

Executive Summary

The research project Prevention and Solution to Human Trafficking Problems in Thailand and Its Cooperation with Neighboring Countries in ASEAN has four objectives; (1) to study human trafficking patterns in the labor migration, (2) to study problems and obstacles to enforce related laws on human trafficking and the Anti-human Trafficking Act B.E. 2551 (2008), (3) to find guidelines to make cooperation on preventing and combating human trafficking between Thailand and neighboring countries which are Laos, Cambodia, Vietnam, Myanmar, and Malaysia and (4) to make recommendations at the policy level including measurement to investigate human rights violations regarding human trafficking.

This research is a quantitative research which includes both primary and secondary sources. The secondary sources are consisted of documents, conventions, and related international laws and domestic laws. The primary source is the in-depth interview with representatives of governmental organizations and civil society organizations in Thailand and its five neighboring countries regarding their roles in helping victims of human trafficking, obstacles, and limitations to combat human trafficking. Apart from the interview, the research also explored 31 case studies to study the pattern of human trafficking and cooperation between Thailand and its neighboring countries to combat and prevent human trafficking. The results of the study are as followings;

(1) Forms of Human Trafficking

The study found that the immigration offices at the borders are efficient in terms of their work. However, there are some people who cross the border to Thailand and do not return within the time given. The situation can be interpreted that those people might involve with human trafficking. There are also people who illegally cross the border through nature channels.

The study found that human trafficking occurs from economic, cultural and social factors of the source countries. The economic factors include poverty and unemployment, while the cultural and social factor is the social value that prefers high-income work with low skills.

Those who are part of the human trafficking network usually find victims within the same villages or their own relatives. They then cooperate with middlemen in Thailand to find customers that need “the service” and work as a network to bring the victims to meet the customers. The locations are various and it can be restaurants, karaoke shops, or even houses.

The ways these people enter Thailand for the purpose of commercial sex are various. They can enter (1) through middlemen and report to be their relatives (2) with a proper and legal travel documents and enter Thailand through nature channels and (3) cross the border on a daily basis (cross in the morning and return in the evening) for sexual service at hotels near the borders.

Regarding the forced labor in factories and fishing industry; middlemen from Myanmar, Laos, Cambodia, and Vietnam would recruit victims according to the demand of middleman from Thailand. The middlemen include (1) those in the community that act like a temporary stop area in which they would help with transporting the victims (2) those who help the victims to cross the borders (3) the middlemen to transfer the victims to appointed locations according to demand of customers (4) those who transport the victims to factories (5) those who negotiate with government authorities (6) those that work on false documents (7) those who transport

the victims to receive medical care (8) those who handle loan (9) those who help with sending money back home and (10) those who act as sub-contractors.

The victims often cross the border through the nature channel and being transported to the city with the arranged vehicles such as van, car, truck, and a bus. They can also cross the border by hiding in trucks that transport vegetables, fruits, and other items for sale.

Children who are forced to beg in Thailand are mostly from Cambodia in which the cause is the economic factor. They usually arrive in Thailand by a train (Aranyaprathet – Bangkok) under the control of middlemen in which the children will be transferred to agents in Bangkok. The children will be forced to sell flowers or beg for money. The children stay together in a sub-urban area of Bangkok and will be transported to various spots (4-5 children for each spot). They are forced to beg from 6 am – 7 pm and will have to sell flowers later from 10 – 11 pm before going home. The children will be watched from distant by those who control them when they work. Each child receives 2 meals a day and is usually threatened that they will be killed if they escape. The children are required to make 3,000 baht a day and will be beaten if they fail to reach the amount.

Regarding the Rohingya people, they are usually deceived by middlemen. Thailand is usually a transit country for them, while the destination is Malaysia. The human trafficking network for Rohingya people is very systematic from the origin to destination. They enter Thailand by boats in which middlemen will receive them when they reach the shores. It is found that violence is used against them and they will be murdered if they attempt to escape. The trafficking in persons for Rohingya is a transnational organized crime that the network is very efficient.

Regarding Thai people who are victims of human trafficking in foreign countries, the cause is usually economic factors. The victims are usually deceived by middlemen who are their relatives or acquaintances that working abroad will provide them high income. The receiving countries are Singapore, Malaysia, Japan, Korea, and Taiwan because these countries do not require visa. Middlemen will assist them from Thailand, while another group of middlemen will receive them when they arrive. The victims are deceived that they will be working in restaurants, hotels, or massage parlors but instead they will be forced to work as sex workers in hotels or luxury condominium or apartments. Their passports will be seized, and the working condition is horrible. They will have to work in order to pay debt to middlemen in which they later learn that it is not possible way to pay back all the debt in which leads to an escape.

