A methodology for exploring the interaction between statelessness and human trafficking

Laura van Waas, Conny Rijken, Martin Gramatikov and Deirdre Brennan

Statelessness and human trafficking are grave and widespread human rights problems which the international community is committed to tackling. The two issues have even been linked, through the common claim that statelessness puts a person at greater risk of becoming a victim of trafficking. This report discusses the steps taken in the design and development of research methodology aimed at exploring the nexus between statelessness and human trafficking and offers some reflections on the experience of piloting that methodology. It was a collaborative project, in which scholars with expertise on statelessness, human trafficking, Subjective Legal Empowerment and gender studies worked together to design and execute research that cuts across disciplines. The report provides details of all phases of the project, including the modalities of the quantitative and qualitative data collection. A second report, “The Nexus between Statelessness and Human Trafficking in Thailand” (or Thailand Report), is also available and presents the findings of the pilot study which was carried out among hill tribe people in the Northern Part of Thailand.
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## EXECUTIVE SUMMARY

The Nexus between Statelessness and Human Trafficking in Thailand
EXECUTIVE SUMMARY

Statelessness and human trafficking are grave and widespread human rights problems which the international community is committed to tackling. The two issues have even been linked, through the common claim that statelessness puts a person at greater risk of becoming a victim of trafficking. However, the causal link has never been decisively demonstrated or illuminated using empirical data. This research project focused on developing a methodology that would enable the interaction between statelessness and trafficking to be mapped. The methodology uses Subjective Legal Empowerment (SLE) theory as a way to measure the impact of statelessness and to identify vulnerability. This report discusses the steps taken in the design and development of the research methodology and some reflections on the experience of piloting the methodology in Thailand - the full findings of which can be found in the separate and complementary report The nexus between Statelessness and human trafficking in Thailand.

The study follows the definitions of a stateless person and of human trafficking that are provided by international law. This ensures that the methodology of the project is valid beyond the national context in which the research was piloted and that the findings of the pilot study can be positioned within relevant international legal and policy discussions on these issues. A stateless person is defined in the 1954 UN Convention relating to the Status of Stateless Persons (article 1) as: “a person who is not considered as a national by any state under the operation of its law”. Trafficking in persons (TIP) is defined in the ‘Palermo Protocol’ (article 3) as: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. To implement these international law definitions in a research context is distinctly challenging, both in conceptual and practical terms, including because both stateless persons and human trafficking victims can be considered ‘hidden’ and hard-to-reach populations. This must be taken into account in designing a methodology that allows the nexus and indeed the causality between the two to be explored.

Various approaches can be conceived for studying whether and why stateless persons are more vulnerable to human trafficking. This project looked at the supply or ‘source’ side of the human trafficking nexus – a choice which was informed by the broader objective of showing what impact statelessness has on the lives of those affected and helping to inform source-based interventions for the prevention of trafficking. Data collection therefore focused on the population concerned, i.e. the persons for whom the risk of falling victim to trafficking is to
be measured (rather than other actors in the trafficking cycle such as exploiters or consumers). Given that the aim is to ascertain whether and why stateless persons are intrinsically at higher risk of trafficking than persons with nationality, the target population must include both stateless and citizens. Moreover, to the degree possible, the research design should allow the impact of statelessness to be isolated from other factors that may also influence a person’s vulnerability to trafficking. This was addressed through the careful selection of comparable target groups as well as by integrating questions into the data collection tools which allow other variables to be excluded during the analysis stage. By capturing data on, for instance, the age or level of income of respondents, it is possible to control against the influence of these variables. The project also aimed to look at the specific position of stateless women, so ultimately a total of four sub-groups emerged within the overall target population: stateless women, stateless men, citizen women and citizen men.

Stateless persons may intrinsically be more likely to fall prey to trafficking because they seek a better life away from home at a higher rate than citizens. Alternatively, or in addition, stateless persons may become exploited at a higher rate than citizens in the process of seeking a better life away from home. On the basis of the foregoing and to help direct the development of the methodological framework, two hypotheses were formulated to be tested in the research:

**Hypothesis 1:** Root causes of human trafficking are more prevalent among stateless persons than citizens, prompting them to enter the trafficking chain at a higher rate.

**Hypothesis 2:** Stateless persons are less able to solve problems and (legal) disputes than citizens, exposing them to exploitation at a higher rate.

To test hypothesis 1, the root causes of trafficking must be identified. Thus the desk review and key informant interviews looked at the recognised root causes of trafficking in general and the root causes of trafficking in the Thai national context in particular, which were then translated into questions to be integrated into the framework for the empirical research. To test hypothesis 2, the study had to ascertain whether, if a stateless person takes the step of leaving their home in search of work, the circumstance of statelessness means that this process will more often become a situation of trafficking. A means to achieve this, in addition to questions on the perceived likelihood of encountering the problem of exploitation, was by integrating the theory of Subjective Legal Empowerment (SLE) within the project. SLE suggests that a person’s self-belief in his or her ability to resolve a dispute or conflict offers a good measure for how likely that person is indeed able to resolve the situation, allowing for the (relative) quantification of an individual or population’s legal empowerment such that it can be compared between groups and across different scenarios or spheres of life. Thus, for example, the relative SLE with regards to the ability to deal with – the signs of – exploitative labour conditions can be established for the stateless
members of a community and those who hold nationality. This provides some way to predict the likelihood of a person who encounters such a situation to respond in such a way as to avoid or escape a situation of trafficking.

To test the aforementioned research hypotheses, a mixed quantitative and qualitative approach was adopted. Quantitative analysis allowed the measurement of the relative prevalence rates of the root causes of trafficking among stateless persons and citizens. Qualitative assessment facilitated the understanding of the way in which the root causes of trafficking, or the perceived ability to deal with problems or disputes, are actually influencing behaviours and outcomes. On this basis, the research methodology developed and piloted under this project employed five types of data collection: a) a desk review; b) key informant interviews; c) a survey; d) in-depth interviews; and e) focus groups.

The desk review had two elements. On the one hand, it explored statelessness, including the profile of the stateless population under study (i.e. who is stateless and where), how statelessness or citizenship can be established during on-the-ground fieldwork, what is already known or documented about the impact of statelessness and any other data relevant to the further design, planning and implementation of the research. On the other hand, it explored human trafficking, including by investigating what root causes of trafficking are recognised in existing literature, who is considered to be vulnerable to victimisation and why, and what is known about the modalities of the trafficking chain in Thailand. The desk review also sought to uncover which individuals or organisations hold expertise with regard to the issue of statelessness and/or of human trafficking in Thailand, to help identify key informants and potential research partners for the further data collection. Finally, since the research methodology utilises SLE theory, the desk review helped identify the type of problem or (legal) dispute that members of hill tribe communities may readily come across and which coping mechanisms are available to deal with these problems to ensure that the questions set out in the empirical data collection were attuned to the social, economic and cultural setting.

Qualitative, key informant interviews were then held with twenty experts in Thailand. The key informant group can be divided into two broad categories: support respondents, who work on direct trafficking victim and/or citizenship support in the relevant communities; and policy respondents, who are involved in monitoring and coordinating activities on trafficking and/or statelessness at a policy level. The key informant data helped to optimise the data collection tools. Those with specific statelessness expertise confirmed that self-identification could be problematic in Thailand and helped with the consideration of a suitable proxy indicator for statelessness/citizenship to be integrated into the empirical data instruments. Further information from key informants on the root causes of trafficking led to questions being added on a number of more subjective or “internal” root causes as well as to explore the role of “triggers” for human
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trafficking. Through the key informant interviews with experts who were members of or could speak to the situation of the hill tribe communities, it was also possible to test the formulation and appropriateness of certain questions that were foreseen in the draft survey questionnaire and in-depth interview protocol.

In order to explore the relative situation, perceptions and attitudes of people with citizenship and those who are stateless, face-to-face interviews were carried out with a sample from both groups, using a pre-defined survey questionnaire. The questions were directed towards: determining whether and to what degree the respondent is affected by the various root causes of trafficking (hypothesis 1) and establishing the respondent’s level of SLE with respect to problems relevant to the trafficking context (hypothesis 2). For the survey, the generic population frame consisted of adult hill tribe people in the Chiang Mai and Chiang Rai regions of Thailand – a mixed population of stateless persons and citizens. A screening interview allowed the interviewers to differentiate between stateless and citizens so as to implement a prescribed quota of 50% stateless respondents and 50% citizen respondents. The main body of the survey instrument contained five broad categories of questions: demographic characteristics and socio-economic data; root causes of trafficking, beyond basic demographic and socio-economic indicators; Subjective Legal Empowerment with respect to problems relevant to the trafficking context; incidence of disputes in general (not informed by the trafficking context) and the respondent’s ability to resolve these; and citizenship status and the availability of citizenship in the country of residence. The survey was carried out through a local partner with the capacity to conduct the interviews on the ground, the Chiang Mai University Law Clinic (hereinafter the Law Clinic), which already engages in outreach and the provision of legal advice for people living in the target region, including the hill tribe populations. Before the survey enumeration commenced, the interviewers participated in a full-day training that took in both the theoretical concepts, aims and hypotheses behind the research project, as well as interview techniques. A total of 485 effective interviews were then conducted, with an average interview time of 20 minutes, and the data was entered into a pre-prepared database spreadsheet for analysis.

The qualitative component of the research envisaged in-depth interviews directed at identifying cause-and-effect relationships between statelessness and trafficking, as well as to identify the role of Subjective Legal Empowerment in this nexus. Originally, the target population was to be members of the hill tribe community who have been victims of human trafficking (both citizens and stateless persons). However, due to problems relating to identifying and accessing relevant respondents, a new plan was drawn up for the qualitative research component of the project. It was decided that the target group should be the same hill tribe communities which participated in the survey, this time selecting a small number for a qualitative discussion on their situation and experiences. The two broad objectives were to further explore the relationship between the factors which are generally understood to be root causes of human trafficking
and actual perceptions and likely behaviour; and to explore why certain factors which are generally understood to be root causes of human trafficking are more prevalent among stateless hill tribe people than those with citizenship. A new in-depth interview protocol was developed, informed by the survey findings and the adjusted qualitative research objectives, with questions on: citizenship status and experiences; the consequences of statelessness; job opportunities (in and outside the village); exploitation; disputes/crises and responses; and broader Subjective Legal Empowerment. The collaboration with Chiang Mai University Law Clinic was extended into this phase of the project and again interviewers were recruited and provided detailed training. A total of 30 in-depth interviews were conducted, lasting between 30 and 60 minutes each. The interviews were recorded and then transcribed in full in Thai, before translated into English for analysis.

In parallel to the in-depth interviews outlined above, focus group discussions were organised to supplement the qualitative data collection. These focus groups targeted the research sub-set of stateless women specifically, to draw out their experiences in greater detail. By prompting discussions within the group on certain themes and observing the interchanges between participants, it was possible to gain a greater depth of information on the circumstances, perceptions and life choices of stateless hill tribe women. Four themes were selected for discussion in the focus groups: developments and issues in the communities, work opportunities in the communities, education, citizenship/statelessness and exploitation. One focus group discussion was organised in each of the two communities where the in-depth interviews were also conducted and a total of 9 stateless women participated.

At each stage of the research project, careful analysis was undertaken of the data collected, which fed into a series of interim project reports. The first was a detailed background note on the core theoretical concepts, methodology and research context in Thailand, based on the desk review. Next, the key informant interviews were mined for information relating to a number of central topics (citizenship and statelessness, consequences of statelessness, root causes and modus operandi of human trafficking), before information on the consequences of statelessness and the causes of human trafficking were processed in a more structured way by coding the data following a pre-established coding framework. This data was then compared to see where often-cited consequences of statelessness aligned with often-cited causes of trafficking, giving some sense of the potential nexus and helping to inform the development of the data collection instruments to explore this nexus further. The analysis of the survey data, written up as a separate quantitative report, was organised by theme. Throughout the analysis, the main variable explored was citizenship status and a secondary variable was sex. Thus, the analysis was geared towards the identification of statistically significant differences in data from stateless/citizen respondents, and then also between male/female respondents. From this analysis,
questions were identified that would be relevant for further exploration through the in-depth interviews and focus groups. The analysis of the in-depth interview data was arranged along similar thematic lines to the survey analysis, in particular: education, income, marital status, travel, migration attitudes, exploitation and Subjective Legal Empowerment. For each of these areas, the aim was to see if there are differences in the responses from the four target groups: citizen men, citizen women, stateless men and stateless women. Since the in-depth interviews followed a semi-structured approach and did not anticipate particular or closed responses, the data was coded after the data collection. Guiding questions were also elaborated to help look for trends and draw out information which would supplement, contextualize or explain the survey findings. Wherever possible, the analysis looked for not just whether but why a particular effect is seen. The data from the two focus group discussions with stateless women was also analysed and grouped by theme and written up separately. Finally, the data compiled through all stages of the research project was consolidated into a single report (*The nexus between Statelessness and human trafficking in Thailand*).

The research pilot in Thailand confirmed that studying statelessness can be distinctly challenging in methodological terms – in particular efficiently and effectively identifying stateless persons in the execution of an empirical study and isolating the impact of statelessness from other factors that may also influence a person’s situation and level of vulnerability. It also confirmed that exploring the phenomenon of human trafficking brings a variety of research challenges – not least identification of and access to victims. Further challenges came to light at the data analysis stage, including the problem of determining the causal relationship between statelessness and certain observed phenomena. For instance, while it was clear from the data that stateless persons averaged a lower level of household income and a lower level of educational achievement, what is the relationship between these factors? Complementing the quantitative study with qualitative research to explain and contextualise such results was thus a strength of the methodological approach taken.

In terms of methodological choices, a central feature of this project was the use of Subjective Legal Empowerment theory as a means to explore attitudes and behaviour. This was a key tool in mapping whether stateless persons are less able to solve problems and (legal) disputes than citizens and to specifically ask this question in respect of the context of exploitation. SLE theory was also crucial in exploring the issue of triggers that lead a person to enter a trafficking chain. An individual’s ability to absorb, cope with or solve such a crisis mitigates the risk that it will otherwise become a trigger for trafficking and a way to assess that ability to measure their SLE. This research does not provide a measure of the actual scope of the trafficking problem among stateless persons vs citizens, only of the relative degree of risk, but such information can be used to help craft more targeted and effective anti-trafficking intervention strategies. Nonetheless, ascertaining the relative risk of trafficking among stateless and citizen respondents
proved to be more complicated than anticipated. Ultimately, it is necessary to recognize that while the causal link between statelessness and risk of trafficking can be identified and even attributed to particular influencing factors, there are some – particularly internal – factors that will influence an individual’s attitudes and behaviour which do not fit into an oversimplified stateless vs citizen model. Thus, a stateless person may be at greater risk of trafficking than a citizen because of the prevalence of factors A, B and C, but statelessness does not influence factors X, Y and Z. That there is more than just the stateless-citizen nexus to contend with in this type of study was also brought to the fore in the Thai research context. The diversity of the hill tribe communities is significant, in terms of ethnicity, language and religion, but also of village geography and community cohesion. The term ‘hill tribe’ therefore incites a degree of generalisation and the manner in which statelessness affects the risk of trafficking among particular sub-groups of this population may vary. Notwithstanding the complexity of the hill tribe community, the Thai research environment was conducive to the research, including because stateless persons were easy to find and access and they live side-by-side with otherwise similarly situated citizens, providing for a clear and appropriate comparator against which to measure the impact of statelessness. Were a similar project to be undertaken elsewhere, such elements may be less readily met.

Finally, this report points out the integral role of the local partner in the empirical data collection: such a partner can facilitate access to and gain the trust of the target population and provide critical input on how to adapt the research instruments to the local context. Another fundamental ingredient identified was the composition of an inter-disciplinary group for the research design and data analysis. By forming the team of specialists from the field of statelessness, human trafficking, Subjective Legal Empowerment and gender studies, the project was able to directly tap all of the expertise necessary to deal with the different disciplines at play and the various demands of the research. Lastly, the research methodology elaborated at the outset of the project continued to develop as the project progressed. By continuously building on the knowledge accrued during the different stages of the study and the input from, for instance, the key informants, the methodology was fine-tuned and made more effective.
1. INTRODUCTION

Statelessness is a grave and widespread human rights problem which the international community is committed to tackling. The same is true of the phenomenon of human trafficking. The two issues have even been linked together, through the common claim and widely held perception that statelessness puts a person at greater risk of becoming a victim of human trafficking.¹ This might seem obvious, but is this indeed the case? If so, are stateless women especially vulnerable? What factors underlie the vulnerability of stateless persons or stateless women to human trafficking and why are they (more) prevalent among the stateless? Understanding the nexus is highly relevant to channelling efforts to address both statelessness and trafficking. If statelessness indeed increases the risk of victimisation, then anti-trafficking policies can be improved by targeting stateless populations as a specific vulnerable group and tailoring the approach to factor in the circumstance and impact of statelessness. Moreover, if statelessness is facilitating human trafficking, this finding helps to strengthen the case for resolving situations of statelessness because such efforts are a way for states to contribute to the fight against trafficking.

