

Human Trafficking in Thailand

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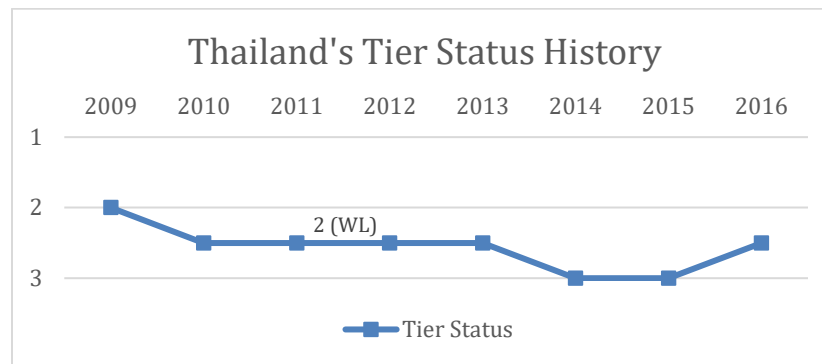
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Introduction

Thailand is a source, transit and destination country for human trafficking victims.¹ Many Thai victims are trafficked overseas while illegal migrants enter Thailand to find better jobs or improve their circumstances and unfortunately become a victim of human trafficking. The exploitation of women and children for sex and migrants for labor, especially in the commercial fishing industry, is well known in Thailand. As the number of people exploited in each of these industries is estimated, there is no way to know exactly how many people are living in conditions of what is now called modern day slavery. Estimates range from the 100,000s to the millions. Although, it is easier to observe those in the sex trafficking industry, the trafficking of people for labor is more extensive and difficult to identify and address unless a victim specifically makes it known. As many trafficked victims are not familiar with the culture and language of their destination country, most are reluctant to say anything to authorities for fear of the consequences as in Thailand corruption of officials has allowed both industries to grow. This paper first discusses Thailand's tier status and the scope of the human trafficking problems in Thailand. It then focuses on Thailand's religion as it provides a foundation for the exploitation of women and children in the sex industry. The paper concludes with a look at Thailand's economy, political system and its social/culture systems as they relate and support human trafficking.

Trafficking in Persons Tier Status

In the 2016 Trafficking in Persons Report (TIP), Thailand's tier status was raised from Tier 3 to Tier 2 Watch List. A Tier 3 status means that a country does not fully meet the Trafficking Victims Protection Act (TVPA) minimum standards and are not making significant efforts to meet the minimum standards. A Tier 2 Watch List status applies to governments of countries that do not fully meet the TVPA's minimum standards but are making significant efforts to meet those standards.² The graph below depicts Thailand's tier status history from 2009 – 2016.



Reproduced from the Trafficking in Persons Report 2016

The change in tier status has been controversial, as international rights groups have argued that it was “the wrong decision at the wrong time” and claim that the change was politically motivated as there are still significant human trafficking problems in Thailand.³ An investigation revealed that senior U.S. diplomats repeatedly overruled the State Department's

¹ Territo, L. and Kirkham, G. 2010. International Sex Trafficking of Women & Children, Understanding the Global Epidemic, Looseleaf Law Publications, Inc. Flushing, NY 11358, p. 477.

² U. S. Department of State, 2016 Trafficking in Persons Report – United States of America, June 2016, p. 39.

³ Hodal, K. and Kelly A. 2016. Thailand's Improved Status in U.S. Human Trafficking Report Sparks Fury, <https://www.theguardian.com/global-development/2016/jun/30/thailand-us-trafficking-in-persons-report-2016-fury>.

anti-trafficking unit and inflated the grades of 14 strategically important countries. This discovery has led U.S. lawmakers and anti-trafficking groups calling for reforms to ensure the 2017 Trafficking in Persons report ranks countries appropriately without political interference. As the TIP report can be a great diplomatic tool to fight modern slavery, the State Department must rank countries honestly according to what's happening on the ground, said Kristen Abrams, Director of the Alliance to End Slavery and Trafficking, a coalition of 13 U.S.-based human rights organizations.⁴

