

Thailand's Country Narrative in the 2009 TIP Report

----- THAILAND (TIER 2) -----

Thailand is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Thailand's relative prosperity attracts migrants from neighboring countries and from as far away as Russia and Fiji who flee conditions of poverty and, in the case of Burma, military repression. Significant illegal migration to Thailand presents traffickers with opportunities to force, coerce, or defraud undocumented migrants into involuntary servitude or sexual exploitation. Following migration to Thailand, men, women, and children, primarily from Burma, are trafficked for forced labor in fishing-related industries, factories, agriculture, construction, domestic work, and begging. Women and children are trafficked from Burma, Cambodia, Laos, the People's Republic of China, Vietnam, Russia, and Uzbekistan for commercial sexual exploitation in Thailand. Ethnic minorities such as northern hill tribe people, many of whom do not have legal status in the country, are at a disproportionately high risk for trafficking internally and abroad. Media reports during the year alleged trafficking of some Burmese migrants, including some refugees, from Malaysia to Thailand. Most Thai sex trafficking victims repatriated to Thailand were trafficked to Bahrain and Malaysia. Some Thai men who migrate for low-skilled contract work in Taiwan, Malaysia, the United States and elsewhere are subjected to conditions of forced labor after arrival. There are no reliable estimates of the number of trafficking victims in Thailand. Sex tourism in Thailand may encourage trafficking for sexual exploitation.

The Royal Thai Government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government began implementing a new, comprehensive anti-human trafficking law that came into force in June 2008 and trained the law enforcement community on the new legislation. In recent years, the number of annual convictions for sex trafficking has declined. Three sex traffickers were convicted, and the government initiated prosecutions of 54 individuals for trafficking offenses, including forced child labor, during the reporting period. The government did not, however, achieve a conviction for a labor trafficking offense during the year. The government initiated prosecution for multiple trafficking offenses of three owners of a Samut Sakhon shrimp processing factory raided in 2006.

Recommendations for Thailand: Increase efforts to investigate labor trafficking and prosecute labor traffickers; improve efforts to identify victims of trafficking among vulnerable groups, such as undocumented migrants; ensure that adult foreign trafficking victims who are willing to work with local law enforcement are not confined to shelters involuntarily; develop and implement mechanisms to allow adult foreign trafficking victims to seek and find employment outside shelters; 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.

Prosecution

The Royal Thai Government continued some law enforcement efforts to combat trafficking in persons. A comprehensive anti-trafficking law that went into effect in June 2008 covers all forms of trafficking and prescribes penalties that are sufficiently stringent and that are commensurate with penalties prescribed for other grave crimes, such as rape. Prescribed punishments are doubled if the convicted trafficking offender is a public official. The government initiated prosecutions against at least 54 individuals for trafficking offenses, eight of whom are being prosecuted for forced child labor. During the reporting period, there were at least three convictions for sex trafficking offenses; two Thai women were convicted and sentenced to 34 and 50 years, imprisonment, respectively, for brokering children for prostitution, and another Thai woman was sentenced to 14 years in prison for the 2006 trafficking of two young women to Italy for prostitution. The government trained police officers, immigration officers, prosecutors and social workers on the new anti-trafficking law. A police division established in 2006 (the Children and Women Protection Division) continues to have nationwide jurisdiction to conduct anti-trafficking investigations. In addition, the police's newly established Transnational Crime Coordination Center collects and analyzes trafficking information and conducts strategic planning for anti-trafficking efforts along with the Office of the Attorney General's Center Against International Human Trafficking. Nevertheless, investigations for trafficking offenses were disrupted or delayed because of frequent personnel turnover, and observers reported that cooperation between police and prosecutors on criminal (including trafficking) cases could be improved. There were reports that local police protected brothels, other sex venues, and seafood and sweatshop facilities from raids, and occasionally facilitated the movement of women into or through Thailand. In the absence of specific, credible allegations of official complicity in trafficking, the government did not report any investigations or prosecutions of Thai officials for trafficking-related corruption. A police officer suspected of

