



“No more TIPs please”

Empower reflections on TIP report 2014

The American government enjoys the role of headmaster giving grades to children. The American Headmaster has had 13 years to help Thailand improve situation of human trafficking but the latest report card shows the problem is the same - but we are now are getting worse grades than when we began in 2001.

The American government may blame the student but wiser teachers may see that the TIP system does not work and has failed all workers and migrants in Thailand.

In the first TIP report card back in 2001 Thailand received a Grade 2 – meaning “could do better”. Then in 2010, after eight years of cooperation with the USA trafficking agenda and lots of money spent Thailand was unchanged so dropped to a Grade 2.5. Now in 2014, millions of dollars and another four years of following USA policy and it seems things are still unchanged and Thailand received a Grade 3 from the Headmaster.

America maybe needs to consider if you do something the exact same way every year for 13 years and things stay the same or get worse - maybe it to time to change to a new school of thought?

The International Labor Organization (ILO) new strategic plan (2015 -2020) has shifted their focus towards promoting decent work for all, especially ending forced labor and unacceptable working conditions for everyone, not just trafficking victims. The ILO, which has no particular country bias, is much better placed to be monitor and guide international labor standards than a single country like America.

The TIP process and anti- trafficking law harms poor people.

A Grade 3 means the USA can stop or reduce aid and trade with Thailand e.g. stop buying from the Thai seafood industry who exports 30% of their products. We have not heard of any strategy or plan to assist workers who lose their livelihoods from such actions. Perhaps we will have to stop, eating MacDonald's/ KFC and stop drinking Coke etc. and use that money to eat more seafood to keep people employed?

Trafficking is loosely defined as being involved in the movement of people in order to benefit from the exploitation of their labor including exploiting labor in prostitution.

In practice for the past 13 years enforcement of anti-trafficking laws has been limited to conducting raids and apprehending migrant workers in seafood, factories and entertainment places.

Migrant workers are people who need to work to support themselves and their family. The implementation of anti- trafficking laws in effect makes providing for the family a criminal activity under the law and according to bilateral agreements with the USA.

America prides itself on being the leader of human rights yet it just reports the same thing over and over every year for 13 years. Labor standards and quality of life for migrant workers has not been improved by American anti- trafficking policy. Actually we see the opposite in that under Thai labor law workers, skilled or unskilled, can come together to address issues of unfair wages, dangerous work practices and working conditions. The anti –trafficking law is an obstacle to this process as migrant workers who complain face the threat of “rescue and deportation” as trafficking victims.

The budget spent on anti-trafficking is substantial to say the least. For example in 2005 the American government awarded \$USD 95 million (2,850,000,000 THB) to 266 anti-trafficking projects, including 7 in Thailand. The spending has increased since then, yet all this money has not resulted in a better human rights or labor conditions for working people.

Life and travel has become harder, more dangerous and more expensive.

- Thai people wanting to work overseas had to pay much higher fees. Many had to borrow money from loan sharks to meet the new costs
 - In April 2008 54 people suffocated and died. They were migrant men and women trying to travel undetected in an unventilated container truck in Ranong Thailand.
 - Migrants found they need to be assisted by someone in authority or someone with influence to move and find work. This need was quickly exploited by corrupt people strengthening the culture of corruption and exploitation.
 - In 2012 Empower released a report outlining the negative impacts of anti-trafficking law and practice on the lives of migrant sex workers and their families. It is an in-depth community research report based on real lived experiences and provides details and examples of wide spread abuses and neglect under the law¹
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¹ Hit & Run Report www.empowerfoundation.org

- The American anti-trafficking money is attractive. The police already know the entertainment industry. They use entrapment which is an abuse in itself according to the National Human Rights Commission. Still the push and pull of American policy ensures police will pretend to be an ordinary customer, even using our service first -until it's time to make arrests. Under Thai law having sex by deception is defined as rape. In practice enforcing the anti-trafficking law can make rape part of police work.
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Initially the American anti-trafficking agenda was used against people crossing borders and women working in the entertainment industry. Migrant sex workers were labeled as victims, disease spreaders, drug traffickers and criminals.

Actually for decades there have been big headlines with photos of raids; men in uniform are pointing and standing over women who are crouching covering their faces or with their eyes blacked out. It is the iconic image that went with every story about the crime of prostitution.

After 2001 the same image became the stock photo for stories about trafficking law. The headline changed but the image was still the same. The headline changed but the situation of human rights and labor rights in the entertainment industry is still the same.

Will the image of trafficking in Thailand become photos of Cambodian seafarers or Burmese women peeling shrimp? Will they use this image for another 10 years only to find that the situation of human rights and labor rights in the seafood industry is still the same?

Protection or persecution under the law?

Last year 2013 Empower ran a project supported by the US Embassy in Thailand to train sex workers in human rights and paralegal skills.

This project taught us that even if we are suspected of breaking the law or are witnesses to a crime we have many rights under other laws. For example we must have a translator, can contact our family or trusted person, we must be given a lawyer and have our basic needs for food, clothing and health care while in custody.

We learned there are protections and punishments under each law and the overall principle is that if someone is not guilty they must be released; if they are guilty punished only according to law, and must be given their full rights and protections in either case.

However the experience of migrants under the anti-trafficking practices is not one of protection and assistance according to the law. Under anti-trafficking framework migrants have been frequently kept in custody longer than is prescribed under any law. Frequently there is no translation. It is common practice to use unscientific methods to establish someone's age as a minor such as examining their teeth and/or bone xray. The process is an abuse of human dignity and body integrity while the inaccurate results lead to further abuses and prolonged custody². Witnesses are kept in custody and not cared for or compensated as they should be under the Witness Protection Act.

We learned that the under the Thai Suppression of Human Trafficking Act 2008 there are many protections and assistance measures. However there has been no full report ever made on how these obligations were met or full disclosure of budget and spending by the Ministry of Social Development and Human Security.

The American government does not seem concerned with people's rights under the law only people's wrongs. Perhaps they just don't care about people but just want to catch victims to use as evidence against criminals?

The USA likes to be the leader of human rights, promoting equality and justice - but actions such as the TIP process and their anti-trafficking agenda undermines all their fine words. All people need to be able to work in safe fair conditions. Human rights need at the center of improving workplaces and labor rights for all workers, including sex workers, rather than the failed focus of the American anti- trafficking agenda.

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² Hit & Run Executive Summary pge 5 www.empowerfoundation.org
