

Thailand's Comments on Report on Labour Situation in Fishing Industry of Human Rights Watch

With regard to the Report published by Human Rights Watch (HRW) on 23rd January 2018, entitled “ Hidden Chains: Right Abuses and Forced Labor in Thailand's Fishing Industry”, the Ministry of Foreign Affairs wishes to state as follows:

1. During the last two years, the Royal Thai Government has determined and put a great effort into solving labour problems in the fishing industry. The Government has implemented various legal reforms, policies, and strengthened law enforcement on labour protection as well as engaged closely with the private sector, non-governmental organizations and neighbouring countries. As a result, there has been significant improvement in the labour situation in the fishing industry in many areas. Disappointedly, the Report of HRW contains many outdated references caused by using information from the situation in 2016 and in some cases, dating back to 2012. This shows that there has been no update of the latest status of this issue, and, therefore, the Report does not take into consideration the current progress and efforts made by Thailand in solving labour problems.

2. One of the positive steps that Thailand has taken that has led to significant change in the labour situation in the fishing industry is the implementation of the Royal Ordinance on Fisheries B.E. 2558 (2015). The Royal Ordinance has imposed severe punishments and higher fines, and together with the execution of the labour laws, have led to the deterrence and elimination of labour trafficking and illegal workers on fishing vessels. During the last two years, there have been more than 4,240 cases of fishery-related crimes and labour law violations brought forward before the criminal court, out of which, 85 cases were prosecuted for human trafficking crimes. Over 47 defendants were found guilty and were jailed with the maximum sentence of fourteen years.

3. With regards to the prevention of forced labour, numerous new measures have been introduced. For instance, the issuance of special Seabooks for over 11,100 seamen to date; the stipulation that the work contracts must have two copies drawn up - one of which must be given to the worker; the requirement for employers to pay their fishery workers monthly via bank transfer – so far nearly 5,000 workers have been paid through this channel; the stipulation that withholding the identification documents of workers is a punishable offence under the Prevention and Suppression of Human Trafficking Act; the issuance of new legislation governing recruitment agencies to prohibit debt bondages and the licensing of over 100 recruitment agencies; as well as revising the existing regulation regarding to the right to change employers – as of 2017, over 100,000 workers had successfully changed their employers.

4. In order to raise awareness regarding their rights among workers, the Royal Thai Government has established three Post-arrival and Reintegration Centres along the border to ensure migrant workers, including those in the fishery sector, receive adequate information about their rights. The Centres also conduct preliminary screening for potential cases of human trafficking and verification of employment contracts. In 2017, 250,000 migrant workers attended the training courses at the Centres and received guidelines on life in Thailand, employment contracts, rights, safety, relevant laws and the complaint mechanisms.

5. On the complaint channels, the Royal Thai government partners with various non-governmental organizations (NGOs) in establishing Migrant Worker Assistance Centers in 10 provinces. In 2017, a total of 57,498 migrant workers were provided with assistance by the Centers, quadruple the number of migrant workers assisted in 2016. Four hotlines available in Thailand's neighboring countries' languages have been established to serve as a channel for complaints and consultancy for both employers and employees and have been gaining more attention and usages. In 2017, the hotlines received a total number of more than 130,000 calls, including reports on human trafficking cases that led to over 60 cases of prosecution.

6. Concerning labour inspections, comprehensive inspections have been carried out, covering areas such as ports, seafood processing establishments and onboard fishing vessels. Risk analysis was incorporated to inspection plans in order to help identify inspection targets. The number of labour inspectors and interpreters has increased to over 1,500 officers. Training courses have been regularly provided for labour inspectors, interpreters and law enforcement officers. In 2017, 32 PIPO centers conducted inspection and one-to-one interview of over 53,000 migrant workers, of which around 3,500 migrant workers were found being violated under the labour protection law. 358 seafood processing establishments were inspected, of which 142 establishments were found to have violated the laws. The current Labour Protection Act has been amended with a view to intensifying law enforcement by instructing all labour inspectors nationwide that any offenses associated with labour abused must be brought forward to the criminal court immediately.

7. Several of the HRW's recommendations are measures that the Thai Government has already undertaking. Thailand is in the process of drafting the "Prevention and Elimination of Forced Labour Act" to be in compliance with the Protocol to the Forced Labour Convention (P29), and the work in fishing law in line with the Work in Fishing Convention (C188). It is anticipated that the drafting process will be complete in late March 2018, thus enabling Thailand to be ready for the ratification by June 2018. Regarding the Right to Organise and Collective Bargaining Convention 98 (C98), an

amendment to the domestic legislation is underway and is expected to be completed in September 2018 before the ratification process.

8. The ongoing effort to combat labour exploitation has brought forward tangible progress that can be witnessed from the abovementioned statistical figures, which proves the effectiveness of law enforcement in Thailand. The Royal Thai Government categorically denies the HRW's accusation that Thailand has tried to "white-wash" this problem. This cannot be further from the truth. The Royal Thai Government urges the HRW to take a balance view of the current labour situation in Thailand without prejudice. The narrative that repeats outdated information not only contributes to misunderstanding regarding the Government's effort to address the problem, but also calls into question the validity and trustworthiness of the report itself.

9. Thailand has always welcomed open discussions and expressed her willingness to work with all the civil society organisations to address the labour issue. However, to solve such a complex problem takes time and cooperation from all neighbouring countries. As a matter of fact, no country can claim to have solved this problem absolutely. The Royal Thai Government would like to thank HRW for following this situation closely and would like to extend an invitation to HRW to work constructively with us. We hope that in the future, HRW will communicate any concern directly to the Royal Thai Government. We are willing to listen to any recommendation that will help us both achieve a common goal of betterment of the migrant workers.

10. The Royal Thai Government reaffirms our commitment to combat the migrant workers exploitation in a holistic manner, not only in the fishing sector, and stands ready to work with all stakeholders in order to enhance our labour practices in alignment with the international labour standard.