The 2016 Trafficking in Persons report does cite that Thailand's government has made significant efforts in addressing the human trafficking problem (e.g., increased the number of investigations, prosecutions and convictions and amended anti-trafficking legislation). However, the report continues to point to evidence that trafficking in the fishing, sex, agriculture and domestic work industries is still occurring. Victim screening efforts, insufficient interpreters, and a lack of understanding trafficking indicators among front line officers remain as significant obstacles to addressing human trafficking.⁵ In addition, the government's failure to ensure that adult trafficking victims can travel, work and reside outside of the government shelters, flawed victim identification procedures and the government's inability to arrest and soft-deport immigration violators places trafficking victims at risks of being re-victimized and treated as criminals.⁶

Scope of the Human Trafficking Problem in Thailand

The scope of the human trafficking problem in Thailand is significant; especially in the commercial fishing and commercial sex industries. Victims of human trafficking are also exploited in factories, agriculture, domestic work, and street begging.⁷ In Thailand, sexual exploitation is the most prevalent form of trafficking with victims coming from poor families in rural areas with a lack of education making them vulnerable and easily deceived.⁸ The commercial fishing industry is not as prevalent but is becoming a greater concern as it is estimated that 2 million illegal migrants work in this industry. The Thailand government does not consider illegal economic migrants as trafficking victims until their exploitation is revealed to authorities.⁹ The full scope of the human trafficking problem can only be understood through recognition of what those trafficked have to endure as modern day slaves. Interviews with "sea slaves" who have been rescued or escaped from the commercial fishing industry recount horrific violence that includes trafficking victims being cast overboard because they fall ill, beheaded for being defiant, and being locked in dark, fetid fishing containers for days for insubordination.¹⁰ Those remaining on the long haul fishing vessels work 18 to 20 hours shifts, rain or shine, in

⁴ Hodal, K. and Kelly A. 2016. Thailand's Improved Status in U.S. Human Trafficking Report Sparks Fury, <https://www.theguardian.com/global-development/2016/jun/30/thailand-us-trafficking-in-persons-report-2016-fury>.

⁵ U. S. Department of State, 2016 Trafficking in Persons Report – United States of America, June 2016, p. 366.

⁶ Ibid, p. 367.

⁷ Ibid, p. 363.

⁸ Roujanavong, W. n.d. Human Trafficking: A Challenge to Thailand and the World Community, 150th International Senior Seminar Visiting Experts' Papers, p. 136.

⁹ Carroll, E. 2011. Moving Toward Hope: Observations on Religion and Counter-Human Trafficking in Cambodia, Georgetown University, <https://berkleycenter.georgetown.edu/posts/moving-toward-hope-observations-on-religion-and-counter-human-trafficking-in-cambodia>

¹⁰ Urbina, I. 2015. 'Sea Slaves': The Human Misery that feeds pets and livestock. *New York Times*, https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html?_r=0

temperatures that top 100 degrees.¹¹ Most victims have no shoes, their hands have open wounds and infections are rampant due to the ships living and working conditions.¹² As long-haul fishing vessels remain at sea for years they are well out of the reach of authorities. It is anticipated that with a shortage of seafood closer to shore and escalating fuel prices that more fishing vessels will go farther, exacerbating the potential for mistreatment. The conditions women and children in the sex trafficking industry endure include mental abuse, physical injury, being raped, have little to no privacy, have no freedom of movement, and are expected to work long hours and service many clients. They are at high risk of contracting diseases like HIV/AIDS, are subject to debt bondage, involuntary servitude and unsafe and unregulated working conditions.¹³ The demand for sex over the years has continued to grow and Thailand has become known for sex tourism, which brings in billions of dollars (U.S.) each year. In 2002, it was estimated that 4,560,000 males visited Thailand specifically for sex. As sex tourism continues to grow women, men and children will continue to become victims of human sex trafficking.¹⁴

