

## THAILAND (Tier 2 Watch List)

Thailand is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Victims from neighboring countries, China, Vietnam, Russia, Uzbekistan, and Fiji migrate willingly to Thailand for various reasons including to flee conditions of poverty. There are an estimated two to three million migrant workers in Thailand, the bulk of whom are from Burma. The majority of the trafficking victims identified within Thailand are migrants from Thailand's neighboring countries who are forced, coerced, or defrauded into labor or commercial sexual exploitation or children placed in the sex trade; conservative estimates put this population numbering in the tens of thousands of victims. A significant portion of labor trafficking victims within Thailand are exploited in commercial fishing, fishing-related industries, low-end garment production, factories, and domestic work, and some are forced to beg on the streets.

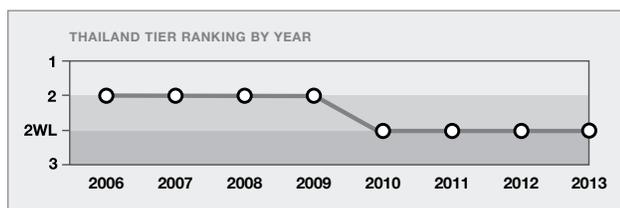
Research made available in 2010 indicated that 23 percent of all Cambodians deported by Thai authorities at the Poipet border were trafficking victims. A study done by the UN Inter-Agency Project on Human Trafficking (UNIAP) found that Thai authorities deport over 23,000 Cambodian trafficking victims per year. Corrupt officials on both sides of the border facilitate the smuggling of undocumented migrants between Cambodia and Thailand; many of these migrants subsequently become trafficking victims. Similarly, Lao authorities reported that groups of 50 to 100 Lao trafficking victims were among the thousands of Lao nationals deported by Thai authorities. An assessment of the cumulative risk of labor trafficking among Burmese migrant workers in the seafood industry in Samut Sakhon found that 57 percent of the 430 workers surveyed experienced conditions of forced labor. A report released by an international organization in January 2011 noted prevalent forced labor conditions, including debt bondage, among Cambodian and Burmese individuals recruited—some forcefully or through fraud—for work in the Thai fishing industry. According to the report, Burmese, Cambodian, and Thai men were trafficked onto Thai fishing boats that traveled throughout Southeast Asia and beyond, where they remained at sea for up to several years, not paid, forced to work 18 to 20 hours per day for seven days a week, and threatened and physically beaten. Similarly, an earlier UN survey found that 29 of 49 (58 percent) surveyed migrant fishermen trafficked aboard Thai fishing boats had reported witnessing a fellow fishermen killed by boat captains in instances when they were too weak or sick to work. As fishing is an unregulated industry region-wide, fishermen typically did not have written employment contracts with their employers. Men from Thailand, Burma, and Cambodia were forced to work on Thai-flagged fishing boats in Thai and international waters and were rescued from countries including Malaysia, Indonesia, Vietnam, and Timor-Leste. During the year, more

than 150 Cambodian and Burmese victims were rescued from Thai fishing vessels in countries around the world, though this represented only a fraction of the total number of Southeast Asian men believed to be trafficked onto fishing boats. In early 2013, an organization that assists victims in Cambodia assessed this form of trafficking was rising. Cambodian and Burmese workers are increasingly unwilling to work in the Thai fishing industry due to dangerous work conditions and isolation, which makes them more vulnerable to exploitation; the Government of Thailand announced plans during the year to import Bangladeshi workers to fill the labor shortage this has caused. During the year, there were reports that some Rohingya asylum seekers from Burma were smuggled into Thailand *en route* to Malaysia and ultimately sold into forced labor, allegedly with the assistance of Thai civilian and military officials.

