



Submission No 32

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

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Submission to the:
Joint Standing Committee on Foreign Affairs, Defense and Trade
Human Rights Sub- Committee inquiry into Slavery and People
Trafficking

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'I believe that the trafficking of persons, particularly women and children, for forced and exploitative labor, including for sexual exploitation, is one of the most egregious violations of human rights that the United Nations now confronts'

Kofi A Annan, Secretary-General of the United Nations

'We owe our children, the most vulnerable citizens in our society, a life free of violence and fear'

Nelson Mandela

Andrea Tokaji
(Board member)

10 October 2012

Joint Standing Committee on Foreign Affairs, Defense and Trade Human Rights Sub- Committee inquiry into slavery and people trafficking

(Please note, that this submission needs to be read in light of the Crimes Legislation Amendment (Slavery, Slavery-like conditions and People Trafficking) Bill 2012, as attached. This amendment bill also has relevant recommendations to be noted.)

Executive Summary:

This paper seeks to look at the current issues of trafficking and sex slavery, both here in Australia, as well as in South-East Asia, with a strong focus on Thailand, and how the two countries currently interact.

The current laws both domestically and internationally are touched on, for the purpose of context, while looking at Thailand as a major hub for sex trafficking.

The trafficking of minors is looked at both within Thailand and the cross-border migration that contributes to the sexploitation of these vulnerable children and women.

The relevant push and pull factors are also noted in the context of understanding what drives people to the sex trade industry, and what the relevant factors as to the lure of such work for women and for the parents of the victim children who are sold. The lure of employment and money, the driving force of tourism, and demand, and the reality of debt bondage that all exist within this industry is also touched on.

Trafficking has unfortunately been reported repeatedly as being on the rise. There are various factors that contribute to the rise of trafficking in South-East Asia, including the organized crime nature of sex trafficking, amongst the Russian Mafia, the Thai and Singaporean Mafia and other organized crime groups, which seek to work together.

The trafficking of persons for the purpose of sexual servitude is also looked at in the context of international crime, and the protection, prevention and international cooperation that would contribute to combating this crime.

Trafficking in South-East Asia is exacerbated by local migration labor policies in Thailand, as various minority groups find themselves vulnerable to trafficking, and without legal rights or protections.

Plainly stated, reports have stated that statelessness leads to vulnerability. It is therefore crucial to address the citizenship rights of minority groups, as well as migrants. The education of stateless children has also been reported as a strategic way a government can reduce the vulnerability of such people groups to being trafficked and sold.

The victimization of minorities and the cross-border trafficking that occurs is touched on in this paper, as well as Thailand's cross-border and legislative efforts of late. Much work needs to be done in this area, and needs to be driven by existing MOU's and international cooperation.

Australia's role as a destination country for trafficked persons is also briefly looked at, as well as the contribution Australia makes to the demand for prostitution, which leads to the trafficking of both women and children to Australia, Australia's contribution as sex tourists, and the increased risks attributed to Australia's children upon the return of such tourists.

Thailand's legal obligations and contribution to change and the recent developments that have been undertaken within this region in regards to anti-trafficking legislation and cooperation is also mentioned.

Thai-Australia Law Enforcement Partnerships are also mentioned, in the context of the great work the AFP have been able to accomplish.

The root causes, such as the social norms embedded into the Thai society, and therefore the cultural practices as well as the philosophical belief systems that drive such behavior, the existence of gender inequality and corporate grooming that exists in Thailand, as well as the economical and educational situations that are prevalent are briefly touched on by way of expressing the exacerbating factors of more vulnerable people groups falling prey to the sex trafficking industry, through various forms.

The ongoing physical, emotional and mental suffering of victims is also discussed, with some of the threats to life and liberty that women and girls face on a daily basis mentioned.

There is a prediction of future growth of trafficking cross-border, to and in Thailand, given the ASEAN Trade agreement that is to take effect in 2015, signifying the opening up of borders, for the purpose of trade in the region. This should highlight the severity of the current issue, and the need to forearm for a future international increase in trafficking.

The Swedish and German legal models are noted comparatively, with the Swedish report boasting great success eleven years after its inception, which looks to target the users of such sexual services, with a gender inequality focus in the legislation.

Joint Standing Committee on Foreign Affairs, Defense and Trade Human Rights Sub- Committee inquiry into slavery and people trafficking

Recommendations are also made in light of each of the above points raised.