The causal link between statelessness and trafficking has never been decisively demonstrated or illuminated using empirical data. In order to fill this information gap, this research project focused on developing a methodology that would enable the interaction between statelessness and trafficking to be mapped.² The methodology uses Subjective Legal Empowerment (SLE) theory as a way to measure the impact of statelessness and to identify vulnerability. Thailand was selected as the location in which to pilot this methodology, since it has a large and long-standing statelessness problem³ and it is the country which is most often cited as an example when the connection is made between statelessness


² This project was made possible by a research grant from the United States Department of State, Bureau for Population, Migration and Refugees.

³ Thailand is home to a stateless population currently estimated at just over half a million people. See UNHCR, Global Trends 2013, available at http://www.unhcr.org/5399a14f9.html.
and trafficking, in relation to the country’s hill tribe community. The potential of the methodological framework is, however, broader in application and can be adapted to other domestic contexts.

This report discusses the steps taken in the design and development of the research methodology, as well as the modalities of each of the various forms of data collection: desk review, key informant interviews, survey, in-depth interviews and focus groups. It also offers some reflections on the experience of piloting the methodology in the Thai context. The full findings of which can be found in the separate and complementary report *The Nexus between Statelessness and Human Trafficking in Thailand* (hereinafter “Thailand Report”).

This methodology report is relevant for researchers and policy makers who are interested in – techniques for – better understanding statelessness as a root cause of human trafficking with a view to improving anti-trafficking policy and interventions. At the same time, it is equally relevant for anyone interested in – techniques for – better understanding the consequences of statelessness with a view to mitigating its impact on people’s lives in the area of exploitation and trafficking in human beings or strengthening the evidence base needed to generate further political will to end statelessness. Finally, the report is also expected to be of broader interest to researchers and policy makers who face the challenge of demonstrating the causality between different human (rights) phenomena, as it provides an example of research methodology developed specifically with a view to exploring such a nexus.

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5 An abbreviated description of the development of this research methodology was already published part-way through this project in L. van Waas, C. Rijken and M. Gramatikov, “Exploring the Interaction between Statelessness, Legal Empowerment and Human Trafficking” in *Tilburg Law Review*, Vol. 19, 2014. Some sections of this earlier article are reproduced here.


7 UNHCR is spearheading a campaign to end statelessness by 2024 – an ambitious objective which relies on states to recognize the need to resolve situations of statelessness within their borders and take steps to do so. See for details [http://www.unhcr.org/pages/53174c306.html](http://www.unhcr.org/pages/53174c306.html).
2. CLARIFYING THE KEY CONCEPTS: STATELESSNESS AND TRAFFICKING

This project focuses on the vulnerability of “stateless persons” to “human trafficking”. Before discussing how a methodology was developed to explore the dynamics of the relationship between these two phenomena, it is important to first establish how the terms are defined and to consider the interpretation and application of these definitions in a research context. This study follows the definitions of a stateless person and of human trafficking that are provided by international law. This ensures that the methodology of the project is valid beyond the national context in which the research was piloted and that the findings of the pilot study can be positioned within relevant international legal and policy discussions on these issues. In this section, the details of these international law definitions are presented and some general challenges which researchers face when seeking to study statelessness and trafficking are discussed. How these general considerations have influenced the development of the research methodology for this specific project is discussed from section 3 of this report onwards.

A. Who is a ‘stateless person’?

In international law, the definition of a stateless person can be found in the United Nations Convention relating to the Status of Stateless Persons, adopted in 1954. According to article 1 of this instrument:

The term “stateless person” means a person who is not considered as a national by any state under the operation of its law.8

This is the definition of a stateless person which was applied throughout the project. As such, the project focuses on persons who have commonly been described as ‘de jure stateless’.9 Nationality refers to a particular type of legal bond between a person and a state, also commonly described as citizenship.

8 This definition is now also viewed as customary international law. See further L. van Waas, ‘The UN Statelessness Conventions’ in A. Edwards and L. van Waas, Nationality and Statelessness under International Law, Cambridge University Press, 2014.

9 The question of so-called ‘de facto statelessness’ – a concept which has no definition under international law and has been applied, in practice, to many different contexts – is not considered in this research. See further for a critical analysis of the notion of de facto statelessness, for instance, A. Harvey, “Statelessness: the de facto statelessness debate” in Immigration, Asylum and Nationality Law, Vol. 24, 2010; and J. Tucker, “Questioning de facto statelessness: by looking at de facto citizenship” in Tilburg Law Review, Vol. 19, 2014.
Relevant international guidelines provide a further insight into the interpretation and application of the definition of statelessness, offering some pointers that are relevant to shaping research on this phenomenon. For instance, for a person to be stateless, it is not relevant how the person came to be without a nationality or whether there is the possibility for the person to acquire a nationality by taking some kind of action: the only thing that matters is whether the person is considered as a national by any state at the time the determination is made. When conducting research that seeks to understand the present-day impact of statelessness on peoples’ lives by comparing their experiences to that of citizens, what is therefore decisive for whether a person is counted as stateless is his or her status at the moment the study is conducted.

For a person to be stateless, it is also not relevant where he or she is located, statelessness occurs in both migration and non-migration contexts. Statelessness is a recognised root cause of forced displacement and some stateless persons are also refugees. However, a stateless person may never have crossed an international border, having lived in the same country for his or her entire life. In order to isolate and better understand the impact of statelessness, research which focuses on an ‘in situ’ stateless population can be more effective than targeting a group that experiences both statelessness and displacement where it may be difficult to distinguish between the impacts of these two overlapping contexts. Meanwhile, to determine whether a particular person is considered as a national by a state under the operation of its law, requires an analysis of not just the nationality law, but also – and importantly – how a state applies its nationality laws in practice. Sometimes an objective reading of the law would lead to the conclusion that the person is a national, but the state may not in practice follow the letter of the law, so the analysis must be based on how the competent authorities interpret and apply the law. A comprehensive analysis of the national context must therefore be conducted at the outset of any project which aims to study stateless persons, in order to build a profile of who is affected and thereby identify the target population for research.

Based on the summary conclusions of the Expert Meetings convened by UNHCR in 2010 to discuss the definition of a stateless person and determination of statelessness and the UNHCR Handbook on Protection of Stateless Persons which has since been issued. All documents are available via http://www.unhcr.org/refworld/statelessness.html.

Handbook on Protection of Stateless Persons, para. 50.

Handbook on Protection of Stateless Persons, para. 15.

A stateless person is also a refugee if, in addition to lacking any nationality, they meet the definition of article 1 of the 1951 Refugee Convention (i.e. have fled their country due to a fear of persecution). Generally speaking, stateless refugees are identified and treated as refugees – e.g. in UNHCR’s statistics on statelessness only non-refugee stateless populations are counted.

As discussed further in section 3B, in piloting the methodology developed under this project, a non-refugee stateless population was selected: Thailand’s Hill Tribes are within their own country and are not generally considered to be at risk of persecution.

Handbook on Protection of Stateless Persons, paras. 23 onwards.
In literature on statelessness, the issue is acknowledged to be a difficult and challenging one to study.\textsuperscript{16} Stateless populations are often “hidden”.\textsuperscript{17} There are a number of factors for this. Statelessness can, for instance, be an unfamiliar concept to both the individuals affected and relevant stakeholders, or there may be misunderstandings about what the term means or how it should be applied. As a consequence of this, but also because people may not be fully aware of their own status, it is not always possible to rely on research subjects to accurately self-identify as stateless or as a citizen:

\begin{quote}
Whether someone is stateless is generally determined on the basis of laws and practice of a State. Only to a lesser extent can it be directly determined on the basis of what someone says about his/ her situation in a survey questionnaire or interview. […] For example, some individuals may identify themselves as stateless when they are not and others may consider that they hold a nationality when they do not, or vice versa.\textsuperscript{18}
\end{quote}

The literature on methodological challenges to researching statelessness notes that the wide range of problems that stateless people may experience in their daily lives and the severe marginalisation suffered due to their status – including in their relationship to the state authorities – also poses problems. They may “be reluctant to come forward to be counted, or to reveal their personal circumstances, because of concerns about how their information will be used”.\textsuperscript{19} Where a population has already been the subject of previous research projects and their situation remains unchanged, there is also a risk that they will be hesitant to participate in or take seriously another study, due to disillusionment about its purpose or benefits. This can again make it difficult to get an accurate picture of their situation or to implement particular sampling frames which rely on the identification of statelessness as part of the research project.

There are a number of ways to counter or mitigate the above difficulties, including the use of “proxy questions” to ascertain statelessness. Thus, rather than (only) asking a person whether he or she is a citizen or is stateless – a question that he or she may not know how to answer accurately or want to answer honestly – questions can, for instance, be asked about what forms of documentation the individual possesses that may offer evidence of nationality or of statelessness. What questions will work as effective proxies in helping to identify or confirm a research respondent’s statelessness or citizenship can be determined on the basis of a closer analysis of the national context and in consultation with local

\textsuperscript{17} UNHCR, \textit{Mapping statelessness in the United Kingdom}, 2012.
\textsuperscript{18} UNHCR, \textit{Guidance document on measuring stateless populations (Temporary Release)}, May 2011, \url{http://www.unhcr.org/refworld/pdfid/4f6887672.pdf}.
\textsuperscript{19} Ibid.
experts. It is also important to find ways to put potential research participants at ease and ensure their willingness to participate in the study and to do so honestly and openly. This means clearly communicating the objectives of the research to any potential participants, building trust and managing expectations. Practical arrangements such as determining the best time of day and place to approach respondents and involving interviewers who speak the local language and know the local setting can also help to avoid miscommunication or mistrust. Gaining the confidence of community leaders or trusted members of the group under study, by discussing any expectations or concerns that they may have about the project beforehand, can also help secure participation of the population and subsequent acceptance of the results.

B. What is human trafficking?

In international law, trafficking in persons (TIP), also known as trafficking in human beings (THB), is defined in a protocol to the UN Convention against Transnational Organised Crime known as the ‘Palermo Protocol’:

\[
\text{Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.}^{20}
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This is the definition of TIP which was applied throughout the project. As with the concept of a stateless person, relevant international guidelines were taken into account in the interpretation and application of the definition.\(^{21}\) An important question in this respect is whether, under the terms of the Palermo Protocol, TIP must have a transnational character and must be conducted as an organised crime. Article 4 of the Palermo Protocol states that: “This Protocol shall apply … to the prevention, investigation and prosecution of the offences … where those offences are transnational in nature and involve an organised criminal group, as well as to the protection of victims of such offences”.\(^{22}\) In the guidance issued by the UN Office on Drugs and Crime on the interpretation of the convention and its protocols in 2004, it restated that these elements were required for the


\(^{21}\) Based on the summary conclusions of the Expert Meetings convened by UNHCR in 2010 to discuss the definition of a stateless person and determination of statelessness and the UNHCR Handbook on Protection of Stateless Persons which has since been issued. All documents are available via http://www.unhcr.org/refworld/statelessness.html.

\(^{22}\) According to Article 37 of the UNCTOC, the protocol should be interpreted together with the Convention, although Article 34 of the same protocol denies the requirements of transnational and organised crime for a number of offences criminalised in the UNCTOC.
Convention to apply, but indicated that the elements of transnational nature and organised crime should not be posed as elements in the definition of TIP in national laws. Looking at the definition in Article 3 of the Palermo Protocol, it is clear that neither element has been explicitly included as such, but that the transnational aspect of the Convention seems to have influenced the definition in the sense that an element of movement does appear to be included in the acts. Yet, transnational movement is not required for the definition to apply. The definition can therefore be reduced to the following elements: acts (recruitment, transportation, transfer, harbouring or receipt) and means (use of force or other forms of coercion, abduction, fraud, the abuse of power or of a position of vulnerability, etc.) for the purpose of exploitation. This is how it is understood in the context of this research project.

A key aspect of the definition is the meaning of “for the purposes of exploitation”. According to the second part of the definition adopted in the Palermo Protocol exploitation shall “include at a minimum the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. Thus, one can make the distinction between TIP for the purpose of sexual exploitation (including the prostitution of others and other forms of sexual exploitation), labour exploitation (including forced and compulsory labour and services,  

23 UN Office on Drugs and Crime, Legislative Guides for the Implementation of the United Nations Convention Against Transnational Organised Crime and the Protocols thereto, New York 2004, pp. 10-11 ‘It must be strongly emphasised that, while offences must involve transnationality and organised criminal groups for the Convention and its international cooperation provisions to apply, neither of these must be made elements of the domestic offence (Art. 34, Para. 2).’ In addition, more specifically in relation to THB pp. 258-259 ‘Notwithstanding the comment in Paragraph 23 about the Convention dealing only with situations having an element of transnationality or organised crime, it will be noted that the relevant provisions of the Convention and the Protocol must be reviewed carefully: The text of the provisions is relatively broad.’ …’It is important for drafters of legislation to note that the provisions relating to the involvement of transnationality and organised crime do not always apply.’ ‘… the Convention provides that legislators must not incorporate elements concerning transnationality or an organised criminal group into domestic offence provisions.’ ‘In the case of trafficking in persons, domestic offences should apply even where transnationality and the involvement of organised criminal groups do not exist.’

24 D.F. Haynes, ‘Exploitation Nation: The Thin and Grey Legal Lines Between Trafficked Persons and Abused Migrant Laborers’, Notre Dame Journal on Ethics and Public Policy, Spring (2009). It is important to note that exploitation hereby features as the ultimate goal of the trafficking process and thus even if actual exploitation has not taken place, THB may have been committed.

25 Note that labour exploitation, as such, is neither a term used in the Palermo Protocol nor in regional documents building on the Palermo Protocol, such as the Council of Europe Convention on Action against Trafficking in Human Beings of 2005, the EU Framework Decision on Combating Trafficking in Human Beings of 2002 and the Directive on
slavery and slavery-like practices) and the removal of organs. What is not clear in this description of exploitation is where decent work turns into a form of exploitation, and when and if a mere violation of labour rights is a form of exploitation and/or must be considered forced labour. A further definition of exploitation is lacking in the Palermo Protocol, or in other international or regional legal instruments such as Trafficking Directive 2011/36, the Council of Europe Convention on Action Against Trafficking in Persons, and at national levels. This presents a challenge in the context of research on TIP. Different techniques can be adopted to address the terminological ambiguity in a given research context. For example, the respondents’ own, subjective understanding of the term exploitation can be relied on or even tested within a study, including in interviews with the target population. In answering questions about, for instance, the likelihood or prevalence of exploitation, research respondents will fill in the meaning of exploitation in light of their own perceptions, experiences and relevant social and cultural factors. Another approach that can also be used is to present respondents with concrete scenarios in which an exploitative situation is described but without the label of exploitation, to ascertain how they would assess or respond to such a situation, in order to apply an objective definition or interpretation of exploitation, which is not influenced by the respondent’s social, cultural or personal bias.

Interestingly, some of the same challenges that were already noted with regard to studying the phenomenon of statelessness overlap with obstacles that exist in researching human trafficking. Trafficking victims are, for instance, another “hidden” population. Victims are often not identified as such, for numerous reasons. As mentioned, the relationship between trafficking and exploitation, as well as what amounts to exploitation, are areas in which misunderstandings persist. There is also confusion of the concepts of trafficking and smuggling: in contrast to trafficking, a border needs to be crossed in case of smuggling and smuggling usually takes place with the consent of the person who migrates – indeed it is often initiated at the request of that person. Ignorance of trafficking as a distinct problem may result in victims failing to self-identify as persons affected by TIP, including in a research context. Trafficking victims may also experience feelings of shame, see their situation as their own fault, fear what consequences there may be if they make their situation known or be left traumatised by what they have been through, such that they do not want to come forward to be identified. Where a person has been trafficked internationally, lack of knowledge of the language in the destination country or fear of the consequences of being

Preventing and Combating THB and Protecting Victims (THB Directive) of 2011.

26 Smuggling is defined in a distinct protocol to the UN Convention against Transnational Organised Crime as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”. See Article 3(1) of the Protocol on Smuggling of Migrants by Land, Sea and Air.
uncovered – especially if present in the country irregularly – can also pressure individuals to remain hidden.

The vulnerability and stigma that can accompany trafficking may also – as in respect of statelessness – mean that people, even if they have been identified as victims, are unwilling to participate openly or honestly in a study with this focus. This is especially the case in relation to trafficking for sexual exploitation. As such, trafficking victims are not just hidden, but also hard to reach. This is another reason why presenting short scenarios for respondents to consider, without them being labelled as trafficking, rather than asking directly for (personal) experiences of trafficking can be a useful tool to get a better understanding of the occurrence or likelihood of trafficking. This depersonalises the issue to a degree and provides an objective benchmark of situations that would be qualified as trafficking under international law but may not be perceived as such by all research respondents.
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As set out above, the aim of this project was to develop and pilot research methodology for exploring the interaction between statelessness and human trafficking. Within this broad remit, the research takes a particular interest in the position of women. In short, (why) are stateless persons more vulnerable to human trafficking? And (why) are stateless women? The research seeks not just to ascertain whether stateless persons are more vulnerable (a yes/no answer) but also to explore the details of this interaction. From the outset then, a mix of quantitative and qualitative research was envisaged for this project. In this section, a description is given of the main considerations in the development of the research methodology in this project. Details of the modalities of each of the actual data collection stages are offered in section 4 of this report.