trafficking in 2007 was convicted, fined, and fired for alien smuggling. The government reported that available evidence did not support a trafficking prosecution. The government initiated prosecution of three owners of a shrimp processing factory, in which 66 trafficking victims were found in September 2006, for multiple trafficking offenses. Authorities also initiated prosecutions of six individuals in the March 2008 raid of a separate shrimp processing facility, but their trial is not yet complete. In July 2006, a fleet of six fishing vessels returned to a Thai port and surviving crew members reported the death while at sea of 39 seafarers, most of whom were Burmese. Although survivors have testified that the 39 died from conditions of malnutrition due to captains' failure to provide food and freedom to the seafarers (as they were confined to the fishing boats for over three years) and that their bodies were disposed of at sea, the government has been unable to locate the captains to arrest them for unlawful disposal of corpses and believes it is unlikely that available evidence will support trafficking-related charges.

Protection

The Thai government continued to provide impressive protection to foreign and Thai victims of trafficking in Thailand and Thai trafficking victims abroad. The government expanded its network of temporary shelters for trafficking victims by 99 to 138, with at least one temporary shelter in each Thai province. The government refers victims of trafficking to one of eight longer-stay regional shelters run by the Ministry of Social Development and Human Security (MSDHS), where they receive psychological counseling, food, board, and medical care. The new anti-trafficking law extended victim protection provisions to male trafficking victims, and one of the government's long-stay shelters exclusively serves adult male victims and their families. In 2008, the government's shelters provided protection and social services for at least 102 repatriated Thai victims and 520 foreigners trafficked to Thailand. The Department of Consular Affairs in the Ministry of Foreign Affairs reported that 443 Thai nationals classified as trafficking victims were repatriated from a number of overseas locations, including Bahrain (360 victims), Malaysia (73 victims), and Taiwan (5 victims), between October 2007 and September 2008. Most of the victims were sex trafficking victims held in conditions of debt bondage. The Thai government, with NGO assistance, has implemented trafficking victim identification procedures, and has since conducted trainings for approximately 2,500 government officials. The government claimed that it screened undocumented migrants for trafficking victims, but informed observers asserted that it did not systematically do so. The government provides shelter and social services to all identified Thai and foreign

trafficking victims pending their repatriation to their country or town of origin. Foreign trafficking victims in Thai custody, including those who cooperate with law enforcement, cannot leave shelters unsupervised, are not offered legal alternatives to their removal to countries where the victims may face hardship or retribution, and are not permitted to work outside shelters. Some foreign victims have been confined to shelters for as long as two years. The government encourages victims, participation in the investigation and prosecution of trafficking crimes, and some victims do participate. NGOs have reported complaints by some foreign victims in shelters who feel that the government does not handle their repatriation in a timely fashion, and who feel pressured to remain in shelters in order to assist with prosecutions. Language barriers, fear of traffickers, distrust of Thai officials, slow legal processes, and the financial needs of victims all played a role in the decision of some victims to not participate in the Thai legal process, including criminal prosecutions. The 1998 Labor Protection Act allows for compensatory damages from employers in cases of forced labor, and the government ordered compensation in one of the shrimp factory cases and funded plaintiffs' attorneys in a successful civil action in the other shrimp factory case.

Prevention

The Thai government continued to support prevention and public awareness activities on trafficking during the year, including through public dialogues on trafficking and television advertisements. Informed observers report significant forced labor among migrants who participate in Thailand's temporary work program, suggesting victims' inability to seek assistance from the government without fear of punishment or deportation and a lack of efforts to inform migrant workers of options for remedies against exploitative employers and labor brokers. Government efforts to reduce domestic demand for illegal commercial sex acts and child sex tourism were evidenced through the prosecution of approximately 20 child sex tourists, as well as occasional police raids to shut down brothels and awareness-raising campaigns targeting tourists. Thailand has not ratified the 2000 UN TIP Protocol.