

CHAPTER 4

**STRATEGIES TO COMBAT HUMAN TRAFFICKING &
RECOMMENDATIONS**

A. Thailand's strategies

Thailand has placed the issue of human trafficking on its national agenda and the statement made publicly by the former Prime Minister Thaksin Shinawatra at a National Conference on August 06, 2004 conveyed that victims are to be treated as a victim not criminals and thus appropriate assistance was required to be provided to the victims. The creation of temporary shelters and welfare homes has been a good response by the Thai government and has been supported favorably by many NGOs. Adopting holistic approaches seemed to be the Thai government's strategy to ensure protection and recovery of victims and they were beginning to take place during 2005. One instance was Thai police and social workers were posted to Japan for one month to help set up a system to put in place protections and assistance for Thai victims in Japan. Many reports explained that this approach was to enhance the capacity of Thai Embassies and Consulates to assist women and children identified as victims of trafficking. However, the system set up did not clearly include adult male victims and might be worth developing further and could be adopted by the Thai Embassy in other countries.

Much discussion takes place in conference rooms and between administrations and officials about the best strategy to combat human trafficking but the problem is so serious now that urgent action is needed to benefit states, society and the victims. In this section the focus is on responses to combat trafficking and how some international responses could be applied in Thailand. Primarily the best defence against human trafficking is to uphold established standards that guarantee sound governance; this provides a foundation on which to build all other strategies. With good governance in place there are many factors and approaches that need to be

part of an effective strategy that should be part of a holistic approach to the problem. Some areas that should be part of any holistic response are victim's identification, reintegration, prevention and repatriation. Let us first look at Thailand's strategies set up to combat human trafficking between 1997 and 2006 which included the following:

I. Victim's Identification:

There are many factors that make the identification of the victims of human trafficking difficult and sometime impossible. Some of the factors are the hidden nature of crimes, the victims perception of traffickers as individual who could prevent them from being deported, victim's lack of understanding of human trafficking/ exploitation so they don't perceive themselves as being victims. Lack of awareness of having any rights as a victim of trafficking and often themselves in fear of the law for other reasons they consider themselves as criminals who have broken the law and can be deported by the authorities which leaves them with fear of law enforcement and an inability to trust those in positions of authority. These factors not only make it difficult to identify the victims but it also reinforces the exploiters ability to control the victims and prevent them from seeking help from the authorities.

As stated by Dr. Helga Conrad "identification is mainly through raids, migration control and police intelligence, rather than through social strategies." Local law enforcement often lacks understanding about identifying the victims of human trafficking. In Thailand local raids are mainly intended to target illegal prostitution or illegal migrants, the fact that the victims are trafficked is ignored or not the objective. This ultimately serves to reinforce the message of traffickers that victims will be considered as illegal migrants and would be deported.

During a conference in Vienna, different weak points in providing assistance to the victims of human trafficking were pointed out "the weak points are identification and protection and assistance, and also the judiciary. While law enforcement has improved, the moment of identifying is crucial. If the person is not identified, there is no chance of rescue or initiating a case." Many states still lack trained personnel who can identify the victims of trafficking and sometimes when the victims stumble upon the authorities, they are in actual fact, suspected and classified

as illegal migrants or criminal before they are perceived as a victim of trafficking and exploitation. “Other problems are that cases are dismissed by lack of evidence, prosecutors are relying too heavily on victim testimony and not securing other evidence, and sentences rarely reflect the severity of the crime.” Continuing “the only focus that matters is to identify victims properly and in much larger numbers, to investigate cases properly, to prosecute properly and to sentence perpetrators to time in prison that reflects the severity of the crime” (UNODC, 2006)

According to many reports a high proportion of trafficking victims are children or women, therefore more female police should be involved in any raid where there are likely to be victims of human trafficking and especially when an investigation involves children and women prostitutes. Trafficking for prostitution is a sensitive issue and so victims may be more comfortable with women police interrogating the case. With an increase in women authorities to combat human trafficking especially at the stages where the victims are most vulnerable of being re-victimised by the authorities it would help many victims to build trust with the authorities if dealing with female case officers. In a certain way this approach will help in preventing further rights abuses. In some past reported cases male authorities have taken advantage of female victims by demanding free sex in return for not deporting a female victim.

