

# SOLD TO THE SEA

Human Trafficking in Thailand's Fishing Industry



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

EJF  
1 Amwell Street  
London, EC1R 1UL  
United Kingdom  
[www.ejfoundation.org](http://www.ejfoundation.org)

Comments on the report, requests for further copies or specific queries about EJF should be directed to [info@ejfoundation.org](mailto:info@ejfoundation.org)

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EJF’s Oceans Campaign aims to eradicate Illegal, Unreported and Unregulated (IUU) or ‘pirate’ fishing.

We are working to create full transparency and traceability within seafood supply chains and markets.

We actively promote improvements to policy-making, corporate governance and management of fisheries along with consumer activism and market driven solutions.

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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Anti-human trafficking posters outside the Thai Police station next to the immigration checkpoint in Mae Sot, Thailand ©EJF



# EXECUTIVE SUMMARY

- Human trafficking is a global problem. It is estimated that as many as 27 million men, women and children are currently victims of human trafficking around the world.<sup>1</sup>
- Thailand is the 32nd largest economy in the world, with a GDP of \$377 billion and a growth rate of 5.5 per cent in 2012.<sup>2/3</sup> It also has one of the lowest unemployment rates globally, at 0.5 per cent in December 2012.<sup>4</sup>
- Thailand's economy is heavily reliant on labour-intensive industries. However, growing economic prosperity since the late 1980s has seen a decline in the available Thai workforce needed to meet the labour demand.<sup>5</sup> In 2009, Thailand's Ministry of Labour estimated that an additional 116,000 workers would be needed to address the labour-market imbalance.<sup>6</sup> In parallel, the relative lack of economic opportunity in Thailand's neighbouring countries has made it a destination for migrants seeking employment.<sup>7</sup>
- Restrictive employment law and a cumbersome, confusing and expensive immigration process – particularly with regard to low-skilled labour – has caused smuggling networks to flourish. Porous borders, inadequate victim identification and indirect support from some officials further exacerbate the problem.<sup>8</sup>
- Thailand's seafood industry employs more than 650,000 people with exports totaling \$7.3 billion in 2011.<sup>9</sup> This includes the seafood processing sector, aquaculture and marine fisheries.
- As a result of long hours, low and unpredictable pay, physically demanding work and long periods at sea, the Thai fishing industry is suffering an acute labour shortage, with a shortfall of labour for over 10,000 jobs in 2011.<sup>10</sup> This labour shortage is fuelling human trafficking to supply cheap labour for work on Thai fishing boats.<sup>11</sup>
- Multiple reports over the past five years have documented abuses of trafficked boat workers in Thailand, including bonded labour, excessive working hours, little or no pay, threats of violence, physical abuse and murder.<sup>12/13</sup> A 2009 survey by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) found that 59 per cent of interviewed migrants trafficked aboard Thai fishing boats reported witnessing the murder of a fellow worker.<sup>14</sup>
- In March 2013 EIJ carried out an investigation into human trafficking on Thai fishing boats, including the case of 14 Myanmar men rescued from a port in the Southern city of Kantang. Two days later, another human trafficking victim was rescued from a fishing boat at sea and brought to shore to join the group at the police station. EIJ interviewed six members of the group, all of whom had been trafficked and forced to work for up to 20 hours per day with little or no pay. The men were subject to bonded labour, forced detention, physical abuse and threats of violence on the boats and in port. All had been at sea for at least five months and spoke of beatings by senior crew. Two of the interviewees reported seeing a fellow crewmember tortured and executed for trying to escape as well as witnessing the murder of at least five other individuals. Another former boat worker interviewed on a separate occasion in March 2013 witnessed multiple murders and the victims' bodies being thrown into the sea.

**59%**  
of workers  
surveyed had  
witnessed  
murder

**650,000**  
people employed  
in Thailand's  
seafood industry  
**\$7.3 BILLION**  
worth of exports in 2011

An officer from Thailand's Department of Special Investigation (DSI) speaks with trafficking victims rescued from the port in Kantang, Southern Thailand © EIJ



- EIJ documented the unwillingness of Thai authorities to pursue those involved in trafficking as well as the lack of protection afforded to the rescued victims. EIJ witnessed the owner of the boat the trafficked victims were rescued from – who is under investigation for his role in the case – being allowed to speak with the rescued victims. Since completing the investigation, EIJ has learned of two occasions when the victims were visited by individuals recognised as being connected to the broker; including the broker's wife, who was allegedly provided by the police as a translator.
- Evidence gathered reveals the involvement of the Thai police in profiting from the exploitation of the trafficked victims. The rescued men reported being regularly forced by the broker responsible for their trafficking to work on a rubber plantation belonging to a senior official in the local police while they were in port. They also reported being forced by their broker to paint the cells of a local police station.
- The court process is ongoing. At the time of writing, the victims were being held at a government centre in Ranong, Southern Thailand. The likelihood of the process taking a year or more, the men's inability to work, a lack of legal representation and an apparently compromised judicial system are all adding to questions over the prospect of successful convictions of those involved in their trafficking.
- As a result of its failure to address human trafficking, Thailand has been on the Tier 2 Watchlist of the US State Department's Trafficking in Persons (TIP) report for three years, narrowly avoiding a mandatory downgrade to Tier 3 following the submission of a written plan to address the issues by the Thai Government in 2012.<sup>15</sup> Many fear such a downgrade would have a significant impact on Thailand's export driven economy, with the US representing the country's second largest export market.<sup>16/17/18/19</sup>
- On 1 March 2013, Thailand's Minister of Foreign Affairs submitted a progress report on their efforts to tackle human trafficking ahead of the 2013 Trafficking in Persons report, and expressed his confidence that the United States would favourably consider upgrading Thailand's status.<sup>20</sup>
- EIJ's evidence, including the ongoing Kantang case, raises serious questions about Thailand's progress in combating and preventing human trafficking and makes the case for Thailand to remain on the Tier 2 Watchlist, until such time that a detailed action plan to combat trafficking and labour rights violations is developed and fully implemented by the Thai Government.
- EIJ believes there is sufficient evidence of failure by the Thai Government to stop trafficking in humans to warrant serious consideration by US State Department of listing on Tier 3 of the TIP report.