Observers noted that traffickers (including labor brokers) who bring foreign victims into Thailand generally work as individuals or in unorganized groups, while those who exploit Thai victims abroad tend to be more organized. Labor brokers, largely unregulated, serve as intermediaries between job-seekers and employers; some facilitate or engage in human trafficking. Brokers are reportedly of both Thai and foreign origin and work in networks, collaborating with employers and at times with corrupt law enforcement officials. Foreign migrants, members of ethnic minorities, and stateless persons in Thailand are at the greatest risk of being trafficked, and they experience the withholding of travel documents, migrant registration cards, and work permits, as well as withholding of wages and illegal salary deductions by employers. Migrants remain particularly vulnerable to trafficking due to their lack of legal status, low economic position, lack of education, language barriers, and failure to understand Thai law. Lack of documentation continues to expose migrants to potential exploitation; in the northern areas of Thailand, lack of citizenship makes highland women and girls particularly vulnerable to being trafficked. Some children from neighboring countries are forced by their parents or brokers to sell flowers, beg, or work in domestic service in urban areas. Children were exploited in the sex trade using false identification in karaoke or massage parlors. The majority of Thai victims identified during the year were found in sex trafficking; sex trafficking of both Thai and migrant children remains a significant concern. Women and children from Thailand, Laos, Vietnam, and Burma are subjected to sex trafficking. Thai victims are recruited for employment opportunities abroad and deceived into incurring large debts on broker and recruitment fees, sometimes using family-owned land as collateral, making them vulnerable to exploitation at their destination. Thai nationals are known to be subjected to forced labor or sex trafficking in Australia, Bahrain, Brunei, Canada, China, Germany, India, Indonesia, Israel, Japan, Kuwait, Libya, Malaysia, the Maldives, Qatar, Russia, Saudi Arabia, Singapore, South Africa, South Korea, Sri Lanka, Taiwan, Timor-Leste, the United Arab Emirates, the United Kingdom, the United States, Vietnam, and Yemen. Some Thai men who migrate for low-skilled contract work and agricultural labor are subjected to conditions of forced labor and debt bondage. Sex trafficking generally involves women and girls as victims. Sex tourism continues to be a problem in Thailand, and this demand likely fuels trafficking for commercial sexual exploitation. Thailand is a transit country for victims from North Korea, China, Vietnam, Pakistan, Bangladesh, and Burma destined for third countries such as Malaysia, Indonesia, Singapore, Russia, South Korea, the United States, and countries in

Western Europe. There were reports that separatist groups in southern Thailand continued to recruit and use children to carry out attacks.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown sufficient evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Thailand is placed on Tier 2 Watch List for a fourth consecutive year. Thailand was granted a waiver from an otherwise required downgrade to Tier 3 because the government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The government disbursed the equivalent of approximately \$3.7 million for anti-trafficking efforts in 2012 and reported investigating 305 trafficking cases, versus 83 in 2011, but initiated prosecutions in only 27 cases during the year and obtained only 10 convictions. In order to incentivize victims to testify, the government issued more temporary work permits to victims who participated in prosecutions. The government registered more than 800,000 undocumented migrants over the course of the year, but it failed to adequately regulate brokers, reduce the high costs associated with registration, or allow registered migrants to change employers. Pervasive trafficking-related corruption and weak interagency coordination continued to impede progress in combating trafficking.



**Recommendations for Thailand:** Significantly improve efforts to proactively identify victims of trafficking among vulnerable populations, particularly undocumented migrants and deportees; recognizing the systematic disincentives that make victims hesitant to communicate with authorities, develop and implement victim identification procedures that prioritize the rights and safety of potential victims, and provide incentives for law enforcement officials to increase the numbers of victims identified; increase efforts to prosecute and convict sex and labor trafficking offenders; consider establishing a dedicated court division, or take other measures to expedite the prosecution of trafficking cases; increase efforts, particularly through the Department of Special Investigation and the Office of National Anti-Corruption Commission, to investigate, prosecute, and convict officials engaged in trafficking-related corruption; make public Thailand's anti-trafficking action plan and data collection efforts to monitor implementation of the anti-trafficking law and the action plan; recognizing the serious nature of trafficking crimes, restrict bail to alleged trafficking offenders to prevent flight; ensure suspected perpetrators of trafficking—including those involved in practices internationally recognized as indicators of forced labor such as the confiscation of travel documents or imposition of significant debts by employers or labor brokers—are criminally investigated and convicted offenders receive stringent penalties; pursue criminal investigations of cases in which labor inspections reveal indicators of human trafficking, including debt bondage; continue and increase

