

# THE HIDDEN COST

## Human Rights Abuses in Thailand's Shrimp Industry





Protecting People and Planet

The Environmental Justice Foundation is a UK-based environmental and human rights charity registered in England and Wales (1088128).

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Our ambition is to secure truly sustainable, well-managed fisheries and with this the protection and effective conservation of marine biodiversity and ecosystems.

EJF believes that there must be greater equity in global fisheries to ensure developing countries and vulnerable communities are given fair access and support to sustainably manage their natural marine resources.

We believe in working collaboratively with all stakeholders to achieve these goals.

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## Abbreviations

|              |  |               |  |
|--------------|--|---------------|--|
| <b>BAP</b>   | Best Aquaculture Practices   | <b>ICESCR</b> | International Covenant on Economic, Social and Cultural Rights |
| <b>CAT</b>   | Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | <b>ILO</b>    | International Labour Organization                              |
| <b>CRC</b>   | Convention on the Rights of the Child  | <b>IOM</b>    | International Organization for Migration                       |
| <b>DOF</b>   | Department of Fisheries  | <b>LPN</b>    | Labour Rights Promotion Network                                |
| <b>DOL</b>   | Department of Labour   | <b>MAT</b>    | Myanmar Association of Thailand                                |
| <b>FAO</b>   | Food and Agriculture Organization  | <b>MWRN</b>   | Migrant Workers Rights Network                                 |
| <b>EJF</b>   | Environmental Justice Foundation   | <b>OHCHR</b>  | Office of the High Commissioner for Human Rights               |
| <b>GAA</b>   | Global Aquaculture Alliance  | <b>PPF</b>    | Pre-processing Facility/Primary Processing Facility            |
| <b>GDP</b>   | Gross Domestic Product   | <b>TFFA</b>   | Thai Frozen Food Association                                   |
| <b>GLP</b>   | Good Labour Practices  | <b>UNHRC</b>  | United Nations Human Rights Council                            |
| <b>HACCP</b> | Hazard Analysis and Critical Control Points  | <b>UNIAP</b>  | United Nations Inter-Agency Project on Human Trafficking       |
| <b>ICCPR</b> | International Covenant on Civil and Political Rights                                     |               |  |

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## Executive Summary

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- Shrimp is the most valuable fisheries product in the world, accounting for approximately 15 per cent of the total value of internationally traded fisheries products in 2010.<sup>1</sup> As an industry, it is frequently characterised by destructive environmental practices – including mangrove deforestation and water pollution – and is often reliant on the systemic exploitation and abuse of foreign workers.<sup>2/3/4/5</sup>
- Thailand is the world's largest exporter of shrimp, exporting over 392,000 tonnes in 2011.<sup>6</sup> Approximately 90 per cent of Thailand's seafood is exported, with shrimp produced almost exclusively for consumption in Thailand's three main markets: the United States, Japan and the European Union.<sup>7/8</sup>
- The US received approximately 46 per cent of shrimp exported by Thailand in 2011.<sup>9</sup> Shrimp now accounts for nearly one-third of all seafood consumed in America, with the average American consuming nearly 2kg (4.2lbs) of shrimp in 2011.<sup>10</sup> Americans consume almost twice as much shrimp as the next most popular seafood product, canned tuna.<sup>11</sup>
- The EU imported more than 590,000 tonnes of shrimp from countries outside of the EU in 2012, with Thailand – the fifth-largest supplier behind Ecuador, Greenland, India and Argentina – accounting for nearly 10 per cent.<sup>12</sup> In 2011, Thailand was the largest supplier of shrimp to the UK with Thai exports valued at \$195 million.<sup>13</sup>
- The Thai shrimp industry is highly profitable and sophisticated, with technologically advanced farming methods and a reliable, efficient export process. However, the labour-intensive pre-processing stage of production is largely unregulated and therefore not subject to the controls or inspections governing other parts of the industry.
- The shrimp industry is heavily reliant on migrant workers, many of whom are trafficked and face arduous journeys before having to endure abusive conditions in Thailand's exploitative shrimp factories. Workers from neighbouring countries – Myanmar, Lao PDR and Cambodia – make up between five and 10 per cent of Thailand's workforce and as much as 90 per cent of the workforce in the seafood processing industry.<sup>14/15</sup>
- Due to a desire to keep costs as low as possible, major exporting companies often subcontract to external pre-processing facilities. These facilities, also referred to as 'peeling sheds', remove the heads, veins and hard shell of shrimp and prepare it for secondary or value-added processing. This pre-processing stage of production is the most labour-intensive and least regulated aspect of an otherwise sophisticated supply chain. This informal nature makes it particularly prone to poor working conditions, breaches of national and international labour standards, child and forced labour, exploitation and abuse.

**Shrimp is the world's most valuable fisheries product, worth approximately 15% of internationally traded fisheries products in 2010**



**Thailand is the world's largest exporter of shrimp, exporting 392,616 tonnes in 2011**



Thailand's largest shrimp market, Mahachai, Samut Sakhon © EJF

- There are approximately 200 peeling sheds registered with Thailand's Department of Fisheries (DOF) and therefore ostensibly subject to Thai regulations. Less than 100 of these are also registered with the Thai Frozen Foods Association (TFFA), a prerequisite for supplying other TFFA members and accessing international markets.<sup>16</sup> However, conservative estimates put the number of unregistered peeling sheds in operation at approximately 400, though Thai NGO the Labour Rights Promotion Network (LPN) puts this figure closer to 2,000.<sup>17</sup>
- EJF's investigations suggest that some of the most serious issues plaguing the shrimp industry, including human trafficking, exploitation, bonded and child labour, remain widespread. Through interviews with workers, EJF documented reports of trafficking, confiscation of identification documents, withholding of pay, forced detention and bonded labour.
- A lack of regulation and effective monitoring means the exact number of trafficked workers inside shrimp factories is unknown. However, in Samut Sakhon, Thailand's main seafood processing region, there are thought to be more than 400,000 migrant workers from Burma alone.<sup>18</sup> A 2011 United Nations Inter-Agency Project on Human Trafficking (UNIAP) report concluded that more than one third of Burmese seafood processing workers in Samut Sakhon had been trafficked into forced labour.<sup>19</sup>
- Less than half of all migrants in Thailand are registered, with one million or more who are undocumented and considered illegal.<sup>20</sup> A significant proportion of migrant workers have been trafficked into Thailand, mostly from Myanmar, Cambodia and Lao PDR.<sup>21</sup>
- The national policies that exist to facilitate legal migration and the registration of illegal migrants are short-term, conflicting and lack enforcement mechanisms. Their complexity and high costs create vulnerabilities to trafficking and deter victims from communicating with authorities.
- The Thai police and border officials frequently subject migrants – documented or undocumented – to harassment, extortion and arrest.<sup>22/23</sup> Insiders are also known to have informed owners of abusive factories before an impending raid by Thai authorities.<sup>24</sup> Corruption, harassment and abuse strongly contribute to the marginalisation of migrant workers within Thai society, creating an environment of discrimination and feelings of alienation.<sup>25</sup>

