienation, lack of adequate education, presence of traffickers or exploiters, and debt burdens contribute to vulnerability to trafficking or unsafe migration. However, such problems are very wide in scope but can be categorized in distinct areas. Therefore, an ideal system for such purposes should be broken down into smaller referral systems so that each area can be adequately dealt with.

We can take health care as an example here. In many rural areas in Cambodia and the Lao PDR, access to medical and health care for villagers is either inadequate or inaccessible. Health care is normally outside of their financial means, and people may only attempt to find a doctor when their problem becomes an emergency. This often pushes people to borrow relatively large sums of money at high interest rates for transportation and medical bills. Such situations leave people with debt burdens, creating vulnerability that forces dangerous choices regarding potential income earning, e.g., accepting an ominous job proposal by a stranger. It also often leads to distress sale of land, forcing the family deeper into poverty and assetlessness. A possible referral system to



**Diagram 2: A Village-Based Scheme**



Source: Author.

avoid such vulnerability may be proposed as the following. The commune chief of each village could collect compulsory contributions from all villagers regularly, depending on factors, such as relative income and the number of members in a family. These contributions could be put into a “commune health care fund,” which can be used to provide the costs of transportation and health care up to a certain amount for emergency cases. Equity funds on district and provincial referral hospitals allowing discount price or free medical health care could be set up.<sup>6</sup> Local health care centers would need to dispense information about the types of problems that they could adequately deal with and ensure that their services were of the best quality possible. Further, the information of the existence of equity funds should also be properly dispersed.

This “health care” referral system could be connected to other smaller referral systems. For example, a system to create development of the village through income-earning schemes could be linked to the

<sup>6</sup> Such equity funds are set up in both Stung Treng and Ratanakiri Referral Hospitals. Each month funding agencies give a set amount of money to the fund that the hospital uses to pay for health care for people who otherwise could not pay for it. Patients fill out forms with information about their assets and income and, thereafter, may be eligible for discounted or free health care.

health care system. Such a development scheme may be based on microcredit loans or tourism development. Within the scheme could be a built-in mechanism that automatically includes contributions to the health care system of the village.

In any referral system, the relationship between all the participants must be trustworthy and well coordinated. It would be ideal to include a monitoring component in each system to ensure its efficient running.

Assuming the establishment of smaller referral systems as described earlier, there is a need to develop an improved social and communal ability to cope with problem situations. This would greatly decrease the vulnerability of people in those communities. Research undertaken in Ratanakiri province in Cambodia under RETA 6190 brought out the significance of the breakdown of the social fabric of villages and communities as a cause of the growing vulnerability of people to unsafe migration trafficking. Furthermore, trafficking and unsafe migration often occur in communities where people have no experience of dealing with such events and, therefore, have not yet established specific or adequate coping mechanisms for them. One basic service needed for these communities is information about their choices, rights, and abilities, as well as the means to help themselves. Under RETA 6190, Save the Children Australia (SCA) started an information and monitoring project in Ratanakiri province, which has been identified as a potential source and transit route for trafficking from surrounding countries. Research has been undertaken there to assess the extent of vulnerability and information needs of communities at risk. It shows that loss of land and forests, and in-migration by lowlanders are generating pressures on ethnic minority communities to move away from their traditional habitat. Once on the move, they are at imminent risk of being trafficked on account of their lack of education, information, and their need to earn cash incomes for survival. Women and girls become increasingly vulnerable.

To protect such communities from exploitation, it is essential to provide security of land and access to natural resources, sustainable livelihoods, and cultural stability, along with education, vocational training. In the short run, it is necessary to create awareness of the risks of trafficking, and provide information on migration and related rules and documentary requirements in labor markets. Monitoring of migration and provision of information to communities and their empowerment are activities that are being sustained by SCA.

Referral systems can be built by strengthening existing coping mechanisms and establishing better lines of communication and information between them. The health care example given above

uses existing social infrastructure and resources to build a community network. Similarly, SCA's work in Ratanakiri seeks to build upon existing ties and communication channels. Most villages in the research areas in Cambodia and the Lao PDR already have in place various systems for decision making on different aspects of community life. Thus, establishing specific referral systems can contribute to those existing networks, not only through reinforcing them but also by connecting them to areas of life where they may not have traditionally acted communally.

The following section proposes, in its case study, a referral system for an aspect of community life for which adequate coping mechanisms have not been established to avoid trafficking, i.e., unsafe migration.