**EJF's investigation raises serious questions over Thailand's efforts to tackle human trafficking, including insufficient identification of cases, inadequate protection for victims, a compromised judicial system and official complicity with both trafficking and its perpetrators.**





The sleeping quarters on a Thai fishing vessel moored in the Southern Port of Kantang, where trafficked Burmese migrants stay while at sea for months at a time © EJF

## DEFINITION of ‘trafficking in persons’<sup>21</sup>

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons defines ‘trafficking in persons’ as *“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*

## DEFINITION of ‘practices similar to slavery’<sup>22</sup>

‘Practices similar to slavery’ encompasses a variety of definitions; however, of particular relevance in the context of trafficking, is debt bondage. Debt bondage is the employment of a person’s labour in the repayment of a debt. However, this debt and the duration of time required to repay it are often undefined. Article 1 (a) of the Supplementary Convention on Slavery defines ‘debt bondage’ as:

*“The status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”*

## DEFINITION of ‘forced labour’<sup>23</sup>

Article 2 of the Convention Concerning Forced and Compulsory Labour, 1930 defines ‘forced labour’ as *“all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”*

# INTRODUCTION

Slavery is with us today, with tens of thousands of people made victims every year - commonly the poorest and most vulnerable individuals. Nowhere is this more true than in particular sections of the global fishing industry, and arguably most prevalently in Thailand. Many of us are supporting the perpetrators of slavery, trafficking in persons, forced and bonded labour ourselves - most often unwittingly - through our food purchasing decisions. Seafood we consume today is being caught or processed by these modern-day slaves.

Thai fishing vessels plying the waters of the Asia Pacific region are almost exclusively crewed by migrants - an estimated 200,000 - from Thailand’s neighbouring countries, many of whom have been trafficked and forced to work in appalling conditions, with no pay and subjected to brutal subjugation. Violence, forced detention and even murder are commonplace, while those perpetrating these crimes all too often go unpunished.<sup>24/25</sup>

During March 2013 an EJF investigation uncovered evidence of human trafficking, exploitation and human rights abuses in the Thai fishing industry. EJF carried out interviews with seven former fishing boat workers who had been trafficked from Myanmar, including six human trafficking victims rescued by the local police in the Southern port of Kantang on 10 March 2013. All six interviewees had been trafficked and forced to endure excessive working hours of up to 20 hours per day, bonded labour, forced detention, little or no pay, physical abuse and threats of violence on the boats and in port. All had been at sea for at least five months and spoke of being badly beaten by senior crew. Two reported witnessing the torture and murder of a fellow crewmember and the murder of at least five other individuals. One former boat worker interviewed separately in March 2013 witnessed three murders and the victims’ bodies being thrown into the sea.

“

*We tried to flee, but the agent caught us and we were beaten. My friend lost consciousness. Because I covered myself, I did not get hit in the face. But my friend was hit badly.*

”

Than Shwe, 18, former Myanmar fishing crewman in Thailand

**trafficked, appalling working conditions, slavery, bonded labour, no pay, forced detention, abuse, violence, murder**



A boat worker secures a Thai fishing vessel to its moorings at a port in Khura Buri, Southern Thailand © EJF



EJF received multiple reports of collusion by local police and documented the boat owner – who is under police investigation for his role in the case – openly conversing with the victims on 16 March 2013, just six days after they were rescued. He also brought them cigarettes and soft drinks and supplied them with food. Following EJF’s departure, the victims remained at the police station, where EJF has learned they were visited on two occasions by individuals related to, or representing, the broker responsible for their trafficking; including the broker’s wife, who was provided by the police as a translator. Such interference and lack of protection for victims is not only in breach of Article 6 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, it also serves to undermine the confidence in the legal system and its representatives necessary for successful prosecutions.<sup>26</sup>

Further testimony by the men rescued from Kantang suggests that the authorities tasked with upholding the law and protecting the victims were not only complicit in their exploitation, but also profited from it. EJF has discovered that, while the men were in port, they were forced by the broker who trafficked them to Thailand to work on the rubber plantation of a senior official in the Kantang police, without pay. The last time this happened was on 6 March 2013, just four days before they were rescued. They also reported being forced by the broker to paint the cells at a local police station

Thailand is the sixth largest economy in Asia and by far the largest in the region.<sup>27</sup> It also has one of the lowest unemployment rates globally, at just under 0.5% in December 2012, leaving it heavily reliant on foreign migrant labour.<sup>28</sup> These job opportunities draw many people to Thailand due to the poor economic conditions in their own countries. Migrant workers make up as much as 10% of Thailand’s workforce, the vast majority of whom come from neighbouring Myanmar.<sup>29/30</sup>

“  
*It is a very obvious fact that the agent and police are linked. Ko Myo [the broker] had ordered us to work on a rubber tree farm owned by a police officer. We had to clear undergrowth and bushes.*  
”

Khin Zaw Win, 46, former Myanmar fishing crewman in Thailand

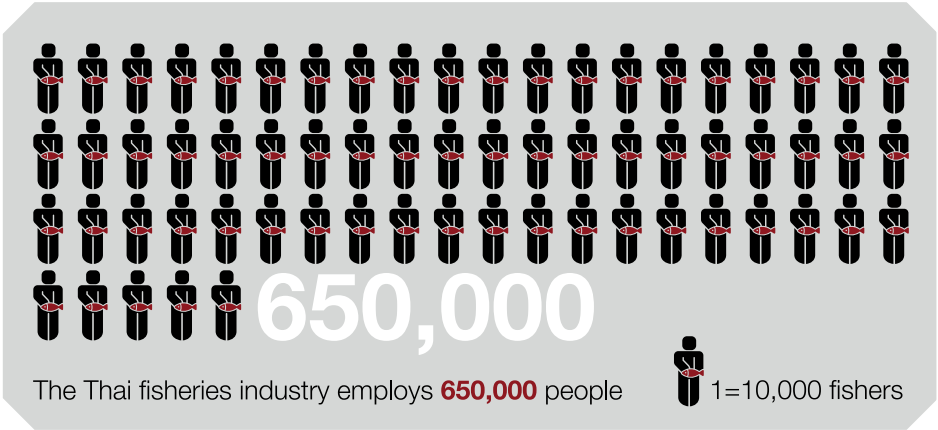
Thailand’s labour shortage is perhaps most apparent in the fisheries industry, a sector that includes fishing, aquaculture, processing and other related activities, employing in excess of 650,000 people and generating an export value of approximately \$7.3 billion in 2011.<sup>31</sup> As the world’s third largest seafood exporter by value, products that have been caught or processed in Thailand can be found on shelves and plates around the world.<sup>32</sup>

