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Foreword | Although the number of identified cases of trafficking into Australia is relatively low, the hidden nature of this crime and reluctance of trafficked persons to report to authorities suggests that a number of cases may go unidentified and the problem may be more extensive than available data indicates. Much can be learned about the risks of exploitation, including trafficking, from an overview of undocumented movement throughout the region. The risk of people being trafficked to Australia is largely mitigated by well-protected borders and economic opportunities in more accessible regions. However, management of the risks of trafficking in the southeast Asian region is connected to strategies that aim to prevent trafficking at source countries and to the activities of Australians and Australian entities in those countries. Characteristics of migration in southeast Asia-such as the role of informal networks in facilitating movement and the exploitation of migrants for non-sex work as well as sex work-hold important implications for Australia's response to people trafficking.

Adam Tomison Director

Migration and people trafficking in southeast Asia

Jacqueline Joudo Larsen

People trafficking occurs within the context of high levels of people movement (particularly undocumented), which are primarily driven by the desire for greater economic opportunity and a better quality of life. Southeast Asia is known to be a significant source of trafficked persons and intra-regional trafficking is high. However, the Asian region is also a primary source for persons who are trafficked around the world, with Australia among the target destinations. The southeast Asian region has seen a high level of predominantly intra-regional migration since the 1980s (Kaur 2007). These high levels of people movement have been driven by various socioeconomic and political push and pull factors operating throughout the region (IOM 2008).

This paper examines the characteristics of migration in southeast Asia, the ways in which people trafficking occurs within this process and the implications for Australia's anti-trafficking response nationally and regionally. It is based on a literature review, along with information from interviews conducted with prosecutors, law enforcement officers, policy officers and representatives of non-government and international organisations in Thailand, Indonesia, Singapore and Malaysia.

Mobility across southeast Asia

It is important to understand that trafficking and other forms of exploitation occur within well-worn migratory pathways. Trafficking occurs as part of the migration continuum; many trafficked people consent to the initial movement through a facilitator or move of their own accord and it only becomes evident at their destination that they have been deceived and are being exploited. In the case of trafficking, the primary objective of the offender is the exploitation of a person for labour or services at the destination. Although both trafficking and smuggling are processes that involve the movement of people, put simply, smuggling involves a transaction which ends once the person is delivered to their destination.

The southeast Asian region has experienced high levels of migration, particularly intraregional migration, since the 1980s (Kaur 2007). Rapid economic growth in some countries, along with 'push' factors in others, has led to a surge in labour migration, both skilled and unskilled, from neighbouring economically-disadvantaged countries. Of the ASEAN countries, Brunei, Malaysia, Singapore and Thailand are destination countries for labour migrants and Burma, Cambodia, Indonesia, Laos, the Philippines and Vietnam are primarily source countries. Malaysia and Thailand both send and receive labour migrants, with Thailand a key destination for countries in the Greater Mekong Subregion (Kaur 2006).

The combination of extensive land and sea borders and the limited capacity of government authorities to adequately govern borders render the region vulnerable to undocumented migration. It is estimated that 30 to 40 percent of all migration in the region is through undocumented channels, with Malaysia and Thailand, as the primary destinations in the region, hosting somewhere in the vicinity of three million undocumented migrants (IOM 2008).

'Push' and 'pull' factors in the region

The driver for migrants may, in some cases, be poverty per se, making such migrants vulnerable to debt bondage arrangements and slavery-like exploitation.

[This] is not the principal determinant of migration in the source countries [because] the migrants are...not from the 'poorest' category, as they have to put up substantial amounts of money to get to their destinations [and] have access to loans in their local communities and from intermediaries in the migration industry (Kaur 2006: 6).

For these migrants, obtaining such funds and the consequences of not repaying as required is a matter that may increase their risk of exploitation.

In terms of employment and economic opportunities, disparities in employment conditions between countries, particularly in wages, rather than poverty per se, have a significant impact on labour migration

patterns. High rates of unemployment, combined with the higher wages offered abroad, are strong incentives to seek employment outside a person's country of origin. It offers the opportunity to improve a family's economic position through remittance of wages.

Recent forecasts indicate that income disparities in the Asia–Pacific region will remain pronounced and will continue to underpin the economic incentives for the 'poor and low skilled' to migrate (EIU 2007: 4).