A. Setting the focus

Various approaches could be conceived for studying whether and why stateless persons are more vulnerable to human trafficking and which could provide different information about or explanations for the nexus. The demand side could be studied to see whether there are factors which mean that stateless persons are more readily targeted by traffickers or even by the consumer\(^{27}\) – for instance, because due to stigmatisation of the stateless, there are less social norms against their exploitation.\(^{28}\) Research could also look at approaches to and trends in prosecution to establish whether the response to trafficking where a stateless person is the victim is somehow different to the response when the person holds a nationality, meaning that the deterrent effect is diminished where the stateless are concerned. Or the supply side of the human trafficking could be investigated to see whether the circumstance of statelessness, including for instance its socio-economic impact, somehow contributes to drive people into a situation of trafficking.

This project adopted the last of these approaches and focuses on the supply or ‘source’ side of the human trafficking nexus. This was informed by a broader objective of the research, which is to show what impact statelessness has on the lives of those affected. Identifying and understanding any heightened

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\(^{27}\) For example, the client, in the case of sexual exploitation.

\(^{28}\) See, for instance, the discussion of structural or cultural proneness to victimisation and the idea of particular individuals or groups being perceived as culturally legitimate victims, of “fair game”, in E. Fattah, “Victimology: Past, Present and Future” in Crimologie, Vol. 33, 2000.
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vulnerability, intrinsic among stateless populations can also help to inform source-based interventions for the prevention of trafficking. Moreover, this approach allows the assertions which are made in existing literature on why statelessness heightens a person’s vulnerability to human trafficking to be tested, as the arguments presented there also centre on the circumstance of statelessness making an individual intrinsically more vulnerable to trafficking. For instance, in respect of the situation in Thailand – the pilot country for this project – the following citations are illustrative of the case that is made in the literature:

*Without citizenship, people are unable to obtain certificates that recognize educational qualifications, to obtain titles to land, or to find legitimate employment outside of their immediate area. They are also denied the right to political participation. As a result, they are often employed in informal labour arrangements that are highly exploitative. Because of residence and travel restrictions, the further they travel away from their communities, the more vulnerable they become.*

The consequences associated with lacking citizenship, such as the inability to access state benefits like healthcare services or education or travel permits to freely travel around Thailand, imposes huge impediments on villagers applying for jobs outside their villages. As a result, they become more vulnerable to exploitation, the black-market and human trafficking.

The literature therefore centres on the following considerations, for which support can also be found among experts working on the issues of statelessness and/or trafficking. Firstly, without any nationality, stateless persons often face severe obstacles in access to education, employment, health care, legal remedies, freedom of movement and other basic rights. Armed with the sense that “things cannot get any worse”, a stateless person may be more likely to take risks in the hope of improving their lives, including, for instance, enlisting the help of a broker to migrate and find a job elsewhere. Moreover, since statelessness can entail a lack of basic identity documents and restricted access to the labour market, a stateless person is more likely to feel compelled to take such risks, because regular migration or employment channels are closed to them. A stateless person is perhaps also more readily exploitable because their overall vulnerability and position makes them less able or willing to make use of the

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31 As found in this project through key informants during interviews conducted in the initial stages of the research in Thailand (Bangkok, Chiang Mai, Pattaya; February 2013).
various avenues through which others who find themselves in an exploitative situation can seek assistance (e.g. through labour standards complaints procedures or criminal prosecution). At the same time, it is also possible to construct a series of arguments that would refute these assertions. For instance, if travel restrictions are imposed on stateless persons, these may have the effect of confining them in their villages and preventing them from looking for work elsewhere, so stopping people from entering the trafficking chain. Additionally, difficulty accessing remote hill tribe villages through rough terrain means traffickers/middle-men are not venturing to Thailand’s most rural areas in search of stateless hill tribe populations to exploit.\textsuperscript{32} There is, therefore, a definite interest in further studying the position of stateless persons and exploring whether and why they are more prone to migrate to look for work and to take risks in doing so, or to become trapped in a situation of exploitation. It is around these questions that the methodological framework for this project was developed.

B. Identifying the target population

With the research centred on the supply end of the trafficking chain, it is evident that data collection should focus on the population concerned. Thus, it must target the persons for whom the risk of falling victim to trafficking is to be measured, rather than other actors in the trafficking cycle such as the exploiters or the consumers. Given that the aim is to ascertain whether and why stateless persons are intrinsically at higher risk of trafficking than persons with nationality, the target population must include both stateless and citizens, in order to make the comparison. Moreover, the two sub-groups need to be comparable: comparing the situation of any group of stateless persons with that of any group of citizens will allow too many other variables to encroach on the research and influence its outcome. Therefore, to the degree possible, it is only the presence of absence of nationality that should stand the sub-groups apart, in order to isolate the impact of statelessness from other factors that may also influence a person’s vulnerability to trafficking.

Finding suitable comparator groups can be a challenge in the context of research on statelessness. Often, statelessness affects minority groups, who are culturally, linguistically, ethnically or religiously distinct from the majority population which holds citizenship.\textsuperscript{33} Thus, even if the situation of a stateless population in a given country is compared to that of citizens in the same country, it may

\textsuperscript{32} Such counter arguments were also put forward as hypotheses by some key informants during the initial key informant interviews conducted during the piloting of this research in Thailand.

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not (only) be statelessness that influences the difference in their circumstances. For instance, is it statelessness that leads to exploitation of the community or discrimination against the group as a religious minority? Is it statelessness that is impeding access to education or is it the inability to communicate effectively in the country’s majority language? Statelessness can also arise in a migration context,\(^\text{34}\) or it can affect people only in a specific – e.g. isolated – region of a country, circumstances which can again make it difficult to specifically isolate the impact of statelessness in the context of a comparative research project. In selecting the target population, these factors must be acknowledged if seeking to find a suitable “control group” of citizens against which to compare the experiences of the stateless. Within this project, in identifying the target groups in the pilot country, Thailand, it was evident that the stateless population should not be compared to the majority Thai population – but instead, the comparison should be made with other persons from the same ethnic and linguistic minority communities to which the stateless belong but who do hold citizenship. In that respect, the fact that stateless persons and citizens share similar profiles and live side by side in the same hill tribe villages in Northern Thailand makes this a favourable research environment for studying the impact of statelessness.

In addition to selecting the most appropriate comparator group, a way to further isolate the specific impact of statelessness from other influencing factors, is to integrate questions into the data collection tools which allow other variables to be excluded during the analysis stage. By capturing data on, for instance, the age, sex, religion, level of income or education of research respondents, it is possible to control against the influence of each of these variables. Thus, it becomes possible to ascertain whether it is statelessness or a low household income that has an impact on particular findings or responses, by factoring out the influence of first one of these variables, then the other.

It is also worth pointing out that in this project, the sex of the respondent was not just an element of the data to be captured, but it was also a means of further specifying the composition of the target population. Indeed, part of the goal of the project was to look at the specific position of stateless women. While numerous sources point to statelessness placing especially women in a situation of extreme vulnerability,\(^\text{35}\) there is little data available on what and how significant the role of statelessness is in creating increased vulnerability. The current research sought to help close this knowledge gap by assessing the impact of statelessness on women. This adds another element to the make-up of the sampling frame. The research must not only compare citizens with stateless, but also women with men. As such, a total of four sub-groups emerge within

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\(^{34}\) See above, section 2A.

\(^{35}\) For instance, UN Guidance Note of the Secretary General on *The United Nations and Statelessness* of June 2011; UN report of the Secretary General on *Human Rights and Arbitrary Deprivation of Nationality* of December 2011.
the overall target population: stateless women, stateless men, citizen women and citizen men; the exact modalities of how this was reflected in the data collection tools and instruments is described in section 4 below.  

Finally, the identification of the target population for this research was influenced not only by the aim of comparing the experience of stateless persons with citizens, but also by the specific focus of studying the nexus with human trafficking. As mentioned, the research set out to capture data from persons for whom the risk of falling victim to trafficking is to be measured: stateless and citizen, men and women, from specific target communities identified during the course of the pilot. Although a small number may be survivors of human trafficking, most of these individuals will not have been exposed to trafficking, nor may they ever become trafficking victims (the data captured relates to risk). In order to shed further light on the link between statelessness and trafficking, however, a complementary data collection exercise was envisaged, targeting victims of trafficking – stateless and citizens. Capturing data on the modalities of trafficking – how and why a person enters the trafficking chain from the communities under study, whether this is influenced by the lack of nationality – provides additional information for interpreting the primary data collection relating to risk. For instance, although the causal relationship remains a complex one to ascertain, this additional information on the general trafficking context may help to confirm, refute or weigh the influence of particular root causes of trafficking which can be found among the population concerned and this will enable a more accurate appraisal of the relative risk of trafficking.

C. Determining the research hypotheses

With the target populations outlined above and the focus of the research on the supply end of the trafficking nexus, this project seeks to test whether and why a stateless person is more likely than someone who holds nationality to become a victim of human trafficking. Stateless persons may intrinsically be more likely to fall prey to trafficking because they seek a better life away from home at a higher rate than citizens. Hypothetically then, if 1 in every 800 citizens decides to move away from home to seek a better life while among otherwise similarly situated stateless persons the rate is say 1 in every 200, even if the rate of trafficking among those seeking work is the same for both groups, a stateless person is 4 times more likely to be trafficked than a citizen. Alternatively, or in addition, stateless persons may become exploited at a higher rate than citizens in the process of seeking a better life away from home. Again, hypothetically, if 1 in

36 In particular, sections 4C to 4E.
37 During the research pilot in Thailand, difficulties identifying suitable respondents among victims of human trafficking led to a modification of the research objectives and a change of methodology such that this target group were excluded. See further on this section 4D.
every 2,000 citizens who decide to seek a better life away from home becomes
a victim of exploitation in this process while among otherwise similarly situated
stateless people the rate is say 1 in every 200, even if the rate of taking action to
move away from home to seek a better life is the same among both groups, a
stateless person is 10 times more likely to be trafficked than a citizen.

On the basis of the foregoing and to help direct the development of the
methodological framework, two hypotheses were formulated to be tested in the
research:

**Hypothesis 1:** Root causes of human trafficking are more prevalent among
stateless persons than citizens, prompting them to enter the trafficking chain at a
higher rate.

**Hypothesis 2:** Stateless persons are less able to solve problems and (legal)
disputes than citizens, exposing them to exploitation at a higher rate.

If one of the two hypotheses is proven there is a heightened risk of trafficking
among stateless persons than citizens. If both hypotheses are affirmative, then
the cumulative risk of becoming a victim of trafficking for stateless people is
significantly higher than that of a citizen. If neither hypothesis is proven, there
is no heightened risk for stateless people as compared to citizens to become a
victim of trafficking.

To test hypothesis 1, as set out above, the root causes of trafficking must be
identified. This was one of the tasks set for the desk review and key informant
interviews. These looked at the recognised root causes of trafficking in general
and – for the purposes of piloting the research methodology in Thailand – the
root causes of trafficking in the Thai national context in particular. These were
translated into questions to be integrated into the framework for the empirical
research. To a degree, the root causes of trafficking relate to factual or objective
circumstances that can be readily indicated or quantified, such as poor level
of education (level of schooling) or poverty (household income). However,
some root causes are more subjective and require more careful consideration in
transposing them to a research context. For instance, a person’s attitude to risk-
taking or adventure-seeking can be relevant to determining how likely it is that
he or she will actually take the step of migrating to look for work – potentially
exposing him or her to trafficking. Specific questions must be developed and
tailored to address such subjective points, described in this project as “internal
root causes”. In addition to the study of root causes, the research considered
other factors which may influence a person’s behaviour, such as the perception of
their relative life opportunities if remaining at home or moving away. Thus, the
research looks beyond factual information and also seeks to capture data about
individual’s context, specific situation, attitudes or (expected) behaviour.

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38 See further sections 4A and B.
Mapping or even trying to predict behaviour is also relevant to the second hypothesis formulated for this project, which has to do with ascertaining whether, if a stateless person takes the step of leaving their home in search of work, the circumstance of statelessness means that this process will more often become a situation of trafficking. This is where, in addition to integrating statelessness and trafficking expertise within a single project, a third research component was key: investigating respondents’ Subjective Legal Empowerment. The theory of Subjective Legal Empowerment (SLE) suggests that a person’s self-belief in his or her ability to resolve a dispute or conflict offers a good measure for how likely that person is indeed able to resolve the situation.\(^{39}\) On the contrary, perceived lack of power is a substantial barrier to solving the existing problems. The advantage of this theory as a methodological framework is that it allows for the (relative) quantification of an individual or population’s legal empowerment such that it can be compared both between groups and across different scenarios or spheres of life. In other words, it becomes possible to measure whether a stateless person is more or less empowered than a national from the same community — or a woman more or less empowered than a man — to solve a situation that could be qualified as a (legal) dispute,\(^{40}\) while controlling against other factors such as socio-economic status.\(^{41}\) The research also looks at what problem-solving strategies are adopted and if these differ. Furthermore, such comparative measurements can be taken with regard to particular legal problems that are relevant to the question of whether a person is at heightened risk of trafficking. Thus, for example, the relative SLE with regards to the ability to deal with — the signs of — exploitative labour conditions can be established for the stateless members of a community and those who hold nationality. This provides some way to predict the likelihood of a person who encounters such a situation to respond in such a way as to avoid or escape a situation of trafficking: it is assumed that a person with lower Subjective Legal Empowerment in respect of such problems is more likely to become a victim of trafficking or remain in an exploitative situation. How SLE theory was integrated within particular data collection stages is described, as relevant, in the following sections.

\(^{39}\) SLE is grounded in the psychological theory of “self-efficacy”: if you believe you can do something, you are more likely to put in the time and effort necessary and to indeed be successful. M. Gramatikov, R. B. Porter, “Yes, I Can: Subjective Legal Empowerment” in *Georgetown Journal on Law & Policy*, 2011, 169-199.

\(^{40}\) Even if the dispute is not perceived as a legal problem by the respondent or he/she does not invoke law mechanisms for its resolution.

\(^{41}\) Note that this could refer to a wide range of situations, from domestic abuse, to violations of labour rights to dealing with debt.
4. DATA COLLECTION

To test the aforementioned research hypotheses, a mixed quantitative and qualitative approach is needed. Quantitative analysis is of interest in measuring the consequences of statelessness and the relative prevalence rates of the root causes of trafficking among stateless persons and citizens. But a qualitative assessment is more suitable to understanding the way in which the root causes of trafficking, or the perceived ability to deal with problems or legal disputes, is actually influencing behaviours and outcomes. Ultimately, the research methodology developed and piloted under this project employed five types of data collection: a) a desk review; b) key informant interviews; c) a survey; d) in-depth interviews; and e) focus groups.

These different data collection methods had distinct but complementary objectives, all contributing a piece towards the overall picture which took shape through this research. Generally, each successive data collection exercise marked a new stage of the project, although supplementary desk research was undertaken at various times throughout and some additional key informant interviews were also conducted during the later stages of the project. The following paragraphs provide a description of the purpose and modalities of part of the data collection. They also shed some light on the implementation of each stage of data collection during the piloting of the research methodology in Thailand, including by discussing any practical challenges and limitations encountered and how these were dealt with.

A. Desk review

The first stage of data collection under this project was a comprehensive desk review of existing sources, otherwise known as secondary data collection. This is a critical step in the design and planning phase of any research project because it identifies the information gap which the project will seek to fill and avoids duplication of efforts by checking what data is already available. It also provides a first sketch of the situation under study which will help to direct the research more effectively.

In respect of this project, which looks at the nexus between two different phenomena, the desk review had two separate elements. On the one hand, the desk review was aimed at better understanding the statelessness side of things, including by looking at the profile of the stateless population under study (i.e. who is stateless and where), how statelessness or citizenship can be established during on-the-ground fieldwork, what is already known or documented about the impact of statelessness and any other data relevant to the further design, planning and implementation of the research. On the other hand, the desk review
was directed towards building the required base knowledge for the research in respect of the issue of human trafficking, including by investigating what root causes of trafficking are recognised in existing literature, who is considered to be vulnerable to victimisation and why, and what is known about the modalities of the trafficking chain in Thailand. While the desk review took in some core literature of a general nature on both statelessness and human trafficking to provide the overall framing for the project, it then focused on information relating specifically to the pilot country, Thailand. The desk review also sought to uncover which individuals or organisations hold expertise with regard to the issue of statelessness and/or of human trafficking in Thailand. This “stakeholder mapping” was used, among other things, to identify potential key informants and to identify research partners for the next stages of the data collection.

