Child Trafficking in the Mekong Sub-Region
A report by Safe Child Thailand
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Safe Child Thailand works to create a Thailand where all children are respected, protected and enjoy access to equal rights and opportunities.

Safe Child Thailand has published this report to raise more awareness of the issue of child trafficking and to promote collaborative and constructive dialogue between local agencies, service providers and policy-makers concerned with combating human trafficking and fighting for safe repatriation and justice for victims.

For more information visit: safechildthailand.org/trafficking-report

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AEC: ASEAN Economic Community
ASA: Association of Southeast Asian Nations
ASEAN: Association of South East Asian Nations
AAPTIP: Australia-Asia Program to Combat Trafficking in Persons
BATWC: Bureau of Anti-Trafficking in Women & Children, Ministry of Social Development & Human Security
BCATIP: Border Cooperation on Anti-Trafficking in Persons
CB: Community Based Organisations
COMMIT: Coordinated Mekong Ministerial Initiative against Human Trafficking
CRPCR: Committee for Protection and Promotion of Child Rights
CRC: Convention on the Rights of the Child
CWCC: Cambodia Women’s Crisis Centre
ETIP: End Trafficking in Persons Program (World Vision)
DKBA: Democratic Karen Benevolent Army
DSI: Department of Special Investigation
ILO: International Labour Organisation
IDM: International Organisation for Migration
LAK: Lao Kip Currency
LAPTU: Lao PDR Anti-Trafficking Unit
Lao PDR/Laos: Lao People’s Democratic Republic
MLS: Ministry of Labour and Social Welfare
MoL: Ministry of Labour and Social Work (Laos)
MoU: Memorandum of Understanding
MSDHS: Ministry of Social Development and Human Security
NGO: Non-Government Organisation
NOH: National Operation Centre on Prevention and Suppression of Human Trafficking
PTC: Poipet Transit Centre
SEZ: Special Economic Zone
TIP: Trafficking in Persons (Report)
UN: United Nations
UN–ACT: United Nations Action for Cooperation Against Trafficking in Persons
UNIAP: United Nations Inter-Agency Project on Human Trafficking
UNICEF: United Nations Children’s Fund
UNODC: United Nations Office on Drugs and Crime
WHO: World Health Organisation

DISCLAIMER: Human trafficking in Thailand is a highly complex and politically sensitive subject matter. Data was collected from various sectors: government ministries and regional offices, police, international and local NGOs, independent researchers, trafficking victims and their families, and members of the public in Thailand, Cambodia, Laos, and Myanmar. Many informants and participants wish to remain anonymous. To protect their identities and the work of their organisations, personal information has been removed from citations.
“IN THAILAND, IN EVERY INDUSTRY, YOU WILL FIND CHILDREN. TO WHAT EXTENT YOU CAN DEFINE THE LEVEL OF EXPLOITATION OR HOW GRAVE IT IS, THAT’S DIFFERENT. THIS IS WHERE THE DEFINITION OF TRAFFICKING COMES IN, WHERE ON THE SPECTRUM OF ABUSE DO YOU WANT TO DRAW THE LINE? THAILAND HAS NOT YET DRAWN THIS LINE. THAT IS WHY THE ISSUE OF CHILD TRAFFICKING IS SO DIFFICULT TO UNDERSTAND.”

NGO STAFF, BANGKOK
EXECUTIVE SUMMARY

Thailand has the largest economy in the Mekong sub-region and is hailed as a land of opportunity by those living in the significantly poorer neighbouring countries of Lao PDR, Myanmar and Cambodia. Thailand’s booming market and rapid urbanisation generate a constant demand for cheap labour. In response, millions of workers have migrated from surrounding countries to meet this demand.

There are an estimated 3.7 million migrants living in Thailand, including nearly 150,000 asylum seekers and refugees. The majority of migrants living in Thailand are illegal and unregistered. This makes migration hard to regulate and cases of illegal immigration, human smuggling and human trafficking become undistinguishable and overlooked.

With few arrests and prosecutions under trafficking legislation, Thailand’s legal framework of trading humans across borders has become more accepted and prevalent throughout the region.

There is widespread misunderstanding of trafficking as a legal concept, since traffickers may be prosecuted under labour laws for employing under-age children, or as child abusers under child protection legislation. Trafficking statistics are generally available generally underestimate the problem, since they based on formal repatriations under legal protocol when, in reality, most children are summarily deported without charge or record.

The demand for children for work in construction, factories, fish-packing and sex-tourism is high in Thailand. Child trafficking is illegal and quartered by the Royal Thai Police. There is no database of children identified as trafficked kept by the Royal Thai Police or other authorities, although one is reportedly under development by the Ministry of Social Development and Human Security (MSDHS).

Whilst many children are trafficked from neighbouring countries, the practice of internal trafficking, moving children from rural areas to the cities to work, is widespread in Thailand. The number of young Thai nationals in trafficking shelters appears just as great, if not greater, than the number of foreigners, despite the general assumption by Thai authorities that Thai children are less vulnerable to trafficking.

Thailand’s rural poor are targets for human traffickers and child labour. Children from rural areas lack sums of money in exchange for child labour. Children trafficked in this way, usually end up working in prostitution, sex-tourism or in degrading and dangerous jobs.

It is illegal in Thailand for anyone under 18 to work as a prostitute. However, the main focus of police efforts in recent years has been to exclude children under the age of 10 and to offer sums of money to children from rural areas to the high number of young teens found working in the sex industry throughout the country.

Thai child trafficking victims are also found in other sectors, including fishing, construction, factory work, agriculture and rubber and palm oil production.

There is high demand for Cambodian children to act as beggars or flower sellers in the tourist areas. A well-established system of brokers and handlers delivers children to Bangkok, Pattaya and Phuket. The children typically graduate from flower selling to petty crime and prostitution and even become traffickers themselves.

A system of renting children from their parents is prevalent in Cambodia and means that some of the children are taken to Thailand and are returned home. Since there are few opportunities for education and employment in Cambodia, they return to Cambodia where earning money is considered easy. There is no effective rehabilitation or after care for trafficking victims returning to Cambodia other than that offered by a small number of NGOs.

The long porous border between Thailand and Myanmar and the democratic government in Myanmar, which cripped Myanmar’s economy and society, contribute to mass Burmese economic migration. Mae Sot and Ranong, are the two main crossing points into Thailand for legal and illegal migrants from Myanmar. They are also used by traffickers and brokers moving children into Thailand.

Child migration from Myanmar is found all over Thailand and in virtually every industry. There is particular concern over the plight of the Rohingya people, who have been rendered stateless and driven out of their homes by the government of Myanmar. Many Rohingya young men and boys are trafficked into the fishing fleets that operate in the waters of southern Thailand and Malaysia.

Thailand reportedly deploys approximately 400 illegal Burmese migrants a day via the north-west border town of Mae Sot and, whilst there is focused effort put into identifying trafficking victims and safely repatriating them, there is little in the way of after-care available in Myanmar. Child victims are often re-trafficked into Thailand less than a month after repatriation.

Employment opportunities are limited in Laos and many Lao people cross into Thailand to work, where the economy is stronger. Illegal migration and trafficking also occurs, especially of Lao women and girls who earn good money in the sex industry, and where they are in high demand from local and tourist customers.

The similarity in language and culture between Thailand and Laos makes recruiting children from Laos particularly attractive. Victims acclimatise more easily and are deemed more flexible and effective workers. On average, there are around 150 repatriations of trafficking victims back to Laos per year. More than 95% are female, and 80% of those are under 18.

All Southeast Asian countries have signed and ratified the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) and are not making significant efforts to do so. The downgrade incited Thai authorities to bring human trafficking to the forefront of the country’s development agenda.

After remaining on Tier 3 of the TIP Report for two years, Thailand was upgraded to the Tier 2 Watch List in 2016. The move to the Watch List indicates that Thailand has made significant efforts to meet the minimum standards required to combat human trafficking, outlined in the Trafficking Victims Protection Act 2000. However, there are still major concerns for Thailand, addressed in the TIP Report, including the large number of women and children from neighbouring countries being exploited in several industries, including the sex industry, men and boys being exploited in commercial fishing, and the Rohingya people being sold as slaves to fishing boats in southern Thailand.

Human trafficking has damaged Thailand’s reputation and feeds into transnational organised crime. It is in Thailand’s best interest to combat it through education of police, lawmakers, government officials and the general public and by disrupting the broker networks. Imposing financial penalties on employers who exploit children through labour is a potential source of funds for a comprehensive anti-trafficking campaign.

Collaborative efforts by the Association of Southeast Asian Nations (ASEAN) governments and non-government organisations (NGOs) can break the cycle of repatriated victims coming back to Thailand. Cross-border cooperation is required to assist in supporting education and enhancing law enforcement.

This report recommends that specifically inside Thailand, child labour in all industries should be outlawed, the law banning children under 18 working as prostitutes should be enforced, with more active disruption of activity, and the practice known as tok khiew – selling a girl to a brothel to pay her parents’ debts – should be criminalised.

Traficking in Persons (TIP) Report Definitions

Tier 1: Countries whose governments fully comply with the Trafficking Victims Protection Act's (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 Watch List: 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.
CHAPTER ONE: INTRODUCTION

Rationale
Safe Child Thailand has worked in Thailand for 35 years and sees first-hand the devastating impact that trafficking and exploitation has on children and families. This research was commissioned to help better understand the mechanisms and characteristics of child trafficking in the Mekong region, where Thailand serves as a source, destination and transit point for human trafficking.

Thailand is an important economic hub of Southeast Asia. With three significantly poorer neighbours, Laos, Myanmar and Cambodia, Thailand, together with Malaysia to the south, is a magnet for migrant workers seeking their share of booming economic prosperity. In Thailand, wealth concentrates in the central urban areas, attracting domestic migration from poorer rural regions. As such, internal or domestic trafficking is also a common phenomenon, and far more difficult to identify and address.

Transnational trafficking poses problems for the identification and prosecution of offenders under one overarching set of legislation. Cross-border cooperation across all sectors is required for this to succeed. Evidence suggests that this is lacking.

In 2014, at the time this report was commissioned, Thailand was downgraded to Tier 3 by the U.S. Department of State’s annual Trafficking in Persons (TIP) Report.¹ Specific concern was raised around reports of women and children from neighbouring countries being exploited in several industries, including the sex industry, men and boys being exploited in commercial fishing, and Rohingya men being sold as slaves to fishing boats.

In 2015, Thailand remained on Tier 3. The discovery of mass graves along the Thai-Malay border suggested that Thailand had failed to protect Rohingya men, women and children from criminal trafficking syndicates.¹ This left human trafficking high on Thailand’s political agenda.

In 2016, Thailand was upgraded to the TIP Report Tier 2 Watch List, indicating that the Thai government had made significant efforts to combat human trafficking.¹ Thai government actions taken to eliminate trafficking and meet the obligations of United Nation guidelines, included enhancing police investigations; increasing the number of prosecutions and convictions under anti-trafficking legislation; and amending the Anti-Trafficking in Persons Act 2008, giving the authorities permission to close businesses involved in forced labour and the exploitation of trafficking victims.

In 2016, Thailand was upgraded to the TIP Report Tier 2 Watch List, indicating that the Thai government had made significant efforts to combat human trafficking.¹ Thai government actions taken to eliminate trafficking and meet the obligations of United Nation guidelines, included enhancing police investigations; increasing the number of prosecutions and convictions under anti-trafficking legislation; and amending the Anti-Trafficking in Persons Act 2008, giving the authorities permission to close businesses involved in forced labour and the exploitation of trafficking victims.

Despite this, the TIP Report still highlights evidence of trafficking in almost all industries throughout the country. The upgrade has been disputed by various international human rights groups that are adamant that Thailand should remain on Tier 3 and that the move was politically motivated and unsubstantiated.²

This report aims to contribute to the body of knowledge on the subject of human trafficking. It has been published to serve as a source and tool for government and NGOs working to combat human trafficking in the region.

Research objectives
To understand and investigate the phenomenon of child trafficking this report aims to answer the following research questions:

» How does Thailand serve as a source, destination, and transit country for child trafficking?
» Where do trafficking victims come from?
» Why are certain children and communities at particular risk?
» What is the role of parents and families in the trafficking process?
» What are the main routes into Thailand and common final destinations for different groups?
» What are the common strategies for evading border controls?
» Does the U.S. Government’s Trafficking In Persons (TIP) Report accurately reflect the situation?
» What offices and organisations are working on the ground to combat trafficking?
» What are the main obstacles to combating child trafficking in the Sub-Mekong region?

Data collection
There is no global system of data and intelligence sharing for child trafficking cases. However, even if a system did exist there are no national databases within Thailand, Cambodia, Myanmar or Laos to feed into it. Reliable data and statistics on this illegal activity is woefully lacking due to difficulty in obtaining statistics regionally or nationally.

In the absence of statistical data, this report offers estimates and analysis based on data collected through fieldwork in Thailand, Cambodia, Laos, and Myanmar. Trafficking has many grey areas. Confusion frequently results from failure to separate issues of child labour, child trafficking, and child smuggling. Each is a separate issue, and this report attempts to keep focus as closely on trafficking as possible.

Field research is the only way to gather information on the issue at a practical level. In the absence of reliable statistical information and without any means of obtaining it, we rely largely on anecdotal evidence and personal experience.

This research includes information obtained through: literature review and analysis of secondary sources; key informant interviews with state authorities, including government officials, immigration officers, and police; research with NGOs and government agencies for Safe Child Thailand; and personal experience.