As a country of origin, Thai women are trafficked overseas. Rough estimates indicate that 200,000 women and children are trafficked from Southeast Asia and between 30,000-50,000 are trafficked to the United States.¹⁵ The estimated number of children involved in Thailand's sex industry varies between 80,000 and 800,000.¹⁶ As a destination country, it is estimated that 2,000,000 illegal migrants have gone to Thailand to work in the commercial fishing and other industries; while female illegal immigrants are brought in to work in the commercial sex industry.¹⁷ Children and elderly persons from Cambodia are trafficked into Thailand to work as beggars.¹⁸ As a transit country, Thailand's location in the center of the Southeast Asia region is close to war-torn Myanmar, Laos and Cambodia, has waterways along porous borders¹⁹ and a major travel hub providing international flights to nearly everywhere in the world aiding Thailand's human trafficking industries.²⁰ Prostitution in Thailand is not new, nor a result of tourism, it has a basis from the Buddhist religion.

Thailand's Religion

Thailand's most influential religions include Buddhism, Catholicism and Islam. Approximately 95% of Thailand's population are Buddhist and practice Buddhism, which is the focus of this section, as the Buddhist belief system is seen as being a contributor to the expansion of the sex trafficking industry.²¹ In Buddhist scriptures women are depicted as embodied and

¹¹ Urbina, I. 2015. 'Sea Slaves': The Human Misery that feeds pets and livestock. *New York Times*, <https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html? r=0>

¹² Ibid.

¹³ Bales, K. 2012. *Disposable People, New Slavery in the Global Economy*, University of California Press, pp.34-36.

¹⁴ Thailand Immigration Bureau, Police Department.

¹⁵ Territo, L. and Kirkham, G. 2010. *International Sex Trafficking of Women & Children, Understanding the Global Epidemic*, Looseleaf Law Publications, Inc. Flushing, NY 11358, p. 479.

¹⁶ Ibid, p. 482.

¹⁷ Roujanavong, W. n.d. Human Trafficking: A Challenge to Thailand and the World Community, 150th International Senior Seminar Visiting Experts' Papers, p. 139.

¹⁸ Ibid, p. 141.

¹⁹ Bales, K. 2012. *Disposable People, New Slavery in the Global Economy*, University of California Press.

²⁰ Roujanavong, W. n.d. Human Trafficking: A Challenge to Thailand and the World Community, 150th International Senior Seminar Visiting Experts' Papers, p. 141.

²¹ Vilchez, A. 2011. Human Sex Trafficking in Thailand, <http://aquinasgroup1234.blogspot.com/>

social, embedded in relationships with others and dependent on things of the suffering “world”. Buddhist scriptures also emphasize that women are attached to the material world of the senses and emotions while men are able to practice detachment and pursue the spiritual path.²² Although Buddhism advocates that women are not lesser than men, societal norms have placed women and children with the responsibility of providing and helping their families including relief from financial pressures.²³ The karma-related teachings in Buddhism hold that nirvana is achievable through gaining good karma, so women and in some cases children, believe that by helping their families financially they gain good karma for themselves. Therefore, prostitution is a means of providing for one’s family financially and that in turn brings good karma to the individual.²⁴

In fact, Buddha warns his disciples about the dangers of women, because they are impure, carnal and corrupting. The guidance is if you must have sex do it as impersonally as possible.²⁵ Also in Thailand, girls are seen as owing their parents a profound debt, an obligation that is both cosmic and physical. Girls are expected to contribute to their family’s income and by doing so are servicing their debt of obligation from being born, fed and raised, requiring a lifetime of repayment.²⁶ Buddhism asserts that everyone must repay the karmic debt accumulated in past lives with suffering in this life.²⁷

Catholicism and Islam’s social teachings have had little effect on the Thai’s view on prostitution. It is interesting to note that the Qu’ran advocates a strong protection of women’s rights and sees women as being equal to men. However, many Islamic societies in Thailand have adopted more contemporary beliefs that allow for the existence of a “temporary marriage”, known as prostitution. The inability of Catholicism to make any inroads and the contradictory teachings of the Islamic text have greatly contributed to Thailand’s development into “Asia’s Brothel”.²⁸ As there are no specific ties between religion and the exploitation of victims of labor trafficking one could see how the responsibilities placed upon Thailand’s women and children plays out through enslavement in domestic servitude, factories, processing facilities, etc. Money over human rights is the basis of Thailand’s economy.

