

**Comments Concerning the Ranking of Thailand
by the United States Department of State in the
2024 Trafficking in Persons Report**

**Submitted by Global Labor Justice on behalf of
the Seafood Working Group**

FOREWORD

This year marks the tenth anniversary of the founding of the Seafood Working Group (SWG), a global coalition of more than 30 labor, human rights, and environmental organizations convened by Global Labor Justice (GLJ) to advocate for effective government policies and industry actions to end forced labor and illegal, unreported, and unregulated (IUU) fishing in the international seafood trade. GLJ is a merged organization that holds global corporations accountable for labor rights violations in their supply chains; advances laws and policies that protect decent work and just migration; and strengthens freedom of association, new forms of bargaining, and worker organizations.

Since 2014, GLJ has submitted annual *Comments Concerning the Ranking of Thailand by the U.S. Department of State in the Trafficking in Persons (TIP) Report* on behalf of the SWG. These submissions are the product of a collaborative effort between GLJ, civil society organizations, and international organizations working to advance migrant workers' rights in Thailand, particularly in the fishing and seafood processing sectors. Over the past decade, ever since media exposés revealed the prevalence of forced labor and IUU fishing in Thailand's seafood industry, the TIP Report has served as a key mechanism to help influence the Government of Thailand to institute reforms to more effectively prevent forced labor, identify and protect survivors, and bring justice through the country's legal system.

Nonetheless, forced labor persists in the industry because the government's anti-trafficking efforts have yet to address the underlying power imbalances that drive labor exploitation. Successfully eradicating forced labor in Thailand's seafood industry requires respect for migrant workers' fundamental labor rights, in particular the rights to freedom of association and collective bargaining. Migrant workers continue to constitute the majority of the fishing and seafood processing workforce in Thailand, and it is only when they can freely associate and collectively advocate for improved conditions in their workplace, without the fear of retaliation, that the risk of forced labor will be meaningfully reduced in Thailand's seafood industry.

A labor rights approach to anti-trafficking is especially critical now, as the Biden Administration's *Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally* mandates a whole-of-government approach to empower workers, which we know is the key means to preventing abuse and eliminating unfair labor practices, including forced labor. Media reporting and documentation by migrant fishers and advocacy groups in recent months have revealed that much of the seafood ending up on Americans' plates remain tainted with labor abuses, despite the ubiquity of voluntary social responsibility initiatives. It is thus evident that a comprehensive approach to combating forced labor is needed to ensure ethical seafood supply chains. The SWG, therefore, looks forward to a 2024 TIP Report that encourages Thailand to adopt high labor standards that empower workers and address the root causes of forced labor.



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EXECUTIVE SUMMARY

On behalf of the Seafood Working Group (SWG), Global Labor Justice (GLJ) makes the following submission to the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (TIP Office) for its 2024 Trafficking in Persons (TIP) Report on Thailand.

The SWG and GLJ have significant experience and expertise regarding the problem of forced labor among the migrant worker population in Thailand — a form of trafficking in persons under the Trafficking Victims Protection Act of 2000, as amended (TVPA).¹ For a decade, GLJ has submitted annual *Comments Concerning the Ranking of Thailand by the U.S. Department of State in the Trafficking in Persons Report* (hereinafter “SWG Comments on Thailand”) on behalf of the SWG.

The SWG is submitting this year's Comments to demonstrate the continued inefficacy of the Government of Thailand's efforts to address forced labor, particularly among the migrant worker population working in the country's lucrative seafood industry. The government's efforts remain largely unsuccessful to date because its anti-trafficking approach has continued not to prioritize upholding migrant workers' fundamental labor rights, particularly the freedom of association and right to collective bargaining, which are critical to addressing the root causes of forced labor.

Echoing the Biden Administration's *Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally*, the SWG aims to highlight the importance of advancing worker empowerment and organizing as a means to reduce the risk of forced labor in Thailand's seafood industry.² This comes at a moment where governments, international brands and retailers, and consumers around the world are paying renewed attention to the risk of forced labor in the fishing and seafood processing sectors, in light of increased reporting exposing the prevalence of labor abuses and illegal, unreported, and unregulated (IUU) fishing in global seafood supply chains.

Based on the evidence in this submission, the SWG recommends that the U.S. Department of State place Thailand on the Tier 2 Watchlist in 2024. During the reporting period, April 1, 2023–March 31, 2024, the Government of Thailand did not fully comply with the TVPA minimum standards despite significant efforts to do so, having not made “serious and sustained efforts” to eliminate severe forms of trafficking in persons, particularly in the seafood industry, even though it remains high-risk for forced labor. While the estimated number of workers subjected to forced labor in Thailand's seafood industry remains significant (see Section 1.1), the government has not taken proportional concrete actions to mitigate the risk of forced labor among the predominantly migrant workforce. Furthermore, the government has not shown evidence of increasing efforts to combat forced labor in the seafood industry from the previous year. Instead, many of the same issues highlighted in previous SWG Comments on

¹ Office to Monitor and Combat Trafficking in Persons, *2023 Trafficking in Persons Report* (June 2023), U.S. Department of State, <https://www.state.gov/reports/2023-trafficking-in-persons-report/>.

² The White House, *Memorandum on Advancing Worker Empowerment, Rights, and High Labor Standards Globally* (Nov. 16, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/11/16/memorandum-on-advancing-worker-empowerment-rights-and-high-labor-standards-globally/>.

Thailand have persisted during this reporting period, and the Government of Thailand has not adopted many of the TIP Office’s Prioritized Recommendations listed in the 2023 TIP Report on Thailand.

These Comments, which are organized under the “3Ps” — Prevention, Protection, and Prosecution — provide evidence of the following during the reporting period:

- ❖ **Prevention:** The Government of Thailand has not made meaningful progress to ensure migrant workers’ right to freedom of association, which is critical to preventing and addressing forced labor in Thailand’s seafood industry. The government has continued to legally exclude migrant workers from union rights by not ratifying the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (“C87”) or the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (“C98”), as well as by failing to amend Thailand’s Labor Relations Act, B.E. 2518 (1975) to legally grant migrant workers the right to form and lead unions. Meanwhile, welfare committees in seafood processing factories have not provided an alternative space for genuine worker organizing and representation among workers. These significant barriers to freedom of association have impeded migrant workers from reporting abuses in the workplace. Furthermore, five years after ratification, Thailand has not advanced its implementation of the ILO Work in Fishing Convention, 2007 (No. 188) (“C188”), which is critical to creating an enabling environment to prevent forced labor in the fishing industry. The government continues not to enforce the Labor Protection in Fishing Work Act, B.E. 2562 (2019) — originally passed to ensure compliance with C188 — and is in the process of relaxing laws in the fishing industry, at the cost of increasing fishers’ risk of forced labor.³ Lastly, the government has continued to unsuccessfully manage migration flows from neighboring countries into Thailand and hold employers, brokers, and recruitment agencies accountable for deceptive recruitment practices.

- ❖ **Protection:** The Government of Thailand has hindered the identification of survivors of forced labor in the seafood industry — the majority of whom are migrant workers — by not strengthening labor inspections of fishing vessels and seafood processing factories, nor addressing the undue influence of vessel or factory owners on government officials, whose actions may amount to collusion. In addition, Thailand’s National Referral Mechanism (NRM) has still not proven to be an effective mechanism for screening and identifying survivors of forced labor, especially among migrant workers in the seafood industry, nor for providing adequate protection for survivors. Meanwhile, the government has failed to protect Thai fishers subjected to forced labor abroad from being recruited to work another vessel with conditions of forced labor. Lastly, the government has failed to

³ Toan Dao, “Thailand’s proposed rollback of fisheries reforms worries NGOs” (Nov. 21, 2023), *Seafood Source*, <https://www.seafoodsource.com/news/premium/environment-sustainability/thailands-proposed-rollback-of-fisheries-reforms-worries-ngos#:~:text=Thailand%20has%20proposed%20a%20reversal.country's%20fishing%20sector%20may%20return.>

protect service providers from intimidation and harassment, which has impacted the delivery of essential protection services to survivors.

- ❖ **Prosecution:** The Government of Thailand has impeded the successful prosecution of forced labor cases in the seafood industry by prescribing informal mediation and settlement of cases involving indicators of forced labor to avoid prosecution proceedings. In addition, Thai courts have demonstrated a limited understanding of forced labor in failing to convict perpetrators under Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) even where there is strong evidence of forced labor.

In light of these shortcomings in the government's efforts, the SWG recommends that the Government of Thailand adopt the following laws and policies:

- 1) Respect migrant workers' freedom of association and right to collective bargaining;
- 2) Effectively implement C188 through revision and enforcement of laws designed to protect fishers' rights;
- 3) Ensure the fair recruitment of migrant workers living abroad and in Thailand;
- 4) Strengthen labor inspections of migrant-dominated workplaces;
- 5) Improve implementation of the NRM across all provinces;
- 6) Protect Thai fishers who are subjected to forced labor overseas;
- 7) Protect service providers from intimidation and harassment; and
- 8) Create an enabling environment for the fair prosecution of forced labor cases.

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1. INTRODUCTION

1.1 Background: The Prevalence of Forced Labor in Thailand's Seafood Industry

Thailand's seafood industry is lucrative, having generated approximately \$7.95 billion USD in revenues in 2022.⁴ The industry is largely staffed by a migrant workforce, mostly from Myanmar, Cambodia, Laos, and Vietnam.⁵ According to the International Transport Workers' Federation (ITF) Fishers Rights Network (FRN), over 98% of fishers in Thailand are male migrant workers from Myanmar or Cambodia.⁶ Meanwhile, about 67% of seafood processing workers are estimated to be migrants, the majority of whom are women.⁷ Considering the high proportion of migrants in Thailand's fishing and seafood processing workforce, as well as Thailand's workforce more broadly, any effort by the Government of Thailand to meaningfully reduce the risk of forced labor in the country must aim to empower migrant workers against exploitation through respect of their fundamental labor rights, particularly their rights to freedom of association and collective bargaining.⁸

The forced labor of migrant workers in Thailand's fishing and seafood processing sectors, as well as other sectors, is a form of trafficking.⁹ Brokers or employers often recruit migrants from neighboring countries to work in Thailand through fraudulent means, such as deception regarding the existence of a job, the nature of a job, or the conditions of work, for the purpose of exploiting their labor. Where the conditions of work differ from what was originally promised, either orally or in a written contract, the migrant workers may experience indicators of forced labor, such as abusive living and working conditions, the withholding of wages, or excessive overtime. In many cases, after voluntarily choosing to enter a job in fishing or seafood processing in Thailand, migrant workers are compelled to stay at their job due to coercion at the workplace, which may be in the form of document retention, intimidation and threats, or debt bondage, among others. In such cases, the employer has obtained or is harboring the workers for the purpose of exploiting their labor.

The need to uphold migrant workers' rights in Thailand's seafood industry is more critical than ever before, as recent studies reveal that indicators of forced labor remain pervasive in both

⁴ Statista Research Department, *Revenue of the fish and seafood industry in Thailand from 2018 to 2022 with a forecast to 2028* (July 12, 2023), <https://www.statista.com/forecasts/1399547/thailand-fish-and-seafood-revenue>.

⁵ International Labour Organization (ILO), Australian Government Department of Foreign Affairs (DFAT), and Trade and Global Affairs Canada (GAC), *TRIANGLE in ASEAN Quarterly Briefing Note: Thailand* (Oct.–Dec. 2023), https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_735108.pdf.

⁶ Fishers Rights Network (FRN), *Thailand National Fisher Conditions Survey Results* (Jan. 2024), p. 2, <https://justiceforfishers.org/wp-content/uploads/2024/01/ITF-FRN-Thailand-National-Fisher-Conditions-Survey-Results-January-2024.pdf>.

⁷ ILO, *Endline research findings on fishers and seafood workers in Thailand* (Mar. 2020), p. vii, https://www.ilo.org/asia/publications/WCMS_738042/lang--en/index.htm.

⁸ Latest official statistics estimate that approximately 10% of Thailand's workforce are migrants. Benjamin Harkins, ed., *Thailand Migration Report 2019* (Aug. 2019), United Nations Thematic Working Group on Migration in Thailand, <https://thailand.un.org/en/50831-thailand-migration-report-2019>.