Case worker for hill tribe children, Thailand

TIP [Trafficking in Persons] is quite a new issue and has recently become popular in the last 10 years and the Anti-Trafficking Law itself only for 6 years. Many associate this issue with just prostitution or migrants who are working in bad conditions.
the Royal Thai Police, examination of legal and government documents i.e. victim identification forms, repatriation records and annual reports, key informant interviews with international aid agencies, legal professionals, NGOs, social services and case workers; interviews with local communities, families and parents; and observation of traffickers and child victims and their movements throughout Thailand, Myanmar, Laos, and Cambodia.

**Geographical scope**

Data was collected in the following areas:

**THAILAND**

Bangkok: Many international organisations and government offices are based in Bangkok. Interviews with government officials, police, ministries and NGOs were carried out in Bangkok to gain insight into the implementation of the policies and to source existing data on child trafficking.

Chonburi province: Pattaya is the largest town in Chonburi province and is one of the most notorious tourist destinations of Thailand, especially for sex tourism. The notorious red light district is home to thousands of men, women and children who become victims of the sex trade. Initial interviews in Bangkok helped to identify Pattaya as a key destination for child victims who work in the sex industry.

Tak province: Tak is located on the border between Thailand and Myanmar. In Tak there are 3 large refugee camps, collectively home to 60,000 Burmese refugees. Mae Sot is a district in Tak, where the border crossing to Myawaddy is located, making it a hub for Burmese migrant communities. Tak province is one of Thailand’s Special Economic Zones (SEZ), an area intended to promote regional economic development between ASEAN states.

Mae Sot serves as a transit point for child victims brought into Thailand from Myanmar. Furthermore, this report identifies Mae Sot as a key source community for Burmese child victims of trafficking. They are often found selling flowers in Bangkok or working menial jobs in other tourist destinations of Thailand. The area is well positioned for traffickers who capitalise on the vulnerability of migrant workers and their children.

Ranong province: Ranong lies along the border between Thailand and Myanmar, further south than Tak. Due to its close proximity to Thailand, many illegal Burmese migrant workers enter the country at unmarked ports along the border. Ranong is a key destination for Rohingya entering Thailand and as a transit point for children exploited on fishing boats in southern Thailand and Malaysia.

Nong Khai: Nong Khai is a north-eastern Thai province on the banks of the Mekong River, where the Friendship Bridge, connects Thailand and Laos. Nong Khai serves as an initial destination point for Lao children, often girls, entering Thailand via the Lao capital, Vientiane. In Nong Khai, there are hundreds of brothels, which employ under-age Lao and Thai girls serving Laotian, Thai and foreign customers. Nong Khai also acts as a transit point for children trafficked on to larger tourist destinations of Thailand, including Bangkok, Pattaya and Phuket.

Chiang Mai: Chiang Mai is Thailand’s second largest city and, along with its surrounding province, serves as a transit point for Burmese men, women and children who enter Thailand from rural communities via jungle roads and unmarked trails. Chiang Mai is close to several Hill Tribe communities, who fall prey to traffickers in the area.

Like Nong Khai, Chiang Mai has brothels, which employ both Hill Tribe and Burmese children, mostly to meet the demand of Chiang Mai’s sex-tourism trade. Chiang Mai is a popular tourist destination surrounded by rural indigenous communities and has become a major destination for trafficked children, who end up working in the sex trade or as beggars and flower-sellers.

**CAMBODIA**

Poipet: Poipet is a town in Banteay Meanchey Province, on the Cambodian border with Thailand. Poipet serves as the official point for repatriation of trafficking victims and deportation of illegal migrants to Cambodia. Over 90% of trafficked Cambodian children found in Thailand and Malaysia have come from slums and villages in this area.

Malai: Malai is a district in the southwest of Banteay Meanchey province, in north-west Cambodia. Malai serves as an illegal entry point into Thailand and is used by brokers in times of heightened security in Poipet. Children from Malai are frequently targeted by traffickers hoping to make arrangements with parents with debts.

**MYANMAR**

Myawaddy: Myawaddy is a town in south-east Myanmar in Kayin State on the border with Thailand. Myawaddy is separated from Thailand (Mae Sot) by the Moei River. This town is the most important trading point between Myanmar and Thailand and is the site of dozens of illegal gates where brokers and migrants travel back and forth between countries. When Burmese child victims are repatriated, they are sent to a Myawaddy transit shelter. In many cases, the repatriation is processed unofficially through illegal gates, which are frequently made legal for certain trading arrangements.

**LAOS**

Vientiane: Vientiane is the capital of Laos and lies along the northern border of Thailand. It is connected to Nong Khai, Thailand by the Friendship Bridge. Many children from smaller villages throughout the country travel to Vientiane looking for work. Once there, they are lured to Thailand by brokers who convince them they will make more money in Thailand. Vientiane is also the official point for repatriation and deportation of Lao victims and the site of many NGOs working in victim services.
THE THAI GOVERNMENT WANTS TO KNOW HOW MANY TOTAL VICTIMS THERE ARE, SO THERE ARE SEVERAL REPORTS WHICH IDENTIFY LARGE NUMBERS OF VICTIMS, AND THIS UPSETS THAILAND AS A COUNTRY. IN FACT, NO RELIABLE DATA IS AVAILABLE. EVERY ANTI-TRAFFICKING ORGANISATION IN THE COUNTRY USES DIFFERENT STANDARDS AND METHODS TO IDENTIFY TRAFFICKING CASES. THERE IS NO REAL COMMUNICATION OR SYSTEM TO COMPARE THE INFORMATION THAT IS PROCESSED.

NGO WORKER, BANGKOK
What is a child?
The most widely accepted definition of a child, provided by the UN Convention of the Rights of the Child 1989 is any person under the age of 18 years.1

Despite this, many countries, particularly in Southeast Asia, have different and inconsistent customary definitions of a ‘child’ and a separate category for ‘minors’, which tend to obscure what legally constitutes ‘child trafficking’. Myanmar, for example, defines a ‘child’ as anyone under 16 years old. This means trafficking of a child under 16 years old is likely to be prosecuted as child trafficking. Minors - those 16 to 18 years old - would be less likely to be identified as trafficking victims, rather as immigrant child labourers.

What is trafficking?
Until 2000, there was no universally accepted common definition of trafficking, which allowed it to flourish, undetected and unidentified as a criminal act, across the world. The international definition of trafficking, provided by Article 3 (a) of the Palermo Protocol is:

"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 vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over them for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, slavery or practices similar to slavery, servitude or the removal of organs."2

The Protocol understands that trafficking, by definition, must include three core elements:

**The ACTION:** the recruitment, transportation, transfer, or harbouring of people.

**The MEANS:** the use of force, coercion, abduction, fraud, deception, abuse of vulnerability or the giving of payments to a person in control of the victim.

**The PURPOSE:** the purpose of exploitation (sexual exploitation, prostitution, forced labour, etc).3

The Palermo Protocol also states that cases of child trafficking only require two of these three elements: movement and exploitation. This is because a child’s definition, cannot give legal consent to be moved.

What is child trafficking?
The Palermo Protocol considers child trafficking as, the recruitment, transportation, transfer, harbouring or receipt of any person under the age of 18 for the purpose of exploitation even if this does not involve any of the means set forth in sub-paragraph (a) of the Article.4

Thailand uses this definition as a basis for its own legal classification of child trafficking:

"Whoever is, for the purpose of exploitation, procuring, buying, selling, sending, bringing from or sending to, detaining or confining, harbouring, or receiving a child, is guilty of trafficking in persons."5

International and regional attempts to offer a standardised definition of child trafficking have had some influence, they are meaningless without the backing of effective national legislation in all the countries concerned where consistent definitions of ‘trafficking’ and a ‘child’ are upheld. In its absence, many trafficking cases are not identified, recognised and/or prosecuted. In some cases, trafficked victims may themselves be prosecuted as illegal migrants because their immigration status is not clearly established in law. Children under the age of 18 may be prosecuted as adults, if their country of origin use a different definition of what constitutes the age of a child and/or the age of consent.

What is internal trafficking?
Internal trafficking, also referred to as domestic trafficking, is the trafficking of individuals regardless of citizenship or national or within the borders of a country.6 For example, a child trafficked from a village in eastern Thailand to Bangkok for the purpose of exploitation is a case of internal trafficking.

What is child abuse?
The World Health Organisation (WHO) defines child abuse as, “all forms of physical and emotional ill-treatment, sexual abuse, or neglect that results in actual or potential harm to the child’s health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse, sexual abuse, neglect and neglect treatment; emotional abuse; and exploitation.”7

In Thailand there is a sufficiently high incidence of child abuse to warrant concern. In 2013, UNICEF reported that over 19,000 children were treated as illegal immigrant. They are not trafficking victims, however their situation and status as an illegal immigrant makes them vulnerable to trafficking and other forms of exploitation.

Child trafficking is a form of child abuse in itself. Furthermore, trafficked children, who are in Thailand with no guardian or caregiver, are at grave risk of physical, sexual and psychological abuse and neglect. In Thailand, cases of child trafficking can be taken to court as cases of child abuse and vice versa. According to the Royal Thai Police, child abuse is anything that violates children. Given the confusion surrounding definitions of trafficking, it is often easier for police to get a conviction by pursuing a case as ‘child abuse’ than to investigate and identify the case as ‘child trafficking’, even when trafficking is the abuse.

What is child labour?
Child labour is the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school, and that is mentally, physically, socially or morally dangerous and harmful.

Due to children’s hereditary characteristic, children are often trafficked into situations of forced labour, slavery and domestic servitude.

Child labour is outlawed in Thailand and it is illegal to employ any person under 15 years of age.8 Traditionally in Thailand, child labour has made a significant contribution to the rural economy, especially in agriculture. Therefore, there is little or no social stigma attached to expecting children to work.

Today, fewer Thai children are in work because access to education has improved considerably.9 While this represents positive change for Thai children, there is still a demand for child labour, which is met instead by migrant children and children of indigenous communities from northern Thailand, who typically do not have Thai citizenship or access to schooling.

Child labour cases are often prosecuted under child abuse legislation. When a child is forced to beg on the streets by his/her parents, this could be the result of child trafficking, child labour or child abuse, for which the parents could be prosecuted under the Child Protection Act 2003.

What is the difference between trafficking and smuggling?
The U.S. Department of State defines human smuggling as, “the facilitation, transportation, attempted transportation, or illegal entry into a country of a person(s) across an international border, in violation of one or more countries laws, either clandestinely or through deception, such as the use of fraudulent documentation.”10

Human smuggling generally profits the smuggler, as the smuggled individual pays to be taken across a border (e.g. in the back of a truck). However, the definition does not require financial benefit.

Smuggling involves no formal documentation or declaration and so the smuggled individual is almost always an illegal immigrant. They are not a trafficking victim, however their situation and status as an illegal immigrant makes them vulnerable to trafficking and other forms of exploitation.

In Thailand, many smuggling cases become human trafficking cases. An individual may pay a smuggler to get them into Thailand and, upon arrival, they are taken to a place of work for the purpose of exploitation. These crimes are not always classified, identified or charged under trafficking laws.

A smuggled individual is one who has given his or her consent to being taken across a national border illegally. If consent has not been given, or has been obtained by deceit or duress, it is considered a trafficking.

Therefore, in cases where the smuggled individual is a child it is always a trafficking case, as children are legally incapable of consenting to be smuggled. However, there is a legal difference between a child who has been smuggled and a child who has been the victim of human trafficking.

What is a trafficker?
UNICEF state that any person who knows that their actions will likely lead to the exploitation of a child is a trafficker, whilst those without the intention, knowledge or suspicion that their actions will be exploited is not considered a trafficker.11

Trafficking is often associated with a complex criminal network, cross-national organised crime, and traffickers and criminals and conspirators. However in some contexts, trafficking takes place within the four walls of a family home. Relatives and even parents can be complicit in their child’s trafficking, some knowing that their child will be put in danger and exploited.

Traffickers can be lone individuals or extensive criminal networks. Pimps, gangs, family members, labour brokers, employers of domestic servants, small business owners, and large factory owners have all been found guilty of human trafficking. Their common thread is a willingness to exploit other human beings for profit.

Polaris12

Consider the following cases:
Both involve child exploitation, child labour and child abuse, as well as trafficking and smuggling. These are common scenarios in Thailand and show the difficulty in defining child trafficking, identifying child trafficking cases and prosecuting child traffickers under trafficking legislation. Every trafficking case is different and each country or community’s own values, cultures and beliefs impact upon definitions and subsequent legislation on human trafficking and child labour.

**Case 1:** A 13-year-old boy lives with his migrant parents in village in Thailand. He follows his parents to work in a textile factory in a nearby city. Working alongside his parents in the factory for 10 hours per day, he earns a small wage that aids the family’s economic situation.

This is not a trafficking case. The migrant family work in Thailand by choice and, although this child is denied his right to education and is expected to work long and illegal hours, he has not been trafficked into an exploitative situation.

**Case 2:** A 15-year-old girl from rural northeast Thailand is sent by her parents to Bangkok to work in a bar owned by a distant cousin. Her father accompanies her to Bangkok and leaves her in the care of the cousin, who has never met her before. She will be expected to work every night in the bar and send her earnings home to her parents.

