

THAILAND (Tier 3*)

Thailand is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Victims from neighboring countries, as well as China, Vietnam, Russia, Uzbekistan, India, and Fiji, migrate willingly to Thailand to seek employment, often with the assistance of relatives and community members or through the use of informal recruitment and smuggling networks. There are an estimated two to three million migrant workers in Thailand, most of whom are from Burma. The majority of the trafficking victims within Thailand—tens of thousands of victims, by conservative estimates—are migrants from Thailand's neighboring countries who are forced, coerced, or defrauded into labor or exploited in the sex trade. 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; some victims are forced to beg on the streets.

There are reports of corrupt officials on both sides of the border who facilitate the smuggling of undocumented migrants between Thailand and neighboring countries including Laos, Burma, and Cambodia; many of these migrants subsequently become trafficking victims. Unidentified trafficking victims are among the large numbers of undocumented migrants deported to Laos, Burma, and Cambodia each year. Burmese, Cambodian, and Thai men are subjected to forced labor on Thai fishing boats that travel throughout Southeast Asia and beyond; some men remain at sea for up to several years, are paid very little,

are expected to work 18 to 20 hours per day for seven days a week, or are threatened and physically beaten. A 2013 report found that approximately 17 percent of surveyed fishermen, who primarily worked on short haul vessels spending less than one month at sea, experienced forced labor conditions, often due to threats of financial penalty including not being fully remunerated for work already performed.

A 2010 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. As fishing is an unregulated industry region-wide, fishermen typically do not have written employment contracts with their employers. Reports during the year indicate this form of forced labor continues to be prevalent, and that increasing international scrutiny has led traffickers to use new methods, making their crimes more difficult to detect. Men from Thailand, Burma, and Cambodia are 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. The number of Cambodian victims rescued from Thai fishing vessels in countries around the world more than doubled in 2013. Cambodian and Burmese workers are increasingly unwilling to work in the Thai fishing industry due to dangerous and exploitative work conditions which make them more vulnerable to trafficking.

There continued to be reports that corrupt Thai civilian and military officials profited from the smuggling of Rohingya asylum seekers from Burma and Bangladesh (who transit through Thailand in order to reach Malaysia or Indonesia) and were complicit in their sale into forced labor on fishing vessels. Thai navy and marine officials allegedly diverted to Thailand boats carrying Rohingya asylum seekers *en route* to Malaysia and facilitated the transfer of some migrants to smugglers and brokers who sold some Rohingya into forced labor on fishing vessels. Additionally, there are media reports that some Thai police officials systematically removed Rohingya men from detention facilities in Thailand and sold them to smugglers and brokers; these smugglers and brokers allegedly transported the men to southern Thailand where some were forced to work as cooks and guards in camps, or were sold into forced labor on farms or in shipping companies. 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 and of both Thai and foreign nationalities, serve as intermediaries between job-seekers and employers; some facilitate or engage in human trafficking and collaborate 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 various abuses that may indicate trafficking, including the withholding of travel documents, migrant registration cards, work permits, and wages. They may also experience illegal salary deductions by employers, physical and verbal abuse, and threats of deportation. Undocumented migrants are highly vulnerable to trafficking due to their lack of legal status, which often makes them fearful of reporting problems to government officials. Many migrant workers incur exorbitant debts, both in Thailand and in countries of origin, to obtain employment and may therefore be subjected to debt bondage. Members of ethnic minorities and stateless persons in Thailand face elevated risks of becoming trafficking victims. Highland men, women, and children in the northern areas of

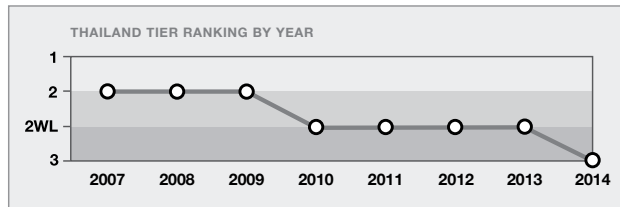
Thailand are particularly vulnerable to trafficking; UN research cites a lack of legal status as the primary causal factor of their exploitation. Some children from Thailand, Cambodia, and Burma are forced by their parents or brokers to sell flowers, beg, or work in domestic service in urban areas. Thai victims are recruited for employment opportunities abroad and deceived into incurring large debts to pay broker and recruitment fees, sometimes using family-owned land as collateral, making them vulnerable to exploitation at their destination. Thai nationals have been subjected to forced labor or sex trafficking in Australia, South Africa, and in countries in the Middle East, North America, Europe, and Asia. Some Thai men who migrate for low-skilled contract work and agricultural labor are subjected to conditions of forced labor and debt bondage.