To explore who is stateless in Thailand and where this population can be found, statistical data and reports issued by UNHCR were reviewed. Available academic publications and relevant reports of other UN agencies, government bodies and non-governmental organisations were also studied. In these various sources, it is well documented that statelessness particularly affects Thailand’s so-called “hill tribe” communities. Many members of these communities missed out on nationality as the country was first registering and documenting its nationals – they and many of their descendants remain stateless. Others within the same communities were, however, included and therefore do enjoy a nationality today. Thailand’s mixed citizen and stateless hill tribe communities was identified as the target population for the research. The total hill tribe population in Thailand is not known, but may be as many as 2 million people. Among this general population, the Thai government and UNHCR estimate there to be just over half a million stateless hill tribe people in the country. Although hill tribe people can be found living in towns and cities around Thailand, the majority are found in the Northern regions, especially Chiang Mai and Chiang Rai provinces. These areas were chosen as the primary research sites.

Further information extracted from the desk review on statelessness in Thailand helped to establish certain practical parameters for the research. For instance, the information that the hill tribe communities are linguistically and culturally distinct from the majority Thai population – and that indeed there is linguistic and cultural diversity within their midst. This was factored into the design of the research tools and their method of implementation, including by ensuring

42 UNHCR is the UN agency which has been mandated by the General Assembly to assist states in addressing statelessness; See, among others, UN General Assembly, Office of the United Nations High Commissioner for Refugees: resolution adopted by the General Assembly, A/RES/50/152, 9 February 1996.

43 In the case of Thailand, UNESCO was an important source of data on statelessness as the agency had conducted several relevant studies and projects in the country.

that where interviews were carried out directly with hill tribe respondents, the interviewers were fluent in the relevant tribal language(s). Since the research project relies on the successful comparison of the situation of stateless persons with those with nationality, the desk review also helped to establish how to make this distinction in practice, in carrying out on-the-ground fieldwork. The desk review therefore included a detailed study of Thai nationality law and an exploration of the types of documentation held by individuals as proof of Thai nationality or, indeed, of statelessness. This uncovered, for example, that birth on Thai territory is not sufficient to acquire nationality (which is based on descent, i.e. *jus sanguinis*) and that those who are recognised as Thai nationals hold a citizen’s ID, while those hill tribe people who the Thai authorities do not consider to be nationals are issued other types of identity documents. These and other details, including information subsequently acquired through the key informant interviews, helped to establish which proxies could be used to distinguish between stateless persons and citizens during the field research. Finally, information about the impact of statelessness on people’s lives provided important background on where the nexus between statelessness and human trafficking might be found and helped to focus the research tools that were developed to identify and map this nexus. For instance, a widely reported problem for stateless persons in the literature was the travel restrictions imposed on them – they require official permission to leave their district, be it for education, work or another reason. In the later stages of primary data collection, one area that was studied is what effect such travel restrictions have in practice on migration attitudes and practices.

The second part of the desk review focused on the problem of human trafficking in Thailand, looking at who is being trafficked, from where and by who, through what means and into what forms of exploitation. Sources included the US State Department’s Trafficking in Persons (TIP) reports and data compiled by the United Nations Inter-Agency Project on Human Trafficking, as well as studies by academics, UN agencies and non-governmental organisations. These confirm that the problem of human trafficking in Thailand is significant, as indicated by the country’s position on the US TIP report’s Tier 2 Watch List at the time this research project was undertaken.\(^\text{45}\) It is a source, transit and destination country for both sexual exploitation and labour exploitation, for men, women and children. The literature also acknowledges that migrants, ethnic minorities and stateless people are among the most vulnerable groups in Thailand when it comes to human trafficking.\(^\text{46}\) Indeed, the desk review showed that lack of citizenship was reported among the root causes of trafficking in Thailand, even being described as “the single greatest risk factor” for hill tribe people to be trafficked

\(^{45}\) Thailand has since been downgraded to Tier 3 (in 2014). Tier 3 is the lowest ranking, used for countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so. See [http://www.state.gov/j/tip/rls/tiprpt/2013/210548.htm](http://www.state.gov/j/tip/rls/tiprpt/2013/210548.htm).

\(^{46}\) US State Department, Trafficking in Persons Report, 2012.
or otherwise exploited.\(^\text{47}\) This confirmed the suitability of the target population for piloting the research methodology developed in this project.

The desk review then sought to identify the root causes of human trafficking in Thailand, especially the trafficking of women, in order to go on and examine whether these root causes are more prevalent among stateless hill tribe people than those with citizenship. Based on the literature, the following root causes of human trafficking seem to be most pertinent in the hill tribe communities:  

- poverty, lack of education, lack of employment opportunities, corruption of law enforcement officers and lack of awareness of the risk of exploitation.
- In addition to these external causes of trafficking, some internal or subjective factors can be identified as well. Existing research suggests that seeking adventure, becoming independent and modern as well as enhancing life chances are among the motivations for traditional Thai women to migrate internally. A growing materialism and desire to escape poverty amongst Thai people is contributing to the wish especially for young people to ‘not miss the boat’ and to leave rural life to seek employment in bigger cities, even if this means exposure to the risk of unemployment, exploitative practices and marginalisation.\(^\text{49}\) The root causes identified in existing literature, both objective and subjective, formed an important basis for the primary data collection through the survey, in-depth interviews and focus groups undertaken subsequently within this project – which aimed to both test the respective prevalence of these root causes among stateless and citizen respondents but also, where possible, to assess whether the root causes are indeed influencing behaviour or decisions in such a way as to increase vulnerability to trafficking and thus indeed are operating as root causes of trafficking among this population.

Finally, since the research methodology utilises SLE theory and includes questions aimed towards measuring the respondent’s perception of their ability to solve problems and (legal) disputes, the desk review was also helpful in identifying the type of problem or (legal dispute) that members of hill tribe communities may readily come across. This went towards ensuring that the scenarios sketched and the formulation of the questions which were directly put to hill tribe respondents as part of the later stages of data collection were appropriate to


the social, economic and cultural setting and therefore effective in achieving a response.

The findings of the initial desk review were written up as a methodology discussion note. This was used as the basis for the formulation of a more detailed plan for the primary (first-hand) data collection, which would comprise – as explained – both quantitative and qualitative elements. A first draft of the research tools was also elaborated, including a survey questionnaire, a protocol for the key informant interviews and an initial outline of the protocol for in-depth interviews. During the subsequent key informant interviews, the findings of the desk review and elements of these research tools were “tested” for effectiveness in the Thai context and alterations were made based on the additional data gathered, as set out below. Throughout the rest of the research project, when additional resources came to light or more information was required on (new) issues that surfaced, further desk research was undertaken accordingly.

**B. Key informant interviews**

The desk review described above produced much of the information needed to design research tools to test the project’s hypotheses, taking into account the specific Thai context where the methodology would be piloted. Yet a number of questions remained outstanding. For instance, the desk review uncovered a complex web of different legal statuses and forms of identification that are held by non-citizens in Thailand and it was unclear what the most practicable and accurate means of establishing a respondent’s statelessness (or citizenship) would be in such a research context. Similarly, while the desk review identified certain particularities with respect to Thailand’s hill tribe population (such as linguistic and cultural diversity), more information was needed to understand how to accommodate these factors in the implementation of the field research. Moreover, there was also a need to test some of the findings from the desk review with regards to both statelessness and human trafficking in order to be certain that these reflect up to date information on the actual situation on the ground. A particular focus in this regard, given its centrality to the research, was ‘testing’ what was found in the literature with respect to the root causes of human trafficking.

With these objectives in mind, key informant interviews were held with twenty experts in Thailand.50 These were qualitative, in-depth interviews with individuals

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50 The key informant interviews were held between 11 and 20 February 2013, with persons working for the following organisations: UNIAP, Asia Foundation, Plan, NEXUS, UNHCR, UNESCO, New Life Centre Foundation (NLCF), International Justice Mission, Children’s Organisation South East Asia (COSA), TRAFCORD, IMPECT, CMU Law Clinic, Empower, Foundation for Women, IOM, Tamar Centre, Thailand
who work either on statelessness, trafficking and/or hill tribe communities and therefore were able to speak to what is happening on the issue or in these communities. The experts (or their organisations) were identified through the stakeholder mapping that was conducted as part of the desk review and in some cases through subsequent referrals from the initial key informants. The key informant group can be divided into two broad categories: support respondents, who work on direct trafficking victim and/or citizenship support in the relevant communities; and policy respondents, who are involved in monitoring and coordinating activities on trafficking and/or statelessness at a policy level.

In general, the key informants were unable to provide very detailed information on the differences in vulnerability to, or prevalence of, trafficking between stateless and citizen hill tribe people. Indeed, not everyone interviewed agreed with the assertion that the circumstance of statelessness necessarily increases vulnerability to trafficking – some suggested that the opposite might equally be true, although again without being able to provide concrete data to confirm this. Yet, when the reported consequences of statelessness were lined up against the reported root causes of trafficking, there was significant overlap, providing an indication that the problems that stateless persons encounter may lead to an increased vulnerability to human trafficking. In this manner, the interviews reaffirmed the interest in and need for a more detailed study.

The key informant interviews also lead to some significant and useful new insights. For example, with regards to establishing the statelessness or citizenship of respondents, the key informants with specific statelessness expertise confirmed that self-identification could be problematic in Thailand. Individuals may perceive and identify themselves as Thai, even if they do not actually hold Thai citizenship. Thus, proxy questions would be needed. Because the survey instrument, in particular, relies on immediate and on-the-spot identification of respondents as either stateless or citizens in order to effectuate the quota sampling, the proxy or proxies would have to be straightforward and easy to assess. Following consultation with numerous key informants, the best proxy was determined to be the type of identity card held. The introduction of a new, standardised identity card system in Thailand means that all citizens hold the same-format, blue coloured citizens' ID and their unique thirteen-digit identification number starts with a 1. Non-citizens hold one of several different types of ID card. Of these, key informants agreed that the pink card (ID number starting with a 6 or 7) or white card (ID number starting with 0) are the types held by stateless persons in Thailand. Thus, the screening interviews for the survey (and later also for the in-depth interviews and focus groups) concentrated on the type of ID card held as the main proxy for citizenship (blue

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51 See the summary table in section 3D of the Thailand Report. See above, note 6.

52 See further section 4C.
card) or statelessness (pink or white card). The noted advantages of this approach were that it is simple, objective and readily verified – key informants agreed that most people in Thailand have their ID card on their person and would likely be willing to also show it if asked to do so, making it feasible to set this as a pre-condition for participation in the research. Some disadvantages were also acknowledged, in particular that individuals without any form of identification, which may include especially vulnerable stateless persons, are excluded from the research and that the identity card proxy may not be accurate in all cases with respect to establishing statelessness since some foreign nationals (i.e. not Thai nationals, but not stateless) could also hold the pink or white cards. Nevertheless, key informants agreed that this would be a more reliable means of assessing respondents’ citizenship status than self-identification and the research team agreed that it would be an effective if imperfect proxy.

Further information which came to light during the key informant interviews with regard to the root causes of trafficking also influenced the content of the data collection tools. In particular, the importance of also considering “internal” or subjective root causes came to the fore. Several key informants mentioned that a person’s general satisfaction with life and overall disposition to risk-taking may be an intrinsic element which plays a role in determining whether a person will take risks in order to improve his or her situation and therefore influences whether a person enters the trafficking chain. Some people seek adventure without being too concerned about the risks that might be involved. In accordance with this input, a broad question on relative risk tolerance or risk averseness was introduced into the survey questionnaire, as were questions on the respondents’ level of satisfaction with his or her life, likelihood of moving to another place to look for a job and expectations of moving to another place (i.e. “do you think moving somewhere else will improve your life?”). Similarly, the role of cultural or religious factors also came up in numerous key informant interviews – especially the traditional responsibility, placed on the shoulders of girls and women (more than boys and men) in Thailand, to care for and financially support one’s parents. This was seen as impacting negatively on women because they feel the need to earn money to take care of family members. Another interesting point raised in the key informant interviews was that the use of a middleman or broker when seeking job opportunities or possibilities to go elsewhere to improve one’s life or living conditions has been connected to an increased risk of falling victim of exploitation. These and other additional aspects, relating to root causes of trafficking were used to further develop the survey questionnaire and in-depth interview protocol, introducing additional questions as relevant.

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53 This assumption was later born out in the survey findings, when 86% of respondents who did not hold Thai citizenship (who held a type of identity card issued to non-citizens) nevertheless indicated that they perceive themselves as Thai.
Another central observation made by key informants with regard to the modalities of trafficking was the role of some form of crisis as a so-called ‘trigger’, causing a person to enter the migration process and potentially the trafficking chain. While the prevalence of known root causes of trafficking may say something about a person’s vulnerability, these root causes often only prompt a person to look for or accept work away from home when a problem arises that cannot otherwise be dealt with. For instance, when property has been damaged or when a family member falls ill and additional money must be found to cover the cost of repairs / health treatment, this crisis may trigger entry into the trafficking chain as the person leaves in search of better paid employment. Whether a crisis will act as a trigger depends on different factors, including whether the person has other means to solve the problem (e.g. by borrowing money from someone in the community or taking out a loan). In addition to assessing the relative prevalence of root causes of trafficking among stateless persons and citizens, it is therefore also of interest to evaluate the relative ability of these respective categories to absorb or deal with a crisis. Here, SLE theory can also play a part by allowing for the measurement of a person’s perceived likelihood of successfully dealing with the kind of problem that has the potential to act as a trigger for trafficking. Again, the survey instrument and in-depth interview protocol were adapted accordingly and additional questions were included to look at this issue. In the end, the survey instrument and in-depth interview protocol were developed such that data could be captured on “external” root causes, “internal” root causes and “triggers”.54

Through the key informant interviews with experts who were members of or could speak to the situation of the hill tribe communities, it was also possible to test the formulation and appropriateness of certain questions that were foreseen in the draft survey questionnaire and in-depth interview protocol. This allowed both tools to be fine-tuned to the specific social, economic and cultural context of the ultimate respondents. For instance, in sketching a scenario of petty crime in order to solicit the respondent’s views on how they would react, the key informants suggested that the theft of a mobile phone would be a plausible day-to-day example for someone from the community. The pre-prepared lists of anticipated answers were also adapted to take into account the local setting and common characteristics of the community. For instance, the types of education or forms of occupation were adjusted to match those common among hill tribe people in Thailand. Such fine-tuning undoubtedly improved both the focus and the effectiveness of the survey instrument, allowing for a better and more reliable data set to be captured.

Further, and in some cases repeat, key informant interviews were conducted during a later stage of the research project, in parallel to the implementation of the in-depth interviews. These were directed towards understanding or

54 See the summary table in section 3C ii of the Thailand Report. See above, note 6.
contextualising particular data that was drawn from the survey analysis. Community leaders from the villages where the in-depth interview research was being carried out were among the key respondents in this second round, as were visits to persons involved in the citizenship application process that is available to eligible stateless persons from the hill tribe community (including the district office and a DNA clinic).

C. Survey

In order to explore the relative situation, perceptions and attitudes of people with citizenship and those who are stateless, face-to-face interviews were envisaged with a sample from both groups, using a pre-defined survey questionnaire. The survey would use cross-sectional methodology to investigate the relationship between statelessness and trafficking. Unlike time-series studies, cross-sectional designs take a snap-shot of the observed phenomena. Statelessness and risks of trafficking would therefore be observed and measured at a particular point in time – i.e. the moment of the study. Randomly selected respondents are asked series of questions that are an operationalization of the variables of a theoretical model of the relationship between statelessness and trafficking. These questions are thus directed towards: determining whether and to what degree the respondent is affected by the various root causes of trafficking (hypothesis 1) and establishing the respondent’s level of SLE with respect to problems relevant to the trafficking context (hypothesis 2).

i. Sampling

By definition, a survey captures data from a sample of the population under study. The results of a survey may serve as estimates about the phenomena studied beyond the sampled individuals, but extrapolation can only be undertaken with due consideration to how the sample was constructed. For instance, the findings of a pilot study in Thailand cannot, in isolation, generate firm conclusions on the nexus between statelessness and human trafficking that would hold true in all other countries because the research considers only one population affected by statelessness in one particular national context. Moreover, to what extent the results of a survey can be used for generalisation depends largely on the size, type and rigour of the sample. Larger, randomised and well-constructed samples guarantee more precise estimations of the observed phenomena.

55 It should be noted that the survey was developed in such a way that the overall methodology could be reproduced to investigate the risks of trafficking among different populations of stateless people across the world, but the survey instrument was then tailored specifically towards the pilot carried out in Thailand. As such, individual survey questions were developed and formulated to be context-specific. For that reason, the survey instrument itself has not been reproduced in this report but can be made available upon request.
A sampling plan must be constructed to select and identify a sample from the population. It should include 3 steps: definition of population frame, determination of sample size and selection of sample type. For the research pilot, the generic population frame of the study consisted of all hill tribe people (age > 18) residing within the territory of Thailand – a mixed population of stateless persons and citizens. Language, religion and ethnicity were not used as selection variables. Citizenship/statelessness constituted a quota factor in the selection of sub-sets of respondents within the population sample. The decision, following consultation with key informants, to use identity cards as the primary proxy indicator to establish citizenship/statelessness for the purposes of the research, led to a slight narrowing of the generic population frame: hill tribe persons who are not in possession of any form of identity card were excluded. In order to be able to establish the impact of statelessness, the selection of citizen and stateless hill tribe respondents who are otherwise similarly situated is key to the success of the research. On the basis of the desk review and key informant interviews, hill tribe communities with a suspected high incidence of statelessness were found to be concentrated in the Chiang Rai and Chiang Mai regions of Thailand and this led to a further specification of the population frame. In terms of the sample size: various factors affect this decision. First and foremost, there are practical limitations to the size of the sample. The study of hill tribe people is constrained by budgetary, time and human resources limitations. For the pilot study, the total sample size was set at around 450 effective interviews.