⁹ Other sectors dominated by migrant workers in Thailand include manufacturing, construction, agriculture, and domestic work. *Id.*

Thailand’s fishing and seafood processing sectors.¹⁰ The following two subsections illustrate the prevalence of the ILO forced labor indicators, which “represent the most common signs or ‘clues’ that point to the possible existence of a forced labour case,”¹¹ in these sectors.

1.1.1 Forced labor indicators in Thailand’s fishing sector

Thailand’s fishing sector continues to remain high-risk for forced labor. A comprehensive national survey of more than 1,000 migrant fishers in 15 ports in Thailand conducted by the FRN in November and December 2023 documented a high rate of a wide range of forced labor indicators in Thailand’s fishing sector.¹²

Retention of Identity Documents: Of the fishers surveyed, 83.6% had all of their documents retained by the vessel captain or owner, including their passports, work permits, identity certificates, employment contracts, bank cards, and bank books.¹³ This high rate of document retention is also reflected in the work of other civil society organizations (CSOs) that assist migrant workers: between April–October 2023, a CSO handled 20 document retention cases involving 91 migrant fishers in Pattani and Samut Sakhon provinces.¹⁴

Debt Bondage, Deception, and Withholding of Wages: The FRN survey also revealed that 87% of fishers were subjected to debt bondage, with 68.6% reporting debt between 10,000–30,000 baht (\$280–\$900 USD) — about one to three times fishers’ average monthly salary of 9,000–10,000 baht (\$250–\$280 USD).¹⁵ In paying back their debt, the majority of fishers faced deception: 63.3% were unaware of the fees charged before employment, and 94.1% did not receive a receipt detailing how the fees were calculated.¹⁶ Consequently, a significant number of fishers suffered illegal wage deductions to pay back their debt; yet because 98.3% of them lacked control over their own bank accounts and ATM cards, employers could easily create a “fictitious paper trail” for labor inspectors and pay fishers in cash less than the amount they were owed.¹⁷ In fact, 99.4% of fishers were not paid monthly via bank transfer, as required by Thai law, and instead had their wages withheld — sometimes for up to 12 months — or were paid less than promised in their employment contract.¹⁸

Excessive Overtime, Abusive Working and Living Conditions, and Intimidation and Threats: According to the FRN survey, 99.5% of fishers did not receive adequate rest hours, as

¹⁰ Environmental Justice Foundation (EJF), *Thailand’s progress in combatting IUU, forced labour & human trafficking: EJF observations and recommendations volume 10, 2023* (May 2023), p. 3, <https://ejfoundation.org/reports/thailands-progress-in-combatting-iuu-forced-labour-human-trafficking-ejf-observations-and-recommendations-volume-10-2023>.

¹¹ ILO, *ILO Indicators of Forced Labor* (Oct. 2012), https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang-en/index.htm.

¹² FRN, *Thailand National Fisher Conditions Survey Results*.

¹³ *Id.*

¹⁴ Data provided by CSO #1 (Dec. 13, 2023).

¹⁵ FRN, *Thailand National Fisher Conditions Survey Results*.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

prescribed by C188 and Thai law.¹⁹ Furthermore, 70.4% of fishers surveyed reported inadequate and inaccessible first aid kits; 32.9% reported having to buy their own medicine to bring onboard; and 72.9% reported not having enough clean drinking water on board vessels. Nearly half (42.8%) of all fishers surveyed also reported either personally experiencing or witnessing verbal or physical abuse onboard.²⁰

Notably, as highlighted by the FRN, fishers working in such exploitative conditions are unable to freely change their employment.²¹ Instead, Thai law requires fishers to obtain the consent of their employer, who is frequently the perpetrator of the abuses, to “sign off” on official forms and “release” the fishers from their employment. The employer may refuse to sign off by proclaiming that the fisher must pay off a “debt” first, in which case the new employer may agree to “purchase” the fisher’s purported debt. The FRN report explains, “This transfers the fisher and their ‘debt’ from one situation of debt bondage and forced labor to another in a never-ending cycle. Under this archaic legal structure, fishers’ rights to freely change employers are greatly compromised as the system is seemingly designed to oppress workers and guarantee full power remains with their employer.”²²

1.1.2 Forced labor indicators in Thailand’s seafood processing sector

The risk of forced labor also remains high in Thailand’s seafood processing sector. A study by the International Organization for Migration (IOM) found that “land-based migrant workers in the lower tiers of the seafood processing supply chain continue facing human and labour rights abuses, and are excluded from basic labour protections, such as minimum wages, maximum hours of work, paid sick leave and social security.”²³

Abuse of Vulnerability: Seafood processing workers, who are predominantly women migrant workers, endured abuse of vulnerability during the reporting period. The IOM study described migrant women processing workers as being employed in the most precarious workplaces and earning less than their male counterparts.²⁴ In addition, according to a panel discussion hosted by the Southeast Asia (SEA) Junction in April 2023, migrant women processing workers often faced discriminatory treatment, including gender-based violence and harassment, which was used by supervisors to maintain high productivity levels.²⁵ The piece-rate payment system, which applied to three-quarters of the migrant workers surveyed by the IOM, also abused workers’ vulnerability by making the work significantly more precarious and allowing the workers

¹⁹ The required period of rest is at least 10 hours of rest every 24 hours and at least 77 hours during any 7-day period.

²⁰ FRN, *Thailand National Fisher Conditions Survey Results*.

²¹ *Id.*

²² *Id.* at 9.

²³ International Organization for Migration (IOM), *In the Shadow of the Ships: Migrant workers in the lower tiers of Thailand’s seafood processing sector* (July 2023), <https://thailand.iom.int/sites/g/files/tmzbdl1371/files/documents/2023-07/in-the-shadow-of-the-ships.pdf>.

²⁴ IOM, *In the Shadow of the Ships*.

²⁵ Thai PBS World, “Migrant workers in fishing industry continue to face decent work deficit” (Apr. 6, 2023), <https://www.thaipbsworld.com/migrant-workers-in-fishing-industry-continue-to-face-decent-work-deficit/>.

to be paid illegally low wages, in violation of Thai law.²⁶ According to a CSO, hourly wage workers in processing factories were sometimes paid less than promised — for example, only paid two hours' wages for three hours of work.²⁷ Piece-rate workers also reported illegally high wage deductions as forms of punishment.²⁸ Receiving such low wages, over half (53%) of workers surveyed reported being in debt for documentation costs, in addition to food, rent, and health care.²⁹

Abusive Living and Working Conditions: Migrant workers surveyed by the IOM reported having limited access to occupational safety and health protections, and most workers were required to buy their own personal protective equipment (PPE), such as gloves and boots.³⁰ However, seafood processing is extremely dangerous,³¹ and one-quarter of the workers surveyed previously suffered an accident at work.³² Migrant workers in Thailand's seafood processing sector also had to endure living in sub-par conditions. For example, one CSO described migrant workers at a seafood processing company in Thailand being required to live in cramped and unsanitary accommodations without any privacy, with two couples being forced to share a 10-foot long room and use a dirty toilet.³³

1.2 Methodology and Approach

The 2024 SWG Comments on Thailand present key trends and 18 cases illustrating the Government of Thailand's inadequate efforts under the Prevention, Protection, and Prosecution prongs to eliminate forced labor in Thailand's seafood industry during the reporting period, April 1, 2023–March 31, 2024. In addition to analysis of government, United Nations (UN), and non-governmental organization (NGO) reports, the Comments provide direct information from CSOs in Thailand and international organizations (IOs) that support migrant workers' rights in Thailand about the reality of the government's anti-trafficking efforts on the ground. This information is based on 14 consultations conducted by GLJ between December 2023–January 2024, including two focus group discussions with four CSOs; individual interviews with six CSOs; and interviews with six IOs based in Thailand. For confidentiality purposes, the sources have been redacted and named CSO #1–6 and IO #1–6.

Like previous SWG Comments on Thailand, this submission takes a labor rights approach to analyzing the issue of forced labor in Thailand, seeking to understand and address the root causes that drive exploitation in migrant-dominated sectors. As discussed in the 2023 SWG Comments on Thailand, freedom of association is the antidote to forced labor because it redresses power imbalances between workers and their employers by allowing workers to use

²⁶ IOM, *In the Shadow of the Ships*.

²⁷ GLJ interview with CSO #4 (Dec. 13, 2023).

²⁸ IOM, *In the Shadow of the Ships*.

²⁹ *Id.*

³⁰ *Id.*

³¹ Centers for Disease Control and Prevention (CDC), *Maritime Industries: Seafood Processing* (accessed Feb. 23, 2024), <https://www.cdc.gov/niosh/maritime/industries/seafoodprocessing/default.html>.

³² IOM, *In the Shadow of the Ships*.

³³ GLJ interview with CSO #4 (Dec. 13, 2023).

their collective power to report labor abuses and advocate for improved working conditions.³⁴ Freedom of association is an enabling right that can allow workers to win remedies for labor rights violations and help ensure justice for survivors. It also creates the conditions for social dialogue with employers, the internationally recognized platform to resolve workplace issues, and improve working conditions before they amount to forced labor. This means that with the right to freedom of association, workers are empowered to defend their other fundamental labor rights — in particular, the right to work in a safe and healthy workplace free of forced labor and discrimination. The respect of migrant workers’ right to freedom of association is thus fundamental to any government’s anti-trafficking efforts. As these Comments will show, however, the Government of Thailand has not adopted a comprehensive approach aimed at empowering workers in its Prevention, Protection, or Prosecution efforts.

2. PREVENTION

2.1 The Government of Thailand has not made meaningful progress to ensure migrant workers’ right to freedom of association, which is critical to preventing and addressing forced labor in Thailand’s seafood industry.

2.1.1 The Government of Thailand has continued to legally exclude migrant workers from union rights by not ratifying ILO C87 and C98, nor amending the Labor Relations Act.

Despite the importance of workers’ freedom of association to preventing and addressing forced labor, Thailand has still not ratified the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (“C87”), nor the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (“C98”). On November 30, 2023, the Government of Thailand held a meeting to appoint a Ratification Steering Committee to drive the ratification of C87 and C98.³⁵ Agenda items included appointing a subcommittee to study and analyze the feasibility of ratifying C87, appointing an academic subcommittee to prepare for ratification of C98, and developing a work plan to ratify C87 and C98.³⁶ Yet, according to an IO, these efforts have been unconvincing: the Ministry of Labor (MOL) has repeatedly appointed a new steering committee in order to delay the process and has not provided a timeline for ratification of the conventions.³⁷ Furthermore, no representatives working with migrant workers’ communities have been appointed to the committee.³⁸

Meanwhile, the Government of Thailand has continued to stall in amending the discriminatory provision under the Labor Relations Act, B.E. 2518 (1975), which excludes migrant workers from the right to form and lead unions. As highlighted in the 2023 SWG Comments on Thailand,

³⁴ Seafood Working Group (SWG), *Comments Concerning the Ranking of Thailand by the United States Department of State in the 2023 Trafficking in Persons Report* (June 2023), p. 9, <https://laborrights.org/publications/comments-concerning-ranking-thailand-us-department-state-2023-trafficking-persons>.

³⁵ Ratification Steering Committee Agenda provided by IO #1 (Dec. 7, 2023).

³⁶ *Id.*

³⁷ GLJ interview with IO #1 (Dec. 7, 2023).

³⁸ *Id.*

the previous government recognized the pivotal role that the freedom of association plays in eliminating forced labor and announced in August 2022 that it would amend the Labor Relations Act to grant migrant workers the right to form and lead unions as part of its anti-trafficking plan.³⁹

However, the government reneged on its promise; and as of March 2024, the new government, which was elected in August 2023, has yet to follow through either. According to an IO, the latest draft proposed by the MOL to amend the Labor Relations Act remains pending.⁴⁰ In the past half year, the new government has not taken any concrete measures to accelerate the amendment process, including not tasking the aforementioned Ratification Steering Committee with discussing the potential amendment of the Labor Relations Act.⁴¹ Consequently, migrant workers in Thailand today remain legally barred from exercising their union rights, making them particularly vulnerable to forced labor and maintaining the high risk of forced labor in Thailand's migrant-dominated seafood industry.