Reflecting wide international concern, this report focuses on labour and human rights abuses against those working on Thai fishing boats. Long hours, low and unpredictable pay, physically demanding work and long periods at sea have caused the vast majority of Thai workers to move out of the industry, leaving it almost entirely dependent upon migrant labour.<sup>33</sup> It has been estimated that there are around 200,000 migrants working on fishing vessels operating from Thailand.<sup>34</sup>

The nature of the industry – which involves long periods spent at sea and short stays at port – makes it difficult to regulate, allowing labour and human rights abuses to take place unchecked. Research published by the International Organization for Migration (IOM) in 2011, documented cases of migrants who were trafficked onto Thai fishing boats that remained at sea for long periods of time, sometimes for several years. They were not paid, were forced to work 18 to 20 hours per day for seven days a week and were physically threatened and beaten.<sup>35</sup>

As a result of the prevalence of trafficking in the country and the Government’s failure to adequately address the issues, Thailand has been placed on the Tier 2 Watchlist of the US State Department’s Trafficking in Persons (TIP) Report for over three years. Last year, Thailand narrowly avoided the downgrade to Tier 3 mandated after two consecutive years on the list, following a late Government plan to address the issue.<sup>36</sup> Following the submission of the plan, the US State Department took the step of placing Thailand on the Tier 2 Watchlist for a third consecutive year, instead of downgrading the country to Tier 3.

The downgrade would have put Thailand amongst the world’s worst countries for human trafficking – including Papua New Guinea, Zimbabwe, Saudi Arabia and Yemen – considered by the US State Department as those “countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.”<sup>37</sup> Such a downgrade would have serious consequences for the Thai seafood industry and wider economy as a result of sanctions imposed by the United States and the perceptions of high profile buyers in the US – Thailand’s second largest export market.<sup>38/39</sup>



Thailand’s exemption from this automatic downgrade is the result of a Government plan outlining “significant efforts” to meet the US Trafficking Victims Protection Act’s (TVPA) minimum standards, and is contingent upon its implementation.<sup>40</sup> However, evidence gathered by EJF - in collaboration with local partners - shows that human trafficking to supply labour to Thailand remains widespread, particularly in the Thai fishing industry.

In March 2013, Thailand commenced Free Trade Agreement (FTA) talks with the European Union – Thailand’s third largest trading partner – aimed at addressing regulatory issues, competition and sustainable development, among other things.<sup>41</sup> Thailand’s record on human trafficking and its apparent failure to address many of the key issues associated with it may also have implications for the success of FTA talks with the EU. According

to a 2011 Joint Communication from the European Commission, “the human rights situation in the partner country should be considered when the EU decides whether or not to launch or conclude FTA negotiations.”<sup>42</sup>

While Thailand claims to be tackling human trafficking and labour abuses, EJF’s evidence highlights serious shortcomings in these efforts, including insufficient identification of cases, inadequate protection for victims, a compromised judicial system and official complicity with both trafficking and its perpetrators. Comprehensive, urgent and earnest action must be taken by the Thai Government to address these issues, while major importers and retailers in the EU and US should demand transparency and ensure that their supply chains are 100 per cent free of any products that may have been produced under these conditions.



Burmese migrant workers sort fish at the port of Ranong, Southern Thailand © EJF



# FISHING IN THAILAND

Thailand is one of the top fish-producing nations in the world. In 2011, fish and fisheries product exports were valued at \$7.3 billion; Thailand produces approximately 4.2 million tonnes of seafood per year, around 90 per cent of which is exported.<sup>43</sup> Catch estimates for Thailand from 2007 show a marine fisheries catch of approximately 2.2 million tonnes.<sup>44</sup> By value, Thailand is the world's third largest exporter of fish and fishery products.<sup>45</sup>

Thailand's marine fishing grounds within the Exclusive Economic Zone (EEZ) cover approximately 316,000 square kilometres, with 60 per cent of total marine catch coming from within this area.<sup>46</sup> Thai fishing vessels are known to operate in the neighbouring waters of Myanmar, Cambodia, Indonesia and Malaysia, and even as far away as Somalia.<sup>47</sup>

In 2006, there were 12,552 registered fishing vessels in Thailand.<sup>48</sup> Of these, 41 per cent were trawlers, which accounted for 57 per cent of the total marine catch.<sup>49</sup> Thai trawlers primarily target species of fish that live and feed on or near the bottom of the sea – also known as demersal species – which has led most of these fish stocks in Thailand to be classified as 'over-exploited'.<sup>50</sup> This is largely because most trawling gear and push nets in Thailand use a small mesh and consequently catch fish of a small size.<sup>51</sup> Around 60 per cent of the total trawl catch is considered to be 'trash fish' (between 18 and 32 per cent of which is commonly made up of juveniles from commercially important species) and may be processed into fishmeal.<sup>52</sup>

## TOP TEN EXPORTERS OF FISH AND FISHERY PRODUCTS, 2010 US\$ BILLIONS

CHINA	13.3
NORWAY	8.8
THAILAND*	7.1
VIETNAM	5.1
USA	4.5
DENMARK	4.1
CANADA	3.8
NETHERLANDS	3.6
SPAIN	3.4
CHILE	3.4

\*This table shows export values by country according to the UN FAO for 2010. The FAO shows Thailand's fish and fishery product exports at \$7.1 billion for 2010, while Thailand's Department of Fisheries reports an export value of \$7.3 billion for 2011, which is the figure most regularly used in this report.



