

In Bangkok, I met a woman from Myanmar who shared with me a story of how she was sold and trafficked to Thailand to work on a construction site. She was then forcibly married to a man who effectively treated her as a sex slave until she escaped from the man with the help of her current Burmese husband. She now wants justice and compensation for all the wrong that was done to her, but she is an irregular migrant in Thailand and is afraid of consequences should she report her case to the authorities.

At one of the Government's shelters, I also met many girls who have been trafficked and abused and had to carry huge burdens on their young shoulders. For some of them, their families have been traced, but others are not that lucky. One may wonder what their tomorrow may be, without the support, love and care of their families and without proper access to education and other opportunities for survival and development on an equal basis as Thai children.

These stories are indeed heartbreaking. During my official visit from 8 to 19 August, I visited Bangkok, Chiang Mai, Mae Sot, Samut Sakhon, Songkhla and Tak where I met with many victims of trafficking in persons who courageously shared with me the stories of their lives. In these cities, I visited 2 immigration detention centers as well as 6 shelters run by the Government or non-Governmental organizations. I also engaged in dialogue with the key Government agencies on the progress and challenges in their efforts to combat trafficking in persons in the country. On this basis, I would like to share some of my preliminary findings, conclusions and recommendations.

At the outset, I would like to express my sincere gratitude to the Government for accommodating this visit and preparing a rich programme. The fact that the Government welcomed my visit is a very clear sign of its strong commitment to tackle the phenomenon of human trafficking. I recognize that the Government has made significant progress in its efforts to address trafficking in persons in the country, particularly since the enactment of the Anti-Trafficking in Persons ("ATIP") Act in 2008. The ATIP Act encompasses the definition of trafficking in persons provided under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("Palermo Protocol") and contains a number of important provisions protecting the human rights of trafficked persons. The Government has also established in every province a multidisciplinary team ("MDT") consisting of key Government agencies and civil society organizations ("CSOs") in order to collectively address trafficking in persons. In this regard, the Government's partnership with CSOs is robust and must be commended.

However, Thailand faces significant challenges as a source, transit and destination country. As a source country, Thais are trafficked to countries including China (Taiwan and Hong Kong), Germany, Israel, Japan, South Africa and the USA. Conversely, as a destination country, it receives trafficked people mainly from Cambodia, Myanmar, Lao People's Democratic Republic and Vietnam. As a transit country, trafficked persons transit Thailand to destination countries, especially Malaysia and Indonesia.

The Special Rapporteur observed that major forms of trafficking in Thailand include trafficking for sexual and labor exploitation. There is a widespread occurrence of sexual exploitation, including child prostitution, pornography and sex tourism. Other emerging forms include trafficking for the purposes of domestic work, begging, forced marriage or surrogacy. The trend of trafficking for forced labor is growing in scale in the agricultural, construction and fishing industries. In particular, trafficking for forced labor is notoriously common in the fishery sector where men are often trafficked onto fishing boats.

Internal trafficking in children is rampant, especially in children of migrant workers, stateless and refugee children, including those belonging to hill tribes, from the north to the south. There is an enormous risk of trafficking and exploitation faced by children of these vulnerable groups, as well as the deportation of child trafficking victims. While the Special Rapporteur acknowledges reduction in cases of child prostitution and sexual exploitation involving Thai citizens, the same cannot be said of non-Thais trafficked largely from Cambodia, Laos People's Democratic Republic and Myanmar.

In this context, the Special Rapporteur raises the following issues as immediate concerns:

1. The implementation of policy and legal framework on human trafficking and the law enforcement are weak and fragmented, resulting in a huge gap between de jure and de facto.
2. Victims of trafficking are not properly identified, leading to wanton arrest, detention and deportation around the country. They are too often misidentified as irregular migrants, arrested and deported without any risk assessment as to whether the return would be safe.
3. Trafficking in persons is still feminized and viewed primarily as problems concerning women and children, even though the ATIP Act is intended to focus on every gender that is affected. The result of this is that men are usually not seen as victims and would therefore not be in a position to benefit from services meant for the recovery of victims.
4. The hotline service 1300 is ineffective in identifying trafficked persons and referring them to appropriate services. The operators of the hotline do not speak any languages other than Thai and English, which is problematic considering the fact that many trafficked persons in Thailand neither speak Thai nor English.