This is a trafficking case. The child has travelled to Bangkok and, once there, has been ‘harboured and received’ for the purpose of exploitation. The child travels away from an environment of safety and into a situation of exploitation.
International Legislation

Trafficking is a crime that spans the globe. The international law has served as a powerful tool in the battle against human trafficking, yet despite the adoption of various international human rights instruments, countries face ongoing challenges in implementing policies and meeting international treaty obligations.

The first step to compliance with international legislation is the ratification* or accession† of the relevant conventions and their protocols. Ratification by a country results in formal monitoring by the United Nations (UN) Commission. The Palermo Protocol, for example, established mechanisms to monitor countries’ compliance with its obligations.

Nations that have ratified specific conventions and protocols are required to submit regular reports indicating their level of compliance. Countries frequently delay ratification of a convention or protocol until they have passed national legislation that enables them to meet the treaty’s obligations.

In 2000, three important legal instruments were drafted by the UN Office on Drugs and Crime (UNODC). These are:

- The United Nations Convention Against Transnational Organised Crime
- The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol)
- The United Nations Protocol Against the Smuggling of Migrants by Land, Sea, and Air

The table on page 19 shows the commitments made by Thailand, Cambodia, Myanmar, Laos to key international legislation related to organised crime and human trafficking.

The Palermo Protocol

The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) is arguably the most prominent and influential treaty dealing specifically with human trafficking. It is a robust set of obligations that has the potential to make real change to the way the world approaches human trafficking.

The Protocol defines human trafficking in a global context and sets detailed standards for prevention and protection. It is written in a language of legal obligations that can be understood domestically.

Obligations of signatories to the Palermo Protocol include, but are not limited to:

- The obligation to actively identify victims and provide victim status;
- The obligation to diligently investigate cases and secure trafficking convictions;
- The obligation to repatriate victims, who are without proper documentation by facilitating their return to their home country;
- The obligation to protect, support, and provide remedial care and rehabilitation to victims;
- The obligation to provide special measures for child victims;
- The obligation to actively identify methods to prevent trafficking;
- The obligation to participate in information exchange and training to prevent trafficking and facilitate safe repatriation.23

The Palermo Protocol is only effective and efficient when it is successfully incorporated into national legislation. The Protocol itself only establishes minimum requirements for states, giving them the freedom to supplement whatever provisions they find necessary into their domestic legislation.24 To combat human trafficking effectively, nations must actively adjust or create national legislation to adhere to its requirements. They must also incorporate the standards of the Protocol fully into enforceable law and procedures.

The UN lacks the power to enforce the Palermo Protocol and cannot guarantee that countries who sign and ratify the Protocol will adhere to the obligations through practical and/or legal action.

When assessing whether a country has met the appropriate standards and obligations for human trafficking prevention and protection, we must understand that each country’s capacity to meet obligations will vary largely, depending on legal and socio-political variables. These factors will determine the extent to which individual states can implement prevention techniques, protection measures, and victim assistance for child trafficking victims.

Destination countries, like Thailand, often have greater economic capacity than their neighbouring countries, who often serve as source countries. However, this does not reduce the poorer country’s obligation to take all preventive and punitive measures possible, the scope for meeting Protocol standards will typically depend on resources available. It is important to consider each country’s capacity to meet obligations when analysing the effectiveness of international and national legislation.

Regional frameworks

In 2000, Thailand, along with Laos, Cambodia, Myanmar, Vietnam and Malaysia, signed the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT), a regional legal framework to recognize and address the issue of human trafficking within the Mekong sub-region.25

In an attempt to promote common understanding and cooperation, the COMMIT countries declared a Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region. This Memorandum was a first step in aligning national legal definitions of terms, such as ‘human trafficking’ and ‘age of consent’, before the Palermo Protocol was adopted by all countries. The Palermo Protocol helped improve cross-border cooperation. Although in practice, there is still widespread misunderstanding of trafficking related concepts within legal contexts.

Of the countries in the Mekong sub-region, Thailand has the most comprehensive legal framework relating to trafficking. Thailand’s Measures in Prevention and Suppression of Trafficking in Women and Children Act was drafted in 2003 and replaced the country’s first Anti-Trafficking in Persons Act. Similar national legislation based on the UN Palermo Protocol has since been adopted by all other ASEAN countries. However, the existence of legislation does not necessarily imply enforcement of that legislation, which depends largely on capacity or through lack of energy, or indeed, through lack of will.

The Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations (ASEAN) was established in 1967 by the Philippines, Malaysia, Thailand, Indonesia and Singapore, joining to sign a declaration known as the Bangkok Declaration.

The initial development of ASEAN was motivated by a shared fear of communism and a desire for rapid economic development in the region. Today, ASEAN, which has expanded to include Vietnam, Brunei, Laos, Myanmar and Cambodia, seeks to accelerate economic growth, political, and cultural development in the region and to promote Southeast Asian Studies across the world.

In 2015, an ASEAN Convention Against Trafficking in Persons Particularly Women and Children, which was based on the 2004, ASEAN Declaration of the same name. Different from the obligations set forth in international and national instruments, this declaration first seeks to encourage regional cooperation by sharing information, strengthening borders, and protecting travel documents from fraud.

The prevalence of human trafficking throughout the region is a direct threat to the economic growth, social progress, and cultural development in the region and to promote Southeast Asian Studies across the world.26

By jointly confronting the issue, ASEAN member states show their commitment to the protection and promotion of human rights and the elimination of human trafficking. However, one of the biggest obstacles in countering human trafficking is the disparity in wealth and development between participating countries. Already, there is mass migration from low-income countries to middle-income countries, such as Thailand.

The ASEAN Economic Community (AEC), established in 2015, is cited as “a major milestone in the regional economic integration agenda in ASEAN offering opportunities in the region. AEC is a huge market of US$6.2 trillion and over 622 million people.”14 The AEC is in its infancy, yet is, collectively, the third largest economy in Asia and the seventh largest in the world.23 The AEC promotes more relaxed borders and greater freedom of movement of people between member states. Freer movement of skilled labour will facilitate increased mobility, which in turn, could lead to an increase in human trafficking.

Thailand

National legislation of Thailand relating to organised crime and human trafficking:

- Prevention and Suppression of Transnational Organised Crime Act 2013
- Anti-Trafficking Act 2008
- Anti-Money Laundering Act (No. 1) 2008
- Witness Protection Act 2003
- Child Protection Act 2003
- Criminal Procedure Code Amendment Act 1999
- Money Laundering Control Act 1999

Thailand has made a great effort to strengthen national legislation against human trafficking and in favour of child protection in order to meet its international obligations.

Thailand has ratified all major international conventions and protocols pertaining to human trafficking and child protection, and on paper, Thai children arguably enjoy the best legal protection and promotion of their rights of any country within the ASEAN region.

Thailand’s Child Protection Act 2003 incorporates the international definition of a ‘minor’ and the acts which constitute violations of a child’s rights. Thailand is seeking to improve effectiveness by adopting legislation based on the UN Palermo Protocol, which includes national requirements for states, giving them the freedom to supplement whatever provisions they find necessary into their domestic legislation.24

The Act also created the National Child Protection Committee, tasked with monitoring its enforcement and implementation.

Protection under the Act does not extend equally to the substantial numbers of children who do not hold Thai citizenship or documentation and who may be in Thailand illegally. The Nationality Act 1965, states, in relation to children, Thai nationality can only be obtained through the bloodline. This makes it increasingly difficult for refugees, migrants and ethnic minorities who do not have official documentation to access protection under Thai law.21

The Anti-Trafficking Act 2008 prohibits all forms of trafficking and convicted traffickers are liable for

**Footnotes:**

1. Ratification is the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. The institution of ratification grants

2. Accession is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. If the same legal effect as ratification.

3. After ratification, the treaties entered into force in 1978.

4. After accession, the treaties entered into force in 1998.
to prison sentences of 4-10 years. It also sets high standards for the investigation of trafficking cases, the identification of potential victims, the prosecution of offenders, and the rehabilitation and repatriation of trafficked individuals. The Act created the Committee of the National Operation Centre on Prevention and Suppression of Human Trafficking (NOCHT), which conducts and supervises all legal adjustments that relate to combating trafficking.

Cambodia

National legislation of Cambodia relating to organised crime and human trafficking:

- Anti-Corruption Law 2010
- Suppression of Human Trafficking and Sexual Exploitation 2007
- Law on Suppression of Kidnapping and Trafficking of Human Persons and the Exploitation of Human Persons 1996

Prior to the adoption of the Palermo Protocol much of the focus on human trafficking in Cambodia centred on the trafficking of Cambodian women and girls into prostitution.

With the ratification of the Protocol, Cambodia sought to overhaul its national mechanisms to improve existing law and strengthen its effectiveness against human trafficking both internally and across borders. Under the Protocol this includes measures to prevent trafficking, punish traffickers, and to protect trafficking victims.

Cambodia has adopted the universal definition of human trafficking and set up legal punishments for those complicit in human trafficking and transnational crimes. Despite having ratified these treaties, Cambodia remains on Tier 2 of US Department of State’s TIP Report.

Cambodia ratified the optional protocol to the Convention on the Rights of the Child in 2002, which prohibits the sale of children, child prostitution, and child pornography. However, whilst being signatories of various international child protection and child rights legislation, Cambodia lacks comprehensive national legislation to protect child rights.

Comparing the international standards outlined in the Palermo Protocol to existing Cambodian legislation exposes gaps in the national anti-trafficking standards, particularly in the area of victim protection. These gaps result in a constant flow of re-trafficked migrants seeking better economic opportunities abroad, whilst limiting the government’s ability to protect vulnerable communities from trafficking.

Myanmar

Myanmar passed The Child Law in 1993 to meet the obligations of the UN Convention on the Rights of the Child (CRC). However, active conflict between the government and armed ethnic groups occupying the eastern border with Thailand, results in intractable problems in enforcing anti-trafficking legislation. People, drugs, weapons and gems are smuggledfreely. Armed conflict has created a constant flow of migrants seeking better economic opportunities abroad, whilst limiting the government’s ability to protect vulnerable communities from trafficking.

Myanmar legally defines the age of a child as anyone under 16 years of age. This definition contravenes the CRC and the definitions used by other countries in the region. This results in inconsistency and confusion when defining and identifying child trafficking inside Myanmar or of Myanmar’s citizens in other countries. This is an example of how national laws can supersede universal definitions, causing irregularities and hindering compliance with international legislation.

Laos

National legislation of Laos relating to organised crime and human trafficking:

- Anti-Trafficking Law 2015
- The Law on the Protection of the Rights of Children 2007
- Law on the Development and Protection of Women 2004

Children are protected under the Law on the Protection of the Rights of Children 2007, which contains provisions on healthcare, family registration, child protection, social assistance and monitoring and enforcing child rights.

The government of Laos became concerned specifically with trafficking in 2007. Children noticed an increase in the number of citizens being abused and exploited in Thailand. Laos came under immense international pressure as concern grew about trafficking, the inefficacy of its response, and the perception that, in the absence of effective action, the trafficking situation would only worsen.

In response, Laos has made a commitment to protect children from human trafficking by ratifying all key international legislation. Laos was one of the first countries in the region to ratify the Palermo Protocol. Yet despite bold moves by the Laos government, there are still few prosecutions of traffickers.

Before Laos’ Anti-Trafficking Law 2015 was passed, there was no comprehensive national legislation specifically dealing with trafficking or a coherent legal definition. Trafficking is mentioned directly or indirectly in sections of the national penal codes, yet this fragmented approach produced inconsistent and unreliable law. For example, the Law on Development and Protection of Women 2004 provided a legal definition of human trafficking and protected women and children from some forms of trafficking and abuse, but excluded the trafficking of males.

In addition to their Anti-Trafficking in Persons Law 2005, the government of Myanmar established the Anti-Human Trafficking Taskforce to implement national legislation and prosecute offenders.

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“IF THE CASE CANNOT BE PROVEN TO BE EXPLOITATION THEN WE CANNOT PROVE THAT IT IS TRAFFICKING; FOR EXAMPLE, EVEN IF A PARENT SELLS THEIR CHILDREN, WE CANNOT ALWAYS SHOW THAT THE CHILD IS BEING EXPLOITED, SO IN THE END WE CANNOT SAY IT’S TRAFFICKING.”

ROYAL THAI POLICE
Internal trafficking is the trafficking of people within the borders of one country. In Thailand, there is particular focus on foreign trafficking victims and vulnerable migrant populations. However, in a survey of nine government shelters for trafficking victims, run by the Thai Ministry for Social Development and Human Security, over 80% of the victims in the shelters were children and around half the children were Thai.47

If young Thais are found working in prostitution, it is often assumed that they do so by choice. These cases are rarely investigated by police as trafficking cases. As such, internal child trafficking is under-represented in arrest and prosecution records.

A common assumption is that the internal trafficking of Thai children has decreased as a result of better economic opportunities for parents and improved access to education. The Director of the MSDHS Anti-Trafficking Bureau, reported that the number of children involved in trafficking has decreased due to the Thai government’s efforts to extend opportunities in education to overcome the issue of Thai children in prostitution.48

Less emphasis is placed on prevention of internal trafficking owing to the belief that the increased flow of foreign children into Thailand, most notably those from Cambodia, Myanmar and Laos, have quelled the demand for internal trafficking. Thai children are perceived as less vulnerable than children from these groups and, if a Thai child is found in an exploitative situation, it is presumed to be of their own volition.