**EJF's investigations suggest that some of the most serious issues plaguing the shrimp industry, including human trafficking, exploitation, bonded and child labour, remain widespread. Through interviews with workers, EJF documented reports of trafficking, confiscation of identification documents, withholding of pay, forced detention and bonded labour.**





# Introduction

Over the past 30 years, technological improvements and rapid expansion of the industry have transformed the way the world consumes shrimp. What was once an occasional luxury item has become one of the most widely consumed seafood products in the developed world. Shrimp is now the single most valuable fisheries product, accounting for approximately 15 per cent of the total value of internationally traded fisheries products in 2010.<sup>26</sup>

Thailand, like many countries in South East Asia, has invested heavily in the industry, allowing it to both benefit from and drive the increasing global demand for shrimp.<sup>27</sup> Thailand is now the world's largest exporter of shrimp, supplying over 392,000 tonnes in 2011, with an export value of more than \$3.5 billion.<sup>28</sup>

But the Thai shrimp industry has a hidden cost: human trafficking and labour exploitation are endemic in the largely unregulated pre-processing stage of shrimp production; this is the true price of the world's growing appetite for cheap shrimp. Increasingly sophisticated techniques have improved the production capacity of farms and the profitability of exports, but the labour-intensive pre-processing stage, which involves removing the shells, heads and veins, remains an under-regulated component of the supply-chain.

In October 2012 and March 2013, EJF carried out two investigations into human trafficking and labour abuses within the Thai shrimp industry, with a particular focus on pre-processing facilities, also known as 'peeling sheds'. In-depth interviews with current and former peeling shed employees as well as local and international NGOs revealed a hidden sector: some of Thailand's largest exporting companies are supplied with shrimp produced under exploitative, abusive and even violent conditions. Staffed by a primarily migrant workforce – most of whom are from neighbouring Myanmar – these peeling sheds supply shrimp to much larger, industrial processing facilities where it is prepared for export to Thailand's main markets in the US, Japan and the EU.



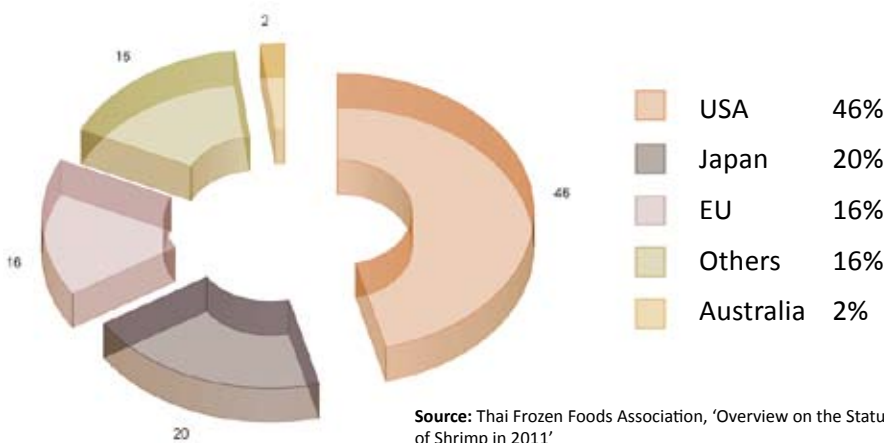
Source: United Nations Food and Agriculture Organization (FAO) (2012), *World review of fisheries and aquaculture*

EJF's investigations focused primarily on the industrial fishing town of Mahachai in Samut Sakhon province, about 40km southwest of Bangkok. The port at Samut Sakhon accounts for 31.5 per cent of Thailand's shrimp exports and has the largest concentration of shrimp processing facilities in the country.<sup>29</sup> It is also home to more than 400,000 migrant workers from Myanmar, with the vast majority employed in Thailand's fishing and seafood processing industries.<sup>30</sup>

EJF's investigations and research demonstrate that some of the most serious issues, including human trafficking, exploitation, bonded and child labour, remain widespread. Through interviews with workers, EJF documented reports of trafficking, confiscation of identification documents, withholding of pay, forced detention and bonded labour.

This situation has arisen as Thailand's increasing prosperity and low unemployment rates have led many Thai citizens to turn away from low-paid work in the country's burgeoning and labour-intensive fisheries industry.<sup>31/32</sup>

## Proportion of Thai Shrimp Exports (March – November 2011)





**Migrants make up as much as 10% of the entire Thai workforce and 90% of the seafood processing workforce**

10%



90%



Source: Human Rights Watch (2010) From Tiger to Crocodile: Abuse of migrant workers in Thailand

Source: Accenture (2013), Exploitative Labor Practices in the Global Shrimp Industry



*Modern-day slavery is embedded deep in the global shrimp supply chain.*



Humanity United (2013), *Exploitative Labor Practices in the Global Shrimp Industry*

However, the industry has already begun experiencing what it describes as 'trade discrimination' as a result of the labour issues that saw Thailand placed on the Tier 2 Watchlist.<sup>38</sup>

While the Thai Government must address the shortcomings in their action on human trafficking and its related labour abuses, urgent action is also needed from governments and corporations in the main export markets to ensure human rights and labour issues are adequately addressed as part of any trade talks or agreements with Thailand. Major importers and retailers in the US and EU should use their influence to demand transparency and ensure the products they are selling are free from exploitation and human rights abuses.

The move away from more labour-intensive sectors has led to a chronic labour shortage, which is met by migrant workers from Thailand's neighbouring countries, Myanmar, Lao PDR and Cambodia. Migrant workers now make up between five and 10 per cent of Thailand's workforce and up to 90 per cent of the workforce in the seafood processing industry.<sup>33/34</sup> Many facilities now employ brokers and agents to recruit and manage migrant workers.<sup>35</sup> Similarly, a confusing and expensive regularisation process, particularly with regard to low-skilled labour, means many migrants turn to brokers for help entering and finding work in Thailand, causing smuggling networks to flourish.<sup>36</sup> The growth – indeed the dominance – of this informal system of labour recruitment has left many migrants vulnerable to trafficking, exploitation and abuse that is largely 'off the radar' for any enforcement efforts.

