

## Perspectives on Human Trafficking in Thailand's Labour Force, 2014-2015: Attempts to Develop Effective Solutions

In 2014 the US Department of State released its annual Trafficking in Persons (TIP) report which saw Thailand downgraded from the Tier 2 Watch List to Tier 3, the lowest placement given, reserved for those countries whose governments do not fully comply with minimum international standards and are making no notable efforts to do so. Thailand is now ranked among the world's worst countries for human trafficking, along with North Korea, Zimbabwe, Iran, Malaysia, and Russia. The TIP report classified Thailand as a source, transit and destination country for human trafficking operations, human rights abuses, forced prostitution, and forced labour, with particular emphasis on the country's fishing industry. The downgrade came after the Thai government failed to implement effective strategies or make credible efforts to fix the nation's humanitarian problems within the maximum two year period given to countries that reach the Tier 2 Watch List.

Despite the Thai government's recent efforts to develop and enforce legislation designed to combat human trafficking, official corruption, complacency, and coercion, particularly in the criminal justice system, continues to exacerbate the humanitarian issues, and add to Thailand's significantly tarnished international reputation. For example, Thailand's government recently produced a national report, drafted by senior officials, for the purpose of showing the US State Department that preventative steps have been taken to fight human trafficking. The report in question, however, has received considerable criticism for its lack of practical solutions.

The Labour Rights Promotion Network (LPN), a non-government organisation working on labour exploitation and trafficking in Thailand, has recognised the need for effective and proactive problem solving to tackle Thailand's urgent human trafficking and labour rights situation. LPN gives special focus to issues connected with the country's fishing and seafood industries. LPN has engaged in collaborative projects with government departments, and various institutions and advocacy groups – such as the Anti-human Trafficking Network (ATN) – as well as those involved in victim protection and criminal prosecution. From this work LPN has gathered significant information which provides valuable insight into the conditions endured by Thai and migrant labourers. The following will list some of the most urgent concerns pertaining to human trafficking in Thailand's labour force, as deduced by LPN's research and advocacy.

1. On the whole, the Thai government is not working quickly, or efficiently, enough to deal with the number of human trafficking cases that are being brought to court. Furthermore, many cases implicating corrupt government officials who actively conspire with human trafficking operations often fail to result in sufficient sentencing and punishment.
2. Thailand's law enforcement procedures lack effectiveness and have not adequately produced adjudications on those culprits and employers who have been engaging in human trafficking and human rights abuse. Thus victims are deprived of justice, and the problem persists.

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3. Thailand is not giving appropriate priority to the protection of labour rights, and needs to be more proactive in taking steps to protect workers from falling victim to human trafficking.
4. Thailand has been slow to investigate cases involving forced labour, human trafficking, and other forms of exploitation such as debt bondage. These investigations must be accelerated.
5. Thailand is not giving sufficient attention to the crucial role non-government organisations (NGOs) can play in the prevention of human trafficking and labour exploitation. This is in spite of the fact that almost all effective victim protection and support strategies have been devised by NGOs.
6. Victims of human trafficking are generally unable to communicate the severity of their situation to government officials, due to a lack of language interpretation services. Government offices urgently need to ensure translators are provided for these cases in order to properly identify victims and provide vital services.
7. The majority of government actors responsible for combatting human trafficking in Thailand do so passively, rather than proactively. Such passive methods are ineffective in reaching vulnerable victims and key target groups.
8. The inherent inefficiency of many Thai government departments – particularly those related to administration, social protection, and law enforcement - has often attracted international criticism. Many foreign agencies and organisations point to the Thai government's slow pace of action, which prolongs situations of dangerous employment for individuals and offers little support for human trafficking victims and their families. This comment does not extend to Thailand's judicial courts.
9. The strategies enacted to protect victims of human trafficking lack proactive commitment and do not provide adequate support for the individual victim, their family, or the wider community.
10. Thailand must rethink government policy in order to develop a new strategic paradigm which benefits those most vulnerable to exploitation. Strategies should have the capacity to help anyone who is affected, either directly or indirectly, by human trafficking and labour rights violations. Official departments also need to extend assistance and protection to Thai citizens working overseas. Overall, the future development of protective and preventative policy must be based on past experiences and the principles of human dignity.
11. Officials working to identify trafficking in the fisheries industry are often ill-equipped to conduct interviews aimed at identifying potential victims. Officials responsible for locating, identifying, and classifying victims, both on land and at sea, must be well trained on human trafficking and given more detailed information about the working conditions on board fishing boats.
12. For those who have been forced to reside overseas as a result of falling victim to human trafficking in Thailand's fishing industry, there needs to be accessible notification systems put in place to ensure the safety and security of individuals.

