

TRAFFICKING IN PERSONS REPORT 2010

THAILAND (TIER 2 WATCH LIST)

Thailand is a source, destination, and transit country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Individuals from neighboring countries and from as far away as Russia and Fiji migrate to Thailand fleeing conditions of poverty. Migrants from Burma, who make up the bulk of migrants in Thailand, seek economic opportunity and escape from military repression. The majority of trafficking victims identified within Thailand are migrants who have been forced, coerced, or defrauded into forced labor or commercial sexual exploitation. Trafficking victims within Thailand were found employed in maritime fishing, seafood processing, low-end garment production, and domestic work. In particular, Burmese, Cambodian, and Thai men were found trafficked onto Thai fishing boats that traveled throughout Southeast Asia, and who remained at sea for up to several years, did not receive pay, and were threatened and physically beaten. Observers noted that traffickers (including labor brokers) who bring foreign victims into Thailand generally work as individuals or in unorganized groups, while those who enslave Thai victims abroad tend to be more organized. Migrants, ethnic minorities, and stateless people in Thailand are at a greater risk of being trafficked than Thai nationals. Undocumented migrants remain particularly vulnerable to trafficking, due to their economic status, education level, language barriers, and lack of understanding of their rights under Thai law. Some children from neighboring countries have been forced to sell flowers, beg, or work in domestic service in urban areas. Most Thai trafficking victims abroad who were repatriated back to Thailand with assistance from the Thai government had been exploited in Bahrain, Malaysia, the Maldives, and Singapore. Some Thai

men who migrate for low-skilled contract work in Taiwan, Malaysia, South Korea, Israel, the United States, and Gulf States are subjected to conditions of forced labor and debt bondage.

During the year, Thai workers were subjected to conditions of forced labor in Sweden, Poland, and the United States for work in slaughterhouses, on construction sites, and on farms. Men are generally trafficked within Thailand for the purpose of labor, although women and children are also trafficked in labor cases. Commercial sexual exploitation and forced prostitution generally involve victims who are women and girls. Sex tourism has historically been a significant problem in Thailand, and likely is a factor in trafficking for commercial sexual exploitation.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued implementation of its comprehensive anti-human trafficking law that came into force in 2008, continued training on the law, and conducted awareness-raising activities on human trafficking. Despite these significant efforts, the government's overall effort to address forced labor and forced prostitution of foreign migrants and Thai citizens did not make adequate progress; therefore Thailand is placed on Tier 2 Watch List. The Thai government made limited efforts to identify trafficking victims, but reports and confirmed cases of large numbers of trafficking victims exploited within the country and Thai citizens exploited in other countries persisted. While corruption is believed to be widespread within the Thai law enforcement community, the government did not report investigations into any trafficking-related cases.

Given the significant scope and magnitude of trafficking in Thailand, there were a low number of convictions for both sex and labor trafficking, and of victims identified among vulnerable populations.

RECOMMENDATIONS

Improve efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants; increase efforts to investigate, prosecute, and convict both sex and labor trafficking offenders; improve efforts to investigate, prosecute, and convict officials engaged in trafficking-related corruption; ensure that offenders of fraudulent labor recruitment and exploitation of forced labor receive stringent criminal penalties; improve labor inspection standards and procedures to better detect workplace violations, including instances of trafficking; allow all adult trafficking victims to travel, work, and reside outside of shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; develop and implement mechanisms to allow adult foreign trafficking victims to reside in Thailand, as well as to seek and find employment outside shelters; ensure complaint mechanisms such as hotlines are staffed by personnel conversant in migrants' languages; make greater efforts to educate migrant workers on their rights, their employers, obligations to them, legal recourse available to victims of trafficking, and how to seek remedies against traffickers; and increase anti-trafficking awareness efforts directed at employers and clients of the sex trade.

PROSECUTION

The Thai government made limited progress in its anti-trafficking law enforcement efforts during the reporting period. The Royal Thai Police reported investigating 134 trafficking cases from

June 2008 to November 2009, but was unable to provide any details regarding cases it reported to involve trafficking during the year. The Office of the Attorney General reported that prosecutors initiated 17 trafficking-related prosecutions in 2009 and eight in the first two months of 2010. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties from four to ten years' imprisonment penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. At least eight trafficking-related convictions were handed down in 2009, including five in labor-trafficking related cases. Sentences for offenders convicted in 2009 in trafficking-related cases ranged from two years to death, though some convicted offenders were released pending appeal. Frequent personnel changes hampered the government's ability to make greater progress on anti-trafficking law enforcement efforts. The government did not report investigating or prosecuting any registered Thai labor brokers involved in the trafficking of Thai workers abroad during the year. The justice system remained slow in its handling of criminal cases, including trafficking cases. The government has not yet tried a 2006 case involving forced labor of Burmese workers in a shrimp processing factory. In November 2009, Thai courts convicted two Thai citizens for subjecting Burmese migrants to forced labor in their Samut Sakhon shrimp processing factory and sentenced them to five and eight years, imprisonment, the first human trafficking conviction involving Thailand's problematic fisheries-related industries. In November 2009, authorities, in partnership with NGOs, rescued 51 Burmese workers from a locked room near a fishing port, where it is believed they would have been sent as laborers on fishing vessels. A court convicted one individual in this case and sentenced him to two years, imprisonment; the case reportedly remains under investigation. Authorities have not arrested any offenders involved in the July 2006 case of 39 deaths on a fleet of six fishing vessels from conditions of malnutrition due to the

