



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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WITH THANKS TO:

Action for Street Kids: working across the world with local partners to help children who live and work on the streets.

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CONTENTS	Acronyms	3
	Executive Summary	6
	Trafficking In Persons (TIP) Report Definitions	7
	Chapter One: Introduction	8
	Rationale	9
	Research Objectives	9
	Data collection	9
	Geographical scope	10
	Definitions	14
	Legal Frameworks	16
	Chapter 2: Internal Trafficking	22
	Chapter 3: Trafficking from Cambodia	28
	Chapter 4: Trafficking from Myanmar	36
	Chapter 5: Trafficking from Lao PDR	46
	Chapter 6: Conclusions and Recommendations	50
Conclusions		
Recommendations		
References	56	

ACRONYMS	AEC	ASEAN Economic Community
	ASA	Association of Southeast Asian
	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
	CBO	Community Based Organisations
	COMMIT	Coordinated Mekong Ministerial Initiative against Human Trafficking
	CPPCR	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
	IOM	International Organisation for Migration
	LAK	Lao Kip Currency
	LAPTU	Lao PDR Anti-Trafficking Unit
	Lao PDR/Laos	Lao People’s Democratic Republic
	MLSW	Ministry of Labour and Social Welfare
	MLoSW	Ministry of Labour and Social Work (Laos)
	MoU	Memorandum of Understanding
	MSDHS	Ministry of Social Development and Human Security
	NGO	Non-Government Organisation
	NOCHT	The National Operation Centre on Prevention and Suppression of Human Trafficking
	PTC	Poipet Transit Centre
	SEZ	Special Economic Zone
THB	Thai Baht	
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	





“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

Child Trafficking in the Mekong Sub-Region

» Thailand has the largest economy in the Mekong sub-region and is hailed as a land of opportunities 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 and a further 130,000 asylum seekers and refugees.¹ 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, the practice 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 that are available generally understate the problem, since they are 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 quantitative data is lacking. 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 brokers who offer high 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 15 from sex work. This is owing 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 of Thailand. 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 who are taken to Thailand are returned home. Since there are few opportunities for education and employment in Cambodia, they return to Thailand 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 decades of military government, which crippled 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 migrants from Myanmar are 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 deports approximately 400 illegal Burmese migrants every day via the north-west border town of Mae Sot and, whilst there is focused effort put into identifying trafficking victims and safely repatriating and rehabilitating 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, 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 to traffickers. 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 2000 (The Palermo Protocol). This provides the basis for a common legal framework, within which, traffickers can be

Trafficking 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.



prosecuted throughout the region. This can only be achieved if the legal obligations accepted under the Protocol are successfully translated into enforceable law in each country. This has yet to be achieved.

» The Anti-Trafficking in Persons Act 2008 was Thailand's first piece of national legislation on human trafficking. Similar national legislation has since been adopted by other countries in the region. Despite this, Southeast Asia's reputation for human trafficking and exploitation persists and the reality and severity of the situation does not accurately reflect the region's legal rhetoric concerning human trafficking.

» In 2014, Thailand was downgraded to Tier 3 by the U.S. State Department's Trafficking in Persons (TIP) Report. Tier 3 is for countries whose governments do not fully comply with the minimum standards of the United Nations (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.



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.² 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.³ 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.⁴ 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.

“ 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. ”

Case worker for hill tribe children, Thailand

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.⁵

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, the Department of Special Investigations (DSI) and

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 victim to 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.²⁵⁶ 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.⁶

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.

Phuket: Phuket is an island province in the Andaman Sea, west of Thailand. Phuket is connected to the mainland by road. It is a busy fishing port and a destination for human trafficking victims brought to Thailand to work on fishing boats and in the fish-packing industry. Phuket is also a popular tourism hotspot and has a prominent prostitution scene, where children, both girls and boys, end up being exploited in bars and brothels.

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.⁷

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.



MYANMAR

VIETNAM

LAO PDR

THAILAND

CAMBODIA

MALAYSIA

KEY

- 1. Bangkok, Thailand
- 2. Pattaya, Chonburi, Thailand
- 3. Mae Sot, Tak, Thailand
- 4. Ranong, Thailand
- 5. Nong Khai, Thailand
- 6. Chiang Mai, Thailand,
- 7. Phuket, Thailand
- 8. Poipet, Cambodia
- 9. Malai, Cambodia
- 10. Myawaddy, Myanmar
- 11. Vientiane, Laos



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“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.⁸

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.⁹ 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 power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."¹⁰

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).¹¹

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, by 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 subparagraph (a) of the Article.¹²

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, vending, bringing from or sending to, detaining or confining, harbouring, or receiving a child; is guilty of trafficking in persons."¹³

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 victim 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 nationality) within the borders of a country.¹⁴ 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, neglect, and exploitation 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 negligent treatment; emotional abuse; and exploitation."¹⁵

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 at provincial hospitals throughout Thailand as the result of some form of abuse. Of these 19,000 children, 70% were being treated for cases of sexual abuse.¹⁶

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.¹⁷

Though child labour is not always a result of trafficking, 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.¹⁸ 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.¹⁹ Whilst 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 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 documents."²⁰

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 automatically 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 consistently 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 illicitly. If consent has not been given, or has been obtained by deceit, the individual is trafficked.

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 no practical 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 the child would be exploited is not considered a trafficker.²¹

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.

”

Polaris²²

Consider the following cases:

Both involve child exploitation, child labour and child abuse. However, only one case is a trafficking case. 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 she has never met before. She will be expected to work every night in the bar and to 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. International law has served as a powerful tool in the battle against human trafficking, yet despite the adoption of contemporary 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* and/or accession† of conventions and their protocols. Ratification by a country results in formal monitoring by United Nations (UN) Committees, established to design research and gather feedback from organisations working on the ground.

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 and 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, known as 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 prosecution in a language of legal obligation that can be understood domestically.

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

- » The obligation to criminalise human trafficking and penalise offenders through implementation and enforcement of national legislation;

- » The obligation to actively identify victims and provide victim status;
- » The obligation to diligently investigate cases and prosecute trafficking offenders;
- » 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 nations 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. Whilst this does not reduce the poorer country's obligation to take all preventive and punitive measures possible, the scope for meeting Protocol standards is defined by and dependent 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 2004, Thailand, along with Laos, Cambodia, Myanmar, Vietnam and China, established the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT), a regional legal framework to recognise 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

* Ratification = 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 states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty.²

† Accession = 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. It has the same legal effect as ratification.³

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. This has helped increase 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 abolished in 2008 and replaced by 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, whether through lack of capacity or through lack of energy, or indeed, through lack of volition.

The Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations (ASEAN) was inaugurated 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, social progress, 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 builds upon 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.²⁶

The prevalence of human trafficking throughout the ASEAN region means it has become a very high priority within the ASEAN Political Security Community, a movement formed to build a united, inclusive and resilient ASEAN community.²⁷

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 facing the ASEAN community is the huge disparity in wealth and development between participating nations. 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 form of a huge market of US\$2.6 trillion and over 622 million people."²⁸ The AEC is in its

infancy, yet is, collectively, the third largest economy in Asia and the seventh largest in the world.²⁹ The AEC promotes more relaxed borders and greater freedom of movement of people between member states. Freer movement of skilled labour will facilitate increased migration and, in turn, could lead to an increase in human trafficking.

Practitioners working with trafficking victims in Southeast Asia fear the future relaxation of borders within the AEC will result in an expansion of existing human trafficking networks. For this report, Rouse conducted a survey of NGO workers, case workers, police, government authorities and immigration officers, all working with trafficking cases. Their predictions of the affected of the AEC border relaxation can be seen on page 19.

Thailand

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

- **Prevention and Suppression of Transnational Organized Crime Act 2013**
- **Anti-Trafficking Act 2008**
- **Anti-Money Laundering Act (No. 2) 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 protection 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 enhanced child rights by improving access to basic healthcare, education, nutrition, peace, security and protection from abuse, neglect, trafficking, child labour and other forms of exploitation and violence.³⁰ The Act also created the National Child Protection Committee, tasked with monitoring its enforcement and implementation.

Protection under the Act does not yet 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 that, in regards to children, Thai nationality can only be obtained through the bloodline. This makes it increasingly difficult for migrants, refugees and ethnic minorities, who do not have birth documentation to access protection under Thai law.³¹

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

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.³² 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.³³

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 individuals from Cambodia to Thailand, where children have not been assisted and rehabilitated into supported and stable environments.

Myanmar

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

- **The Anti Trafficking in Persons Law 2005**
- **The Child Law 1993**

Like Thailand and Cambodia, Myanmar has established national anti-trafficking legislation to show their commitment to meeting international standards.

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.

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 smuggled freely. 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.³⁴ 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 2003 when they 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.³⁵ 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.