The Thai Government's total failure to adequately address these issues has seen the country placed on the Tier 2 Watchlist of US Department of State's annual Trafficking in Persons (TIP) report for four consecutive years; Thailand now faces a mandatory downgrade to Tier 3 in 2014 if the major issues are not adequately addressed.<sup>37</sup>

Workers prepare shrimp for sale at Mahachai market, Thailand's largest shrimp market, Samut Sakhon © EJF



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# Shrimp Industry Overview

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Since the 1980s, the global shrimp industry has undergone a revolution that has seen the price of shrimp as a global commodity drop by nearly 30 per cent, at the same time becoming the largest single fisheries product by value in the world.<sup>39/40</sup> According to the *Exploitative Labor Practices in the Global Shrimp Industry* report, produced by international consultancy group Accenture for the US-based foundation Humanity United, “while the price of shrimp is highly volatile and complex, this significant reduction in price is largely attributed to the expansion of global shrimp production.”<sup>41</sup> Such a reduction in price has meant that wealthy consumers are able to purchase more shrimp for less, while the true cost is being borne by poor and exploited workers in countries such as Thailand.

“

*Driving this surge in consumption is a method of intensive production that began expanding in the 1970s.*

”

Food and Water Watch, *Suspicious Shrimp*

Technological advances and focused investment in aquaculture over the last 30 years have led to a more than tenfold increase in the volume of protein derived globally from farmed fish, from five million tonnes in 1982 to 66 million tonnes in 2012.<sup>42</sup> Global production of Whiteleg shrimp (*Litopenaeus vannamei*) has significantly outpaced this growth, from just 11,000 tonnes in 1981 to approximately 2.8 million tonnes in 2011.<sup>43</sup>

Increases in production capacity and reductions in price have fuelled consumer demand and made shrimp one of the most popular seafood products in the world. Shrimp is now the most consumed seafood in the United States, with the average American consuming nearly 2kg per year; almost twice as much as the next most popular product, canned tuna.<sup>44</sup> In the UK, the value of imported shrimp and prawns exceeded \$828 million in 2011, while Spain, the EU’s largest seafood buyer, imported approximately \$1.2 billion worth of shrimp in the same year.<sup>45/46</sup>

Most of the growth in shrimp production has occurred in Asia. Low labour and land costs coupled with significant investment by economic development organisations such as the World Bank have helped drive the rapid expansion and sophistication of shrimp aquaculture in the region.<sup>47</sup> In 1990, seven countries – China, Thailand, Vietnam, Indonesia, Ecuador, India and Bangladesh – were responsible for 84 per cent of the 680,255 tonnes of shrimp cultivated worldwide; by 2009, Asian countries alone accounted for 78 per cent of global shrimp production, which exceeded 3.5 million tonnes.<sup>48</sup>



Shrimp for sale at the fish market in Ranong, Southern Thailand © EIJ



Empty shrimp buckets stacked outside a processing facility in Samut Sakhon, Thailand © EJF

# The Thai Shrimp Industry

Thailand's shrimp industry has grown particularly quickly in size and sophistication, producing approximately 540,000 tonnes of shrimp in 2012, which represented more than 25 per cent of global shrimp production for that year.<sup>49</sup> Thailand is now the world's largest exporter of shrimp, supplying over 392,000 tonnes in 2011, with an export value of more than \$3.5 billion.<sup>50</sup> In the US, Thai shrimp represents more than 32 per cent of total shrimp imports.<sup>51</sup> In the UK, Thailand is the largest source of imported shrimp, supplying 23 per cent of shrimp imports in 2011.<sup>52</sup> Recently, this has increased significantly, with the value of UK imports of Thai shrimp growing by more than 90 per cent, from \$101.7m in 2009 to \$195m in 2011.<sup>53/54</sup>

The Thai fisheries industry employs around 650,000 workers, producing a large variety of goods, including canned tuna, processed shrimp and surimi.<sup>55</sup> Approximately 90 per cent of the workforce is made up of migrant labour, mainly drawn from Thailand's neighbouring countries, Myanmar, Cambodia and Lao PDR.<sup>56/57</sup> In recent years, the industry has come under considerable international scrutiny for its failure to address the exploitation of migrant workers, including trafficking, bonded labour and other labour abuses.<sup>58/59/60</sup>

Thailand's shrimp exporters are highly sophisticated and are organised through the Thai Frozen Food Association (TFFA).<sup>61</sup> The TFFA represents the interests of more than 200 seafood processors and traders, including 70 per cent of the Thai shrimp industry, who are subject to regulatory controls on the health, safety and social aspects of production.<sup>62</sup> It is exclusively through membership of the TFFA that a company can gain access to lucrative international markets.<sup>63</sup>

**\$ 195 million**  
The value of Thai shrimp imported into the UK in 2011



Source: Agriculture and Agri-Food Canada (2012), *Inside the United Kingdom Seafood Trade*



*Shrimp is our most important export product and now accounts for just under half of all exports, whereas six years ago it made up 30 per cent.*



Panusuan Jamnarnwej, President, Thai Frozen Foods Association (TFFA)

Thailand's shrimp exports in 2011

392,616 tonnes



Thailand's export revenue from shrimp in 2011

\$  
3.5 bn  
(110,278,000,000 baht)



Thailand's contribution to global shrimp production

25%



Thailand's shrimp production in 2012

540,000 tonnes



Thai Shrimp Association (2012), 'Summary of Shrimp Farming Situation and Market Trend for 2012'

Source: TFFA (2012), 'The situation of Thai shrimps in 2012 and its trend in 2013'

# THE SHRIMP SUPPLY CHAIN



## SHRIMP FARMS

Thailand's shrimp farms are technologically advanced, using ultra-intensive systems, which produce much greater yields but require much higher levels of inputs, including antibiotics, feed and pesticides, than lower intensity systems.



## SHRIMP MARKET

The majority of Thailand's shrimp is traded in the vast Samut Sakhon seafood market, where it is sold on to pre-processing factories for the first stage of shrimp production.