Introduction:

Article 2 in the *United Nations Convention against Transnational Organized Crime 2000* defines child trafficking as ‘the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation. The UN Convention on the Rights of the Child defines a child as anyone under the age of 18 years.’¹

The 2010 US Department of State Human Rights Report stated that according to government officials, academics and NGO representatives, children, including both boys and girls, especially among migrant populations, were sometimes forced, coerced, or lured into prostitution.²

Article 6 of the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) states; ‘States Parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.’ Article 6 lays the foundation for combating trafficking in women and exploitation of women for the purpose of prostitution and calls upon state parties to adopt all necessary measures to prevent the acts of trafficking and exploitation of prostitution of women.³

Divisions 270 and 271 of the *Commonwealth Criminal Code* criminalizes human trafficking in Australia.⁴

Although Australians can be prosecuted under the Child Sex Tourism Act for traveling abroad to engage in sex with minors under the age of 16, it is unfortunately a common practice, particularly to the sex capital of the world, Bangkok.⁵

The Australian government has anti-human trafficking agreements with Cambodia, Burma, Laos and Thailand to coordinate investigations and improve cooperation. The government is a co-chair and the co-founder of the *Bali Process on People Smuggling, Trafficking in*

¹ United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, United Nations, New York, 2004, p 5 www.unodc.org/documents/treaties/UNTOC/Publications/TOC .

² U.S. Department of State Diplomacy In Action, Trafficking in Persons Report, 2010 www.state.gov

³ The Protection Project, *Reporting on the Status of trafficking in Women in Accordance with Article 6 of the Convention on the Elimination of all Forms of Discrimination Against Women: Guidelines in the Interpretation of the Text of Article 6 of the Convention*, July 2012

⁴ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/australia

⁵ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/australia

Joint Standing Committee on Foreign Affairs, Defense and Trade Human Rights Sub- Committee inquiry into slavery and people trafficking

Persons, and Related Transnational Crime, which creates regional projects, builds awareness, coordinates law enforcement and enhances victim support.⁶

The Australian government funds the *Asia regional Cooperation to Prevent People Trafficking* project to strengthen the criminal justice process in Thailand, Laos, Burma and Cambodia.

Thailand is a source, transit and destination country for human trafficking, including trafficking for purposes of sexual exploitation. The local demand for victims of sex trafficking has not been addressed, nor has it abated. The demand factors are deeply rooted in cultural attitudes, economic interests and legal policies that support the Thai prostitution industry. Women and children from Burma and other neighboring countries are becoming more vulnerable to trafficking and prostitution in Thailand. Until internal changes are made in Burma, the number of people wishing to migrate to Thailand will only increase.⁷

When looking at the issue of migration policy from an economic perspective, it can be seen that it has a direct impact on the incidence of human trafficking in Thailand.⁸

Child sex slaves are often psychologically, socially and physically scarred and damaged for life, within their first encounter. Little girls often cannot urinate normally and without pain, as their fragile, under aged bodies are torn apart and scarred. Many girls will not be able to have children of their own, as their reproductive organs are often scarred and damaged beyond repair from the violent acts performed against their fragile, innocent little bodies.⁹

Thailand: A Major Hub

Thailand is a source, transit and destination country for human trafficking. According to the US Department of State Trafficking in Persons Report 2011, many Thais are lured by labor recruiting agencies and are forced into involuntary servitude or sexual exploitation

⁶ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/australia

⁷ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁸ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁹ Taken from the conversations with Duean Wongsu, Foundation Manager at Trafford in Chiang Mia, Thailand, August 2012.

because of the high debt owed to the agency. UNESCO officials assert the lack of legal status for minority groups is a major risk factor for trafficking or other exploitation of Hill Tribe people.¹⁰

Thailand is particularly notorious for sex trafficking and for the trafficking of minors. Thailand is considered a hub for sexual exploitation in the Greater Mekong Sub-Region. Trafficking in persons for this purpose takes place both within Thailand and across its various border.

Push and Pull Factors:

There are various push and pull factors that fuels the growth of the global sex market. Often young men and women enter human trafficking because of their desire or need to have more income or their desire to work abroad. Those exploited are often faced with issues of poverty, are from minority groups, and may not be legally recognized in their country of origin. They will have little access to education, they will often be victims of corruption, be discriminated for their gender and race, they may be victims of harmful traditional cultural practices, civil unrest, with a political unwillingness to intervene, or to uphold or enforce the rule of law, or the relevant domestic and international laws the nation claims it adheres to.