2.1.2 Welfare committees in factories have not provided an alternative space for genuine worker organizing and representation among processing workers.

While legally barring migrant workers from forming and leading unions, the Government of Thailand has also unsuccessfully regulated welfare committees to provide for meaningful worker representation. Section 96 of the Labour Protection Act, B.E. 2541 (1998), as amended, requires companies with 50 or more employees to establish welfare committees composed of at least five employee representatives, and according to a CSO, they should serve as the channel for workers to represent themselves through leaders who can share their voices and concerns with industry.⁴² In reality, however, welfare committees have proven to not be bona fide entities that grant migrant workers meaningful representation and access to a grievance mechanism. Instead, according to an IO, welfare committees are “a very soft mechanism” that “can be a replacement for genuine dialogue between workers and employers and undercut more genuine organization of migrant workers.”⁴³

Welfare committees have proven to be highly inaccessible to workers in various ways.⁴⁴ First, the committees are often not representative of workers, who are mostly women migrants, as the law does not include requirements for nationality or gender representation in the committees.⁴⁵ This is not necessarily due to a lack of interest or effort. One CSO raised that migrant workers reported applying to serve in their factory's welfare committee but not being selected.⁴⁶ Second, there is no communication or training about welfare committees, leaving both the committee and workers uncertain about how to reach out to the other.⁴⁷ Third, workers are not guaranteed confidentiality in contacting the welfare committees and fear retaliation for reporting abuses.

³⁹ SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 9.

⁴⁰ GLJ interview with IO #1 (Dec. 7, 2023).

⁴¹ *Id.*

⁴² GLJ interview with CSO #4 (Dec. 13, 2023).

⁴³ GLJ interview with IO #4 (Jan. 4, 2024).

⁴⁴ GLJ interview with CSO #4 (Dec. 13, 2023).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

Instead, management can see when a worker walks out from the factory line to visit the committee, and workers also do not feel comfortable to report issues in the comments box because of the presence of surveillance cameras.⁴⁸ Fourth, workers have reported that they do not have time to access the grievance mechanism and that, in some instances, have even been blocked from accessing it.⁴⁹ Fifth, workers have faced retaliation for reporting issues to the welfare committee. While not outright dismissed, workers were put under enough pressure that they were compelled to resign — for example, by being given increased workload and then being harassed for failing to meet higher targets.⁵⁰ Lastly, welfare committees are largely inactive at many factories. For example, the welfare committee at a processing factory in Phang Nga province only has one investigator and is currently inactive.⁵¹

2.1.3 Barriers to freedom of association have impeded migrant workers from speaking up about indicators of forced labor in the workplace.

Due to barriers to organizing, migrant workers in seafood processing factories have been unable to organize and address abuses at their workplace, including indicators of forced labor. An example from a processing factory in Phang Nga province illustrates this issue (**Case 1**).⁵² From August 2022 to June 2023, a CSO invested time and resources to teach migrant workers at the factory the basics of organizing. Nonetheless, when the factory imposed an unfair policy in November 2023, it was challenging for the migrant workers to protest the policy because they did not enjoy the rights and privileges, including legal protections, that come with being part of a union. As a punishment for the shipment of contaminated products, the factory imposed a strict break policy where workers were only permitted to take two 10-minute breaks, either to use the restroom or for an emergency, during the nine-hour work day. To use the restroom, the workers would have to change out of and back into their PPE, making the break time insufficient. While this policy technically applied to all workers, the policy was only enforced against migrant workers. Thai workers who exceeded the time limit faced no consequences, whereas any migrant worker who did so was given a warning mark; after three warning marks, another violation resulted in either the loss of one day's pay or a two-week suspension from work.

Even though this policy resulted in several indicators of forced labor, including the restriction of movement, abusive working conditions, abuse of vulnerability, and intimidation and threats, the migrant workers at the factory were unable to file a complaint due to the legal and practical barriers to their freedom of association. Meanwhile, the Thai workers at the factory expressed sympathy for the migrant workers' situation; however, unlike the migrant workers, they could much more easily resign and find other work and, therefore, chose not to join in advocacy efforts to challenge the policy. This illustrates why migrant workers are unable to simply join an existing union led by Thai workers, which would not represent their unique interests, and why,

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ GLJ interview with CSO #6 (Dec. 14, 2023).

⁵² *Id.*

instead, they need the legal right to form and lead their own unions in order to uphold their fundamental labor rights.

2.2 Five years after ratification, Thailand has still not implemented the ILO Work in Fishing Convention, which is critical to creating an enabling environment to prevent forced labor in the fishing industry, and instead has been considering backsliding in reforms made since 2015.

2.2.1 Thailand's Labor Protection in Fishing Work Act, which was passed to ensure Thailand's compliance with C188, does not fully comply with C188.

Thailand ratified the ILO Work in Fishing Convention, 2007 (No. 188) ("C188") in January 2019, becoming the first country in Asia to do so.⁵³ Later that year, the government passed the Labor Protection in Fishing Work Act, B.E. 2562 (2019) to protect fishers' rights, prevent forced labor in the fishing sector, and ensure compliance with C188.⁵⁴ However, analysis by the Migrant Working Group shows that the Act does not fully comply with C188 and thereby leaves fishers vulnerable to forced labor.⁵⁵ Examples of lack of compliance include the following, among others:

- Provisions regarding the fishers' employment contract under Section 6 does not include C188 requirements on living and working conditions on board vessels and at port.⁵⁶ As a result, fishers have reported insufficient clean drinking water on vessels, incidents of fishers falling overboard, and deaths resulting from a lack of ventilation.
- Section 11 fails to define the recruitment fees and related costs that a recruitment agency may charge the employer, nor lays out a penalty for violations of the provision. This has led to migrant workers frequently being charged recruitment fees, often in the form of wage deductions, leading to high debt and increased risk of debt bondage.⁵⁷
- Where fishers seek to file grievances, the complaints procedure under Section 15 has proven to be confusing and inconsistent, as it involves various laws that fall under the jurisdiction of various authorities.⁵⁸ This has made it extremely challenging for fishers to report labor abuses, including indicators of forced labor.
- The Act does not include appropriate penalties for breach of the provisions, as required under C188, allowing vessel owners or employers to escape accountability for labor abuses and to increase the likelihood of repeat offenses.⁵⁹

⁵³ ILO, "Thailand ratifies Work in Fishing Convention" (Jan. 30, 2019), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_666581/lang--en/index.htm.

⁵⁴ Migrant Working Group, *Report of the observations and recommendations on the enforcement of the Labour Protection in Fishing Work Act B.E. 2562 through the process of the evaluation of the outcomes of law*. Unpublished manuscript shared by IO#1 (Jan. 24, 2024).

⁵⁵ *Id.*

⁵⁶ *Id.* at 7–8.

⁵⁷ *Id.* at 10.

⁵⁸ *Id.* at 13–14.

⁵⁹ *Id.* at 16–17.

2.2.2 Instead of seeking to implement C188, the Government of Thailand has begun relaxing laws in the fishing industry at the cost of increasing fishers' risk of forced labor.⁶⁰

The Government of Thailand is in the process of relaxing laws in the fishing industry, having revised several subordinate regulations in the fishing sector since December 2023 and having approved, in the first reading, amendments to the Royal Ordinance on Fisheries, B.E. 2558 (2015), which would weaken fishing industry regulations critical to protecting fishers against labor abuses.⁶¹ This is largely the result of lobbying efforts by the National Fisheries Association of Thailand (NFAT), which, according to one IO, “is trying to turn back the clock to pre-2015 arrangements,” prior to the reforms the government made to convince the U.S. Department of State to upgrade Thailand from its Tier 3 ranking and to convince the European Union to remove Thailand’s yellow card.⁶² The reason is that “vessel owners and businesses find current laws unfairly strict and damaging to their profits,”⁶³ and the Pheu Thai Party seeks to restart the economy and deliver economic goods to the Thai people.⁶⁴

In October 2023, in response to the proposed deregulation of Thailand’s fishing sector, 90 organizations led by the Environmental Justice Foundation (EJF) signed a *Joint Civil Society Statement Concerning Thailand's Fishing Sector at a Critical Crossroads*, warning against the impact of the proposed amendments on the risk of IUU fishing and labor abuses at sea.⁶⁵ However, since December 2023, the government has revised and officially published eight subordinate regulations, two of which were critiqued in the *Joint Civil Society Statement*.⁶⁶

The first is the “Diminishment of PIPO regulations including reallowing crew list name revisions and exceptions for port-in or port-out requests.” According to the *Joint Civil Society Statement*, this revision “could allow for additional workers to board vessels after official portside inspections have finished, facilitating human trafficking and labour exploitation, along with the use of unregistered workers, with little chance of oversight by relevant authorities.”⁶⁷

⁶⁰ Toan Dao, “Thailand’s proposed rollback of fisheries reforms worries NGOs” (Nov. 21, 2023), *Seafood Source*, <https://www.seafoodsource.com/news/premium/environment-sustainability/thailands-proposed-rollback-of-fisheries-reforms-worries-ngos#:~:text=Thailand%20has%20proposed%20a%20reversal.country's%20fishing%20sector%20may%20return.>

⁶¹ EJF, *Thailand’s progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 4.

⁶² GLJ interview with IO #3 (Jan. 3, 2024).

⁶³ Radio Free Asia, “Thailand’s proposed fishing law leaves Burmese workers vulnerable” (Feb. 15, 2024), <https://www.rfa.org/english/news/myanmar/thailand-fishing-law-02152024144508.html#:~:text=Search, Thailand's%20proposed%20fishing%20law%20leaves%20Burmese%20workers%20vulnerable,at%20sea%20for%20long%20periods.&text=Workers%20from%20Myanmar%20sort%20seafood,%2C%20on%20May%2022%2C%202022.>

⁶⁴ GLJ interview with IO #3 (Jan. 3, 2024).

⁶⁵ EJF, *Joint Civil Society Statement Concerning Thailand's Fishing Sector at a Critical Crossroads* (Oct. 15, 2023), <https://ejfoundation.org/reports/cso-joint-letter-thai-fisheries-en>.

⁶⁶ EJF, *Briefing on Thailand's Fisheries Legislation Developments* (Mar. 2024).

⁶⁷ EJF, *Joint Civil Society Statement*.

The second is “Increasing the allowable fishing days across vessel gear groups” from 30 days to 50 days.⁶⁸ Extended time isolated on board vessels at sea increases fishers’ vulnerability to labor abuses by barring them from reporting abuses for longer periods of time, especially when they do not have the ability to contact their families, migrant worker organizations, or government agencies while at sea due to a lack of access to Wi-Fi onboard vessels. According to a CSO, it will become much more difficult to provide assistance to fishers if they come to port less often: “Pushing fishers farther into the shadows makes it much harder to find violations or cases of human trafficking.”⁶⁹

Extended time at sea may exacerbate abusive living and working conditions on board Thai vessels. For example, one CSO highlighted that in Pattani province, there are already many cases of mental health illness, drug use, and suicide arising from overworking on fishing trips for a long period of time, which cause fishers a lot of stress.⁷⁰ Consequently, allowing longer fishing trips will likely lead to increased mental and emotional distress and other serious health consequences.⁷¹ Moreover, longer fishing trips will make it less likely that fishers will receive medical care in a timely manner. This challenge is illustrated by an ongoing case from March 2023 (**Case 2**).⁷² The case involved a fisher whose eye was injured while fishing, but was not allowed to return to shore promptly, leading to an infection. The vessel ended up docking at a port without adequate medical treatment facilities, so the fisher had to pay for transport to a hospital hundreds of kilometers away. However, the vessel owner refused to pay for the medical costs. The fisher ended up having his eye removed and now has a glass eye.