Characteristics of labour migration in the region

'Feminisation' of labour migration

Traditionally, labour migration was dominated by men seeking employment in sectors considered 'undesirable' by nationals of destination countries (ADB 2006; Kaur 2004); however, in recent decades, intraregional migration flows have been predominately of females into the domestic service sector (ADB 2006). This is particularly the case for migrant workers from Indonesia and the Philippines, of whom the vast majority are female. The 'feminisation' of migration has emerged as a significant trend in the emigration of workers from southeast Asian countries (Hugo 2008). It poses a concern for trafficking as women, along with children, are considered most vulnerable.

Undocumented migration

Another factor which is characteristic of labour migration in southeast Asia is the growing phenomenon of undocumented migration (ADB 2006), particularly in Malaysia and Thailand. In recent years, Thailand has experienced a labour shortage as many Thai workers have sought better opportunities in higher-skilled sectors or better paying jobs overseas. The eschewing of low-paid, dirty, dangerous and difficult jobs by nationals is a significant influence on the need for low-skilled migrant labour (Hugo 2008). It is estimated that there are two million migrant workers in Thailand alone, many of whom have no legal status or Thai documentation, creating a large supply of potential workers who are willing to work under conditions much worse

than those accepted by Thai nationals. It is estimated that approximately 75 to 80 percent of illegal workers in Thailand originate from Burma (Hugo 2008).

Workers from Indonesia are a significant source of labour in the southeast Asia region. However, estimates of the numbers of workers in southeast Asia who come from Indonesia vary. Officially, there are some 400,000 people who migrate out of Indonesia for work each year (Idris 2005) but government estimates indicate the figure is closer to one million (Indonesian Government personal communication April 2008).

Although there is some risk inherent in all movements, those migrants moving through undocumented channels, or moving through regular channels that leave them with limited rights or illegal status at the destination, are most vulnerable. The undocumented status of a large proportion of migrants serves to remove them from the oversight of regulatory bodies other than as law breakers at all stages of the migration process. This endures as long as their status remains undocumented. Undocumented status may continue for many years or a lifetime and be inherited by children in a destination country. This can lead to greater and lengthy vulnerability to human rights abuses and possibly victimisation and re-victimisation across many dimensions in the person's life (Marshall 2001).

Undocumented migration systems may initially appeal to migrants as a 'safe and trusted network because [they] start in the home village' and involve a chain of people familiar with the requirements of the process, which often makes the process more accessible than official processes (Hugo 2008: 34). Families, friends and acquaintances play an important role in disseminating information about employment opportunities and migration pathways in the region. These networks become conduits for future migrants and can become so entrenched that they may encourage the continuation of movements even after the 'economic reasons for the flow have been superseded or rendered redundant (Hugo 2008: 36).

Exploitation can occur at any point in the process, during which the migrant is passed from one person to another in the chain. Trafficking may become evident after the first movement of the migrant, or it may occur subsequently due to the vulnerability of a migrant who, at arrival or later, becomes undocumented.

In the context of the 30 year growth in labour migration and the emergence of new source countries such as Vietnam and Cambodia, the market for migrants in the region is such that there is an 'immigration industry' (Hugo 2008: 33). This industry has the increasing involvement of a range of facilitators in the process (Piper 2005). Migrants may be assisted in reaching their destination by 'labour recruiters, agents, immigration officials, document forgers, [and] travel providers' (Hugo 2008: 35). Of the known cases where persons have been trafficked to Australia, many report having used a facilitator who had links to Australia.

Labour exploitation in the region

The industries which draw the most labour migrants from southeast Asia are poorly regulated which increases the likelihood and seriousness of exploitation. Poorly-regulated industries also create the conditions under which trafficking in persons can evolve. The situation is further complicated by the lack of rights commonly afforded migrants in the region, particularly low-skilled and domestic workers, which serves to increase the risks for these migrant worker groups (Kaur 2006).

Female migrants are more likely to find employment as domestic helpers and entertainers (primarily for southeast Asians moving into Japan for work), while men—Malaysian and Indonesian in particular—are more likely to be employed in the agricultural, construction and manufacturing industries (ADB 2006).

Thailand has had a well-publicised issue with the exploitation of men and children in the seafood and fishing industries. In September 2007, a police raid on a seafood factory in the Thai province of Samut Sakhon revealed approximately 800 Burmese men, women and children working

under harsh conditions. There have been many other cases of Burmese workers, many of whom are children and teenagers, discovered working under highly exploitative conditions in the seafood processing industry (US Department of State 2007).

