

May 9, 2014

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Re: Human Trafficking in Thailand

Dear Secretary Kerry:

In your recent remarks to the Annual Meeting of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, you noted that Cambodian men are trafficked to sea to become slaves aboard fishing vessels. As a group of human rights and labor organizations concerned with this issue, we were pleased to see you address it in your remarks. We write today to ask that you ensure the U.S. Department of State takes the next step to putting an end to this practice and downgrade Thailand, whose labor and immigration policies allow trafficking to flourish in the seafood industry and others, to Tier III in the 2014 Trafficking in Persons (TIP) Report.

The Government of Thailand does not meet the minimum standards of the Trafficking Victims Protection Act, nor is it taking real steps to meet those standards. Thailand was placed on the Tier II watch list in the 2013 Trafficking in Persons Report, which documented the Thai Government's failure to "adequately regulate brokers, reduce the high costs associated with registration, or allow registered migrants to change employers." The 2013 TIP Report review of Thailand also cited "pervasive trafficking-related corruption and weak interagency coordination" that "continued to impede progress in combating trafficking" in its assessment of the Government's efforts to combat human trafficking. Nothing about this system has changed significantly in the course of the last year, and the government continues to be at best complacent, at worst complicit, in the trafficking of migrant workers from neighboring countries to provide inexpensive labor for export industries.

At the end of 2013, there were an estimated 3-4 million migrant workers in Thailand, around 2 million of whom were legally registered to work.¹ The majority of these workers, 80 percent, came from Burma to work in the most dangerous, dirty jobs, including manufacturing, seafood harvesting and processing, and domestic work. Of these, trafficking in Thailand's seafood industry has gotten the most attention from international observers, and the most engagement from the Thai Government. The Thai Government is engaged with the International Labor Organization (ILO) in a program to clean up the industry, yet the ILO issued a report in 2013 indicating that, "the implementation of policies for prevention and

¹ State Enterprise Worker's Relations Confederation (SERC) and Migrant Workers Rights Network (MWRN), "Statement on International Migrant Workers' Rights Day," Dec. 18, 2013, www.world-psi.org/en/thai-migrant-workers-network-statement-international-migrants-day.

suppression of forced labor and trafficking in the fishing sector remain insufficient.”² The Thai Government’s participation with the ILO alone is not sufficient to address human trafficking, particularly while the Government refuses to heed ILO recommendations for legal reform and enhanced enforcement practices that would reduce the financial incentive for trafficking to continue.

A report by Reuters in December 2013 exposed Thai government officials profiting from human trafficking when it uncovered they had sold Rohingya refugees to human traffickers.³ As many as 70,000 Rohingya Muslims have fled ethnic violence in Burma, many of them trying to reach Malaysia. Thailand is often a transit country for Rohingya Muslims. The Thai government detained more than 2,000 of them in what was called a “temporary protection” regimen between January and October 2013, with men and in some cases boys sent to extremely cramped and over-crowded immigration detention centers; women, girls and younger children were sent to government-run shelters. Finally, starting in October 2013, many Rohingya in detention were told they were being sent back to Burma via the town of Ranong, and asked to sign consent forms in Thai that they could not read to assent to the return. But instead, Thai authorities sold at least some of them to human traffickers. The refugees were held for ransom in jungle camps with armed guards, and beaten if their friends or relatives could not pay. Some who could not pay were apparently sold to fishing boats, and traffickers killed those who tried to escape. Only 154 Rohingya remained in Thai government detention at the end of 2013. Thai authorities implicated in these schemes have not faced serious investigation or prosecution. The Thai Government has, however, brought criminal defamation charges against two journalists who covered the story. The latest reports indicate as many as 40,000 Rohingya, including those who had been detained by Thai officials as described above, may have been trafficked through jungle camps in this manner. The Thai Government, however, refuses to identify the Rohingya as trafficking victims.⁴

To truly make sufficient progress in addressing human trafficking, the Thai Government should implement the reforms that have been repeatedly recommended by the U.S. State Department, other governments, NGOs and international bodies in several key areas, including:

- **Improving victim identification and protection:** The Thai Government reports identifying significantly more Thai nationals as victims of trafficking than other nationalities, though research indicates migrants are more likely to be trafficking victims. Labor inspectors frequently do not bring translators when conducting inspections, relying on the information they receive from Thai-speaking managers, do not know what signs to look for to identify human trafficking, and misclassify trafficking victims as illegal migrants to be deported.
- **Fighting corruption:** Instances of gross abuse by government officials against migrant workers continue to be common. Owners of factories or boats frequently bribe police to allow human

² ILO Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion and Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University, “Employment Practices and Working Conditions in Thailand’s Fishing Sector”, 2013, http://www.ilo.org/asia/whatwedo/publications/WCMS_220596/lang--en/index.htm.