The Thai government’s Department of Special Investigation (DSI) claim that most of the trafficked children they identify are foreign, with only a handful of Thai victims logged each year.49 Contrariwise, the MSDHS report that in government shelters for child trafficking victims in Thailand, the number of Thai and foreign victims are almost equal.50

Unequal development and rural poverty is a key catalyst for internal child trafficking in Thailand. A UN-ACT representative in Thailand explained:

“It is not poverty, but inequality - especially in Thailand. It is not necessarily those who are the poorest who are trafficked, so framing it as poverty glosses over the nuance of it.”51

Uneven development and social inequality as a driver of internal trafficking can be seen in the increasing number of cases of Thai girls being internally trafficked from middle-income families. These girls come from north-eastern Thailand, commonly known as the Isaan region, and can be found working in bars and brothels throughout Thailand. Traffickers exploit these women by tempting them into prostitution with promises of luxury goods, designer clothes, smart-phones etc. They are educated, often aware of the risks, but see prostitution as a high-paid career move that comes with a luxury lifestyle.52

Trafficking of Thai children

Internal trafficking and prostitution

For decades, Thailand has had a reputation for sex-tourism and prostitution is an ongoing social problem in the country, despite contributing largely to the country’s economy.

The 1990s was when the government started adopting legislation to protect those working in prostitution, particularly children. Former Thai Prime Minister, Mr Chuan Leekpai (1992-1995) announced a government-led crack down on prostitution. Whilst prostitution was, and remains, legal in Thailand, Mr Leekpai adopted legislation to suppress and prevent the exploitation of women and female prostitutes and to abolish prostitution of anyone under the age of 18.53 Under the policies, no girls could be forced or coerced into prostitution, tortured or abused and there would be greater prosecution of pimps.

During this time, former Prime Minister’s Office Minister and child rights advocate, Saisuree Chutikul gave an interview claiming:

“Thai men think that having sex with a prostitute is the same as having a cup of coffee after a meal. They don’t feel guilty about it at all [...]. Some parents are lazy and want their children to earn big sums of money for them. They don’t care what kind of work their children have to do [...]. But although getting rid of under-aged prostitution is a government policy, lots of government officials don’t provide cooperation in this matter.”54

Police cracked down all over Thailand, performing identity checks on girls working in bars, nightclubs and brothels. In Thailand it is mandatory for all citizens over the age of 15 to carry an identity card. If the girls did not have an ID card, they were presumed to be less than 15 years old, which meant the girl was deemed as working illegally as a prostitute.

Because of this, and the fact that 15 is the age of consent in Thailand, it became rapidly acceptable for girls to openly engage in prostitution, so long as they were over 15 years old.55 This happened despite the Prevention and Suppression of Prostitution Act 1996 clearly stating that it is illegal for anyone under the age of 18 to work in prostitution.

In 2015, a representative of the Royal Thai Police claimed that:

“Most of the trafficked children we find are Thai and

Migration expert, Bangkok
In 1994, the Ministry of Labour and Social Welfare (MLSW) addressed the issues of prostitution and trafficking, from which half of the revenue from human trafficking was not yet in use. It was estimated that approximately 1,500 girls from Chiang Rai, a province in northern Thailand with a female population of 600,000, were at risk of being sold into prostitution. This number was based on an estimate given to the NSGW by typically 2,000 girls known to be pledged by tok khiew.

Data suggests that trafficked Thai children are typically found in closed businesses, such as small brothels or hotels in Thailand’s larger cities and tourist resorts. Often girls are considered willing participants, as they actively try to evade the authorities when there are raids. They are likely just fearful of arrest. It is very difficult, in these cases, for police and NGOs to produce evidence of exploitation and trafficking.

Many girls working in prostitution do not self-identify as victims and refuse to participate in the process of investigation, let alone in the prosecution of traffickers, pimps and brothel owners. The police, cannot put victim status on them if they don’t want it. Consequently, prosecutions are brought to court cannot put victim status on them if they don’t want

In the mid-1990s, there were several reports of raids.47 Although they are likely just fearful of arrest. Often girls are considered willing participants, as they typically found in closed businesses, such as small tourist resorts.

During Thailand’s economic crisis, many farmers were too poor to support their families while they waited for their paddies to mature. They had to pledge their off their fathers’ debts and aid their families’ survival.49

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There are no real information on issues of internal trafficking. I am sure it is just not there. No one has researched the issue...I don’t think they’re looking in the right places.

The term ‘hill tribe’ is used to describe groups of indigenous people living in the mountains of north and northern-east Thailand, with their own languages, culture and beliefs.52 The history of their migration begins over 2,000 years ago. In more recent times, groups with Tibetan, Burmese, and Chinese origins migrated into Thailand.

These indigenous tribal groups are typically found in the northern regions of Chiang Mai, Mae Hong Son, Chiang Rai, and Tak Provinces. Historically, hill tribe communities have posed few threats or problems for the Thai government. Over time, more attention was drawn to their presence because of their opium plantations with damage large areas of Thai forest, resulting in a drug prevention policy which made opium cultivation illegal.

Despite work by NGOs and the government encouraging hill tribe communities to grow alternative crops and plants, the rapid removal of opium production from the ‘Golden Triangle’ led to financial instability and impoverishment among some hill tribe populations.53 With limited opportunities for income generation, many hill tribe families were obliged to seek work in the cities of Thailand.

Many hill tribe children who fall victim to human trafficking are brought from the vast hill area along the Thailand-Cambodia-Burma border. Some 94% of hill tribe children enrol in primary school, as opposed to a national average of 87%. Only 35.6% of boys and 29% of girls go on to secondary school education. As a result, 25% of hill tribe people are functionally illiterate, against a national average rate of just 2%.54

Poverty is an important driver of child trafficking throughout Southeast Asia. 64% of hill tribe families

In northern Thailand many organisations are attempting to build schools for the hill tribe children in an effort to give them access to basic education.

This should be a safeguard against trafficking, but unfortunately, some schools are centrally located to serve the whole district. Some children have to travel sometimes outside the areas where they are allowed to travel, thus putting them at further risk of being intercepted by traffickers or by the police.

Cooperation of the police in arresting brokers and rescuing children has been reported by practitioners on the ground. One source reported:

“Due to some corruption among the police officers, and the fact that many of these brothels are owned by high ranking [police] officials, trafficking children into brothels is almost impossible to solve.”55

In these cases, investigations grind to a halt, and are ultimately dropped by the authorities. Children identified as victims of human trafficking may be sent to the appropriate government shelter and will thereafter disappear. Alternatively, systematic lack of documentation and the lack of international cooperation often makes it impossible for the MSDHS. In other cases, police are aware of what is going on in the brothels, but unwilling to actively investigate unless there is the threat of international media investigation or attention. Since the movement of Thailand to Tier 3 in the TIP Report and then back to the Watch List, there is a strong desire for publicity to demonstrate to the international community that Thailand is energetically engaged in the fight against human trafficking.

In terms of a central database for trafficking cases, the MSDHS is authorised to produce one, which they have started but then they went silent. We have a report collecting the total number of human trafficking cases from the Royal Thai Police and DSI and joined them together. If you ask me how the police established this number, it comes from a form called Por-Sor-Tor-Ror O2. This form is meant only to record human trafficking cases from each police station around Thailand and then it is sent to merge with the total number MSDHS has. But the MSDHS is still unsuccessful in launching a central database. The police keep tracing the cases even after the case is submitted to the attorneys, who decide whether to submit a case or not. The court authorises it. If it’s trafficking but in the end it’s the court’s decision.

How do they expect us to merge all of these numbers when there is no system to group together all of the data from each of our partners? Even the numbers in the shelter do not match with the numbers we have because they don’t count the victims that are not inside the shelter they only rely on the victims that they have [which are intertwined with victims of abuse]. There are victims who do not want to stay in a shelter. There are some cases within the Immigration Bureau that are sent only to the local police officers. No one can confirm any numbers that we have are all on paper. In the end it will be the police who are in charge of this database.
“THERE IS A MIDDLE MAN WHO FACILITATES THE TRANSPORTATION OF THE GIRL FROM HER COMMUNITY DIRECTLY TO THE “MAMA SAN”. AT THE BROTHEL, IT IS THE MAMA SAN WHO IS IN CONTROL OF THE GIRL. THE MAMA SAN IS USUALLY A VICTIM OF TRAFFICKING HERSELF.”

NGO DIRECTOR, CHIANG RAI
CHAPTER THREE: TRAFFICKING FROM CAMBODIA

Background
Thailand has been attracting migrant labour from Cambodia since the 1990s and there is a substantial number of Cambodians working in the country, both legally and illegally. In 2014, over 880,000 Cambodians were registered as migrant workers in Thailand. However, these workers only represent around 5% of the Cambodian population of Thailand.

In an attempt to stem the constant flow of Cambodian migrants into Thailand, the Thai government sought to discourage potential migrants by restricting Cambodians to industries offering only low paying jobs, that are considered dirty, dangerous, and demeaning.

There are thousands of Cambodian children excluded from the national register and effectively stateless. Within this invisible population are children who follow their parents into Thailand as well as children who cross the border alone or with the facilitation of a broker or smuggler. There is significant scope for human trafficking.

From 1975-79, Cambodia was ruled by the Khmer Rouge, an inhumane regime characterised by mass genocide and societal destruction. Under Pol Pot’s totalitarian dictatorship, an estimated 2-3 million Cambodians were killed in state-led massacres and by the effects of an abusive tyranny. Cambodia was subsequently ruled from Vietnam, whose armed forces successfully overthrew the Pol Pot regime in 1979.

Following decades of civil war and political instability, Cambodians continue to struggle with overwhelming poverty and limited economic opportunity within their country. Cambodians migrate to Thailand to work for as little as 3,000 Thai Baht a month (€2 - $3 a day).

Poverty is a major catalyst for unsafe migration into Thailand from Cambodia. Limited educational opportunities, domestic violence, dysfunctional family life and socially disrupted communities are also key factors. With few employment opportunities for families living close to the border, Thailand is a glimmer of hope.

Countless Cambodians cross the border into Thailand every day, attracted by the perception of wealth and opportunity in the country. In O’Russey Village, Stung Treng Province, 95% of teenagers reported having one or both parents working in Thailand. One teenager claimed, “everyone wants to go to Thailand, there is work in Thailand. There is nothing to do here.”

Cambodia’s brutal history inhabits the psyche of many Cambodian adults. They have programmed themselves for survival at any cost, which has created a culture conducive to trafficking. Education does not seem to be valued. Many adults, themselves uneducated as a result of their circumstances and the poverty they live in.

Food is their chief and overriding concern. The low engagement with education combined with extreme poverty has unmistakable similarities to the situation of the hill tribe people in Thailand, and has encouraged a sophisticated system of child trafficking largely unrepresented in any government statistics.

Cambodia as a source country

The Poipet Transit Centre (PTC), report that child trafficking patterns from Cambodia to Thailand are localized to the border regions. The returns report from Thailand indicates that 80-90% of child victims come from Banteay Meanchey Province (Poipet) and O’Chroy District. Within these areas there are countless unofficial routes to enter Thailand through forests, fields and mountain paths.

Over 90% of child victims found in Pattaya alone are identified as being picked up or sold from Poipet.

Poipet, once a post-war wasteland, has now become an expansive town, chiefly due to mass migration into Thailand. With this, and the opening of many casinos in the town, Poipet has been declared a “future economic zone” by the Cambodian government.

One social worker claimed that, “no one is originally from Poipet – families have moved here in the last decade because they want to work in Thailand.”

Poipet has over 20 illegal border crossings into Thailand. Most are easily accessible and un-policed. Efforts by international organisations working on the ground occasionally lead to periods of heightened security along the Poipet border, making movement into Thailand more difficult. During these periods, Cambodians can travel a few miles to another small border town called Malai, which has over 10 illegal border crossings with almost no security. In Malai, they can reportedly pay 500 Riel to certain Cambodian officers to cross illegally into a Thai market.

According to one street vendor working in Malai:

“It’s so easy to get into Thailand from here. There are a lot of routes behind people’s houses and this is where a lot of illegal goods go in and out as well. There seems to always be a way to get into Thailand and someone who is willing to help you.”

Daily, over 20,000 Cambodians cross in and out of Thailand for trade, construction-based labour and for work in the Rong Kluer Market. Amongst them, hundreds of children cross the border to beg in the Thai markets. They are vulnerable prey to brokers who take them into other parts of Thailand for begging or sex work.

Cambodian children are among the most vulnerable groups trafficked into Thailand. Staff working at government trafficking shelters in Thailand identify that Cambodians seem to be at particular risk due to their circumstances and the poverty they live in.

Many children come from villages and slums where they live in poor and squalid conditions, with little access to clean water, schools, healthcare and even basic nutrition.

Two areas from which children are commonly abducted or rented from parents to beg in Thailand are Pali Lai slum and Dei Sor slum, these two slums...
Poipet alone has over 20 unofficial or illegal crossings into Thailand. These unofficial crossings consist of forests, fields, small rivers, and even small doors leading from the casinos in the town. The illegal border entrances into Thailand are given names such as Flower or Watermelon. According to one teenager, “these choices are obvious because new crossings are always being added. It’s very easy to get into Thailand. I usually use Flower, sometimes it’s free sometimes you have to pay 20 Baht.”