Besides revising subordinate regulations, the Government of Thailand has also been active in considering amendments to the Royal Ordinance on Fisheries that would relax important fishing industry regulations. On February 22, 2024, Thailand’s Parliament voted unanimously (416–0) in the first reading to approve eight drafts of the amended law,⁷³ of which “there are at least 17 concerning Articles...that would erode many of the transparency, sustainability and labour protection achievements secured over the last eight years.”⁷⁴ Several of these articles would increase migrant fishers’ risk of forced labor in Thailand’s fishing industry.

One of the proposed amendments, which is included in seven of the eight drafts, is the authorization of at-sea transshipment — a practice currently prohibited under Article 85/1 and Article 72 of the Royal Ordinance on Fisheries.⁷⁵ However, reauthorization of transshipment, which increases the duration of fishing trips and is linked with a higher risk of labor abuses and

⁶⁸ EJF, *Briefing on Thailand’s Fisheries Legislation Developments*.

⁶⁹ GLJ interview with CSO #5 (Dec. 13, 2023).

⁷⁰ GLJ interview with CSO #1 (Dec. 6, 2023).

⁷¹ *Id.*

⁷² GLJ interview with CSO #5 (Dec. 13, 2023); Case database shared by CSO #5 (Jan. 10, 2024).

⁷³ Next, a parliamentary committee will propose a new draft, which must pass a second and third reading and receive Senate approval to become law. This process is estimated to take between 160 and 370 days. Reuters, “Thai parliament approves looser fisheries rules in first reading” (Feb. 22, 2024), <https://www.reuters.com/world/asia-pacific/thai-parliament-approves-looser-fisheries-rules-first-reading-2024-02-22/>; EJF, *Briefing on Thailand’s Fisheries Legislation Developments*.

⁷⁴ EJF, *Briefing on Thailand’s Fisheries Legislation Developments*.

⁷⁵ *Id.*

IUU fishing, may “significantly undermine transparency in Thailand’s fishing industry, diminishing the capacity of enforcement and monitoring agencies to ensure fisheries compliance and oversee the living and working conditions of crew members aboard fishing vessels.”⁷⁶

Relatedly, another proposed amendment is the removal of restrictions on at-sea crew transfers, which is included in five of the eight drafts.⁷⁷ Thailand’s Department of Fisheries (DOF) had also banned these practices in 2015 because they significantly increase the risk of labor abuses and IUU fishing by enabling the unmonitored rotation of migrant crew amongst vessels instead of requiring crew to board at port where vessels can be inspected.⁷⁸ The reintroduction of these practices will increase the possibility of crew lists not matching the actual crew on board⁷⁹ and will reduce the ability of enforcement and monitoring agencies to conduct effective vessel inspections.⁸⁰ This is especially the case when coupled with one of the other proposed amendments, which is included in at least five of the eight drafts: the elimination of crew list and Seaman Book requirements for vessels porting out.⁸¹

2.3 The Government of Thailand has continued to mismanage migration flows from neighboring countries into Thailand and to hold employers, brokers, and recruitment agencies accountable for deceptive recruitment practices.

According to the IOM, “Access to safe migration pathways, fair and ethical recruitment, and decent work are fundamental to eliminating trafficking risks in increasingly globalized supply chains.”⁸² The 2023 SWG Comments on Thailand documented the Government of Thailand’s unsuccessful management of migration flows between Thailand and neighboring countries, which increased migrant workers’ risk of forced labor.⁸³ This trend continued into the present reporting period, especially with continued violence in Myanmar leading to widespread forced displacement.⁸⁴

Informal migration into Thailand, where migrants are targeted with high brokerage fees, continued to occur — a practice only made possible by the collusion of Thai government officials, according to one CSO.⁸⁵ Moreover, even though, as of October 2023, 591,305 workers were registered to work in Thailand due to Memoranda of Understanding (MOU) between Thailand and its neighboring countries, a large number of migrant workers continued to reside and work in Thailand via short-term cabinet resolutions that grant migrants temporary work

⁷⁶ EJF, *The Weakest Link: How at-sea transshipment fuels illegal fishing and human rights abuses in global fisheries* (Jan. 2023), <https://ejfoundation.org/resources/downloads/Weakest-Link-Transshipment-report-Jan-2023.pdf>; EJF, *Briefing on Thailand’s Fisheries Legislation Developments*.

⁷⁷ *Id.*

⁷⁸ EJF, *Joint Civil Society Statement*.

⁷⁹ GLJ interview with CSO #5 (Dec. 13, 2023).

⁸⁰ GLJ interview with IO #3 (Jan. 3, 2024); EJF, *Joint Civil Society Statement*.

⁸¹ EJF, *Briefing on Thailand’s Fisheries Legislation Developments*.

⁸² IOM, *In the Shadow of the Ships*, p.2.

⁸³ See SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 12–22.

⁸⁴ See Human Rights Watch, *Myanmar: Events of 2023*, World Report 2024, <https://www.hrw.org/world-report/2024/country-chapters/myanmar>.

⁸⁵ Written communication by CSO #6 (Jan. 22, 2024).

status.⁸⁶ For example, in the fishing sector, only 3,392 migrant workers came to Thailand via the MOU process, compared to 31,133 migrant workers who registered via a cabinet resolution.⁸⁷ However, as discussed in the 2023 SWG Comments on Thailand, these cabinet resolutions have been critiqued for causing many migrant workers to fall into debt potentially amounting to debt bondage due to the high brokerage fees incurred in the registration process.⁸⁸

Even migrants who came to work in Thailand via the MOU process were subjected to deceptive recruitment during the reporting period due to the government's lack of regulation of recruitment agencies and brokers.⁸⁹ Fraud in the domestic recruitment of migrant workers to work in seafood processing factories was notably common.⁹⁰ For example, in January 2024, a group of 17 MOU migrant workers from Myanmar reported a complaint to a CSO (**Case 3**).⁹¹ While in Myanmar, a broker promised the workers employment at a fruit export packaging factory in Songkhla province, Thailand. In November 2024, the migrants were first transported from Yangon to Myawaddy; next, brought to Mae Sot to undergo the worker permit and medical check-up process; and finally, brought to Songkhla province. Instead of a fruit export packaging factory, however, they were brought to a construction site.

In such cases of deceptive recruitment, where the job was not as advertised or simply did not exist, the migrant workers already in Thailand find themselves in need of a new job.⁹² During the reporting period, many seafood companies aimed to recruit Myanmar migrants already residing in Thailand because they needed to fill a labor shortage⁹³ and sought to avoid the inefficient MOU recruitment process.⁹⁴ In such cases, however, many migrant workers who obtained a new job with a different employer via a broker were charged new recruitment fees, making them fall further into debt, and neither Thai employers nor the government took steps to protect workers from such exploitation.⁹⁵

⁸⁶ ILO, DFAT, and GAC, *TRIANGLE in ASEAN Quarterly Briefing Note: Thailand* (Oct.–Dec. 2023). The most recent resolutions were passed on February 7, July 5, and November 15, 2023. Phusadee Arunmas, “Extension granted to migrant workforce” (June 2, 2023), *Bangkok Post*, <https://www.bangkokpost.com/business/2583554/extension-granted-to-migrant-workforce>; Mongkol Bangprapa, “Migrants get more time to renew visas” (Nov. 15, 2023), *Bangkok Post*, <https://www.bangkokpost.com/thailand/general/2685279/migrants-get-more-time-to-renew-visas>.

⁸⁷ See Migrant Working Group, Coalition for the Rights of Refugees and Stateless Persons (CRSP), and Burma Concern Forum, *The situation of migrant workers and refugees in Thailand: Policy recommendations and reform of concerned laws* (July 2023), p. 6, https://mwgthailand.org/sites/default/files/2023-07/The%20situation%20of%20migrant%20workers%20and%20refugees%20in%20Thailand-%20MWG%20as%20of%20June%208%202023%20_1.pdf.

⁸⁸ *Id.* See also SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 16–17.

⁸⁹ GLJ interview with CSO #4 (Jan. 10, 2024).

⁹⁰ *Id.*; GLJ interview with IO #2 (Dec. 14, 2024).

⁹¹ GLJ interview with CSO #6 (Dec. 14, 2024).

⁹² GLJ interview with CSO #4 (Jan. 10, 2024).

⁹³ Arunmas, “Extension granted to migrant workforce.” The national labor shortage stemmed from the COVID-19 pandemic. See SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 15.

⁹⁴ GLJ interview with IO #2 (Dec. 14, 2024).

⁹⁵ GLJ interview with CSO #4 (Jan. 10, 2024).

The double-charging of fees typically occurs in several ways. First, after having already paid recruitment fees back in Myanmar for their original job, many migrants were charged high fees by a broker for finding them a new job in Thailand. This was the case for a seafood company that owned multiple factories in Samut Sakhon and Songkhla provinces and hired migrant workers who were charged between 20,000–38,000 baht (\$571–1,086 USD)⁹⁶ by the broker and 500–1,000 baht (\$14–29 USD) in “tip” to the translator (**Case 4**).⁹⁷ However, the company refused to report the broker to the police and, as of January 2024, have yet to remediate violations or provide remedies to workers in two of the four factories.⁹⁸ Second, in some cases where a migrant worker was recruited for a different job than advertised — but a job existed nonetheless — and then found a new job, the original employer refused to issue a certificate of change of employment for the worker.⁹⁹ This forced the workers in these cases, who became undocumented, to undergo the registration process again in order to obtain new documentation, costing them another \$1,000 USD, which they had already paid in Myanmar the first time.¹⁰⁰

Therefore, whether through informal or formal migration, migrant workers in Thailand were subjected to excessive recruitment fees and related costs, leading to wage deductions and sometimes debt bondage during the reporting period. For example, the Human Rights and Development Foundation (HRDF) documented nine cases of wage deductions among migrant workers in Thailand’s fishing sector from July 2022–June 2023.¹⁰¹ In some cases, migrant workers seeking to resign were barred by their employer who claimed that the worker still owed them money for advances for recruitment fees and related costs. This was the case for a migrant fisher in Ranong province who asked to resign because “he could longer bear it” and requested 11,400 baht (\$326 USD) in outstanding wages (**Case 5**). His employer refused to pay, claiming that the fisher still owed him money for the cost of document renewal [9,000 baht (\$257 USD)], plus the outstanding debt he had paid to the fisher’s previous employer [16,000 baht (\$457 USD)].

Besides wage deductions to pay off debt pertaining to recruitment fees, many migrant fishers either seeking to resign or who were involuntarily terminated were also extorted to have their passports returned by their employer during the reported period. The case of a migrant fisher from Phuket province illustrates this issue (**Case 6**).¹⁰² The fisher was terminated without advance notice and not paid his last salary [10,100 baht (\$289 USD)]. He wanted to find new employment, but his former employer retained his documents and would not return them without payment of 12,700 baht (\$363 USD), which he claimed was debt owed for document fees. Four other fishers working with the same employer faced the same situation.

⁹⁶ 1 USD = 35 baht. Exchange Rates, *US Dollar (USD) To Thai Baht (THB) Exchange Rate History for 2023* (accessed Mar. 8, 2024), <https://www.exchange-rates.org/exchange-rate-history/usd-thb-2023>.

⁹⁷ GLJ interview with CSO #4 (Jan. 10, 2024).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Human Rights and Development Foundation (HRDF), *Wage Deductions of Workers in Fishery Sector: Fact Sheet No. 2* (Oct. 2023), https://hrdfoundation.org/wp-content/uploads/2023/10/en-Fact-Sheet-double-page_s.pdf.

¹⁰² *Id.* at 7.

Migrant seafood processing workers — even those who came to work in Thailand via the MOU process — have similarly had their documents confiscated, then been extorted by their employer for the return of their documents. For example, in December 2023, 98 MOU migrant workers who came to Thailand to work for a seafood processing factory in Songkhla province reported having their passports confiscated (**Case 7**).¹⁰³ Upon arrival at the factory at nighttime, a company representative collected the workers’ passports and work permits. The workers expressed fear of leaving the factory grounds because they did not personally possess their identity documents with them and feared encounters with law enforcement.¹⁰⁴ They also expressed fear of termination if they filed a complaint with the company’s grievance mechanism.

3. PROTECTION

3.1 The government has continued to not effectively identify survivors of forced labor in the seafood industry – the majority of whom are migrant workers — due to weak labor inspections of fishing vessels and seafood processing factories and the undue influence of vessel or factory owners on government officials, which may amount to collusion.