The majority of Thai victims identified during the year were found in sex trafficking. Women and girls from Thailand, Laos, Vietnam, and Burma, including some who initially intentionally seek work in Thailand's extensive sex trade, are subjected to sex trafficking. Child sex trafficking, once known to occur in highly visible establishments, has become increasingly clandestine, occurring in massage parlors, bars, karaoke lounges, hotels, and private residences. Children who have false identity documents are exploited in the sex trade in karaoke or massage parlors. Local NGOs report an increasing use of social media to recruit women and children into sex trafficking. Victims are subjected to sex trafficking in venues that cater to local demand and in business establishments in Bangkok and Chiang Mai that cater to foreign tourists' demand for commercial sex. Thailand is a transit country for victims from North Korea, China, Vietnam, Pakistan, Bangladesh, and Burma subjected to sex trafficking or forced labor in 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 commit acts of arson or serve as scouts.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking. In the 2012 and 2013 *TIP Reports*, Thailand was granted consecutive waivers from an otherwise required downgrade to Tier 3 on the basis of a written plan to bring itself into compliance with the minimum standards for the elimination of trafficking. The Trafficking Victims Protection Act (TVPA) authorizes a maximum of two consecutive waivers. A waiver is no longer available to Thailand, which is therefore deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3.

The Government of Thailand improved its anti-trafficking data collection. It reported convicting 225 traffickers under the 2008 anti-trafficking law and related statutes in 2013. Overall anti-trafficking law enforcement efforts remained insufficient compared with the size of the problem in Thailand, and corruption at all levels hampered the success of these efforts. Despite frequent media and NGO reports documenting instances of forced labor and debt bondage among foreign migrants in Thailand's commercial sectors—including the fishing industry—the government demonstrated few efforts to address these trafficking crimes. It systematically failed to investigate, prosecute, and convict ship owners and captains for extracting forced labor from migrant workers, or officials who may be complicit in these crimes; the government convicted two brokers for facilitating forced labor on fishing vessels. The government did not make sufficient efforts to proactively identify trafficking victims among foreign migrants, who remained

at risk of punishment for immigration violations. A critical shortage of available interpretation services across government agencies limited efforts to identify and protect foreign victims, and authorities identified fewer foreign labor trafficking victims than it did during the previous year. There were media reports in 2013 of trafficking-related complicity by Thai civilian and navy personnel in crimes involving the exploitation of Rohingya asylum seekers from Burma and Bangladesh. The Thai navy claimed that these reports were false and responded by filing criminal defamation charges against two journalists in Thailand for re-printing these reports. Impunity for pervasive trafficking-related corruption continued to impede progress in combating trafficking.



RECOMMENDATIONS FOR THAILAND:

Promptly and thoroughly investigate all reports of government complicity in trafficking, and increase efforts, particularly through the Department of Special Investigation and the Office of National Anti-Corruption Commission and the Office of Public Sector Anti-Corruption Commission, to prosecute and punish officials engaged in trafficking-related corruption; increase efforts to prosecute and convict trafficking offenders, including those who subject victims to forced labor in Thailand's commercial and export oriented sectors; develop and implement victim identification procedures that prioritize the rights and safety of potential victims; significantly increase efforts to proactively identify victims of trafficking among vulnerable populations, particularly foreign migrants, deportees, and refugees; pursue criminal investigations of cases in which labor inspections reveal indicators of forced labor—including the imposition of significant debts by employers or labor brokers, withholding of wages, or document confiscation; cease prosecuting criminal defamation cases against researchers or journalists who report on human trafficking; recognizing the valuable role of NGOs and workers' organizations in uncovering the nature and scope of human trafficking in Thailand, work to establish an environment conducive to robust civil society participation in all facets of understanding and combating human trafficking; allow every adult trafficking victim—including sex trafficking victims—to travel, work, and reside outside shelters in accordance with provisions in Thailand's anti-trafficking law; significantly increase the availability of interpretation services across government agencies with responsibilities for protecting foreign migrants; increase incentives for victims to cooperate with law enforcement in the investigation and prosecution of trafficking cases; consider establishing a dedicated court division, or take other measures to consistently expedite the prosecution of trafficking cases; develop and provide specialized services for child sex trafficking victims and take appropriate steps to ensure their cases progress quickly; implement court procedures which prioritize the protection of witnesses; restrict bail to alleged trafficking offenders to prevent flight; enact legislation that protects officials against legal retaliation for pursuing trafficking cases; consistently include trained social workers or victim service organizations in victim screening interviews in safe and private spaces; process and approve legal status applications at the national, district, and

