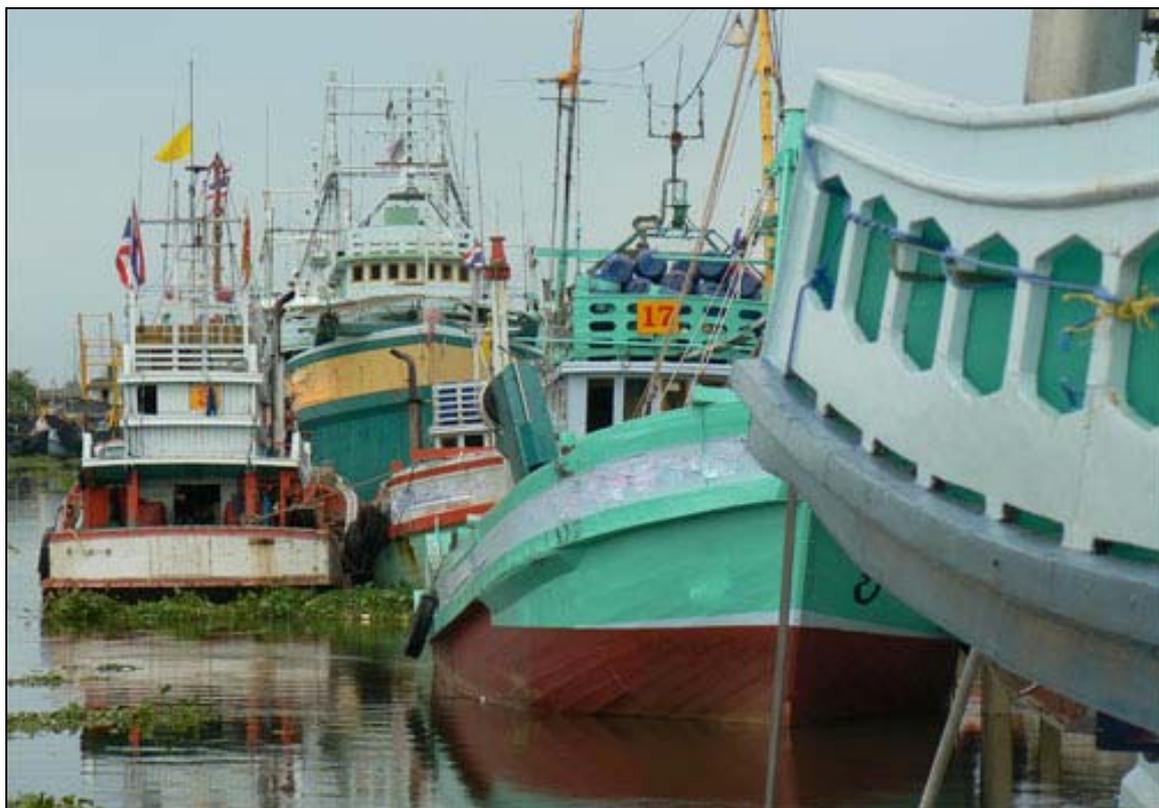


**OUT OF SIGHT, OUT OF MIND:
HUMAN TRAFFICKING & EXPLOITATION
OF MIGRANT FISHING BOAT WORKERS IN THAILAND**



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ACKNOWLEDGEMENTS

This report was researched and written by Melissa Brennan, a consultant to the Solidarity Center. Assistance was provided by staff at the Labour Rights Promotion Network (LPN). Special thanks are owed to Chan Jit and Paul Buckley. The author is also grateful to the Brooklyn Law School BLSPI Fellowship program for its support. In addition, sincere thanks are owed to the men who agreed to be interviewed for this report. Thank you for sharing your experiences and insights.

The American Center for International Labor Solidarity (Solidarity Center) is a nonprofit organization established to provide assistance to workers who are struggling to build democratic and independent trade unions around the world. It was created in 1997 through the consolidation of four regional AFL-CIO institutes. Working with unions, nongovernmental organizations, and other community partners, the Solidarity Center supports programs and projects to advance worker rights and promote broad-based, sustainable economic development around the world.

Funding for this report was provided by the National Endowment for Democracy (NED). The opinions expressed herein are those of the author and the Solidarity Center and do not necessarily reflect the views of the NED.

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INTRODUCTION

The seafood-processing and commercial fishing industries that operate out of Samut Sakhon province are vital components of the emerging economy of Thailand, which now ranks as the second largest in Southeast Asia.¹ That the province is one of Thailand's wealthiest speaks to the importance of these ventures on both a local and national scale. But this booming economy casts a dark shadow, and in Samut Sakhon the benefits of prosperity seldom reach the thousands of unskilled workers whose labor powers these lucrative industries. Instead, these workers, most of whom are Burmese migrants, are left to deal with its unseemly consequences.

Fishing boats, which operate in the isolation of the open seas, offer the unscrupulous employer the perfect conditions for exploiting workers with little threat of being caught, and even less threat of being punished.

Instances of human trafficking and labor exploitation involving Burmese migrants in Samut Sakhon's shrimp-processing plants have been documented by both non-governmental organizations and the news media. Significant numbers of Burmese men are employed on fishing boats based out of the province, where a number of horrific cases involving exploitation of migrant fisherman in Thailand have come to light.² Still, as noted in the U.S. State Department's 2007 Trafficking in Persons Report, "[t]he true extent of labor exploitation on the high seas is unknown..."³ What is clear is the fact that these fishing boats, which operate in the isolation of the open seas, offer the unscrupulous employer the perfect conditions for exploiting workers with little threat of being caught, and even less threat of being punished.