INTERNATIONAL LEGISLATION ADOPTED BY THAILAND, CAMBODIA, MYANMAR AND LAO PDR

International Legislation and Treaties

	Adopted	Thailand	Cambodia	Myanmar	Lao PDR
International Labour Organisation's Forced Labour Convention	1930	Feb - 1969 (R)	Feb -1969 (R)	Mar - 1955 (R)	Jan - 1964 (R)
International Labour Organisation's Abolition of Forced Labour Convention	1957	Dec -1969 (R)	Aug - 1999 (R)	Mar -1955 (R)	Unsigned Unratified
Convention of the Elimination of All Forms of Discrimination Against Women	1979	Aug - 1985 (A)	Oct - 1980 (S) Oct - 1992 (R)	July - 1997 (A)	July - 1980 (S) Aug - 1981 (R)
UN Convention of the Rights of the Child	1990	Mar - 1992 (A)	Oct - 1992 (A)	July - 1991 (A)	May - 1991 (A)
International Labour Organisation's Worst Forms of Child Labour Convention	1997	Feb - 2001 (R)	Mar - 2006 (R)	Dec - 2013 (R)	June - 2005 (R)
The United Nations Protocol Against the Smuggling of Migrants by Land, Sea and Air	2000	Dec - 2001 (S) Unratified	Nov - 2001 (S) Dec - 2005 (R)	Mar - 2004 (A)	Sept - 2003 (A)
The United Nations Protocol Against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition	2001	Unsigned Unratified	Dec - 2005 (A)	Unsigned Unratified	Sept - 2003 (A)
The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)	2000	Dec - 2001 (S) Oct - 2013 (R)	Nov - 2001 (S) July - 2007 (R)	Mar - 2004 (R)	Sept - 2003 (R)
The United Nations Convention against Transnational Organised Crime	2000	Dec - 2001 (S) Oct - 2013 (R)	Nov - 2001 (S) Dec - 2005 (R)	Mar - 2004 (R)	Sept - 2003 (R)

(S) = Signed subject to ratification or accession - Where the signature is subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. However, it is a means of authentication and expresses the willingness of the signatory state to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty.¹

(R) = Ratified by country - Ratification defines 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. In the case of bilateral treaties, ratification is usually accomplished by exchanging the requisite instruments, while in the case of multilateral treaties the usual procedure is for the depositary to collect the ratifications of all states, keeping all parties informed of the situation. The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty.²

(A) = Accession - 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. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force. The Secretary-General of the United Nations, in his function as depositary, has also accepted accessions to some conventions before their entry into force. The conditions under which accession may occur and the procedure involved depend on the provisions of the treaty. A treaty might provide for the accession of all other states or for a limited and defined number of states. In the absence of such a provision, accession can only occur where the negotiating states were agreed or subsequently agree on it in the case of the state in question.³

¹ Arts.10 and 18, Vienna Convention on the Law of Treaties 1969

² Arts.2 (1) (b), 14 (1) and 16, Vienna Convention on the Law of Treaties 1969

³ Arts.2 (1) (b) and 15, Vienna Convention on the Law of Treaties 1969

Will the development of an ASEAN Economic Community affect child trafficking?

62.5% Trafficking will increase

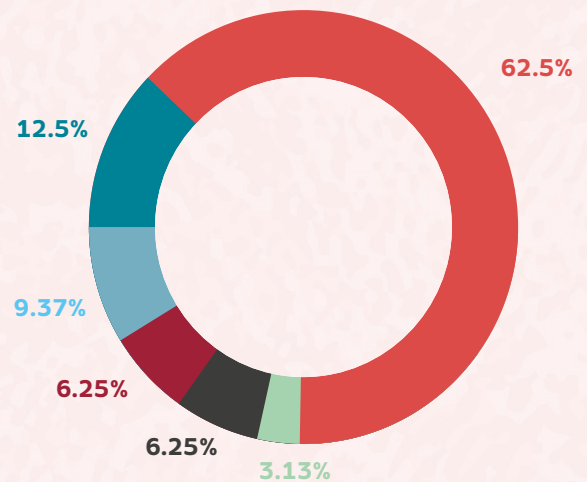
12.5% Nothing will change

9.37% Traffickers will find it easier to cross borders, but investment in Myanmar and Cambodia may reduce numbers wanting to leave

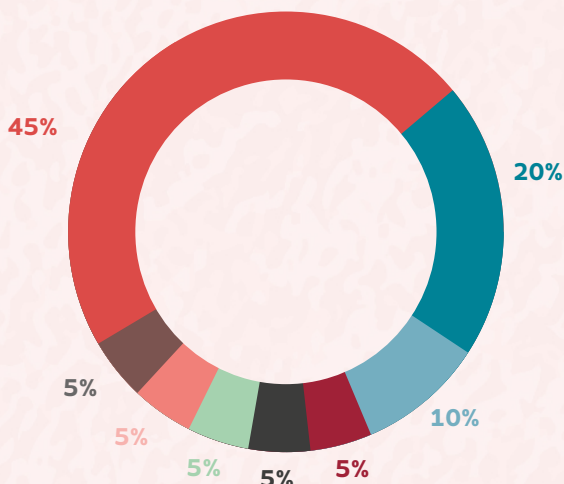
6.25% Unsure

6.25% Trafficking will decrease

3.13% ASEAN may be part of the solution



What negative outcomes could come from the development of the ASEAN Economic Community?



45% There will be an increase in migrants coming to Thailand

20% The problem will become more complicated

10% New trafficking trends will emerge

5% The situation of illegal migrants will continue to worsen

5% The problem will become more widespread throughout the region

5% It will be more common for children to move and be moved

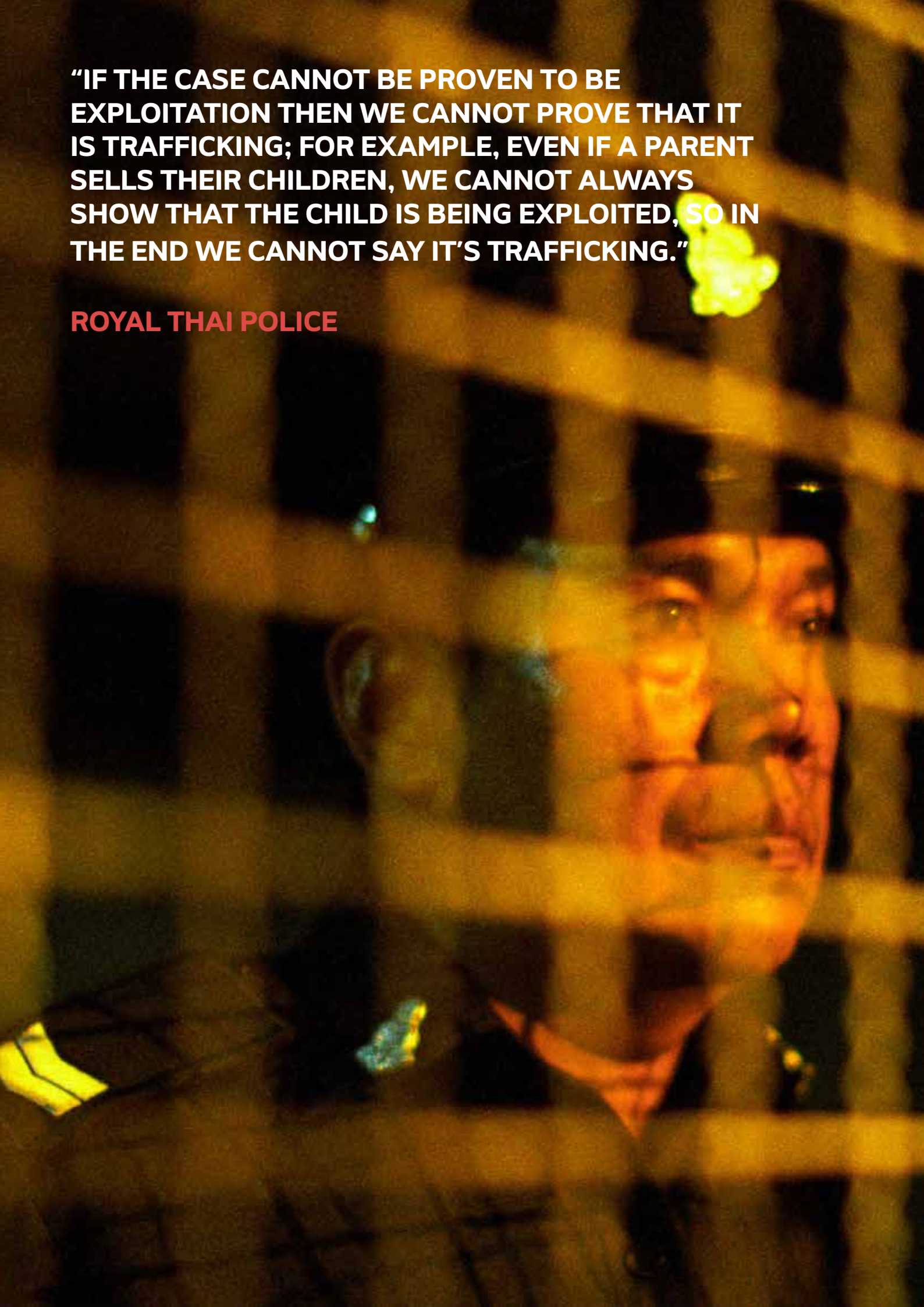
5% Governments will not react swiftly to new trends in trafficking

5% Brokers/Traffickers will be able to cross the borders more easily

*Collected from a survey of 92 practitioners working on human trafficking cases across Thailand, Myanmar, Cambodia, and Laos.³⁶

"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







CHAPTER TWO: INTERNAL TRAFFICKING

Trafficking of Thai children

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.³⁷

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.³⁸

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.³⁹ Contrastingly, the MSDHS report that, in government shelters for child trafficking victims in Thailand, the number of Thai and foreign victims are almost equal.⁴⁰

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."*⁴¹

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.⁴²

“ Thailand knows the scale of the problem when it comes to child trafficking. They are aware. When it comes to internal trafficking, the issue is not public. They often use other acts instead, such as a Prostitution Act or Labor Act. They don't use the Trafficking in Persons Act because they think is only for cross border cases. **”**

Migration expert, Bangkok

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 18.⁴³ 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."*⁴⁴

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.⁴⁵ 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

working in the area of prostitution; but the biggest problem is finding evidence of exploitation - despite the majority of these girls in prostitution being 13-14 years old. Some of them work part-time and some work for a living. There are more Thai girls than immigrant children in this industry."⁴⁶

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.⁴⁷ Although 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 under other legislation relating to child protection, domestic abuse or illegal labour, further reducing the perception of the incidence of internal trafficking.