## PRE-PROCESSING

Pre-processing facilities, or 'peeling sheds' remove the heads, veins and shell of the shrimp and prepare it for secondary or value-added processing in larger facilities. Pre-processing facilities are largely unregulated and allowed to operate outside of the scrutiny applied to the rest of the industry, making their primarily migrant workforce more vulnerable to exploitation and abuse.



## SECONDARY PROCESSING

Much larger, more sophisticated and better-regulated secondary processing factories add value to the peeled shrimp, for example, breading or packaging, before it is finally exported for sale to consumers around the world.



## EXPORT FOR SALE

Thailand is the world's largest shrimp exporter, primarily supplying US, European and Japanese markets. Thai shrimp can now be found on shelves and plates around the world.

## Pre-processing

Large operators and exporting factories often sub-contract the pre-processing of shrimp to smaller facilities, also known as ‘peeling sheds’. These facilities remove the heads, veins and hard shell of the shrimp and prepare it for secondary or value-added processing in larger facilities, before export to consumers around the world. EJF has identified the pre-processing stage of shrimp production as a particular area of concern due to the loose enforcement of existing regulations and, in some cases, a complete lack of oversight due to high numbers of unregistered facilities.

The term ‘peeling shed’ may be slightly misleading and can give the sense that these establishments are rudimentary and shack-like. However, EJF’s investigations found that peeling sheds vary considerably in size, technological capacity and permanence. Less permanent peeling sheds, which operate with a small number of workers and have a low output, generally supply the Thai domestic market. Peeling facilities supplying export companies are larger, more permanent and more technologically advanced. These factories often operate behind high walls with barbed wire, employing and housing hundreds of workers at a time.

Thai Frozen Foods Association (TFFA) members are ultimately held responsible for any problems with the hygiene or quality of their products and therefore scrutinise shrimp from pre-processing factories for quality and health issues. However, interviews conducted by Accenture revealed that labour practices and working conditions are rarely considered or investigated.<sup>64</sup>

Similar criticisms have been made against some of the most common independent certification schemes used by the industry.<sup>65</sup> The Best Aquaculture Practice (BAP) certification, developed by the Global Aquaculture Alliance (GAA), is one of the most widely used schemes in the industry and includes suppliers to some of the world’s largest food companies, such as Walmart, Darden, Morrisons, Aldi and Tesco.<sup>66</sup> While the standards provide specific guidance on health and safety issues, they largely rely on national laws to address labour issues specific to the industry. According to the *Exploitative Labor Practices in the Global Shrimp Industry* report prepared by Accenture for Humanity United, “these certification schemes were generally designed to ensure product quality, not fair labor practices.”<sup>67</sup>

The fact that registration with the TFFA and certification under BAP standards do not guarantee fair labour practices has been highlighted in the past.<sup>68</sup> Research carried out by the International Labor Rights Forum (ILRF) and Warehouse Workers United (WWU) uncovered evidence of serious labour abuses – including underage workers, wage violations and falsified documents – at a factory supplying Thai shrimp to Walmart.<sup>69</sup> Despite such violations being prohibited under BAP standards, Narong Seafood in Samut Sakhon is certified until November 2013 and registered with the TFFA, as well as being certified to export products to the EU.<sup>70/71/72</sup>

Number of peeling sheds registered with the TFFA



Source: Accenture (2013), *Exploitative Labor Practices in the Global Shrimp Industry*

Conservative estimate of the number of unregistered peeling sheds in the Thai shrimp industry

400\*

\* Other estimates suggest there are around 2,000 unregistered premises.



## Unregistered Pre-processing Facilities

There are approximately 200 peeling sheds registered with Thailand's Department of Fisheries (DOF), and which are in theory subject to Thai regulations. Less than 100 of these are also registered with the TFFA, a prerequisite for supplying other TFFA members and accessing international markets.<sup>73</sup> However, conservative estimates put the number of unregistered peeling sheds in operation at approximately 400; Mahachai-based NGO the Labour Rights Promotion Network (LPN) puts this figure closer to 2,000.<sup>74</sup>

Unregistered pre-processing facilities are not subject to any regulatory control by the Department of Fisheries or Department of Labour (DOL) and business details including location, ownership and key information such as turnover, employment records and production-related data are unknown or undisclosed.<sup>75</sup> Unregistered pre-processing facilities are also not subject to many regulations, including Hazard Analysis and Critical Control Points (HACCP) audits; a system designed to address physical, chemical and biological hazards in the food production process.<sup>76</sup>

The lack of registration and regulation leaves those employed in the sector particularly vulnerable to labour and human rights violations. A recent report from the ILO estimates that approximately 10,000 migrant children aged 13-15 work in the pre-processing facilities of Samut Sakhon.<sup>77</sup> A 2011 study of migrant workers in Samut Sakhon by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) found that 80 per cent of migrant workers surveyed had

not been given a contract, nearly one-third said they experienced having their pay or wages reduced or withheld as a penalty or threat and more than 50 per cent said they had been verbally abused by their employer.<sup>78</sup> The same study concluded that 57 per cent of Burmese migrant workers in the seafood industry in Samut Sakhon experienced conditions of forced labour, while over 33 per cent were trafficked to work under such conditions.<sup>79</sup>

“

*Mahachai is the place where workers' rights and human rights are violated the most in Thailand.*

”

A Burmese human rights activist<sup>80</sup>



Migrants wait in Myawaddy, Myanmar, to board an informal ferry to Mae Sot, Thailand. Many of the migrants interviewed by EJF followed this same route. © EJF

# Labour Abuse and Human Trafficking in Pre-processing Factories

Since the early 1990s, Thailand's increasing prosperity and low unemployment rate have led many Thai citizens to turn away from physically demanding, often low-paid work in the country's burgeoning fisheries industry, creating an acute shortage of labour.<sup>81/82</sup> Thailand's rapid development in comparison to its neighbours, particularly Myanmar and Cambodia, has created plentiful supplies of cheap workers willing to fill 'undesirable' jobs. Together, these structural forces have distorted the Thai labour market and created a reliance on cheap migrant labour, which now makes up between five and 10 per cent of the entire workforce and as much as 90 per cent in the seafood industry.<sup>83/84</sup>