With this in mind, in 2008, the Solidarity Center sought to implement a study concerning migrant men who have worked on Thai fishing boats out of the port of Mahachai in Samut Sakhon province. Research was conducted to examine recruitment practices, working conditions on boats, and payment practices. These efforts sought to assess the patterns and prevalence of human trafficking involving men employed on commercial fishing boats.

¹ Michelle Roberts, "Fastest Growth for Thai Economy in Six Quarters," *Asia Economy Watch*, Feb. 22, 2008. Online at:

<http://www.asiaeconomywatch.co.uk/2008/02/22/fastest-growth-for-thailand-economy-in-six-quarters/>.

² See, e.g., "Many men made to suffer in floating hell," *The Bangkok Post*, July 23, 2007; "Human Trafficking Racket Being Operated in Southern Thailand," *Pattaya Daily News*, Mar. 22, 2007; Krittiya Wongtavavimarn, "Slaves of the Sea," *Bangkok Post*, Aug. 6, 2007; Pennapa Hongthong, "New law on trafficking - Protection for male victims, but corruption behind 'slave trade' still the main concern," *The Nation*, Oct. 1, 2007.

³ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, Trafficking in Persons Report (Washington, DC: U.S. Department of State, June 2007), p. 9.

BACKGROUND

Due to industrial growth in recent decades, Thailand has become a major destination country for transnational migrants in Southeast Asia, particularly those from Burma, its neighbor to the east. Following a period of economic prosperity in the 80s, Thailand experienced a shortage of unskilled workers in the early 1990s.⁴ Given Thailand's long borders with less developed neighbors, private industry saw foreign migrants as an obvious solution, and pressed the government to allow them to employ such migrants as unskilled laborers.⁵ At the same time, nationals of neighboring Burma have continually fled their homeland in response to ongoing political and economic strife. Over time, Burmese migrants have filled jobs in the fisheries and seafood-processing sector, agriculture, domestic work and factories.⁶

Samut Sakhon province, in central Thailand, is one of the most important fishing and seafood processing centers in Thailand and has steadily attracted migrants in search of work given the availability of jobs in seafood-processing factories and on fishing boats. Estimates suggest that 450,000 Burmese individuals currently reside in Samut Sakhon, roughly equal to the number of permanent inhabitants.⁷ Among this group, it is estimated that up to 200,000 migrant laborers work as fishermen on boats operating from Thailand.⁸

⁴ Supang Chantavanich, "Factors Affecting Thailand Immigration Policies During 1992-2004," 2007; online at: http://www.iss.nl/content/download/8391/81651/file/Panel%205_Supang.pdf.

⁵ *Id.*

⁶ Dennis Arnold & Kevin Hewison, "Exploitation in Global Supply Chains: Burmese Migrant Workers in Mae Sot, Thailand," *Journal of Contemporary Asia*, Vol. 35 No. 3, 2005, pp. 319-340, http://www.ibiblio.org/obl/docs3/EXPLOITATION_IN_GLOBAL_SUPPLY_CHAINS.pdf.

⁷ Labour Rights Promotion Network, "The Current Situation of Migrants," 2007, http://lpnrights.org/neweng.php?viewpage=new_detaileng&new_id=42.

⁸ International Labour Organization, "The Mekong Challenge - Underpaid, Overworked and Overlooked: The situation of young migrant workers in Thailand," 2006, p. 113.

METHODOLOGY

Sampling and Data Collection

This report is based on in-depth interviews conducted in June and July of 2008 with 24 migrant workers⁹ with experience working on fishing boats operating out of the port of Samut Sakhon, Thailand, also known as Mahachai. Staff at the Labour Rights Promotion Network (LPN) helped to identify and recruit interview subjects in Samut Sakhon with recent experience working on fishing boats. The types of fishing boats discussed in this report can be broken into two broad categories: coastal fishing boats that fish in Thai coastal waters and regularly return to Thai shores, and long haul fishing boats, which fish beyond the boundaries of Thai waters and spend many months, even years, at a time, away from Thai shores. These long haul boats commonly fish in Indonesian waters and stop in Indonesia ports. For this reason, they are often referred to as “Indo” boats.

Interviews were conducted with the assistance of Burmese and Mon-speaking translators. Interviewees were asked to discuss a range of topics, including how they migrated to Thailand, how they were recruited to work on boats, and their working conditions in the fishing sector.

AGE	
Average age	31
COUNTRY OF ORIGIN	
Burma	23
Cambodia	1
ETHNICITY	
Burman	17
Tavoyan	2
Khmer	1
Mon	1
Pa-O	2
Shan	1
WORK PERMIT	
No	22
Yes	2
BOAT EXPERIENCE	
Coastal	19
Long-Haul	11

Characteristics of the Interviewees

The men interviewed for this report ranged in age from 24 to 42 with an average age of 31. Twenty-three of the interviewees were of Burmese nationality, while one interviewee was from Cambodia. Just two of the interview subjects possessed migrant worker registration permits.

⁹ The term “migrant worker” is used in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) to refer to a person who is engaged “in remunerated activity in a State of which he or she is not a national.” International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention), adopted December 18, 1990, G.A. Res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force July 1, 2003, art. 2.1.