“
The problem is the sex industry. It is part of tourism, so it will always be there, and it's always going to be considered the principal employer of trafficked labour because it is easier to spot, you know exactly where to look for it.
”

Case worker for hill tribe children, Thailand

Tok khiew

In the mid-1990s, there were several reports of a phenomenon in Thailand known as *tok khiew*, translated as “green harvest”, meaning the pledging of green rice paddy for loans.⁴⁸

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 crop to local money lenders as a way of gradually paying off their debt. The term *tok khiew* was used for decades to highlight the hardship of farmers in northern Thailand who depended on agriculture for survival.⁴⁹

After the Asian financial crisis of 1997, Thailand's economy went into further crisis and farmers became more desperate. They began to pledge their daughters, instead of their crops, in exchange for material goods or as loan repayments.⁵⁰

Girls, some as young as 12 years old, were sent to work in brothels throughout Thailand; working to pay off their fathers' debts and aid their families' survival. This form of bonded labour is indistinguishable from slavery.

In 1994, the Ministry of Labour and Social Welfare (MLSW) addressed the issues of prostitution and the 'trade of 'human flesh' (the term 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.⁵¹ This number was based on an estimate given to the MLSW by teachers of 2,000 girls known to be pledged by *tok khiew*.

Thailand's economy has recovered steadily since the 1990s and the general practice of *tok khiew* has subsided. However, the mind-set remains and some families still consider it an acceptable practice.

Trafficking hill tribe children

The term “hill tribe” is used to describe groups of indigenous people living in the mountains of north and north-eastern Thailand, with their own language, 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 settled 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 which damaged 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 Thai-Myanmar border. Currently, only 51% 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 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

“
There is no real information on issues of internal trafficking. I am sure it is happening a lot - but the information is just not there. No one has researched the issue...I don't think they're looking in the right places.
”

NGO staff, Chiang Mai

in Mae Hong Son province live below the poverty line (less than \$2 a day), with 23% of this population living in extreme poverty (less than \$1 a day).⁵⁵

Families living in poverty have various reasons for succumbing to a trafficker's approach. Either they desperately need the money or they want to believe it is in the best interests of their child to go with the trafficker, because he or she will have a job, earn money and have a better chance in life. Often they give away a child knowing it is one less mouth to feed – the only way for other children to survive.

Current legislation restricts the free movement of hill tribe people within Thailand. Many hill tribe people lack basic identification and documentation, meaning they cannot leave their home areas. Hill tribe populations are frequently afraid to move out of their restrictive zones, and become vulnerable if they do. Typically, members of these marginalised minorities feel more comfortable leaving their areas if they have help. This is where brokers come in: facilitating the smuggling, illegal movement and trafficking of men, women, and children.

The broker system in Thailand can also be seen replicated in Cambodia, Myanmar, and Laos. Brokers approach desperate families, exploiting their vulnerability and lack of documentation, by assuring families that they can find work or further education for their children in Thailand's towns and cities. Many hill tribe children, primarily girls, are trafficked into the sex industry.

According to an anti-trafficking organisation in Chiang Rai:

*"There is a middle man who facilitates the transportation of the girl from her community directly to the Mama San (head of the brothel). At the brothel, the Mama San controls the girl. The Mama San is usually a victim of trafficking herself."*⁵⁶

With internal trafficking, one difficulty is catching this middleman, it is usually the Mama San who is caught rather than the broker.

Many hill tribe girls who are trafficked into the sex industry rarely leave their provinces. They may be found working in brothels in Chiang Rai and Chiang Mai. This allows for easier transportation of the victim from their source community and requires less work for the broker who regularly contacts the Mama San to fill quotas in the brothels.⁵⁷

To reduce the vulnerability of hill tribe girls, several organisations on the ground strive to obtain identity documentation for indigenous children. The identification cards, provided by the Thai government, assure that an individual is registered in the Thai database, even if their nationality is not identified as Thai. Though this does not give hill tribe girls citizenship, it gives them a record in a database and tracking system that can help to decrease their vulnerability and increase the likelihood of them being intercepted by police whilst being moved by traffickers.

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 several villages and require students 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 is a problem 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."*⁵⁸

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 therefore be protected under the protocol outlined by 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 01. 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 to the court. We can think 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 many victims who do not want to stay in a shelter. There are even some cases within the Immigration Bureau that are sent only to the local police officers. No one can confirm any numbers, the records that we have are all on paper. In the end it will be the police who are in charge of this database. **”**

Royal Thai Police, Bangkok



“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.⁵⁹ 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.⁶⁰

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 affects of an abusive tyranny.⁶¹ 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."⁶²

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 the war, focus solely on existence. "Even if we have an education, what jobs are available for us afterwards? What's the point?" asked an adult from a village in Stung Treng Province, Cambodia.⁶³

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 localised to the border regions. The returnee 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.⁶⁴

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.⁶⁵ 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."⁶⁶

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.⁶⁷ 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 always to be a way to get into Thailand and someone who is willing to help you".⁶⁸

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.⁶⁹

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.⁷⁰

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

together are home to over 300 children⁷², living at great risk of being trafficked and exploited.

The majority of these children live with their grandparents while their parents work in Thailand. The children do not attend school and spend their days on the streets and their nights begging around the local bars and casinos. While there are schools nearby, there are still mandatory fees that families are unable and unwilling to pay, especially given the low esteem in which uneducated parents hold education. This keeps children out of school and on the streets or on work sites, where they become easy prey to human traffickers.

Trafficking routes from Cambodia to Thailand

For many families living in extreme poverty, obtaining a passport to travel legally into Thailand is expensive and requires travel to the capital, Phnom Penh, for a long, bureaucratic and costly process. For families living on 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.⁷³

Another option for Cambodians living along the border is to obtain a border pass, which is created locally and at low cost.⁷⁴ 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.

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 names are always changing and 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.”*⁷⁵

Older children typically enter Thailand alone looking for jobs and end up in exploitative situations. Younger children, especially girls, typically enter Thailand with the help of a broker. Children who enter Thailand with a broker are usually children who have been sold, rented out by their parents or kidnapped by the ring of brokers who target Poipet slums and villages.⁷⁶

Many brokers that traffic children illegally into Thailand reportedly use the Watermelon crossing. Here, a broker can allegedly pay certain Cambodian police officers 20 THB to enter Thailand through a small door, which leads to a busy Thai market. Here, children are taken to other parts of Thailand.⁷⁷ Staff from local Cambodian NGOs are unable to get too close to this crossing, as it is heavily guarded by police.

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.⁷⁸ 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 Kluer 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 alternative accommodation is found.⁷⁹ Sometimes, the child will remain 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 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 beats me because I want to go to school. He doesn’t understand why I want to go to school, he wants me to be working to make money for him.”*⁸⁰

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 for.”*⁸¹ In some cases, children who are successfully repatriated and reunited with their families after being trafficked into Thailand, contact brokers and re-traffic themselves because they are so pressured to make money that they are scared to go home empty-handed.⁸²

“Poverty forces parents to sell their children. Some of the parents know where their children will end up, however, if one child can provide some money then it makes to 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 in Poipet, found begging with her 4-year old child around the casinos after dark, 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 one too [points to 4-year old child] but my husband wants me to keep him instead to sell his blood.”*⁸³

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

EXAMPLES OF SOURCE COMMUNITIES IN CAMBODIA⁸⁴



Village 1

The village is mostly populated by elderly people. Many adults aged 20-50 have gone 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. A Thai broker visits the village frequently. In most cases grandparents or family members pay the broker 2,000 Thai Baht to take the child to work in Thailand and an additional rate if they want him to bring the child's income back to them on a regular basis. Most of the children end up as street beggars, whilst girls end up working as prostitutes.



Village 2

This village is remote, rural and lacks access to a government school. A non-formal school 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, 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.



Village 3

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 him instead. 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.

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 and an unstable economic environment in Poipet, many people find themselves involved in the trafficking business and network, without even realising 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 people of the slums and villages and in some cases build relationships with the local police and immigration authorities.⁸⁵ Typically, 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.⁸⁶ 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.