To avoid real victims of trafficking becoming part of the criminal justice system an inter-agency group comprising law enforcement officers, lawyers, social workers and NGOs should have the power to assess and refer victims to a victim support network rather than being put in jail or detained as illegal migrants.

Recognition of victims, however, may not be all left to the authorities and organizations involved in the fight to combat human trafficking. Many sectors of the general community have the potential to come in contact with the victims such as health workers, emergency room personnel or even the taxi drivers in a locality. The public needs to participate and be educated to help to combat the crime of human trafficking. The public could provide information to the authorities rather than turning a blind eye. A neighbour might be suspicious that a maid is being abused or enslaved which may never come to light to the authorities.

Identifying victims in soft trafficking has not been highlighted in Thailand. Those trafficked into the sex industry receive a lot of attention while those trafficked to business for example the garment industry are not investigated or are overlooked, as it is perceived as part of the economic fabric of that business yet the violations for the victims are no less severe or humiliating.

The Thai government together with NGO officials have developed and implemented the anti-TIP strategies. The process of cooperation involves NGOs identifying the victims, providing the gathered information to the government who can then carry on with the rescue of victims by raiding suspected locations. After the rescue of the victims the NGOs then provide the shelter and further assistance to the victims. As part of the recovery process NGOs gather information regarding the trafficker from the victims and provide it to the police. This strategy helps with information sharing at a strategic level but the involvement of NGOs at the raiding stage is limited. With different actors involved in the raiding process there is likely to be more transparency when dealing with victims as there are more witnesses to events and less opportunities for extortion or deception.

One strategy alone is not effective, it is important that we approach the problem of identifying victims with comprehensive solutions.

II. Reintegration and Repatriation

A reintegration strategy is essential to empower individuals who have been trafficked. Microsoft Corporation along with organizations working in the field of trafficking set up an IT skills training programs to offer victims ways out of the trafficking trap. The initiative by Microsoft provides the victims of human trafficking with technology that can benefit them and can help them earn their living by providing them with computer skills that are normally in high demand in the job market.

Oebanda, whose efforts have been recognized by being awarded with the 2005 Anti Slavery Award, emphasized the need for “sustainable intervention that would not just rescue the victims, but provide them skills for gainful employment and

successful reintegration in society”. (Joey Alarilla, 2006) This approach is not only a way to provide opportunities to gain skills for future employment but is also a prevention method to avoid the likelihood of the person being re-trafficked.

Based on a web resource for combating human trafficking, (humantrafficking.org) the Thai government strategies for repatriation and reintegration included actions such as follow up, monitoring, providing counselling services, shelter, training both educational and vocational, job placement, capital acquisition for women and children who decided to leave prostitution in order to start a new beginning. This strategy has given more importance to the victims trafficked into the sex industry but not so much on men trafficked/ exploited in the labor industry. The Thai government focused only on the sex industry but the focus needs to be broader so it encompasses men and given the majority of trafficked victims are outside the sex industry this should be a priority. The Thai men previously mentioned that were trafficked to USA were lucky to be able to gain full compensation from the perpetrator. Thailand must include capital acquisition to men who are victims of trafficking as well as others subjected to trafficking.

Cooperation at Regional and International level is vital at the repatriation stage. Local police must be trained to understand that trafficked victim’s rights have been abused and trafficked victims need the authorities’ full support if they are not to experience further abuse. In the case of victims found in Thailand, the current process is that the Embassy in the origin country is immediately informed by Thai officials. The following diagram shows the Thailand process of repatriation:

Fig. 4.1 (UNESCAP)
Thailand process of repatriation



During the stage of victim identification or proving citizenship, the process can be slow and victims are sometimes detained for long periods of time. It is at this stage that sometimes there are gaps in handling victims and they are most vulnerable to further abuse of their rights. As stated in the Bangkok Post “prejudice and ignorance among law enforcers are leaving victims of human trafficking with inadequate protection” and Wanchai Rujanawong, director of the Thailand Criminal Law Institute, stated that the victims are not fully protected by the authorities. There are incidents where the victims are rescued and then are later charged with illegally entering the country. This can be prevented if the law enforcement officers understand and follow the best practices set up to deal with the victims of trafficking. Also cooperating with NGOs in the process of handling victims at different stages could also stop further violations of victim’s rights. A report in the Bangkok Post cited the case of Burmese workers who were trafficked to a Bang Bon factory in Bangkok and after being rescued and even winning their case in Court they were subsequently charged with illegal entry. (Ploenpote Atthakor, 2002) This shows lack of perspective

by the Thai authorities' and lack of understanding the spirit of the law and a failure to adopt the right way to handle victims for repatriation including the violations of agreements signed with states as a cooperation to combat human trafficking. It may also reflect prejudice and bias on the part of the law enforcers.