Thailand’s Economy

Brad Adams, the director of Asia’s Human Rights Watch has stated that “trafficking of persons in Thailand has long been out of control” and that the presence of trafficking victims significantly bolsters the Thai economy.²⁹ Profits from trafficking provide development capital for Thailand.³⁰ Profits from human trafficking also fund political campaigns and are used to bribe government officials and law enforcement.³¹ The World Bank estimates that \$5.89 billion

²² Peach, L. 2000. Human Rights, Religion, and (Sexual) Slavery, *The Annual of the Society of Christian Ethics*, Vol. 20, p. 70.

²³ Vilchez, A. 2011. Human Sex Trafficking in Thailand, <http://aquinasgroup1234.blogspot.com/>

²⁴ Ibid.

²⁵ Bales, K. 2012. *Disposable People, New Slavery in the Global Economy*, University of California Press, p. 38.

²⁶ Ibid, p. 39.

²⁷ Ibid, p. 62.

²⁸ Vilchez, A. 2011. Human Sex Trafficking in Thailand, <http://aquinasgroup1234.blogspot.com/>

²⁹ Poole, A. 2015. *Human Trafficking Thrives in Thailand*, Christian Headlines, <http://www.christianheadlines.com/news/human-trafficking-thrives-in-thailand.html>

³⁰ Shelley, L. 2010. *Human Trafficking, A Global Perspective*, George Mason University, Cambridge University Press, p. 161.

³¹ Shelley, L. 2010. *Human Trafficking, A Global Perspective*, George Mason University, Cambridge University Press, p. 59.

(U.S. Dollars) in personal remittances made up 1.492% of Thailand's \$395.2 billion (U.S. Dollars) Gross Domestic Product in 2015.

Thailand's seafood industry exports approximately \$7 billion annually with the biggest customer of Thai fish being the United States.³² The pet food industry is among the fastest growing needing exports of fish from Thailand totaling more than \$190 million in 2014.³³ A typical pet cat in the United States eats 30 pounds of fish per year, about double that of a typical American. Thailand's fishing industry relies heavily on illegal migrant exploited labor.³⁴ The profits from Thailand's commercial seafood industry far exceed the risks for those who exploit workers, said Mark P. Lagon, who formerly served as the State Department's ambassador at large focused on human trafficking.³⁵ In December 2003, the income generated from sex trafficking and sex tourism in Thailand was estimated at \$4.3 billion per year. According to the Thailand Law Journal, the commercial sex industry is a multi-billion dollar industry with an annual turnover nearly double that of the annual Thai government budget. Sex tourism in Thailand is a key pillar of their economy at 6 percent of GDP.³⁶ Although prostitution is illegal, it is a lucrative form of employment for those with little education or families living at the poverty level. Many of the adult sex workers become the main wage earners for their families. Is politics a contributor to Thailand's human trafficking industries?

Thailand's Political System

Thailand is known globally as a hotbed of modern day slavery.³⁷ The Thai government has made some efforts to address the problem of human trafficking. Thai's political system impedes significant progress from being made as there is no real desire to address the main component which is corruption.³⁸ In order for human trafficking to facilitate Thailand's economy the industry must be able to operate freely without interference from government and law enforcement. Thus, corruption of officials undermines any trafficking efforts that non-corrupt individuals within the government are trying to make. For Thailand to have success in addressing the human trafficking problem the government must hold those officials complicit in trafficking crimes accountable; otherwise, human trafficking will continue to flourish.³⁹ This is one of the arguments used in questioning the change in Thailand's tier status. The following case is one example of the corruption present in Thailand: Major General Paween Pongsirin, a senior law enforcement official whose investigations led to 150 arrest warrants for people engaged in human trafficking, including a lieutenant in the Thai Army, was forced to flee the country, fearing for his safety. This case shows the power and influence of criminal syndicates and possibly military officers, who are working with the traffickers.⁴⁰

³² Poole, A. 2015. *Human Trafficking Thrives in Thailand*, Christian Headlines,

<http://www.christianheadlines.com/news/human-trafficking-thrives-in-thailand.html>

³³ Urbina, I. 2015. 'Sea Slaves': The Human Misery that feeds pets and livestock. *New York Times*,

<https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html? r=0>

³⁴ Poole, A. 2015. *Human Trafficking Thrives in Thailand*, Christian Headlines,

<http://www.christianheadlines.com/news/human-trafficking-thrives-in-thailand.html>

³⁵ Urbina, I. 2015. 'Sea Slaves': The Human Misery that feeds pets and livestock. *New York Times*,

<https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html? r=0>

³⁶ Crawford, C. 2009. Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and Their Impact on Women and Girls from Burma, *Thailand Law Journal*, Spring 2009, Issue 1, Volume 12.