Similarly, cases of Cambodian men exploited in the Thai fishing industry have been gaining attention in recent years. One such case involved 10 Cambodian men and one boy recruited by a local broker to work on fishing boats in Thailand for two years. The group was forced to work long hours, were not adequately fed, did not have access to medical treatment and frequently suffered physical and verbal abuse (UNIAP 2007). Such cases highlight the difficulties faced by migrants, especially undocumented migrants, who must seek employment outside their country and often find themselves directed into poorly-regulated industries where few protections exist and where deportation is the likely result of formal complaint.

Many Indonesian workers find employment overseas as domestic workers or in the construction industry. Immigration statistics from 1997 to 2002 indicate that Indonesians consistently accounted for over two-thirds of immigrants in the Malaysian construction sector (Narayanan & Lai 2005) and many found themselves working under highly exploitative conditions (Indonesian Government personal communication April 2008). There are an estimated 1.5 million Indonesians employed throughout the Middle East, 90 percent of whom work as domestic helpers (Migration Dialogue 2008). It is reported that most of the Indonesians working illegally in the Middle East are subject to extremely poor working conditions (Indonesian Government personal communication April 2008).

Protections in sending and receiving countries

Restrictive migration policies, which do not consider labour demand and supply factors, are considered to be 'fuel markets for smuggling and trafficking' (Taran & Chammartin 2003: 5). Many sending and receiving countries in the region have established agencies to oversee the labour

migration process and ensure the welfare of their workers, with some—Thailand, Philippines and Indonesia—also establishing labour offices within the receiving countries (Kaur 2004).

As a key source country for migrant labour, the Indonesian Government established the National Board for Placement and Protection of Indonesian Overseas Workers (BNP2TKI) in response to concerns regarding the exploitation of Indonesians working overseas. Article 4 of Law number 21 on the Eradication of the Criminal Act of Trafficking in Persons specifies that the removal of an Indonesian citizen from the country with the intention of exploiting that person is an offence punishable by up to 15 years imprisonment and a maximum fine of IDR600m.

In Singapore and Malaysia (two key receiving countries in southeast Asia), the governments instituted legislative reform to address labour abuse which increased penalties for brokers, recruitment agencies and smugglers (Kaur 2004). Several countries in the region have also signed agreements which attempt to regulate the flow of migrants into specific sectors. For example, the Medan agreement signed in 1984 by the Malaysian and Indonesian Governments sought to 'regulate the recruitment of Indonesians for the Malaysian plantation sector' (Kaur 2004: 258).

People trafficking in southeast Asia

The southeast Asian region is known to be a significant source of trafficked persons and is both an origin and destination region (UNODC 2009). Intra-regional trafficking is high, with Thailand ranked highly as an origin, transit and destination country. Other countries rank highly as places of origin, with most trafficking being to other Asian countries, although trafficked persons have been detected in southern Africa, Europe and the Middle East (UNODC 2009), as well as in Australia. Of the 113 trafficked persons identified in Australia as of December 2008, over two-thirds (n=75) originated from a southeast Asian country (Table 1). These trafficked persons were primarily women

from Thailand, although others also originated from Indonesia, Singapore and the Philippines.

Table 1 Origin of persons in the Support for Victims of People Trafficking program

Country of origin	Total
Thailand	70
South Korea	23
China	6
Indonesia	5
India	3
Czech Republic	1
Macedonia	1
Philippines	1
Portugal	1
Singapore	1
Uzbekistan	1
Total	113

Source: Joudo Larsen, Lindley & Putt 2009

Although government and non-government activities to combat trafficking have predominantly focused on addressing the issue of sexual exploitation, there is an increasing awareness of the need to also address trafficking for the purpose of labour exploitation other than in the commercial sex industry. Given the movements described in the southeast Asia region, it follows that labour trafficking is potentially an extensive problem throughout the region, in addition to other forms of trafficking.

The main form of exploitation faced by Indonesians abroad is in forced labour. Government estimates indicate that about 20 percent of people leaving Indonesia are trafficked (Indonesian Government personal communication April 2008). In the majority of cases, the trafficked person initially sought the services of a recruitment agency to help find a job. The agency fee is expected to be paid once a job has been secured and reports of cases to the Department of Women's Empowerment indicate that it is within the broader context of undocumented labour movements in the region that trafficking occurs. Upon arrival, a person's passport is usually taken and the debt must be repaid before their documents are returned. In these situations, the wages are often much lower than promised (eg \$20 per month rather than \$100 per

month). Many trafficking cases, particularly in the Mekong Subregion, involve the initial 'voluntary' movement of a person who decides to travel for work (Marshall 2001).