provincial level in a timely manner; provide legal alternatives to the removal of foreign trafficking victims to countries in which they would face retribution or hardship; increase efforts to seize assets of trafficking offenders and ensure these funds directly benefit victims; increase anti-trafficking awareness efforts directed at employers and clients of the sex trade, including sex tourists; and make efforts to decrease the demand for exploitive labor.

PROSECUTION

The Thai government improved its anti-trafficking data collection, allowing more accurate reporting on prosecutions and convictions. 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 674 trafficking cases in 2013, an increase from 306 cases in 2012. Only 80 investigations involved suspected cases of forced labor of migrant workers, despite the reported high prevalence of this form of trafficking in Thailand. The government reported prosecuting 483 suspected traffickers, including 374 for sex trafficking, 56 for forced begging, and 53 for other forms of forced labor. The government reported convicting 225 traffickers using the anti-trafficking law and various other statutes in 2013. The majority of convicted offenders received sentences ranging from one to seven years' imprisonment, with 29 receiving prison sentences greater than seven years and 31 receiving sentences of less than one year. The Anti-Money Laundering Office seized assets of two convicted traffickers valued to the equivalent of approximately \$1.1 million.

The government did not hold ship owners, captains, or complicit government officials criminally accountable for labor trafficking in the commercial fishing industry. With investigative support from NGOs, the government prosecuted and convicted two Burmese brokers for facilitating the forced labor of Burmese men in the commercial fishing industry; one was sentenced to 33 years' imprisonment and one was sentenced to three years and six months' imprisonment. A Thai accomplice, a pier manager who held at least 14 victims in confinement, was not prosecuted for his role in their victimization, but was convicted and sentenced to three months' imprisonment for providing shelter to undocumented workers. The government reported no investigations, prosecutions, or convictions of public officials or private individuals for allegedly subjecting Rohingya asylum seekers to forced labor in Thailand's commercial fishing sector. There were no developments in the Supreme Court's consideration of an appeal of a 2009 conviction, upheld in 2011, of two offenders found guilty of subjecting 73 victims to forced labor in a shrimp-peeling factory; both offenders remained free on bail during the reporting period for a second year. The government addressed cases involving illegal recruitment fees and withholding of wages as civil violations under the Labor Protection Act instead of as criminal cases under the 2008 anti-trafficking law.

In one case, the government reported investigating and disciplining 33 local police officers on suspicion of protecting a brothel where child sex trafficking victims were found. However, trafficking-related corruption remained widespread among Thai law enforcement personnel. Credible reports indicated some corrupt officials protected brothels, other commercial sex venues, and food processing facilities from raids and inspections; colluded with traffickers; used information from

victim interviews to weaken cases; and engaged in commercial sex acts with child trafficking victims. Local and national-level police officers established protective relationships with traffickers in trafficking hot-spot regions to which they were assigned. Thai police officers and immigration officials reportedly extorted money or sex from Burmese migrants detained in Thailand for immigration violations and sold Burmese migrants unable to pay labor brokers and sex traffickers. Although the government reported conducting an internal investigation of trafficking-related military complicity in the exploitation of Rohingya asylum seekers, observers claimed that the government failed to thoroughly investigate the allegations. In December 2013, the Thai navy filed a defamation lawsuit against two journalists from a local newspaper that published excerpts of media reports that alleged trafficking-related complicity by Thai civilian and navy personnel.

The government continued to provide training to thousands of public officials on trafficking victim identification and the provisions of the anti-trafficking law. It reported numerous cooperative international investigations. In one case, it responded to information provided by Burmese police, leading to the rescue of 10 Burmese victims forced to work in a food-processing factory in Thailand, and the arrest of seven suspected traffickers. In a separate case, responding to a request from a civil society organization, officials cooperated with foreign counterparts in South Africa to rescue Thai women subjected to sex trafficking and arrested three alleged perpetrators. Challenges with collaboration between police and prosecutors limited the success of prosecution efforts. Interagency coordination was weakened by a rudimentary data collection system that made it difficult to share information across agencies. Local observers reported officials were vulnerable to retaliation suits or charges of defamation if cases were unsuccessful—a disincentive to pursue difficult cases. Overall, the justice system increased the speed at which it resolved criminal cases, though some trafficking cases continued to take three years or longer to reach completion. Frequent personnel changes hampered the government's ability to make progress on anti-trafficking law enforcement efforts, and some suspected offenders fled the country or intimidated victims after judges decided to grant bail, further contributing to a sense of impunity among traffickers.