Older children typically enter Thailand alone looking for jobs and end up in exploitative situations. Younger children, especially girls, typically enter Thailand with their parents or grandparents while their parents work in Thailand. One mother “I have 8 children, two of them are somewhere working in Poipet, found begging with her 4-year old 10 children that they are unable to feed. One mother claimed that, “parents do not pay off debt with their children’s income as that’s what the children are educated. Parents are often victims of trafficking themselves and begin working as prostitutes. Some parents regard their children as investments and see little value in having children educated. Parents are often victims of trafficking and exploitation themselves and began working at a young age. One teenager in O’Russey Village explained, “my father beat me because I went to school. He doesn’t understand why I want to go to school, he wants me to be working to make money for him.”

Some Cambodian parents are discouraged from crossing the border legally. For families living along the Thai-Cambodian border, this journey is around eight hours long. Even with a passport, Cambodians are discouraged from crossing the border legally. Many immigration officials exploit their vulnerability and lack of education by demanding bribes for what would otherwise be free documentation assistance.

Another option for Cambodians living along the border is to obtain a border pass, which is created locally and at low cost. However, for many, it seems pointless, time-consuming and costly to pay for legal documentation when there are countless ways to cross the border for free.

The role of the parents in trafficking Cambodian Children

Cambodia’s limited legislation on child rights, leave children under-protected by law. It is not uncommon for Cambodian parents to be involved in the trafficking of their child. In some scenarios, parents will “rent out” or sell their child to a broker for the equivalent of 1,500 – 3,000 Thai Baht. This is more common than a trafficker kidnapping a child. The children most vulnerable to abduction in this way are those begging in the Rong Kuer Market on the Thai side of the border.

In some cases, migrant parents living in Thailand take their children to beg on the streets with them at night. If caught by Thai authorities, parents can be arrested and imprisoned, whilst the child is returned to Cambodia to a government shelter, where they will stay until suitable accommodation is found. Parents live with their children in the shelter for months or even years, until he or she is old enough to leave.

Some Cambodian parents regard their children as investments and little value in having children educated. Parents are often victims of trafficking and exploitation themselves and began working at a young age. One teenager in O’Russey Village explained, “my father beat me because I went to school. He doesn’t understand why I want to go to school, he wants me to be working to make money for him.”

Many adults in Poipet struggle with loans and debts and do not see benefit in saving any of their income in order to repay their loans. A social worker in Poipet claimed that, “parents do not pay off debt with their own income as that’s what the children are doing for.” In some cases, children who are successfully repatriated and reunited with their families after being trafficked into Thailand, will be trafficked again. Children are trafficked themselves because they are pressured to make money that they are scared to go home empty-handed.

Poverty forces parents to sell their children. Some of the parents know when their children will end up. If one child can provide some money, then it makes them sense to take the risk and let the child go.

Case worker, Poipet

Additionally, with a lack of family planning and education along the border, many families have up to 10 children that they are unable to feed. One mother of eight said, “I have 8 children, two of them are somewhere working in Thailand, I don’t know where. I know they will come back. One was in Thailand and came back a few months ago. I wanted to send this child (points to 4-year old child) but my husband wants me to keep him instead to sell his blood.”

For these families, renting out a child is a way to survive a desperate situation. Acute poverty forces parents to make these important decisions. But this practice is fuelling the trafficking system.

The Cambodian broker system

The trafficking of children from Cambodia to Thailand involves a sophisticated broker system, supported by a complex trafficking ring. With few job opportunities, many poor families believe that their children can earn an income to help pay for school. In Poipet, many people find themselves involved in the trafficking business and network, without even realizing it. To some helping people cross the border illegally is a service to poor families needing work in Thailand. To others, this is serious business where profits outweigh any small risk associated with arrest and conviction.

While some abductions and kidnappings occur in the Cambodian border towns, most trafficked Cambodian children are rented from their parents by a broker. Brokers build close relationships with the local police and immigration authorities. Brokers target families with lots of children, exploiting their poverty and desperation to fulﬁl their children’s needs.

Some brokers will rent a child directly from parents with the promise of returning the child once an unofficial contract of employment or activity is completed. Parents willingly allow their children to be taken to Thailand on the condition that eventually the child will be returned, not only safely, but better educated and with “work experience”. It is debatable whether parents are aware of the extent to which their children are exploited once they are in Thailand.

The village is mostly populated by elderly people. Many adult children were sent to work in Thailand, leaving their children in the care of grandparents. Located close to an illegal border crossing, there have been many cases of young teenage girls being trafficked to Thailand. The children are usually trafficked with lots of children, as they are so isolated and have little access to basic necessities. Because they are not registered at a government school, no one would notice them if they went missing. The children are disengaged, bored and welcome the opportunity to be taken to Thailand where they can work and experience a new and modern way of life.

The village is remote, rural and lacks access to a government school. This has been established by the community leader to give children access to basic level education. Most children live with their grandparents, who are illiterate and uneducated. The children here are vulnerable because they are so isolated and have little access to basic necessities. Because they are not registered at a government school, no one would notice them if they went missing. The children are disengaged, bored and welcome the opportunity to be taken to Thailand where they can work and experience a new and modern way of life.

There is an illegal border crossing in the centre of the village. The village leader was once the main supplier of Cambodian children into Thailand. He collected money from poor families for taxes. Families who could not afford to pay could sell their children “to cross over.” He would sell most of the children to gangs and begging rings in Thailand, but would keep some young girls in his home for domestic and sexual servitude. With his arrest and imprisonment, the trafficking of young children decreased but still exists. Many Cambodians travel illegally into Thailand for work, many take children with them.
In many cases, it is easier to catch the handler than a broker. That’s how they know that many are Vietnamese. The child will typically have a phone on them and the phone is rigged so they cannot make calls but they can receive calls. They are not allowed to speak with anyone for more than 2 minutes; you won’t catch them too far away from their handlers.

In some cases when the police have found the child, they are able to bring the child to the police station and when the handler calls they tell them the child was in an accident and the handler comes to pick up the child. They use whatever excuse they can get to catch the handlers.

This part is easier than catching the broker who is normally based in Poipet. Unfortunately, we know where most of these brokers live, even the kids know. In some cases kids traffic themselves, one child who was 10 years old wanted to work in Thailand so he went directly to the trafficker’s house who sold him to a handler.

Case worker, Pattaya

a trafficked child’s parent or family member; however, in reality they can be abusive to the children they control. One Cambodian child victim found selling flowers in Koh Samui claimed that if she was unable to sell all of the flowers, the handler would force her to consume all of the left over flowers to punish her and teach her a lesson.101

NGOs report difficulty in being able to intervene, especially when trying to report brokers and handlers to the authorities. It is reported that the trafficking ring may include Cambodian officials or their family members. One social worker explained that the reason that brokers are not always arrested is, “because many of them are police officers or the wives of policemen, they will always be protected.”102

Cambodian children in Thailand

Cambodian trafficking victims can mostly be found begging in areas such as Pattaya, Koh Samui, Bangkok, Ranong, and Phuket.103 The Royal Thai Police report that Cambodian children are commonly found begging in Pattaya, Rayong, and Bangkok, especially after the harvest season is over, in order to collect extra money.104

Some of these children are trafficked alone from Cambodia, others are the children of migrant families working in Thailand. These children are also at risk of being picked up by the local trafficking networks. In Pattaya, for example, there are many communities of legal and illegal Cambodian migrant workers. Due to a fear of being deported the children do not attend school. Consequently, they can be found loitering on construction sites and walking alone through the streets. Sometimes these children get picked up by begging networks along Beach Road and Walking Street, notorious sites for prostitution and sex-tourism in Pattaya. If children go missing, parents rarely seek help from the police in finding them, for fear of punishment and deportation.105

In some cases illegal migrant parents traffic their own children. In Pattaya, round the Cambodian migrant community, parents can be found advertising the sale in the construction sites to make some extra income from children too old to beg on the streets.106

The majority of children found begging in Thailand are Cambodian.107 The Mirror Foundation, who work to eradicate child homelessness and begging in Thailand claim that 90% of child beggars they work with come from Cambodia and over 1,000 Cambodian children are begging in Thailand every day.108

In Thailand, begging is seen as an issue of poverty and evokes a lot of empathy from both Thais and tourists, who feel obligated to give money to beggars, particularly children. This empathetic mindset fuels the industry of child begging and increases the demand for children, leading brokers to recruit even more youngsters from Cambodia. According to a Child Begging Poll by the MSDHS, 65% of the Thai people interviewed said they felt pity when they saw a child begging and would give them money.109 This reinforces the Buddhist and cultural attitudes of the region where supporting these children is a form of making merit.

Younger children are at particular risk of being trafficked to beg in Thailand. They are often given flowers to sell to tourists at markets or in the red light district bars. Once they get older, they may be forced to control groups of younger children or be moved to more labour intensive work.110 When Cambodian girls get older, they tend to move into the sex industry. In Pattaya, they often get hired in massage parlours, which are usually a front for brothels.111

Another trend is the use of Thai school uniforms to trick passers-by into donating money for school projects. Many schoolchildren shaking buckets for school donations in Bangkok are, in fact, Cambodian teenagers not considered “cute” enough to beg. They wear Thai school uniforms, they are able to evade the attention of the Royal Thai Police and get away with begging in large cities, even in front of prominent shopping malls and even police stations.112

“We have 8 children, two of them are somewhere working in Thailand, I don’t know where. I wanted to send this one also but my husband wants me to keep him instead to sell his blood.”

Parent, Poipet
Children begging so publicly suggests that begging, whilst regarded as a nuisance, is not an issue associated with trafficking or victims who are not always identified. Each year, over 10,000 illegal migrants who are found begging are reportedly taken to Non Governmental Centre. The Centre is not for trafficking of abuse victims, but for those violating the Controlling of Begging Act 1941 (recently replaced by the Beggar Control Act 2016). These men, women, and children are eventually deported as illegal migrants. They are never identified or recoded as human trafficking victims.10

Reappraisal of Cambodian victims

The Cambodian Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation claims to have established a sustainable repatriation mechanism, providing safe return and reintegration services to children. The system assures that children identified as victims of trafficking are repatriated via the legal border crossing through the governmental Transit Centre in Poipet (PTC).

Once processed by the PTC, children will either be sent back home providing a family assessment deems it safe to do so. Alternatively, they will be transferred to other shelters to begin their subsequent rehabilitation and reintegration back into society. This process requires cooperation between all Thai and Cambodian governments and is outlined in the MoU on the Establishment of Transit and Reception Centre for Victims of Trafficking, agreed by both countries in 2016.106

Children not identified as victims of trafficking are often deported as illegal migrants. They are delivered by police to the Cambodian border, with no one to pick them up or to provide them with support. Broken boats for the children to cross the border before trafficking them again. The majority of children deported as illegal migrants are not victims of trafficking. Several NGO’s operating on the Thai-Cambodian border claim that: "The child is just dropped off at the border in Poipet because sometimes the child is just dropped off at the Immigration Office instead of at the PTC. They don’t take care of the children at all. In the Immigration Office you have traffickers waiting to pick up the children again. We send the PTC paperwork and photos of the child so their staff can go to pick the child up formally. Even then, the traffickers will be there to get the child before PTC staff even arrive.”

NGO worker, Poipet

A lack of legislation in Cambodia means that the onus of identifying victims of trafficking often falls to the Thai government to make decisions under its own laws. According to Thailand’s Anti-Trafficking in Persons Act 2008, the MSDHS is required to protect victims of all nationalities at their shelters until the necessary steps are taken for official repatriation. If children are not identified as victims of trafficking, they are not recorded in any database system, and their best interest is neither identified nor considered. Once deported, victim support, welfare and reintegration are at the hands of NGOs, whose professional standards vary widely.107

Several NGOs work in alliance to protect street children and the children of migrant parents from trafficking. XP Missions works to support the police in identifying trafficking victims. The Centre for Victims of Trafficking in Persons Cambodia, the NGO worker, Poipet, commented: “A DNA test is the only way to identify a child who has been trafficked. Cambodia has no DNA system, so after police rescue a Cambodian child, they will never be able to check whether that adult is the child’s parent and whether the child is even a victim. A DNA test is the only way to prove conclusively, parentage. The test is costly, so instead police often make an assessment based on physical appearance. Inevitably, this method results in misidentification of potential victims and many cases go uninvestigated as a result.”

The high rate of re-trafficking helps perpetuate the vicious cycle of trafficking and child exploitation. Consequently, many child victims become brokers themselves – it is only the trade they know. According to a case worker in Poipet, these children do not see that they are being exploited because this is all they will ever know. They will continue this cycle when they are older and there will never be a solution.”108

The lack of a central database makes it difficult to identify children who are considered victims of trafficking.XP Missions and other NGOs which assist in the documentation process to ensure safe repatriation. In Bangkok, the Mirror Foundation specialises in cases of child begging and focuses on the vulnerability of Cambodian children.

Children when repatriated to Cambodia through PTC, there are several shelters for children who are unable to return to their families. The PTC plans to open a spad in order to avoid constant relocation of child victims. NGOs have a strong presence in Poipet and many employ social workers in the area to monitor the communities along the border and assess the risks of child trafficking.

Poipet, as the main source area for Cambodian children who are trafficked into Thailand, needs more anti-trafficking support, particularly in the area of prevention. Whilst there are shelters and schools in the surrounding villages, there appears to be little effective preventative work, such as mobile anti-trafficking units which operate in some Thai areas. A similar unit operating in the Cambodian border towns and villages could be very effective in raising awareness and protecting children from trafficking.109

Obstacles to combating trafficking of Cambodian children

The demand for child beggars in Thailand remains constant as the business remains steady. Preying on the empathy of Thai nationals and foreign tourists, traffickers make large profits in large tourist destinations. Inconsistent efforts by the authorities have enabled brokers to refine their technique by installing what seems to be a rotation system of children. Previously, a begging child would stay in one place all day. Now, to avoid detection by police, children are constantly rotated between sites throughout the day.110

Victim identification is extremely difficult. Finding evidence of exploitation is the hardest part of any investigation into a potential trafficking case. As Cambodian children are often sold, rented, or found begging with their parents, police are not always able to prove that the child was exploited, therefore, they are not recognised as illegal migrants removed from their trafficked children, and deported without victim status.