13. Many victims who manage to escape the severe abuse endured on board Thai fishing boats have then been forced to languish on remote Indonesian islands for periods ranging from 5 to 20 years. This is because there is no effective system or avenue for them to access the help they desperately require.
14. There is a serious lack of official responsibility when it comes to matters of responding to emergency situations involving victims of human trafficking in the fishing industry. Regardless of the victim's nationality, Thailand needs to assist those subjected to abuse and rights violations on Thai boats. Effective actions taken by Thailand on these cases would bring substantial benefits to the wider ASEAN region, demonstrating to the international community that the regional body is capable of adequately addressing internal problems.

The following list contains proposals intended to target Thailand's government, judiciary council, and National Reform Council, as well as national and international fishing sectors and industries.

1. All 14 problems listed above need to be addressed immediately through collaboration between all concerned sectors.
2. The current punishments for those found guilty of profiting from, or engaging in, human trafficking should be revised by those responsible for civil and criminal law enforcement in order to ensure that punishments meet the severity of the crime.
3. The Ministry of Labour should review the Ministerial Regulation No., 10 found in the Labour Protection Act 1998 (B.E. 2541), which relates to conditions of employment in the fishing industry. In conjunction with the Act, the government must ensure that legitimate employment contracts, displaying the official role and wage rate of every hired worker, are approved, and certified through the proper channels. In addition, contact details of the employee need to be recorded by the employer, and vice-versa.
4. Employers must be responsible for providing employee welfare, as well as safety tools and protective garments appropriate to the risk posed by the worker's role.
5. Employers must not source their labour force through sub-contractor or agent services. All employees should be sourced and hired legally through official channels.
6. The appropriate sectors, both government and private, should consider adopting a policy making it mandatory for all workers employed on Thai fishing boats heading for foreign waters to be interviewed and certified by an authorised official before leaving Thailand.
7. A committee or department should be established specifically to assist those labourers working overseas. This committee needs to be easily accessible for both labourers and their families in order to respond more effectively to emergencies and requests for assistance.
8. More needs to be done to assist victims who have been abandoned by their employer, or have escaped their unbearable working conditions, and are now stranded in Indonesia. Systems should be formulated to rescue, rehabilitate, and repatriate these

victims. Any solution must also provide assistance to the victim's families and community.

9. During the prosecution process, government agencies need to work in collaboration with NGOs to provide assistance to the victims and their families.
10. All sectors should review the management and distribution of the government's 'Anti-Human Trafficking Fund' in order to ensure financial and material aid is being used to address the problems effectively. The Thai government recently announced that the budget assigned to combat human trafficking would be doubled in 2014, rising from 200 million, to around 400 million baht. However, this budget increase has, so far, not produced any notable indications of improved problem solving or innovative strategies. This suggests that the funds are not being managed effectively.

In addition to the issues within Thailand's fishing industry, there are many other concerning cases involving the forced prostitution and human trafficking of women and children. Such cases have proven extremely difficult to investigate, primarily due to the prevalence of bribery and corruption, which can potentially be the largest obstructions in the problem solving process.

At the present time, LPN believes that the government's efforts to address human trafficking and labour exploitation are still in the early stages of development, and require some adjustments. Overall, the Thai government's first priority needs to involve encouraging business sectors, and related offices, to work proactively and seriously to fight human trafficking, and eliminate corruption, bribery, and exploitation.

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