5. There exists a knowledge gap on the forms, manifestations and key elements of trafficking, which distinguish anti-trafficking legislation from anti-prostitution law. There is also an issue of capacity gap or unwillingness to identify victims of trafficking and to make necessary referrals, including providing information that will protect their human rights.

6. Delays in investigation and prosecution of trafficking cases in courts result in a long stay at shelters by victims of trafficking. The Special Rapporteur is concerned about shelters becoming detention centers and vehicle for violations of human rights, especially the right to movement and to earn income and live a decent life. Further, there is inadequate professional staffing of social workers, psychologists, medical and health workers at the shelters.

7. There is a lack of statistical information and conflicting data on the number of victims rescued, assisted and repatriated.

8. Corruption especially among low-cadre law enforcement officers at provincial and local levels is deeply rooted. Corruption, coupled with the infamous brokerage system, has diluted the efficacy of Government policies and programmes to combat human trafficking.

9. Root causes of trafficking, particularly demands for cheap and exploitative labor provided by migrant workers, are not being effectively addressed. This has perpetuated the abuse of human rights of migrant workers who are exposed to exploitation and extortion by brokers, employers and the law enforcement agents. In particular, the Government is doing not enough to protect irregular migrants who are frequently exploited and face serious violations of their human rights.

10. The rate of prosecution of trafficking cases remains low, which contributes to impunity of traffickers engaging in illicit and clandestine operations.

The Special Rapporteur recommends, on a preliminary basis:

1. The Government should immediately ratify the Palermo Protocol to bring itself in tandem with neighboring States and to confer on itself the legitimacy and a high moral ground of its seriousness to end human trafficking. In the same vein, the Government should ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families as a clear commitment to protecting the rights of migrant workers who are often trafficked and re-trafficked. The recently adopted ILO Convention Concerning Decent Work for Domestic Workers is equally recommended for ratification.

2. The Government should scale up capacity building trainings for all actors, especially the police including the marine police, naval, immigration officials, judges, prosecutors, labour inspectors to increase their knowledge and skills to identify, protect and assist victims of trafficking.

3. Labor rights of all workers should be enforced with the full involvement of labor inspectors. The role of labor inspectors in identifying trafficked persons in workplaces and preventing exploitative working conditions should be strengthened.

4. With respect to the fishing industry, the marine police should be specifically mandated to identify trafficked persons on fishing boats and to investigate any cases of abuse and exploitation at sea. They should be thoroughly trained on issues of trafficking in persons in the

fishing industry and provided with adequate resources to carry out its mandate.

5. Raids and rescue operations should be victim-centered. Victims should be separated from offenders and efforts should be taken not to criminalize them for offences such as violations of immigration laws and other crimes that directly result from their situations as trafficked persons.

6. The referral mechanism needs to be strengthened and properly understood by stakeholders, including law enforcement and the CSOs involved in anti-trafficking initiatives of the Government.

7. While recognizing the challenge posed by the influx of migrant workers from neighboring countries, the Government's response should not be restrictive migration. The Special Rapporteur calls on the Government to review its labor and migration laws in order to acknowledge the demands for cheap, low- or semi-skilled labor and provide safe migration options, as well as eliminate vulnerabilities of migrant workers and their families to all forms of human trafficking. The current registration of undocumented migrant workers is a step in the right direction and ought to be extended, rather than limited to a tight timeframe.

8. Adequate preventive measures should be implemented to combat human trafficking. In this regard, the Ministry of Tourism and Sports and the Ministry of Labor must intensify their efforts and work in concert with the Ministry of Social Development and Human Security.