(2) Problems, Obstacles, and Law Enforcement

The study found that Thailand has used both international and national law to solve the human trafficking problems. The national laws and regulations are related to human trafficking in Thailand are (1) The Immigration Act B.E. 2522 (1979) (2) The Prevention and Suppression of Prostitution Act B.E. 2539 (1996) (3) Measures in the Prevention and Suppression of Trafficking in Women and Children Act B.E. 2540 (1997) (4) The Penal Code Amendment Act (No. 14) B.E. 2540 (1997) (5) The Criminal Procedure Code Amendment Act (No. 20) B.E. 2542 (1999) (6) The Anti-Money Laundering Act B.E. 2542 (1999) (7) Memorandum of Agreement on Guidelines for related organizations to work on women and children victims B.E. 2542 (1999) (8) Anti-Trafficking in Persons Act B.E. 2551 (2008).

The problems in law enforcement on human trafficking occur during the victim screening process. What happened is often that the authorities overlook the factors that make an individual a victim of human trafficking but think that the situation occurs solely from the will

of the victim. The interpretation of the law by the authorities also cause a challenge to combat human trafficking as some victims have to face a criminal trial against them as illegal migrants which make the authorities fail to receive in-depth information about the human trafficking network behind the incident.

Moreover, the legal proceedings to receive compensation in both civil and criminal cases for human trafficking victims often take too long and require a high amount of expense. The victims also fear of being hunted by human traffickers and they often do not trust the authorities. These issues are considered as obstacles for victim of human trafficking to receive justice.

(3) Guidelines for coordinating regarding preventing and combating human trafficking between Thailand and the neighboring countries

Thailand has coordinated with Laos, Cambodia, Vietnam, Myanmar, and Malaysia to prevent and combat human trafficking by implementing the MOU between two parties and multi-parties. After having the Anti-Trafficking in Persons Act B.E. 2551 (2008), the use of the word “Memorandum of Understanding” has been replaced with “Memorandum of Agreement” and the word “Trafficking in women and children” has been replaced with “Trafficking in Persons” to cover male victims.

However, there are five issues in the coordination that should be addressed for improvement which are (1) lack of efficiency on law enforcement in each country (2) Memorandum of Agreement between countries is not proactive enough (3) lack of legal instruments in the regional level on human trafficking (4) lack of central agencies to act as a coordinator which makes each country separately works on the issue and (5) lack of involvement of civil society organizations.

(4) Guidelines on Building and Improving the Mechanisms to Prevent Trafficking in Persons and Its Solutions

The research found that mechanisms to prevent trafficking in persons at the local level are still overlooked while the mechanisms at the national and regional levels have always received attention. Therefore, there are four issues to address regarding the implementation of local mechanisms which are (1) empowering knowledge and capability of those working against human trafficking such as providing knowledge on the issue for community and for those seemed vulnerable to trafficking in persons as well as those authorities who are responsible for the issue (2) building the watchdog network for human trafficking by having local people to participate in preventing human trafficking and providing solutions for the issue in their own community (3) building a network of organizations that work on anti-human trafficking and encouraging them to exchange their working experience to combat human trafficking (4) creating database with efficient detail about trafficking in persons.

(5) Recommendations

(5.1) Recommendations at the Policy-level

(1) The government should have clear guidelines for the Ministry of Social Development and Human Security (MSDHS), Ministry of Interior, Ministry of Justice, Ministry of Labor, Royal Thai Police, Department of Special Investigation, and Anti-Money Laundering Office to work on human trafficking issues integratively.

(2) The government should have a policy to encourage the role of the Office of Anti-Trafficking in Persons Committee to be more efficient. The committee was established under Article 15 of the Anti-Trafficking Act B.E. 2551 (2008). There are three issues that should be addressed which are (1) presenting the cabinet to amend and improve the law, regulations, and governmental structure that involve with preventing and combating human trafficking (2) The government should have strategy and measurement to prevent and combat human trafficking as well as (3) implementing guidelines to work on the issues under the international scope and coordinate with foreign countries.

(3) The government should amend the Begging Control Act as soon as possible because the old version B.E. 2484 (1941) is too old which makes the content not up-to-date. The amendment of the act should be compatible with the Anti-Trafficking Act B.E. 2551 (2008).

(4) The government should have a plan to amend the bilateral agreements with Laos, Cambodia, Vietnam, Myanmar, and Malaysia to make them compatible with the current situation as the countries are part of the ASEAN Economic Community (AEC). The new agreements should cover cooperation between the countries in terms of preventing, protecting and helping victims of human trafficking, combating, and sending back to the origin countries and rehabilitation with help from civil society organizations.

(5) The government should clearly address its political view to effectively solve human trafficking problems in the region. It should also encourage and make an effort for countries in ASEAN to have the regional laws on human trafficking which provide clear definition of trafficking in persons and victims of human trafficking. The laws should also have important guidelines to help victims of human trafficking during their legal proceedings and guidelines to look after the victims under the international human rights standards. The guidelines should prevent discrimination against them regarding their race and nationality. The guidelines should also address how to rehabilitate the victims which make them return to their communities without returning back to human trafficking. There should also be guidelines on funding for the victims and a central organization to particularly work on the issue in the region.