It is widely believed that there is a need to create more opportunities for the legal migration of unskilled workers in order to prevent exploitation of migrants. In the same way that most migration of southeast Asians is intra-regional, most trafficking is also believed to occur within the region.

Data on trafficking in persons in the region

It is difficult to obtain a clear picture of trafficking in the southeast Asia region as it primarily revolves

around the large scale of undocumented or unregulated labour migration, which results in a blurred distinction between trafficking and smuggling; the widespread movement of women as wives and domestic workers, in addition to sex and entertainment work; the trafficking of children for labour, sexual exploitation, and adoption; and the strong link between prostitution [and] sex tourism (Piper 2005: 208).

Also, the conflation of undocumented migration, trafficking and sex work leads to unreliable data on trafficking in the region. Data collection is also affected by the existence of porous borders with a low level of immigration control, as well as corruption among low-paid officials. These circumstances make it likely that only a small portion of trafficked persons will be identified. Of those who are identified, as mentioned above, they are often deported without their cases being investigated, since many are treated as illegal immigrants and returned across the border (Thai NGO personal communication March 2008).

Statistics from government, non-government and international organisations give some indication of the extent of trafficking in the region.

Singapore has long been a transit point for people movement out of the region and it is foreseeable that traffickers would make use of this well-worn path. Singapore is primarily a destination country for sexual and labour exploitation. However, the latter is not

defined as trafficking in Singapore if the person has travelled willingly (Singapore Government personal communication March 2008). This poses a difficulty for determining the extent of trafficking, as cases of trafficking may be treated as immigration matters. During the period from 2004 to 2007, 111 cases of trafficking for sexual exploitation were reported to the police (Singapore Government personal communication March 2008).

Statistics collected by foreign embassies show a much higher number of trafficked persons. In early 2008, the Philippines embassy in Singapore reported that the number of trafficking cases involving Filipino women increased from 125 in 2006 to 212 in 2007. Of the 212 persons trafficked in 2007, 57 had engaged or were coerced to engage in sex work, while smaller numbers worked in licensed premises and as escorts.

Concerns were also expressed over the exploitation of foreign brides in Singapore who have no legal status and come primarily from less-developed countries such as Thailand, India, China, Indonesia and the Philippines (NGO representative personal communication March 2008). As is the case for domestic workers, foreign brides are unlikely to have a great deal of contact outside of the home and are highly vulnerable to exploitation.

Royal Thai Police reported that 144 sex trafficking cases were prosecuted over a two year period ending June 2007 (US Department of State 2008). However, there are reports of thousands of migrants experiencing exploitation which, in Thailand, may amount to trafficking (Thai NGO personal communication March 2008).

Malaysian police statistics estimate that almost 400 trafficked women were identified between 2004 and 2006 (NGO representative personal communication March 2008), but the numbers of persons trafficked to Malaysia are estimated to be much higher. As of September 2006, some 90 domestic workers were rescued by Tenaganita, a non-government organisation in Malaysia, and a further 1,000 trafficked women were sheltered by the Indonesian Embassy (Fernandez 2007). In 2005, 4,600

foreign women were arrested and charged with immigration offences though it is likely that some of these women may have been trafficked (Fernandez 2007).

Indonesia, a key source of trafficked persons in the region, has a large problem with trafficking and smuggling along its border with Malaysia. It is relatively easy to cross the border on a tourist or visitor visa and change that to a working visa on arrival. Between 1999 and 2005, 729 suspected cases of trafficking were investigated by Indonesian police and of those, 550 were referred to the judiciary.

Statistics collected from the police force, judiciary and other government departments by the Indonesian Social and Manpower Department indicate there has been a 29 percent increase in cases against traffickers in recent years. In 2006, 110 cases were investigated and another 142 cases were investigated in 2007. There has also been a corresponding increase in prosecutions, from 30 in 2006 to 56 in 2007. Between January 2007 and March 2008, 218 trafficking cases were recorded, with slightly more cases of forced prostitution than forced labour. As of April 2008, 56 cases had been prosecuted.