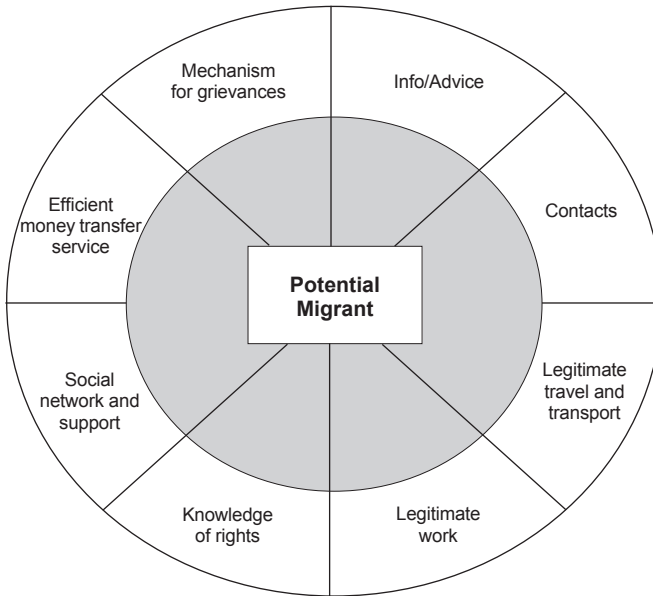
## **Between Migration and Trafficking: Information and Communication**

Thus far, we have covered the situation of victims and the situation at the community level prior to trafficking and unsafe migration. One important lesson learned to date has been that prevention programs must seek not only to provide alternatives to migration but also acknowledge that some level of migration will remain inevitable. In fact, migration is an important poverty reduction strategy in itself. It is important, therefore, to look at making migration safer. It is now also becoming increasingly clear that this involves more than basic information at points of origin, warning people of the dangers. Rather, a range of different actions is required, from points of origin to points of destination, and this is where the potential role of a referral system can again be seen.

In any given referral system, no matter for what purpose or intention, information and communication lines are integral for it to work and run well. Even where all respective agencies and organizations provide good and efficient services catering to each specific need of an individual, a referral system could not exist unless there were communication and information exchanges among them. Further, the better these lines work, the better the service that could potentially be provided for the individual. For example, what benefit would a migrant worker's rights organization in Bangkok provide to a person in Bokeo Province in the Lao PDR who was thinking of migrating there? She could acquire information about where to find a job, how to send money home, as well as her rights and obligations according to the law and authorities. Most importantly, she could go to them in case of any problems or troubles she may encounter. It would make a huge difference for that person if she had information about and from this organization. The same applies to various organizations and agencies, which should make it their duty to know of existing services within a referral system, as well as its gaps and needs. A good referral system may also benefit from coordination and interagency projects and collaborations.

Diagram 3 highlights a possible referral system for individuals wanting to migrate. If all the needs in the outer circle could be provided for within an efficient communicative referral system, any potential migrant benefiting from the system would significantly lower her chances of falling victim to trafficking or other related dangers.

**Diagram 3: Possible Referral System**



Source: Author.

The essence of information and communication in referral systems is most significant in this form of response to trafficking. One major problem encountered in any anti-trafficking project is the lack of information, data, figures, and understanding about it. Therefore, the conscious creation of referral systems itself aims to open communication and understanding about trafficking. For example, for many people living in the rural areas of the GMS, trafficking does not exist. Where someone ends up exploited, it may only be seen as “unlucky migration.” However, from a macro point of view, such exploitation is an abuse of rights, is illegal, and is inefficient for the economy. Therefore, for any macro-level response to materialize, some macro-scale information gathering must be systematically developed. The first step in establishing a referral system could be to show people at the microlevel that there are better alternatives to making risky decisions. In addition, certain individuals can be better empowered to make safer and more informed choices through removing particular vulnerabilities and lack of information, as highlighted in the previous section.

Creating such information and communication links in the rural areas where people are more likely to migrate from, to places where they are likely to migrate to, is difficult where countries lack infrastructure and

development. In such areas, information centers tracking migration and movements of people could be developed as a context and a foundation to a referral system. Under RETA 6190, SCA developed such a project in Ratanakiri. As stated earlier, research for a baseline was completed and monitoring and information systems were put in place. By raising awareness of the risk with vulnerable groups particularly, and by focusing on community attitudes which leave women and children vulnerable to trafficking, this project sought to strengthen protection mechanisms at the community level and promote implementation of legislation. Links were established with village authorities on the one hand, and provincial government agencies, such as the Department of Women and Veterans' Affairs, for feeding information as well as monitoring and assistance as required on the other. Work continues with communities perceived to be at risk. It will be important to sustain this kind of work in the future as migration grows in the area.

A migration information center doing such work could also function to give relevant information and advice, as well as other services exhibited as needs for potential migrants, as Diagram 4 shows. Monitoring mechanisms in these migration information centers could ensure active gathering of information, as well as follow up of any cases reported. Additionally, it would enable trends and problems to be tracked relatively early so that responses can be targeted more efficiently and before problems grow out of hand. Diagram 4 highlights the mutually beneficial advantage to both the information center (to collect data) and the migrant (who could acquire information and other services to make better choices).