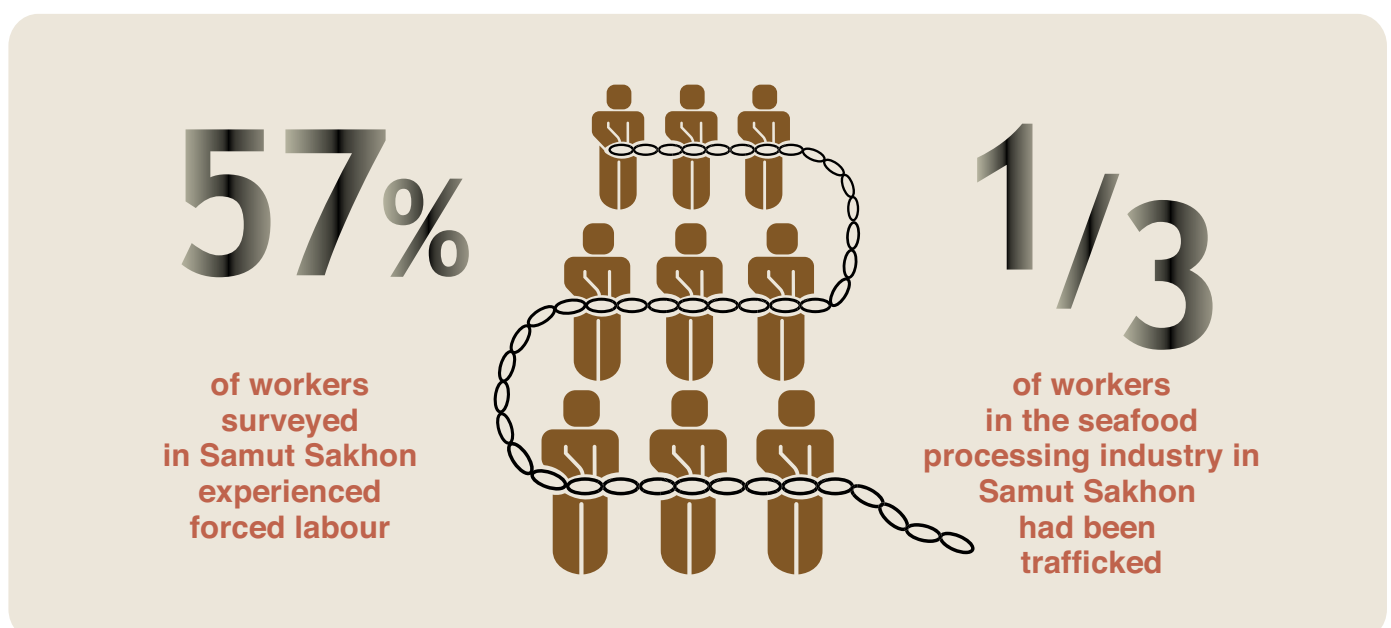
Thailand's often complicated and expensive work permit system has led many facilities to use brokers and agents for the recruitment and management of migrant workers, while migrants often employ brokers to help them enter and find a job in Thailand; as a result, smuggling networks have flourished.<sup>85/86</sup> Many migrants ultimately become involved in the seafood processing industry, which is characterised by informal recruiting processes involving subcontractors and brokers, as well as a lack of transparency regarding wages and conditions of work.<sup>87</sup> This leaves many migrant workers without protection and therefore open to abuse and exploitation.

Pre-processing facilities supplying shrimp to much larger exporting companies are a particular concern. This largely unregulated stage in the shrimp production process is allowed to operate outside of the scrutiny applied to the rest of the industry.<sup>88</sup> The exploitation of Burmese migrant workers in the seafood processing industry of Samut Sakhon and neighbouring provinces often takes the form of debt bondage, forced labour and abuse without accountability.<sup>89</sup>

“  
[There is an] inability to control labour brokers and subcontractors resulting in insufficient protection for migrant workers. Those who come to Thailand without official permits, often experience labour abuses in factories or places that do not care about work permits... Lack of work permit ownership causes the illegal workers to have less power, thus subjecting them to abuses or labour violation. Sometimes, it can lead to human trafficking.”

Sompong Srakaew (LPN)<sup>90</sup>

Source: UNIAP (2012), *Estimating Labor Trafficking: A study of Burmese migrant workers in Samut Sakhon, Thailand*





## **A Widespread Problem**

The abuses documented through EJF's investigations represent a small sample of a much larger problem. Human trafficking, forced labour and debt bondage have become major challenges for the Thai Government, particularly in the economically important seafood sector. The US Department of State's Ambassador-at-Large to Monitor and Combat Trafficking in Persons, Luis CdeBaca, recently echoed this concern in an interview with America's National Public Radio, stating that all consumers should be asking whether the shrimp on their plates has contributed to modern-day slavery.<sup>91</sup>

According to the TFFA the Thai shrimp industry has seen significant reductions in shrimp exports during the latter part of 2012, which it blames in part on Thailand's placement on the Tier 2 Watchlist.<sup>92</sup> In September 2012, the US Government also issued a range of boycott measures, beginning with a ban on all Federal agencies purchasing shrimp from Thailand, which the TFFA says accounts for an eight per cent decrease in exports during the final quarter of 2012.<sup>93</sup>

A number of recent stories, including reports of human trafficking, labour abuse and collusion by Thai authorities have, further exposed the scale of the problem. According to Saw Yan Naing, a journalist with the Burmese publication *The Irrawaddy*, recent public campaigns have done little to stem the flow of migrants, many of whom employ brokers to enter and find work in Thailand, from seeking better livelihoods in the country.<sup>94</sup>

A recent report published by the International Labor Rights Forum (ILRF) and Warehouse Workers United (WWU) uncovered evidence of exploitation at a factory supplying Thai shrimp to Walmart, including underage workers, wage violations and falsified documents.<sup>95</sup> In another recent case, approximately 500 Burmese migrant workers went on strike at a factory in Rayong belonging to Charoen Pokphand (CP), Thailand's largest food manufacturer, which also exports shrimp to some of the UK's largest retailers. The workers were protesting against exploitative conditions, including expensive and hidden agents' fees and having their passports confiscated.<sup>96</sup>

Trafficking, abuse and corruption are issues that exist beyond the shrimp industry in Thailand.<sup>97/98</sup> In June 2013, Australia's ABC News network identified a group of Rohingya Muslims who were allegedly intercepted by the Thai Navy while fleeing to Thailand to escape religious violence in Myanmar. Rather than being rescued, the group were beaten and sold to traffickers. One man told of how the boat they were travelling in had its engines removed before being towed out to sea and abandoned by the Thai Navy; the boat then drifted to Sri Lanka, with the journey claiming 96 lives.<sup>99</sup> Despite multiple reports of similar abuses, no prosecutions of Thai officials have been made to date. One Thai official, thought to have been the first to be charged with involvement in trafficking, has simply been dismissed from his post as a senior officer in the Royal Thai Police.<sup>100</sup>