If a child is begging with an adult, police cannot know whether that adult is the child’s parent and whether the child a victim. A DNA test is the only way to prove conclusively, parentage. The test is costly, so instead police often make an assessment based on physical appearance. Inevitably, this method results in misidentification of potential victims and many cases go uninvestigated as a result.111

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Children are trained to constantly change their names and, without a central database, their profile is only recorded once within each province. So if you find the child in a different province, you have no idea if they have ever been trafficked before.

In 2008, the UN Inter–Agency Project on Human Trafficking (UNIPT) found a way to find children working in Thailand, Malaysia, and Cambodia, or children in Vietnam who have been trafficked.

Trafficking Cambodian children to Malaysia via Thailand

Like Thailand, Malaysia has a booming economy and tourism and for children, despite the fact that Malaysia has no border with Cambodia, migrants have found a way to work both legally and illegally in the country.

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A social worker working on the Thai-Cambodian border claimed that: “Trafficking children to Malaysia is nothing new, it has been happening for a while.” A social worker working on the Thai-Cambodian border claimed that: “Trafficking children to Malaysia is nothing new, it has been happening for a while.”

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Case worker, Bangkok

Cambodian children are typically promised work in the service sector in Thailand but are then forced into prostitution in Malaysia. Inevitably, the trafficking network both in Thailand and Malaysia involves a number of days in Bangkok to obtain documents for travel into Malaysia.

Many Cambodian children are reportedly trafficked into Malaysia with the assistance of a Vietnamese broker. Vietnamese brokers have extensive connections in Thailand and Malaysia and they frequently organise the transit and handling of Cambodian children trafficked into Malaysia. In 2014, the PTC received 200 repatriated children aged 12-18 to their shelter, including victims repatriated from Malaysia and Thailand.114
Myanmar as a source country

Many trafficked children come from Karen State - entering through Myawaddy, which is the border town close to Mae Sot on the Thai side. Most children who are trafficked from Myanmar use Mae Sot as a transit point before continuing on by land to their final destinations in larger cities of Thailand. Within Mae Sot itself, there are many vulnerable communities of Burmese who are also likely to be trafficked to larger towns. The Islambhumrung Community, also known as the “Bangladeshi Slum”, is home to many Burmese Muslims who are not recognised by the Thai government or the government of Myanmar and have settled on the outskirts of Mae Sot. Many people in this community come from Buthiduang, with a small amount of the population coming from Sittwe and Mraukdaw.

In Ranong, many child victims of trafficking come from a town called Marang, in the Tanintharyi Region, 3-4 kilometres away from the border check point in Ranong.

Trafficking routes from Myanmar to Thailand

UN-.ACT headquarters in Bangkok list the main illegal border crossings for Burmese moving into Thailand as: Konungtung/Fachilek to Mae Sai, Myawaddy to Mae Sot; and Kawthaung to Ranong.

According to Tak Immigration Police, Mae Sot is the main transit point for children who are crossing into Thailand from Myanmar, trafficked or not. In Mae Sot, it is simple to cross into Thailand from Myawaddy. On the Moei River, the Friendship Bridge joins Myawaddy and Mae Sot. Here Burmese citizens can cross into Thailand legally with appropriate documents. However, further down the Moei River there are many illegal crossing points, controlled by various Burmese armies, where one simply pays a bribe to cross. The illegal channels used to traffic Burmese citizens into Thailand may be the same routes used to traffic drugs and weapons as they are often “temporarily” made legal transit points by customs officials on the Thai side of the river.

To enter Thailand through these points, an individual must pay between 20 THB – 500 THB to the authority.
in charge of that particular crossing.128 Countless boats can be seen carrying Burmese back and forth across the border in both directions. Burmese children usually have means of transportation, such as a fishing boat or a vehicle, however, the costs vary depending on how much money the child or the broker has. In many cases, a vegetable truck is used to transport children from Mae Sot to various points throughout Thailand.129

Starting in Mae Sot, either as a transit or source point for Burmese children, there is a commonly understood transportation system. The child will be placed under boxes of vegetables in a truck and will have to get out of the vehicle and make short detours on foot to avoid detection. For children or brokers with less money, 6,000 THB buys the most protected route to main cities in Thailand, a walk through the jungle and across a river for 4-5 days, avoiding all check points along the route.130 Immigration officials in Tak Province claimed that it is difficult to intercept children and traffickers travelling on foot, as the forest provides good protection and concealment.131

Reportedly, for around 18,000 THB, the child can be driven with a police officer in an unmarked vehicle and pass safely through all immigration check points without question.132,100,000 THB, the child will be placed under boxes of vegetables in a truck and will have to get out of the vehicle and make short detours on foot to avoid detection. For children or brokers with less money, 6,000 THB buys the most protected route to main cities in Thailand, a walk through the jungle and across a river for 4-5 days, avoiding all check points along the route.130 Immigration officials in Tak Province claimed that it is difficult to intercept children and traffickers travelling on foot, as the forest provides good protection and concealment.131

In most of the cases, a Burmese broker facilitates the crossing of the border then hands the child over to a Thai broker who delivers the child to Thai employers in the industry. The child will usually have their identity documents, and a Thai broker typically takes the child to work but the Burmese broker who recruited or took the child is usually in contact with the families.132

Migrant children already in Thailand, for example from the Islambumrung Community, are usually handled by two brokers, typically Burmese who arrange for them to live with a Thai broker who handles them in the city. This network is less complex, requiring fewer brokers to handle and transport the children, as there is no need for cross-border facilitation.133

Brokers who source children in Myanmar, have typically worked in Thailand for a number of years and have ended up in the trafficking business, often without fully realising the work they are doing is criminal.134

A social worker in Mae Sot claimed that “the Burmese brokers usually go to the poor communities in Myanmar and brag about their experience working in Thailand. Typically, they approach parents directly and tell them about the kind of jobs that their children can do to make money for the family. It is presented as an important job opportunity, and parents and parents are often deceived into thinking their child will gain an education and work experience.135

Unlike the Cambodian broker system, there are fewer cases in Myanmar of buying or renting the child from the parents or grandparents.

Even Burmese travelling with a temporary passport and van transport documentation, can fall victim to a broker. Temporary passports grant Burmese migrants as young as 6 years old a two-year stay in Thailand. A Burmese NGO worker claimed that “brokers will jump in when Burmese go to extend their passport. They approach them, fill out the required papers, and then put a stamp, therefore turning the valid document into a counterfeit document that they are able to use again once. Typically, over 90% of the Burmese migrants [we work with] have fallen victim to this trick.”136

The broker system in Ranong is different. Despite claims that trafficking in the Ranong area has reduced, UN-ACCEPT (a Burmese NGO) claims that it is one of the top three cross-border trafficking routes from Myanmar to Thailand. Field workers in Ranong report that the biggest issue is the lack of human trafficking, but human smuggling.137

There is a common misunderstanding of the legal definitions of smuggling and trafficking and these terms are often used interchangeably. The chief difference is that smuggling involves consent of the individual being moved into another country. Only adults can give this consent and may have paid for their journey. Children cannot give consent, so children travelling alone across borders are always classed as trafficked.138

“Sometimes parents tell their cousins, or another relative, to deliver their undocumented child to another relative working in Thailand. Occasionally, the relative will hire someone to facilitate this trip. A lot of Burmese brokers are working on the Thai side or at Koh Song Thang. Many children are not old enough to work, so they look for a worker for people who look lost or children travelling alone.”139

In Ranong there are also cases where smugglers illegally transport Burmese migrants who are looking for work in Thailand. To avoid the authorities, the smuggler will make direct contact with a Burmese broker who tells him/her where to dock the ship. Here, the broker will exploit the opportunity to convince many adult migrants as he/she can use him/her to find work for them.140

The provincial MSDHS Bureau in Ranong confirms that these are smuggling cases. However, children travelling alone must be identified in these instances as they are not legally classed as trafficking victims as a child cannot consent to being transported by a smuggler. In adult cases, if any element of duplicity is present in the negotiation between the smuggled individual (prior to travel or upon arrival in Thailand), then the case changes from human smuggling to human trafficking.141

The role of the parents in the trafficking of Burmese children

Many children in Southeast Asia are brought up to believe that it is their responsibility to support the family, by whatever means possible, to generate additional income and repay their “debt” to their parents for raising them. Because of this belief, it is not uncommon for parents, and even children themselves, to play a role in the trafficking. It can be a challenge to explain to child victims that they have been trafficking victims that they are a criminal. It is argued that even more difficult to convince parents that they are complicit in trafficking their own children.

Collaboration between the governments of Thailand and Myanmar has resulted in an immigration system where social workers are appointed to assess the potential risk of re-trafficking of children using a standard family assessment tool. However, this system has its own challenges. According to officials at the Tak Immigration Office, children will never provide evidence that could have their parents arrested. Furthermore, persisting parents makes the children’s position even more difficult.

Burmese children in Thailand

Children from Mae Sot, particularly the Islambumrung Community, are usually taken to Bangkok to sell flowers in the tourist areas of the city. It is easy to see them. Parents in Myanmar, usually the child’s older sister or brother, typically work in Thailand for a number of years and brag about their experience working with tourists late into the night. There are between 500-600 Burmese Muslim children selling roses around Thailand.142

One case, which received international attention after Thailand’s downgrade to Tier 3 by the U.S. Department of State, was a raid on a trafficking ring in Phuket in 2008. In the raid police were able to catch a Thai carrier and one Burmese manpower handler who was responsible for trafficking Burmese children selling roses on Koh Sam Road.143 Shortly after the raid, the children seemingly disappeared. A few months later, the media’s attention shifted and the children returned to the same site and continued selling roses.

Children that arrive in Ranong are often in transit to Malaysia. Those that remain in Thailand often travel to Bangkok to work in hotels or to Samut Sakhan to work on a fishing boat or in fish packing factories. Others travel south to Songkhla, Surat Thani, and Phuket for similar work in the fishing industry, on rubber plantations or on construction sites. Although many people assume that in Ranong the main issue is child labour in the ports and fishing industries, there is also a lot of child prostitution. Many girls, typically between the ages of 15 and 17, work in bars and brothels in Ranong.144

Repatration of trafficked children back to Myanmar

According to Article 35 of Thailand’s Anti-Trafficking in Persons Act B.E. 2551, once a child is identified as a victim, he/she will be sent to a government shelter that is authorised to protect them before repatriation. Here, the child will be given food and accommodation and whatever evidence needed to create a case in the Thai courts.145

The legal process requires the Thai government to collaborate with Myanmar’s government by sharing case data via a biometric system. The MOU between Thailand and Myanmar is the only memorandum between the two neighboring countries requiring both parties to co-operate to establish common criteria in identifying victims of trafficking, demonstrating Myanmar’s concern for the proper identification of its citizens.
The Myanmar government may be better placed to protect them. 167

Official repatriation does not always mean protection. In Thailand, children may be deported via the same illegal border crossings that trafficked or who are at risk of being trafficked. In Mae Sai, Thailand officials deport these children as illegal immigrants or believing that they were trafficked if they are under 15 years old and working under duress. This is evident in the deportation of Rohingya children to Malaysia and Indonesia. The Royal Thai Police report that they have inadequate interpreters to assist policemen and immigration officials to carry out investigations. Their investigations show that translators are often inconsistent and that sent by NGOs often give a bias to the stories that they have. The testimony of the victim is entirely dependent on the quality of the translation provided. Mistranslation can mislead an entire investigation and lead to inability to prosecute.

Definitions in Burmese trafficking laws and Thai trafficking laws are different, and this affects how cases are perceived and handled on both sides of the border. Thai officials deport the children victims under the status of illegal immigrants. In Myanmar, children are automatically considered trafficked if they are under 15 years old and working in Thailand. When Thai officials deport these children as illegal immigrants with no victim status, the Burmese government may be unwilling to protect them. 168 The children deported as illegal immigrants without proper investigation and screening are not recorded within the immigration system and their vulnerability increases through the entire process of their deportation.

Some victims do not identify as victims and feel their situation is a normal occurrence. Others suffer from trauma that makes it difficult for them to leave. Many Rohingya children have never had a safe haven. Human trafficking cases can be long and time consuming. For this reason, neither victims nor police are keen to pursue them. Many children are often taken as young as 16 or 17 years old, and they do not know their nationality. They often take twice as long as cases from Cambodia and Laos, because each of the authorities must first confirm that the process of formal verification of the victim by the government of Myanmar.

Obstacles to combating child trafficking from Myanmar

Those working in Thailand to combat child trafficking from Myanmar face many difficulties. The Royal Thai Police report that they have inadequate interpreters to assist policemen and immigration officials to carry out investigations. Their investigations show that translators are often inconsistent and that sent by NGOs often give a bias to the stories that they have. The testimony of the victim is entirely dependent on the quality of the translation provided. Mistranslation can mislead an entire investigation and lead to inability to prosecute.