Push factors for children, particular for little girls as well as lady -boys often includes an unexplainable traditional obligation to provide financially for family members, which has it's genesis in the Buddhist philosophy that is acknowledged throughout the country. Vulnerability is a definitive push factor.

Pull factors in South-East Asia often includes the reality that Thailand attracts more tourists per annum than any other nation in its region, and therefore its economic strength is largely due to its tourists, and sex tourists in particular, as they are repeat visitors.¹¹

A major pull factor for many child victims is the idealistic dream of being able to provide for their family, live a 'rich' lifestyle, and to be able to leave poverty and often oppression and suppression behind. This desire for a better life is often punished by repeated abuse.

¹⁰ Child Wise, *Stop Sex Trafficking of Children and Young People*, The Body Shop Campaign 2010 www.childwise.net/stop-sex-trafficking-of-children-young-people.

¹¹ Stop Sex Trafficking of Children and Young People, The Body Shop Campaign 2010 www.childwise.net/stop-sex-trafficking-of-children-young-people.

The practice of parents forcing their children into prostitution continues, with money being the major motivator, and the cultural goal of 'saving face' in the Thai community. The 1996 *Prostitution Prevention and Suppression Act* imposes heavy penalties on whoever procures, lures, compels or threatens children under 18 years of age for the purpose of prostitution. Enforcement of this Act is unfortunately rare, due to a number of factors, including corruption.¹²

Push factors of trafficking include poverty, the lack of education, or the lack of access to education, the Buddhist Philosophy, which exacerbates gender and minority inequality, the sense of obligation placed on girls and women to provide for their families, the lack of understanding of the legal rights of individuals, and a lack of awareness in how to access services that may assist them in seeking escape for their circumstances.

Pull factors include the Thai tourism industry that attracts so many farang (foreigners), the demand on the sex industry from the west, including Australia, the demand of young, compliant prostitutes used by Thai men and Asian men abroad, the organized crime that is running trafficking rings, with many ordering girls on line, the philosophy and culture of the nation taking precedent over law and the rule of law, ensuring that the suppressed and vulnerable stay victimized, and the lack of understanding of Thai citizens of their legal rights for protection, or the services which are able to advocate on their behalf.

Trafficking statistics of Thailand:

There are about 400,000 prostitutes in the brothels of Thailand, and millions more in other South-East Asian countries who see local men for pocket change or simply to pay off family debts, plus the massive interest charges that accrue over time. The girls parents may have received Bt 500 (or \$15.60) to Bt 5,000 (or \$156.25) in exchange for their daughters working as prostitutes for several months or for the length of their short and tragic lives.¹³

¹² Taken from the conversations with Duean Wongsu, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

¹³ Taken from the conversations with Duean Wongsu, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

Since January 2004, the AFP has facilitated the entry of 154 people, 24 of those in the last year, into the Australian Support for Victims of People Trafficking Program, the majority of whom have been from Thailand.¹⁴

Most cases of people trafficking detected in Australia involved young women from Thailand. Over 40% of trafficked victims identified by Federal authorities as having being trafficked into Australia for the purposes of sexual exploitation were identified as being from Thailand. One in three clients receiving support from the AFP support programs between 2010 and 2011 were reported as originating from Thailand.¹⁵

Trafficking in Minors:

In 2004, the Ministry for Interior registered 1.28 million migrant workers from Cambodia, Laos and Myanmar. Over 93,000 were under the age of 15.¹⁶

The trafficking of children for prostitution and other forms of sexual exploitation is one of the most significant human rights abuses in contemporary society.

Children as young as three are trafficked into sex slavery, being lured, coaxed, kidnapped, sold, transported, drugged, beaten threatened, starved, imprisoned and forced into having sex with up to 26 men a day. Across the globe, there are 1.8 million children who have been trafficked for the purpose of sexual exploitation.¹⁷

An increasing number of Thai children between 13-18 years of age are found to enter into prostitution. Thai children victims of trafficking, however, are often neglected by service agencies, who often favor migrant children over national Thai because they assume these children voluntarily prostitute themselves. Without any effort to solve this issue, these marginalized children will most likely become recruiters or brokers themselves.

The illicit nature of the Thai sex industry makes it extremely challenging to determine its scope, but it is recognized as both large and profitable. Children under the age of 18

¹⁴ Australian Federal Police; Annual Report, 2009-10.