In terms of sample type or structure, different levels of randomization are possible. Systemic randomisation implies that each individual from the population frame has exactly equal chance of being selected in the sample. This mode of randomisation is appealing because of the opportunities it offers to generalise the study findings. For practical reasons, however, cross-sectional studies often cannot rely on systematic sampling. It is, for instance, practically unfeasible for populations like the hill tribe people who are scattered across a large territory. Stratified and/or cluster samples (or combinations thereof) are more feasible strategies for achieving the desired properties of a sample: randomisation and representation of the studied population. Therefore, in determining the sample type, the research focused on a limited number of pre-selected communities. With the hill tribe population dispersed across large and in some cases difficult to reach areas complete randomisation of the sample communities is unfeasible. Without access to a complete enumeration of the hill tribe communities, cluster sampling also proved unachievable. Instead, for the pilot study, four communities or clusters of villages were identified through convenience sampling, in consultation with

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56 The survey sample included respondents who self-identified as Buddhist, Christian and Animist. The three main ethnic groups found in the sample were Akha, Palong, Lahu.
57 In the end, a total of 485 effective interviews were actually conducted.
58 Originally, the pilot was to study three communities with an even distribution of respondents between them (a third from each), however the reality on the ground
local experts and the local partner involved in enumeration of the survey. They were chosen on the basis of being suitable for the purposes of the study (having a significant stateless population living alongside citizens), practically reachable for the interviewers (highly isolated villages which could only be accessed by a long journey on foot were not included) and accessible to research (specifically, approval from the community leader to proceed with the study). The chosen communities also together represented a mix of different hill tribe languages and ethnicities, as well as geographic locations (e.g. different proximities to a main road and to the Thai border). A drawback of the convenience sampling method is nevertheless that the level of generalisation decreases and the extent to which the findings can be extended beyond the communities from which respondents have been interviewed is limited. Thus, while the villages surveyed are diverse in their characteristics – e.g. populated by different ethnicities, religions – the sample cannot be considered truly representative of the overall hill tribe population in Thailand.

The study would draw a random sample of respondents from within the selected communities. Thus, theoretically, every adult member of these communities who holds an ID card will have a non-zero probability for being selected in the sample and invited for an interview. The household selection should be as randomized, using a sampling interval such as every 5th household from the starting point. A common method is to begin with the interviews at a central location of the particular town or village and then to continue in a random direction. For instance: at each cross-section a different direction is selected to continue the route. Once a household has been selected for an interview, the last step of the sampling plan is to select an individual respondent. The research instrument has been built on the assumption that the interviewer conducts an individual interview with one respondent. Many questions revolve around the experiences and perceptions of the respondent, in accordance with SLE theory. In some cases, there will be more than one eligible respondent present in the selected household and a decision has to be made who that respondent should be. Again, the principle of randomization should be used to make sure that the sample reflects as closely as possible the structure of the overall population. An approach is, for instance, to use the last birthday to select a respondent: the interviewer asks the present members of the household about who was the last to celebrate a birthday and proceeds with that respondent.

Interviewers may encounter an empty house, ineligible or unwilling respondents. Several strategies could be used to handle such non-response. The most optimal option is to return to the address at a different time or on another day and retry the interview. However, re-approach may be difficult or impossible due to logistical limitations, in which case the easiest is to substitute with the next
household from the step. Within the pilot study, non-response in fact proved to be a considerable problem in some of the survey sites: many potential respondents were absent from their homes throughout the day for work such that economically active members of the survey population would have been significantly under-represented but to conduct interviews in the evenings would mean only 1-2 effective hours for interviewing per day and this could not be accommodated with the time and human resources available (also due to the remoteness of some of the research sites). These logistical complications necessitated a change in the randomization strategy. While this has implications for the randomization and will introduce a degree of bias into the selection of respondents, it was decided that for these locations an agreement would be reached with the community leaders that people would be asked to come to a central location in the village at particular time and place where the interviews would be carried out. In the other survey sites, respondents were visited at their homes but the randomization process originally developed was not fully maintained as this proved unfeasible, in particular due to the irregular layout of the villages. As a result of this and other previously mentioned practical constraints affecting the sample structure and characteristics, the findings of the pilot cannot be considered fully representative of all hill tribe communities in Thailand. Therefore caution must be exercised in generalizing the study findings.

ii. Sampling quotas and screening interview

Before proceeding with the random selection of respondents, sampling quotas had to be set. The research aims and design require that the sample is balanced on two variables – stateless/citizens and women/men. To achieve this, a quota procedure was designed to ensure that approximately half of the respondents are stateless and that there is also a gender balance. Thus, random samples were taken from the mixed hill tribe communities of stateless persons and citizens, with the survey instrument itself comprising questions in the form of a ‘screening interview’. This screening interview allowed the interviewers to differentiate between stateless and citizens as individuals are approached so as to implement the quota of 50% stateless respondents and 50% citizen respondents (and subsequently for differentiation in the analysis phase in order to draw conclusions as to the impact of statelessness). The screening interview similarly asked the interviewee to note respondent’s sex, to ensure an equal division between male and female respondents. Once, for instance, the quota for male stateless respondents was reached, the screening interview allowed any further male stateless candidates to be filtered out such that the interviewer would stop the interview at that stage and indicate the person to be ineligible because the quota was already met.

Within the screening interview, respondents were first asked to self-declare their citizenship. The purpose of this was to obtain a benchmark on self-identification of citizenship status by the respondents at the outset of the interview. In order
to ascertain whether the respondent belonged to the stateless or citizen sample of the target population, proxy questions were used as these were considered more reliable than self-identification (as explained above). In the case of the pilot in Thailand, as already noted and following consultation with key informants who were familiar with the local context, the main proxy question asked in the survey related to the colour of identity card held and respondents were also asked to show their card. During the screening interview, respondents who indicated that they held (and showed) a blue Thai national ID card were ascribed to the sample of citizens and those who held (and showed) a pink or white identity document were ascribed to the sample of stateless persons. Where a respondent was not able or willing to show their ID card to the interviewer, this was noted within the screening interview process and the respondent was then deemed ineligible for the survey. Additional questions relevant to the assessment of the respondent’s citizenship status were also included within the main body of the survey – including country of birth, country of birth of each parent and whether the respondent voted in the last election – with a view to evaluating the reliability of the proxy indicator for citizenship and identifying any anomalies.

iii. Survey content

Following the screening interview, the main body of the survey instrument contained five broad categories of questions. The first was questions relating to demographic characteristics and socio-economic data, including: marital status, size of household, number of children, level and type of education completed, level of education of father and mother, religion, occupation and level of household income. These were important to isolate the effect of statelessness from other factors during the analysis phase. Demographic variables will be used extensively in the analytical models to conduct multivariate analysis and control against other variables such as level of education or religion. At the same time, some of this basic demographic data was also relevant with respect to the second category of questions, namely those which were aimed to determine whether and to what degree the respondent is affected by the various root causes of trafficking (hypothesis 1). Low educational achievement and poverty are among the recognized root causes of trafficking, so determining the relative presence of these phenomena among stateless persons and citizens can be an indicator of the relative risk of trafficking experienced by these two groups.

The second set of questions sought to explore other root causes of trafficking, beyond basic demographic and socio-economic indicators. These questions related to the “internal root causes” of trafficking, addressing the respondent’s personal attitudes and (expected) behavior, seeking to predict whether he or she might take the step to enter the migration process. Questions were included on the respondent’s current level of satisfaction with life, how safe the respondent feels in his or her village, attitude to risk (relatively risk-taking or risk-averse),
likelihood of migrating to look for work and use of a broker (middleman) if seeking a job elsewhere.

The third category of questions posed in the survey instrument encompasses those that seek to establish the respondent’s level of Subjective Legal Empowerment with respect to problems relevant to the trafficking context (hypothesis 2). This category of questions also overlaps to some degree with the second because some of these assessed the respondent’s SLE in the context of problems experienced within their community that could be identified as crises with the potential of triggering entry into the migration process and lead to human trafficking.\textsuperscript{59} The (perceived) inability to absorb or effectively respond to a crisis is a problem that sits somewhere between research hypothesis 1 and 2. While numerous questions informed this assessment, the following questions were directed specifically towards the exploration of whether a crisis may form a trigger for entry into a trafficking chain:

Imagine a family member is seriously ill and needs expensive treatment. How easily can you find the money?

What options do you have to pay for the treatment?

How likely would it be that a woman in your community whose husband is an alcoholic will leave this situation by moving away from the village/community?

Also included within this category of questions, directed towards the measurement of the respondent’s SLE in respect of problems relevant to the trafficking context, were scenarios that describe a situation of (potential) exploitation and call for the respondent’s assessment of whether and how he or she can take effective action. For instance, the following case was put to the respondents:

Several months ago you found a job in a factory in a large town. After several months the employer cut your salary twice citing that he has to pay for food, transport and living expenses. According to your understanding, these expenses were at the expense of your employer. Now the employer owes you a significant sum but denies it and threatens to fire you if you persist.

How likely is such a thing to happen to you?

In that particular situation, what would you do to obtain your money?

Thinking about the available remedies and your possibilities, how likely is it to get what you are owed?

By presenting a hypothetical situation, yet one informed by an understanding of the Thai context and the manifestation of human trafficking, respondents are able

\textsuperscript{59} See under key informant section above.
to provide information on the likelihood that such a situation would occur to them and about their expected response, even if they have not encountered such a problem before. Through this approach, SLE theory allows an assessment to be made of a person’s perceived and thereby also to a degree their real ability to deal effectively with such a dispute, providing an indication of how likely they are to become a victim of trafficking or remain trapped in a situation of exploitation.

As part of a broader set of questions dealing more generally with the experience of legal issues and perceptions of justice – the fourth category of questions within the survey instrument – additional questions were posed relating to the incidence of disputes in general (not informed by the trafficking context) and the respondent’s ability to resolve these. Such questions serve as a baseline for their overall experience of SLE, as compared to the specific experience in contexts relevant to the problem of human trafficking. For instance, respondents were asked:

*Which of the following situations occur frequently in your village/community? Select all that apply: Land disputes; Disputes with the authorities; Family dispute; Disputes over money; Access to personal documents; Drug abuse; Domestic violence; Other.*

*In the past year, have you or someone in your household encountered one or more of the following situations? (same set of options as above)*

*If more than one problem, think about the most serious. At this moment, is the problem solved?*

*What did you do in order to solve the problem?*

*Was the outcome of the problem solving process fair?*

This general category of questions also included some relating to the respondent’s overall perception of the impacts of statelessness and their overall perception of the causes of exploitation or trafficking and of its incidence within their community. These latter questions serve as a reference to compare the respondent’s general perceptions (outward-looking) against his or her specific, personal experiences (inward-looking).

Finally, to contextualize the problem of statelessness within the community under study, the fifth category of questions related to citizenship. As already mentioned, these included questions relevant to the assessment of the respondent’s citizenship status – country of birth, country of birth of each parent and whether the respondent voted in the last election – with a view to evaluating the reliability of the proxy indicator for citizenship used in the screening interview and identifying any anomalies. Additional questions related to the availability of citizenship in the country of residence as well as the respondent’s experience of citizenship procedures in order to assess the opportunities for stateless persons to
resolve their situation through the acquisition of nationality (i.e. Thailand, in the case of the pilot study). These included:

- Have you ever applied to obtain Thai citizenship? and, if not Why didn’t you apply for citizenship?

- What was the outcome of the application for Thai citizenship? and, if still pending For how long has the application been pending?

The information drawn from this part of the survey is distinct from the rest of the data in that it does not relate to the measurement of the risk of trafficking but to the prospects for a solution to statelessness and was fed directly back to those organisations engaged on the issue of access to citizenship for stateless persons in Thailand.

iv. Survey implementation

Once the survey instrument was drafted, as outlined above, the next phase was the data collection itself. The implementation of the survey was carried out through a local partner with the capacity to conduct the necessary number of interviews on the ground. The selection of a local partner was informed by a number of considerations, most importantly the need to ensure that the interviewers have sufficient understanding of the local context – both legal and cultural – and are able to communicate with respondents in their own language. That the partner would be seen as trusted by the communities concerned, paving the way for open participation in the survey was also a key factor. The local partner was responsible for translating the survey instrument into the local language; recruiting and supervising interviewers; collecting, inputting and storing the survey data; and providing any additional input and advice required in ensuring the smooth and effective enumeration of the survey. Overall supervision of the survey process, training of the interviewers and preparation of the database for entry of the survey responses remained the responsibility of the main research team.

For the pilot study in Thailand, the local partner selected was a university-based legal law clinic, the Chiang Mai University Law Clinic (hereinafter the Law Clinic), which already engages in outreach and the provision of legal advice for people living in the target region, including the hill tribe populations. Staff of the Law Clinic provided input on the survey instrument in the final stages of drafting, including offering advice on tailoring the questioning to the local context. They also recruited and supervised the team of interviewers who enumerated the survey, who were drawn from the student population, including both students already involved in the Law Clinic and others with suitable backgrounds. Several of the interviewers were themselves members of Thailand’s hill tribe populations, such that they had the relevant language ability and were able to help to secure
the confidence of the respondents in the research process — critical given that
the survey also addresses a number of issues that may be experienced as sensitive
or difficult to discuss by the respondents. When close to finalization, the survey
instrument was translated by the Law Clinic into the Thai language, for use
during the training of interviewers and the testing of the survey — any subsequent
alterations were also translated as needed before the actual survey enumeration
began.

Before the survey enumeration commenced, the interviewers participated in a
full-day training that took in both the theoretical concepts, aims and hypotheses
behind the research project, as well as interview techniques. The interviewers
practiced using the survey through role-playing and provided feedback to
one another, discussing any questions or concerns with specific elements
of the survey or regarding the interview process with the group. During the
training, the survey instrument was also tested by the interviewers: each of
them conducted a full interview with a randomly-selected respondent on the
Chiang Mai University campus where the training was being carried out. The
testing focused particularly on two aspects of the survey design: formulation of
questions and interview length. Where the interviewers encountered problems
in communicating the meaning of the question or recording the answer given
with the survey instrument, this was noted, discussed and modified as needed
before the questionnaire was finalized for use. With regard to the length of
the interview, the intention was to design a survey instrument that could be
completed in an interview not longer than 20 minutes. This was in order to
guarantee that the collected survey data is reliable since we were concerned
about the willingness of the respondents to spend too much time responding in
a concentrated and open way to the questions of someone they do not know.
The interviewers each recorded how long it took to enumerate the survey when
tested and the average duration was calculated to see if the survey length needed
to be adjusted (which proved not to be the case).

The survey was enumerated at the four interview sites over the course of a
3-week period in March-April 2013, with the interviewers visiting each
site for between one and three days. A total of 485 effective interviews were
conducted. Interviewers commenced each interview by introducing themselves
and showing their student identification card. The logos of Tilburg University
and survey partner Chiang Mai University Law Clinic were displayed clearly
on the cover sheet of the survey instrument. These measures were designed to
demonstrate the legitimacy of the interviewer and the research to the respondent.
The interviewers then proceeded to read the introductory text provided to them
about the purpose of the survey and what the respondent could expect, including
an explanation about the anonymity of the questionnaires: No information that can
identify you will be passed on to anyone else. This was to ensure informed consent of the
respondents before the interview proceeded. The interviewee number, interview
date, start (and subsequently end time), area code (which of the four research sites)
and interview number were noted on the cover sheet. In posing the survey questions, the interviewer read only the question in all cases except where instructed within the instrument to read a list of possible answers. Pre-prepared answers with ascribed codes were provided in the survey instrument such that the interviewer could tick as appropriate and the possibility of noting other (where relevant and interviewer would note the answer given), don’t know (coded 98) and do not want to answer (coded 99) was also provided for all questions. Upon completion of the interview, the respondent was thanked and provided with a small monetary compensation for his or her time. The average time taken for an interview was just over 20 minutes. The completed survey questionnaires were submitted to the Law Clinic for processing and the data entered into a pre-prepared database spreadsheet (Excel). This was forwarded to the research team, where the data was cleaned and transferred to a programme for statistical analysis (SPSS). Details of how the analysis was carried out can be found below in section 5.