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“

*This year's [2013 TIP] report looks at things like the fishing industry — and actually raises a question that I think all of us should be asking, which is: How much of my life is impacting modern-day slavery? Do I know where the shrimp is being caught or processed that is on my plate?*

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”

Luis CdeBaca,  
US Department of State Ambassador-at-Large  
to Monitor and Combat Trafficking in Persons

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“

*Despite recent anti-human trafficking campaigns in Burma, hundreds of thousands of migrant workers continue to enter Thailand — often with the help of people's [sic] smugglers — in search of a better livelihood. These attempts have produced few results however, and most Burmese workers say that they are still forced to rely on underground channels and bribe-paying to gain entry and employment in Thailand.*

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Saw Yan Naing, journalist, *The Irrawaddy*

## Corruption and Abuse by Thai Officials

Corruption in Thailand is a well-established problem and is strongly linked to human trafficking. For example, the US Department of State's 2012 Trafficking in Persons (TIP) report described the problem of corruption in Thailand as "creating an enabling environment for human trafficking to prosper."<sup>101</sup> The 2013 report asserts that "corruption remained widespread among Thai law enforcement personnel."<sup>102</sup> Thailand is now ranked 88 out of 176 countries, on Transparency International's Corruption Perceptions Index, alongside Benin, Zambia and Malawi, which is based on a system that scores countries according to how corrupt their public sectors are believed/perceived to be.<sup>103/104</sup>

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*Corruption remained widespread among Thai law enforcement personnel, creating an enabling environment for human trafficking to prosper. Allegations of trafficking-related corruption persisted during the year, including cases of sex trafficking and forced labor of migrants.*

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US Department of State, Trafficking in Persons report (2013)

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*They travel in many cars together in a convoy. There is a kind of flag and if police see that marking then they don't stop them.*

”

Current peeling shed worker, unnamed to protect their security

The UN Office of the High Commissioner for Human Rights (OHCHR) has also highlighted a range of issues relating to corruption, discrimination, harassment, collusion and a failure to report child and forced labour. According to the OHCHR, there is concern amongst police and other officials "over the repercussions that exposing trafficking in Thailand's fishing and seafood industry would have on export markets to Europe and the US."<sup>105</sup>

Over the course of two investigations, EJF received multiple credible reports from migrants who had experienced police corruption, harassment and extortion – experiences which are widespread throughout migrant communities in Thailand.<sup>106/107</sup> A current peeling shed worker, who claimed to have been involved with trafficking on the Myanmar side, spoke of how cars used to smuggle migrant workers employed signals, such as flags, to ensure they are not stopped by police whom they have bribed. When his work permit expired he was arrested, spending the night in a police cell before being made to pay 3,000 (\$96) baht for his release.<sup>108</sup>

Two female peeling shed workers spoke of being harassed and extorted by the local police in Mahachai. According to the women, local police stopped and searched migrant workers under the pretense that chewing betel nut – a mild and legal stimulant popular in South East Asia – was illegal, demanding a bribe for their release. The OHCHR also reports that "police and other officials are known to sexually molest or violate migrant women by conducting excessive body searches that include groping, demands to disrobe and even unnecessary and invasive cavity checks."<sup>109</sup>

According to one Bangkok-based migrant rights activist from Myanmar who wishes to remain anonymous, local officials informed the owner of the Suphan factory – a captain in the Royal Thai Police – about an impending raid. Following an investigation carried out with Thailand's Anti Human Trafficking Division (AHTD), a date was set for a raid of the factory. However, shortly before the raid was due to happen, between 200 and 300 undocumented migrant workers, including children, were sent back to Myanmar; a fact corroborated by interviews carried out by EJF with current and former workers at the factory. Similar concerns regarding corruption and information leaks have been raised by the Labour Rights Promotion Network (LPN), which stresses the importance of knowing which authorities and individuals to trust when planning action against abusive workplaces in Thailand.<sup>110</sup> LPN cites the case of an abusive employer who was tipped off the day before a planned raid, leading him to hide 800 workers, including many children, prior to the raid.<sup>111</sup>

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# EJF Investigations

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During investigations carried out in October 2012 and March 2013, EJF documented evidence of human trafficking as well as serious labour and human rights violations, including child labour, in pre-processing facilities. EJF recorded first-hand accounts of Burmese shrimp workers who had been trafficked, physically abused, intimidated and forced to work excessive hours in sub-standard conditions. Corruption and discrimination further exacerbated the vulnerability of migrant workers and the reluctance of the Thai seafood industry to address these issues.

EJF interviewed five former workers at a pre-processing factory owned by a Captain in the Royal Thai Police. All of the workers interviewed had been trafficked into debt bondage – or bonded labour – and reported having their identification documents confiscated, their movements restricted and having to work excessive hours. One of the interviewees was 10 years old at the time he worked in the factory.

Over the course of two investigations, EJF interviewed a further 12 current and former migrant peeling shed workers, all of whom had come from Myanmar. Experiences differed widely depending on the conditions in the factories as well as the workers' legal status. However, 11 out of the 12 interviewees reported entering Thailand illegally with the help of a broker and having their passports taken by their employers. One group, a family of three, reported being physically abused and having their pay withheld, before being rescued by a local labour rights activist.





## THE SUPHAN CASE

In October 2012, the **Environmental Justice Foundation (EJF)** investigated information received about the employment of trafficked and child workers at the ‘Suphan’ pre-processing factory in Samut Sakhon, Thailand.

It was indicated that Burmese traffickers resident at the Suphan factory were responsible for ensuring a supply of undocumented workers, who were prevented from leaving the premises and subjected to conditions in violation of the Thai Labour Protection Act, including excessive working hours and remuneration lower than the minimum wage.

According to information obtained during EJF’s investigations, there were several hundred undocumented workers in the factory up until late September 2012.

The Suphan factory had reportedly been due to be raided by the Thai Anti-Human Trafficking Division (AHTD) in September 2012, but a tip-off alerted the owner of the factory, Mr. Suphan, leading him to move the undocumented and child workers out of the factory. As well as owning the primary processing factory, Mr. Suphan is also a Captain in the Royal Thai Police.