12,552 VESSELS

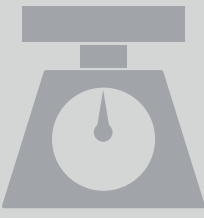
There are 12,552 registered fishing vessels in Thailand, of which 41% are trawlers

32%

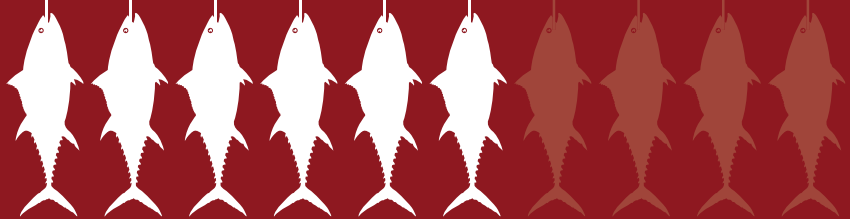


Up to 32% of trash fish is made up of juveniles from commercially important species

3.4-8.1m



Each year, 3.4-8.1m tonnes of fish are taken illegally from the Asia-Pacific through IUU fishing



60% of trawl catch is considered 'trash fish'

60%

There are no recent studies analysing Illegal, Unreported and Unregulated (IUU) fishing in Thailand and surrounding countries, however it has been estimated that 3.4 – 8.1 million tonnes of fish is taken by IUU fishing each year in the broader Asia Pacific region.<sup>53</sup> The UN's Food and Agriculture Organization (FAO) has concluded that "IUU fishing is a major problem in the region, is costing the region's countries significant amounts in lost revenue and is resulting in overexploited fisheries and adverse social issues."<sup>54</sup> IUU fishing in the Asia Pacific region includes using banned fishing gear, fishing in prohibited areas, not reporting or misreporting catches, fishing with fake licenses and landing in unauthorised ports.<sup>55</sup>

*IUU fishing is a major problem in the region, is costing the region's countries significant amounts in lost revenue and is resulting in over-exploited fisheries and adverse social issues.*

FAO (2007)

*Our boat did illegal fishing in Indonesian water. There were many occasions we had to flee from the chase by Indonesian Navy boats. It was very dangerous. If we were caught by the Indonesian Navy, we would be sent to prison.*

Maung Toe, former Myanmar boat worker in Thailand, rescued from the port in Kantang



Shrimp being sold at the port of Ranong, Southern Thailand. Shrimp is one of the major export products from Thailand © EIJ



'Trash fish' unloaded from a Thai trawler at the port of Khura Buri, Southern Thailand © EIJ



# The US State Department Trafficking in Persons (TIP) Report Tiers Explained:

## TIER 1:

Countries whose governments fully comply with the United States's Trafficking Victims Protection Act (TVPA) minimum standards.

## Tier 2:

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

## Tier 2 Watchlist:

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or

The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

## Tier 3:

Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

# HUMAN TRAFFICKING

It is estimated that as many as 27 million men, women and children are currently victims of human trafficking around the world.<sup>56</sup> According to the US Department of Defense, approximately 600,000 – 800,000 victims are trafficked annually and it is an issue that affects nearly every country in the world.<sup>57</sup> However, human trafficking is not easily defined and is also closely linked to a number of other illegal activities including bonded labour, sexual exploitation, slavery and smuggling. The UN Office of the High Commissioner for Human Rights (OHCHR) notes that “the distinction between trafficking and migrant smuggling is a legal one and may be difficult to establish or maintain in practice.”<sup>58</sup>

The complexity of the issue is reflected in the breadth and diversity of treaties and protocols developed to define and address human trafficking and its related offences. However, the most wide-reaching and authoritative legal agreement on trafficking is ‘The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime’, which came into force in 2003 and has now been ratified by 117 countries with 154 parties.<sup>59/60</sup>

The signatories to the Protocol agree on the need to ‘prevent and combat trafficking in persons’, as well as a number of obligations to be adopted by States parties intended to establish an agreed legislative framework for addressing the issue.<sup>61</sup> These include the criminalisation of trafficking, measures to protect victims of trafficking, information exchange and border controls. Thailand has signed but not yet ratified the Protocol.



27 million men, women and children currently victims of human trafficking around the world



An officer from Thailand's Department of Special Investigation (DSI) speaks with trafficking victims rescued from the port in Kantang, Southern Thailand © EJF



# HUMAN TRAFFICKING IN THAI FISHING

As a result of the country's increasing and relative prosperity, the large majority of Thai workers have turned away from low-skilled, labour-intensive professions. This has created a labour shortage in certain industries, which has led to a large increase in the numbers of migrant workers from surrounding countries – particularly Myanmar, Laos PDR and Cambodia – coming to Thailand to fill these jobs.<sup>62</sup> Partly due to a reluctance to modernise, the Thai fishing industry has turned to cheap migrant labour to fill the low-paying, low-skilled jobs it has available.<sup>63</sup> As a result of long hours, low and unpredictable pay, physically demanding work and long periods at sea, the fishing industry suffered a shortfall of labour for over 10,000 jobs in 2011.<sup>64/65</sup>

This labour shortage is driving the prevalence of human trafficking, which has made Thailand one of the most notorious countries for the practice. The US State Department's 2012 Trafficking in Persons (TIP) report designates Thailand as "a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking."<sup>67</sup>

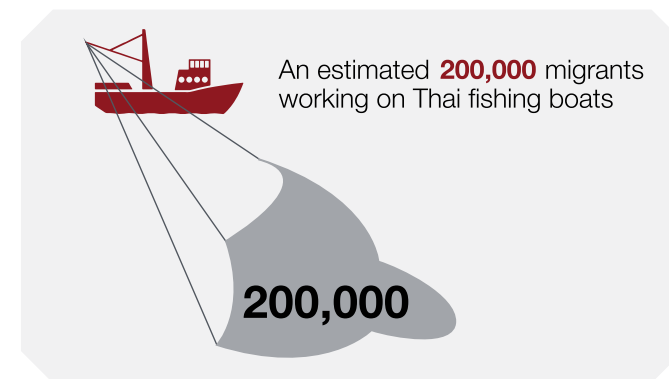
“*The chronic shortage of fishing hands has plagued the Thai commercial fisheries for quite some time... The facts that fishing hands work in a less secure conditions [sic] (being far away from home, higher risks with comparatively less pay) have turned away from the sector most Thai workforce. At present, commercial fishing vessels are largely manned by foreign crews.*”