3.1.1 PIPO inspections of fishing vessels have continued to remain perfunctory despite the end of pandemic-era restrictions and are further weakened by vessel owners’ undue influence on government inspectors, whose actions may be considered collusive.

In contravention of its obligations to effectively implement C188, Thailand’s Port-In/Port-Out (PIPO) inspections continued to be feeble in identifying survivors of forced labor during the reporting period and instead have remained largely “performative.”¹⁰⁵ After nine days of observing 28 PIPO inspections of fishing vessels in the port of Ranong in July 2023 and speaking with fishers on each vessel, the FRN concluded that PIPO inspections were “ineffective in identifying, penalizing, and rectifying fisher rights violations.”¹⁰⁶ This was because the inspections “remain surface level and inspectors do not dig deep enough to identify and report violations or sanction perpetrators. On the contrary, many inspection teams seem to view their role as presenting a ‘clean sheet’—where the goal is to report no violations or find no evidence of any wrongdoing.”¹⁰⁷ Moreover, the FRN “consistently found PIPO inspection teams to be blatantly complicit in allowing fishing vessels to continue operations in direct violation of C188 standards, Thai Law, and fundamental fisher rights.”¹⁰⁸

According to the FRN, there are five major concerns with PIPO inspections, many of which were also described in the 2023 SWG Comments on Thailand:¹⁰⁹ (1) confidentiality and protection of

¹⁰³ GLJ interview with CSO #4 (Dec. 13, 2023).

¹⁰⁴ See SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*.

¹⁰⁵ GLJ interview with IO #4 (Jan. 4, 2024).

¹⁰⁶ See FRN, *Thailand’s Port-In Port-Out (PIPO) Inspections and the ILO: Failing Fishers, Seafood Supply Chains at Risk* (Dec. 2023), p. 6, <https://justiceforfishers.org/thailands-port-in-port-out-pipo-inspections-and-the-ilo-failing-fishers-seafood-supply-chains-at-risk/>, p. 11.

¹⁰⁷ *Id.* at 4.

¹⁰⁸ *Id.* at 6.

¹⁰⁹ SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 27–29.

fishers are not paramount during inspections; (2) inspections lack comprehensiveness, remain surface level, and are too brief; (3) vessel owners/captains wield total control over fishers and exert pressure on inspectors; (4) language barriers persist; and (5) coordination system of PIPO inspection teams contributes to inconsistent inspection standards.¹¹⁰

First, relating to the confidentiality and protection of fishers, the FRN's national fisher conditions survey revealed that 98.3% of fishers do not trust that PIPO identifies and corrects violations.¹¹¹ According to the FRN, "Fishers are intimidated by a process that in many cases takes place in language they do not understand, in full view of their captain or vessel owner who may be perpetrating the abuse or violation reported, and which has not demonstrated effective remedy of violations reported in the past."¹¹² Of the fishers interviewed, 92.6% said they do not think PIPO interviews are safe; 68% said the vessel owner or captain is present during the interview; and 51.1% said they do not report abuses because they do not trust PIPO officials.¹¹³

Second, regarding the surface-level nature of PIPO inspections, the FRN observed that many inspections lasted less than five minutes, and the ILO found that the average inspection lasted just 15 minutes.¹¹⁴ In addition, one CSO said that since October 2023, their staff have observed PIPO inspectors conducting remote verification of documents, rather than in-person inspections — reminiscent of policies enacted during the COVID-19 pandemic, described in the 2022 SWG Comments on Thailand.¹¹⁵ The CSO explained that when a fishing vessel was about to depart, the vessel owner would take a picture of the crew list and send it to PIPO, but the crew list would not match the actual crew on board.¹¹⁶ However, the PIPO officer would not come to the vessel to verify the accuracy of the crew list.¹¹⁷ In addition, the CSO raised the issue of PIPO inspectors not carrying out their duties to investigate cases of serious injuries and deaths of fishers,¹¹⁸ as outlined in government guidelines and operational measures.¹¹⁹ This lack of investigation has allowed the cause of the deaths to remain concealed and unreported and denies the fishers and their relatives to receive proper compensation.¹²⁰ Below are examples of five cases of fishers' deaths that went uninvestigated by PIPO during the reporting period:¹²¹

¹¹⁰ FRN, *Thailand National Fisher Conditions Survey Results*.

¹¹¹ *Id.* at 15.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ FRN, *Thailand's PIPO Inspections and the ILO*, p. 10

¹¹⁵ GLJ interview with CSO #6 (Dec. 14, 2024); see SWG, *Comments Concerning the Ranking of Thailand by the United States Department of State in the 2022 Trafficking in Persons Report* (Apr. 2022), p. 54, <https://laborrights.org/publications/comments-concerning-ranking-thailand-united-states-department-state-2022-trafficking>.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ Royal Thai Government, *Royal Thai Government's Country Report on Anti-Human Trafficking Efforts: 1 January - 31 December 2023* (Feb. 2024), p. 89–90, <https://www.thaianti-humantraffickingaction.org/Home/wp-content/uploads/2024/02/2023-Country-Report-FINAL-as-of-25-Jan2-2.pdf>.

¹²⁰ GLJ interview with CSO #6 (Dec. 14, 2024).

¹²¹ Written communication by CSO #6 (Jan. 22, 2024).

- **Case 8** (June 2023): A 49-year-old Myanmar fisher was killed on board while working on a fishing vessel that sank after colliding with a rock. The captain sustained serious injuries, while the fisher went missing. Two days later, the fisher's body was found. However, his wife, to whom he had been informally married for the past two years without a marriage certificate, had no legal rights to claim full compensation and instead accepted the vessel owner's offer of 50,000 baht (\$1,429 USD) in partial compensation.
- **Case 9** (July 2023): A 44-year-old Myanmar fisher who worked on a fishing vessel, which was registered in Ranong province but operating in Kuraburi, was killed from an electric shock accident. PIPO officials were not actively involved in the process of removing the body from the fishing vessel and did not conduct an investigation into the cause of death.
- **Case 10 and Case 11** (September and October 2023): In September 2023, a 29-year-old Myanmar fisher died after falling overboard in Kuraburi district. In October 2023, a migrant fisher was killed after accidentally falling from a high place on the vessel to the deck. PIPO officials did not carry out an investigation of the incidents.¹²²
- **Case 12** (January 2024): A 45-year-old Myanmar fisher died after accidentally falling overboard in Kuraburi district in Phang Nga province. A PIPO officer was sent to the shore where the vessel had docked with the fisher's body. However, the officer's task was limited to gathering basic information and did not involve a comprehensive investigation to ascertain the true cause of the incident. Instead, the PIPO center authorized the vessel owner to proceed with the funeral process, and he announced plans to cremate the body as soon as possible due to a lack of information about the fisher's relatives.

The third problem with PIPO inspections is that vessel owners or captains “wield total control over fishers” and pressure inspectors, whose actions may be interpreted as collusive.¹²³ During their participation in the ILO's PIPO Pilot project as observers of inspections in the port of Ranong in July 2023, the FRN commonly observed PIPO officials contacting vessel owners and obtaining their permission to inspect the vessel and to have FRN present as an observer.¹²⁴ In some instances, the vessel owners refused, which forced FRN “to remain inside the vehicle during one inspection” and to be “completely denied access to the jetty area during another inspection.”¹²⁵ According to the FRN, “As the government authority tasked with regulating the fishing industry, PIPO is not obligated to seek permission from a vessel owner to carry out an inspection or to bring along an observer. Such actions could be perceived as collusive.”¹²⁶ This

¹²² The CSO also could not record detailed information about the incidents because it lacked the resources to reach the respective locations.

¹²³ FRN, *Thailand's PIPO Inspections and the ILO*, p. 8.

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

conduct is comparable to U.S. government inspectors requiring express permission from restaurant owners in order to inspect restaurants for health and safety violations.¹²⁷

In the end, after just nine inspection observations, FRN’s access to observe inspections was abruptly suspended by the ILO and PIPO officials due to “significant pressure from the local Fisheries Association, consisting of vessel owners.”¹²⁸ The ILO and PIPO officials agreed to resume observations only if they received approval from vessel and jetty owners, plus an official letter from the DOF in Bangkok — conditions that the report’s authors viewed as being unlikely.¹²⁹ Both Thailand’s Deputy Permanent Secretary of Labor and the Deputy Director General of the Department of Labor Protection and Welfare (DLPW) reaffirmed at the ILO Ship to Shore Rights National Program Advisory Committee meeting on January 30, 2024 that the government needed to obtain employers’ consent in order to permit outsiders to observe PIPO inspections.¹³⁰ As of March 2024, the project remains indefinitely paused.¹³¹ According to the FRN, “This situation starkly illustrates the influential power that vessel owners still wield in the Thai fishing industry to obstruct government authority and limit any serious inspection effort that would uncover labor abuse or legal violations.”¹³² Yet, such collusion remains ongoing due to the continued lack of accountability of complicit officials, despite the TIP Office’s Prioritized Recommendation from 2023 that the Government of Thailand “proactively investigate and prosecute officials allegedly complicit in facilitating trafficking.”¹³³

A fourth issue is that a lack of resources has led to a shortage of translators for worker interviews.¹³⁴ The EJF observed this limitation during visits to PIPO centers throughout 2023.¹³⁵ In addition, in September 2023, a CSO observed that translators in Ranong and Phang Nga provinces were laid off due to budget constraints.¹³⁶ The FRN echoed this observation in its November 2023 report: “While most PIPO teams have Khmer or Burmese translators on staff, more and more centers are having translators cut from their budget. There is a looming possibility that this crucial component of the inspection team might be cut across all PIPO centers, despite the Thai government receiving ILO funding explicitly for these vital positions. This puts migrant fishers, constituting 99% of the workforce on Thai commercial fishing vessels, at risk of losing the ability to communicate and report violations in their own language.”¹³⁷ One case from October 2023 in Trat province illustrates this challenge (**Case 13**). Although the fishing vessels employ Myanmar crew, the local PIPO center did not have a Burmese translator

¹²⁷ Judy Gearhart, “S2E1 – Jon Hartough, Southeast Asia Regional Coordinator of the International Transport Workers’ Federation (ITF)” (Feb. 28, 2024), *The Labor Link Podcast*, <https://www.laborlinkpodcast.org/s2e1-jon-hartough-southeast-asia-regional-coordinator-of-the-international-transport-workers-fed/>.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Written communication by a SWG member (Mar. 8, 2024).

¹³¹ *Id.*

¹³² FRN, *Thailand’s PIPO Inspections and the ILO*, p. 8.

¹³³ Office to Monitor and Combat Trafficking in Persons, *2023 Trafficking in Persons Report*.

¹³⁴ EJF, *Thailand’s progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 18.

¹³⁵ *Id.*

¹³⁶ GLJ interview with CSO #6 (Dec. 14, 2024).

¹³⁷ See FRN, *Thailand’s PIPO Inspections and the ILO*, p. 11.

on staff. As a result, the burden fell on the FRN to deploy a Burmese staff member for translation assistance when possible. PIPO's recurrent reliance on translation assistance from CSOs, rather than organizations formally contracted to provide translation services for government agencies, improperly imposes potential liability risk for the parties involved.¹³⁸

The fifth critique of PIPO concerns the coordination system of PIPO inspection teams. The frequent reassignment of PIPO officers to different locations has impeded the development of trust between PIPO officials and local stakeholders, including fishers, worker organizations, and CSOs, while the rotation of inspectors from five different government agencies has contributed to inconsistent inspection standards.¹³⁹ In addition, coordination within teams has been lacking because many PIPO officials have not been using the new standardized checklist and updated standard operating procedures for vessel inspections, which were adopted in April 2023, with the purpose of defining the responsibilities and protocols for every team member.¹⁴⁰

Due to the above shortcomings, PIPO inspections have continued to be ineffective during the reporting period. According to the Government of Thailand's 2023 Country Report on Anti-Human Trafficking Efforts, PIPO conducted inspections of 11,861 vessels at port and only found 30 violations (0.25%), mostly with regards to rest time, wage payment documents, and work contracts.¹⁴¹ This was a slight decrease from the previous year, during which the government had a 0.5% violation identification rate.¹⁴² In addition, in collaboration with the Marine Department, DOF, the Royal Thai Navy, the Royal Thai Police, and relevant agencies, PIPO conducted 258 at-sea vessel inspections, but no violations were found,¹⁴³ just as in the previous year.¹⁴⁴ The government claims "this was the result of strict inspection and strong law enforcement at ports, which helped prevent vessels from committing illegal activities"¹⁴⁵ — a completely different picture than the fishers' conditions reported by the numerous CSOs and IOs interviewed for this submission.¹⁴⁶

3.1.2 Labor inspections of seafood processing factories have also been perfunctory and marred by collusion between government officials and factory owners.