Thailand has signed agreements with other States to provide victims' protection and to provide victims with safe repatriation. One such agreement was signed with Cambodia in 2003 but surprisingly, interpretation of the agreement does not seem to follow through to the facts given that more than 600 hundred Cambodians were deported in September 2003. Although the cases were not properly investigated to detect if the deported persons were all the victims of human traffickers, the figure appears large given the existence of such an agreement. Governments must take steps to ensure after signing a MOU the intended benefits are really translated into actual results for the victims.

III. Prevention

According to the report of human trafficking.org Thailand has made prevention strategies the main priority. Several strategies have been set up to prevent individuals becoming a prey to sex trafficking.

Raising awareness among target communities and persons is essential. If communities or groups that are vulnerable to trafficking are made aware of the problem, advised how traffickers operate and the hardships a trafficker can cause, hopefully they will protect themselves and will not become prey to traffickers. Many organizations and individuals actively involved in the fight against human trafficking have found ways of setting up public awareness campaigns using real life victims, using pictures of the victims, and communicating in a way that can even target people who are illiterate and have limited access to the media. Communities and family if aware and educated about the issue can be important watchdogs against abuse at local level, helping to identify traffickers and preventing them finding victims in the first instance. Also education can help create aware communities open to assisting in the healing process where victims are reintegrated back into a community. Communities

treating victims as survivors not criminals that deserve support would help the survivors avoid any new exploitative situations where they could be trafficked again.

Sex tourism as identified earlier is, for Thailand, a major pull factor for potential victims. To protect children from being sexually exploited, Thailand has set up imperative strategies. Thailand has for many years been facing an image problem and struggled to get rid of being known as a popular sex tourism destination. To sustain growth in the tourism industry sector, vital to its economy, resources have been committed to radically change and update the tourist image of Thailand. The Tourism Authority of Thailand (TAT) has promoted operators to provide more attractions that would attract greater numbers of female tourists by encouraging and promoting facilities such as special places for shopping, spas, beauty and medical therapies, Thai cuisine etc. Such a strategy has proved effective according to a survey of leading travel publications confirming, “that these destination promotions have successfully reinforced Thailand's reputation as a world-class "Shopper's Paradise", "Spa Paradise", and a hub of cosmopolitan cuisine, among others such as one of the world's Top-10 diving sites and "Golf Capital of Asia".” Also the number of female tourists to Thailand has increased. TAT also fully cooperates with the police to prevent and depress sex tourism, specifically of underage children by joining hands with many private sector players such as hotel staff and through cooperation with Ecpat International to prevent child sexual exploitation.

A campaign for raising the awareness of hotel staff was set up called “Hotel staff training, guest awareness program”. The main aim being to raise awareness among hotel staff when a situation of child prostitution maybe occurring at the hotel. The reception desk and other staff are trained to be aware and notice a customer who is accompanied by a child who is obviously not their biological offspring. At this stage, staff can alert the authorities or the management and as a result a child prostitution situation could be prevented.

Shanti Dairiam, the Director of International Women’s Rights Action Watch Asia Policy suggested in her reports that ethnic minorities and stateless persons are at highest risk and deserve special attention. The vulnerable group such as sex workers, refugees, ethnic minorities and stateless persons need great attention. To strengthen the prevention strategies measures which empower the vulnerable groups must be

worked out. Raising awareness among the most vulnerable groups is a key issue. The international organization such as UNESCO with funds granted by Asian Development Bank, produced and distributed cassettes and CDs about a soap opera in different hill tribe's languages, Hmong, Lahu and Jingpo, in April 2003. It was distributed across Northern Thailand where the populations of hill tribes are considered to be a vulnerable group. The materials distributed were for raising awareness among tribes in the upper Mekong Sub region. The outcome of this approach was that many individuals who did not understand the issue were informed about their rights and how they should protect themselves from becoming victims of human trafficking.