FINDINGS AND DISCUSSION

A. RECRUITMENT

“It is easy because here they are always looking for people to work on boats.” – Interviewee 23¹⁰

As previously noted, jobs in the fisheries sector are generally considered to be undesirable. It is unsurprising, therefore, that it seems quite easy for a migrant man looking for work in Samut Sakhon to arrange a position on a fishing boat. Interviewee 23, who found a boat job “immediately” upon his arrival in Samut Sakhon, explained, “It is easy because here they are always looking for people to work on boats.” The interviews conducted for this report also provide valuable insights into the ways in which migrant men find their jobs and the factors that lead them to work in the fishing industry. The common denominator among interviewees was a lack of specific work plans prior to migrating to Thailand. Most reported making their initial trip to Thailand with only a vague idea, if any at all, of the type of job they would hold in Thailand.

The Role of Cross-border Agents in Finding Work

Migrants often rely on the assistance of an informal “broker” or “agent” to cross the border from Burma into Thailand. Traveling with an agent eases the journey, as agents typically have connections with authorities and are well-versed in the ways of smuggling undocumented persons across the border undetected. For their service, agents charge transportation fees, which typically range from 9,000 – 19,000 baht (~ US \$270 – US \$570).¹¹ Because migrants often cannot afford to pay an upfront fee, agents will tell the individuals that the fee can be worked off in a few months time through a job in Thailand.¹² While arrangements vary, brokers often arrange job placements for the workers they transport. Doing so helps to guarantee a return on the money the agent has spent transporting the individuals.

“Some agents spend a lot of money transporting workers from Burma into Thailand, and then they feel like they need to make their money back and can do so by selling workers to boats.”
- Interviewee 8,
- a former agent

In some cases, the boat job lined up by the agent helps the migrant to get on his feet. He is able to repay his debt to the agent, and earn money to support himself. Others

find that the job awaiting them in Thailand is different from what they have been promised. In some cases, workers realize that they have in fact been “bought” by the employer.¹³

¹⁰ Names have been changed to protect the identities of the individuals interviewed for this report.

¹¹ UNIAP, “From Facilitation to Trafficking: Brokers and Agents in Samut Sakhon, Thailand,” June 25, 2007, p. 3; Conversions are based on an exchange rate of 33.4 Thai baht to one U.S. dollar.

¹² *Id.*

¹³ *Id.*

Seventeen of the men in the sample used the services of an agent to cross the border into Thailand, and ten of these men were placed in jobs on boats by that same agent. A number of migrants in the sample saw themselves as having been “sold” by an agent.

Other Sources for Finding Work

In addition to agents engaged in cross-border transportation and job placement, agents also operate locally in Samut Sakhon to recruit men to work on boats. One migrant worker in the sample previously worked as an agent, recruiting for boats that needed workers. He developed relationships with boat owners and captains who would contact him directly when they needed workers. Over a period of three to four years he estimates that he placed between 500-1000 workers in jobs on various types of boats.

Migrants’ Social Networks Lead to Boat Work

“I heard about it from my friend and then went to find out about it in person.” – *Interviewee 17, age 25*

“I went to work on a boat as soon as I got back to Mahachai...I got the job through my friend.”
– *Interviewee 16, age 20*

Only three men in the sample had used a local agent to find employment on a boat. It is much more common for migrants to find boat work through friends, acquaintances and fellow migrants in their community. Numerous men recalled “asking around” their local communities in search of work.

Factors Underlying the Decision to Work on Fishing Boats

Men cited a variety of factors influencing their decision to pursue work on fishing boats. To be clear, many men did not see themselves as having “chosen” to work in the fishing industry as opposed to another line of work. In many cases, men accepted the first job they were offered, or the job in which their agent placed them. Nevertheless, the majority of the migrants sampled had worked on multiple boats and offered a range of explanations for continuing to work in the fishing sector. The most commonly cited explanations are described below.

Lack of Documentation

Multiple interviewees cited concern about being arrested for lack of required documentation as a reason for seeking work at sea. As one man explained, “Working on boats you are safe from arrest. If you are on land, going around, you risk arrest.” Indeed, undocumented migrants in Samut Sakhon risk arrest and deportation.

Men also pointed out that it can be difficult to get a factory job, the primary employment option for migrants in Samut Sakhon, without documentation. Anecdotal evidence indicates that a lack of identification or lack of legal permission to work does not generally hinder one’s ability to secure a job on a fishing boat.

Saving Money

Numerous men pointed to the fact that they find it easier to save money while working on a boat compared to working on land. Interviewee 11, age 35, left his job in a factory to be a cook on a boat. He noted that although factory jobs pay 8,000 to 9,000 baht per month, and he earns only 7,000 baht per month on the boat, he finds it easier to save money on a boat. Another man, Interviewee 13, referring to his decision to work on his second deep-sea fishing boat, simply explained, “I cannot save money on land.”

In Their Own Words: Why Boat Work?