D. In-depth interviews

The envisaged qualitative component of the research comprised in-depth interviews directed towards exploring the modalities of human trafficking and helping to identify what role, if any, statelessness played in a person’s victimization. Specifically, the aim was to look for cause-and-effect relationships between statelessness and trafficking, as well as to identify the role of Subjective Legal Empowerment in this nexus. The in-depth interviews would also look at what choices and considerations victims of human trafficking from the hill tribe communities made at the different stages of their ordeal and explore the role of SLE in those choices. These findings would be used to inform and supplement the analysis of the survey data. The target population was identified as being members of the hill tribe community who have been victims of human trafficking – both citizens and stateless persons. An interview protocol with semi-structured questions was developed to guide the interviews and ensure comparability. This included questions on citizenship status / statelessness, the consequences of statelessness, entry into the trafficking chain, the situation of exploitation, broader questions on root causes of trafficking as well as on subjective legal empowerment. For instance, to explore the cause-and-effect relationship between root causes and a crisis or trigger and trafficking, the following questions were included: what made you leave your village or accept this work? Was there a specific reason why you made this decision when you did?

Trafficking victims were to be contacted through support organisations, since they can best indicate whether victims are able to talk about their experiences. Those invited to be interviewed would include a mix of men/women, stateless/citizens and both situations of victimisation for sexual and for labour exploitation. Informed consent would form the basis for participation and in case a victim might need some support after the interview the support organisation is available
to provide this. All information shared by the respondents would be processed anonymously. In preparing for the in-depth interviews as outlined above, the research team met with numerous support organisations for trafficking victims in the pilot country Thailand.\textsuperscript{60} The eligibility criteria for participation in the in-depth interviews were explained – these included that the respondent must be over 18 years of age, part of the hill tribe community and have been a victim of trafficking at some time in the six years prior to the interview taking place. Several of the support organisations indicated that, at that time, they had few or no hill tribe victims of trafficking among the individuals who they provided assistance to. Where support organisations did have contact with potentially eligible respondents, there was hesitation to facilitate direct access to these trafficking victims for research purposes, due to concerns about possible re-traumatisation. A revised approach of providing the in-depth interview protocol, with accompanying screening and interview instructions, to a support organisation for their staff – known and trusted by the victims – to conduct and record the interviews for analysis, unfortunately also ultimately proved unfeasible.

After interviewing victims of trafficking was found to be unachievable in the pilot country, a new plan was drawn up for the qualitative research component of the project. While maintaining the goal of better understanding, contextualising and correctly interpreting the survey data through qualitative methods, in particular by exploring in greater detail the cause-and-effect relationship between statelessness and trafficking, the target group for the in-depth interviews was revisited. As discussed in detail in the separate Thailand Report,\textsuperscript{61} the survey confirmed that numerous known root causes of trafficking, such as low levels of income and education, were more prevalent among stateless persons than citizens and the data on perceptions of (exposure to) exploitation and willingness to migrate that pointed to a higher risk of trafficking among the stateless. Yet, there were also areas in which there was no statistically significant difference, such as overall satisfaction in life, victimization of crime and general confidence in solving disputes. It was decided that the target group for the in-depth interviews should be the same hill tribe communities which participated in the survey. A small number of persons would be visited for a qualitative discussion on their situation and experiences, with two broad objectives.

The first objective is closely aligned with the original objective for the qualitative research component and was to further explore the relationship between the factors which are generally understood to be root causes of human trafficking and the actual perceptions and likely behaviour of stateless hill tribe women. Without undertaking research at the destination-side of the trafficking process,

\textsuperscript{60} Key informants experienced with researching statelessness in Thailand indicated that access to victims at government shelters was problematic, hence the decision to seek to identify respondents with the assistance of non-governmental support organizations.

\textsuperscript{61} See above, note 6.
i.e. with victims of trafficking, as originally envisaged under this project, it will not be possible to unequivocally prove that stateless people are more likely to be trafficked. In other words, it will not be possible to test which “known” root causes actually did contribute to a (stateless) hill tribe person becoming trafficked. Instead, however, through interviews with people at the source-side of the trafficking process, i.e. in the hill tribe villages, it is possible to gain a clearer understanding of which factors that are generally understood to be root causes of trafficking are likely to influence a person’s actual perceptions and behaviour such that they may be at heightened risk of trafficking. For instance, if stateless persons are more willing to migrate to look for work, why is this the case? Are the underlying reasons related to their statelessness or to ways in which statelessness has impacted their lives?

The second objective set for the in-depth interviews is to explore why certain factors which are generally understood to be root causes of human trafficking are more prevalent among stateless hill tribe people than those with citizenship; including the impact on women versus men. For instance, why do stateless people have a lower household income and a lower level of education? This line of questioning adds a new layer of analysis to the overall research project, allowing not only for certain trends to be identified but also, at least to a degree, explained. The cause-and-effect relationship between statelessness and recognised root causes of trafficking will come into view, as well as the interaction between the different elements of the situation of a stateless person. For instance, is the low level of education due to lack of access to schooling as a direct consequence of statelessness or is the core problem the lower level of household income as a result of statelessness, which is in turn affecting educational prospects for children.

In line with the overall objective of the project, the in-depth interviews will explore the experiences of stateless people versus those with citizenship, as well as male versus female respondents. The target was set at a minimum of 30 in-depth interviews, spread between two of the sites which were also used for the collection of the survey data. These sites were chosen on the basis of geographic information about the villages and information from brief ‘village reports’ where a small number of inhabitants from each community were asked to provide some basic information about the profile of people living in the village, the services available, community relations, the role of the community leader and problems experienced in the village. Thus, one of the sites for the in-depth interviews reported a strong role of the community leader and the other less so, while one was geographically located close to a main road and the other was isolated and accessible only by a long stretch of rough gravel road.

A new in-depth interview protocol was developed, informed by the survey findings and the newly adjusted qualitative research objectives. The protocol is comprised of a screening interview followed by distinct categories of questions: on citizenship status and experiences; on the consequences of statelessness; on
job opportunities (in and outside the village); on exploitation; on disputes/crises and responses and broader Subjective Legal Empowerment. For instance, on perceptions of relative opportunities to earn a living, the protocol asked:

Would you leave your village to find a job elsewhere? Why yes/no? What would be the advantages? What would be the disadvantages? How would it improve your situation? Income, family-life?

Similarly to the survey instrument, the in-depth interview protocol also included short, hypothetical situations to the respondents and asked how they would respond – the in-depth interview context allowing for a more detailed exploration than the survey setting. Within the interview protocol, some background information from the desk review, key informant interviews and survey data was integrated as relevant to highlight the purpose behind each of the areas of questioning. Since the interviews will be semi-structured, main core questions were set out and suggestions made for follow-up questions that could be considered depending on the direction of the responses.

To implement the in-depth interviews, collaboration was again sought with a local partner with relevant expertise and a position of trust within the community. For the pilot study in Thailand, the collaboration with Chiang Mai University Law Clinic was extended into the qualitative research phase of the project. Again, selected students of the university were recruited and provided training that prepared them specifically for the in-depth interview process. The training was spread over two days (with an additional day of supervised data collection) and included the presentation of relevant theory and concepts, a discussion of the survey experience and findings, interview technique training and role-playing, piloting the in-depth interview protocol in one of the target communities and a feedback session to discuss experiences from the pilot. As was the case when the survey was enumerated, at the start of each in-depth interview, the interviewer identified him or herself to the respondents, including by presenting their student ID card, explained the purpose of the interview and of the research and made sure that they had the informed consent of the respondent to continue. The interviews lasted between 30 and 60 minutes and were recorded in full. The audio files were subsequently transcribed in Thai and the English translation was entered within the same document, as follows:

- ถ้าพี่ต้องออกไปนอกชุมชนแล้วมีเรื่องอะไรเกิดขึ้น ที่จะขอความช่วยเหลือจากใครครับ?
- ก็คงต้องปรึกษาญาติค่ะ

Q : If you leave the community and some problems happen to you, who will you ask for help?
A : I’ll consult my relatives.
These transcriptions were transferred, along with the original audio files, to the research team for analysis. A total of 30 in-depth interviews were conducted in January 2014.

E. Focus groups

In parallel to the in-depth interviews outlined above, focus group discussions were organised to supplement the qualitative data collection. These focus groups targeted the research sub-set of stateless women specifically, to draw out their experiences in greater detail. By prompting discussion within the group on specific themes and observing the interchanges between different participants, it would be possible to gain a greater depth of information on the circumstances, perceptions and life choices of stateless women within the broader community under study. The focus groups were also more specifically aimed at identifying possible avenues for intervention strategies to solve problems that had been identified in the survey or in-depth interviews.

Four themes were selected as appropriate for discussion in the focus groups – topics around which further data would be of interest to contextualise the survey and in-depth interview findings and which would be suited to a focus group setting (e.g. not too sensitive for people to speak openly on in a group context). These themes were: developments and issues in the communities, work opportunities in the communities, education, citizenship/statelessness and exploitation. Within each theme, a short series of questions were elaborated to guide discussion, starting with more superficial questions and leading on to deeper questions about how and why. For instance, with regard to education, the conversation would be initiated by asking who in the group went to primary school, secondary school, higher education, before asking about why schooling was stopped at a particular level, whether this is sufficient, how important education is, etc. The questions are short, simple and open, leaving sufficient room for the group itself to also determine the direction of the discussion once prompted to exchange views around the particular theme.

During the pilot study in Thailand, one focus group discussion was organised in each of the two communities where the in-depth interviews were also conducted. A total of 9 stateless women participated in the focus group discussions (4 in one and 5 in the other). A member of the research team was present during both focus group discussions, helping to guide the conversation through the themes and questions identified, alongside one of the trained interviewers from the local partner organisation, Chiang Mai University Law Clinic. The focus groups were conducted in Thai and through English–Thai interpretation, sound recorded and subsequently transcribed and translated in the same manner as the in-depth interviews.
5. DATA ANALYSIS AND WRITE-UP

At each stage of the research project, careful analysis was undertaken of the data collected, which fed into a series of interim project reports. The first of these was a detailed background note on the core theoretical concepts, methodology and research context in the pilot country Thailand. This document was compiled on the basis of the initial desk review and laid the foundation for the rest of the project. For each subsequent data collection stage within the project, a detailed analysis plan was drawn up in parallel to the development of the data collection plan and instruments.

Due to the various aims of the key informant interviews and the different backgrounds, work and expertise of respondents, the data gathered from these interviews was diverse. Therefore, the data analysis took place in two phases. The first phase was to draw out information relating to a number of central topics: citizenship and statelessness (status, procedures, documentation), consequences of statelessness, root causes and modus operandi of human trafficking and the possibilities for in-depth interviews with trafficking victims. Subsequently, in the second phase of the data analysis, the information extracted in relation to the consequences of statelessness and the causes of human trafficking were processed in a more structured way by coding the data following a pre-established coding framework. Since the overarching aim of the research project is to explore the interaction between these two phenomena, the key informant interviews were analysed with a view to identifying any relevant data with respect to the interaction or the cause-and-effect relationship between statelessness and trafficking. Tables were drawn up to visualise the data, showing which impacts of statelessness and causes of trafficking were noted and where these were repeated across different key informants. Data could then also be compared between these two tables to see where often-cited consequences of statelessness also aligned with often-cited causes of trafficking. This gave some sense of the potential nexus, helping to inform the development of the data collection instruments that would test and explore this nexus further. As already indicated, the data drawn in this manner from the key informant interviews was used to supplement the desk review data and guide the approach to and content of the quantitative and qualitative data collection during the later stages of the research project.

As noted in section 4D, in the end it was not possible to conduct in-depth interviews with trafficking victims within the parameters of this project in the pilot country Thailand and the research methodology was adapted accordingly. However, at the time of the main key informant interviews, this was part of the envisaged research plan and questions were asked about access to victims for research purposes, considerations when identifying, approaching and interviewing trafficking victims in the Thai context, etc.
**Data analysis tool for key informant interviews - table on consequences of statelessness**

<table>
<thead>
<tr>
<th>Poverty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of education</td>
</tr>
<tr>
<td>Lack of employment opportunities</td>
</tr>
<tr>
<td>Fear of arrest, harassment, detention or deportation</td>
</tr>
<tr>
<td>Restrictions on movement within the country</td>
</tr>
<tr>
<td>Lack of access to the regular labour market</td>
</tr>
<tr>
<td>Gender discrimination</td>
</tr>
<tr>
<td>Lack of access to healthcare</td>
</tr>
<tr>
<td>Discrimination and prejudice against hill tribes/ethnic minorities</td>
</tr>
<tr>
<td>Drug or sexual exploitation at workplace</td>
</tr>
<tr>
<td>Susceptible to bribery</td>
</tr>
<tr>
<td>Low self-esteem</td>
</tr>
</tbody>
</table>

The analysis of the survey data, written up in the form of a separate quantitative report, was also organised by theme in accordance with the five categories of question posed in the survey instrument, with data extracted from related questions grouped together and the relationships between them explored. Preceding this analysis was an overview of the demographic data – i.e. sex, age, marital status, religion, etc – to understand the composition of the survey sample. Mainly closed questions were used in the survey instrument, such that data could readily be extracted with regards to the frequency of particular answers. Throughout the analysis, the main variable explored was citizenship status and a secondary variable was sex. Thus, the analysis was geared towards the identification of statistically significant differences in data from stateless/citizen respondents, and then also between male/female respondents.

Where differences were identified, further univariate and multivariate models were used to ascertain whether and how the variables were associated. For instance, the impact of statelessness/citizenship was isolated further by controlling for the influence of education or marital status in the context of findings relating

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63 The problems indicated in the left-hand column were drawn, in part, from the prior desk review but supplemented during the analysis of the key informant interviews with other issues named as common consequences of statelessness by the key informants.

64 See above in 4C.
to relative experience of legal disputes and controlling for risk tolerance in the context of findings relating to the relative willingness to migrate to look for work. The analysis was presented as a report which included numerous annotated tables and a selection of charts and graphs to visualise results that were of particular interest in light of the research hypotheses. Furthermore, the quantitative analysis was enriched with insights from the in-depth interviews and focus groups conducted within the project. This mixed approach was intended to provide some basic triangulation of the data on which the research findings were based.

Example of chart from survey data analysis illustrating relative ability of stateless/citizen respondents to raise funds if needed to deal with a crisis

How easy it is to find money for expensive medical treatment

Once a first draft of the quantitative data report had been prepared, this was discussed within the research team and questions identified for which supplementary analysis should be conducted. Thereafter, during a second review of the report, questions were identified on the basis of the findings that would be relevant for further exploration during the in-depth interviews and focus group discussions. For instance, where the survey found that stateless respondents enjoyed on average a lower level of education than citizen respondents and that they were also more willing to migrate to look for work, follow up questions relating to why this is the case were noted in the report. As such, this report was both a research product and a tool to inform the further stages of the broader research project. A summary of findings from the survey was also used as the basis for follow-up discussions with a number of key informants as well as separate discussions with community leaders, during the in-depth interview stage of the project with a view to keeping the constituency informed as to the results of the research.
The analysis of the in-depth interview data was arranged along similar thematic lines to the survey analysis. The main areas explored were:

- Education: explaining the effect of gender and statelessness on level of education
- Income: explaining the effect of gender and statelessness on level of income/job opportunities
- Marital status: explaining the effect of gender and statelessness on marital status
- Travel: explaining the effect of gender and statelessness on travel/free movement
- Migration attitudes: exploring the effect of gender and statelessness on attitudes to migration
- Exploitation: exploring the effect of gender and statelessness on exposure to exploitation
- Subjective legal empowerment: exploring the effect of gender and statelessness on SLE

For each of these areas, the aim was to see if there are different answers or reasons given by the four different groups interviewed: citizen men, citizen women, stateless men and stateless women. Since the in-depth interviews followed a semi-structured approach and did not anticipate particular or closed responses, the data was coded after the data collection. Therefore, to start each part of this analysis, the data was coded under each topic and then collated into one or more relevant overviews for that issue, separated into the 4 groups to look for trends and anomalies. For the purposes of visualizing trends, the data was presented using a system of quadrants exploring respondents’ answers on particular issues. The font size for each response roughly reflects the frequency at which a particular answer was given.
Quadrant visualization of in-depth interview data – example of income level and job opportunities

<table>
<thead>
<tr>
<th>FEMALE</th>
<th>STATELESS</th>
<th>CITIZEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP cannot leave the village for work.</td>
<td>Statelessness is not related to poverty.</td>
<td></td>
</tr>
<tr>
<td>SP receive a lower income</td>
<td>Limited and unstable work in the village.</td>
<td></td>
</tr>
<tr>
<td>Statelessness is not related to poverty.</td>
<td>SP cannot leave the village for work.</td>
<td></td>
</tr>
<tr>
<td>Would invest money into land/farming/business.</td>
<td>Laziness causes poverty.</td>
<td></td>
</tr>
<tr>
<td>Would save money for children.</td>
<td>Access to jobs is equal for citizens and stateless.</td>
<td></td>
</tr>
<tr>
<td>Laziness causes poverty.</td>
<td>Statelessness is a cause of poverty.</td>
<td></td>
</tr>
<tr>
<td>Limited and unstable work in the village.</td>
<td>Would invest money into land/farming/business.</td>
<td></td>
</tr>
<tr>
<td>No education = hard job.</td>
<td>Would save money for children.</td>
<td></td>
</tr>
<tr>
<td>Statelessness is a cause of poverty.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to jobs is equal for citizens and stateless.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MALE</th>
<th>STATELESS</th>
<th>CITIZEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP receive a lower income.</td>
<td>Would invest money into land/farming/business.</td>
<td></td>
</tr>
<tr>
<td>Employers want citizens.</td>
<td>SP receive a lower income.</td>
<td></td>
</tr>
<tr>
<td>No education = hard job.</td>
<td>Statelessness is not related to poverty.</td>
<td></td>
</tr>
<tr>
<td>Laziness causes poverty.</td>
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<td></td>
</tr>
<tr>
<td>Would save money for children.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The data was also compared between the two villages where the in-depth interviews were conducted to identify differences. For instance, this showed that stateless women in one of the villages were the group which had the greatest desire to migrate and that respondents from one village indicated a better relationship with the police than those from the other village. Guiding questions were also elaborated to help look for trends and draw out information which would supplement, contextualize or explain the survey findings. Wherever possible, the analysis looked for not just whether but why a particular effect is seen. For instance, in relation to the analysis of the data on income levels and job opportunities, the following guiding questions were formulated:

- *(Why) do stateless people have a lower average household income? Or consider themselves poorer?*
- *(Why) do stateless people do different jobs than citizens?*
- *(Why) are stateless people paid less for the work that they do in the same job?*
- *(Why) do stateless people have access to jobs/professions where the pay is lower?*
- *(Why) do stateless people have fewer income earners in their household (e.g. higher rate of unemployment) or more people to provide for?*
5. DATA ANALYSIS AND WRITE-UP

- *(Why)* do stateless people have less sources of income (e.g. is lack of land ownership an issue)?