Led by the DLPW, labor inspections of seafood processing factories in Thailand have also been ineffectual. One reason is that the DLPW's key performance indicators are based on the number of factories inspected and the number of workers in the factories, rather than the number of labor violations identified.¹⁴⁷ Because the DLPW inspectorate has a quota to meet for the number of inspections conducted, the inspectors tend to carry out the easiest inspections so

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ EJF, *Thailand's progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 18.

¹⁴¹ Royal Thai Government, *Country Report on Anti-Human Trafficking Efforts 2023*, p. 87.

¹⁴² SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 27.

¹⁴³ Royal Thai Government, *Country Report on Anti-Human Trafficking Efforts 2023*, p. 87.

¹⁴⁴ SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 27.

¹⁴⁵ Royal Thai Government, *Country Report on Anti-Human Trafficking Efforts 2023*, p. 87.

¹⁴⁶ See Section 1.1.1 of these Comments.

¹⁴⁷ GLJ interview with IO #4 (Jan. 4, 2024).

that they can fulfill the quota.¹⁴⁸ This has led to inspectors visiting the same factories over and over again because they were the easiest factories to access in their jurisdiction.¹⁴⁹

Another reason for weak labor inspections of seafood processing factories is apparent collusion between labor inspectors and factory owners. For example, the factory owner of a seafood processing company in Songkhla province is a member of Parliament who holds power, so labor inspectors have avoided going to the factory to conduct inspections.¹⁵⁰ Meanwhile, although inspections are held at seafood processing factories in Phang Nga province, they are largely impaired by government officials who allegedly notify the factory officials in advance.¹⁵¹ A CSO alleged that factory officials, tipped off beforehand, preselect the workers to be interviewed and prepare them with responses to the inspectors' questions.¹⁵² As a result, even though the CSO's staff was invited to join the inspection team, they were not allowed to randomly select workers to be interviewed.¹⁵³ The inspection team was also not allowed to enter the workplace, and instead, the interviews of the preselected three to five workers were conducted outside the workplace in the factory compound.¹⁵⁴

Accordingly, labor inspections in the seafood processing sector also proved to be ineffective during the reporting period. According to the Government of Thailand's 2023 Country Report on Anti-Human Trafficking Efforts, DLPW, in collaboration with relevant agencies, inspected 123 seafood processing establishments in 22 coastal provinces, but only found two violations (1.6%), which were for failure to provide holidays and issues relating to wage payments.¹⁵⁵ This was a slight decrease from the previous year, where the identified violation rate was 2.5%.¹⁵⁶

3.2 Thailand's National Referral Mechanism has still not proven to be an effective mechanism for screening and identifying survivors of forced labor, especially among migrant workers in the seafood industry, nor for providing adequate protection for survivors in shelters.

The Government of Thailand claims as one of its key achievements in 2023 "a nationwide implementation of the National Referral Mechanism (NRM) that is more agile, integrated and victim-centered."¹⁵⁷ In reality, the government's implementation of the NRM remained lackluster during this reporting period, similar to the previous year, as discussed in the 2023 SWG Comments on Thailand.¹⁵⁸ This is despite the TIP Office's recommendation for the government

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ GLJ interview with IO #2 (Dec. 14, 2023).

¹⁵¹ GLJ interview with CSO #6 (Dec. 14, 2023).

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ GLJ interview with IO #4 (Jan. 4, 2024).

¹⁵⁶ SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 30.

¹⁵⁷ Royal Thai Government, *Country Report on Anti-Human Trafficking Efforts 2023*.

¹⁵⁸ See SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 23–25.

to “fully implement the NRM and the reflection period for victims and open victim identification centers.”¹⁵⁹

Approved by the Anti-Human Trafficking Commission on March 23, 2022, the NRM was “designed to facilitate operations of the relevant agencies in cooperating, sharing information, referral assistance and protection for victims of human trafficking and forced labour or service to access primary support services.”¹⁶⁰ The NRM is composed of four stages: (1) frontline response, (2) screening process, (3) victim identification, and (4) protection process.¹⁶¹ Before entering the victim identification process, as well as during the protection process, potential survivors are entitled to a reflection period that includes food, accommodation, clothes and medications; trauma-informed care; medical treatment; and counseling services.¹⁶² Starting in December 2022, the Government of Thailand piloted the NRM in 10 provinces.¹⁶³ In April 2023, the government began to implement the NRM in all provinces, including providing training for frontline officers.¹⁶⁴ However, CSOs and IOs interviewed have raised numerous problems with the design and implementation of the NRM in Thailand.

First, according to an IO, the government has not developed a standardized screening form for the NRM process, as of January 2024.¹⁶⁵ Instead, various government agencies use their own screening forms, resulting in inconsistent screenings and unreliable outcomes.¹⁶⁶

Second, screenings under the NRM in the fishing sector have been ineffective because, like many PIPO inspections, they have not been confidential. From March 27–September 30, 2023, the DOF, in collaboration with the MOL, the Ministry of Social Development and Human Services, and the Royal Thai Police, conducted screenings of 33,563 migrant fishers (98.43% of the total 34,099 migrant fishers) across 22 coastal provinces in accordance with the NRM.¹⁶⁷ Yet, after the screenings identified 14 migrant fishers in Phuket and Satun provinces as potential survivors of human trafficking or forced labor, the provincial multi-disciplinary teams (MDTs) later determined that none were survivors.¹⁶⁸ A CSO who helped provide translators for the screenings made the following observations, which may explain why not a single fisher — out of 33,563 fishers — was identified as a survivor of forced labor under the NRM process.¹⁶⁹ The interviews were not conducted in a private, confidential manner; instead, representatives from the Fisheries Association observed the interviews.¹⁷⁰ Consequently, many fishers, fearing potential retaliation, did not honestly answer questions about their wage payments, retention of identity documents, and other issues. Instead, they provided answers that were advantageous

¹⁵⁹ Office to Monitor and Combat Trafficking in Persons, *2023 Trafficking in Persons Report*.

¹⁶⁰ IOM, *Guidelines on the National Referral Mechanism (2023)*.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ GLJ interview with IO #6 (Jan. 11, 2024).

¹⁶⁴ *Id.*

¹⁶⁵ GLJ interview with IO #6 (Jan. 11, 2024).

¹⁶⁶ *Id.*

¹⁶⁷ Royal Thai Government, *Country Report on Anti-Human Trafficking Efforts 2023*, p. 88.

¹⁶⁸ *Id.*

¹⁶⁹ Written communication by IO #2 (Dec. 11, 2023).

¹⁷⁰ *Id.*

to their employers, sharply contrasting with the reports they had given to CSO staff, which were conducted in private.¹⁷¹

Third, contrary to the government's claim, the NRM has still not been properly implemented in many provinces in Thailand because agencies lack sufficient budget to carry out the NRM process,¹⁷² and provincial officers who are tasked with executing the NRM process are not equipped with adequate training.¹⁷³ For forced labor cases, the MOL is designated as the case manager under the NRM, yet the MOL has not been assuming its responsibility and even admitted in January 2024 that they do not have sufficient budget or training to carry out this responsibility.¹⁷⁴

In particular, the lack of officer training has perpetuated a lack of understanding of forced labor among Thai government officials — a problem discussed in both the 2022 and 2023 SWG Comments on Thailand — leading to inaccurate screenings under the NRM in the fishing sector.¹⁷⁵ This issue is illustrated by a case in Pattani province (hereinafter the “Pattani case”) (**Case 14**).¹⁷⁶ In February 2023, two Myanmar fishers on Vessel A asked to leave their jobs after witnessing fellow crew members being beaten with a bat by a man dressed in a police officer's uniform, upon which the employer threatened that any crew member who did not obey his orders would be beaten like these men. The assailant's police officer uniform intimidated the fishers and deterred them from reporting the case to government officials who might then refer the case to the police.¹⁷⁷ In requesting to resign, the two fishers demanded the return of their documents from their employer, but the employer claimed that they must pay off a debt of 11,000 baht (\$314 USD) before he could return the documents. Even after they made the payment, however, the employer still refused to return their documents.

That same month, the two Myanmar fishers, along with two other Myanmar fishers from another vessel (“Vessel B”), reported their respective cases to two CSOs visiting a port in Pattani province.¹⁷⁸ One of the CSOs forwarded the two sets of complaints to the Pattani Provincial Labor Protection and Welfare Office, and the fishers underwent a preliminary screening according to the NRM. All four fishers were identified as potential survivors of human trafficking and forced labor. However, in March 2023, a MDT determined that while the two fishers from Vessel B — who had experienced physical violence by their broker — were survivors of human

¹⁷¹ *Id.*

¹⁷² GLJ interview with IO #6 (Jan. 11, 2024).

¹⁷³ GLJ interview with CSO #2 (Dec. 7, 2023); GLJ interview with CSO #3 (Dec. 11, 2023).

¹⁷⁴ GLJ interview with IO #6 (Jan. 11, 2024).

¹⁷⁵ See SWG, *Comments Concerning the Ranking of Thailand in the 2022 TIP Report*, p. 68; see also SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 33.

¹⁷⁶ GLJ interview with CSO #3 (Dec. 11, 2023); GLJ interview with IO #5 (Jan. 9, 2024); Written communication by CSO #2 (Feb. 28, 2024).

¹⁷⁷ *Id.*

¹⁷⁸ The case of the fishers on Vessel B can be summarized as follows. The two fishers resigned in October 2022 after one of them had been punched in the face by the broker. The fishers demanded receipt of their confiscated documents and outstanding wages. However, the broker refused, and the fishers fled to stay with their relatives. The broker followed them and threatened their relatives, then returned three months later and punched one of the fishers in the face multiple times.

trafficking and forced labor, the two fishers from Vessel A were not, despite the clear presence of several indicators of forced labor, including document retention, intimidation and threats, and debt bondage. The proceedings for the case of Vessel A continued to stretch on for another four months, as there was a question of whether the case would be forwarded to the national committee for reconsideration. In July 2023, the Royal Thai Police declined to forward the case. The MDT failed to identify the fishers from Vessel B as survivors, even though intimidation and the threat of physical violence meet the criteria for the offense of forced labor or services under Section 6/1 of the Anti-Trafficking in Persons Act, B.E 2551 (2008).¹⁷⁹ This case illustrates the continued limited understanding of forced labor among Thai government officials carrying out the NRM process.¹⁸⁰

The lack of officer training has not only impacted the implementation of the screening and victim identification processes of the NRM, but also the protection process, with regards to the non-punishment principle.¹⁸¹ A weak understanding of forced labor among Thai government officials has led to potential survivors being charged with illegal migration, even if their documents only expired while retained by their employer.¹⁸² The migrant fishers in the Pattani case (**Case 14**), for example, were arrested for having expired documents even though they had not known that their status had lapsed because their employer had retained their documents. Nonetheless, they were charged with immigration offenses.¹⁸³

A fourth critique of the NRM process is that it is not adequately survivor-centered or trauma-informed. In the 2023 TIP Report, the TIP Office recommended that the Government of Thailand “use victim-centered and trauma-informed approaches, including during multidisciplinary team (MDT) interviews and labor inspections,” as well as “ensure government- and NGO-operated shelters provide victims with adequate trauma-informed and individualized care, such as legal assistance and psychological care, and implement consistent policies on victim services across all shelters.”¹⁸⁴ However, one CSO raised the issue of double screening and repetitive questioning, where migrant workers are questioned by a first responder during the screening

¹⁷⁹ GLJ interview with IO #5 (Jan. 9, 2024).