efforts to allow all adult trafficking victims, including sex trafficking victims, to travel, work, and reside outside shelters in accordance with provisions in Thailand's anti-trafficking law; employ a victim-centered approach to victim protection, including specialized services for child sex trafficking victims and labor trafficking victims, and increase incentives for victims to cooperate with law enforcement in the investigation and prosecution of trafficking cases; use multi-disciplinary groups including victim service organizations or social workers during victim screening interviews; provide legal alternatives to the removal of foreign trafficking victims to countries in which they would face retribution or hardship; make greater efforts to educate migrant workers on their rights, their employers' obligations to them, legal recourse available to victims of trafficking, and ways to seek remedies against traffickers; improve law enforcement cooperation with source countries in the investigation of suspected trafficking cases; conduct outreach to vulnerable groups in the appropriate languages to encourage use of the government's anti-trafficking hotline; recognizing the unique role of NGOs in uncovering the nature and scope of human trafficking in Thailand, maintain an environment conducive to robust civil society participation in all facets of understanding and combating human trafficking; improve efforts to regulate fees and brokers associated with the process of legalizing and importing migrant workers under existing bilateral agreements in order to reduce their vulnerability to human trafficking; increase anti-trafficking awareness efforts directed at employers and clients of the sex trade; make efforts to decrease the demand for exploitive labor; and accede to the 2000 UN TIP Protocol.

## Prosecution

The Thai government prosecuted and convicted fewer trafficking offenders in 2012 than it did in the previous year. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties ranging from four to 10 years' imprisonment—penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. The government reported investigating 305 trafficking-related cases in 2012, an increase from 83 in 2011; similar to previous years, it did not provide sufficient information to determine how many of these cases actually constituted trafficking. Despite the increase in potential investigations, the number of prosecutions significantly decreased from 67 in 2011 to only 27 in 2012; the government convicted 10 offenders in four trafficking-related cases, compared with 12 convicted in 2011. Sentences for convicted offenders ranged from three to 19 years' imprisonment. Four years after the enactment of the 2008 anti-trafficking law, which authorized a committee to approve the seizure of traffickers' assets, the Anti-Money Laundering Office for the first time seized assets of two convicted offenders valued to the equivalent of approximately \$1.05 million. Despite the high prevalence of labor trafficking in Thailand, fewer than one quarter of investigations involved suspected cases of forced labor. Rather than confronting employers who subjected workers to forced labor and debt bondage with criminal prosecution, the government responded with worksite inspections, despite expert consensus that inspections are not effective in identifying forced labor.

Corruption remained widespread among Thai law enforcement personnel, creating an enabling environment for human trafficking to prosper. Allegations of trafficking-related corruption persisted during the year, including in cases

of sex trafficking and forced labor of migrants. There were credible reports that corrupt officials protected brothels, other commercial sex venues, and seafood and sweatshop facilities from raids and inspections, colluded with traffickers, used information from victim testimony to weaken cases, and engaged in commercial sex acts with child trafficking victims. In addition to the well known corruption of local-level police officers, there were also protective relationships between central-level specialist police officers and the trafficking hot-spot regions to which they were assigned. Thai police officers and immigration officials reportedly extorted money or sex from Burmese citizens detained in Thailand for immigration and sold Burmese migrants unable to pay labor brokers and sex traffickers. The government reported the ongoing investigation of a public official for human trafficking and the temporary transfer of a police superintendent for negligence in a human trafficking case, but it did not provide additional information about the details or the status of this case. One government official was reportedly convicted for charges related to forced labor. Media sources reported that the Thai army investigated two officers accused of smuggling Rohingya asylum seekers and suspended them pending the results of the investigation.

Throughout the year, the government provided training to thousands of police officers on trafficking victim identification and the provisions of the anti-trafficking law and specialized training for an additional 392 officers from the anti-trafficking unit. Interagency coordination was weakened by a rudimentary data collection system that made it difficult to share information across agencies. The justice system remained slow in its handling of criminal cases, including trafficking cases. Additionally, frequent personnel changes hampered the government's ability to make progress on anti-trafficking law enforcement efforts. Some suspected offenders fled the country or intimidated victims after judges decided to grant bail, further contributing to the government's already low conviction rates; in one severe case, in which a female child belonging to an ethnic minority was kidnapped, abused, and enslaved over the course of five years, a judge's misguided decision to grant bail allowed the suspected offenders to flee and escape prosecution. There were no reported developments in the Supreme Court's consideration of a 2009 conviction, upheld in 2011, of two offenders found guilty of trafficking 73 victims in a shrimp-peeling factory; both offenders remained free on bail during the reporting period.