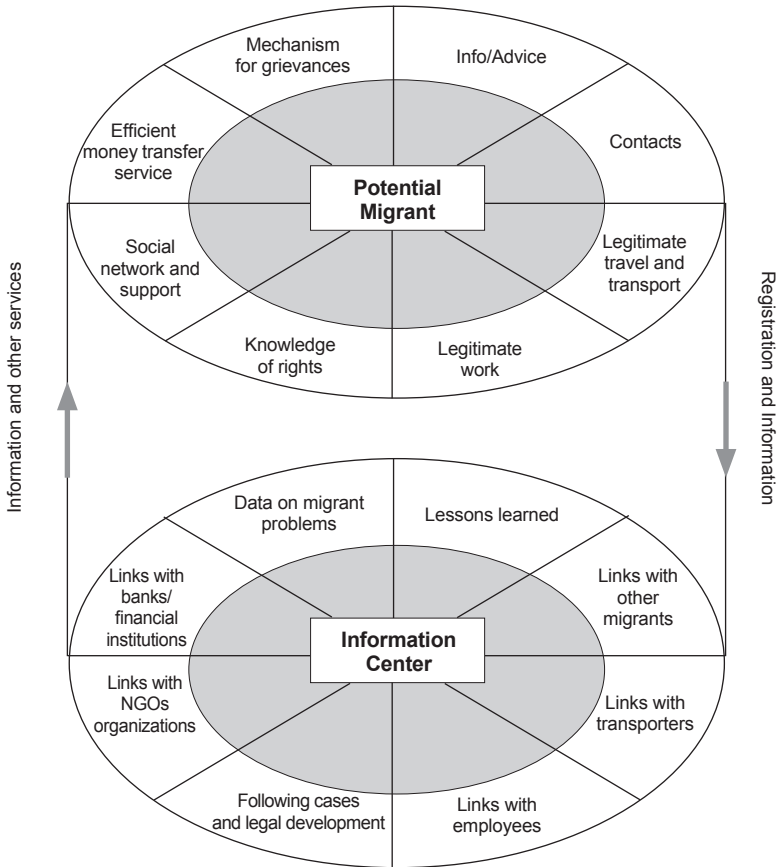
Furthermore, where there is a coordinating agency or an information center as described here, an early alerting mechanism would allow remedial action to prevent a problem before it grows. For example, the SCA supported project in Ratanakiri can play a role as it has started to draw attention to risks and potential for trafficking in an area which is still not seen as a hot spot for trafficking.

Therefore, referral systems can be used to decrease information costs in relevant decision-making processes. The example used here of migration shows how potential migrants can access better knowledge on the situations they may encounter at relatively lower cost through the existence of an easily accessible migration information center. Without such an information center, they would acquire this knowledge through higher costs, i.e., being exploited, by meeting others who had been exploited and after a significant period of time through "trial and error." In addition, for the purpose of information gathering, the referral system

would decrease “information costs” by having better access to potential and actual migrants through a centralized system. Without such a system, information would be collected by higher costs of research teams and undercover work in places of exploitation and potential source places of villages and rural communities.

This highlights why information and communication lines are most integral to an ideal referral system. Connecting people with services and information at relatively lower personal costs would, in theory, allow people to make better choices and informed decisions.

**Diagram 4: A Mutually Beneficial System**



NGO = nongovernment organization.

Note: Each section of the circle above corresponds to the section directly below it in the lower circle.

Source: Author.

## Conclusion

A referral system, in essence, is a network of various agencies and individuals that provides support and services to any person in a particular situation. Any person may access any of the support and services that the network offers, according to her/his needs, by only making initial contact with any one of these agencies or individuals in the network. The referral system is, therefore, not only a group of various agencies and individuals, each offering their discrete and unique services, but also the fast and efficient set of communication and information lines among them.

By establishing a set of links between existing available resources and services, a referral system can also highlight the main gaps in such a system. If the intention of a referral system or a set of information links is to make migration safer, for example, and the system is able to monitor its progress and effects on its “clients,” it can also better analyze why unsafe migration or trafficking continues to occur. This type of built-in “self-improvement” character can be noted from the existing referral systems dealing with actual cases of trafficking.

This paper has tried to establish the rationale for establishing referral systems which can act as a safety net for potential migrants, victims, families, concerned persons, by functioning as the first source of information, contact, basic services. Thereafter, the functioning referral system can, by cooperation within the system, provide access to timely services, and channels of information to those who need it, the migrants, the potential and actual victims of human trafficking as well as those agencies trying to serve these groups. In doing so, it may actually contribute toward making migration safer, and reducing the chances of trafficking.



## **The Significance of Referral System as a Response to Human Trafficking and Unsafe Migration**

This publication explains the significance of “referral systems” in the context of trafficking and migration. It defines a referral system as a support network of agencies and individuals specifically developed to provide support and services for a particular purpose, with an intentionally targeted informational communication network and various mediums for access to information. The lack of coordinated information collection and consequent lack of understanding of the nature of the issue are well-identified obstacles to responding to the specific and ever-growing problems of trafficking and unsafe migration. This publication argues that the working concept of referral systems should not be underestimated as an information-gathering tool to aid antitrafficking policy.

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6 ADB Avenue  
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[www.adb.org](http://www.adb.org)  
ISBN 978-971-561-802-1  
Publication Stock No. BBK096908



Printed in the Philippines