- *(Why)* is there a difference in what stateless people would spend extra income on, if they had it?

- Different answers men / women? Different in the two villages?

- Other information relating to household income?

Interesting case studies and citations were also highlighted during the analysis with a view to providing illustrative examples for inclusion in the research report. In addition, any examples of reported situations/experiences that could be qualified as human trafficking, as well as examples of perceptions or behaviour which signal a potentially heightened risk of trafficking, were also flagged during the analysis for closer exploration.

The data from the two focus group discussions with stateless women was also analysed and grouped by theme. The data addressed the consequences of statelessness (including education, travel, work), attitudes to migration and experiences of exploitation. The focus group discussions also touched on issues of police treatment, land rights, marriage and drug issues. This data was written up in a separate short report.

In addition to the analysis described above, data on citizenship status and respondents’ attitudes towards citizenship applications and experiences with citizenship procedures was also extracted during the survey, in-depth interview and focus group analysis. Given its value in indicating current obstacles and opportunities with respect to the acquisition of citizenship and resolution of statelessness for the population concerned, this data was included both in the write-up of the research findings and in separate reports that were shared with relevant organisations engaged in citizenship work in the pilot country Thailand, with a view to informing any relevant projects or programming.

Finally, the data compiled through all stages of the research project was consolidated into a single report. The desk review and key informant interviews helped to inform the write-up of the background to the research and research context. The quantitative and qualitative data is presented in parallel, by theme, before final conclusions are drawn.
6. REFLECTIONS ON THE RESEARCH PILOT IN THAILAND

The research methodology for this project was grounded in the theoretical understanding of the nexus between statelessness and human trafficking, which produced two working hypotheses and the broad strokes of a research framework. However, it was the tailoring of the methodology to and the piloting in the Thai context that put this theoretical framework to the test, confirming some of the known challenges that surround any research on these phenomena and also bringing new challenges to light. The following paragraphs therefore focus on what lessons can be drawn with respect to the research methodology – rather than the research findings65 – from the pilot study in Thailand.

It is widely acknowledged that studying statelessness can be distinctly challenging in methodological terms. This was confirmed by this research project. Efficiently and effectively identifying stateless persons in the execution of an empirical study is not easy, nor is isolating the impact of statelessness from other factors that may also influence a person's situation and level of vulnerability. For instance, with regards to the identification of statelessness, the selected methodology must take into account the practical constraints of the research context, which may include time or resource limitations, lack of access to relevant information or evidence and poor awareness of the concept and/or how it applies to them among the population. Thus, in conducting a survey with several hundred respondents and implementing a quota sampling system based on statelessness/citizenship, it is not feasible to undergo a detailed status determination for each respondent. The approach chosen, i.e. to work on the basis of the best available proxy, has its own limitations. The proxy selected for this pilot study, in consultation with local experts, was the type of identity card held, which disqualified a segment of the hill tribe population (undocumented persons) from the research. Moreover, such a proxy is unlikely to yield 100% reliability. In the case of this project, data relating to the respondents' country of birth and country of parents' birth suggested that some respondents may be foreign citizens, rather than Thai citizens or stateless persons which was the categorisation made for the research. However, it was not possible to confirm if and for whom this was indeed the case, so this small margin of error remained.

Similarly, exploring the phenomenon of human trafficking also brings a variety of research challenges. Identification of and access to victims of trafficking is one of the most significant of these, as evidenced also within this project. Indeed, it proved necessary to significantly amend the research design during the execution

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65 These are discussed separately in the Thailand Report. See above, note 6.
of the pilot study because it was not possible to secure the participation of trafficking victims with a relevant profile in the research. In much the same way that conceptual misunderstandings can hamper the identification of stateless persons, part of the challenge in terms of identifying trafficking victims lies in the different perspectives on the meaning of this term. Exploitation, a central component of the definition of human trafficking, is a concept that is susceptible to subjective and context-driven interpretation. Situations which could, objectively, be classed as exploitation may not be perceived as such by the research subjects or other actors involved within such a project (such as support organisations asked to facilitate access to trafficking victims). This became apparent within the pilot when respondents participating in the in-depth interviews or focus group discussions offered a personal account of exploitation without labelling it as such. When conducting a similar study in future, this can be taken into account and might lead to another, less formal, means of identification of victims for participation in the research. In this project, wherever possible, the research instruments used terminology and formulated questions such that differing perceptions of what is understood by exploitation would not influence the responses – for instance through describing concrete scenarios for the respondent to consider and reflect on. This approach proved to be key in generating reliable and comparable data.

Further challenges came to light at the data analysis stage of this project. For instance, with regard to the impact of statelessness, there is the problem of determining the causal relationship between statelessness and certain observed phenomena. While it was clear from the data that stateless persons averaged a lower level of household income and a lower level of educational achievement, what is the relationship between these factors? Different connections may be possible, including:

\[
\begin{align*}
\text{Statelessness} & \Rightarrow \text{lower education} \\
\text{Statelessness} & \Rightarrow \text{lower income} \\
\text{Statelessness} & \Rightarrow \text{lower income} \Rightarrow \text{lower education} \\
\text{Statelessness} & \Rightarrow \text{lower education} \Rightarrow \text{lower income}
\end{align*}
\]

Such causal relationships were teased out further during the in-depth interviews, which were critical to fully understanding how statelessness impacts different areas of a respondent’s life. It became clear, that although all of the above relationships were present to a degree, the lower level of educational achievement was often an indirect result of statelessness and was particularly influenced by the low level of household income and thereby the need for children to help to earn money for the family. Complementing the quantitative study with qualitative research to explain and contextualise the results was a great strength of the methodological approach taken.
Another complication at the data analysis stage lay in how to deal with the differences of opinion between different key informants, as well as among respondents in the empirical part of the research, as to the root causes of human trafficking. Were poverty and lack of education driving people into exploitative situations or were victims of trafficking actually those who had some money and some level of education and therefore the means and the desire to try to better their situation? Were travel restrictions imposed on stateless persons compelling them to use illicit means to move around the country, including when migrating in search of employment, or were they having the effect of rooting stateless persons ‘safely’ in their villages and protecting them from the risk of trafficking? Such ambiguities affect the potential to draw firm conclusions as to the level of vulnerability to trafficking on the basis of the data because again there is the challenge of accurately interpreting the findings. To the extent possible, this problem was addressed in the research by exploring a wide spectrum of recognised root causes of trafficking. The study looked at both external and internal (personal/subjective) root causes, as well as looking at the important question of what might trigger a person to enter the trafficking chain and how vulnerable is a person to such triggers. In this way, the analysis did not remain at a superficial level – looking only, for instance, for relative poverty levels – but could go much deeper and explore a broad range of factors as well as the relationship between them.

In terms of methodological choices, one of the central features of this research project was the use of Subjective Legal Empowerment theory as a means to explore attitudes and behaviour. For example, to understand whether person A is more prone than person B to becoming involved – or trapped – in an exploitative situation, SLE theory offers a way to measure the individual’s perceived ability to take effective action, which is thereby a reasonable measure of their real ability to do so. This was a key tool in mapping whether stateless persons are less able to solve problems and (legal) disputes than citizens and to specifically ask this question in respect of the context of exploitation. SLE theory was also crucial in exploring the issue of triggers that lead a person to enter a trafficking chain. Such triggers may take the form of a crisis or (legal) dispute that a person faces and is unequipped to deal with, therefore compelling them to take the decision to migrate or take risks in search of a solution. An individual’s ability to absorb, cope with or solve such a crisis mitigates the risk that it will otherwise become a trigger for trafficking and one way to asses that ability it to measure their Subjective Legal Empowerment. The limitation with this approach is that what is measured is how the respondent thinks or feels they would act, which may not be how they would actually act in such a situation – and the situation may, indeed, never occur. In other words, finding a respondent to be at greater risk of

66 This is grounded in the psychological theory of self-efficacy, as explained above in section 3C.
trafficking through this method should not be equated with the finding that the person is a potential or future trafficking victim. It does not provide a measure of the scope of the trafficking problem among stateless persons vs citizens, only of the relative degree of risk, which was the focus of this project. This information can be used to help craft more targeted and effective anti-trafficking intervention strategies in areas where the Subjective Legal Empowerment of the persons found to be at risk of statelessness can be bolstered.

Ascertaining the relative risk of trafficking among stateless and citizen respondents proved to be more complicated than anticipated during the pilot study. As already mentioned, there were some divergent opinions with regards to the root causes of trafficking, which added a layer of complexity to the analysis process. At the same time, the empirical data demonstrated that statelessness was influencing the prevalence of some root causes, but not others. For instance, stateless persons were found to have a lower level of household income and be more willing to migrate to look for work, but were not less satisfied with their life nor more risk-taking. What does this say about the cause-and-effect relationship between statelessness and trafficking? It was necessary to draw together and weigh up a multitude of different factors to get a clearer picture. At the same time, it proved helpful to off-set the data relating to the respondent’s personal situation against that relating to their broader perception on the problems at hand. Asking questions about the perceived impacts of statelessness and perceived root causes of trafficking provided valuable data that could be compared against the individualised answers in terms of key demographic data, willingness to migrate and ability to cope with particular problems or (legal) disputes. Ultimately, it is necessary to recognise that while the causal link between statelessness and risk of trafficking can be identified and even attributed to particular influencing factors, there are some – particularly internal – factors that will influence an individual’s attitudes and behaviour which do not fit into an oversimplified stateless vs citizen model. Thus, a stateless person may be at greater risk of trafficking than a citizen because of the prevalence of factors A, B and C, but statelessness does not influence factors X, Y and Z. The project was not set up in such a way that it could also elucidate what influences this latter set of factors, such that it does not provide a full insight into the dynamics of risk of statelessness. This is an area where further research could be of interest, for instance to try to explain what does influence relative satisfaction with life or attitude to risk-taking.

That there is more than just the stateless-citizen nexus to contend with in this type of study was also brought to the fore in the Thai research context. The

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67 See section 5B of Thailand Report, where it is suggested that “intervention strategies should be focused on improving the ability to cope with situations of crisis both in the community and outside the community – including so as to prevent a crisis becoming a trigger for trafficking”. The report then goes on to identify specific opportunities for intervention on the basis of the findings of the pilot study. See above, note 6.
diversity of the hill tribe communities is significant, in terms of ethnicity, language and religion, but also of village geography and community cohesion. Several key informants indicated that there are noticeable differences, for instance between cultural groups, in terms of their attitudes towards migration or their resilience, that would likely affect their vulnerability to trafficking. The differences which could be seen between certain villages in the findings of the empirical study confirm that the overall picture is more complex. Considering all of the variable involved, there was limited scope to explore these perspectives – this would require a larger sample size and stratified sampling to ensure representation of all groups, something that fell beyond the parameters of this pilot study. Practical challenges around access to communities (i.e. to the exclusion of more isolated villages) and complications that led to a revision of the sampling methods also led to some bias being introduced into the research. The term 'hill tribe', as used in this project, therefore incites a degree of generalisation and the manner in which statelessness affects the risk of trafficking among particular sub-groups of this population may vary.

In spite of the complexity of the hill tribe community as the target group for a study of this nature, the Thai research environment was found to be conducive to the research. Stateless persons were easy to find and access. They live side-by-side with otherwise similarly situated citizens, providing for a clear and appropriate comparator against which to measure the impact of statelessness. There is considerable civil society engagement on both the issues of statelessness and of human trafficking, which meant that the project’s concepts and aims were readily understood, that key informants were readily available to help generate useful information on the research context and ensure that the methodology and analysis was attuned to the local context. Were a similar project to be undertaken elsewhere, some of these elements may be less readily met. In particular, the ability to isolate the effect of statelessness from other variables or influencing factors may be a challenge where the ‘control group’ is less obvious or suitable. This must be considered carefully if the methodology piloted in this project were to be tailored to and executed in a different country context.

Finally, in terms of the further lessons that could be drawn from the pilot study, it is important to point out the integral role and value of the local partner which carried out the empirical data collection. Not only is such a partner able to facilitate access to and gaining the trust of the target population, but the input provided on how to adapt the research instruments to the local context is critical. To be able to efficiently and effectively conduct hundreds of interviews and achieve a reliable outcome, it is necessary to consider very carefully what exact questions and formulation are appropriate. Another fundamental ingredient of this research project was the composition of an inter-disciplinary group for the research design and data analysis. By forming the team of specialists from the field

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68 See section 4C i.
of statelessness, human trafficking, Subjective Legal Empowerment and gender studies, the project was able to directly tap all of the expertise necessary to deal with the different disciplines at play and the various demands of the research. Lastly, as is apparent from this write-up, the research methodology elaborated at the outset of the project continued to develop as the project progressed. By continuously building on the knowledge accrued during the different stages of the study and the input from, for instance, the key informants, the methodology was fine-tuned and made more effective. The team adopted a flexible approach, amending the research instruments and the data analysis strategy as needed, as well as reassessing research options where particular methodological choices proved unfeasible due to practical obstacles. This approach improved the overall outcome of the project.
EXECUTIVE SUMMARY
The Nexus between Statelessness and Human Trafficking in Thailand

Statelessness and human trafficking are grave and widespread human rights problems which the international community is committed to tackling. The two issues have even been linked, through the common claim that statelessness puts a person at greater risk of becoming a victim of trafficking. However, the causal link has never been decisively demonstrated using empirical data. This research project focused on developing a methodology that would enable the interaction between statelessness and trafficking to be mapped. The methodology uses Subjective Legal Empowerment (SLE) theory as a way to measure the impact of statelessness and to identify vulnerability. This report discusses the research findings of an empirical study of the nexus between statelessness and human trafficking among hill tribe people in the Northern Part of Thailand. The steps taken in the design and development of the research methodology are extensively described in the report A methodology for exploring the interaction between statelessness and human trafficking.

The aim of the research was twofold: first, to develop a research methodology to identify the nexus between statelessness and human trafficking, and second, to identify the nexus between statelessness and human trafficking among hill tribe people in the Northern part of Thailand. Answering the central research question on how to measure the impact of statelessness on a women’s vulnerability to human trafficking and piloting the developed research instrument among the hill tribe people in Thailand helps to close the knowledge gap on the link between statelessness and human trafficking. A variety of research methods was used for the identification of consequences of statelessness among the hill tribe people and risk factors for human trafficking, and how they impact on the vulnerability and empowerment of stateless women, in comparison to citizens and to men: desk review, key-informant interviews, survey, qualitative interviews, focus groups and finally additional interviews with key informants. The research commenced in September 2012 and the analysis of data was completed in September 2014. For the research in Thailand two field trips were undertaken; the first in January 2013 to conduct key-informant interviews and to set-up the survey, and the second in January and February 2014 to set up and supervise the in-depth interviews and focus groups and to conduct additional interviews with key-informants to verify and discuss some provisional findings of the project. For the data collection, cooperation was sought with the law clinic of Chiang Mai University who also provided advice on how to set up the data collection, helped with establishing contacts in research locations and provided input on the questionnaire and interview protocol.
The desk review was used to explore the situation of stateless populations in Thailand and to learn more about the situation of trafficking and risk factors for human trafficking in Thailand. To test our findings from the desk review and our assumptions on the situation of statelessness as well as trafficking in the Thai context, over twenty key informant interviews were held in January 2013. From the desk review and the key informant interviews we learnt that Thailand reports a stateless hill tribe population of just over half a million people, one of the largest stateless groups in the world. They are an indigenous community within the region, with ancestral ties to the territory and an ethnic minority community comprising a multitude of different tribes, each with its own linguistic and cultural traits. Stateless hill tribe people face severe difficulties in their day to day life as a consequence of being stateless. Travel restrictions, discrimination and lack of job opportunities are among the most frequently reported consequences in literature and by key informants.