Section 6/1. Any person who compels another person to work or to provide services by on the following means: (1) threatening to cause injury to life, body, liberty, reputation or property of the person threatened or any other person; (2) intimidating; (3) using force; (4) confiscating identification documents; (5) using debt burden incurred by such person or any other person as the unlawful obligation; (6) using any other means similar to the above acts. If such act is committed to another person to be in the situation where he or she is unable to resist, such person commits the offence of forced labor or services.

¹⁸⁰ *Id.* It is notable that besides failing to identify the two Myanmar fishers from Vessel A as survivors of forced labor, the local officers also failed to properly implement the NRM in this case, as they never found and screened the fishers who had been beaten by the man in the police officer’s uniform for forced labor; instead, the officials reportedly asked CSOs to find and identify the fishers on their behalf. GLJ interview with IO #5 (Jan. 9, 2024).

¹⁸¹ Inter-Agency Coordination Group against Trafficking of Persons (ICAT), *Issue Brief 8: Non-Punishment of Victims of Trafficking* (Aug. 2020), https://icat.un.org/sites/g/files/tmzbdl461/files/publications/19-10800_icat_issue_brief_8_ebook_final.pdf.

¹⁸² GLJ interview with CSO #1 (Dec. 6, 2023); GLJ interview with IO #6 (Jan. 11, 2024).

¹⁸³ GLJ interview with CSO #3 (Dec. 11, 2023); GLJ interview with IO #5 (Jan. 9, 2024).

¹⁸⁴ Office to Monitor and Combat Trafficking in Persons, *2023 Trafficking in Persons Report*.

process and then again by a MDT during the victim identification process.¹⁸⁵ In addition, another CSO criticized the lack of psychologists or social workers available during the 15-day reflection period prior to potential survivors entering the victim identification process.¹⁸⁶ Instead, due to limited resources, psychologists and social workers are typically only available during the 30-day reflection period during the protection process.¹⁸⁷ Another problem is that the NRM screening process takes too long. In the Pattani case (**Case 14**), the survivor identification process took longer than expected because the NRM process was new to the local officers.¹⁸⁸ After the case was brought in February 2023, the length of the process, as well as the lack of clarity regarding the legal proceedings, caused significant stress for the fishers from both Vessel A and Vessel B.¹⁸⁹ In the end, the fishers from Vessel B requested to end their participation in the legal proceedings and return to their home country, even though they had been successfully identified as survivors of human trafficking or forced labor.¹⁹⁰

Fifth, the NRM has failed to adequately protect potential survivors of forced labor in shelters. Government shelters have been criticized for being located in public, open areas that are not safe,¹⁹¹ as well as for their lack of translators — a major reason that potential survivors choose to stay in private shelters.¹⁹² This is in contravention of the TIP Office’s Prioritized Recommendation for the Government of Thailand to “increase the use and availability of interpreters to assist victims, including in shelters and court proceedings.”¹⁹³ Moreover, government shelters are only accessible to identified survivors, not potential survivors. This is why the migrant workers in the Pattani case (**Case 14**) were not allowed to enter the government shelter. Instead, they had to be sent to a private CSO-run shelter in Songkhla province, where they had to stay for 45 days without any government funding, including budget for food.¹⁹⁴ Another limitation with private shelters is that residents are unable to obtain a work permit and procure a job while living in private shelters, which was a challenge for the migrant workers in the Pattani case.¹⁹⁵

3.3 The Government of Thailand has failed to protect Thai fishers subjected to forced labor abroad from being re-recruited and subjected to forced labor again.

While these Comments mainly focus on the forced labor of migrant fishers, the CSOs interviewed also highlighted the Government of Thailand’s failure to protect its own nationals working on fishing vessels overseas from the risk of forced labor, which is illustrated by the *Wadani* cases (**Case 15**). The 2022 SWG Comments on Thailand documented two forced labor

¹⁸⁵ GLJ interview with CSO #2 (Dec. 7, 2023).

¹⁸⁶ GLJ interview with CSO #3 (Dec. 11, 2023).

¹⁸⁷ *Id.*

¹⁸⁸ GLJ interview with IO #5 (Jan. 9, 2024).

¹⁸⁹ Written communication by CSO #2 (Dec. 7, 2023).

¹⁹⁰ *Id.*

¹⁹¹ GLJ interview with CSO #1 (Dec. 6, 2023).

¹⁹² GLJ interview with CSO #3 (Dec. 11, 2023).

¹⁹³ Office to Monitor and Combat Trafficking in Persons, *2023 Trafficking in Persons Report*.

¹⁹⁴ GLJ interview with IO #5 (Jan. 9, 2024); GLJ interview with CSO #1 (Dec. 6, 2023).

¹⁹⁵ GLJ interview with CSO #2 (Dec. 7, 2023).

cases of Thai fishers working in Somalia.¹⁹⁶ The first case involved 32 Thai fishers who suffered abusive living and working conditions and had their wages withheld while working on the fishing vessel *Wadani 1* for about one year.¹⁹⁷ They called for help in June 2019.¹⁹⁸ The second case, filed in July 2020, involved four Thai fishers, along with 11 Indonesian fishers, who had worked on the fishing vessel *Wadani 2* in Somalia for about half a year.¹⁹⁹ The crew reported abusive living and working conditions, the withholding of wages, excessive overtime, document retention, and suspected IUU fishing.²⁰⁰

In the *Wadani 1* case, with the support of Stella Maris, the fishers were able to return to Thailand in August 2019. However, Thai government officials did not identify the case as one of forced labor. Instead, the case was handled as a labor rights violation case and sent to the Central Labor Court, which ruled in July 2022 that the fleet operator owed the crew 9.03 million baht (\$258,000 USD) in unpaid wages and other fees.²⁰¹ However, as of October 2023, the crew had still not received compensation, despite concerted efforts by the HRDF and the EJF.²⁰² According to the EJF, “Legal charges against an unlicensed broker and vessel operator related to overseas recruitment were dismissed, revealing gaps in addressing overseas fisher recruitment issues. The absence of compensation has left the crews vulnerable to re-victimisation, with some considering returning to distant water fishing.”²⁰³

Meanwhile, in the *Wadani 2* case, the EJF worked with the Government of Thailand and the IOM to facilitate the repatriation of the crew in 2020.²⁰⁴ However, Thai government officials required the fishers to undergo mediation with their employer, instead of prosecuting the case as a potential forced labor case, and compelled them to sign a contract promising to repay Thailand’s Ministry of Foreign Affairs (MFA) 100,000 baht (\$2,857 USD) each for the cost of repatriation, leaving the workers in significant debt.²⁰⁵

In December 2022, the EJF learned that former crew from *Wadani 2* were planning to work on the *FV DOX*, a fishing vessel operating in Somalia waters that was known for potential IUU fishing practices and therefore presented a high risk of labor abuses.²⁰⁶ On board the *FV DOX*, the former *Wadani 2* crew ended up being subjected to numerous indicators of forced labor

¹⁹⁶ See Case 21 and Case 22 in SWG, *Comments Concerning the Ranking of Thailand in the 2022 TIP Report*, p. 55.

¹⁹⁷ *Id.*

¹⁹⁸ Nautilus International, “Thai court orders US\$255,000 compensation to abandoned fishing crew” (Aug. 19, 2022), [https://www.nautilusint.org/en/news-insight/news/thai-court-orders-us\\$255000-compensation-to-abandoned-fishing-crew/](https://www.nautilusint.org/en/news-insight/news/thai-court-orders-us$255000-compensation-to-abandoned-fishing-crew/).

¹⁹⁹ EJF, *Thailand’s progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 28.

²⁰⁰ See SWG, *Comments Concerning the Ranking of Thailand in the 2022 TIP Report*, p. 55; EJF, *Thailand’s progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 28.

²⁰¹ EJF, *Thailand’s progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 28; Nautilus International, “Thai court orders US\$255,000 compensation.”

²⁰² EJF, *Thailand’s progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 28.

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ See SWG, *Comments Concerning the Ranking of Thailand in the 2022 TIP Report*, p. 55.

²⁰⁶ EJF, *Thailand’s progress in combatting IUU, forced labour & human trafficking volume 10, 2023*, p. 28.

again and were rescued in 2023. The Thai fishers experienced abusive living and working conditions that endangered their health and safety, including long hours and exposure to harsh elements. Returning to work in such an exploitative work environment also took a significant psychological toll on the fishers, risking the exacerbation of mental health challenges, such as trauma, anxiety, and depression, that often result from exploitation. Financially, the fishers found themselves trapped in a cycle of debt bondage, wherein they were forced to work to pay off not only exorbitant recruitment fees, transportation costs, and other expenses incurred during the recruitment process, but also the aforementioned debt to the MFA for the cost of repatriation. Some of the former *Wadani 2* crew reported receiving a notification reminder from the MFA's Department of Consular Affairs regarding their debt of around 50,000 baht (\$1,429 USD) each. This debt bondage thereby limited the crew's ability to resign and escape exploitation. Additionally, the legal vulnerabilities of working on IUU fishing vessels exposed the crew to the risk of arrest, detention, and deportation, which left them without recourse to justice or protection under the law. For example, the crew reported that they were once detained by the Djiboutian Navy on the charge of fishing without a license. Amidst these abuses, it was difficult for the crew to seek help because they were isolated at sea without access to communication and alienated from potential support networks in their communities.

After having endured forced labor conditions on board the *Wadani 2* in 2020 and again on the *FV DOX* in 2023, the crew continue to face a high risk of forced labor due to inadequate protections and support mechanisms by the Government of Thailand. In January 2024, an IO reported that some former crew had already left to fish in Malaysian waters.²⁰⁷ Without government protections, these fishers face the risk of being subjected to forced labor conditions at sea once again.²⁰⁸

3.4 The Government of Thailand has not protected service providers, who provide critical protection services to survivors, from intimidation and harassment.

The work of service providers, such as the provision of psychosocial, legal, medical, and educational assistance, is critical for the protection of survivors of forced labor. However, during the reporting period, CSOs reported instances of government officials leaking the contact information of CSO staff to business associations or employers, who then pressured the CSO workers to cease their assistance by using various intimidation tactics, such as pressuring them to informally mediate with the employer, issuing death threats to CSO staff, and following CSO staff by car.²⁰⁹ In some cases, relatives of the suspects detained in human trafficking cases obtained the contact information of CSO staff from government officials and used it to harass CSO staff over the phone.

Risks arising during the investigation process of potential forced labor cases caused difficulties for some CSO staff during the reporting period, making it challenging for them to provide full assistance in cases. In response to the intimidation and harassment, CSOs in some provinces chose not to work on certain cases or to adjust their working methods in order to reduce the risk

²⁰⁷ GLJ interview with IO #5 (Jan. 9, 2024).

²⁰⁸ *Id.*

²⁰⁹ Information provided by confidential sources.

of conflicts of interest with influential people or business associations in the area and maintain the safety and security of their staff.

4. PROSECUTION

4.1 The Government of Thailand has continued to not vigorously investigate and prosecute cases of forced labor in the seafood industry.

The 2023 TIP Report included three Prioritized Recommendations, which illustrated the importance of government efforts to ensure that cases including indicators of forced labor are properly investigated and prosecuted under Section 6/1 of the Anti-Trafficking in Persons Act. The TIP Office recommended that the Government of Thailand “train officials on and ensure effective implementation of guidelines for the implementation of Section 6/1 of the anti-trafficking law and identification of labor trafficking victims”; “ensure labor violations and migrant workers’ complaints that include indicators of forced labor are investigated for trafficking crimes, including by enforcing procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement”; and “increase awareness among relevant officials of trafficking indicators such as debt-based coercion, excessive overtime, confiscation of documents, and non-payment of wages.”²¹⁰ Nevertheless, the government has not demonstrated meaningful evidence of such efforts during this reporting period.