Different states have set up different strategies to combat human trafficking. Factors that contribute to trafficking varies from one state to the other and are not common to every state, thus elements that are recognized for building an effective strategy may vary. To combat human trafficking, in Sweden the law has criminalized prostitution. Prostitution is perceived as a root cause of human trafficking and Sweden has set up the policy of zero tolerance of prostitution and human trafficking. The law mainly targets the buyers, on the basis that when no buyer is in the market, the traffickers will divert to some other destination where the demand is high.

To properly implement the law, the government set up a budget of around \$1million for police enforcement. At the initial stage the main aim was for the police to intervene before the crime takes place and police targeted prostitution found on streets but later it moved to apartments, bars, etc; The report also stated that once prostitutions is criminalized the traffickers would turn elsewhere where the risk is low, specially where the law does not criminalize prostitution. This is a false perception for Sweden, as this law can make woman who are in the career or thinking of adopting it as a means of earning money more vulnerable as they will be then classified as criminals, a black market can come into existence paving the way for organized crime to control the trade and the workers. In many situations prostitution is a victimless crime.

Thailand has similar laws where prostitution is criminalized but s available reports shows that despite being criminalized in the past years this business has flourished and the laws that criminalized prostitutions have not been effective as the

number of prostitutes arrested is much higher than the buyers arrested and penalized. This model of criminalizing prostitutions may be understood as a way to move the problem elsewhere or underground rather than solving or regulating it to minimize abuse, exploitation and health risks.

In Cambodia, an NGO called Healthcare Centre for Children (HCC) uses the approach of engaging the local community to tackle the problem of human trafficking at the point where the exploitation takes place, rather than just following the approaches of raising awareness at the point of origin. HCC builds a strong network with local community players such as police, taxi drivers and neighbors living in the area, vendors, etc. who keep a close scrutiny of the targeted areas. As a result of such interventions in the first nine months of implementation 28 victims were rescued which lead to the arrest of 5 brothel owners. (UNIAP-SIREN Field Report, 2007)

In Thailand exploitation of migrant workers is particularly prevalent in the fishing industry especially in the Samut Sakhon province. Based on the Strategic Information Response Network (SIREN) field report of UNIAP/PMO the problem of trafficking in Samut Sakhon has become very complex. Migrant labor is kept cheap and exploited not only by the employers but also by their brokers. During September 2006 sixty six migrant workers were rescued from a seafood processing factory. The factory continues to operate. Lack of seriousness in dealing with the problem by the authorities and lack of government willingness to regulate and develop a proper recruitment process where migrant workers are not dependant on unregulated brokers who escalate the problem in the area. (UNIAP, Partnership against trafficking)

Australia has developed a national policing strategy by setting up the Transnational Sexual Exploitation and Trafficking Team (TSETT), this is a section solely dedicated to the fight against human trafficking. The team investigates and provides a spontaneous response to any emergency case identified throughout Australia. TSETT collaborates with states and territory police. The National Policing Strategy consist of six elements, prevention, capacity and resources, victim assistance, partnerships, training and education and regulation and legislation. (Humantrafficking.org, News & update 2007) This model could apply in the case of Thailand. Wanchai Rouanavong of the Thai Ministry of Justice gave a significant statement that the issue of trafficking such as child sex cases has been given less

importance than other criminal cases such as murders or drugs trafficking. Wanchai maintains that Thailand is no doubt moving in the right direction towards eradicating human trafficking but what is lacking is “a special police force that is concentrated on that particular crime.”

Governments’ strong anti trafficking campaign would result in failure if the government officials are corrupted and bend the rules on the movement or activities of the traffickers. The government’s personnel such as immigration officers and law enforcement officers are at the forefront of the fight against these human rights crimes, therefore, a gap or weakness at this level guarantees failure to combat human trafficking. According to the report it’s not a new observable fact that government’s official are involved. In 2002 and 2004 government official’s vehicles were found carrying migrant workers and were involved in a human trafficking ring. The police officer made a statement on the news about the human trafficking situation by saying; “it is not uncommon for them to arrest police officers and soldiers travelling on the Mae Sot-Bangkok highway who are involved in human trafficking.”(Aung Su Shin, 2002) When trying to eliminate crimes that have many complexities and involve different actors such as the corrupt border guards or states officials. It requires comprehensive interventions for the enforcement of the anti-trafficking laws. To minimize or completely eradicate trafficking, impunity shouldn't be given to any state officials involved in human trafficking; impunity to any official would contribute to the increase in the number of victims and encourage officials to take the risk of getting away with a crime for high rewards.