“Working on boats you are safe from arrest. If you are on land, going around, you risk arrest.” – *Interviewee 19, age 38*

“You need an ID to work in a factory or you have to pay an agent.” *Interviewee 12, age 26*

“Because I had no ID, my friend suggested that I work on a boat temporarily. He has ID and can work in a factory.” – *Interviewee 16, age 20*

“I cannot save money on land.” – *Interviewee 13, age 40*

“The difference is that on land [as opposed to at sea] you have to be careful about the money...you cannot spend money as you like.” – *Interviewee 15, age 32*

“I just felt like I had to take whatever job was available. I had to pay my debt.” – *Interviewee 18, age 36*

Saving money was an especially important factor for men who took jobs on long-haul fishing boats. Interviewees noted that when working on a long-haul boat, men have few if any daily expenses. At sea, workers are fed and housed by their employers. During stops on land, these men are generally free to spend their earnings as they please. In contrast, while living on land, men need to budget their earnings in order to cover living costs such as food and rent. One man summed it up, “[t]he difference is that on land you have to be careful about the money. Here [on land] you cannot spend money as you like.”

Pre-Boarding Information

The majority of workers in the sample lacked crucial information concerning the terms of their employment prior to boarding fishing vessels. Notably, all 11 men with experience on long-haul boats reported having boarded vessels lacking information about wages, destination and/or the duration of the fishing expedition. This is, in part, a reflection of the fact that a significant number of these men were coerced into boarding the boats – requesting

information about terms and conditions of the work they were being forced into was not an option.

In some cases, men knew they were boarding boats bound for Indonesia, but did not know how much they could expect to be paid or how long the boats would be at sea. Given that long-haul boats often leave Thai waters for years at a time, information about trip duration is crucial. On the extreme end, there were cases where men were deceived as to the terms of their work. For example, Interviewee 7 was told the boat he was

boarding would go out to sea for two months. Once onboard he learned that the excursion would likely last four years. Similarly, Interviewee 12 was initially told he would be fishing in Thai waters, but learned after leaving port that the ship he had boarded was headed to Indonesian waters; this particular craft fished in Indonesian waters for two years.

Long-haul boat workers also explained that it would be unusual for a worker to ask about payment prior to a fishing trip. As Interviewee 12, age 26, remarked: "Normally you don't ask questions about the salary on a boat. Nobody does this. It all depends on how skilled you are." Interviewee 13 commented: "For the Indo boats, it is unusual to ask about salary. If it's a good company you will get paid, but if it's a bad one, you will get nothing."

Gathering Information on Employers

"To avoid problems, before we begin working on a boat we have to find out about the company – what are they like?" – *Interviewee 15, age 32*

"For people who use agents there's nothing you can do [to avoid bad situations]. There are so many agents who makes promises and who deceive men." – *Interviewee 12, age 26*

"Because I have been working on boats for a long time I know which boats are good and which ones are bad." For the new workers, *Interviewee 13, age 40*, says, they must rely on their friends and people in their neighborhood.

With respect to coastal boats, although some men accepted employment without much understanding of the terms of their work, in general, they had more pre-boarding information than those on the long-haul boats. At least five of the 19 men who worked on coastal boats had information concerning the specific rate of pay they would receive.

In both the long-haul and coastal contexts, migrants reported that it is possible to obtain information about specific boats and boat companies and their employment practices by talking to experienced workers. As one man noted, "You can learn a lot by asking around."

One interviewee noted, however, that it can be difficult to find reliable information about boats that fish in Indonesian waters on long-term expeditions. These boats go out to sea for such long periods of time, and thus, are not known to people in the local community.

B. CONDITIONS AT SEA

Work on both coastal and deep-sea boats involves essentially the same core duties: laying and pulling nets, selecting fish, and moving fish into cooling rooms.¹⁴

Working Hours

Many interviewees had difficulty describing “typical” or “usual” working hours, in part because of the irregular nature of fishing work, where working time is dependent upon the catch. Those with experience on coastal fishing boats were able to describe a typical schedule of boat departures and returns. For example, numerous migrants worked on “Wa-dam” boats, which typically leave port around 3 or 4 in the afternoon and return around 6 a.m. Coastal boat workers pointed out that they generally did not work the entire time at sea, and in fact were often permitted to rest. At the same time, these migrants reported working seven days per week. According to Interviewee 11, age 35, working on one particular coastal boat, he sometimes wanted to take a break but was afraid of being beaten. During the three months he worked on this boat he never got a day of rest.

Like coastal boat workers, those with long-haul experience were unable to describe typical hours. Most long-haul boats fished for continual stretches of 45-60 days at a time, without days of rest and without going ashore. One man described the job as “working all the time,” and in fact, four of the 11 long haul workers reported having worked 24-hour shifts. On Interviewee 12’s boat, which fished in Indonesian waters, the crew would usually get up at midnight and had to work continuously until 6 or 7 p.m. Interviewee 12 says there was not much time to sleep. Similarly, on a boat in Indonesian waters Interviewee 15 worked as many as 24 hours at a time and sometimes would get just 2-3 hours of rest in between such shifts.

Physical Abuse, Health and Safety

Thirty three percent of the workers in the sample group reported working under superiors who physically abused their workers, and half of these men had personally experienced abuse at the hands of their employers. At least one man, Interviewee 3, saw men beaten to death. In addition, four workers reported that fellow workers became sick and died during long-haul trips.

“Personally, I have never been physically abused... I know if I rest I might be beaten.”
—Interviewee 17, age 25

Three men were physically abused aboard long-haul ships. For example, Interviewee 14, age 30, recalled working under an abusive captain: “[W]hen the workers got tired and didn’t want to work, he beat them.”

¹⁴ “Mitigating exploitative situations of migrant workers in Thailand,” The Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University, 2007, p. 15.