PROTECTION

The government's efforts to identify and protect trafficking victims remained inadequate. The government provided services to 744 trafficking victims, and the Ministry of Social Development and Human Security (MSDHS) reported that it provided assistance to 681 victims at government shelters (an increase from 526 in 2012), including 305 Thai victims (compared with 166 Thai victims in 2012), 373 foreign victims (compared with 360 foreign victims in 2012), and three whose nationalities were unknown. Authorities identified an additional 63 Thai victims subjected to sex or labor trafficking overseas; these victims were processed at a government center upon arrival in the Bangkok airport and returned to their home communities. The government identified 219 foreign labor trafficking victims in 2013—a decrease from 254 identified in 2012. 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. Some interpretation services were available in Burmese, Cambodian, Chinese, and certain ethnic minority languages. Thai embassy officials, in collaboration with MSDHS, rescued and repatriated Thai victims identified in Malaysia

and South Africa. There were reports that some personnel in a Thai embassy overseas may have been unwilling to respond to requests to assist Thai victims in that country.

The government responded to information provided by NGOs and foreign governments to identify and rescue victims. Although it reported using systematic procedures to screen for victims among vulnerable populations and placed posters explaining victims' rights in deportation facilities to encourage victims to self-identify, its proactive efforts to screen for victims among vulnerable groups remained inadequate. NGOs reported that the government did not provide adequate interpretation services or private spaces to screen potential victims, severely limiting the effectiveness of such efforts. During the year, the government trained 95 new interpreters. The government reported deploying multi-disciplinary teams to interview 2,985 Rohingya asylum seekers and Bangladeshi migrants identified during raids on camps in southern Thailand to screen for indications of trafficking. Despite media and NGO reports throughout the year that some individuals among this population were subjected to forced labor in Thailand, the government did not identify a Rohingya victim of trafficking. Experts highlight that Rohingya victims may have been hesitant to identify themselves as trafficking victims due to fears they would subsequently be sent back to their country of origin. Thailand's laws do not provide legal alternatives to removal for foreign trafficking victims who may face retribution or hardship in their countries of origin.

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 indicators of trafficking when victims did not self-identify. 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 undocumented migrants' fear of deportation as non-physical forms of coercion used in human trafficking. In some provinces, the government used multidisciplinary teams consisting of social workers and law enforcement officers to identify and rescue victims, but only law enforcement officials were able to make the final determination to certify an individual as a trafficking victim; in cases of debt bondage, the denial of certification at times occurred over the objection of social service providers.

The government issued six-month work permits and visas (renewable for the duration of court cases) that allowed 128 foreign victims to work temporarily in Thailand during the course of legal proceedings, an increase from 107 in 2012. Seventeen adult female victims received permits; some victims were not allowed to work due to the government's assessment that it would be unsafe or unhealthy for them to do so. Women without work permits were typically required to stay in government shelters and could not leave the premises unattended until Thai authorities were ready to repatriate them. There were reports that victims, including those allowed to work, were only given a copy of their identity documents and work permits, while the original documents were kept by government officials. The government disbursed the equivalent of approximately \$145,000 from its anti-trafficking fund to victims. These funds were allocated among 525 victims, including paying for the repatriation of 335 foreign victims. Seventy-five trafficking victims benefited from the government's general crime victim compensation scheme, which disbursed the equivalent of approximately \$65,000 in 2013. The 2008 anti-trafficking law includes provisions for civil compensation for victims; the government filed petitions

on behalf of 68 victims, and requested a total equivalent of approximately \$580,000, though there were no judgments allowing the disbursement of these funds during the year.