Undoubtedly, trafficking is a complex issue with many social and cultural dimensions. Therefore, it should be included as a consideration by different institutions, government and nongovernmental when formulating policy and strategies that where there is the possibility of overlapping of similar projects or intervention strategies.

In designing short term intervention programs focus needs to be expanded to cover individual trafficked for labor and child trafficking. Based on the previous strategies Thailand was focusing more on the sex trafficking of women and girls. For the long term intervention the targeted groups should not be limited to empowering

young women but the approach should be targeted to community development in the areas where demographically human trafficking is high.

Another strategy to prevent human trafficking is the attitude towards migrants, stateless people or refugees. Thailand does not have any specific law against discrimination and the practices adopted by government authorities, Thai employers, schools or hospitals towards the migrants are of high concern and which might contribute to obstacles to combat human trafficking. According to the report of International Program on the Elimination of Child Labor (IPEC) it suggests that treatment and living conditions for migrant workers is often as bad as that experienced by trafficked victims. Their interviews reported that some of the migrants' workers were locked in by the employer at night in fear of their escaping at night.

Strategies to build complaint mechanisms for migrants both legal and illegal migrants, stateless people, refugees and sex workers should be put in place so that they can have the confidence that they won't be treated as criminals breaking the law and entering Thailand illegally but as victims who has been exploited and trafficked, Strategies should be equally focused on labor, sex and other sectors where victims of human trafficking commonly originate. When raising awareness among the groups at risk of trafficking, the set up strategies should be along term strategies which aim to keep these groups of people always well informed of their rights.

A holistic approach to the problem of human trafficking requires cooperation from both sending and receiving countries. The roles of receiving countries such as Thailand should not be limited to prosecuting traffickers or imposing tighter rules on immigration. Alternatively, Thailand can seek possible prevention measures that can be effective and more humane such as strategies that reduce the factors that make victims less vulnerable after they reach Thailand. The migrants should have more choices available and empower them to access these alternatives. This will prevent them from staying and being further abused, once they feel that they have been cheated or abused.

Lack of citizenship for the hill tribes or Internally Displaced People (IDP) in Thailand will continue to contribute to human trafficking. The strategies set up to prevent these groups of people seem to be limited to raising awareness and creating

understanding of human trafficking. Unless the issue of citizenship is solved in the long term their vulnerability to trafficking/ exploited will continue.

IV. Prosecution

Perpetrators should be publicly identified, so as to make the public aware of the existence and extent of the problem and similar to the current policy for drug traffickers, once arrested, the crime is revealed to the public. This kind of identification and treating trafficking as a serious crime which attracts severe punishment would gain public attention and awareness. Traffickers often negotiate with corrupt officials and avoid penalties or prison yet the victims, end up being charged as illegal immigrants.

All members of the justice system, police prosecutors and courts must combine their efforts and processes to punish traffickers and implement a system that is quick and has built in safeguards to ensure a victim's protection and dignity. The punishment should match the severity of the crime. Dr. Halga Conrad, International Consultant on Combating Trafficking in Human Beings stated the "a criterion of success in combating trafficking is never one field of action, but all elements must be considered. The only focus that matters is to identify victims properly and in much larger numbers, to investigate cases properly, to prosecute properly and to sentence perpetrators to time in prison that reflects the severity of the crime." (UNODC, 2006) Successful prosecutions which rely heavily on witness statements as in trafficking where the evidence from the victim is crucial would benefit from expedited court proceedings and ways of taking victims statements that encourages confidence so the victim can feel secure to continue with speedy proceedings. Also providing witness protection is an essential part of support and to ensuring success in proceedings.