Four of the 19 men who worked on coastal boats reported witnessing physical abuse by higher-ups in the course of their work. Interviewee 16 recalled a captain who “beat people when they were sick and could not work.” Interviewee 16 saw the captain beat at least 10 people with his hands. Similarly, Interviewee 21, age 30, recounted working under an abusive captain. “When people would get sick or sleep he would beat them.” Although Interviewee 21 was never personally beaten, a boat supervisor hurt a friend of his in a “serious” way. Interviewee 24, age 26, was beaten by the supervisor on his boat after arriving late for the boat’s departure one day. After the incident Interviewee 24 wanted to leave the company, but “thought the supervisor might kill [him]” if he left.

Burmese migrants interviewed by the International Trade Union Confederation and Al Jazeera English likewise reported severe abuse – even killing -- of workers on long-haul boats.¹⁵ Saing Winna, age 45 recalled watching a Thai cook beat a young Burmese crewmember with an iron bar. “The guy was hit at the back of his head and his brains spilled out. I grabbed him. He took an hour to die. I think our Burmese boatmen die like dogs and pigs.”¹⁶ Soe Min, age 33 remembered the killing of a Burmese crew member who was defecating over the side of the boat. “While he was defecating, the other people reported it to the skipper. The skipper came down, looked around, picked up a pipe then he hit him only one time. We saw he was hit. But didn’t see exactly where he’d been hit. His body fell directly into the water.”¹⁷

In addition to physical abuse, eight of the eleven long-haul workers interviewed for this report saw shipmates become ill during the course of a fishing expedition, and on four of these ships, illness led to death. Long-haul boats remain at sea for extended periods of time, and anecdotal evidence suggests that little if any care is available to men who fall sick in the midst of a long haul trip. Interviewee 7, age 24, reported that when men on his ship fell ill, the only medicine on board was some kind of “tablets.” Interviewee 3, who claimed there was not enough medicine on board his boat, recalled that men experienced a sickness he calls “sea malaria.” They had fevers and would go from hot to cold. The boat remained at sea and some of the men died. When a member of the crew on Interviewee 2’s boat became sick with stomach problems, the boat headed for an Indonesian island. Although the sick man made it to land, he died shortly thereafter.

¹⁵ See International Trade Union Confederation, “Abandoned/Runaway Burmese Migrant Fishermen,” Oct. 13, 2008; online at: <http://www.ituc-csi.org/spip.php?rubrique16>; Al Jazeera English, “Murder at Sea,” Aug. 28, 2008; online at: <http://english.aljazeera.net/programmes/general/2008/08/200882917912777575.html>.

¹⁶ *Id.*

¹⁷ *Id.*

Reports of Abuse from Long Haul Boat Workers

The captain on Interviewee 3's ship beat members of the crew with a metal pipe and more than one man was beaten to death. This captain targeted 15 crewmembers that he claimed owed an "agent fee." Interviewee 3 had found the job on his own, without the help of an agent, and was always spared. All crewmembers were fearful of the captain who had a gun. Interviewee 3 recalled that some of the 15 who were regularly beaten talked about committing suicide.

Soe Min, age 33, described to the International Trade Union Confederation and Al Jazeera English a beating he witnessed at sea.¹⁸ Soe Min's friend couldn't speak Thai, and was unable to understand the Thai-speaking captain in their ship.

"One day we were lifting the nets and a squid fell on the deck. The skipper told my friend to pick it up, but he didn't understand him. The water from the pipe was running around the deck and the squid was washed overboard. The skipper came down and hit him with a pipe. My friend raised his hand against the first blow, and his hand broke. Then the skipper hit him with the pipe a second time. The second blow smashed his shoulder blade. Then the skipper smashed him again on the back of his head. My friend fell to the deck. There were other Thai workers near him. The skipper dropped the pipe, washed his hands and went back up to the wheelhouse. He ordered his people to throw him into the water. We saw he was still alive. When he went back to the wheelhouse, the captain took the loudspeaker and warned everyone who was watching: 'What are you looking at. Get back to work. If you want to end up like him, then behave like him.'"¹⁹

Interviewee 12, who was sold to a boat that fished in Indonesian waters, recalled that the captain on this ship was "sometimes good and sometimes bad." When he was "bad" he would yell at the men, and sometimes beat men with a metal pipe. Also, misunderstandings attributable to language difficulties between the Thai captain and the non-Thai crewmembers would sometimes make the captain upset and he would beat men. Some men "got hurt on their heads" from beatings. Interviewee 12 was beaten once on his head by a superior – not bad enough to make him bleed but afterwards his head got "hard" on the inside.

¹⁸ International Trade Union Confederation and Al Jazeera English, *supra* note 26.

¹⁹ *Id.*

C. OPPORTUNITIES TO LEAVE EMPLOYMENT

Migrant fishermen are often limited or perceive themselves as being limited in their ability to walk away from a particular job. Given the nature of work on long-haul fishing boats, which remain at sea without stopping on land for months at a time, opportunities to disembark are extremely limited. When long-haul boats do stop in Indonesian ports, usually every 45 – 60 days, men who are unhappy with working conditions may attempt to leave. (See box on Tual Island)

Among coastal workers, the advances routinely paid prior to a fishing expedition serve to bind workers to their jobs. Numerous workers explained that once an individual accepts an advance, he is expected to remain with the boat company for at least a month, sometimes more, depending on the amount paid.