Department of Fisheries, Ministry of Agriculture and Cooperatives, Thailand 2008<sup>66</sup>

As a result of the Government's failure to combat and prevent the practice, Thailand has been placed on the Tier 2 Watchlist of the Trafficking in Persons (TIP) report, narrowly avoiding the downgrade to Tier 3 mandated after two consecutive years on the list, following a late Government announcement of a plan to tackle the issue.<sup>68</sup>

The fishing industry is one of the key areas of concern for trafficking in persons. According to the TIP report, "a significant portion of labor trafficking victims within Thailand are exploited in commercial fishing."<sup>69</sup> The Raks Thai Foundation - the local branch of CARE International in Thailand - estimated that there were around 200,000 migrants working on fishing vessels

operating from Thailand in 2009, the vast majority of whom were undocumented.<sup>70/71</sup> The prevalence of human trafficking amongst this group is difficult to determine, but evidence collected by EJP suggests that a significant number of undocumented workers in the fisheries sector are likely to have been trafficked.<sup>72</sup>



Many migrant fishers are sold to boat owners for what is known as *ka hua*, the price paid which the worker must pay off before receiving any wages.<sup>73</sup> This can leave many fishers working for months or even years without pay. According to the International Organization for Migration (IOM), many migrants are trafficked onto Thai fishing boats that can remain at sea for several years. Working up to 20 hours a day without being paid, many also report being physically threatened and beaten.<sup>74</sup>

A 2009 survey by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) found that 29 of 49 surveyed migrant fishers (59 per cent) trafficked aboard Thai fishing boats reported witnessing a fellow fisher killed by boat captains and senior crew.<sup>75</sup>

EJP's own field research in 2012 and 2013 documented human trafficking and recorded testimonies of deception, violence, murder, non-payment of wages, and forced detention. Whilst the testimonies included in this briefing are evidence only of the specific cases of these individual trafficking victims, they are consistent with accounts documented in a variety of other reports.<sup>76/77/78/79</sup>



# FAILURE TO ADDRESS THE ISSUE

Thailand avoided a downgrade to Tier 3 of the US State Department's TIP report following the submission of a Government plan to address major concerns raised by the report. The report states that "the Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking. The Government has not shown evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Thailand is placed on the Tier 2 Watch List for a third consecutive year."<sup>80</sup>

According to the US State Department, Thailand's failure to adequately address human trafficking and its related issues involves a wide spectrum of failings, including investigation, prosecution, corruption and victim protection.<sup>81</sup>

Of particular concern was the Thai Government's failure to adequately investigate suspected cases of human trafficking on Thai fishing boats; a factor that is blamed for the low number of prosecutions, despite the known prevalence of trafficking in the industry. In 2010, the Government reported just two investigations into human trafficking on fishing boats, and three in 2011.<sup>82</sup>

In relation to the fishing industry, the TIP report identifies the Thai Navy's inability to identify victims of trafficking, citing training for front-line officers as "inadequate".<sup>83</sup> This is seen as the reason why, despite conducting over 1,000 inspections of fishing boats in 2011 and speaking with thousands of undocumented migrants working on them, the Navy failed to identify any suspected trafficking cases.<sup>84</sup>

The TIP report also identified widespread corruption among Thai officials as "creating an enabling environment for human trafficking to prosper."<sup>85</sup> Corruption in Thailand is a long running concern, with the country now ranked number 88 out of 176 countries on Transparency International's 2012 Corruption Perceptions Index.<sup>86</sup>

**According to the US State Department, Thailand's failure to adequately address human trafficking and its related issues involves a wide spectrum of failings, including investigation, prosecution, corruption and victim protection.**



EJP filmed the Thai boat owner (right) being given access to the trafficking victims rescued from the port in Kantang and handing them food and cigarettes © EJP



slow legal processes, long periods in detention centres, language barriers, no legal representation, lack of security, mistrust of authorities

Another major concern identified by the TIP report, which may partially account for such low prosecution rates, is the high occurrence of victims leaving shelters and not participating in investigations. Other reasons identified by the US State Department and reported to EJJ during the investigations include: slow legal processes, long periods in detention centres, language barriers and a lack of security.<sup>87</sup> Victims are often required to spend many months and even years in immigration centres while a case is built and prosecuted.<sup>88</sup>

Due to systemic disincentives, such as long stays in shelters during lengthy repatriation and court processes; many of these victims were returned to their country of origin.

US State Department TIP report 2012

In the case investigated in March 2013, EJJ documented one occasion during which the boat owner – who is also under investigation – was allowed to speak with the 15 rescued victims, bringing them cigarettes, soft drinks and food. EJJ has learned of two occasions when the victims were visited by individuals connected to the broker who sold them to the boat owner. The wife of the broker was offered to them as a translator by the police, which they refused. On the day they were due to appear in court two individuals informed them that if they denied knowing the boat owner or serial numbers of the boats they worked on, they would be financially compensated.

These reports, combined with further accounts of inadequate food, cramped sleeping arrangements and an indefinite detention period represent recent examples of the ‘systemic disincentives’ that the US State Department blames for Thailand’s low rate of successful investigations.

Despite the continued prevalence of trafficking in the Thai fishing industry, as well as the continued lack of protection offered to victims and evidence of collusion between the authorities, at the time of writing the Thai Government remains confident that the US State Department will upgrade Thailand’s status in the 2013 TIP report.<sup>89</sup>

On the day before we went to the court, two men came to see us [at the police station]. One was Burmese and the other one was Thai. The Burmese person was the one who we had refused as a translator before. A Thai man was with him. They told us that we were due to attend court the next day and asked us not to mention the boat owner’s name before the court. They also asked us not to mention any information about the boat owner, such as a boat’s serial number and the name of the fish processing facility. Even we had not been informed yet at that time that we were going to be taken to the court that day, but they already knew beforehand. We were told that the boat owner was prepared to give us ‘hush money’ on our return [to Myanmar].