The Government of Thailand reported initiating the prosecution of 312 cases of human trafficking and forced labor in 2023.²¹¹ Of the 312 cases, only 13 (4.17%) were forced labor cases, with one of the 13 brought under Section 6/1 of the Anti-Trafficking in Persons Act.²¹² According to the government’s report, one case was brought against a vessel owner in Chumphon province, who was charged with forced labor under Section 6/1.²¹³ While it is not entirely clear from the government report, the data provided suggests that this was the sole forced labor case relating to fisheries prosecuted by the government in 2023.

The low level of prosecution is incongruous with the reality of the pervasiveness of forced labor indicators in Thailand’s fishing sector — a reality illustrated in Section 1 of this submission. The absence of prosecutions in fisheries is especially problematic considering that Thai government agencies screened 33,563 migrant fishers across 22 coastal provinces.²¹⁴ Even where cases presented numerous indicators of forced labor, the government failed to successfully prosecute such cases. This includes prosecutors failing to bring cases under Section 6/1 of the Anti-Trafficking in Persons Act due to a preference among government officials for informal mediation and settlement of cases with forced labor indicators, as well as Thai courts failing to convict defendants of forced labor due to a limited understanding of forced labor.

²¹⁰ Office to Monitor and Combat Trafficking in Persons, *2023 Trafficking in Persons Report*.

²¹¹ Royal Thai Government, *Country Report on Anti-Human Trafficking Efforts 2023*.

²¹² 15 cases were for forced begging; 1 case for extortion; and 2 cases for child labor. *Id.* at 11.

²¹³ *Id.* at 28.

²¹⁴ See Section 3.2 of these Comments.

4.1.1 Thai government officials have continued to promote informal mediation and settlement of cases involving indicators of forced labor instead of bringing forced labor cases under Section 6/1 of the Anti-Trafficking in Persons Act.

As discussed in the 2023 SWG Comments on Thailand, a major reason behind the lack of prosecution of forced labor cases is that Thai government officials have continued to opt for informal mediation and settlement of cases involving indicators of forced labor, allowing perpetrators to avoid prosecution.²¹⁵ The extremely imbalanced power dynamics between employers and workers at play, in which “vessel owners are often powerful figures in the local community,” has tended to lead to unfair resolutions for migrant workers.²¹⁶ According to the FRN, when fishers report labor rights abuses, they are “regularly coerced into informal negotiations with their vessel owners brokered by authorities that lead to fishers being intimidated into agreeing to settlements that fail to fully compensate and protect their entitled rights.”²¹⁷ The “negotiation” between the fisher and vessel owner “essentially pits the abuser against the victim and frequently results in the fisher being coerced into agreeing to a settlement that falls far short of what they are legally entitled to and potentially exposes them to further escalating abuse. These scenarios are typically brushed under the rug, evading documentation in any official PIPO reports and not surfacing in any official statistics.”²¹⁸ Such settlements facilitated by Thai government officials thus allow abusive vessel owners to avoid prosecution proceedings. They also permit the continued debt bondage and document retention of fishers: where a fisher seeking new employment is told that he owes a “debt” to his current employer, PIPO may “facilitate an informal negotiation between the current and future employer to transfer the ‘debt’ and fisher to the new employer. In some instances, the FRN has observed PIPO oversee informal discussions that have ended in fishers being told that their identity documents will be retained by the employer until all perceived “debt” has been paid off.”²¹⁹

Examples of informal mediation and settlements by PIPO during this reporting period include the Kuraburi and Chumphon case studies described in the FRN’s national fisher conditions survey report.²²⁰ In the Kuraburi case from October 2023, a fisher reported physical violence and intimidation and threats to the FRN who referred the case to PIPO (**Case 16**).²²¹ PIPO responded by arranging “a face-to-face negotiation between the fisher and the captain (the abuser) for an informal settlement.” The captain, who retained the fisher’s identity documents, claimed that the fisher owed him 28,000 baht (\$800 USD) without any receipt. Still, the resulting proposed settlement “overlooked the physical abuse and attempted to coerce the fisher into paying to retrieve his documents.” According to the proposed settlement, until the fisher paid the captain 18,000 baht (\$514 USD), which was negotiated down from 28,000 baht (\$800 USD), the

²¹⁵ SWG, *Comments Concerning the Ranking of Thailand in the 2023 TIP Report*, p. 32–33.

²¹⁶ FRN, *Thailand’s PIPO Inspections and the ILO*, p. 10.

²¹⁷ *Id.* at 6.

²¹⁸ *Id.* at 10.

²¹⁹ *Id.* at 9.

²²⁰ FRN, *Thailand National Fisher Conditions Survey Results*, p. 7. Besides these cases, other examples of potential forced labor cases being informally mediated to avoid prosecution proceedings can be seen in HRDF’s report on wage deduction cases. HRDF, *Wage Deductions of Workers in Fishery Sector*.

²²¹ *Id.*

fisher would not be allowed to have his documents back. Ultimately, the FRN intervened, leading the fisher to be able to retrieve his documents from his employer without a charge — however, this success case was an exception among numerous informal government mediations resulting in settlements stripping fishers of their fundamental rights.

The Chumphon case from January 2024 provides another example (**Case 17**).²²² A fisher who is a member of the FRN refused to work after not being paid on time. As punishment, his captain beat him severely using an iron pipe. The fisher reported the physical violence, along with the retention of documents, to PIPO and the Department of Employment, but officials did not conduct an investigation. Instead, the fisher was informed that his vessel owner claimed that the fisher owed 30,000 baht (\$857 USD) in document fees — a debt that needed to be paid back for the employer to “allow” him to change employers. After the FRN investigated the case and forwarded the information to PIPO officials in Chumphon province, the PIPO office suggested facilitating an informal negotiation between the fisher and his captain, the abuser. According to the FRN, “This highlights the tendency of PIPO teams to create intimidating and confrontational situations for fishers who report abuse — demanding as a first step that fishers meet face to face with their accused abuser to try and ‘settle’ the dispute.” The FRN again intervened, and PIPO ultimately persuaded the vessel owner to return the fisher’s documents, to “eliminate” the purported debt in exchange for the fisher’s agreement “not to pursue labor abuse charges,” and to “sign off” to allow the fisher to transfer to another employer.

4.1.2 Thai courts have demonstrated limited understanding of forced labor in adjudicating cases.

Even where there is strong evidence of forced labor, Thai courts have failed to recognize cases of forced labor and to convict perpetrators under Section 6/1 of the Anti-Trafficking in Persons Act. For example, the Pattani Provincial Court issued a ruling on March 30, 2023 that a case involving numerous indicators of forced labor — document retention, withholding of wages, physical violence, intimidation and threats, excessive overtime, and abuse of vulnerability — was not a case of forced labor (**Case 18**).²²³

The case involved a Myanmar fisher who worked on a Thai fishing vessel in 2020. The captain confiscated his documents; constantly beat and verbally abused the crew; and due to a crew shortage, imposed an excessive workload, even requiring the fisher to work when he was sick. In October 2020, after the fisher requested a one-month leave to see his family because he felt too stressed at work, the captain and steersman found the fisher and beat him, punching him in the face and using a piece of wood to hit him on the head and the arm until the fisher’s right arm and fingers broke. After the beating, the captain told the fisher that if he did not return to work on the vessel, he would send him to jail. The captain then called the police who arrived at the scene and said they would arrest him, but not under what charges. Later, it was discovered that the fisher had also not been paid for 10 months. Despite the clear presence of numerous indicators of forced labor, the government was still not able to secure a conviction.

²²² *Id.*

²²³ Pattani Provincial Court judgment, KhorMor 1/2565, KhorMor 1/2566 (Mar. 30, 2023).

5. RECOMMENDATIONS

To encourage Thailand to fully meet the TVPA minimum standards, the TIP Office should support the following eight recommendations to the Government of Thailand:

- 1. Respect migrant workers' freedom of association and right to collective bargaining.** The government should fulfill its promise from 2022 to amend the Labor Relations Act, B.E. 2518 (1975), to allow all workers, including migrant workers, the right to form and lead labor unions. The government should also ratify the International Labour Organization (ILO) Conventions on the Freedom of Association and Protection of the Right to Organize, 1948 (No. 87) and the Right to Organize and Collective Bargaining, 1949 (No. 98).
- 2. Effectively implement ILO C188 through revision and enforcement of laws designed to protect fishers' rights.** The government should expedite the implementation of the ILO Work in Fishing Convention, 2007 (No. 188) ("C188") by ensuring that the Labor Protection in Fishing Work Act, B.E. 2562 (2019) fully complies with C188 and is properly enforced. In addition, should the government decide to amend the Royal Ordinance on Fisheries, B.E. 2558 (2015), it should provide for an inclusive consultation process including migrant fishers and their advocates and guarantee that any amendments made do not increase fishers' risk of forced labor.
- 3. Ensure the fair recruitment of migrant workers living abroad and in Thailand.** The government should end deceptive recruitment practices by coordinating with neighboring countries to better manage migration flows into Thailand; by holding employers fully responsible for the fair recruitment of migrant workers, including both migrants who are currently living abroad and migrants who are currently residing in Thailand, in line with the ILO's *General principles and operational guidelines for fair recruitment*,²²⁴ and by strictly regulating the licensing and operations of brokers and recruitment agencies and holding accountable perpetrators for any indicators of forced labor, along with complicit government officials.
- 4. Strengthen labor inspections.** The government should establish regular, rigorous labor inspections of migrant-dominated workplaces, including fishing vessels and seafood processing factories. The government should strengthen PIPO inspections by requiring in-person inspections, by ensuring that all interviews are confidential and have well-trained translators available, and by holding PIPO officers accountable for not carrying out investigations of serious injuries or deaths on board vessels or for being unduly influenced by vessel owners. The government should also improve the coordination of PIPO inspection teams to help build trust between PIPO officials and local stakeholders, as well as to ensure consistent inspection standards. Moreover, PIPO should grant trade

²²⁴ ILO, *General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs* (2019), International Labour Office - Fundamental Principles and Rights at Work Branch, Labour Migration Branch – Geneva: ILO, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_703485.pdf.

unions and CSOs unrestricted access to observe PIPO inspections and share information with relevant government agencies. Meanwhile, the Ministry of Labor should ensure that all seafood processing facilities, along with other migrant-dominated workplaces, are inspected on a regular basis and that inspections are conducted in line with relevant ILO standards on labor inspections.²²⁵

- 5. Improve implementation of the new National Referral Mechanism (NRM) across all provinces.** The government should improve the quality of screenings under the NRM by developing a standardized screening form and ensuring that screening interviews are conducted in a private, confidential setting. The government should also improve the implementation of the NRM across all provinces in Thailand by equipping local governments with adequate budget and officer training. Officer training should emphasize less understood indicators of forced labor, such as debt bondage, withholding of wages, and document retention, as well as the non-punishment principle of survivors. The government should also ensure that the NRM process is survivor-centered and trauma-informed with regards to the questioning of potential survivors, the services provided during the reflection period, and the quality of shelters.
- 6. Protect Thai fishers who are subjected to forced labor overseas.** The government should protect Thai survivors of forced labor from being re-recruited to work on another fishing vessel under forced labor conditions by adopting a comprehensive approach that combines robust survivor protection and support services with enhanced monitoring and enforcement mechanisms. The government should prioritize the protection of vulnerable workers while holding perpetrators of forced labor accountable for their actions. The government should also strengthen international collaboration and cooperation to address the transnational nature of trafficking and exploitation in industries like fishing.
- 7. Protect service providers from intimidation and harassment.** The government should hold employers and employer associations accountable for engaging in acts of intimidation or harassment against service providers, as well as government officials who leak personal identifiable information of service providers or other confidential information regarding potential forced labor cases.
- 8. Create an enabling environment for the fair prosecution of forced labor cases.** The government should improve prosecution of forced labor cases by providing prosecutors and judges with training on human trafficking and forced labor so that potential forced labor cases are initiated and fairly adjudicated.

²²⁵ See, e.g. ILO, *International Labour Standards on Labour inspection*, <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/labour-inspection/lang--en/index.htm>; ILO, *Guidelines on general principles of labour inspection* (2022), International Labour Office. - Geneva: ILO, https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/genericdocument/wcms_844153.pdf.