Runaway Migrant Workers Escape onto Tual Island

Roughly 1900 miles east of Jakarta, Indonesia's Tual Island is a common resting spot for Thai fishing trawlers. Numerous long haul boat workers reported making routine stop-overs on Tual Island. Such breaks are often the only opportunity for long haul workers, who are otherwise trapped at sea, to leave their boats. Anecdotal evidence indicates that men who are unhappy with working conditions often escape onto Tual Island, and two men interviewed for this report had themselves "escaped" when their boats stopped on Tual Island. Trade union sources estimate that between 700 and 1200 "runaway Burmese migrant fishers" can be found on the island.²⁰ The International Trade Union Confederation (ITUC) and Al Jazeera English recently interviewed "runaway" Burmese workers on Tual Island. "Abandoned and near-forgotten, many of them survive by foraging and scratch-farming in Tual's forested interior," reports the ITUC.²¹

The need to repay agents' fees also traps migrant workers in jobs on fishing boats. As previously discussed, those who take up boat work in Thailand after making the journey from Burma are often deeply indebted, and may feel trapped by the need to repay the money owed to their agent. A recurring theme in interviews with migrant fisherman was also fear of one's captain. Even men who had never been threatened or abused by their captains seemed to fear what might happen if they did anything – such as attempting to leave a job – to upset the captain.

²⁰ International Trade Union Confederation, "Abandoned/Runaway Burmese Migrant Fishermen," Oct. 13, 2008; online at: <http://www.ituc-csi.org/spip.php?rubrique16>

²¹ *Id.*

D. PAYMENT PRACTICES

More than half of the interviewees reported problems receiving the pay to which they were entitled. This includes workers who were paid less than promised, had unexpected deductions taken from their pay, and were denied pay entirely. In addition, despite the fact that Thai labor law extends workplace rights to migrant workers – even those who lack lawful status – migrants in the sample were unwilling to report underpayment, non-payment of wages and other pay-related disputes to labor authorities.

Pay on Coastal Boats

Coastal boat workers generally receive pay in monthly salary amounts. Reported salaries ranged from less than 2,000 baht (~US \$60) to 10,000 baht (~ US \$299) per month and the median monthly salary among coastal workers was 4,000 baht (~US \$120). Experienced workers generally earn more money and a number of migrants described how their salaries have grown over time. The two highest salaries among coastal boat workers were reported by a cook (7,000 baht/month) and a captain's assistant (10,000 baht/month).

Payment of advances prior to fishing expeditions was common among coastal boat workers. Typically, a boat company will provide advance payment to a worker, usually in an amount roughly equal to a month's pay. In turn, the worker is expected to stay with the company for at least one month to work off the fee. A number of coastal workers also reported receiving an "allowance" of 100 baht every three days. Because salary payments are typically paid on a monthly basis, such payments ensure that workers can cover their living costs in between salary payments.

Pay on Long Haul Boats

Long-haul boats typically withhold the bulk of a worker's wages until the end of a fishing expedition, which in some cases may last as many as two to six years. In the interim, workers typically receive small payments to cover expenses incurred during periodic stops on land. Part of the appeal of long-haul work lies in the prospect of the large lump sum payment that workers expect to receive at the end of an extended expedition.

At the same time, migrants acknowledge that this sort of payment arrangement is risky, and provides ample opportunity for unscrupulous employers to cheat workers out of pay. Long haul workers often worried whether, after laboring for years at a time, they would be paid as promised. Moreover, workers who are unhappy with conditions on a particular long-haul boat may have to choose between leaving the job and foregoing payment, or enduring the conditions until the end of the trip, when they hope to be paid.

Eliciting accurate information from long haul workers concerning payment received was challenging. Because payments made at sea are offered in Indonesian currency, workers do not always know the precise worth of the money they receive. Nevertheless, it is clear that gross underpayment of wages is prevalent among long-haul workers. Among this sample, two long-haul workers did not get paid for their work. Another seven reported underpayments, receiving pay at a rate below the Thai minimum wage.

Workers' Perspectives: Payment on Long Haul Boats

No Pay for Six Years of Work

Interviewee 9, age 35, worked on a boat in Indonesian waters for roughly six years, and anticipated a sizable payment when the boat returned to Thailand. That is, until the captain informed Interviewee 9 and his fellow workers that the boat company was going out of business and would be unable to pay the workers. Having received only small subsistence payments while at sea, Interviewee 9 was left with nothing to show for his six years of work.



Advances in Indonesian Currency Create Confusion

Interviewee 5, age 26, worked on a long-haul boat in Indonesian waters for approximately one year. He was told that he would be paid when the boat returned to Thailand, and in the interim, when the boat stopped on Tual Island, Indonesia, the captain lent Interviewee 5 small amounts of money in rupiah. When the boat eventually returned to Mahachai, Interviewee 5 was not sure how much he was owed, but believed that he had borrowed the equivalent of about 100,000 baht throughout the trip. When he spoke to the captain about payment, the captain claimed Interviewee 5 had already been advanced the equivalent of 300,000 baht. Interviewee 5 is certain that the company cheated him when calculating the exchange rate from rupiah to baht.

Complaining About Pay

Interviewees, including both coastal and long haul workers, reported a great reluctance to complain about the amount of pay received for their work. Despite the fact that Thai labor law guarantees a minimum wage to all workers, by and large, migrants engaged in fishing work perceive themselves as having no rights.

Among the most vulnerable workers are the undocumented – those who lack legal permission to live and work in Thailand. A limited number of migrants are eligible to obtain work permits from the Thai government; however, many migrants enter Thailand without official permission.