¹⁵ Australian Institute of Criminology Reports: 19, *Trafficking in Persons Monitoring Report*. 2009-2011.

¹⁶ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

¹⁷ Child Wise, *Stop Sex Trafficking of Children and Young People*, The Body Shop Campaign 2010 www.childwise.net/stop-sex-trafficking-of-children-young-people.

comprise a significant sector of Thailand's sex industry. Not all of these children have been trafficked, but the ones that have are the most difficult to find or help.¹⁸

The Lure of Employment:

A significant number of Northern Thai women began working overseas voluntarily through organized agents. They were lured to work in Malaysia and were promised a work permit, visa, and a job in massage parlor. The agents advanced all the travel expenses for them. The women had their passports confiscated by their agents upon arrival. They were forced into prostitution, coerced, threatened and physically abused. Foreign and Thai traffickers were found to lure Thai women for marriage with foreign men which later led them to prostitution and labor exploitation.¹⁹

Victims (children, men and women) have been recruited by brokers who promised them jobs and took them out of the temporary refugee camp by their own vehicle, sending them to work in brothels in Samutsakorn.²⁰

Brokers also abduct Thai girls from Nong Bua Lamphu province into prostitution.

Some of the victims, however, were working in shops along the Thai-Lao border before they were recruited to work as waitresses in restaurants which later led them to prostitution.

The Lure of Money:

Many Thais will work in the rice fields 10 hours a day, fighting off malaria and other medical problems, for a mere \$78 per month, or waitress in restaurants for 10 hours a day with two days off each month for \$156 per month.²¹

¹⁸ World Vision Child Protection Traffic Report: Thailand;

www.wvasiapacific.org/humantrafficking

¹⁹ Report on Prevention and Suppression of Trafficking in Persons Issues in Thailand, Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD) under Foundation of Child Understanding (FOCUS), Duean Wongsas, August 2012.

²⁰ Report on Prevention and Suppression of Trafficking in Persons Issues in Thailand, Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD) under Foundation of Child Understanding (FOCUS), Duean Wongsas, August 2012.

²¹ Edited by: Julia Manzanaras and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

Many in impoverished circumstances chose to work in the sex industry, for up to \$2,500 per month, as opposed to a mere \$112.50 per month in sweat shops, or doing hard labor on the rice fields of Thailand. ²²

The difference for an average Thai family in regards to quality of life in comparison to having someone in the family work in the sex industry supporting their entire family, and a family which does not have such money flowing into it, is extreme. ²³

Tourism: A Driving Force

Thailand has approximately 10,000,000 visitors each year, with many westerners, Swedish, Persian, Russian, Indian and Asian tourists.

The sex trade is one of the major sources of foreign revenue in Thailand, and goes to the heart of Thailand's tourist economy.

Demand: A Driving Force

Thai sex workers are expected to, and oblige any perverted requests and degrading acts clients ask of them. There are no health checks. There are no restrictions, or safety precautions made for the girls. In Thailand, anything goes. ²⁴

Girls can buy a certificate claiming they are AIDS free for a mere \$6.25.

Abortion and suicide attempts are a common part of the industry for the girls.

Debt Bondage:

Traffickers often used debt bondage as a threat to coerce victims to work and victims are too frightened to ask for help or approach authorities.

There is a demand for virgin children, attracting up to \$500. After their innocence has been stolen, the girl is considered 'used goods' and her value drops dramatically to as little as \$2 per sexual transaction. The enslaved girl must stay until their debt to their purchasers is paid off, or face beatings. Their owners consider the girls indebted to them for food,

²² Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

²³ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

²⁴ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

Joint Standing Committee on Foreign Affairs, Defense and Trade Human Rights Sub- Committee inquiry into slavery and people trafficking

clothing, medical costs and abortions, making their debt impossible to pay off. As a result, a brothel owner will hold a girl prisoner until she becomes too old or too ill to attract customers.²⁵

Other factors that have contributed to human trafficking are poverty, debt, family issues, lack of knowledge and need for income. Trends reveal that the demographic that is most at-risk of being trafficked are those who come from medium economic income family background.