captains' failure to provide food and freedom to the seafarers. Corruption remained widespread among Thai law enforcement personnel, and there were reports that local police, including some who have taken anti-trafficking training, protected brothels, other commercial sex venues, and seafood and sweatshop facilities from raids or inspections. There was no information indicating that there was any tolerance for trafficking at an institutional level. Nonetheless, the government did not report investigations or prosecutions of Thai officials for trafficking-related corruption.

PROTECTION

The Thai government demonstrated mixed efforts to protect foreign and Thai victims of trafficking. Thai immigration authorities reported identifying at least 60 victims of trafficking in 2009, although observers asserted improved efforts are needed to identify victims of trafficking among vulnerable populations, including among thousands of foreigners deported for immigration violations each month. The Ministry of Social Development and Human Security (MSDHS) reported 530 foreign trafficking victims identified and assisted in 2009, most of whom were victims of forced labor, as well as 79 Thai citizens who were repatriated after being trafficked abroad. The Ministry of Foreign Affairs reported assisting and repatriating 309 Thai nationals classified as trafficking victims. Thai law protects identified victims from being prosecuted for acts committed as a result of being trafficked. However, adult trafficking victims identified by authorities were sometimes detained in government shelters for up to several years. Foreign victims could not opt to reside outside of shelters or leave before Thai authorities were prepared to repatriate them. The Thai government opened three additional trafficking shelters for men, who were recognized under Thai law in 2008 as potential victims. The government refers

victims of trafficking to one of nine long-stay regional shelters run by the MSDHS, where they receive psychological counseling, food, board, medical care, and legal assistance. Foreign trafficking victims are not offered legal alternatives to their removal to countries where the victims may face hardship or retribution. Though Thailand's 2008 trafficking law contains a provision for granting foreign victims the right to seek employment while awaiting conclusion of legal processes, the Thai government does not appear to have provided victims with this right. As such, foreign victims of trafficking are not provided the same opportunities as other foreign nationals who seek and receive permission to work in Thailand. During the year, the government revised and redistributed systematic trafficking victim screening procedures to guide law enforcement and other front line responders in the process of victim identification.

The formal repatriation process between Thai and foreign authorities was often lengthy, sometimes causing victims to remain in government shelters for up to several years. This resulted in attempts by some victims to escape from government shelters. The government provided limited incentives for victims to participate in the investigation and prosecution of their traffickers, including reported efforts to help victims receive compensatory damages from employers in forced labor cases, but reports indicate that the government did not systematically make victims aware of this option. Long stays in shelters in some cases acted as disincentives to doing so. Language barriers, fear of traffickers, distrust of government officials, slow legal processes, and the inability to earn income during trial proceedings all played a role in the decision of some victims to not participate in the Thai legal process, including criminal prosecutions. During the year, the Thai government implemented the Nationality Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers program to

register and protect undocumented migrants (who are more vulnerable to trafficking) by bringing them into the formal labor market and providing them with related benefits. However, observers reported concerns that Burmese migrants are vulnerable to exploitation, including trafficking, due to unique provisions of the program.

PREVENTION

The Thai government made limited efforts to prevent human trafficking, including awareness raising activities by the Prime Minister and other senior officials. At times partnering with international organizations and NGOs, the government conducted various activities that targeted potential victims in high-risk groups and/or aimed to prevent and eliminate child labor and forced labor. The government did not sufficiently address some structural vulnerabilities to trafficking created by its migrant policies, namely the travel requirements and fees associated with its "nationality verification" process that increase vulnerability to debt bondage and trafficking. The Ministry of Foreign Affairs reported spending \$185,000 on trafficking protection and prevention activities throughout the year. The government implemented a trafficking awareness campaign targeted at youth in Thailand. It also partnered with NGOs to host awareness raising events, and worked with an international organization on efforts to prevent child and forced labor. The MSDHS organized several anti-trafficking awareness sessions for government officials and civil society representatives. The Thai government cooperated in the extradition of several foreign child sex tourists, but made limited efforts to reduce the domestic demand for commercial sex acts. Thai authorities worked with NGOs in occasional police raids to shut down brothels and conducted awareness-raising campaigns

targeting tourists' demand for child sex tourism. In 2009, Thai and Burmese authorities signed a Memorandum of Understanding on cooperation in human trafficking. The Thai government also developed plans of actions under other existing agreements with Laos and Vietnam. Thailand is not a party to the 2000 UN Trafficking in Persons Protocol.