Khin Zaw Win, 46, former Myanmar fishing crewman in Thailand

THE KANTANG CASE

In March 2013, EJJ was granted access to an ongoing human trafficking case being investigated by the Royal Thai Police in collaboration with the DSI. EJJ investigators travelled to Trang Province in Southern Thailand, where they met fourteen recently rescued trafficking victims being housed at Kantang Police Station. Two days later another human trafficking victim was rescued from a fishing boat at sea and brought to shore to join the group at the police station.



One of the trafficking victims shows the physical damage done to his hands while working aboard a Thai fishing boat. © EJJ



“

The one who was tied up to a tree was called Mg Nge. They killed him because he helped others to run away. He was taken into a room and they tortured him, by kicking, punching and beating. Then he was taken outside and tied up to a tree.

One of the followers of Ko Myo climbed up the tree and took out a nest of big fire ants from a branch and placed this nest over Mg Nge's body. Then they went back inside the room and left Mg Nge under the sun. They drank beer and when they got drunk, they came out again.

Ko Myo cut Mg Nge's belly by using a knife. After that, Ko Myo burnt his pen and dripped hot pen over Mg Nge's wound. I did not want to see any longer so I lay down on my bed. They took Mg Nge back inside the room and placed him beside me. I noticed that he was dead. When it went dark, they put Mg Nge's body in a black bag and took it outside.

”

Testimony from one of the victims



In March 2013, 14 victims aged between 16 and 46 years, and all from Myanmar, were rescued by local police from a fishing port and processing factory in Kantang where they were being held by brokers. Most of the victims had just returned from six months at sea, on three separate fishing vessels.

Despite receiving no pay, by selling dried squid to the boat they transferred fish to, one of the group was able to save enough money to buy a mobile phone and SIM card. This enabled them to alert one of the other victim's family members, who contacted a helpline for reporting human trafficking to secure their rescue.

EJF interviewed six victims, none of whom had ever been on a fishing boat, or even seen the sea before being trafficked. They gave accounts of being deceived by brokers who told them they would be working in factories. They reported being beaten or seeing others beaten, and working in arduous conditions onboard

the fishing vessels. Three of the victims had been trafficked from within Thailand, whilst working in a chicken factory in the north of the country. A visiting broker had told them that he would secure them a better job in another factory, with higher wages.

EJF travelled with the Department of Special Investigation (DSI) and the Royal Thai Police as they investigated the fishing port and processing factory where the workers had been held, and identified their main trafficking suspect, Ko Myo. During the two days EJF was in Kantang, another trafficking victim was collected from a fishing boat at sea and brought to shore. The following week, fourteen more trafficking victims were rescued.

The following page presents excerpts from the personal testimonies of five trafficking victims in the Kantang case interviewed by EJF in March 2013.

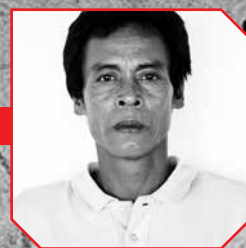


An officer from Thailand's Department of Special Investigation (DSI) speaks with trafficking victims rescued from the port in Kantang, Southern Thailand © EJF





“ It happened soon after I arrived in Thailand. Since I refused to work on the fishing boat, I was beaten up very badly. The agent Ko Myo attacked me using a knife. My right hand was cut and the wound was pretty bad. It happened in a room near the pier. I had been kept in this room for 7 months before I was placed on the boat. ”



“ When I was told that I had to work on a boat, I was so scared. I had never seen those kind of boats before. My knees were shaking. I had suffered seasickness in my first week on the boat and couldn't eat anything. I had never seen big waves before and I was so frightened when I saw them. ”



“ After I came back from the sea, my friend and I tried to flee from the boat but we were captured again by Ko Myo's group and beaten until unconscious. We were told that one of us would be killed to set an example to others that wanted to escape. Just after the incident, we were lucky that the police came to rescue us. ”



“ Our boat was stealing fish from Indonesian waters. We were chased many times by Indonesian boats. People said we would be killed in Indonesia if we got caught. When the Captain saw the boat on the radar, they told us to pull up the nets as soon as possible, and then flee away. ”

“ The first ever murder that took place right before my eyes was when my friend was killed by Ko Myo and his thugs. Although he was referred to as my friend, I did not know his name. He was among a group when I came to Thailand. When I was left in the room because of the knife injury, he was sent to the boat. Similarly, he tried to run away but failed and was sent back to the room. Ko Myo and his thugs beat him to death using wooden rods. ”

“ We had no choice. There was nowhere to flee; we were surrounded by the sea. After we arrived back to the shore, we were locked inside the room guarded by their men; there were too many of them. So the workers had to take one trip after another, without having a choice. There were many workers living under the same conditions. ”



“ The brokers told me that if I did not want to go, I should look at this gun because I could be killed very easily. They said a bullet only costs 12 baht. ”

“ I also saw that they killed three men at the same time in the room. They were accused of conspiring to flee. They were taken into the room and beaten. Then they were executed by Ko Myo. Ko Myo shot them using his gun. There were the letters 'USA' on his gun. He used lead balls as the bullets. They were shot in their foreheads by Ko Myo. At first, Ko Myo asked Charlie to kill them but Charlie showed hesitation. Then Ko Myo said, 'I will show you how to kill' and he shot them. ”

“ I miss my family. Every single day. But I cannot go back. I cannot get in touch with them. I just have to stay like this. I just have to bear this longing since I was working at sea. I could not do anything. ”

“ I was afraid. I was also afraid of the brokers. I witnessed brokers hitting people who confronted them until they were bleeding. Sometimes I was shouted at. ”

“ I was really frightened to get on the boat, because I had heard stories of people being sold on the boat. I was really afraid. On the boat, I was unhappy everyday. Sometimes I even felt like jumping into the sea. ”

“ I slept about 2 and a half hours each day. Usually I had to work day and night. ”



# THE TRAFFICKING TRAIL



MYANMAR

LAOS

THAILAND

CAMBODIA

Gulf of Thailand

Andaman Sea



MAE SOT FOREST

KAWKAREJK

MYAWADDY

TAK

Bangkok

MAHACHAI, SAMUT SAKHON

KAWKAREIK

MYAWADDY

MAE SOT FOREST

TAK

SAMUT SAKHON

KANTANG

BOAT

**KAWKAREIK** is the last major town before crossing the mountain pass to Myawaddy on the Thai border. For this reason, it is used as a major staging point for migrants and trafficking victims travelling to the border crossing at Myawaddy and on into Thailand.