³ Jason Szep and Andrew Marshall, Reuters, “Special Report: Thailand Secretly Supplies Myanmar Refugees to Trafficking Rings,” Dec. 4, 2013, www.reuters.com/article/2013/12/05/us-thailand-rohingya-special-report-idUSBRE9B400320131205.

⁴ Andrew Marshall and Amy Sawitta Lefevre, Reuters, “Special Report: Flaws Found in Thailand’s Human Trafficking Crackdown,” April 10, 2014, <http://www.reuters.com/article/2014/04/10/us-thailand-rohingya-special-report-idUSBREA3922P20140410>.

trafficking to continue, migrant workers are frequently victims of shakedowns and deportation threats by police, and some trafficking victims have even reported being forced to work for Thai officials while being held in custody after being identified as victims of human trafficking.

- **Reforming immigration policies:** A complicated, expensive registration process that requires nationality verification and lack of a refugee law leaves stateless people (mostly Rohingya from Burma), migrant workers, and refugees at the mercy of labor recruiters to arrange for the documents they need to live in Thailand legally. Even through the official state process, brokers are not licensed or regulated, workers are responsible for paying the majority of the registration costs, and there is no state mechanism through which to apply for asylum outside the camps on the Thai-Burma border. Thus, many workers find themselves in some form of debt bondage to brokers. Additionally, tight limits on how long documents remain valid and continually shifting rules leave many workers who went through the legal process with expired documents through no fault of their own. This is an urgent concern as registration has expired for more than 250,000 workers who often paid several times more than the official rate to register under the National Verification System four years ago. As their documents expire, and official directives of how they must renew them remain in flux, more and more migrant workers are going to find themselves in the country illegally and more vulnerable to trafficking.
- **Revising labor laws:** Migrant workers cannot apply for work permits themselves. Their employer must apply on their behalf, and the permit binds the worker to that employer. Changing employers is very difficult, even if employers violate labor laws, and workers often face physical abuse and other forms of retaliation if employers find out they complained to the authorities to seek better treatment or to transfer to another employer. Work permits are tied to registration documents, so even legally registered workers wanting to leave an employer could face immediate deportation for doing so. The government has continually failed to amend the Labor Relations Act 1975 by which non-Thai nationals are also forbidden from forming or serving in the leadership of labor unions, denying migrant workers the ability to organize to protect themselves from abuses and enabling trafficking to continue even in formal work settings.

We understand that Thailand is an important ally of the United States, and that you have a number of bilateral issues to consider. However, the United States should make very clear its concern about the systematic abuse of migrant workers in Thailand, who produce products destined for the U.S. market. If Thailand is allowed to continue its practice of undertaking cosmetic efforts at addressing the issue of human trafficking while ignoring or even encouraging the root causes of the problem, it will continue to get worse. The United States should evaluate the Government of Thailand rigorously and hold it accountable to the standards laid out in the TVPRA by moving Thailand to Tier III in the 2014 Trafficking in Persons Report. Far from making credible efforts to fight trafficking, the Thai government has perpetuated policies that foster trafficking of migrant workers within its borders and deny them access to protection and redress.

We thank you for your consideration of these important issues.

Sincerely,

AFL-CIO

American Federation of Labor and Congress of Industrial Organizations



The American Federation of Teachers



Anti-Slavery International



The Child Labor Coalition



Environmental Justice Foundation



Fairfood International



Fair World Project



Food Chain Workers Alliance



Free the Slaves



Green America



Human Rights Watch



Humanity United



Interfaith Center on Corporate Responsibility



International Labor Rights Forum



National Consumers League



State Enterprise Worker's Relations Confederation



Slave Free Seas



Synod of Victoria and Tasmania
Uniting Church in Australia

cc: Thomas E. Perez, Secretary of Labor

William J. Burns, Deputy Secretary of State

Daniel Russel, Assistant Secretary of State for East Asian and Pacific Affairs

Tom Malinowski, Assistant Secretary for Democracy, Human Rights and Labor

Kristie A. Kenney, United States Ambassador to the Kingdom of Thailand

Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons