

Comments Concerning the Ranking of Thailand by the United States Department of State in the 2019 Trafficking in Persons Report

Submitted by: International Labor Right Forum
on behalf of the Thai Seafood Working Group

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Introduction

In 2018, Thailand was upgraded to Tier 2 in the U.S. Department of State's annual Trafficking in Persons (TIP) Report. Over the past year, The Royal Thai Government (RTG) has ratified the optional protocol to the ILO Convention Concerning Forced or Compulsory Labour (No. 29) and the ILO Convention on Work in Fishing (No. 188). Additionally, the RTG is in the process of defining and criminalizing forced labor, however this change is still a draft law. While we welcome these policy changes, the Thai Seafood Working Group coalition members have seen little actual change on the ground to indicate that the ILO convention ratifications and legal changes are more than words on paper. Even with the legal improvements made over the past year, Thai workers and migrant workers are still vulnerable to forced labor and human trafficking due to the denial of freedom of association, weak enforcement of labor laws, and closing civil society space.

The Thai Seafood Working Group, a coalition of over 60 labor rights, human rights, and environmental non-governmental organizations, recommends that Thailand remain at a Tier 2 ranking since it does not fully meet the minimum standards as set forth in the Trafficking Victims Protection Act, particularly with regard to the rights of migrant workers, and its inadequate efforts to enforce labor laws.

Thailand's military government claims that combatting human trafficking is a top government priority, but it has failed to put in place accountability measures to reign in corruption or empower migrant workers to seek legal remedies against abusive employers, which are necessary to counter the profit motive for ongoing human trafficking. Thailand remains dependent on an inexpensive workforce to fuel its booming export economy and continues to enjoy significant economic benefit from the current system. Additionally, with elections occurring in 2019, there is concern about the risk of backsliding on progress as the Thai business community has strong political ties and has advocated to overturn or weaken reforms, due to this we recommend any considerations of upgrading Thailand be postponed until there has been a democratic transition of power. **Based on the evidence included in these comments and given that the fundamental vulnerability of migrant workers remains unchanged, we believe Thailand has not made sufficient efforts to combat severe forms of trafficking in persons to warrant an upgrade in its current ranking in the Trafficking in Persons Report. We urge the State Department to maintain Thailand at the Tier 2 ranking in the upcoming Report.**

Ongoing Evidence of Trafficking in Persons

While legal and regulatory changes by the RTG have led to important improvements to working conditions for migrant fishers, data from recent studies illustrate ongoing ineffective enforcement of labor laws within Thailand, putting fishers at risk of forced labor or trafficking situations.

In 2018, the CSO Coalition for Ethical and Sustainable Seafood published a report that uncovered some concerning findings on the working conditions of migrant fishers. In contradiction with Thai law, these include:

- Only 31% of individuals surveyed had an opportunity to read the employment contract before signing;
- 5% stated that they possessed a duplicate copy of their employment contract;
- Between 59% - 63% received payment at least once a month;
- Only 38% did not experience retention of personal identity documents;
- Over 66% did not receive record of payment or a pay slip;
- And 71% felt under-informed of their rights at work.¹

A 2018 ILO study presents similar findings on working conditions of migrant workers in both the fishing and seafood sectors and found indications of forced labor:

- 55% of workers surveyed paid a recruitment fee (that should have been born by the employer);
- Only 35% recall signing a contract (50% of those individuals understood their contract and 71% received a contract in their own language);
- 34% were paid less than the legal minimum wage;
- 48% reported deductions from their wages and withholding of wages was more common among fishers than seafood workers;
- 22% of workers had experienced one indicator of forced labor and 18% had experienced two indicators.²

Migration Policies Linked to Labor Trafficking: Documentation & Recruitment

Documentation: In 2018, Myanmar and Thailand sought to establish a Memorandum of Understanding to allow for just over 40,000 Burmese workers to find employment in Thailand's fisheries sector, however Myanmar has yet to sign this agreement.³ If implemented, the MOU would serve as the first opportunity for Myanmar citizens to be legally recruited into Thailand's

¹ *Falling through the Net: A Survey of Basic Labour Rights among Migrants Working in Thailand's Fishing Sector*, CSO Coalition, 2018. http://ghre.org/downloads/Falling-through-the-net_en-version.pdf

² "Ship to Shore Rights: Baseline Research Findings on Fishers and Seafood Workers in Thailand," ILO, 2018. https://www.ilo.org/asia/publications/WCMS_619727/lang--en/index.htm

³ "Thailand to Legalise Illegal Fish Workers," The Myanmar Times, accessed January 28, 2019, <https://www.mmtimes.com/news/thailand-legalise-illegal-fish-workers.html>.

fishing sector from their country of origin. Until such an agreement is in place, migrant fishers continue to work with temporary identification documents provided to them in Thailand or in an undocumented status – both of which offer limited legal protection under Thai law. It should be noted that even if this legal migration channel is established, the complicated MOU system remains unchanged. The current system often requires Burmese workers to hire a broker in order to complete the process, adding to the cost of recruitment.

The RTG made commendable efforts to register fishers and fishing vessels. In September 2018, Thailand published a public list of all registered fishing vessels; this allows for an added level of transparency in a previously opaque industry.⁴ Additionally, during this reporting period, the RTG continued their efforts to register undocumented workers and issue Certificates of Identity (CI). The implementation of this worker registration change was complicated and resulted in migrant workers either using a broker and being overcharged, or in leaving Thailand for fear of being deported. While the transition to CIs allows workers to travel throughout Thailand more freely, it continues to tie workers to an employer and industry. Due to this restriction, workers are not able to leave an employer or industry without risking deportation. Thus, when experiencing workplace abuses, migrant workers are not able to freely leave their job, as that decision may result in their life being forcibly uprooted. To further complicate their already precarious working situation, migrant workers continue to be charged with defamation for speaking out against their employer – this will be discussed in detail in a later section.

Recruitment: Despite efforts by the Thai Government to end the practice of migrant workers being burdened with unjustifiably high debt from recruiters – often the start of a situation of debt bondage, recent information and data show that a majority of migrant workers are still paying high recruitment fees:

In 2018, members of the Thai Seafood Working Group found that Burmese workers migrating for work in Thailand are still experiencing high recruitment fees:

“But more than a year later, foreign workers and labour experts say a lack of enforcement and government oversight means migrants are no safer, often shelling out hundreds of dollars in inflated fees to agents and ending up in debt even before they even secure a job.

Although the legislation says Myanmar migrants should pay no more than 150,000 kyat (\$100) in fees to agents, many end up paying up to \$800, a colossal sum for low-paid workers from one of the most impoverished countries in the world.

⁴ <http://www.md.go.th/app/mdadmin/images/upload/news/9924-002.pdf>

"The agents took advantage of us," said 40-year-old Ma Oo, who had to pay \$400 for a job in an electronics factory near Bangkok and was visibly scared to speak out."⁵

A 2018 ILO report on working conditions of migrant workers in the seafood sector in Thailand found that 55% of Burmese and Cambodian migrant workers paid a recruitment fee, either in their origin country, at destination, or both.⁶

A 2017 survey by the ILO and International Organization for Migration (IOM) found that formal recruitment channels were twice as expensive and took three times longer than informal channels. The restriction on changing employers are also more stringent for workers who come through the formal MOU process. Further, formal channels also do not guarantee safe migration: 25% of those who immigrated through formal channels reported problems that put them at risk. Twice as many migrants immigrating through informal channels reported such problems, indicating that improving the ease and security of formal migration channels can substantially reduce the risk of labor trafficking.⁷

In mid-2017, the RTG enacted the Royal Ordinance on the Management of Foreign Workers Employment B.E. 2560, which consolidated Thailand's laws on recruitment and employment of migrant workers and put in place harsh fines for both employers and migrant workers and possible jail sentences for workers. This put already vulnerable migrant workers at greater risk of exploitation as many sought to further hide their presence in the country and hundreds of thousands fled back to their origin countries.⁸

In addition to reducing punitive measures, including eliminating any provision that provides for criminalization and imprisonment of a migrant solely because of their undocumented status, civil society organizations are seeking to improve gaps in current Thai law that make migrant workers vulnerable. However, this process continues to be delayed and the promised revisions have yet to be finalized. Thus, the gaps identified in previous years remain:⁹

⁵ "Extortion and Abuse: Myanmar Workers Arrive Debt-Laden in Thailand," accessed January 28, 2019, <https://sg.news.yahoo.com/extortion-abuse-myanmar-workers-arrive-debt-laden-thailand-050712212--finance.html>.

⁶ "Ship to Shore Rights: *Baseline Research Findings on Fishers and Seafood Workers in Thailand*," ILO, 2018.

⁷ Benjamin Harkins, Daniel Lindgren, and Tarinee Suravoranon, "Risks and Rewards: Outcomes of Labor Migration in South-East Asia," International Labour Organization and International Organization for Migration, pg. 36, www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_613815.pdf

⁸ "Thailand's new labor rules send thousands of migrant workers fleeing," Reuters, July 2017. <https://www.reuters.com/article/us-thailand-migrants/thailands-new-labor-rules-send-thousands-of-migrant-workers-fleeing-idUSKBN19O0B6>

⁹ Open letter from the Migrant Working Group, "Observations and Recommendations Regarding the Draft Royal Decree on the Management of Foreign Workers," May 24, 2017; see also Open letter from the Migrant Working Group, "Recommendations to the Thai Government Regarding the Review and Revision of the Royal Decree on Foreign Workers Management," August 24, 2017.

- The complexity and expense of registering migrant workers under the MOU process and the nationality verification process, which encourage irregular migration, leave workers dependent on brokers, and increase incidence of debt bondage. In addition, provisions should be made for ethnic minorities who may be stateless or in conflict with the central government of their country of origin — including Rohingya refugees and other ethnic minorities from Myanmar and the Lao Hmong refugees from Laos — to obtain status, even though their country of origin is likely to refuse to verify their national identity;
- The absence of a process for registering dependents, which often forces even registered workers to bring their children and spouses unregistered. This gap increases corruption as workers attempt to bring family in with bribes, hinders the ability of migrant children to access education and increases the risk of hazardous child labor, including forced labor;
- Work permits that bind migrant workers to a single employer. This rigid system is problematic in that it makes it difficult for migrant workers to change employers, even in cases of abuse, and makes them vulnerable to employers bribing workers for the ability to change jobs. The requirement is particularly difficult for seasonal workers (such as agriculture and construction) and domestic workers, who all must frequently work multiple jobs, or change employers for certain parts of the year, to maintain a reasonable standard of living;
- An overly restrictive list of jobs permissible for migrant workers makes it difficult for them to transition to better jobs over time; migrant workers are excluded from semi-skilled jobs, such as teaching assistants or work in community-based organizations, as well as quotas on particular categories of employment not aligned with actual market demand, and thus likely to fuel corruption;
- Proposed restrictions on where migrant workers are permitted to live, currently contained in the Royal Ordinance on the Management of Foreign Workers Employment (2017).

Prohibition of migrant workers forming, leading, and organizing independent democratic trade unions:

In November 2018, the largest U.S. trade union confederation, the American Federation of Labor & Congress of Industrial Organizations (AFL-CIO), testified in front of the United States Trade Representative at Thailand’s Country Practice Review and Hearing to remove Thailand from the list of eligible beneficiaries from the Generalized System of Preferences (GSP). In a petition to the United States Trade Representative, the AFL-CIO argued that Thailand is not fulfilling its obligations as a member of the ILO to ensure fundamental labor rights are respected and should have its GSP trade privileges removed. According to a brief the AFL-CIO submitted in advance of a hearing on the matter:

“Thailand’s labor laws do not afford internationally recognized worker rights, and the weak protections that do exist are not enforced. The law fails to guarantee the right to freedom of association and collective bargaining for about 75 percent of

Thailand's approximately 38.3 million workers. Thailand's unionization rate, about 1.6 percent, is the lowest of any country in Southeast Asia, including Bangladesh, Cambodia, Indonesia, Malaysia, Pakistan and Sri Lanka. Employers retaliate with impunity against workers who attempt to exercise their rights. Human trafficking and forced labor are widespread."¹⁰

The situation is particularly bad for migrant workers, who cannot form or lead trade unions or engage in collective bargaining. Under the Labor Relations Act B.E. 2518 (1975) (LRA) only Thai nationals by birth may organize a union. The LRA allows migrant workers to join pre-existing unions led by Thai nationals by birth, but they cannot hold leadership positions, such as serving on union committees or offices. Industries, like fishing, seafood processing and agriculture, for which labor and human rights abuses are most often reported, consist of mainly migrant workers.

In practice, migrant workers are usually concentrated in industries that employ very few Thai nationals, such as commercial fishing, and therefore there are few unions to join. Indeed, very few migrant workers in the seafood industry have joined trade unions. A study published by the ILO in 2018 found only 2% of fishing and seafood processing workers had joined a trade union, while 21% had joined religious or migrant associations or worker welfare committees where they are not afforded the same rights and legal protections as union workers.¹¹ It is no coincidence that these industries are rife with abuses, and put workers at high risk of wage theft, dangerous working conditions, exploitation, extortion by police, and trafficking and forced labor.

The discriminatory provisions in the LRA that prohibit union organizing for particular categories of workers violate international human rights conventions to which Thailand is a party. Both the International Covenant on Civil and Political Rights (article 22(1))¹² and International Covenant on Economic, Social and Cultural Rights (article 8(1)(a))¹³ clearly articulate the right to form and join trade unions of one's choice, without regard to "national or social origin." As a member of the ILO, Thailand is obliged to respect and promote the Fundamental Principles and Rights at Work, including freedom of association and the effective recognition of the right to collective bargaining, which it fails to do. Improving the rights of migrant workers and minimizing their risk of trafficking necessitates amending the LRA to allow migrant workers to form and lead their own unions and collectively bargain with employers.

¹⁰ AFL-CIO, "Petition to Remove Thailand from the List of Eligible Beneficiary Developing Countries Pursuant to 19 USC § 2462(D) of the Generalized System of Preferences (GSP)," submitted to the U.S. Trade Representative on November 13, 2018.

¹¹ "Ship to Shore Rights: *Baseline Research Findings on Fishers and Seafood Workers in Thailand*," ILO, 2018.

¹² International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 99 U.N.T.S. 171, entered into force March 23, 1976.

¹³ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976.

At the recent GSP hearing on Thailand, the RTG stated that during a public consultation of reforms to the Labor Relations Act “92% [of stakeholders surveyed] disagreed with migrant workers’ rights to form a union.”¹⁴ When the hearing committee asked the AFL-CIO if any partner organizations participated in these public consultation, they responded that yes, partners had attempted to be included in this public consultation process, however they felt their input was not being taken seriously and that the organizations included in the public consultations had a large attendance of non-democratic, non-representative unions. Additionally, those partners felt continuing to participate in these consultations would give the non-democratic/representative unions undeserved legitimacy.¹⁵ The responses clearly illustrate that the Thai government has no genuine intention of granting migrant workers fundamental rights and will continue with a pattern of empty promises for improvement. The RTG continues to capitalize off a vulnerable population of individuals, perpetuating a system that denies them the protections that would combat forced labor and human trafficking.

Closing civil society space: Use of defamation to silence victims:

Workers and their advocates are paying very high costs for speaking out about abuse, which is demonstrated in the two cases below. The unrelenting threat of criminal defamation charges discourages unidentified trafficked persons and those working in forced labor conditions from coming forward and seeking help. This undermines any attempt by the Thai government to combat trafficking and forced labor. If workers do not feel they have protection from retaliation by their employer, they are unlikely to seek help. The environment that the Thai government has created by allowing these defamation cases to continue is one of fear, and due to this, the U.S. Department of State cannot in good faith upgrade Thailand’s TIP ranking. The continued allowance of criminal defamation charges against workers directly undermines any progress made in 2018.

Thammakaset Farms: Hearings commenced on February 7, 2018 on criminal defamation charges against 14 Burmese workers in Thailand by the Thammakaset Company Limited – a Thai-owned poultry company. In June of 2016, the workers had escaped from a chicken farm in Lopburi Province on which they had worked 20 hours a day for almost five years. The chicken farm owner had confiscated their passports to prevent the workers from leaving or seeking other employment, but one worker saw a Facebook post by the Migrant Workers Rights Network (MWRN) that inspired them to leave.¹⁶ The workers were paid far below the nationally mandated minimum wage and were not provided overtime wages. They had only short periods of rest and slept alongside the chickens. They were only allowed one weekly, supervised, two-hour trip away from the farm to the closest market for groceries. With support from MWRN, the workers reported their conditions

¹⁴ The US Trade Representative, “Transcript from Public Country Hearing US Generalized System of Preferences,” November 29, 2018, 118, <https://www.regulations.gov/document?D=USTR-2013-0009-0053>.

¹⁵ The US Trade Representative, 146–47.

¹⁶ Alisa Tang, Thomas Reuters Foundation, “Facebook post inspires landmark case for migrant workers in Thailand,” September 14, 2016, www.reuters.com/article/us-thailand-labour-rights-idUSKCN11L00F.

to the Thai Department of Labour Protection and Welfare (DLPW) and were ultimately awarded 1.7 million Thai Baht (\$52,000 USD) in back wages.

In October 2018, Thammakaset filed criminal defamation complaints against the Secretary of the Migrant Workers Rights Network (MWRN), a Burmese staff member of MWRN, a Thai journalist, an international NGO, and one former Thammakaset worker for their roles in exposing severe labor abuses against migrant workers on its farms. Separately, the Thai Natural Fruit Company Limited recently launched a new civil prosecution against human rights defender Andy Hall and the two lawyers representing him in the pending Thai Natural Fruit Company Limited cases.

These new cases are the latest examples of a troubling history of judicial harassment, or Strategic Litigation against Public Participation (SLAPP), by Thai companies to intimidate and silence human rights defenders who have exposed business-related human rights abuses. Thammakaset has been particularly aggressive in abusing the criminal defamation laws to harass and intimidate workers and human rights defenders. The company previously brought criminal defamation complaints against migrant workers in October 2016 and August 2017 for similar alleged theft charges. Thai courts eventually dismissed these previous criminal complaints.

Thammakaset Farms continues to bring up new charges against NGO workers, lawyers, and threatened a reporter with criminal defamation charges. For most recent updates on this case, please refer to the recently published letter from the Seafood Working Group.¹⁷

Natural Fruit case against Andy Hall: On February 1, 2017, proceedings began on a civil defamation prosecution of Andy Hall. The case was initiated in 2013 by a Thai pineapple exporter, Natural Fruit Company Ltd., which is seeking 100 million Thai Baht (\$3.2 million USD) from Hall in damages following an interview Hall gave to Aljazeera English news channel in Myanmar in 2013. This is the first civil case to reach the trial stage of altogether four interrelated, civil and criminal defamation cases filed by the Natural Fruit Company against Hall since the publication in 2013 of a Finnwatch report that alleged serious human rights violations at a Natural Fruit factory in Southern Thailand. Hall coordinated field research for the Finnwatch report.

Between 2014 and 2016, the Prakanong Court and then Thailand's Appeals Court and Supreme Court dismissed the criminal defamation case related to Hall's 2013 Aljazeera interview due to a flawed interrogation process and given that the alleged defamatory comments were made overseas in Myanmar where Thai courts do not have jurisdiction. In November 2016, the Prakanong Court also dismissed the civil defamation case related to the same Aljazeera interview on the basis of jurisdiction of the court. Natural Fruit then appealed the dismissal of the civil case to Appeals

¹⁷ For up to date information on the cases, please see a recently published letter on www.laborrights.org/antislapp.

Court, which on August 22, 2017, ruled that Prakanong Court had jurisdiction over the case and ordered the Court to begin to hear the case in full.

In October 2018, Natural Fruit filed three additional civil cases against Andy Hall and his two main legal defense lawyers claiming 50 million Thai Baht (\$1.6 million USD) in damages for malicious prosecution in relation to the counter prosecution that was launched by Hall's defense lawyers on his behalf, following his departure from Thailand.¹⁸

During the GSP hearing in November 2018, when the hearing committee questioned the RTG on amending Thai law to protect workers from defamation suits, the Thai government insisted that they were unable to address this as it falls under criminal law.¹⁹

It is deeply concerning that the Ministry of Labour does not see defamation as a pressing issue and pushes the responsibility to protect workers from this type of harassment to another ministry. Further the RTG justified this careless statement by stating most defamation cases are dismissed. Even if a case is dismissed, the workers facing charges may still pay legal fees, miss work for court dates, and experience undue stress.

Draft forced labor legislation:

Thailand's Anti-Trafficking in Persons Act, B.E. 2551 (2008) contains a definition of forced labor, but does not criminalize it as a stand-alone offence. Rather, forced labor is included as a form of exploitation within the criminal offence of trafficking in persons, making prosecution of forced labor challenging. However, the RTG is making efforts to change this and is currently working on an amendment to the Anti-Trafficking in Persons Act. The Environmental Justice Foundation (EJF), a member of the Thai Seafood Working Group, provided a translation of the draft definition of forced labor, which offers greater specificity and consists of:

“Whoever compels another person to work or provide services by any of the following means: 1) threat to cause injury to life, body, liberty, reputation or property of the person threatened or any other person; 2) intimidation; 3) use of force; 4) retention of identity documents; or 5) use of the accumulated debt burden incurred by such person or any other person as an unlawful obligation, causing such person to be in an irresistible situation, is guilty of exacting forced labor.’ Punishments range from imprisonment for a term of between six months to 20 years or a fine between 50,000 to 2,000,000 Baht. In the most severe cases of forced labor, offences can be punished by lifetime imprisonment or even death if offences resulted in the deaths of the victim(s).”²⁰

¹⁸ Internal Seafood Working Group document available upon request.

¹⁹ The US Trade Representative, “Transcript from Public Country Hearing US Generalized System of Preferences,” 133.

²⁰ Please refer to the Environmental Justice Foundation's submission of comments concerning the 2019 Trafficking in Persons Report or available upon request.

Unfortunately, we have received word that forced labor law enforcement will fall under the Ministry of Social Development and Human Security, the ministry that handles anti-trafficking enforcement. This means that the Ministry of Labour will not be involved in the enforcement of forced labor legislation, potentially leading to less effective enforcement, as the labor inspectors will not be responsible for cases of forced labor.

Functionality of Ministry of Labour and the Ministry of Social Development and Human Security:

The Ministry of Labour has a limited number of labor inspectors that are involved in monitoring working conditions of fishers during Port-In/Port-Out (PIPO) inspections, which results in inconsistent interview practices and poor victim identification. A recent report released by the UN Working Group on Migration states:

“Multi-disciplinary teams comprised of various government agencies are deployed for joint labour inspections at sea and on land. The Thai Navy continues to take the lead for at-sea inspections, while the Ministry of Labour has taken over the lead for labour inspection of seafood processing factories. Fishing vessels are colour-coded to denote their level of risk based upon the violations found – red for high-risk, yellow for medium-risk and green for low-risk. Due to shortages of personnel, the Ministry of Labour has obtained cabinet approval to recruit an additional 186 labour inspectors in 2018 and has long-term plans to expand its staff to 1,049 labour inspectors.”²¹

The report also describes the risk that integrating responses to illegal fishing and forced labor may only address illegal fishing, and claim to address forced labor with little actual improvements in that area.²²

Additionally, there are continued concerns about the quality of care given at government run shelters. A revised Standard Operation Procedure was issued, but there was little guidance given on the implementation of revised standards. Members of the Seafood Working Group report that trafficked persons in government run shelters experience severe limitations on their freedom to the extent that trafficked persons are being “re-imprisoned”. The International Organization on Migration is actively working with the RTG on government run shelters.²³

Despite efforts from the RTG to improve identification of trafficked persons and increase prosecution, identification and prosecution rates remain low. Only 15.9% trafficking cases in 2018 were for labor trafficking, which we believe is not an accurate representation of the proportion of labor trafficking cases to sex trafficking cases. Additionally, investigations are still a lengthy

²¹ The UN Working Group on Migration, “Thailand Migration Report 2019,” pg. 86, January 24, 2019: <https://thailand.iom.int/thailand-migration-report-2019-0>

²² The UN Working Group on Migration, “Thailand Migration Report 2019,” pg. 163, January 24, 2019: <https://thailand.iom.int/thailand-migration-report-2019-0>

²³ Please see the IOM’s website for more information: <https://thailand.iom.int/>.

process, which can result in trafficked persons returning home, leading to the judicial process not acting as an appropriate deterrent for traffickers.²⁴

Conclusion

Thailand does not fully meet the minimum standards as set forth in the Trafficking Victims Protection Act, and it has not made sufficient efforts to combat severe forms of trafficking in persons. Despite significant legal reforms at the national level, enforcement has not followed. Local officials and investigators have shown they are still unable, or unwilling, to take systematic steps that would protect workers vulnerable to labor trafficking. Thailand's migration policies are inadequate to prevent forced labor among migrant workers, one of the most vulnerable populations in Thailand, and discriminatory laws prohibiting migrant workers from organizing into trade unions leave them even more vulnerable. Perpetrators are easily able to escape punishment because victims lack access to judicial remedy.

²⁴ Please refer to the Environmental Justice Foundation's submission of comments concerning the 2019 Trafficking in Persons Report or available upon request.