Other brokers buy a child outright, with no promise of return. They convince parents or grandparents that they are helping the child, and the family as a whole. They will offer to deliver a portion of the child's earnings to the parents every month, although this incurs an additional charge.⁸⁷

In Poipet, one trafficking shelter Director claimed:

"The broker system is still very active in Poipet because they are rarely caught, the child is under duress and often scared, so they protect the brokers' identities".⁸⁸

In the majority of trafficking cases recorded by the New Family Centre, the broker is involved in the entire trafficking process. He/she takes the child from their family, transports them and delivers them directly to their destination, without a hand-over at the border. Once the child arrives at their final destination in Thailand, they will be entrusted to a local handler who is typically Vietnamese or Cambodian.⁸⁹

“ The handler exploits the child in a variety of ways. The choice of industry into which a child is trafficked will be influenced by his or her age; if the child is 1-2 years old they are usually found begging. Once the child can no longer generate enough income for them, they sell the child to the next handler.

NGO Director, Pattaya

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There is, reportedly, a network of Vietnamese brokers in Poipet, who work with Vietnamese contacts and handlers in Thailand and Malaysia. Children trafficked from Poipet end up in Pattaya, where Vietnamese handlers find them work or oversee organised begging rings. They travel through Thailand with a Cambodian or Thai broker, who then sells them to the local handler once in Pattaya.⁹⁰

Handlers are charged with watching child victims, ensuring they do not run away and are not picked up by the police. In public, they often pretend to act like

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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.⁹¹

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.”⁹²

Cambodian children in Thailand

Cambodian trafficking victims can mostly be found

begging in areas such as Pattaya, Koh Samui, Bangkok, Ranong, and Phuket.⁹³ 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.⁹⁴

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.⁹⁵

In some cases illegal migrant parents traffic their own children. In Pattaya, round the Cambodian migrant community, parents can be found advertising the sale of their daughters for sex, a way for parents working in the construction sites to make some extra income from children too old to beg on the streets.⁹⁶

The majority of children found begging in Thailand are Cambodian.⁹⁷ 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.⁹⁸

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.⁹⁹ 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.¹⁰⁰ 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.¹⁰¹

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.¹⁰²

**"I 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, meaning victims are not always identified. Each year, over 10,000 illegal migrants who are found begging are reportedly taken to Nonthaburi Homeless Centre. The Centre is not for trafficking of abuse victims, but for those violating the Control 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.¹⁰³

Repatriation 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 child victims. 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 both Thai and Cambodian governments and is outlined in the MoU on the Establishment of Transit and Reception Centre for Victims of Trafficking and Other Vulnerable Groups, signed by both countries in 2016.¹⁰⁴

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 support. Brokers wait for the children to cross the border before trafficking them again. The majority of children deported as illegal migrants without any proper investigation are, in fact, trafficking victims and the system allows them to be handed directly back to the brokers who trafficked them in the first place.¹⁰⁵

Many of the children rented from their parents return via the same illegal crossing they used to enter with no opportunity for rehabilitation, recovery, or reintegration support. This also creates a huge gap in the data available on trafficking cases. If a trafficked child is never officially identified, registered and repatriated via the PTC, their trafficking goes unnoticed in the system, making the scale of the child trafficking situation in Cambodia unquantifiable.

Protection and prevention for Cambodian children

Cambodia's national legislation on human trafficking, the Law on The Suppression of Human Trafficking and Sexual Exploitation, was passed by the National Assembly in 2007. This law does not follow the universal definition of human trafficking set out in the Palermo Protocol and lacks the recommended provisions for protecting victims. In 2010, Cambodia created a new penal code, which does not specifically mention human trafficking, but makes provision for punishing those guilty of 'unlawful removal of minors', which can be applied to some aspects of human trafficking.¹⁰⁶

“

We have often waited for the child 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 rehabilitation are left in 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 vulnerable children who may have been trafficked into Thailand or who are at risk of being trafficked in future. This organisation works closely with the Mercy Centre, Pattaya, which assists 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.

When children are repatriated to Cambodia through PTC, there are several shelters for children who are unable to return to their families. The PTC plans to open their own shelter 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.¹⁰⁸

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, the “begging mafia” thrives in the large tourist destinations. Inconsistent efforts by the authorities have enabled brokers to refine their technique by installing what seems to be a rotation system for 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.¹⁰⁹

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 recognised as illegal migrants, rather than 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.¹¹⁰

The high rate of re-trafficking helps perpetuate the vicious cycle of trafficking and child exploitation. Consequently, many trafficked children eventually become brokers themselves - because it is the only 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.”*¹¹¹

The lack of a central database makes it difficult to identify a child who has been trafficked. Cambodia does not have a robust citizen registration system like Thailand, so after police rescue a Cambodian child, they have to trace the child by name, which is a strain on time and resources. This process often causes errors that lead to re-trafficking of the child.

Children are told by brokers to change their names each time they cross into Thailand and return to Cambodia via the PTC. This is to avoid detection and disrupt efforts to record and track trafficking cases.¹¹²

The poverty and desperation felt by communities in Cambodia is the biggest obstacle to combating trafficking into Thailand. The lack of opportunities and employment in Cambodia means that even children

who are not trafficked at a young age and have the opportunity to attend school, have severely limited chance of paid employment. Working in Thailand, even by being trafficked, is seen as preferable. The system means that education has little or no value in this part of Cambodia and this is a huge problem for young children, increasing their risk of being trafficked for illegal work.

Whilst the demand for children in Thailand is so high, the ease and willingness of the supply chain in Cambodia make Cambodian children an extremely vulnerable group for sourcing victims.

“Children are trained to constantly change their names and, without a central database, their profile is only recorded within each organisation within each province. So if you find the child in a different province, you have no idea if he may have been trafficked before.”
Case worker, Bangkok

Trafficking Cambodian children to Malaysia via Thailand

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

In 2008, the UN Inter-Agency Project on Human Trafficking (UNIAP) reported that 28 Cambodian victims were repatriated from Malaysia. Subsequent reports from the U.S. Department of State concur that Thailand has served as a transit point for trafficking Cambodian nationals to Malaysia for years, with official reports of Cambodian child victims found in Malaysia dating back to 2005.¹¹³

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. I don’t know where they go in Malaysia. Probably the touristy areas.”*¹¹⁴

Cambodian children are typically promised work in the service sector in Thailand but are then forced into prostitution in Malaysia¹¹⁵. Inevitably, the trafficking network begins in Poipet and typically 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.¹¹⁶

“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.”
NGO officer, Poipet



CHAPTER FOUR: TRAFFICKING FROM MYANMAR

Background

Burmese migrant workers make up a significant portion of the Thai labour force, particularly in construction and fishing industries. There are an estimated 3 million Burmese migrants living in Thailand.¹¹⁷ It is estimated that they generate about 9% of Thai Gross Domestic Product (GDP), but this figure must be treated with caution, as the number of unregistered workers can only be estimated. More Burmese are likely to come into Thailand with the relaxation of borders proposed by ASEAN and with higher wages available to migrant workers.

Burmese migration into Thailand has, in part, been in response to the breakdown of the Burmese economy following over fifty years of military rule and civil war. The widespread poverty caused by the conflict, left Burmese agriculture, infrastructure and legitimate business destroyed. Poverty is a major catalyst for illegal migration and trafficking, as is the absence of education. In recent years, Myanmar's government has spent up to 4.8% of GDP on national defence, and only 0.6% on education.¹¹⁸ The World Bank reported that in 2012, 9% of grade 3 classes in Yangon could not read a single word.¹¹⁹

Despite having registration systems in place, many Burmese go unaccounted for in the Thai system, especially children. Strong community ties amongst Burmese migrants in Thai towns and provinces like Mae Sot, Ranong, Phuket and Samut Sakhon, do little to mitigate the vulnerability of their children. The estimated 500,000 unregistered Burmese in Thailand seem invisible and are at high risk of being trafficked.

It costs Burmese migrants 2,680 THB to register for employment at a local registration office and an additional 3,180 THB if they work in the fishing industry. Children accompanying their parents to Thailand incur an additional fee of 265 THB per child under 7 years old, and 1,680 THB per child over 7 years old.

Registration packages for children include a 'follower status' registration card, which should protect them from repatriation to Myanmar, and a basic healthcare package. Migrant children registered with immigration and of legal age, according to the Labour Protection Act 2010, can work in simple jobs and activities, including domestic service.¹²⁰

Many Burmese workers in Thailand only register themselves, since registering their entire family is too expensive.¹²¹ This leaves hundreds of children unaccounted for by the Thai registration system and potential easy prey to brokers, especially since they lack Thai identity documents.

Trafficking from Myanmar takes place in the context of large-scale migration, both internally and across borders into Thailand. Many reports give evidence that over a third of Myanmar's population have migrated from rural to urban areas, with Thai cities being their main destination.¹²²

“

Most factory workers in Thailand come from villages in Myanmar. Last month, I visited my uncle's village. It is a big village which situated on the bank of Sittaung river. There are 20 houses in my uncle's section. Only old people and little children are left at home. It was strange. I asked where everybody had gone. All young adults and people who can work are working in Bangkok or somewhere else in Thailand.