(5.2) Recommendations at Practical-level

(1) The MSDHS, Ministry of Interior, and Royal Thai Police should create database on human trafficking which covers the current situation on human trafficking regarding numbers of pubs, bars, massage parlors, karaoke places, and factories in the area. This is to monitor the situation in the area. The database should have statistics of trafficking in persons cases and have details about those related to human trafficking such as those who have criminal record on trafficking in persons and those who are in vulnerable situation to be victims of human trafficking and human traffickers. Agencies in provincial and national level should be responsible for creating this database.

(2) The MSDHS and Ministry of Interior should work together to create the local network at a district, community, and village level with participation from local people. The local administrative organizations should also participate in the implementation of the network to prevent and find solutions for trafficking in person. They should also help building and develop the capability of volunteer in the community to monitor the human trafficking situation in the area. The volunteer themselves should also be protected from threat that may occur from the tasks.

(3) The MSDHS, Ministry of Interior, Ministry of Education, the Government Public Relations Department, television channels, and civil society organizations should help providing knowledge on human trafficking in school, communities, as well as at the country level. The purpose of it is to raise awareness and help those who are vulnerable for becoming victims of human trafficking to learn how to protect themselves. It would also help to create positive attitude over foreign employees from neighboring countries and women as a human being.

(4) The MSDHS and Ministry of Interior should provide shelter for victims of human trafficking in each province. The shelter should be the first location for the victims to stay and have social workers and psychologists to help them. The study found that a shelter like has already existed but it needs some improvement to help the victims.

(5) The MSDHS should review and improve the manual for the multidisciplinary team to help victims of human trafficking. This is to make it as a guideline for the team. The manual should also be spread to other parts that involve with human trafficking to handle the issues professionally and systematically. The research found that the multidisciplinary team which include prosecutors, police offices, administrative officers, doctors, social workers, psychologists, experts of law, representatives of Department of Employment, representatives of Department of Labor Protection and Welfare, and the related organizations; have different understanding over the definition of trafficking in persons as well as the victims of trafficking in persons. This directly affects the victim screening process and to find the effective solutions for trafficking in persons problems.

(6) The MSDHS should focus more on providing knowledge and information for migrant labors. This is for the migrants to have enough knowledge to protect themselves from being victims of human trafficking. There should be regulations that apply to migrant workers instead of year-by-year policies and there should be amendment over the migrant labor registration in which the migrants can check and proceed by themselves. This is to prevent the works from being taken advantage from their employers. Workers should also be informed about their labor rights. They should as well be encouraged to form a network for them to be able to help each other. Apart from that, authorities should be trained to understand the languages of these workers for better communications. There should be orientation for new migrant workers in order for them to understand about working conditions in Thailand in the workers' own languages. Those who seemed to be vulnerable to be victims of human trafficking should be specially paid attention, and both Thai and foreign workers should be treated equally.

(7) The MSDHS, Ministry of Interior, and Royal Thai Police should work with civil society organizations by creating a working network as these organizations have ability to be proactive and know about the issues well. They usually have clear purpose and do not have to carry responsibilities like governmental organizations.

(8) The Royal Thai Police must be strict regarding law enforcement on preventing and combating human trafficking which include giving penalty to middlemen and employers who ignore the worker registration or violate labor rights, arresting those who illegally act as middlemen and provide illegal documents for Thai and foreign workers, and confiscating the permit of factories that had committed illegal acts.

(9) The National Human Rights Committee should give priority to trafficking on persons as the one of the first issues to find solutions. This is because human trafficking is serious human rights violations. The committee should closely monitor the work of the government and authorities without waiting for complaints. The committee can use the international legal instruments and national law and regulations to independently monitor any human trafficking

cases that they are concerned. It should also encourage authorities and officers who directly work on the issue to have better knowledge and understanding on trafficking in persons and both international and national legal instruments on the issue. They should also provide knowledge on definition of human trafficking and the process to help victims as well as the clear guidelines to combat human trafficking. The officers and authorities should be able to apply the legal instruments on the issues. The Committee should also build and develop effective mechanism to work with civil society organizations in terms of filing complaints. The database on the issues should also be built and it should be used as part of the monitoring. Also, the Committee should be careful in terms of placing themselves. They should not be part of the committee in any government agency in order to maintain their independence.

(5.3) Recommendations for Further Research

- (1) There can be an in-depth research on forms of trafficking in person which can provide better knowledge on the issue. The knowledge can be used to combat trafficking in persons in which can directly help with building the strategy to prevent human trafficking.
- (2) There can be a participatory action research at a community-level by having a pilot project or activities for the purpose of combating human trafficking. The research would create a community that can act as a model village that is free from trafficking in persons.
- (3) There should be a study on coordination between civil society organizations in Thailand and its neighboring countries to develop active mechanisms to combat human trafficking.