To encourage victims to come forward and support prosecution the justice system should provide witness protection not only in source but in destination countries. Destination countries should provide social support and consider granting

some visa status to trafficked victims on humanitarian grounds where they cannot return home or have cooperated fully in a prosecution. (U.S Department of State, 2005)

In the United States, The Trafficking Victims Protection Act of 2000 aims to build upon existing criminal laws by granting new protection to trafficked victims, including the confiscation of a traffickers' property and compensation for victims. One new approach is that a victim who assists in the prosecution of a trafficker can be granted a "T-Visa" that allows the victim to remain in the country after the case is prosecuted regardless of the outcome of the case. This approach has also been taken up by the Netherlands and Belgium. Thailand has been slow in making progress on this strategy including their ability to build victim's trust for their safety or confidence in the system, during and after prosecutions. Where enforcement officers' charge trafficked victims with being illegal or no support is provided during the prosecution phase most victims are likely to avoid the process or feel insecure about outcomes and have to face the prospect of deportation. Consequently fewer cases have been reported and most have gone unreported.

Effective ways to protect the rights of the victims and prosecuting the traffickers requires expertise, other than what police and prosecutors can provide. The Asia Foundation uses a "network of integrated services to fight human trafficking, to help victims and prosecute traffickers". To respond to the problem of human trafficking in Thailand the Asia Foundation established a model to combat human trafficking called Chiang Mai Model, (CMM).

The CMM has set up a team of experts in different areas including, medical practitioners, translators, NGOs, social workers, and lawyers. The team provides support and contributes to the fight against trafficking in various ways, including to "monitor, observe, and help prosecute traffickers, to rescue and interview victims, and to provide social services, medical care, legal aid, repatriation assistance, and witness protection to rescued victims." They are able to collectively work together and build confidence and security for victims to proceed with legal actions.

The Asia Foundation's strategies are adapted from the Centre for the Protection of Children's Rights (CPCR) established in Bangkok, and the CMM model ensures that the experts are in constant communication with the victims as well as

each other. (Combating Trafficking of Women and Children in Thailand: The Asia Foundation)

V. Strategies to Empower Vulnerable Groups

Numerous reasons exist why people become stateless, among many are migration and refugee's fleeing. The vulnerable groups recognized in this paper includes stateless people, refugees, migrants both legal and illegal but they all need to be empowered by Thai government to defend their human rights and for the Thai government to acknowledge and protect their basic human rights as defined and recognised internationally. Often the focus of attention for these groups is the fact they are stateless but there must also be a focus and direct interventions to provide protection and to have strategies to prevent the abuses they are likely to face such as trafficking and exploitation.

For instance, the strategy to empower Sri Lankan refugees in India has been effective and is an empowerment model to preventing human trafficking. India like Thailand has not signed the 1951 Refugee Convention. Many of the refugees came from the conflict affected areas of Sri Lanka's Northern and Eastern provinces and were provided with shelters in Tamil Nadu a city in the southern part of India. Most of them were illiterate and were mainly farmers or fishermen by occupation. The refugees receive an assistance package provided by the central and the Tamil Nadu governments which comprises of cash grants, rice rations and free water and electricity. (Saha, 2004)

The Sri Lankan refugees in India received the support of the Tamil Nadu education authorities which has helped almost all refugee children attend school. There are more than 500 students in the universities in the state. OFERR is an organization that was set up in Tamil Nadu and successfully implemented its projects through the empowerment model. Some of its projects have been successful in improving economic conditions and creating better futures for refugees. One such

result is a gem-cutting teaching centre that has taught refugees to cut and polish semiprecious stones which has helped them with opportunities to set up their own businesses or to find local employment. Another is setting up youth labor cooperatives that have won contracts to provide services to the construction sector. Thailand needs a similar model as it has failed to empower its vulnerable groups especially migrants living in refugee like conditions or refugees living outside camps that experience discrimination which starts with restrictions on their movement to dealing with barriers to access health services such as HIV/AIDS treatment, decent jobs, and education services. (Saha, 2004)

Another intervention that the Thai government could pursue in order to protect its migrant workers is providing a safe system of migration for those seeking decent work. This implies the need to improve and regulate the quality of recruitment services, regularly monitor the recruitment agencies and eliminate the illegal agencies. Another preventive tool that the government could use to protect both its citizens and the migrant workers from being trafficked is by raising awareness of the need to use authorized recruitment agencies. When individuals are aware of the choices available to them by obtaining accurate and reliable information and such information comes from authorized recruitment agencies then they will prefer to use official channels and try to migrate safely. This would prevent them from seeking help from their neighbors or other often unreliable and potentially exploitative sources. There should be no fee for consultation or for the recruitment assistance.