”

Community organisation staff, Mae Sot

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.¹²³ 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 Islambumrung 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 in a slum 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 Muangdaw.¹²⁴

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.¹²⁵

Trafficking routes from Myanmar to Thailand

UN-ACT headquarters in Bangkok list the main illegal border crossings for Burmese moving into Thailand as: Kengtung/Tachileik to Mae Sai; Myawaddy to Mae Sot; and Kawthaung to Ranong.¹²⁶

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 the 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.¹²⁷

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. As in Cambodia, there is always a way to get into Thailand, and the cost is not high.

However, leaving the border areas and getting to central Thailand is more expensive. Most Burmese children enter Thailand via northern routes (Mae Sai, Mae Sot and Chiang Rai) and are brought through the forests and mountains in Kamphaeng Phet before being transported to other parts of Thailand.¹²⁹

Starting in Mae Sot, either as a transit or source point for Burmese children, there is a commonly understood transportation system that varies 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.¹³⁰

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. For 15,000 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 at Thai police check points. For children or brokers with less money, 6,000 THB buys the least protected route to main cities in Thailand; a walk through forests and dangerous terrain for 4-5 days, avoiding all check points along the route.¹³¹ Immigration officials in Tak Province claimed that it is particularly difficult to intercept children and traffickers travelling on foot, as the forest provides good protection and concealment.¹³²

Ranong, in the south of Thailand, also serves as an entrance into Thailand by sea. Victims arriving in Ranong may stay in Thailand, but it is also a transit point for those being trafficked into Malaysia.¹³³ This crossing requires travel on a boat via Kaw Thuang, known as Koh Song in Thai. Ranong, like Mae Sot, has a Burmese population that outnumbers the Thai population. Ranong has five districts, each close to the Burmese border. One district, Kraburi, is close enough to Myanmar to be able to cross the border by foot during low tide.

The Burmese broker system

The trafficking network moving children from Myanmar to Thailand is complex due to the high number of Burmese migrant families entering Thailand. Cross-border trafficking from Myanmar relies on cooperation between both Thai and Burmese brokers. A Burmese human rights lawyer explained:

*"Without the help of a Thai broker, the Burmese would not be able to do this [traffic children], as [Burmese brokers] don't have much back up from the authorities."*¹³⁴

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 they will work in. The 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.¹³⁵

Migrant children already in Thailand, for example

children from the Islambumrung Community, are usually handled by two brokers, typically Burmese: one who brings them to their destination and one 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.

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.

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"*.¹³⁶ 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 pitched as an important employment opportunity and parents are often deceived into thinking their child will gain an education and work experience.¹³⁷

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 valid identity 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 temporary passport. They will give them a fake visa stamp, therefore turning the valid document into a counterfeit document that they are unable to use again. In my experience, over 90% of the Burmese migrants [we work with] have fallen victim to this trick."*¹³⁸

The broker system in Ranong is different. Despite claims that trafficking in the Ranong area has reduced, UN-ACT identifies Kawthuang to Ranong as one of the top three cross-border trafficking routes from Myanmar to Thailand. Field workers in Ranong report that the biggest issue there was no longer human trafficking, but human smuggling.¹³⁹

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.

"Sometimes parents tell their cousins, or another relative, to deliver their undocumented child to another relative working in Ranong. Usually, the relative will hire someone to facilitate this trip. A lot of Burmese brokers are waiting on the Thai side or at Koh Song. They are waiting at the port, drinking coffee, looking for people who look lost or children traveling alone".¹⁴⁰

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 as many illegal migrants as he/she can to let him/her find work for them.

The provincial MSDHS Bureau in Ranong confirms that these are smuggling cases. However, children travelling alone must be identified in these instances 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 broker and 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 aid 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 trafficked and that this is a crime. It is arguably 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 set of challenges. According to officials at the Tak Immigration Office, children will never provide evidence that could have their parents arrested. Furthermore, arresting parents makes the children’s position even more difficult.

“

I was told I would see my child again. I have no idea where he is and how to get in contact with him. I don't even know how to find the man who took him.

”

Mother of trafficking victim, Myawaddy

Like parents in Cambodia, many parents are willing to let their children go to Thailand with brokers because they are confident that the children will return home with money and a better education.¹⁴² However, unlike Cambodia, children are rarely “rented”, but simply taken with the promise that they will return. In many cases, children never return home. Instead they find employment as adults in Thailand.

The village leader of the Islambumrung Community in Mae Sot reports that parents often come to the slum from Myanmar trying to trace their children.¹⁴³

A common understanding among Burmese migrant families is that a child is only trafficked when he or she is kidnapped. In the eyes of Burmese migrant families, a child that wants to work, regardless of the levels of exploitation, is not trafficked. A Burmese migrant parent, working at a migrant school in Mae Sot, argues that many children go to Thailand of their own free will:

“I think if the child wants to work the child will go to work. This is not trafficking. Many children stop attending school when they are 15. 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.”¹⁴⁴

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 these children, running around Bangkok’s infamous Khao Sarn Road, selling roses and interacting with tourists late into the night. There are between 500-600 Burmese Muslim children selling roses around Thailand.¹⁴⁵

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 Bangkok. In the raid, police were able to catch a handler who was responsible for trafficked Burmese children selling roses on Khao Sarn Road.¹⁴⁶ Shortly after this 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 Sakhon 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.¹⁴⁷

Repatriation of trafficked children back to Myanmar

According to Article 33 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 give their testimony and whatever evidence needed to create a case in the Thai courts.¹⁴⁸ 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 three neighbouring countries requiring both parties to co-operate to establish common criteria in identifying victims of human trafficking., demonstrating Myanmar’s concern for the proper identification of its citizens.

Once the nationality of the victim is confirmed, the process of official repatriation will begin.¹⁴⁹ Repatriation takes place via the legal crossing from Mae Sot to Myawaddy. Once in Myawaddy, the Border Co-operation on Anti-Trafficking in Persons (BCATIP) office will receive the child and transport them to the Myawaddy Transit Shelter.¹⁵⁰

When the child reaches the Myawaddy Transit Shelter, communication between Thai and Myanmar authorities ceases. A Burmese lawyer explains that:

*“Upon arrival in the shelter the child will receive a primary assessment and then be escorted to the Mawlamyine shelter after one night. Once in the Mawlamyine shelter, the child can stay or leave as they wish”.*¹⁵¹

Although BATWC claim that the Ministry of Social Welfare in Myanmar must carry out family tracing on each child, children have the freedom to leave the second shelter, so it is not guaranteed that they will be reunited with their families.¹⁵² If a child chooses to, they can walk directly back to the brokers, or risk leaving and being picked up by other brokers.

Limited evidence of family tracing reports and data keeps the effectiveness of the family tracing system from being measured. Evidence suggests that children are free to go wherever they choose once they arrive in Myanmar and there is currently no follow-up procedure required by the Thai authorities.

Around 400 individuals are deported back to Myanmar from Mae Sot every day.¹⁵³ Processing deportees is done very quickly in the morning, due to the pressure on immigration officials to move people along quickly.¹⁵⁴ This gives little time to identify children who might be victims of trafficking. However, some local NGOs work with the immigration office to screen the children being deported and assess whether there are trafficking victims amongst them.

Children not identified as victims of trafficking are deported using the same channels and procedures used for illegal immigrants. For some, rather than deport them via the legal Friendship Bridge route, these children may be deported via the same illegal gates through which they entered Thailand. On the Thai side these gates are often made temporarily legal under Custom Acts but on the Burmese side, they remain illegal entrances into Thailand.¹⁵⁵ The

Deported children will be received by whichever authorities control the border area into which they have crossed. In Myawaddy this is usually the Democratic Karen Benevolent Army (DKBA). Deportees must pay a bribe at the gate to be allowed back into Myanmar. Those unable to pay the bribe for re-entry are sent to a makeshift detention centre until someone can pay for their release, often the broker who took them into Thailand.

It is alleged that if a child cannot contact a broker willing to pay the fine, the DKBA will find a broker on their behalf. Some allegations suggest that the DKBA have been involved in selling children to construction sites on the Burmese side of the border.¹⁵⁶ This system fuels the re-trafficking of victims and the cycle begins again.

According to the Tak Immigration Office, there are over 22 ports on the Moei River that can be used by Immigration Police.¹⁵⁷ The Friendship Bridge is the only legal border crossing. The other gates are temporarily permitted under the Customs Act to import and export goods to and from Myanmar. One officer explained:

*“When we deport illegal migrants we have over 400 people. We cannot deport them on the bridge since the Burmese government doesn’t consider a lot of these people as citizens, so we have to deport them at these ports.”*¹⁵⁸

The port used for deportations is known as Gate 13 on the Thai side and Gate 999 on the Burmese side. Burmese children living in Mae Sot identify Gate 999 as the port where they would be locked up if they are sent back to Myanmar.¹⁵⁹

There is no record kept of children deported in this manner so, once deported, there is no follow up system to check if an individual has re-entered Thailand. Similarly, if a trafficked child is successfully re-united with their family, there is no follow up process in place to discourage re-trafficking of the child.