Trafficking in Thailand is severe and widespread. In 2014 the country was degraded to Tier 3 in the ranking of the US State Department as it fails to implement its anti-trafficking legislation as well as to adequately investigate and prosecute cases of trafficking and to protect the victims. Thailand must be considered a country of source, transit and destination both for sexual exploitation and labour exploitation for men, women and children. In October 2013 Thailand ratified the Palermo Protocol to the UN convention against Transnational Organised Crime but its Anti-Trafficking in Persons Act originating from 2008 already complies with the definition in the Palermo Protocol.

On the basis of the literature review carried out, supplemented by data from the key informant interviews, the following table was drawn up to compare the reported consequences of statelessness and the reported root causes of TIP:

<table>
<thead>
<tr>
<th>Consequences of being stateless</th>
<th>Root causes of TIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fear being arrested</td>
<td>Lack of awareness</td>
</tr>
<tr>
<td>Travel restrictions</td>
<td>Seeking adventure</td>
</tr>
<tr>
<td>Lack of land rights</td>
<td>Becoming independent/ risk tolerance</td>
</tr>
<tr>
<td>Drug abuse</td>
<td>Enhance life chances/ Materialism</td>
</tr>
<tr>
<td>Not going to the police</td>
<td>Family responsibility</td>
</tr>
<tr>
<td>Being trafficked</td>
<td>Crisis / situation of conflict</td>
</tr>
<tr>
<td><strong>Poverty</strong></td>
<td></td>
</tr>
<tr>
<td>Lack of employment opportunities</td>
<td></td>
</tr>
<tr>
<td>Lack of (access to) education</td>
<td></td>
</tr>
<tr>
<td>(gender) Discrimination</td>
<td></td>
</tr>
<tr>
<td><strong>Corruption</strong></td>
<td></td>
</tr>
<tr>
<td>Lack of access to health care/ acute need of medical treatment</td>
<td></td>
</tr>
</tbody>
</table>
This table already shows a significant overlap, namely, poverty, lack of employment opportunities, lack of (access to) education, (gender) discrimination, corruption and lack of access to health care/acute need of medical treatment. In the area of overlap, an increased vulnerability for stateless hill tribe people exists for exploitation. The next question is how the various consequences and root causes interact and are interlinked. Many of the consequences and root causes seem to influence one another, for instance not going to the police is also influenced by corruption and discrimination impacts on the willingness to go to the police as well. Poverty is generally understood as a consequence and a root cause but is difficult to define. Especially in an area in which all people have difficulties in achieving an adequate standard of living, the role of poverty needs a closer investigation. However, the considerable overlap between the reported consequences of being stateless and the recognised root causes of trafficking is striking and a strong indication, if not proof, of the nexus between statelessness and human trafficking.

That question on how the consequences of statelessness and causes of human trafficking impacts on one’s vulnerability and what factors are important for people to shield oneself against such influences was addressed in the survey and the in-depth interviews. A survey questionnaire was developed based on the outcomes of the literature review and key informant interviews. Survey interviews were conducted with 485 persons, approximately half of whom were stateless. To further understand, contextualise and correctly interpret the survey outcomes, the data was supplemented with qualitative data from 30 interviews with hill tribe people (14 stateless women, 4 stateless men, 8 citizen women and 4 citizen men) and two focus groups (9 stateless women in total). Additional key informant interviews were conducted with the same aim as well.

In the survey, with respect to the consequences of being stateless, the respondents most frequently cited the inability to travel as something they consider makes the life of the stateless difficult. Eighty two percent of all interviewed pointed out these travel restrictions (23% of all responses). Less job opportunities is the second most frequent consequence of statelessness, selected by 70% of the respondents and representing 18.2% of all responses to the question. Work opportunities for the stateless people are restricted in several ways. They cannot travel, have lower access to education, and owning land is difficult. Stateless people have little access to capital outside of their social network which again limits their opportunities to open businesses and use their most valuable resource – their work. Not surprisingly, poverty is the third most often cited consequence of statelessness with 59% of the respondents and 15.3% from all problems. Lack of health care, limited education and restricted ownership of land come next with respectively 41%, 35.1% and 30% of the respondents selecting these consequences. Lack of respect and the risks of labour and sexual exploitation are perceived to be somewhat less serious consequences of not having nationality. There is some difference in how stateless and citizen respondents perceive the
consequences of statelessness. Stateless respondents more often consider poverty as a consequence of statelessness. Apparently they identify themselves as stateless and attribute part of their economic struggles to the lack of nationality. The interrelatedness and vicious circle caused by the various consequences of being stateless clearly follows from the above. Poverty does not necessarily directly occur as a consequence of being stateless but is reinforced and triggered through the presence of other consequences and at the same time causes or triggers other consequences such as lack of access to education.

Education

The survey outcome confirmed that stateless people were less educated and are significantly more likely to have no education compared to citizen. People in the in-depth interviews and the focus groups were less convinced that stateless were less educated but expressed the view that if there is a difference then it is due to stateless people not being able to access educational loans for higher education. Other issues flagged by stateless women in relation to low educational levels were lack of confidence at school, being needed to mind children at home and disinterest in completing schooling because even with an education a stateless person will still not be accepted for work. But there is a cyclical link here that our respondents do not interpret as interconnecting; lower education which impedes job opportunities and thus increases poverty; and even if they are educated they have less options to get a formal job. A cycle that is likely to be inescapable for stateless people without better financial support towards their education.

Travel restrictions

Travel restrictions seriously impair the mobility of stateless hill tribe people. Because of a fear of being arrested and charged if traveling without a permit, stateless people remain in the villages. Without prior permission they are not allowed to work or travel outside the district. The role of the community leader is key in acquiring a travel permit and they sometimes need to accompany the applicant to the district office to get a permit. The integrity, willingness and cooperation of the community leader determines the effects of the travel restrictions imposed on stateless people.

Job opportunities and poverty

Stateless people are restricted in several ways to find a job and generate an income: they cannot travel freely, have lower access to education, owning land is difficult and they have little access to capital outside of their social network which again limits their opportunities to open businesses. Here the interrelatedness and the interconnectedness of the various consequences of statelessness reappear. Most
of the respondents in the survey sample are farm workers (54%), with near equal proportion of men and women working in the fields. The mean reported household monthly income is around 6000 THB (around 200 USD or 155 EUR). Notably, the respondents with citizenship report significantly higher household income (M= 6700 THB) than stateless respondents (M=4900 THB). Three main issues came to light during discussions on job opportunities in the in-depth interviews: employers prefer to hire citizens, stateless people have to stay in the village to work where payment is worse, stateless people receive lower payment than citizens for the same work. In the in-depth interviews, it was less directly highlighted that poverty is a consequence of being stateless, even though factors causing poverty (lack of job opportunities, less income) were widely recognised as consequences of statelessness. Their statelessness influences their ability to earn as much as citizens and thus increases their vulnerability to poverty - or at least it decreases their ability to earn as much as citizens.

Willingness to migrate, risk taking behaviour and crisis

To further understand the link between statelessness and vulnerability to human trafficking the likelihood of stateless people to enter into a migratory process, the risks they are willing to take to migrate for a job, the ability to deal with crisis that might trigger migration or exploitation and to what extent stateless hill tribe people are resilient to such forms of crisis, as compared to citizen hill tribe people have been measured. The self-perceived likelihood for hill tribe people to migrate is low in general. From the survey respondents only for 10.2%, migration to find a job elsewhere is somewhat likely and for just 6.2% it is highly likely they would migrate for economic reasons. Statelessness alone is not affecting the perceived likelihood of moving to another community to search for a job. Stateless persons reported to be more likely to consider paying a middleman to find a job elsewhere than hill tribe people with citizenship. Paying a middlemen has been found, in existing research, to increase the risk of exploitation even though a middlemen can also be a trustworthy person and may be able to provide support and assistance if the person is in trouble and is outside the safe environment of the community. There is a clear correlation between those who perceive themselves as risk takers and those who are willing to migrate to search for a job. For most of the survey respondents, mobilizing sufficient resources in times of crisis would be very difficult (44.5%) or difficult (26.3%). Only about one sixth of the respondents report that finding money for medical treatment of a sick family member would be somewhat easy (14.7%) or very easy (2.1%). Stateless people are significantly less confident that they will be able to mobilize the required resources when a severe hardship occurs. When such a situation occurs, one of the likely options for the hill tribe people, and particularly for the stateless, would be to seek quick money in the more developed areas of the country – big cities and tourist areas. Clearly, the acute need and urgency in such situations will put them in greater risk of entering into
a migratory process and exploitative practices. The in-depth interviews confirm
that in times of emergency and acute need for money, people accept that they
may need to take more risks to generate money. They are pushed to do so if safe
options (loan at a bank, extra work) are limited. These limitations are imposed
by lack of access to banks, lack of education, lack of land rights, travel restrictions
and lack of job opportunities. As we have learned from both the survey and the
in-depth interviews stateless hill tribe people are more easily affected by these
limitations and thus find themselves more readily pushed to accept increased risk
while looking for money-generating activities such as migration for work via
untrustworthy networks.

**Human trafficking and exploitation**

In general, it can be stated that stateless respondents are significantly more likely
to perceive labour exploitation as a serious problem and are more concerned
about sexual exploitation. According to respondents, young women are more at
risk of becoming victims of labour exploitation as well as sexual exploitation.
Poverty is considered as the most serious risk factor for exploitation (both labour
and sexual exploitation). In addition, statelessness is considered a significant cause
of labour exploitation and somewhat less serious cause of sexual exploitation.
Stateless people are also more concerned about the risks of sexual exploitation.
From the survey analysis, we learned that stateless hill tribe people have less
income than citizens, are less educated and lack proper ID documents. These
three elements are also the top three causes of exploitative practices indicated
by respondents, meaning that these causes are more prevalent among stateless
hill tribe people than among hill tribe people with citizenship. In the in-depth
interviews there was consensus on the matter that stateless people are most at
risk of exploitation or trafficking. The focus groups with stateless women further
highlighted stateless people’s plight as outlined in the individual interviews.
Stateless people are hired for difficult work such as farming and fruit picking,
they earn less than citizens and work opportunities outside the village boundaries
are not open to them.

**Subjective legal empowerment**

There are noticeable differences in the ways in which stateless and citizen hill
tribe people respond to problems that might have legal solutions. Stateless
respondents refer more often for help from community institutions – leaders,
village commissions and religious leaders. On the other hand, those who have
Thai citizenship are more likely to solve the problem with their own action.
They are also twice as likely to refer the problem to the Thai police. In the survey,
interview respondents were confronted with a hypothetical situation of severe
labour exploitation. About one third indicated that it is possible that they might
need to deal with such a challenge in their lives. Stateless people report a higher
chance that this type of situation might occur in their lives. Almost 60% of all respondents do not see even a remote chance to deal with such a situation if it occurred. Calling the police is the first thing that most of the citizen hill tribe people would do in such a scenario (55%). Almost half as many of the stateless hill tribe people (31%) would dare to seek protection from the police. Instead, they are more willing to seek protection from community leaders, middlemen or attempt to solve the problem on their own. Here, the respondents showed a different role of the middlemen, namely, a person who can help them in case of trouble. This hypothetical scenario confirms a general trend that the citizenship status has significant effect on the abilities of the hill tribe people to involve public institutions, notably the police, in the process of solving their legal problems and the reluctance of stateless hill tribe people to ask the police for help. Some of the women in the in-depth interviews have experiences of exploitation and others know a person who has been exploited, specifically cases where stateless people were not paid for their work. In the in-depth interviews the experiences with police and coping strategies were thoroughly discussed. In line with the survey outcomes, all interviewees reported that they will primarily contact the community leader when they have a problem. Differences in treatment and maltreatment by the police are reasons to avoid going to the police in case of problems. Citizens agree that stateless people can be treated differently by the police. They explained that they were afraid of talking to the police when they were stateless as they feared being fined, furthermore they believe some officer’s greed leads them to abuse stateless people.

**Acquiring citizenship**

In 2008, a highly promising amendment to the Thai Nationality Law was passed. It determined that anyone whose nationality was revoked by the 1972 Declaration or who failed to acquire nationality while this Declaration was in force (1972-1992) acquires Thai nationality if they have evidence of their birth and subsequent domicile in Thailand and demonstrate good behaviour. Both the survey and the in-depth interviews indicated that a considerable number of stateless hill tribe people would actually be eligible to acquire citizenship, but many had not pursued this. The following reasons were given for not applying for citizen status; they think they are not eligible, it is too time consuming, they don’t know what to do, they don’t have the necessary documents, or they do not have the money. Of the nearly 50% of the stateless respondents in the survey who had applied for Thai citizenship but were still stateless at the time of the interview, nearly 30% said their application was rejected, while in 64.4% of the cases, the application is still pending. The average duration of the applications for this category of applicants is 55 months, i.e. more than 4.5 years. This corresponds with the findings in the in-depth interviews in which ‘waiting’ or ‘waited’ are possibly the most frequent words used by both citizens and stateless people when the topic of citizenship applications was discussed. There is an abundance
of documents needed in each application. Presenting such documents at the district office appears to be a bureaucratic process where applicants queue for several hours and can be asked to return again if their documents are incorrect. Those who applied and were successfully granted citizenship needed the assistance of the chief throughout the procedure. Stateless people are not making independent applications at the district office for citizenship. Several of those who have not applied yet haven’t done so because they are waiting on ‘news’ from the community leader. In both villages in which the in-depth interviews were conducted, the option of a mobile district office was discussed and considered by community leaders and stateless persons as an intervention that would be very helpful to overcome the problems they have in acquiring citizenship.

To conclude, in relation to the nexus between statelessness and human trafficking three important conclusions can be made:

First, many of the consequences of being stateless are at the same time, found to be known external root causes for human trafficking. Factors that appear in the overlapping area are: poverty, lack of job opportunities, lack of education, discrimination, corruption and lack of access to health care. When looking more closely into these areas, it was discovered that these factors reinforce one another as indicated above. For instance, a person who did not finish school because he needed to help his family with the farm work, will not have many options to find a job other than farm work and furthermore because of being stateless he will not be able to work outside the village. Farm work generates only a low income and the person cannot go elsewhere (legally) to find a well-paid job.

Second, stateless hill tribe people seem to be more affected by triggers, not necessarily because detrimental events or crises more often happen to them, but because they have less options and therefore are less able to deal with such an event. Stateless people have indicated that they are less able to find money when in dire need and their options to generate extra income are limited. Many expressed that they would try to find work outside the village when in such a situation and were willing to take more risks if needed.

Third, the presence of internal root causes is not necessarily influenced by being stateless although there are indications that they are more at risk because of a higher willingness to migrate. On attitudes to migration the study finds that individual predisposition to risk plays a significant role. Hill tribe people who are more risk-tolerant are more likely to consider labour migration. The analysis shows that when we control for risk-tolerance, being stateless is associated with increased willingness to migrate. This is an indication that stateless people are more exposed to the risks of migration and therefore to risks of trafficking and exploitation.

Furthermore, stateless hill tribe people are reluctant to go to the police in case of problems. The lack of confidence in the police seems to be compensated by
reliance on the community leader. A common thread throughout most subjects but especially stateless people was the pivotal position of the community leader in the lives of the respondents. Stateless hill tribe people are highly dependent on this person which includes risks of abuse as well.

Based on these conclusions the following five key-recommendations can be made:

- Improve stateless people’s coping strategies in case of acute crisis for instance through informal community fund or utilising micro credit opportunities.

- Create a safe and familiar environment for stateless hill tribe people when outside the community. Such intervention includes, awareness raising, how to prepare before migrate, inform family and relatives on migration plans, look for community members when migrating outside the village for work.

- Improve confidence in the police by stateless hill tribe people and research why hill tribe people distrust the police. A study of discriminatory practices and corruption within the Thai police should be part of such research.

- Create possibilities for safe migration. The abolishment of travel restrictions should be part of a safe migration procedure.

- Explore possibilities to start procedures for acquiring citizenship in the communities for instance through mobile teams. Acquiring citizenship would (partly) solve problems such as lack of (access to) education, lack of job opportunities, and unequal payment.
Statelessness and human trafficking are grave and widespread human rights problems which the international community is committed to tackling. The two issues have even been linked, through the common claim that statelessness puts a person at greater risk of becoming a victim of trafficking. This report discusses the steps taken in the design and development of research methodology aimed at exploring the nexus between statelessness and human trafficking and offers some reflections on the experience of piloting that methodology. It was a collaborative project, in which scholars with expertise on statelessness, human trafficking, Subjective Legal Empowerment and gender studies worked together to design and execute research that cuts across disciplines. The report provides details of all phases of the project, including the modalities of the quantitative and qualitative data collection. A second report, “The Nexus between Statelessness and Human Trafficking in Thailand” (or Thailand Report), is also available and presents the findings of the pilot study which was carried out among hill tribe people in the Northern Part of Thailand.