

May 1, 2015

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

Re: Thailand's designation in the 2015 Trafficking in Persons Report

Dear Secretary Kerry:

As the U.S. State Department makes its final determinations in the country rankings for the 2015 Trafficking in Persons Report, we wish to draw your attention to a [recent decision by the European Union](#) to issue Thailand a "yellow card" for its failure to control illegal, unreported and unregulated (IUU) fishing by Thai fishing vessels. Thailand now has six months to take serious steps to address some of the long-standing problems in its fishing industry. We believe that the leverage this designation provides will be critical in bringing about genuine change to address human trafficking in Thailand's fishing industry that could bring about beneficial change for workers in other sectors. We thus urge the State Department to ensure the pressure for reform stays high by maintaining Thailand's Tier 3 designation in the 2015 TIP report.

The 2014 TIP report accurately identified the migrant worker population as the most vulnerable to trafficking in Thailand, and highlighted the particular risk present in the seafood sector. Sadly, the situation remains unchanged. Less than a month ago, [nearly 550 fishermen](#) trafficked from Thailand to fish in Indonesian waters were rescued from a remote Indonesian island after a report by the Associated Press documented workers being held in cages, subjected to beatings and even murder, and working long shifts for little or no pay. [The International Organization for Migration \(IOM\) estimates](#) there may be as many as 4,000 similar victims of trafficking on other Indonesian islands. Migrant worker advocacy groups in Thailand also continue to find debt bondage, document confiscation and other indicators of human trafficking across other sectors where migrant workers make up a large proportion of the workforce.

The Thai government has demonstrated that it is responsive to international pressure on this issue, and it has taken some encouraging action. In particular, passage of the Regulation to Protect Labour in the Sea Fishing Industry and efforts to register migrant workers are positive steps forward. However, we remain deeply concerned that enforcement of the labor protection bill will remain weak until inspectors are better trained on how to identify and respond to the needs of trafficking victims within the migrant worker population, and greater effort is made to crack down on the trade of fraudulent crew manifests and identification documents at ports.

In addition, registration of migrant workers in all sectors is still largely based on the issuance of temporary documents under short-term agreements with sending nations, is expensive and cumbersome, fosters an unregulated and exploitative network of informal labor brokers that trap workers in debt bondage, and still binds workers to their employer to maintain legal working papers. Thailand needs a long term migration

policy that balances national interests with the economic realities of a chronic labor shortage and the security of those who cross its borders to seek work.

We also remain concerned about ongoing cases of criminal defamation and charges under the *Computer Crimes Act* being used against human rights activists and journalists who speak out about human trafficking. The threat of criminal prosecution continues to have a chilling effect on the ability to speak out about the trafficking problem.

Thailand must make substantive progress on these issues before it can be considered to be making significant efforts to eliminate human trafficking. An upgrade to Tier 2 at this time would be a premature move that in effect rewards Thailand for cosmetic actions that leave the pool of cheap, exploitable labor on which Thailand's seafood sector depends unchanged. Thailand can make migrant workers less vulnerable and should be required to demonstrate the political will to do so before an upgrade is considered. Thus, we encourage the U.S. Department of State to maintain Thailand's Tier 3 designation and consider some of the following in its recommendations to the government:

1. Allow migrant workers to independently register themselves for work permits and find employment. Allow workers to re-register at their local labor center after a fixed period of time.
2. Register and regulate labor brokers and prohibit employers from allowing any employee to pay money to obtain a job. Employers should work with only registered labor recruiters and be responsible for paying any fees or costs associated with procuring labor.
3. Recognize all ILO core conventions, including the right to freedom of association and collective bargaining, to allow the space for genuine engagement with and empowerment of workers, unions and civil society.
4. Strengthen labor inspection mechanisms by giving provincial officers and inspectors at the Maritime Enforcement Coordination Centre the resources and instructions needed to perform genuine, unannounced inspections. Translators should be available for all inspections and inspectors should seek to speak with employees off site to avoid retribution.
5. Create a zero-tolerance atmosphere for corruption among trafficking police and port inspectors. Establish an independent body to which migrant workers can report human rights abuses by police with the authority to impartially investigate complaints and prosecute police and officials who commit crimes against migrant workers or facilitate the trade in fraudulent work documents.
6. Strictly enforce registration of fishing boats and maintenance of accurate crew lists. Require all vessels over 100GT to have an IMO number.
7. Ratify the Port State Measures Agreement, as well as ILO conventions 188 on Work in Fishing, 87 on Freedom of Association and 98 on Collective Bargaining.
8. Halt all forms of intimidation and harassment of human rights defenders including labour rights researchers, advocates, journalists and others calling for adherence to Thailand's international law obligations.

We firmly believe these are the measures by which Thailand should be assessed on its progress to eliminate human trafficking. The next year will be an important one in which to gauge how far Thailand is willing to move on solutions that empower and protect its migrant worker population. We as NGOs are committed to continue our efforts to push the government of Thailand toward these substantive changes. Please assist us in keeping the pressure high by leaving Thailand at Tier 3 in the 2015 Trafficking in Persons Report.

Thank you for your attention and your continued commitment to eliminating human trafficking around the globe. We appreciate your dedication and look forward to your response.

Sincerely,



**American Federation of Labor and  
Congress of Industrial Organizations**



**Anti-Slavery International**



**Child Labor Coalition**



**Environmental Justice Foundation**



**Fairfood International**



**Finnwatch**



**FishWise**



**Food Chain Workers Alliance**



**Fortify Rights**



**Greenpeace USA**



**Humanity United**



**International Labor Rights Forum**



**National Consumers League**

**Lawyers' Rights Watch Canada**

**Lawyers' Rights Watch Canada**



**Slave Free Seas**



**Walk Free**

cc: Thomas E. Perez, Secretary of Labor  
Daniel Russel, Assistant Secretary of State for East Asian and Pacific Affairs  
Tom Malinowski, Assistant Secretary for Democracy, Human Rights and Labor  
Kristie A. Kenney, United States Ambassador to the Kingdom of Thailand  
Patricia A. Butenis, Acting Director, Office to Monitor and Combat Trafficking in Persons