**MYAWADDY** is on the Myanmar side of the Moei River, which marks the border between Myanmar and Thailand. Myawaddy is joined to Mae Sot on the Thai side by The Friendship Bridge, which serves as the formal border crossing and immigration checkpoint. However, this border is poorly policed and many migrants choose to cross informally on the regular and openly operating ferries near the bridge. The ease of this informal crossing allows many undocumented workers and trafficking victims to easily enter Thailand, where they are able to continue their journey with brokers.

**FOREST OUTSIDE MAE SOT.** Once migrants have crossed into Thailand, many are taken by brokers on an arduous journey of several days on foot through the forest to avoid detection by Thai authorities. The forest in this area is dense, mountainous and often dangerous. EJF heard accounts of migrants being given little water and food as well as encountering gangs of men who often robbed and even raped members of groups travelling through the forest.

**TAK** is a common destination for many migrants crossing through the forest on foot. Because the road from Mae Sot to Tak is monitored by up to four police checkpoints, many brokers circumvent this route by going through the forest and emerging at Tak. Many people interviewed by EIJ spoke of travelling on foot to Tak, where they were loaded into vehicles for the onward journey into Thailand and to their destinations.

**MAHACHAI** is a port town about 45km southwest of Bangkok and an urban centre in the major seafood processing province of Samut Sakhon. It is also the primary destination for many migrant and trafficked workers into the seafood processing industry, which forms the economic basis of the region. As a result, it also often acts as a waypoint for trafficking victims from other parts of the country before being sent to other destinations in the north or south.

**KANTANG** is a port town in Trang province where many Thai fishing boats operate. In March 2013, EIJ documented the stories of 15 Myanmar workers rescued from the Kantang port. All of the workers had been trafficked and forced to work on Thai fishing boats under gruelling and exploitative conditions. When the boats returned to port, the workers were locked in this room and not allowed to leave until the boats returned to sea except occasionally to work on a rubber plantation belonging to a senior police official.

The vast majority of Thai fishing boats are crewed by migrant workers, who are often trafficked and forced to work in debt bondage under threats of violence in shifts of up to 20 hours. EIJ documented multiple accounts of the appalling working conditions on the boats and treatment of the mainly Myanmar staff by brokers, boat owners and senior crew. Many boats stay out at sea for months or even years on end and migrant crew are forced to work for years to pay off their debts.



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# CONCLUSION

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For over two decades, Thai industry has relied heavily on cheap, often trafficked, migrant labour to fuel its economic boom. The Thai fishing industry is particularly susceptible and the widely acknowledged dangerous and arduous conditions make employment in this sector amongst the least desirable jobs in the country. This has encouraged boat owners and fishing companies to access human trafficking networks as a means of maintaining a supply of cheap labour.

The findings in this report are cause for serious concern. In contrast to the recent statements by the Thai Government on its progress in addressing human trafficking, it clearly remains widespread in the Thai fishing industry. Human rights abuses associated with trafficking are extremely severe, with workers as young as 16 forced onto fishing boats for long periods of time and subjected to arduous, often violent, working conditions without pay. EJF has gathered detailed testimonies of crew murdered at sea.

Authorities tasked with ensuring that workers are employed legally and are not mistreated have proved unable or unwilling to do so. It is apparent that human trafficking onto fishing vessels has, on occasion, been facilitated by corruption and an unwillingness to prosecute those individuals and companies that procure trafficked persons.

EJF also documented the close relationship between human trafficking and IUU fishing, with migrants reporting their boats regularly operating illegally and fleeing patrol boats in foreign waters. This is a symptom of a wider lack of regulation and transparency in the Thai fishing industry, with ineffective enforcement by Navy patrols and little information on the activities and locations of fishing vessels. Monitoring of the activities of the Thai fishing fleet is negligible and consequently new management and enforcement mechanisms must be employed.

EJF calls on all stakeholders to work together to prevent human trafficking in Thai seafood production and bring an end to this devastating practice.





# RECOMMENDATIONS

## The Thai Government must:

- **Demonstrate the political will to fully develop and implement an urgent action plan to combat trafficking.**
- **Ratify and implement the 2007 ILO Work in Fishing Convention (No 188),** which establishes international standards for decent work and living conditions of those employed on fishing vessels. In addition, Thailand should ensure that there are robust systems to monitor the working conditions of those in the fishing industry, particularly those working at sea.
- **Ban transshipments at sea,** which allow for fishing boats to be at sea for months, and sometimes years, at a time. Transshipment at sea allows for fishing boats to escape proper regulation and increases the likelihood of human rights abuses and IUU fishing.
- **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 those responsible for human trafficking are held to account. In particular, Thailand must ensure that those that employ trafficked workers and public officials that facilitate human trafficking are investigated and prosecuted.
- **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.
- **Immediately work to remove systemic disincentives for victims to prosecute a case,** including long stays in shelters and lengthy court processes. It is also necessary to provide adequate food, shelter, legal counsel and translations services to victims held by the authorities, particularly when assisting with prosecutions.
- **Establish extensive partnerships to foster cooperation with relevant social and judicial agencies from neighbouring countries** - particularly those representing a source of trafficking victims such as Myanmar and Cambodia - in the interest of information sharing and victim support, as expressed in Article 10 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000).
- **Work in collaboration with Myanmar and other neighbouring countries to take immediate steps to address the porous and wholly inadequate policing of its borders,** with particular regard for its borders at Mae Sot and Ranong.