### Protection

The government's victim identification efforts remained inadequate. The government identified 594 victims during the year, an increase from the 279 victims identified by Thai authorities in 2011; 324 victims were Thai nationals and 270 were foreign migrants (primarily from Burma, Cambodia, and Laos), a decrease from 392 foreign victims identified in 2011. The Ministry of Social Development and Human Security (MSDHS) reported that it provided assistance to 271 victims at government shelters, a decrease from 392 victims assisted in 2011. In 2012, the Thai government disbursed the equivalent of approximately \$3.7 million for anti-trafficking activities, including the equivalent of approximately \$360,000 from its anti-trafficking fund. The Thai government continued to refer victims to one of nine regional trafficking shelters run by the MSDHS, where they reportedly received counseling, limited legal assistance, and medical care, although the shelters did not always have the human resource capacity to provide adequate assistance. Foreign adult female sex trafficking

victims identified by authorities were required to stay in government shelters and typically could not opt to reside outside a shelter or leave the premises unattended before Thai authorities were prepared to repatriate them; adult male labor trafficking victims who received work permits were increasingly permitted to reside outside government shelters. The government made progress in issuing permits to allow adult victims to work temporarily in Thailand during the course of legal proceedings as mandated in the 2008 anti-trafficking law; during the year it granted six-month work permits and visas (renewable for the duration of court cases) to 107 male labor trafficking victims, an increase from 30 victims granted work permits in 2011. Adult sex trafficking victims were not yet granted eligibility for work permits, and an overall lack of incentives to remain in Thailand during lengthy court proceedings left many victims unwilling to participate in legal proceedings. The government did not have specialized service provisions for child sex trafficking victims, and the forced repatriation of those unwilling to testify against their traffickers resulted in many of them being re-trafficked. The government did not ensure that child victims' rights were protected; in a highly-publicized case of a 12-year-old Karen girl who had been enslaved in a Thai couple's home for five years, police officials allowed media outlets to publish the girl's name and take semi-nude photos of her while in police custody. A number of victims opted not to seek designation as trafficking victims due to systemic disincentives and were returned to their countries of origin. Language, bureaucratic, and immigration barriers, fear of retribution by traffickers, distrust of Thai officials, slow legal processes, and the financial needs of victims effectively prevented most victims from participating in the Thai legal process. The government did not provide legal alternatives to victims who faced retribution or hardship upon return to their home countries; foreign victims were systematically repatriated through the government-to-government process following the conclusion of legal proceedings. A 2005 cabinet resolution established that foreign trafficking victims in Thailand who are stateless residents can be given residency status on a case-by-case basis; however, the Thai government has yet to report granting residency status to a foreign trafficking victim. Service providers in Burma confirmed reports that quarterly case management meetings between the two countries accelerated the nationality verification and repatriation process for Burmese victims.

The government reported the continued use of systematic procedures to screen for victims among vulnerable populations, such as undocumented migrants in detention; however, during the year the government did not address the serious deficiencies that leave many victims unidentified and vulnerable to punishment. The government provided some financial support to NGOs to assist in victim identifications efforts, and it trained 517 police and immigration officials on interviewing techniques for victim identification, but these efforts did not yield an increase in identifications among foreign migrants. In 2012, it identified only 57 victims among the 397,167 deportees in immigration detention—a population known to be at particular risk of trafficking. As further evidence of challenges in identifying victims, among 230 Cambodian migrants deported at the Poipet-Aranyaprathet border in 2012, Thai officials identified only 27 individuals as victims or persons vulnerable to trafficking, while authorities in Cambodia identified an additional 64 victims and classified the remaining deportees as vulnerable to trafficking. Civil society observers report that during screenings in detention facilities migrants were typically interviewed in public areas without

confidentiality and that translation services were not always available, severely limiting the effectiveness of these efforts.

Many victims, particularly undocumented migrants who feared legal consequences from interacting with authorities, were hesitant to identify themselves as victims, and front-line officials were not adequately trained to identify the essential elements of trafficking. Law enforcement officers often believed physical detention or confinement was the essential element to confirm trafficking, and failed to recognize exploitive debt or manipulation of irregular migrants' fear of deportation as non-physical forms of coercion in human trafficking. Only law enforcement officials were able to make a final determination to certify an individual as a trafficking victim; social workers and civil society representatives often disagreed with law enforcement officers' decisions, particularly in cases of debt bondage.

The government reported increasing labor inspection efforts as its primary method for detecting cases of forced labor within the country, though workplace inspections were not effective in identifying labor trafficking victims. Inspections of 54,090 workplaces revealed thousands of workplace violations indicative of trafficking—such as the illegal withholding of wages for recruitment fees and passport confiscation—but only two cases of forced labor appear to have been recognized. The two cases of labor trafficking were referred to the police, but the others were adjudicated under administrative labor laws; the government systematically failed to criminally investigate for possible trafficking violations uncovered through labor inspections of worksites.