Whilst Mae Sot is identified as the only official repatriation point between Myanmar and Thailand, there are a few select cases where victims have been repatriated via Koh Song in Ranong. Some NGOs are attempting to get Ranong recognised as an official repatriation point for victims. However, to repatriate a child from this point, the child must be escorted via boat to Koh Song and this is a strain on government resources.¹⁶⁰

Protection and prevention for Burmese children

In 2004, Myanmar became the first country in the Mekong Region to sign the Palermo Protocol. A year later, Myanmar enacted its first comprehensive human trafficking legislation, the Anti-Trafficking in Persons Law. Myanmar’s legislation defines trafficking as the sale, purchase, lending, hiring, recruitment, transportation, transfer, or receipt of persons. There is provision to punish fraudulent adoption, marriage, and the forging of documents (primarily in children) for the purposes of cross-border trafficking. Chapter VI contains provisions specifically for women, children, and youths.¹⁶¹

However, national legislation is difficult to enact on the Burmese side of the border, with civil society in a state of collapse and power is fragmented between decayed civilian institutions, the national army and the DKBA. The capacity of the Burmese government will need to be enhanced before they can effectively deal with trafficked children.

On the Thai side, there are many NGOs working on the ground to protect children who have been trafficked or who are at risk of being trafficked. In Mae Sot, international organisations work to decrease the vulnerability of at-risk children, (i.e. the children of migrants who do not have legal documentation or follower status) by obtaining proper identification in the form of a 13-digit Thai identification card.¹⁶² The Mae Tao Clinic and the Committee for the

Protection and Promotion of Children's Rights (CPPCR) help migrant parents to obtain birth certificates for Burmese children born in Thailand. Having a birth certificate allows Burmese children to access basic education and healthcare from the Thai government and it helps Burmese parents obtain Burmese citizenship for the child in the future.¹⁶³ Most children are recorded and registered by the clinic, but if this process is not complete within 15 days of birth or for children not known to the clinic (e.g. children born at home), responsibility shifts to CPPCR.

There seem to be few organisations working on the ground to protect the vulnerable children of the isolated Islabumrung Community. NGOs established a school in the slum, but it lost funding and was forced to close. This leaves the children in this community extremely vulnerable. As a result, many Islabumrung children are found begging in the streets, further increasing the danger of abduction by traffickers.¹⁶⁴

There are immense efforts on the Thai side by NGOs to protect vulnerable children. Some of these NGOs cross into Myanmar to deliver training to local communities and to raise awareness of trafficking, teaching parents to be wary of brokers.

Myanmar, as a source country, has few institutions in place to protect children from being trafficked or any effective rehabilitation and reintegration processes to help children returning from Thailand to rebuild their lives and avoid re-trafficking.

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 and case work. Reports show that translators are often inconsistent and that those sent by NGOs often give a bias to the stories that they are translating.¹⁶⁶ The perceived veracity of 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. This is evident in the deportation of child victims under the status of illegal migrants. 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 migrants with no victim status, the Burmese officials cannot know that they require reintegration. If they are deported as victims, the Burmese government may be better placed to protect them.¹⁶⁷ The children deported as illegal migrants without proper investigation and screening are not recorded within the immigration system and their vulnerability increases through the entire process of their deportation.

One of the biggest obstacles faced by police is persuading the victim to co-operate with the investigation. Only with the victim's co-operation can the police prove trafficking and exploitation. Without

proof a case for human trafficking cannot be built. Some victims do not identify as victims and feel their situation is a normal occurrence. Others suffer from trauma and want to be returned to Myanmar. Human trafficking cases can be long and time consuming. For this reason, neither victims nor police are keen to push for a trafficking charge. Cases from Myanmar often take twice as long as cases from Cambodia and Laos, because each of the authorities must first complete the process of National Verification of the victim by the Government of Myanmar.

Thailand and Myanmar's close proximity means there are countless "weak spots" that cannot be monitored along the Thai shore. In Ranong there are many ways to enter Thailand illegally, via Kra Buri, La-un District or Maliwan. In Kra Buri, when the tide goes out, people can walk into Thailand. In southern Ranong there are bays where anyone can moor their boat walk directly into Thailand soil. There is no surveillance in any of these places and people from Myanmar can move freely into Thailand without detection.¹⁶⁸

Trafficking of Rohingya children to Malaysia via Thailand

The Rohingya are a group of Islamic Indo-Aryan peoples from Myanmar, who claim to be indigenous to Rakhine State. Burmese historians, as well as the Burmese government, insist that they migrated from Bangladesh during British rule. The term Rohingya is derived from the word "rohang", which is the old name for the Rakhine State in which many Rohingya have lived for centuries. Despite this long history, the Rohingya have customarily been referred to as "Bengali" suggesting they are not, and have never been, Burmese nationals and are instead illegal migrants.

Following independence from the British in 1948, the Rohingya from Rakhine State contributed immensely to the nation building process only to find themselves treated as foreigners in the modern state of Myanmar. The Rohingya have been trying to claim citizenship in Myanmar since the 1970s, and have survived several attempts to remove them with domestic policies. Attempts by the Burmese government to push the Rohingya out have precipitated constant flows of migration out of Rakhine State and into countries such as Thailand, Malaysia, Indonesia and Bangladesh.¹⁶⁹

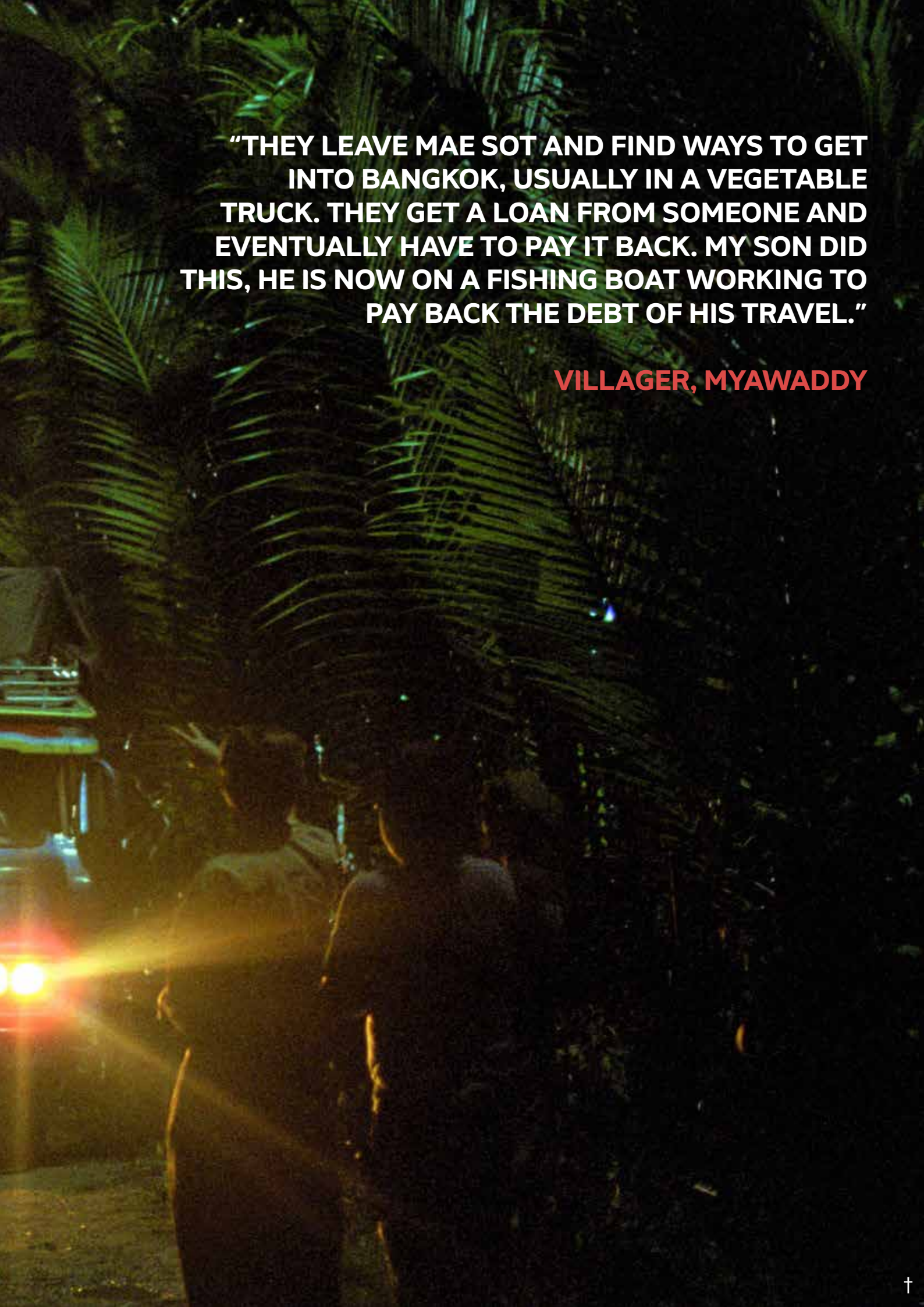
Amidst these flows of migration, there have been various trafficking networks established to capitalise on the plight of the vulnerable Rohingya.

In 2001, the Rohingya made one of their first recorded headlines in Thailand when a report claimed that the Thai navy was mistreating the Rohingya found on boats.¹⁷⁰ This early phase of migration via sea was propelled by economic factors.

Many Rohingya men, over 18 years old, voluntarily migrated to Malaysia to seek work. Malaysia has a huge demand for unskilled labour and is perceived as a safe haven for Rohingya. As news about their new lives in Malaysia reached Rakhine State, many more Rohingya were encouraged to make the travel themselves resulting in a mass migration into Malaysia through Thai waters.