In March, 2009, a Sydney-based female was charged with numerous human trafficking offences and offences against the Migration Act 1958. Charges were laid following an investigation into allegations made by 11 Thai females that they had been recruited in Thailand and trafficked to Australia where they were forced to work in the sex industry in order to repay a contract debt of approximately \$53,000.²⁶

Charges were also laid following an investigation into allegations by a Thai female that she had been recruited by a Canberra-based female and forced to perform sexual services in order to repay a contract debt of \$43,000.²⁷

Trafficking is on the Rise:

According to the Ministry of Social Development and Human Security, numbers of foreign children being trafficked to Thailand for sexual exploitation is on the increase. Children are trafficked from Cambodia, China (Yuan Province) Laos, Myanmar and Vietnam, as well as South Korea and Pakistan.²⁸

The Thai children who are between 7 and 16 from the Hill Tribes are trafficked to places such as Japan and Australia via Malaysia and Hong Kong, or the Middle East and Saudi Arabia and the United Arab Emirates to be prostitutes or 'brides', or into Western Europe, Russia and the United States. The Coalition against Trafficking in Women Asia Pacific

²⁵ Child Wise, *Stop Sex Trafficking of Children and Young People*, The Body Shop Campaign 2010 www.childwise.net/stop-sex-trafficking-of-children-young-people.

²⁶ Australian Federal Police; Annual Report, 2009-10.

²⁷ Australian Federal Police; Annual Report, 2009-10.

²⁸ Taken from the conversations with Duean Wongsu, Foundation Manager at Traffcord in Chiang Mai, Thailand, August 2012.

reported in 2009 that the children are often kept in prison-like conditions in 'closed brothels'.²⁹

Corruption: Exacerbating Criminality

Corruption remains widespread and problematic in the course of justice, across Thai law enforcement officials, creating an enabling environment for human trafficking to prosper. There are credible reports that officials protect brothels, other commercial sex venues, and seafood and sweatshop facilities from raids and inspections.

There are also reports that Thai police and immigration officials extort money or sex from Burmese citizens detained in Thailand for immigration violations, and sell Burmese people who are unable to pay to labor brokers and sex traffickers.³⁰

Asian organized crime groups recruit Asian women to migrate to Australia, sometimes on Student visas, and then subsequently coerce them into the sex trade. The women and girls are sometimes held in captivity, subject to physical and sexual violence and intimidation, manipulation through illegal drugs, and obliged to pay off unexpected or inflated debts to their traffickers. Some victims of sex trafficking have also been exploited in domestic servitude.³¹

International Crime:

Human trafficking is the third largest international crime. The UNICEF 2007 Report declares that there are 1.2 million child victims trafficked world wide for sexual exploitation or cheap labor on an annual basis. The 2009 UNICEF Report declares that 79% of all global trafficking is for sexual exploitation, and is a \$7-10 Billion industry.³²

Protection and Prevention and International Cooperation:

According to the 2011 TIP Report, the Thai government demonstrated limited efforts to identify and protect foreign and Thai victims of trafficking during the year. The Thai

²⁹ Stop Sex Trafficking of Children and Young People, The Body Shop Campaign 2010
www.childwise.net/stop-sex-trafficking-of-children-young-people.

³⁰ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/thailand

³¹ United States Department of State Trafficking in Persons Report 2012.

³² The State of the World's Children 2007, Women and Children: The Double Dividend of Gender Equality, UNICEF United For Children, www.unicef.org

Joint Standing Committee on Foreign Affairs, Defense and Trade Human Rights Sub- Committee inquiry into slavery and people trafficking

government continues to refer victims to one of nine regional shelters run by the Ministry of Social Development and human Services (MSDHS), where victims receive counseling, limited legal assistance and medical care. It has been reported that migrant victims run away from shelters to avoid deportation, which in turn, makes them vulnerable to re-trafficking.³³

It has been reported that the government generally tries to encourage victims to participate in the investigation and prosecution of their traffickers. This, however, provides limited incentives for victims, as there are often high legal costs, language, bureaucratic and immigration barriers, a fear of retribution by traffickers, the distrust of Thai officials, the slow legal process, as well as the financial needs of the victims, all contribute to preventing most victims from participating in the Thai legal process. There were no reported cases of legal aid or financial compensation offered to trafficking victims in 2010.³⁴

Minorities:

Thailand is home to one million persons belonging to ethnic minorities, half of whom have not been granted Thai nationality.³⁵