Thai law protects victims from being prosecuted for acts committed as a result of being trafficked; however, the serious flaws in the Thai government's victim identification procedures and its aggressive efforts to arrest and deport immigration violators increased victims' risk of being re-victimized and treated as criminals. Unidentified victims were likely among the 32,095 migrant workers subjected to government lawsuits for lack of proper documentation during the year. Likewise, identified victims were punished rather than protected during the year. MSDHS continued to operate a toll-free hotline that receives calls regarding trafficking cases, but low numbers of calls from non-Thai speakers suggest foreign migrants were unaware of this resource or reluctant to use it to seek assistance, and efficient translation services were not always available for those who did place calls. The government did not report efforts to improve the hotline's decentralized call system in order to ensure that localities systematically and adequately responded to calls that were diverted to them, and it did not provide information on the number of victims identified or assisted through this channel. MSDHS continued to provide training on identifying and assisting victims, conducting three such trainings for multidisciplinary groups in three regions known to have significant human trafficking problems in January and February 2013.

## Prevention

Prevention activities continued in Thailand. Senior officials regularly made public statements expressing their commitment to combating trafficking, though these efforts did not always yield concrete results. The government began implementation of its 2012-2013 national action plan and produced regular reports to assess its progress, and in February 2013 the cabinet approved a resolution on a master plan on prevention and

suppression of human trafficking. There are an estimated one to two million undocumented workers in Thailand. Observers remained concerned that the process to legalize migrant workers with its associated fees, as well as costs imposed by poorly regulated and unlicensed labor brokers, increased the vulnerability of migrant workers to trafficking and debt bondage. The government did not address the complex bureaucracy of the national verification system or the language barriers faced by migrants seeking verification, hindrances that led the majority of migrant workers to rely on unregulated brokers to access the program, leaving them vulnerable to exploitation and extortion by brokers.

Following an October 2012 cabinet meeting, the Ministries of Labor and Agriculture and Cooperatives forged an anti-trafficking action plan that contained plans to establish seven labor coordination centers—developed jointly by the National Fishing Association of Thailand and the Thai Department of Employment in the Ministry of Labor—to address labor shortages in the fishing industry and create a centralized hiring hall for prospective workers. Although it acknowledged the labor shortage was due in large part to some workers' unwillingness to work in the fishing industry due to exploitative conditions, the government did not make efforts to significantly improve these conditions during the year. The government announced plans during the year to import Bangladeshi workers to fill the labor shortage the exploitative conditions caused. The government characterized the labor coordination centers as an initiative to prevent human trafficking; it is unknown what impact, if any, this effort will have on human trafficking in the fishing industry if corresponding mechanisms to identify victims and prosecute suspected cases of forced labor are not implemented.

In November 2012, the Ministry of Labor issued a regulatory policy requiring provincial offices to inspect workplaces for indicators of trafficking or debt bondage including illegal withholding of wages or confiscation of passports; officials were not, however, instructed to refer a case to the police if one of these elements was discovered. There were no reports that any cases of trafficking have since been identified through this method. The government reported a series of efforts aimed at addressing child and forced labor in the fishing and seafood industries as part of the Ministries of Labor's and Agriculture's joint action plan, though it was unclear how these efforts would lead to increased criminal prosecutions of traffickers or identification of victims; there were no reported outcomes of this type during the reporting period. Weak law enforcement, inadequate human and financial resources, and fragmented coordination among regulatory agencies in the fishing industry contributed to overall impunity for exploitative labor practices in this sector. The Marine Department and the Thai Navy inspected 608 vessels during the year but did not identify any cases of trafficking; the government did not report how the tactics employed in such inspections checking on ownership and registration were designed to identify cases of trafficking.

During the year, the government revoked the license of one labor recruitment agency and suspended the licenses of 43 agencies for illegal practices. No labor recruitment companies were punished for forced labor or trafficking-related allegations during the year. The government did not make efforts to decrease the demand for commercial sex acts or forced labor. Inadequate victim identification procedures may have resulted in some victims being treated as legal violators following police raids of brothels. The government did not provide Thai security

forces with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. Thailand is not a party to the 2000 UN TIP Protocol.