Brokers exploited these success stories to lure people





“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

onto their boats with the promise of taking them 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.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 Rohingya 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 Rohingya.¹⁷²

Following the outbreak of violence in 2012, thousands of Rohingya 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."¹⁷³

This process is illustrated on page 45.

Another first-hand account claimed:

"Many Rohingya 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."¹⁷⁴

As Thailand could not fit more Rohingya in their detention centres, and Myanmar refused to take back any Rohingya, Thailand was left in a delicate position. Activists suggest that this resulted in Thailand's adopting an "alternative plan" to deal with the Rohingya already in the country.¹⁷⁵

Media reports have emerged recently showing camps 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 Rohingya 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.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.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 Rohingya, who they could not legally deport back to Myanmar. Currently, there are over 70 "hostage camps" along the Thai/Malaysia border.¹⁷⁸

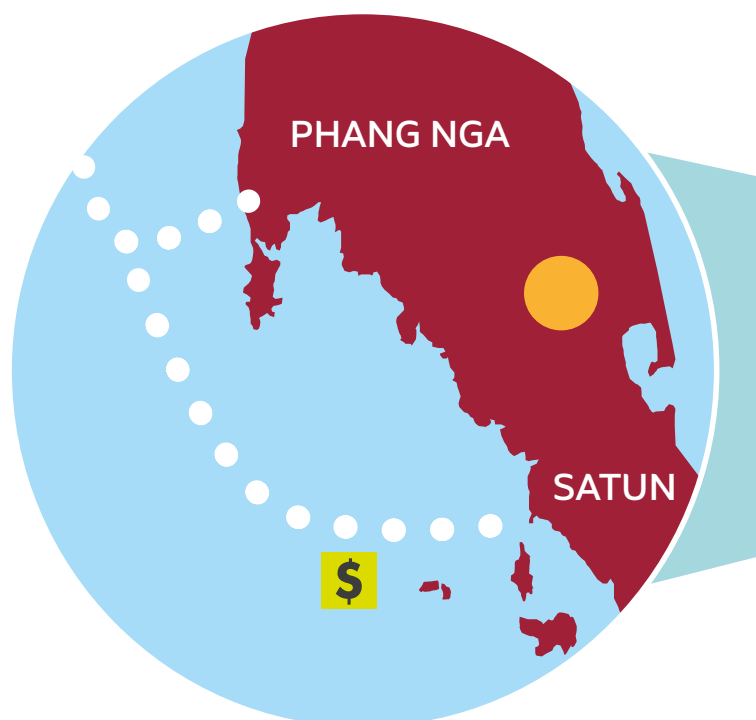
According to a human rights lawyer who works to repatriate Rohingya victims, many children found on fishing boats today never sought refuge in Malaysia but were lured by traffickers directly from Myanmar with the promise of work. One 14-year-old boy was promised paid work in Malaysia and told his travel 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.¹⁸⁰

"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."¹⁸¹

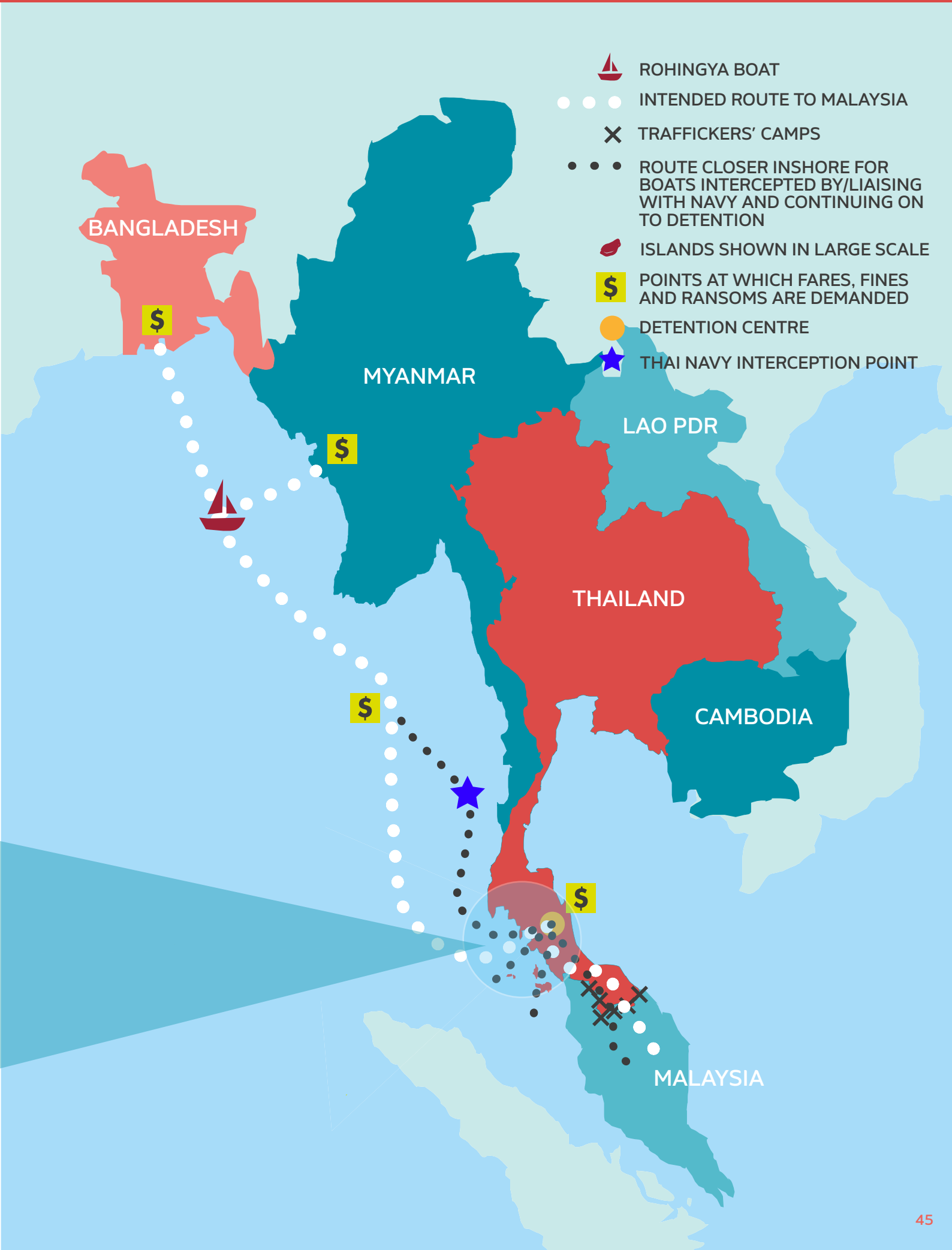
Most of the Rohingya men, women, and children enter Thailand through Phang Nga or Satun, where the boats dock. When cases are found, those being smuggled are deported. But they easily find their way back onto the boats looking for work in Malaysia, again placing themselves at risk of trafficking. Deportation is usually via Ranong and Kaw Thung. Ranong remains an active point of entry for Rohingya 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 Rohingya were trafficked. The DSI generally consider Rohingya 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."¹⁸²

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.



ROHINGYA TRAFFICKING MAP





**CHAPTER FIVE:
TRAFFICKING FROM LAO PDR**

Background

Lao People's Democratic Republic (Laos) is a lower middle-income country with a population of 6.7 million.¹⁸³ 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.¹⁸⁴ 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."¹⁸⁵

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.¹⁸⁶ Also in 2005, the Lao government established the Laos 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 be seen 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.¹⁸⁷ 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.¹⁸⁸ 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: Savanakheth (645), Champasak (287), Saravan (271), Vientiane Municipality (235), and Vientiane (144).¹⁸⁹

“

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.¹⁹⁰

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 illegally 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 recognised 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.¹⁹¹

Popular trafficking routes from Laos enter Thailand in Nong Khai or Chiang Rai.¹⁹² However, according to an NGO worker in the capital city of Vientiane, 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 travel a limited distance 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 they met across the border. They end up in vulnerable situations which ultimately leads to more trafficking and exploitation."¹⁹⁵

The Lao broker system

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 fulfil the demands of the supply chain in Thailand.¹⁹⁶ 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 seeks out child workers in the remote communities."¹⁹⁷

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 leads to an offer to help them find work. This can happen on either side of the Laos-Thailand border.

“

It is easy for Thai brokers to enter Laos as a tourist. Then they are able to go directly to vulnerable villages and find children to fulfil their supply chain.

”

NGO worker, Vientiane

The role of parents in the trafficking of Lao Children

Many Lao teenagers make the decision to enter Thailand on their own in search of work.¹⁹⁸ Entering Thailand from Laos is not as difficult as from other neighbouring countries, so there is constant movement into Thailand. True 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.¹⁹⁹ 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 than generally seen in other countries in the region.²⁰⁰

Lao children in Thailand

Due to the similarity in language and culture, Lao children blend 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 Khai 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.²⁰¹ This information is confirmed by the official returnee 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. Around 95% of repatriated victims are female, 80% of them under-age.²⁰²

In January 2015, the Thai authorities rescued 72 Lao teenagers (aged 13-20) who were found working as prostitutes in four karaoke bars in the Song Phi Nong District of Suphanburi province, central Thailand.²⁰³ This rescue drew international media attention and concern over the sex industry and its callous exploitation of child victims.