The Thai government needs to reconsider its migration policy, since the issues relating to migration policy as previously highlighted are relevant to the prevention of trafficking and can indirectly create circumstances in which trafficking is harboured. Migrants, stateless people and other vulnerable groups have rights to development. By limiting the movement of migrants the government indirectly forces the children to leave school. When migrant workers or stateless people escape from their restricted zone seeking better employment opportunities their children leave their school to travel with their parents. Most of these children are then not registered with any school in their new location since the parents fear arrest by the authorities. The Thailand government cannot then claim to have fulfilled its millennium development goal of primary education for all children. World leaders at the World Education

Forum, held in Dakar during 2000 agreed to commit to the goal of having all children completing “compulsory primary education of good quality” by 2015. Also at the UN’s Millennium Summit, heads of state adopted this target as part of their Millennium Development Goals for reducing world poverty. Access to education is clearly recognised as a human right for all children and if Thailand fails to advance the education services available to the children of refugees and migrants it will have reneged on its international commitments.

During the 2nd National Migrant Health Conference organized by the Thai government in July, 2008 government agencies, NGOs and other actors present during the meeting shared their experiences and affirmed the basic rights of all individuals to access medical, health and education services free from exploitation or discrimination. Many of the government officials attending perceived migrants as a risk to National security and suggested strict limits on the number of migrants entering Thailand. However, many other government officials believed migrants are important to the growth and development of the Thai economy. The available Thai population to fill all labor market requirements has been falling and migrants often take up the jobs that Thai’s normally will not seek. Emphasizing the importance of migrant workers to the Thai economy Dr. Chanvit stated that 9% of Thai GDP depends on non Thai labor.

B. Recommendations

The Women’s Commission for Refugees Women and Children makes the following recommendations: (Women's Commission for Refugee Women and Children, 2006)

- Shift policy focus from law enforcement and stricter migration control measures to a holistic rights based approach which enhances protection and empowers trafficked persons.
- For the people living in refugee like circumstances, when they are trafficked, their situation must be considered within an international

refugee framework that promotes durable solutions such as local integration, third country resettlement and voluntary returns.

- Repatriation is not the best durable solution for all trafficked persons. For Burmese migrants repatriation is unsafe due to their political instability in their country. They often return again to Thailand even at the risk of being re-exploited or re-trafficked. Developing a system with other actors such as the UN and NGOs, that can identify unique factors such as those that apply to Burmese trafficked persons who cannot return home due to the unsafe political situation. Other options available for trafficked persons who cannot return home must be the availability of either temporary or permanent stay in Thailand.
- The ongoing model of refugee resettlement must consider including trafficked persons for whom returning or local integration are not practical.
- The Thai government needs to recognise that restriction and current approaches placed on the movement of refugees have not worked. There is a need for the government to facilitate the mobility of the refugees which would further encourage them to report any abuses without fear.
- There is a need of recognition that trafficking takes different forms and is not necessary exclusive to commercial sex work.

Vital Voices Global Partnership makes the following recommendations:
(Vital Voices, 2007)

- Vital Voices considers that a lack of Thai citizenship is a serious barrier to obtaining education, healthcare, employment and other services. The inability to prove birth, by those born in Thailand but without birth certificates, prevents them from becoming citizens which causes them to be vulnerable to exploitation. Article 24 of the International Covenant on Civil and Political Rights requires that the

government guarantee all children the right to birth registration at birth.

- Vital Voices recommends training the authorities such as the hospital staff and district officers in the process of birth registration and to set up mobile registration units. The International Community has an important role and can provide resources to assist in the process of birth registration and to actively promote the goal of universal education for all children.
- Also of importance is eliminating barriers to education by not restricting movement of migrants and recommends issuing travel permission to any part of Thailand for all students. NGOs are encouraged to lobby government to grant citizenship to all babies born in Thailand and from time to time to conduct assessments to determine the access of residents in Thailand to education, travel permits, healthcare facilities and legitimate forms of employment.

Author's recommendations:

- After Thailand ratified the United Nations Convention Against Transnational Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the next critical step is observing and implementing all of the policies and obligations it has accepted to undertake. To achieve this only national legislation that is comprehensive and has a human rights basis can fulfil these obligations and grant protections to all vulnerable members of society and supports the victims of trafficking regardless of their status.
- An anti trafficking prevention measure that states like Thailand may consider is a need to expand with the set of economic choices available to people working in the slave like conditions jobs. The limited choices available to certain groups of people such as the refugees, stateless. Thus the prevention measures should not be limited to imposing strict regulations on immigrations. For the stateless people, the focuses and

interventions are mainly on protecting them from abuses such as trafficking, exploitation or discrimination but it should address the root causes of the problem which is being a stateless.