Research has shown that 80% of trafficked individuals in Thailand come from the minority groups of the Karen people from the Hill Tribes of Chiang Mia and Chiang Rai, and the Burma/Thai border, as well as from the Isaan people from the Ubon people, where Thailand borders with Cambodia/Laos. The Mea Sai border in Change Rai is used as a major port to receive Burmese women and children lured and trafficked into Thailand for prostitution. Conservative estimates have this population numbering in the tens of thousands of victims.³⁶

³³ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/thailand

³⁴ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/thailand

³⁵ World Vision Child Protection Traffick Report: Thailand;
www.wvasiapacific.org/humantrafficking

³⁶ Stop Sex Trafficking of Children and Young People, The Body Shop Campaign 2010
www.childwise.net/stop-sex-trafficking-of-children-young-people

Trafficking: Affected by Migration Labor Policies

While authorities continue efforts to prevent human trafficking with assistance from international organizations and NGO's, the government has not yet adequately addressed structural vulnerabilities to trafficking created by the country's migrant labor policies.

The Thai government collaborates with international organizations and NGOs to raise awareness on trafficking among migrant workers, reporting that throughout 2010 and early 2011, it reached more than 3,000 people from high-risk groups to raise awareness on trafficking, and 2,000 employers to raise awareness on labor rights and trafficking, with NGOs agreeing with the increase in awareness.³⁷

It is estimated that between 1.2 and 1.3 million registered and unregistered migrants reside and work in Thailand, most of them employed in construction and domestic work. Irregular migrants who enter Thailand illegally, are not entitled to any labor or social protection. Many children are among this group. Thailand also experiences internal migration from the poorest provinces to the wealthiest ones.³⁸

Around half of Thailand's Hill Tribes and ethnic minorities, or 500,000 people, do not hold Thai nationality. Up to 12% of migrants in major border areas on the Thai side are considered to be probable trafficking victims.³⁹

Very few cross-border labor exploitation investigations lead to arrests of alleged traffickers, who rarely find themselves prosecuted in court.

Ethnic Minorities: Vulnerable Victims

Thailand does not grant refugee status to ethnic Shan women, whose systematic rape and sexual abuse is a documented weapon of war, and who seek to escape abuse are only thrust into the double bind of the Thai migration policy.⁴⁰

³⁷ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/thailand

³⁸ World Vision Child Protection Traffick Report: Thailand;
www.wvasiapacific.org/humantrafficking

³⁹ World Vision Child Protection Traffick Report: Thailand;
www.wvasiapacific.org/humantrafficking

⁴⁰ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

The vast majority of people suffering from abuse and poverty in Burma are therefore irregular migrants, making them vulnerable to all forms of exploitation and trafficking. Women and children from the Shan State make up a large proportion of those in the most exploitative forms of prostitution.⁴¹

Many ethnic minorities living in Thailand for generations still lack citizenship. They are at a very high vulnerability risk to trafficking and being exploited.

Migration: An Exacerbating Factor

As regular means of migration are not available to women and girls moving voluntarily for economic and human rights reasons, the movement often takes the form of smuggling and other forms of irregular migration. Therefore, it is Thailand's migration and refugee policy that contributes to the incidences of trafficking.⁴²

Statelessness leads to vulnerability:

Vital Voices Global Partnerships in 2007⁴³ reported that a lack of citizenship means a lack of opportunity for education, employment and health care services reserved for citizens, thereby causing such members to be much more vulnerable to human trafficking.⁴⁴

It was concluded that statelessness was one of the major causes of human trafficking. Villagers without citizenship face huge impediments in applying for jobs outside their village. If trafficked, victims without proof of citizenship receive limited protection, little assistance and may be denied re-entry into Thailand.⁴⁵

The report states that although International law prohibits trafficking in persons, Thailand remains an origin, source and transit state for trafficking.

⁴¹ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁴² *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁴³ This report was birthed out of the May 2006 regional conference, where; Vital Voices Global Partnerships, in collaboration with the Royal Thai Government's ministry of Social Development and Human Security, the United Nations Office on Drugs and Crime, the United States Embassy in Thailand and the United States Agency for International Development, seeking to prevent and eliminate human trafficking in collaboration.

⁴⁴ Vital Voices Global Partnership, *Stateless and Vulnerable to Human Trafficking in Thailand*, June 2007.

⁴⁵ Vital Voices Global Partnership, *Stateless and Vulnerable to Human Trafficking in Thailand*, June 2007.