³⁷ Rusling, M. 2016. Thailand Is Losing the Fight Against Human Trafficking, *Huffington Post*.

³⁸ Ibid.

³⁹ U. S. Department of State, 2016 Trafficking in Persons Report – United States of America, June 2016, p. 366.

⁴⁰ Rusling, M. 2016. Thailand Is Losing the Fight Against Human Trafficking, *Huffington Post*.

Thailand's government has taken some actions that include revising its standard interview guide for potential trafficking victims and updating the Anti-Human Trafficking Amendment No. 2 that enhanced protection and reduced the threat of intimidation against whistleblowers. Unfortunately, non-governmental organizations have reported that witnesses are still vulnerable to intimidation in government run shelters.⁴¹ The government also passed the Royal Ordinance on Fisheries, which allows the government to close or revoke business licenses and significantly increase criminal penalties on employers in seafood processing facilities that employ workers without a stay and work permit. This is not a deterrent as the exploitation of illegal migrants in the fishing industry continues to experience growth.⁴² A 2015 amendment to the Anti-Human Trafficking law imposed harsher penalties in cases where the victim died, to include up to life imprisonment and a maximum fine of 400,000 baht (U.S. \$13,333). While life imprisonment may be a sufficient penalty, U.S. \$13,333 dollars seems like an excessively low penalty for a life. In October 2015 an amendment enabled the anti-money laundering office to freeze assets during trafficking investigations and to allocate a portion of the seized assets to compensate the victim.⁴³ December 2015 legislation was enacted that criminalizes the possession and distribution of child pornography and leveraged new legislation to build probable cause in cases involving Internet facilitated child trafficking and sexual exploitation.⁴⁴ Unfortunately, a lack of coordination between agencies and frequent personnel changes among law enforcement, prosecutors, and multi-disciplinary team members hindered prosecution efforts.⁴⁵ While the government has made efforts to address human trafficking, the failure to more effectively address issues like corruption, money laundering, demand for exploited labor, sex tourism, etc., allows the commercial sex and fishing industries to operate with little interference. It is not a question of whether Thailand has the resources and laws in place to address human trafficking; the question is: Why is human trafficking in this country still experiencing growth?

Thailand's Social/Cultural System

The Thai people are a land-bound people with a loosely woven social structure; meaning there are considerable variations of accepted individual behavior.⁴⁶ In Thai society, there is a lack of regularity, discipline and regimentation as observed in other societies and cultures. There is also a lack of neatness and a lack of respect for administrative regularity and no industrial sense of time.⁴⁷ Widespread social collusion and collaboration with both coastal and border communities aid trafficking groups in that they can rely on these communities infrastructure, local camp guards and supplies during trafficking operations.⁴⁸

Throughout Thailand's history the value placed on women plays out through prostitution. Since the 15th century women have been considered the property of men and the men could beat or sell their wives without any repercussions. Men with multiple wives were viewed as being of higher status than those who did not have multiple wives. These wives included the major wife who was chosen by the man's parents, the minor wife who was there to provide children and the

⁴¹ U. S. Department of State, 2016 Trafficking in Persons Report – United States of America, June 2016, p. 367.

⁴² Ibid, p. 368.

⁴³ Ibid, p. 365.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Embree, J. 2009. Thailand – A Loosely Structured Social System, *American Anthropologist*, Vol. 52, Issue 2.

⁴⁷ Ibid.