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“THEY LEAVE MAE SOT AND FIND WAYS TO GET INTO BANGKOK, USUALLY IN A VEGETABLE TRUCK. THEY GET A LOAN FROM SOMEONE AND EVENTUALLY HAVE TO PAY IT BACK. MY SON DID THIS, HE IS NOW ON A FISHING BOAT WORKING TO PAY BACK THE DEBT OF HIS TRAVEL.”

VILLAGER, MYAWADDY
directly to Malaysia. Eventually, a second phase of migration emerged which continues today, involving women and under-age girls who hoped to be reunited with their fathers, brothers, uncles, and husbands working in Malaysia.\textsuperscript{171}

More recently, one event ignited a major spark in the ongoing Rohingya migration from Myanmar. In May 2012, three Muslim men were accused of raping and killing a Buddhist woman. This accusation increased the already existing tension between the Rohingyas and Rakhine Buddhists. Violence spread in the northern region of Rakhine State and contributed to thousands of homes being burnt leading to the death of over 100 Rohingyas.\textsuperscript{172}

Following the outbreak of violence in 2012, thousands of Rohingyas fled Myanmar, overwhelming Thailand’s immigration detention centres and leaving Thailand few options. Thailand is not a signatory to the 1951 Refugee Convention or its 1967 Protocol and does not have the necessary asylum framework to support such a large influx of refugees (UNHCR, Thailand). An observer alleged that:

“Once on the boat, they cross Thai waters. The Thai Navy will often stop the ship and ask for a bribe to let them continue their journey. Those unable to pay the bribes are taken to an immigration detention centre in Thailand while the rest are likely taken to a camp on the Malaysian border.”\textsuperscript{173}

This process is illustrated on page 45.

Another first-hand account claimed:

“Many Rohingyas stayed in the detention centres for long periods of time before being told that the situation in Myanmar had de-escalated and they were to be sent home. In reality, the authorities were just delivering them directly to human traffickers waiting at sea who hold them hostage.”\textsuperscript{174}

As Thailand could not fit more Rohingyas in their detention centres, and Myanmar refused to take back any Rohingyas, Thailand was left in a delicate position. Activists suggest that this resulted in Thailand’s adopting an “alternative plan” to deal with the Rohingyas already in the country.\textsuperscript{175}

Media reports have emerged recently showing camps and graves hidden in the jungle along the Thai/Malaysia border. Here, traffickers are said to demand a ransom from those who had relatives successfully settled in Malaysia. In Phuket, many Rohingyas are unable to pay the bribes, they are too young or have no family and, as a result, they are usually sold onto fishing boats.\textsuperscript{176}

In the past, brokers would demand that families pay 1,200,000 MMK for the release of their relatives, now with the increase wealth of the brokers; they allow the relatives to pay in three separate payments.\textsuperscript{177}

This process was said to be a result of a policy established by the Royal Thai Police known as “option two” in order to rid the overcrowded detention centres of the Rohingyas, who they could not legally deport back to Myanmar. Currently, there are over 70 “hostage camps” along the Thai/Malaysia border.\textsuperscript{178}

According to a human rights lawyer who works to repatriate Rohingya victims, many children found on fishing boats today never sought refuge in Malaysia but were lured by traffickers directly from Myanmar with the promise of work. One 14-year-old boy was promised paid work in Malaysia and told his travel would be free. These brokers are paid for each man they are able to deliver to the boat and will deceive young boys into thinking they are recruiting for paid jobs.\textsuperscript{179}

“Over 80% of victims on these boats are children under 18. A lot of them are coming alone since a majority of their parents are no longer alive. They are easily lured by the broker to get on the boat.”\textsuperscript{180}

Most of the Rohingyas women, men, and children enter Thailand through Phang Nga or Satun, where the boats dock. When cases are found, those being smuggled are deported. But they easily find their way back onto the boats looking for work in Malaysia, again placing themselves at risk of trafficking. Deportation is usually via Ranong and Kaw Thaung. Ranong remains an active point of entry for Rohingyas entering Thailand but is less active than Phang Nga and Satun.

Until the discovery of the mass graves along the Malaysian border, the Thai government denied that the Rohingyas were trafficked. The DSI generally consider Rohingyas as smuggled individuals. One officer claimed, “they are brought into Thailand illegally and are smuggled on to Malaysia. I suppose some of them might be victims of trafficking but we have to investigate each case to know.”\textsuperscript{181}

As long as Myanmar refuses to give them citizenship, things will not change. Men, women, and children will continue to be picked up by brokers and sent away to trafficking camps.
CHAPTER FIVE: TRAFFICKING FROM LAO PDR

Background

Laos People’s Democratic Republic (Laos) is a lower middle-income country with a population of 6.7 million. With the instability of the Lao Kip currency (LAK), economic investment and the development of public infrastructure suffers hugely, despite the country’s vast natural resources. Twenty-three percent of Laos’ population live below the national poverty line and more than 60% live on less than $3.10 per day. The situation has yet to improve significantly, which leaves Laos at a disadvantage within the AEC, as few investors are attracted to the country. As with Cambodia and Myanmar, movement into Thailand seems an attractive solution to poverty, unemployment, and lack of opportunities, giving rise to another mass migration of legal and illegal workers. With a similar language and culture, people from Laos find it easy to blend into Thai society and often go undetected by the Thai immigration system.

As with children from Myanmar, there is a strong desire to go to Thailand to earn money, which causes children to fall prey to traffickers. The Director of the UN-ACT Laos office claimed, “we cannot blame child trafficking on poverty anymore - times have changed. Children want to work, they want to move.”

In the past, cases of internal trafficking from rural areas to the larger cities within Laos received little attention. But a steady increase in cross-border migration and increasing international focus on human trafficking has forced Laos to confront the issue. Yet with no dedicated anti-trafficking legislation in place, Laos finds itself handicapped when it comes to combating human trafficking both internally and across the border into Thailand.

Until 2005, Laos had no clear legal definition of trafficking or the means to effectively prosecute brokers within the country. A definition of human trafficking, along with penalties for those convicted of trafficking, was incorporated into Article 134 of the Penal Code. Also in 2005, the Lao government established the Lao Anti-Trafficking Unit (LAPTU), with six provincial anti-trafficking units formed in the following years, to co-ordinate local law enforcement.

Laos introduced its first Law on Anti-Trafficking in Persons in February 2016. It has yet to see what impact this will have on Laos’ ability to identify and prosecute trafficking cases.

Laos as a source country

Due to the previous lack of anti-trafficking legislation in Laos and a misunderstanding of what constitutes a case of trafficking, data collection is ineffective. Between 2001 and 2014, 2,217 trafficking victims had been repatriated to Laos with 1,872 (84.5%) of these victims being children under 18 years old. In 2014 alone, 113 under-age victims were repatriated. Child victims of trafficking can be traced to remote communities throughout the country. The victim returnee report, updated monthly, shows that, between 2001 and 2014, the top 5 areas where children were trafficked were: Savanakhet (645), Champasak (287), Saravan (272), Viengtiane Municipalai (235), and Viengtiane (144).

All of the remote areas in Laos are very vulnerable and at risk of trafficking. The border provinces have a lot of migrants but they typically enter easily with documents. We see a lot of victims being returned to more remote areas in the country.

International NGO, Laos

Trafficking routes from Laos to Thailand

Unlike Cambodia and Myanmar, most child victims from Laos enter Thailand with some form of legal documentation. Legal entry into Thailand requires a passport, which gives a Lao citizen valid entry for 30 days. Most Lao girls found exploited in the sex industry have crossed via an international border checkpoint with a passport or a border pass. Other young girls enter via a customary or traditional border crossing with only a border pass. A border pass gives valid entry for 3 days and 2 nights and no passport is required. There are two types of border pass, one valid only for a single visit, the other valid for a year, allowing multiple visits.

Children without passes or those travelling with brokers, enter Thailand illegally, avoiding official crossings and checkpoints. They can cross into Thailand on foot or by boat across the Mekong River, which forms the border between Laos and Thailand.

Those who enter legally will typically overstay their 30-day visa. Many under-age girls enter the country legally and then illegitimately extend their stay after settling in one of Thailand’s larger cities. In some cases, Lao citizens enter on their valid 30-day entry, work for 29 days then return to Laos to re-enter Thailand for an extra 30 days.

The number of adults entering Thailand with a recognized LA-visa, a permit given through recruitment agencies registered by the Lao Ministry of Labour and Social Welfare (MoLSW), is gradually increasing. However, the Lao government does not allow children under 18 years old to work abroad, so all Laotian citizens under 18 years old and working are doing so illegally and in breach of their permits. Reports suggest that over half of the Lao workers in Thailand are under-age females who enter the country with some form of legal documentation, then stay beyond their permitted time. These girls are typically engaged in prostitution.

Popular trafficking routes from Laos enter Thailand in Nong Khai or Chiang Rai. However, according to an NGO worker in the capital city of Viengtiane, the routes into Thailand are always changing.
In the past people could cross into Thailand with no documents, but now they can obtain the 3-day pass, which allows them to be a limited period of time in Thailand. Children are the same. If they don't have passports they can enter on the 3-day pass, which is the most common way and they end up travelling throughout Thailand, sometimes with help of a broker or a relative. They end up in vulnerable situations which ultimately leads to more trafficking and exploitation.169

The Laotian child

A traditional broker system is in place to help facilitate the trafficking of children from the poor and remote areas of Laos into Thailand. A source in Vientiane claimed that Thai brokers often enter Laos as a tourist. Then they are able to go directly to vulnerable villages and find children to fulfill the demands of the supply chain in Thailand.190 The broker is typically someone who the community knows and eventually begins to trust. These brokers create close relationships with families, and in some cases the broker is a relative.

One case worker explained:

Everyone has a contact person they know if they want to find work in Thailand. They contact this person and he helps set everything up. This broker is the one who leads out child workers in the remote communities.191

Travelling on their own initiative, child migrants, typically teenage girls, often enter Thailand with their friends. They fall into the hands of a broker who pretends to help them with travel documents, which allows them to travel a limited distance in Thailand. Then they are able to go directly to vulnerable villages and find children to fulfill the demand for children in the sex industry.192

The role of parents in the trafficking of Lao Children

Many Lao teenagers make the decision to enter Thailand on their own. Many families migrating from Thailand from Laos is not as difficult as from other neighbouring countries, so there is constant movement into Thailand. Due to the regional custom, there are instances of parents encouraging children to find work in Thailand to generate extra income for the household.

Arguably, there is less pressure on Lao children to go to work at a young age. Families may encourage the migration of their children, however, they do not force children to go or instil undue pressure, as observed in Thai, hill tribe, Cambodian, and Burmese families.193 However, there are reported cases of parents unable to afford to take care of their children and making them leave the family home and living independently at a younger age is generally seen in other countries in the region.194

Lao children in Thailand

Due to the similarity in language and culture, Lao children blends easily into Thai society and are less isolated than Burmese and Cambodian migrants. Lao citizens are harder to identify, as they can be mistaken for Thai people. Consequently, trafficking victims from Laos can be found dispersed throughout Thailand, working for a wide variety of employers and industries. Reports indicate that Lao victims from central and southern regions of Laos tend to work in Bangkok.

Under-age girls, who enter via the legal border crossing into Nong Khai, are typically found in Nong Iskai or Bangkok. Girls from Laos are also found working in bars in the very southern Thai provinces, which suggests that there is no particular destination for Lao victims and they go wherever the demand for work is.

The 2014 Trafficking in Persons Report by the U.S. Department of State indicates that many Lao victims work in the sex industry.195 This information is confirmed by the official report, which shows that in 2014, almost 100 under-age girls were repatriated as victims of sex trafficking while only a few under-age boys were returned. Almost 80% of repatriated victims are female. 80% of them under-age.196

In January 2015, the Thai authorities rescued 72 Lao teenagers (aged 13-20) who were working as prostitutes in four karaoke bars in the Song Phra Ek District of Suphanburi province, central Thailand.197 This rescue drew international media attention, as the authorities generally know where to look for under-age female victims. Girls possess both Thai and foreign clients. Lao girls have a light skin tone and are perceived to be physically attractive to Thai men.198 The girls say they will go to Bangkok with somebody. They might be at risk of becoming human trafficking victims. We are afraid they don't know that they will be lured into the sex service.199

A crackdown began in early in 2015, triggered on the Thai side of the border by the overwhelming number of unaccompanied minors trying to enter the country.199 No more than 500 were turned back. Whether this move was spurred by Thai public opinion, the U.S. Department of State TIP Report, or the media attention focused on the teenage girls rescued from karaoke bars in central Thailand, this was a positive step forward by the Thai government.

NGOs in Laos work to educate children about the dangers of trafficking, and help rehabilitate returnees, work to remove the stigma attached to victims when they are repatriated. There is no concrete data available regarding re-trafficking for Lao victims back to Thailand. In spite of attempts to establish more vocational training opportunities, many teenagers were returned to poverty they left behind, but with a new taste for the material wealth of Thailand, and they are tempted to try to enter Thailand again.

Obstacles to combating the trafficking of children from Laos to Thailand

There seems to be a poor understanding of trafficking, especially in the remote areas of Laos. One of the biggest issues for NGOs and government offices alike, is understanding the legislation and policies at the national level and implementing them on the ground level. There is a widening gap between legislative standards and regulations and what happens in reality and there seems to be a lack of follow-up investigations on trafficking cases. Also, in terms of protection, there are no follow-ups.