Migrants' reasons for foregoing registration are varied. For example, some have been refused identity documents by the Burmese government, making a lawful border crossing impossible; others cannot afford the cost of a migrant work permit. Although Thai labor law protects all workers, regardless of legal status, undocumented workers are reluctant to assert their rights, fearing arrest and deportation.

- “If you go complain, this is their country. If you don't have ID you can't do anything.” Interviewee 20, age 28, was being paid 4500 baht per month, thought he should be getting 6,000. After two months of working he spoke to the supervisor about getting paid. The supervisor spoke to the boss, who kept saying, “soon, tomorrow, soon...” He decided to leave the company and never complained to the captain or company owner (and made no attempt to file a legal complaint with labor inspectors from the Ministry of Labor).

- Interviewee 7, age 24, explained that fear kept workers from complaining to his captain. “We all were afraid of him...We didn't know if he had weapons.”

- Interviewee 9, age 35, who was not paid after six years of working for a company, remarked, “This is the reality. This is how things work.... [t]here is nothing that can be done.”

- Interviewee 23 left his job when there was a disagreement about pay. One month he was paid only 4,500, when he thought he would be receiving at least 5,000 Baht. He explained that when something like this happens, you “just leave.”

“Yes, I was unhappy [with the amount of pay received] but I can't complain because there is no right...everything is their decision [the captain and the head of the boat company]... no one would dare to complain. We are not sure what would happen but they can do whatever they want because we have no ID. They can have the police come to arrest us.” – *Interviewee 13, age 40*

The captain paid Interviewee 22, age 26, only 1,000 baht per month, when he thought he would be getting 3,000. “I didn't complain because it might make problems for me...maybe [the captain] would treat us as enemies...maybe he might threaten us with a gun or a knife.”

E. THE EXTENT OF EXPLOITATION AND HUMAN TRAFFICKING

Given the nature of work on fishing boats, it is difficult to accurately assess the true extent of exploitation and human trafficking that occurs among migrant men in the Thai fishing industry. The prevalence among this sample, however, of excessive working hours, deceptive and unfair payment practices, including non-payment of wages, and physical abuse, make clear that labor exploitation is not uncommon.

In some cases, labor exploitation is the result of human trafficking. Trafficking is defined as “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.”²² At their core, trafficking scenarios are those that involve the use of force, fraud or coercion to exploit a person for profit. The stories shared by migrant workers for this report make clear that human trafficking for labor exploitation helps to meet the demand for workers in the Thai fishing industry, particularly with respect to long-haul boats that fish in Indonesian waters. Numerous interviewees detailed stories involving deception or coercion when recruited into boat work; those who were subject to force, fraud or coercion and subsequently ended up working against their will or under highly exploitative conditions can fairly be considered to be trafficking victims.

A key factor in the exploitation and trafficking of migrants was the involvement of agents or brokers who “placed” men in jobs on boats. Some men who relied on agents for transportation and subsequent job placement fared quite well, and offered no indication of having been trafficked.²³ Nevertheless, the clearest cases of trafficking among the sample involved men who became indebted to agents and were subsequently “placed” by agents performing work on fishing boats. In addition, interviews made clear that trafficking in the fishing sector is not limited to long haul “Indo” boats. While this research suggests that trafficking is more prevalent in connection with long haul fishing, cases of trafficking involving coastal boats came to light. Finally, it is not always easy to say when a particular situation rises to the level of human trafficking. Concepts of deception, coercion and exploitation are highly subjective. We present below those cases that most clearly evidence human trafficking. It is important to note that while these are the most clear-cut cases of human trafficking, other interviewees reported conditions that suggested the involvement of human trafficking.

²² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Palermo Protocol), Art. 3(a), adopted Nov. 15, 2000, G.A. Res. 55/25, annex II, U.N. GAOR, 55th Session, Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force Dec. 25, 2003.

***"The agent sold 10 of us to an Indo boat."
– Interviewee 12***

Interviewee 12 left his home in Burma, hoping to find work across the border in Thailand. At the Burma-Thai border, he met an agent, a Burmese man, who said there were factory jobs in Mahachai. The agent said he could help Interviewee 12 get to Mahachai, and Interviewee 12 would owe the agent 10,000 baht, which he would pay off by working in a factory.

Once in Mahachai, the story changed. "The agent said everyone should work on this boat... [t]he agent said it would take a long time to make money on land and he wanted his money back right away." Interviewee 12 had never been to sea before, but he had heard that the work on boats was hard. He was nervous about it, but felt trapped. "I had no choice; I had to go on the boat. I owed the agent." Although the agent never threatened Interviewee 12 in explicit terms, the agent told another man from Burma that he could have him arrested for being an undocumented migrant if he didn't go on the boat. Interviewee 12 had also heard from others that the agent had gangster connections. "The agent was friends with gangsters. I thought they might hurt me," he explained.

The agent told Interviewee 12 and the others that they would "be fishing close to Thailand in Thai waters for short trips," but in fact the boat sailed straight to Indonesian waters. In describing the

"I had no choice; I had to go on the boat. I owed the agent...I thought they might hurt me."

situation, Interviewee 12 says: "The agent sold 10 of us to an Indo boat." At sea, Interviewee 12 worked 18-19 hours per day. The boat fished for 45 – 60 days at a time, with periodic breaks on Ambon Island, Indonesia. Interviewee 12 was not happy on the boat, but says he could not have run away onto the island. He thought the captain would have reported him to the police. The captain would yell at men on the crew, and sometimes beat them, including Interviewee 12. He recalls that men were not allowed to rest when they got tired. If a worker tried to rest when it was working time, he was beaten.