Although more than three-quarters of identified victims were children, the government did not offer specialized services for child sex trafficking victims. The prosecution of some cases involving foreign child victims continued to take two years or longer. Judicial officials did not always follow procedures to ensure the safety of witnesses; victims, including children, were at times forced to testify in front of alleged perpetrators and some were forced to publicly disclose personal information, such as their address, which put them at serious risk of retaliation. 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 if they were unwilling to testify or following the conclusion of legal proceedings. NGOs reported concerns over the lack of appropriate options for foreign children whose families were complicit in their trafficking or who could not be identified. Local observers in Cambodia reported that a number of Cambodians, who were identified as trafficking victims or people vulnerable to trafficking by Thai authorities, were nonetheless held in Thai detention centers for one month prior to their repatriation. A 2005 cabinet resolution established that stateless trafficking victims in Thailand could be given residency status on a case-by-case basis; however, the Thai government had yet to report granting residency status to a foreign or stateless trafficking victim. 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. Inadequate victim identification procedures may have resulted in some victims being treated as law violators following police raids of brothels. Unidentified victims were likely among the 190,144 migrant workers subjected to government citations for lack of proper documentation during the year, as well as among Rohingya men detained in sometimes-overcrowded detention facilities.

PREVENTION

The government continued efforts to prevent trafficking. In October 2013, Thailand ratified the 2000 UN TIP Protocol. The government allotted the equivalent of approximately \$6.1 million to conduct anti-trafficking efforts. It conducted campaigns through the use of radio, television, billboards, and handouts to raise public awareness of the dangers of human trafficking throughout the country. Media reported that the government invested more than the equivalent of approximately \$400,000 in a communication strategy to improve the public image of its efforts to combat human trafficking. The use of criminal defamation laws to prosecute individuals for researching or reporting on human trafficking may have discouraged efforts to combat trafficking. Four UN special rapporteurs expressed concerns that an ongoing prosecution against an anti-trafficking and migrant's rights advocate, in an act of retaliation for his research documenting alleged trafficking violations in a food processing factory in Thailand, may have had the effect of silencing other human rights advocates, and that the government did not adequately address the underlying allegations of violations in the report in question. NGOs expressed similar concerns over a criminal defamation lawsuit filed by the Thai navy against two journalists in December 2013 for publishing excerpts of media reports that alleged trafficking-

related complicity by Thai civilian and navy personnel.

The process to legalize migrant workers involved high fees and poorly regulated and unlicensed labor brokers, increasing the vulnerability of migrant workers to trafficking and debt bondage. The government took no steps to improve this process or improve laws to regulate inbound recruitment agencies and fees. The government, through its inaction to process and approve legal status applications, failed to take measures to reduce the vulnerability to trafficking of members of Thailand's hill tribe communities; some of these applications have been pending for four years. Government labor inspections of 40,963 worksites did not result in the identification of any suspected cases of labor trafficking. The Marine Police and the Thai navy did not uncover any suspected cases of trafficking during ownership and registration inspections of 10,427 vessels. The government opened seven labor coordination centers, operated by the Ministry of Labor, to increase registration of workers and address labor shortages in the fishing industry and create a centralized hiring hall for prospective workers. More than 10,400 fishermen were registered with 395 employers through the coordination centers. Although it acknowledged the labor shortage was due in large part to some workers' unwillingness to work in the fishing industry due to poor working and living conditions, the government did not make efforts to significantly improve these conditions during the year. The government did not pass revisions to labor laws which could help improve protection for workers on fishing vessels. 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. In November 2013, the government passed a ministerial regulation requiring employers to deduct a refundable fee from workers' salaries to contribute to a "repatriation fund"; the imposition of additional fees and the introduction of additional bureaucratic requirements on migrant workers could increase their debt burden. The Ministry of Labor established centers in 10 provinces to provide information and services to Thai workers seeking employment overseas, but the Department of Employment remained ineffective in regulating the excessive fees incurred by these workers in order to obtain employment, which make them vulnerable to debt bondage.

During the year, the government revoked the licenses of two labor recruitment agencies, suspended the license of four agencies, and filed criminal charges against nine companies (four of which were fined) and 155 illegal agents that sent Thai workers abroad. In an effort to prevent child sex tourism, the government denied entry to 79 known foreign sex offenders and launched a public awareness campaign warning tourists of the strict penalties for engaging in sex with minors. The government also developed a surveillance network on child sex tourism by training business operators in high-risk areas to identify and report cases to the police. The government did not make other efforts to decrease the demand for commercial sex acts or forced labor. The government did not provide Thai security forces with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though it briefed diplomats on human trafficking before their departure to overseas posts.

TIMOR-LESTE (Tier 2 Watch List)

Timor-Leste is a source and destination country for men, women, and children subjected to forced labor and sex trafficking.