The accuracy of official identity documents is also questionable. The Royal Thai Police allege that in many cases the age given on passports does not seem to reflect the physical appearance of the passport holder. Given that these are official documents, quering the accuracy of the information they contain is a legal issue, but it may be an issue of political sensitivity. In the past, without easy access to legal documents, the police would typically run a bone exam to avoid any confusion of a victim's age.200

Currently, all victim services in Laos are provided for women and children. There are few separate services available to meet the needs of the men who are repatriated as victims of trafficking. While the number of male victims repatriated, in comparison to female victims, is not in place in system to protect males in any way. Currently, male and female victims are placed in the same shelter, which poses additional limitations in the recovery and reintegration process.

Trafficking of Lao children to Malaysia via Thailand

The U.S. Department of State’s TIP Report 2014, confirms that Thailand still serves as a transiting country for young Lao girls trafficked to work in the sex industry in Malaysia.201 Reports from the International Organisation for Migration (IOM) indicate substantial numbers of under-age Lao victims working in Malaysia, to serve the Lao migrant worker communities.202

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CONCLUSIONS & RECOMMENDATIONS

CHAPTER SIX:

CONCLUSIONS

How does Thailand serve as a source, destination and transit country for child trafficking?

Child trafficking in Thailand occurs both domestically and across borders with all neighbouring countries, except Malaysia. Ethnic Thai children and hill tribe children are trafficked internally from poorer villages, to major metropolitan areas. While, more focus has been put on cross-border trafficking, it is estimated that half the victims of child trafficking in Thailand are Thai.

Children are trafficked across Thailand’s porous border from Cambodia, Myanmar and Laos. They are brought from various border regions through a complex network of brokers to destinations throughout Thailand. Brokers sell children to a variety of industries including: the sex industry, factories, flower selling and the fishing industry.

There are also reports of children from source countries being trafficked through Thailand on the way to Malaysia. Girls are brought to Malaysia to work in the sex industry while boys join the fishing industries off the coast of Thailand and Malaysia.

What communities in Cambodia, Myanmar and Laos are targeted by traffickers?

Trafficking victims typically come from communities in the border regions. Their proximity to Thailand make it easier for brokers to traffic children over the border and evade the authorities. In Cambodia, 90% of trafficked children come from the Poipet border region. Vientiane serves as a destination and transit point for bringing trafficked children from Laos to Thailand.

Children are lured from poor villages around Laos with promise of work and are subsequently trafficked into forced labour in Thailand’s major cities. Where specific border regions in Cambodia and Laos are typical targets of brokers, Myanmar is a unique case where trafficked children come from all over the country, due to the mass migration of Burmese migrants into Thailand. Trafficked children come from Myanmar but also the Burmese migrant families on the Thai-Myanmar border.

Internally, ethnic Thai girls from poorer, rural families are targeted by traffickers, who promise a better life in Thailand’s major cities. Children from the impoverished hill tribes are targeted by traffickers because their freedom of movement is restricted, making it necessary to be smuggled to other areas of Thailand for work.

Why are these children and communities at particular risk?

Based on research in Cambodia and Laos where children are routinely trafficked from, we have identified certain common factors that make communities vulnerable to trafficking. These common factors include: poverty, lack of educational opportunities and a tradition of regarding the children as active participants in family income generation.

In Cambodia, there is a tradition of parents ‘renting’ their children to brokers, who bring them to work in Thailand. Parents believe brokers when they say they will return their children at the end of their contract, which facilitates the trafficking of Cambodian children into Thailand.

It is more difficult to identify the factors that put children at risk of trafficking in Myanmar because the mass migration affects communities throughout the country, not just on the border. Special circumstances in Myanmar – the bloody, protracted civil war, the deliberate impoverishment of the nation by the ruling military elite, and a lack of educational opportunities, have combined to make life in Thailand particularly attractive, especially for the persecuted Muslim minority. Estimates suggest that between two and three million Burmese migrants reside in Thailand.

Migrants have varying degrees of legality in Thailand. This makes the children of migrant families particularly appealing to traffickers as many aren’t registered with Thai immigration officials.

The Thai practice of tok khiew enables brokers to traffic girls from poorer, rural families to major cities in Thailand, as sending daughters to work in cities to pay off a family debt, has been common practice for decades. Brokers take advantage of a family’s loans against their harvest to traffic their daughters for work in the sex industry. Hill tribe children are targeted because of the communities general lack of education and economic opportunity. Parents are lured into sending their children with brokers, as they promise that the children will have a better life, with a job, money and the opportunity to go to school.

What role do brokers play in trafficking children into Thailand?

Trafficking depends on a sophisticated network of brokers and handlers. Some Thai, but also Cambodian, Burmese, Lao, and Vietnamese. The lack of economic opportunities in their home countries attracts individuals from the surrounding countries to Thailand with the hope for a better life. Families will often use smugglers to help them cross the borders. Smuggled children can be at immediate risk as they find themselves in a country whose language they don’t speak. This can cause these children to be trafficked into factories and brothels through a lack of knowledge and awareness of trafficking and what is happening to them.

What roles do families play in the trafficking process?

Families’ complicity in their children’s trafficking varies based on circumstances and knowledge about what constitutes human trafficking. Some children are sent with brokers based on long standing traditions such as tok khiew and the Cambodian ‘rental’ system. However, for the most part, a family’s complicity in child trafficking is driven by poverty and naivety.

Traffickers who offer to take a child to give them a good education and a job in Thailand appeal to parents’ desire to give their child the best in life. Most of the households who send their children with
What are the key routes into Thailand and common final destinations?

The brokerage system serves the needs of different industries and illicit trades, and this determines the destinations to which children are trafficked. Cambodian children beg and sell flowers, mainly in large tourist centres in Phuket, Phuket and Bangkok. Some Burmese children also beg and sell flowers, but others, like the hill tribe children, are found in brothels, factories and fishing boats.

Girls from hill tribes tend to be traded into brothels in the north-west of the country, while Lao girls are brought to brothels in Bangkok. The country-wide demand for labour means that trafficked children can be found in most major cities throughout Thailand.

What are common strategies for evading border controls?

Thailand’s land borders total 4,863 kilometres (3032 miles), much of it covered by jungle. This makes it especially difficult for traffickers to cross the border. It is much easier to cross the border by sea. This is accepted as routine; part of the wider war against trafficking in persons.

The most common strategy is to be smuggled in, or to cross the border through the jungle. This is accepted as routine; part of the wider war against trafficking in persons. In recent years, some trafficking victims have been discovered in mass graves found near the Malaysian border. This is the result of recent efforts to increase the detection of traffickers and trafficked persons. There is much more to be done in recognising the human rights abuses and identifying human trafficking cases in the industry.

What are the main obstacles to combating child trafficking?

Combating child trafficking in the Mekong region is part of the wider war against trafficking in persons. TIP flourishes in Southeast Asia because there is no regional effort to stop it.

The first obstacle is the lack of international cooperation. The second is the widespread lack of international cooperation. The third is the relative poverty of Thailand and the surrounding countries which make Thai workers seem cheap.

Next, and particularly relevant to preventing child trafficking, is the dearth of demand for young men and women to work in the sex industry in Thailand at rates of pay which exceed anything they might reasonably expect in an urban underserved occupation. Sex tourism and the sex industry in Thailand is a major problem, creating a high demand for sex workers.

Finally there is the question of widespread exploitation and corruption in parent-child families. Parental ignorance of the risks involved in trafficking may be easier to overcome than their tendency to value their children as commodities which can be bought, sold, hired and exploited. But attitudes may be more difficult to change if parents can come to understand that an educated child can earn a wage sufficient to lift the whole family out of poverty.

Recommendations

1. Thailand should acknowledge the Thai citizenship of indigenous and hill tribe people and provide them with valid identity documents.
2. Thailand should acknowledge the Thais who have been repatriated from Thailand and the surrounding countries which make Thai workers seem cheap, and the third relative poverty of Thailand and the surrounding countries which make Thai workers seem cheap, and the third relative poverty of Thailand and the surrounding countries which make Thai workers seem cheap.
3. Thailand should acknowledge the Thais who have been repatriated from Thailand and the surrounding countries which make Thai workers seem cheap, and the third relative poverty of Thailand and the surrounding countries which make Thai workers seem cheap.
4. Employers who callously exploit trafficked children, whether in fields, factories, fishing boats or brothels, should face significant financial penalties or business closure. There should be more risk and less profit perceived by employers.
5. Child labour in any industry should be illegal and the ban on those under 18 working as prostitutes should be enforced.
6. The practice of tol khiew as it relates to selling girls (or boys) into prostitution to pay off debt should be made illegal.

Trafﬁcking damages Thailand and Thailand’s reputation as a whole. The country’s standing in the international development arena has suffered from the adverse TIP reports of recent years. Tolerance of exploitative practices, particularly when they involve children, will continue to produce a ﬂow of adverse news stories which will continue to damage. The image of Thailand as a modern, cultured and developed country is tarnished by child beggars, child prostitution and bonded labour.

Thailand needs these stories to stop. Today’s trafﬁcked child may be tomorrow’s petty thief or drug runner. Trafﬁcking feeds into the criminal culture of the marginalised and desperate. Thailand would be a better country without it.

Trafﬁcking can be disrupted by taking action in three main areas:

Education: Children and families can be deterred from participation through public education: children who have been trafﬁcked and are returned home can be rehabilitated and discouraged from themselves becoming trafﬁckers.

Identification: The network of brokers and handlers can be disrupted by sharing intelligence, which can lead to the identiﬁcation of trafﬁcking victims as well as brokers. These rings can then be deﬁered by imprisonment of peers.

Labour regulation: Employers who callously exploit trafficked children, whether in ﬁelds, factories, ﬁshing boats or brothels, should face signiﬁcant ﬁnancial penalties so that the ﬁnancial risk outweighs the likely gain. Income from these penalties might offset some of the cost of a comprehensive anti-trafﬁcking programme.

Safe Child Thailand respectfully suggests the following recommendations to the Thai authorities as useful steps towards mitigating child trafﬁcking and repairing the damage done to Thailand’s reputation by the TIP report:

1. At the sub-regional level of the Mekong nations, Thailand should reinforce the regional leadership that it demonstrated when it ﬁrst joined the Palermo Protocol, and offer to provide the Palermo Protocol in the Palermo Protocol to all its neighbours with the following objectives:

   • To promote inter-governmental communication, understanding and effective working, especially by recording, monitoring and rehabilitating children who have been repatriated from Thailand.
   • To report national governments in designing and implementing anti-trafﬁcking education in schools and communities.
   • To report cross-border co-operation between law enforcement agencies, particularly the exchange of intelligence about trafﬁckers and brokers, so that they can be caught and prosecuted according to the Palermo Protocol.

2. Thailand can use the international forum to exert pressure on the government of Myanmar to bring about a civilised solution to the Rohingya issue. If the Rohingya can safely stay in Myanmar, they will cease to be a problem for Thailand.
3. Thailand should acknowledge the Thais who have been repatriated from Thailand and the surrounding countries which make Thai workers seem cheap, and the third relative poverty of Thailand and the surrounding countries which make Thai workers seem cheap.
4. Migrant labourers must receive at least the national minimum wage for Thailand and exploitative employers should face signiﬁcant ﬁnancial penalties or business closure. There should be more risk and less proﬁt perceived by employers.
5. Those working on the ground fear that loosening border controls under ASEAN will make trafﬁcking easier. However, the borders of Thailand are so long and permeable that traffickers can cross them at will. Relaxing borders for the free movement of labour under ASEAN might make it little or no diﬀerence to the rate of trafﬁcking, crossing back and forth into Thailand so easily.
6. There are ways in which ASEAN might help ameliorate the situation. First, in general terms, there must be a hope that ASEAN will foster closer co-operation between member states to ensure that the least effective regional action against trafﬁcking which is at present so grossly absent. The opportunity to bring Thailand leaders together may reduce smuggling and trafﬁcking of adults, and thus the ﬁnancial viability of some criminal networks.

Does the U.S. Department of State’s Trafﬁcking in Persons (TIP) Report accurately reﬂect the situation on the ground?

Thailand currently ﬁnds itself on the Tier 2 Watch List in the U.S. Department of State’s TIP Report in Persons (TIP) Report after being upgraded from Tier 3 in 2016. The upgrade indicates that there is evidence of a change in policy designed to improve child trafficking.

The upgrade has ignited criticism from international NGOs and Human Rights Watch. This is accepted as routine; part of the wider war against trafﬁcking in persons. In recent years, some trafﬁcking victims have been discovered in mass graves found near the Malaysian border. This is the result of recent efforts to increase the detection of trafﬁckers and trafﬁcked persons. There is much more to be done in recognising the human rights abuses and identifying human trafﬁcking cases in the industry.

What are the main common strategies for evading border controls?

Thailand’s land borders total 4,863 kilometres (3032 miles), much of it covered by jungle. This makes it especially difﬁcult for trafﬁckers to cross the border. It is much easier to cross the border by sea. This is accepted as routine; part of the wider war against trafﬁcking in persons.

The most common strategy is to be smuggled in, or to cross the border through the jungle. This is accepted as routine; part of the wider war against trafﬁcking in persons.

The practice of tol khiew as it relates to selling girls (or boys) into prostitution to pay off debt should be made illegal.
FOR A WORKING DIRECTORY OF OFFICES AND ORGANISATIONS WORKING IN THE FIELD OF TRAFFICKING IN THE SUB-MEKONG REGIONS VISIT:
safechildthailand.org/trafficking-report


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