⁴⁸ Thompson, N. 2015, Human Trafficking: Thailand's Porous Borders, *The Diplomat*.

slave wife who provided sexual gratification. As polygamy became illegal in the 1930s, the prostitution industry thrived, as men could no longer have slave wives.⁴⁹ As prostitution is a normalized part of Thai society, being a prostitute does not carry the same degree of stigmatization that it does in other countries.⁵⁰ The attitudes towards prostitution present a sexual double standard rooted in a deep cultural ambiguity that views the sexual appetites of men as natural and necessary, but deplores promiscuity in women and treats it as a phenomenon to be punished and reformed. The social and cultural systems role in the area of illegal migrant labor in the commercial fishing industry is more difficult to identify because Thailand does not view the illegal migrant workers as trafficked victims. As many of the migrants are illegal, they are basically viewed as not having any rights that are afforded to Thai citizens. Government officials regard migrant workers from neighboring countries as a danger to Thai communities, the interests of Thai workers and national sovereignty.⁵¹ It can be concluded that the profits that Thailand reaps from the sex and labor trafficking industries leads to an attitude of societal and cultural acceptance.

The Thai Constitution of 2007 guarantees basic human rights.⁵² Thailand is also part of major human rights treaties, which provide that non-citizens are entitled to the same rights as citizens, except for political rights or for office.⁵³ Unfortunately, the Thai government does little to ensure basic human rights are extended to migrant workers and their families. While some efforts have been made to reduce the supply of adult women for sex trafficking by providing education and job opportunities; laws are not enforced and the benefits far outweigh any negative effects from letting it continue.

Conclusion

Human trafficking remains a significant problem in Thailand. People looking to improve their circumstances, not only become trafficking victims, but then suffer in silence due to the level of corruption in the Thai government and lax enforcement of laws that could address the problem. According to the Global Slavery Index⁵⁴, in 2016 the estimate of the number of individuals living in conditions of modern slavery in Thailand was 425,500 or 0.63 percent of the total population. With a current population of 68,268,879 based on the latest United Nations estimates, which is equivalent to .91 percent of the total world population⁵⁵ with an unwillingness of Thai citizens to work in what would be deemed lower status jobs, human trafficking, especially in the commercial sex and fishing industries, will continue to thrive.

Additionally, legislative reforms are needed to ensure that the 2017 Trafficking in Persons report accurately places countries in the appropriate tier status based on what is happening on the ground; otherwise, it has no effect in addressing the human trafficking problem in Thailand or any other country. As the current report states that Thailand has made

⁴⁹ Bales, K. 2012. *Disposable People, New Slavery in the Global Economy*, University of California Press.

⁵⁰ Shelley, L. 2010. *Human Trafficking, A Global Perspective*, George Mason University, Cambridge University Press, p. 149.

⁵¹ Human Rights Watch. 2010. From the Tiger to the Crocodile, Abuse of Migrant Workers in Thailand, p. 5.

⁵² Ibid, p. 4.

⁵³ Ibid, p. 25.

⁵⁴ The Global Slavery Index, Thailand, www.globalslaveryindex.org/country/thailand

⁵⁵ Worldometers, www.Worldometers.info/world-population/thailand-population

“significant” efforts to meet the minimum standards of the TVPA, one must question the definition of “significant” when human trafficking in Thailand continues to thrive unabated.

Thailand’s Foreign Minister Don Pramudwinai stated “We believe that any government would have a good feeling about, or even admire, what we have done” and “We certainly are hopeful we’ll be viewed favorably”.⁵⁶ The percent change from 2015 to 2016 in the number of cases investigated, number of prosecution and number convicted are shown in the table below:

Activities	2015	2016	Percent Change
Investigations	317	333	5
Prosecutions	242	301	24
Convictions	241	268	12

Thailand is hopeful that their status in the 2017 Trafficking in Persons report will again be upgraded.⁵⁷ Do the numbers above reflect “significant” progress in addressing the Human Trafficking problem in Thailand? This is a question that will have to wait until June 2017, when the next Trafficking in Persons Report is published.

⁵⁶ Tanakasempipat, P. 2017. Thailand Hopes for Upgrade in U.S. Human Trafficking Report, Reuters, World News.

⁵⁷ Ibid.

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