- Learning from the empowerment of Sri Lankan refugees in India the setting up of an empowerment model like the OFERR for the Burmese or other refugees in Thailand would be a good prevention tool to assist refugees to avoid becoming exploited labor.
- There needs to be a regulatory body with the resources to implement a proper monitoring system to continually monitor all aspects of the governmental, private and NGO responses and activities and to evaluate all projects to determine their compliance to upholding and bettering the human rights outcomes. All projects and financial resources used in the fight against human trafficking need to be measured for their effectiveness. When gaps are identified then strategies and regulations need to be reviewed or new ones formulated in a timely manner.
- There is a need to establish localised centres that engage local communities to fight against trafficking at the point of exploitation. As highlighted most of the focus has been given to the point of origin, this needs to shift. In Thailand both the government and the NGOs need to build a cooperative network with local communities where exploitation is occurring and from local knowledge and intelligence valuable information about traffickers and trafficked victims can be discovered. Interventions should not be limited only to the border area where the traffickers mobilise the victims but also places where the exploitation is ongoing. One such site where trafficked victims are used as labor is Thailand's ports where fishing boats depart and return. Policing the ports would reveal many victims of trafficking.
- Thailand has signed CRC and CEDAW pursuant to these agreements the Thai government is obligated to protect the human rights of women and children living in Thailand even if they are not holding Thai citizenship and protection should be without discrimination of race, caste, nationality. The government needs to create formal regulated channels

through which all children can access education and women can access jobs and empower them in ways that can help them to avoid exploitative situations to meet its obligations under these agreements. National laws against human traffickers or increasing criminal sanctions will not be sufficient to meet the human rights obligations under these agreements.

- All victims of human trafficking need to be identified through a victim sensitive system of policing, monitoring and victim support. An integrated human rights approach holistic in nature which does not criminalize victims will meet international standards and all of Thailand's international obligations and ultimately help eradicate human trafficking. The Thai government can help minimize the negative impact of migration laws. Regardless of whether a migrant is illegal or legal the government authorities and policy must insure that individual human rights are not violated and grant protection within its jurisdiction.
- Education should not be limited to Thai language and the government should consider including bilingual education to the system. Like the Indian government the Thai government should create a channel for these groups to access jobs, especially stateless people that are waiting to be granted citizenship, and in the interim grant them temporary rights to access jobs in any part of Thailand.
- Government policy in response to human trafficking needs to be developed and promoted in a humanitarian way. A key to success is integrating policy and decision making among all the different ministries that impact on the issue of human rights issues and combating trafficking. Only through collective intervention and action by the different ministries involved in upholding Thailand's human rights obligations and with a role in combating human trafficking can the battle be won and some impact made on reducing the growing numbers of trafficked victims. Such cooperation and interventions must continue also at a regional and international level to have any real hope of someday soon ridding the world of human trafficking.

- When identifying victims the Thai government needs to adequately identify the victims without any gender discrimination. Male victims need to be equally identified and receive non discriminatory treatment.
- Abolishing trafficking should start with amending laws and rules so they include all vulnerable groups and protect them fully under labor law. A good preventive measure against human trafficking is to identify existing disempowering laws that impact on groups vulnerable to trafficking. Taking proactive measures that empower and provide equal treatment to all workers will benefit not only victims of trafficking but potential victims. It will also reduce abuse, exploitation and improve the standard of living of the weakest members of society the ones most likely to suffer from human rights violations. As long as laws and policies that discriminate against stateless people, migrants and refugees exist and are tolerated then receiving countries such as Thailand will continue to face the problem of human trafficking as traffickers can easily find a supply of humans to exploit. Therefore, the Thai government must recognise the need to ratify the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol or at least recognise the international definition of a refugee as a person who fears prosecution and are not just illegal migrants who have broken the law. Similarly, for stateless people Thailand should take a similar human rights approach to that taken by the Cambodian government by granting citizenship to stateless people in Cambodia.

There is an urgent need to recognise and develop a system that would better prevent vulnerable groups identified in this paper from becoming victims of human trafficking.