When the boat returned to Thailand, Interviewee 12 was told he would need to wait to get paid. In the meantime, he rented a room to live in. After two months, Interviewee 12 was finally paid. He received 10,000 baht (~ US \$300) for his two years of work – all of which went to cover the cost of the room Interviewee 12 had rented while awaiting payment.

“Pressured” to Work on a Coastal Boat

Interviewee 11 crossed into Thailand secretly with the help of a Burmese agent he met near the border. He agreed to owe the agent 3500 baht for his services, and the agent was supposed to find Interviewee 11 a job through which he would work off the debt. The agent initially told Interviewee 11 he would work on land, but when they arrived in the port town of Khanom, the agent said it was dangerous to stay on land. “He said, ‘You should go work on a boat for 45 days so you can pay me,’” recalls Interviewee 11. He says the agent “pressured” him. Interviewee 11 wanted to work on land but felt trapped. The agent “threatened people who tried to get away.”

The agent placed Interviewee 11 on a boat that stopped on land daily but went back out to sea every night. On board, the captain yelled at members of the crew and sometimes beat them. The work was hard, and sometimes Interviewee 11 felt tired, but he would not take breaks for fear of being beaten. During the three months Interviewee 11 worked on this boat he never got a day of rest, nor did he receive pay. He was unsure how long he was expected to work as payment for his debt. He didn’t like the job but believed that if he had tried to leave the boat before his debt was repaid he would have been beaten. After three months, Interviewee 11 learned that he had worked off his debt; he left the boat as soon as it reached shore.

Sold to a Coastal Boat

A Burmese agent in his village in the Mon State of Burma told Interviewee 6 he could lead him to Samut Sakhon for 12,000 Baht. Interviewee 6 and a group of other men traveling to Thailand followed the agent to the Burma-Thai border. The group scattered, however when they encountered uniformed officials near Three Pagodas Pass.

Interviewee 6 was captured by these officials, whom he believes were Thai police officers. Interviewee 6 told them he wanted to go to Mahachai. The officers told Interviewee 6 he would have to pay 15,000 baht, and put him with 20 or so people in the back of a vehicle.

In Samut Sakhon, Interviewee 6 was taken to the house of a Thai boat captain. The captain paid the 15,000 baht to have Interviewee 6 released. The captain said he would have to work to re-pay this amount. Interviewee 6 wasn't happy about this situation and describes it as being “trapped,” but the captain said he would pay him a 5,000 baht salary once he had worked off this debt, so Interviewee 6 thought it could be alright.

The boat fished in Thai coastal waters for six to seven days at a time. The work was very hard. Interviewee 6 and the rest of the crew had to catch fish 8 times a day.

“Tricked” by an Agent

Based on the promise of a well-paying job in a shrimp factory, Interviewee 7 followed a broker he met in his village in Cambodia to Mahachai. The agent told Interviewee 7 that with a job in a Thai shrimp factory, Interviewee 7 would be able to send money back to his parents and younger brothers in Cambodia. Because Interviewee 7 was unable to pay the agent’s fee upfront, the agent would allow Interviewee 7 to pay him at a later time – after Interviewee 7 was able to earn some money in Thailand.

Upon arriving in Mahachai, Interviewee 7 realized the agent had “tricked” him.” It turned out that there was no job in a shrimp factory waiting for Interviewee 7. Instead, the agent informed Interviewee 7 that he would be working on a fishing boat. Interviewee 7 says that he had no choice. He had to take this job – he owed the agent for having transported him. The agent also pointed out that Interviewee 7, who lacked legal permission to be in Thailand, would risk arrest if he stayed on land. The agent told Interviewee 7 he would be at sea for 2 months, but once on board Interviewee 7 learned that the boat was in fact out for a much longer trip. He was told the boat was scheduled to fish for four years before returning to Thailand. He never saw money exchange hands, but other men on the boat told him that the agent had received 15,000 baht in exchange for bringing him to the boat. He sees himself as having been “sold.” After one year and eight months, Interviewee 7 ran away from the boat during a stop on Tual Island.

CONCLUSION

Combating human trafficking and exploitation among migrants working on fishing boats presents an enormous challenge. As this report makes clear, Burmese migrants in Thailand are highly susceptible to exploitation and abuse by agents and employers, including those involved in human trafficking. This is attributable not only to migrants' lack of access to legal migration channels, but also to the lack of oversight of employers' adherence to national labor laws.

With the enactment of a new, comprehensive anti-trafficking law, Thailand is well positioned to enhance its counter-trafficking efforts to address trafficking for labor exploitation on fishing boats. The new law, which took effect in 2008, prohibits for the first time all forms of trafficking in persons – including trafficking of men, and trafficking for labor exploitation. To protect the rights of foreign migrants better, Thailand should strengthen efforts to combat trafficking scenarios like those highlighted in this report. Labor law enforcement must be enhanced and designed to uncover abuses that occur at sea. In addition, an effective legal response to trafficking for labor exploitation will require the training of labor law inspectors, prosecutors, judges and law enforcement officials. Finally, the government must also ensure that male victims of trafficking and exploitation have access to support services and can avail themselves of existing legal protections.