## INSIDE THE SUPHAN FACTORY

Following interviews with former Suphan staff, EJF secured a visit to the Suphan factory. The visit commenced with a meeting with Mr. Suphan, where he provided background information on the factory. The Suphan factory processes 3,600 metric tonnes of shrimp per year, which includes de-heading, shelling and de-veining.

Mr. Suphan said there were currently 118 people working at the factory, and that they were mostly from Myanmar; however between 200 and 300 undocumented workers had been sent back to Myanmar from the factory in September 2012. He stated that vehicles used to transport the migrant workers to the border had been provided by Thai immigration authorities.

Following the initial meeting, EJF staff observed workers peeling shrimp as well as the accommodation used by migrant workers. It was observed that the processing factory was an estimated one-quarter full. A board with discs numbered for each worker where they recorded the quantity of shrimp peeled had discs from 1-540, indicating that the normal number of workers may be far higher than observed on the day of the visit.

After the tour, EJF had a further meeting with Mr. Suphan. During the meeting, EJF clarified the disparity in the number of people previously working at the factory with the number of workers present on the day of the EJF visit. Mr. Suphan confirmed that prior to 22 September 2012, there were between 200 and 300 undocumented workers at the factory. Mr. Suphan said that, if Thai authorities had raided them, the factory would have been subject to a 5,000 baht (£100) fine for undocumented workers. The current status and whereabouts of the returned workers is unknown.

# THE ROUTE TO SUPHAN

1

“I felt very tired of struggling, so I decided to go to Myawaddy. Initially, I just wanted to go to Myawaddy. I thought I would work in any job I found in there. I arrived there at noon by car. When I arrived at the guesthouse, I heard some noise of people chatting. **I did not know what was happening**, but I was curious. Later, some people staying in this guesthouse told me that if I want to work in Thailand, **I only have to pay 2,000 baht now and I can pay the rest when working in Thailand.** Then I told them that I am quite old already and asked if they would accept me. They told me that they would ask about that when the broker arrives.”

2

“We had to walk 9 nights and 8 days [through the forest]. To say how I was feeling is that I had never encountered such experience. **I faced hunger and many troubles and saw the sexual abuse of girls** with my own eyes. When we walked by “robbers’ mountain” we kept our heads down, but **robbers with masks came down to us. They held guns in their hands and surrounded us.** They pointed at us with their guns and commanded us to take out our property. **They took our property** and asked the navigators to offer girls to them. The navigators replied, “*please don’t do that, all the women have husbands.*” The robbers did not accept that and dragged the girls by force from the men they were holding hands with. We witnessed all the events. **They raped girls in the bush one after another.**”

3

“I think there were at least 30 or 40 people [in the vehicle], as there were 5 people in each stack. We were carried by those kinds of car from Kamphaeng Phet. It was a pick-up car which had an open space at the back. We had been very sweaty as **we were squeezed into a compact space since the morning.** Some people vomited in the car as we did not eat anything, which is worse than sweatiness. Some were feeling dizzy while others already looked weak. I pushed myself with my strength to be ok. **Finally, we couldn’t stand it anymore** and told the driver. We knocked on the window which divided the driver and us. We showed him with body language that we needed water. The driver put his finger on his lip and spoke in Thai. **His posture was saying “be silent.”**”





4

“ There were six people including me being sent to the Suphan Factory. The driver dropped the rest of the people at different points. When we arrived at the compound, they asked us if we had phones.

**We did not want to give up our phones, so the broker came to us and grasped my phone by force and threw it to the ground.**

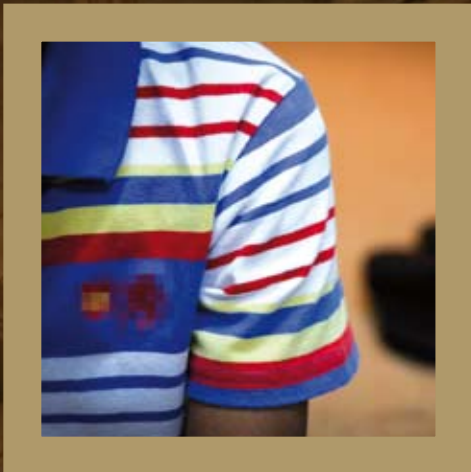
**If someone did not come to work they were scolded or beaten.**

The brokers scolded using abusive words to those who didn't work fast enough. **If someone couldn't stand it anymore and tried to escape, if caught, they were beaten inhumanely** and sometimes sent to work on fishing boats. Our salary was given directly to the broker.

**We did not get any money from Suphan factory.”**

# WORKER TESTIMONIES

## Aung Aye, 11 years old



“I am eleven years old. I had to peel the shrimp shells and extract excrement. I turned around the shrimps when I peeled shells by hands, in the factory. **There were about 8 or 9 children in the factory.**”

“I had to wake up early every morning. I could eat rice at 12pm. When we heard the siren, we had to return to work. **We finished work around 8pm, then we went home.**”

“**It is a very hard job.** It is very hard as I have never worked this job before, and since I am not tall enough I had to stand on a basket when working.”

“**I was extremely happy when we escaped from the factory,** and I hope that I will never be in such trouble again. I think peeling shrimp is the most difficult task I have ever done.”

“I think [people in the West] eat shrimp because they don’t know how it is produced at the factory. **If they knew, they wouldn’t eat it.**”

## Cho Myint & Ma Than



“When I came here, I came with a broker. **The employer bought each worker for 5,000 baht.**”

“**The employer keeps our passports.** We never get to hold any documents. They don’t allow us to hold it but a copy is given. They deduct the ID work permit card fee first. The original is not given because they are afraid of our escape.”

“**We have lived here for 2 years and my debt is 12,000 baht.** There are some workers who ran away. There are some who are caught and they are not brought back to the factory. Some brokers do bring workers back into the factory, **but the others are being sold.**”



## Wai Aung



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**“We came here through Myawaddy.** From there we had to make connection with brokers and they brought us here. We left Mae Sot at night and walked for the whole night. **We had to walk day and night crossing the mountains. It took 6-7 days to get to Kamphaeng Phet,** where we got into cars. There were many people, maybe around 91 persons.”