There is high demand for Lao girls in the sex industry as they are perceived to be physically attractive to both Thai and foreign clients. Lao girls possess both the physical appearances and the language skills necessary to attract both types of clients, therefore, they are in high demand and easily transported around the country.²⁰⁴

The sex industry provides the police with clear evidence of exploitation. Prostitution is relatively easy to monitor, as the authorities generally know where to look for under-age female victims. Girls rescued from brothels provide the Royal Thai Police with evidence to prosecute under the Anti-Human Trafficking Act 2008.

“

Lao girls have a light skin tone making them look clean. Their naive personalities are really attractive for Thai men.

”

Anonymous, Bangkok

Lao boys are also trafficked into Thailand to work in labour-intensive industries, although they often go unreported and unseen. It can be more difficult to prosecute traffickers of boys, because the industries which employ them (factories, agriculture, fishing boats, and domestic work) do not so readily provide the crucial clear evidence of exploitation.²⁰⁵

Repatriation of trafficked children back to Laos

Children identified as victims of human trafficking will be repatriated back to Laos via the Vientiane Transit Shelter on the border. A memorandum between Laos and Thailand states that the child should remain in the shelter for a maximum of 7 days whilst the case is reported to the Ministry of Social Welfare (Laos) at the provincial level to initiate the victim reintegration process.

Currently there is no shelter in Vientiane to accommodate repatriated male victims, only female. Until recently, the term 'trafficking' was applied to women and child victims only, little attention was paid to adult males.

There is limited data available to confirm the success of the repatriation or reintegration process, little information about what actually happens on either side of the border, and limited communication between the Thai and Lao authorities. The lack of dialogue may hamper the reintegration process as no case-history information about the child's experiences in Thailand is passed to the Lao authorities.

Protection and prevention for Lao children

In February 2015, Thai immigration officials stopped more than 100 under-age girls trying to enter Thailand legally using the Friendship Bridge. One immigration official working in Nong Khai gave a statement saying:

*"The girls say they will go to Bangkok with somebody. They might be at risk of becoming human trafficking victims. We are afraid that they don't know that they will be lured into the sex service."*²⁰⁶

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 with no money and nowhere to go. 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, working to remove the stigma attached to victims when they are repatriated.

There is no concrete data available regarding re-trafficking for Lao victims back into Thailand. In spite of attempts to establish more vocational training opportunities, many teenage girls return to the 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.²⁰⁷

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 match the physical appearance of the passport holder. Given that these are official documents, querying the accuracy of the information they contain with the Lao government can 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.²⁰⁸

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 remains low in comparison to female victims, there is no system in place to protect males in any way. Currently, male and female victims are placed in the same shelters, 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 transit country for young Lao girls trafficked to work in the sex industry in Malaysia.²⁰⁹ 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.²¹⁰

It is impossible to estimate the number of Lao children in Malaysia, in prostitution or on fishing boats in Malaysian waters. Statistics from the Thai Immigration Bureau show that in 2011, 48,000 Lao citizens migrated to Malaysia via Thailand with only, 46,000 returning to Laos.²¹¹

Since 2011, the Lao government has paid more attention to the number of under-age Lao girls travelling out of the country, particularly to Malaysia. Many girls have been reported as "missing" or "sold" following new regulations to protect them from illegal marriages. Since 2011, many Lao girls have been lured to Malaysia with a promise of marriage. On arrival in Malaysia, the girls are forced into prostitution.²¹²

This deception is both active and widespread today. Several organisations working to protect both north-eastern Thai girls and Lao girls from being trafficked into the sex industry confirmed that they find many Lao girls in Malaysia because there is a high demand for their physical appearance and because they are easily lured by the promise of work.²¹³



CHAPTER SIX: CONCLUSIONS & RECOMMENDATIONS

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 kheiw* 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's 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

brokers are uneducated and impoverished. They do not know what will happen to their children but the poverty and desperation felt by the family justifies sending them anyway.

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 like Pattaya, Phuket and Bangkok. Some Burmese children also beg and sell flowers, but others, like the hill tribe children, are found in brothels, in factories and on 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 (3022 miles), much of it covered by jungle. There is no practical possibility of preventing people from entering or leaving the country informally. The most common strategy is simply to ignore them. Entry from Myanmar is more problematic than from Cambodia or Lao PDR, not because the border is any less porous but because there seem to be more military and police checkpoints on the roads to the border, and these have to be circumvented.

It is reported as common knowledge that policemen can be hired as chauffeurs for those rich enough to pay, and there is an established tariff for the service, as there is for smuggling by truck or a guided walk through the jungle. This is accepted as routine; part of everyday life.

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 Trafficking in Persons (TIP) Report after being upgraded from Tier 3 in 2016. The upgrade indicates that there is evidence that the Thai government has made significant efforts to meet the minimum standards required to combat human trafficking, as outline in the TIP Report.

The upgrade has ignited criticism from international human rights groups that are adamant that Thailand should remain on Tier 3 among the worst offenders in human trafficking

The TIP report cites efforts by the Thai government to eliminate trafficking within its borders by increasing investigations, prosecutions and convictions by amending the 2008 anti-trafficking legislation giving the government permission to close businesses that may be involved in forced labour. Despite this, the report still highlights evidence of trafficking in almost

all industries throughout the country and cites government complicity in human trafficking crimes.

In reality, some very important steps have been made by the Thai government. 2 million Burmese and 100,000 Cambodian migrants have been registered with the Thai Immigration office, reducing their risk of being blackmailed by brokers. Since being registered, these migrants have access to some health and other social benefits.

Migrant children are increasingly welcomed into Thai schools and new inclusive education policies suggest that the schooling system and resources are being adapted to suit the needs of migrant children. Factories are also becoming more compliant with labour laws and beginning to pay migrants a minimum wage, reducing exploitation based on the demand for cheap labour.

While Thailand, Cambodia, Myanmar and Laos have yet to implement a transnational system for monitoring child trafficking, the imminent establishment of a database for trafficking cases by the MSDHS would be a great movement forward in cross-national collaboration and data collection, spear-headed by the Thai government.

Despite responsible and bold actions, the TIP Report and the Royal Thai Police investigation into the mass graves found near the Malaysian border show that, in recent years, some trafficking victims have been grossly abused. That some of the worst excesses occur in the fishing industry and the prawn packing plants is incontestable. There is much more to be done in recognising the human rights abuses and identifying human trafficking cases in this 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 co-operation. The second is the widespread lack of co-ordination of anti-trafficking activity within Thailand, and third the relative poverty of regional Thailand and the surrounding countries which make Thai wages seem generous, even for menial work.

Next, and particularly relevant to preventing child trafficking, is the 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 any other unskilled occupation. Sex tourism and its prevalence in Thailand is a major problem, creating a constant demand for sex workers.

Finally there is the question of widespread ambivalence in parents' attitude to trafficking. Parents' ignorance of the risks involved in trafficking may be easier to overcome than their tendency to treat children as commodities which can be bought, sold, and rented out. But attitudes may begin 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.

What effects might the relaxation of ASEAN borders have on child trafficking?

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 so permeable that traffickers can cross them at will. Relaxing borders for the free movement of labour under ASEAN might make little or no difference to the activities of traffickers, crossing back and forth into Thailand so easily.

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 the Mekong regional nations, so that there is at last the effective regional action against trafficking which is at present so sorely absent. The opportunity to be in Thailand legally may reduce smuggling and trafficking of adults, and thus the financial viability of some criminal networks.

It is unlikely that ASEAN will bring much benefit to child victims of trafficking, at least those young people launched through working on the street into the fringe of the criminal world. Children are appealing as beggars and flower-sellers, so they will continue to be deprived of the education, which lowers their chance of getting skilled work and condemns them to an adult life of poverty and, potentially, petty crime.

In conclusion, gathering information and data on child trafficking is the first step in understanding and designing effective countermeasures for combating child trafficking.

With this report, we hope to pave the way for constructive dialogue amongst regional and national organisations involved in the fight against human trafficking. Whilst there is no blanket solution for the issue, there are several steps that can be taken on both sides of the borders to encourage effective measures in both prevention and protection of potential child victims.

RECOMMENDATIONS

Trafficking damages Thai society and Thailand's reputation as a whole. The country's standing in the international development arena has suffered following the adverse TIP reports of recent years. Tolerance of exploitative labour practices, particularly when they involve children, will continue to produce a flow of adverse news stories which will continue that 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 deterred 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 resume the regional leadership that it demonstrated through COMMIT in a concentrated effort to implement the provisions of the Palermo Protocol effectively with 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 assist national governments in designing and implementing anti-trafficking education in schools and communities.
- To foster 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 Thai citizenship of indigenous and hill tribe people and provide them with valid identity papers, freedom to travel and improved educational opportunities. Their low levels of literacy and poor education make them far more vulnerable to trafficking and exploitation. This could immediately reduce internal trafficking from this group.

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 prepared to use bonded or exploited labour. It should also be illegal to recover the cost of travel into Thailand from a worker's wages by deduction.

5. Child labour in any industry should be illegal and the ban on those under 18 working as prostitutes must be enforced.

6. The practice of *tok 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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