Table 2 Trafficked persons by age and sex, 2005–08

	Trafficked persons			
Sex	Infants	Children	Adults	Total
Female	5	651	2,046	2,702
Male	0	134	206	340
Total	5	785	2,252	3,042

Source: IOM Indonesia personal communication 2008

Many Indonesians who have been trafficked are identified through the migration process. That is, they are caught as illegal immigrants in Malaysia and deported to Indonesia, at which point it is sometimes determined that they were trafficked to Malaysia. IOM Indonesia gathers data on Indonesians who have been trafficked and was holding information relating to 3,042 persons between March 2005 and January 2008. Of these persons, 89 percent (n=2,702) were female and 26 percent (n=785) were children (Table 2). Of all persons, 54 percent had been exploited as domestic workers and 16 percent as sex workers.

Table 3 lists the countries to which the persons interviewed by IOM were trafficked. Just over three-quarters of this group were trafficked to Malaysia (n=2,305) with the next largest proportion having been trafficked internally (n=587).

Table 3 Indonesians trafficked by destination country, 2005–08

Country	Numbers
Malaysia	2,305
Indonesia	587
Saudi Arabia	49
Singapore	28
Japan	27
Syria	11
Kuwait	10
Taiwan	6
Iraq	4
Others	15
Total	3,042

Source: IOM Indonesia personal communication 2008

What does all this mean for Australia?

National and regional initiatives, including legislative changes or increased law enforcement activity in line with recognised international best practice can better regulate the flow of people across borders and their potential vulnerability to exploitation (Kaur 2006). This, in turn, can also have a positive effect on trafficking, which is underpinned by the broader issue of the exploitation of migrants. Although it is well accepted that specific anti-trafficking measures are also required, better management of the risks of exploitation in the region has a positive impact on Australia as a destination country and on Australian activity in the region.

Australia's strong socioeconomic position in the Asia–Pacific region, together with plentiful job opportunities in low-skilled sectors, contributes to its status as a target destination for traffickers and smugglers. Despite this, it is unlikely that Australia will experience a significant growth in trafficked persons from the region for several reasons, including:

 most migration in southeast Asia is intra-regional and the trafficking of persons seems to have followed this path;

- most people who are trafficked are in search of better economic opportunities of which there are already many within southeast Asia or in neighbouring regions such as East Asia and the Middle East; and
- undocumented movement within the southeast Asian region carries fewer risks of detection and is far less expensive (thereby incurring smaller debts for the migrant) than travel to well-protected Australian sea and airports.

Despite the unlikelihood of an influx of trafficked persons into Australia for the reasons noted above, supporting sound risk-management initiatives in the region, as well as Australian risk-management actions, is an important strategy.

Management of regional risks of exploitation also holds implications for Australian activities in the region, such as child sex tourism, offshore labour arrangements and of course, trafficking. Australia's extended geographical jurisdiction in relation to trafficking offences enables the prosecution of offences 'committed outside Australia by an Australian company, citizen or resident' (Australian Government 2009: 11). This aspect of the legislation is an important tool for managing risks of exploitation and trafficking by Australians in the region.

Furthermore, the significant role played by informal networks of migrants and facilitators (eg brokers/recruiters) in migration within and out of the southeast Asian region is of importance when considering future levels of migration into Australia and should be considered when responding to the problem of trafficking. Further research is required to learn more about the role of facilitators in migration and trafficking.

The need to look beyond trafficking for the purpose of sexual exploitation is obvious, given the potential exploitation of large numbers of migrant workers in the Australian agriculture, construction, mining and hospitality industries among others.

Jacqueline Joudo Larsen is a senior research analyst at the Australian Institute of Criminology and manager of the Trafficking in Persons Research Program.

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GPO Box 2944 Canberra ACT 2601, Australia Tel: 02 6260 9200 Fax: 02 6260 9299

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Australia is a member of the International Labour Organisation and has ratified seven of the eight fundamental conventions which promote decent work by setting minimum labour standards for all industries.

The recent introduction of the Pacific Seasonal Worker Pilot Scheme in Australia, which tightly controls the supply of Pacific workers into the Australian agricultural industry, is one example of how a receiving country can seek to ensure the protection of migrant workers and maintain standards and conditions within the nation's labour market (see AIC forthcoming for further details).

The emergence of cases of migrants experiencing exploitation in various industries (AIC 2009; Deegan 2008) demonstrates that despite comparatively strong regulation across many labour sectors, such scenarios are a continuing risk that require sustained and dynamic responses. This overview provides some insight into the dynamics of migration in the southeast Asian region that impact on the risks for people trafficking.

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