9. The Government should develop and build capacity for systematic data collection, disaggregated by age and gender. There is a need to design human trafficking interventions on the basis of accurate data and evidence, as well as to closely monitor and evaluate their impact and effectiveness.

10. The Government should strengthen the law enforcement efforts and restructure the Anti-Human Trafficking Division of the Royal Thai Police to promote professionalism, motivation and incentives for career advancement.

11. The Government should promote zero tolerance to corruption and complicity of public officials with traffickers, and prosecute and adequately punish offenders to dissuade such practices.

12. The Government should uphold the principles of equality and non-discrimination, particularly in line with the Convention on the Rights of the Child which guarantees every child the right to nationality in accordance with the best interest of the child.

13. The shelters should provide safe space for victims to reflect and recover from their traumas by providing primarily psycho-social support and should never be to institutionalize them. Therefore the Government, through the Ministry of Social Development and Human Security, should provide comprehensive and individually tailored assistance to victims, including language support and access to medical and psychological care. Further, the shelter facilities need to ensure child friendly stay and alternative care such as finding foster parents.

14. The Government should improve staffing at the shelter and ensure that adequate social workers, psychologists and interpreters are part and parcel of victim's recovery, rehabilitation and reintegration process.

15. The one-stop migrant recruitment and information centers should establish liaisons in embassies of source countries from which people are trafficked to Thailand in order to provide accurate information on recruitment practices in Thailand.

16. There is a regional dimension to trafficking in persons in Thailand and the Special Rapporteur recognizes that the Government cannot tackle this problem alone. Thus, the

Government should cooperate with neighboring countries, namely Cambodia, Lao People's Democratic Republic, Malaysia and Myanmar in preventing and eliminating clandestine movements and trafficking in migrant workers and their families, while at the same time ensuring openings for safe migration.

In developing effective strategies to combat trafficking in persons, the Special Rapporteur has consistently advocated for basing such strategies on "5P's" (protection, prosecution, punishment, prevention and promotion of international cooperation) and "3R's" (redress, rehabilitation/recovery and reintegration of victims to assume a constructive role in the society) (A/HRC/10/16 and Corr.1). In the context of Thailand, the role of prevention is critical in ensuring that the crime of trafficking does not occur in the first place. The Government must not neglect the development and implementation of comprehensive and systematic prevention measures as it continues to intensify efforts to develop assistance programmes for survivors of trafficking and to prosecute traffickers and stop the impunity of human trafficking. Finally, I urge Thai government to show clear leadership in the ASEAN region and beyond in combating human trafficking, protecting the rights of migrant workers and their vulnerabilities to trafficking in persons.

I thank the Government once more for the opportunity of this visit to carry out this assessment on the situation of human trafficking, their willingness and openness to engage. I look forward to continuing our constructive dialogue to end this heinous crime and to better protect the human rights of trafficked persons.

A full report of this mission will be submitted to the United Nations Human Rights Council in June 2012.

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Joy Ngozi Ezeilo assumed her functions as Special Rapporteur on trafficking in persons, especially in women and children on 1 August 2008. Ms. Ezeilo is a human rights lawyer and professor at the University of Nigeria. She has also served in various governmental capacities, including as Honourable Commissioner for Ministry of Women Affairs & Social Development in Enugu State and as a Delegate to the National Political Reform Conference. She has consulted for various international organizations and is also involved in several NGOs, particularly working

on women's rights. She has published extensively on a variety of topics, including human rights, women's rights, and Sharia law. Ms. Ezeilo was conferred with a national honour (Officer of the Order of Nigeria) in 2006 for her work as a human right defender.

Learn more about the mandate and activities of the Special Rapporteur on trafficking in persons, especially women and children: <http://www2.ohchr.org/english/issues/trafficking/index.htm>

For more information and media requests, please contact Ms. Junko Tadaki (Tel: +41 22 917 9298 / email: jtadaki@ohchr.org) or write to srtrafficking@ohchr.org .