## The international community should:

- **The UN FAO should urgently proceed with the development of a comprehensive Global Record of fishing vessels** that will assign each industrial vessel a Unique Vessel Identifier (UVI) and contain information on vessel ownership, fishing activities and fishing authorisations. Thailand should use the UVI as a means of monitoring and documenting working conditions onboard boats and compliance with fisheries laws. Boats involved in human trafficking should be refused fishing licenses.
- **The US State Department,** in consultation with local NGOs and migrant workers groups, **should delay any upgrade of Thailand’s status pending a full assessment of progress towards addressing the deficiencies highlighted in the 2012 TIP report,** as well its progress in implementing the written plan submitted to the US State Department in 2012.
- **EJF believes there is sufficient evidence of failure by the Thai Government to stop trafficking in persons** to warrant serious consideration by US State Department of listing on Tier 3 of the TIP report.
- **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 private sector should:

- **Support international initiatives designed to increase transparency and traceability in seafood supply chains** and specifically a Global Record of fishing vessels with an associated Unique Vessel Identifier (UVI).
- **Importers and retailers of Thai fisheries products should commit to conclusively demonstrate that their supply chains are free from trafficking** in persons and other human rights violations.

## Consumers should:

- **Demand retailers commit to ensuring** all seafood products are produced sustainably and without trafficked, forced or bonded labour.



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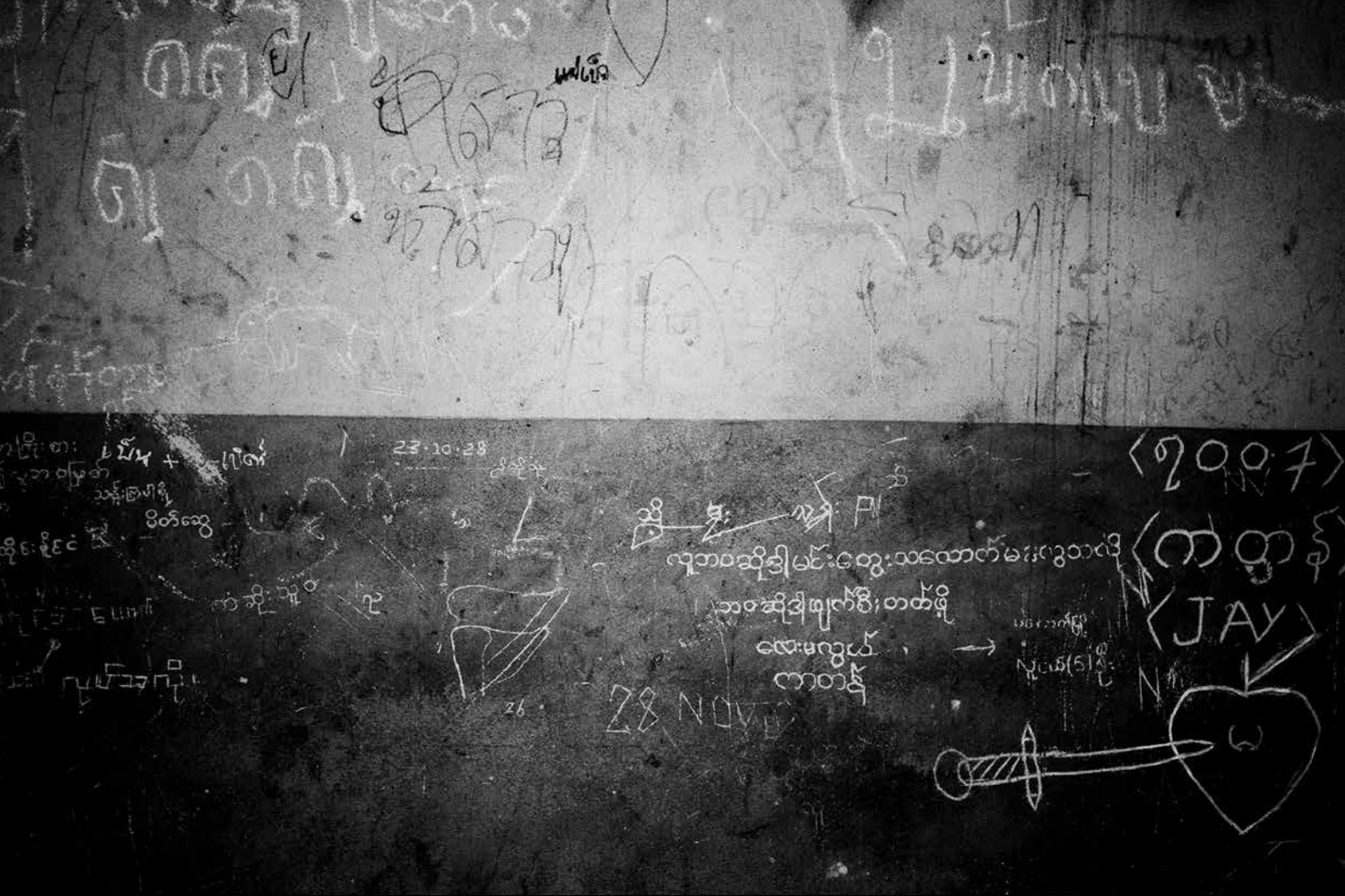
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30 SOLD TO THE SEA

SOLD TO THE SEA 31





**ETCHINGS ON THE WALL IN THE ROOM WHERE TRAFFICKING VICTIMS WERE HELD**

**"Don't think too much about life.  
It cannot be destroyed so easily."**

**"Let's fight together."**

**"No matter the rain is heavy; even it may  
dissolve a mountain; my love will survive."**

**"Let's pass through the difficult journey."**

**"Don't make me angry."**

**"You are on your own in Thailand."**

**"Live with truth (honesty)."**

**EJF, 1 Amwell Street, London, EC1R 1UL, United Kingdom  
Tel +44 (0) 207 239 3310 | Fax +44 (0) 207 713 6501  
Email: [info@ejfoundation.org](mailto:info@ejfoundation.org) | [www.ejfoundation.org](http://www.ejfoundation.org)  
Registered charity, No. 1088128.**



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