“They told us 12,000 baht to get here. I had to start paying it back when I got a job here. **I only earned 5,500 baht when I arrived here, but I had no choice.** They deducted 1,500 baht for food. After that **I didn’t have much money left and that’s why it took some time to pay back.**”

“If we started work on the night shift at 4pm, we worked until 6-7am. As for the day shift, we have to wake up at 3am and start work at 4am. **If there are lots of shrimps, I have to work till 7-8pm.**”

**“Those who have debt bondage are not allowed to leave. Security is at the gate who stop them.**

Workers without debts are allowed to go out. They also keep an eye on them from a distance. The security booth is run by the brokers themselves. They check who is new or old as well as those with debts and those without.”

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## Conclusion

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Global demand for cheap shrimp is fuelling the exploitative Thai shrimp sector, which has grown rapidly and is capable of delivering standardised, high-volume orders to markets around the world. However, inadequate regulation by Thai authorities, unscrupulous brokers, corrupt officials and a lack of supply chain transparency have allowed uncontrolled and abusive pre-processing facilities to operate behind a veil of secrecy and beyond scrutiny.

The status of migrant workers in Thailand remains precarious. The immigration system is complicated, costly and poorly communicated. This has increased the susceptibility of migrants to trafficking, exploitation and abuse. Mistrust of corrupt Government officials has added to the vulnerability and misery of many thousands of trafficking victims.

Trafficking remains common and insufficient progress has been made by both authorities and the seafood industry to properly regulate Thailand's pre-processing facilities. In an industry that has become so heavily dependent upon cheap, migrant labour, there is a need for concerted and sustained efforts by all stakeholders to regulate the sector and lend protection to the people who drive the industry forward with their effort.

Exploitative labour practices and abuse have become an integral part of the Thai shrimp industry's business model. The continued failure by both Government and industry to act could have severe consequences for the sector and the wider Thai economy. Concerns voiced by consumers, traders and retailers in key importing nations can lead to voluntary market restrictions, as buyers will move away from the Thai producers until such time that abuses are proven to have been eradicated.

Effective implementation of certification schemes and other guidelines across all pre-processing facilities will require significant improvements in oversight and enforcement by Thai authorities as well as within the industry itself and by global buyers and retailers.

Far greater transparency and traceability are needed throughout the Thai shrimp industry. This will require urgent commitments from governments and industry to apply the necessary pressure for immediate and effective action to combat slavery, forced and bonded labour.





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# Recommendations

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## The Thai Government must:

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- **Demonstrate the political will to fully develop and implement an urgent action plan to combat trafficking.**
- **Ratify and implement the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000)**, as well as implementing the provisions of its own Anti-Trafficking in Persons Act (2008). Thailand should urgently build the capacity of the police, navy, immigration officials, prosecutors and labour inspectors to deal effectively with trafficking cases and ensure that those responsible for human trafficking are held to account. In particular, Thailand must ensure that those who employ trafficked workers and public officials who facilitate human trafficking are investigated and prosecuted.
- **Ensure that all pre-processing facilities are registered and effectively regulated.** The Government should work closely with migrant workers groups and other stakeholders to ensure that labour violations and human trafficking are swiftly identified and prosecuted. The Government should work with the ILO and other organisations to ensure that the locations of pre-processing facilities are mapped.
- **Fully implement the 2010 OHCHR 'Recommended Principles and Guidelines on Human Rights and Human Trafficking'** and ensure that trafficking victims are adequately protected (also in accordance with Article 6 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons). As stated in the principles, trafficking is a violation of human rights, and human rights principles must guide the behaviour of all those involved in trafficking cases.
- **Establish a comprehensive national migration policy which expands efforts to maximise the accessibility and efficiency of the National Verification and regularisation processes for undocumented migrants.** The Thai Government should simplify and enforce procedures for the sourcing of migrant workers based on existing Memoranda of Understanding with neighbouring countries.

## The international community should:

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- Actively consider trade embargoes on Thai shrimp in the absence of conclusive, independent evidence that action is being taken to combat human trafficking, forced and bonded labour in the industry as a whole.
- The US Department of State, in consultation with local NGOs and migrant workers groups, should continue to work closely with Thailand to address deficiencies highlighted in the 2013 TIP report, as well as closely monitoring its progress in implementing the written plan submitted to the US Department of State in 2013.
- The European Commission should work with the Thai Government to address human trafficking in the fisheries sector, in line with the Action-Oriented Paper on strengthening the EU external dimension of action against trafficking in human beings: 'Towards Global EU Action Against Trafficking in Human Beings.'
- The European Commission, European Parliament and Member States should ensure that concerns over human trafficking are specifically raised in the context of trade negotiations between the EU and Thailand.

## The Thai shrimp industry must:

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- Ensure that all pre-processing facilities are registered with relevant Government agencies, the TFFA, and operate in compliance with all relevant labour laws. The Thai shrimp industry should institute a rigorous Code of Practice. All non-compliant pre-processing facilities should be blacklisted.
- Require employers to bear the financial responsibility of worker recruitment, thus removing the burden of such costs from workers, and decreasing the possibility of debt bondage. Workers should be made aware of their legal rights at all stages of the recruitment process, and within the workplace.
- Provide access to third party monitoring of working conditions and recruitment processes, ensuring that workers have the ability to report labour violations and human rights abuses anonymously to responsive and accountable agencies.

## **Retailers & buyers of Thai shrimp should:**

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- Require 100 per cent traceability of Thai shrimp and rigorous third-party monitoring of pre-processing facilities in their supply chains. Buyers of Thai shrimp should commit to conclusively demonstrate that their supply chains are free from trafficking in persons and labour violations.
- Highlight their concerns regarding human trafficking, labour violations and the lack of monitoring of pre-processing facilities with the Thai Government, as well as the Thai companies involved in their supply chains.
- Provide clear and robust information to consumers on the origin of fisheries products, and the actions that they have taken to guarantee that they are not connected to human rights abuses, labour violations or environmental damage.

## **Consumers should:**

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- Demand retailers commit to ensuring all seafood products are produced sustainably and without trafficked, forced or bonded labour.
- Avoid all purchases of Thai shrimp until retailers are able to provide firm confirmation that it was produced without human rights abuses, specifically including trafficked, forced or bonded labour.

Thai shrimp is found in shops and on plates around the world © EJF



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**“I think [people in the West] eat shrimp because they don’t know how it is produced at the factory. If they knew, they wouldn’t eat it.”**

Aung Aye, shrimp peeler, 11 years old



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Protecting People and Planet