Statelessness:

Lack of citizenship also removes political and other constitutional rights guaranteed by the state: 'including freedom of speech (section 39), association (section 45), and freedom to form a political party (section 47). Those without Thai citizenship are at constant risk of being deported or arrested.'⁴⁶

Citizenship Rights:

Citizenship can be acquired by: (i) by birth and descent, or (ii) by naturalization, although there are significant impediments to each method. These include the fact that the processes are difficult and complex, and a lack of knowledge and understanding among officials is common. Additionally, only a few officials are responsible for the citizenship applications. Other obstacles result from translation issues, lack of information, lack of communication and risk-averse officials. After an application is submitted and reviewed by the district official, a determination of eligibility is made.⁴⁷

Other obstacles to obtaining citizenship result from alleged corruption, where claimants have been threatened by deportation, and are expected to financially appease officials to assist their process.

Educating Stateless Children:

In January 2007, the Thai Legislative Assembly declared that it would grant stateless school-aged children in Chiang Rai temporary identity cards that would: 'entitle them to education in Thailand and Permission to travel to study at education outlets', which would include an initial 33,000 stateless students, enabling them to attend school for up to six years.⁴⁸ This would contribute to the reduction of vulnerability to stateless minorities living in Thailand. However, this is not the reality of most stateless children, as parents cannot afford the charged prices for educating their children. This leads to their children falling victim to trafficking at an early age.

Thailand's Cross-Border and Legislative Efforts:

⁴⁶ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁴⁷ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁴⁸ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

Joint Standing Committee on Foreign Affairs, Defense and Trade Human Rights Sub- Committee inquiry into slavery and people trafficking

Thailand's 2008 *Anti-Trafficking Act* has stipulated for a government fund to be established to support the prevention and suppression of human trafficking, while providing welfare rotation for trafficked victims, disbursing \$200,000 from its funds to do so.⁴⁹

The Thai Government has signed a Memorandum of Understanding (MOU) with Cambodia, Laos and Vietnam, establishing a migrant registration policy and signed bilateral employment MOUs with Cambodia, Lao PDR and Myanmar.⁵⁰

The Thai government is working with the Government of Burma to open a Burmese government office in Thailand, in the hopes of reducing the need for some undocumented Burmese workers to return to Burma, reducing the risk of re-trafficking and exploitation.

The victimization of Minorities: Cross-Border Trafficking

Human Trafficking in the upper north Thailand still occurs continuously. Migrants from neighboring countries such as Myanmar and Laos are forced, coerced, lured or recruited into human trafficking and sexual exploitation processes. Women and children (boys and girls) are found working in brothels and other businesses in covert prostitution.⁵¹

There have been cases in Chiang Mai and Chiang Rai where teenagers' images and personal information such as contact numbers are often found on sexually seductive web pages for online sexual abusers and exploiters to make appointments. Income from this online commercial sexual business is shared between web masters and recruiters.⁵² Victims and their families hardly ever see a dollar of their 'earnings'.

Burmese children have been found begging in the red light district, walking street, markets or tourist areas in Chiang Mai. Babies and young children up to 10 years of age were also brought into begging business through family, relatives or brokers.

⁴⁹ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/thailand

⁵⁰ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/thailand

⁵¹ Report on Prevention and Suppression of Trafficking in Persons Issues in Thailand, Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD) under Foundation of Child Understanding (FOCUS), Duean Wongsas, August 2012.

⁵² Report on Prevention and Suppression of Trafficking in Persons Issues in Thailand, Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD) under Foundation of Child Understanding (FOCUS), Duean Wongsas, August 2012.

The Northeast region of Thailand, where the Isaan people are from, make up 80% of the girls working in the sex-tourist industry. Isaan culture is an exercise in misogyny- it begins at the birth of the girl, and follows them throughout their lifetime.⁵³

Australia's Role: A Destination Country

Australia has been reported as being a destination country for human trafficking, with victims being trafficked from predominantly China, Korea and Thailand, with many being coerced into exploitative conditions. The Australian Crime Commission reports that deceptive practices in contract terms and conditions appeared to be increasing among women in prostitution. Project Respect, an Australian NGO estimates up to 1,000 victims are currently under debt bondage in Australia.⁵⁴

Project Respect argues that the demand for women in Australia from South-East Asia is fueled by a lack of women in Australia prepared to be prostitutes, and the customer demand for women who are compliant to violent sex.⁵⁵

The Australian Federal Police's Transnational Sexual Exploitation and Trafficking Teams have undertaken over 270 investigations and assessments of human trafficking allegations within Australia since 2004. These investigations have led to only 35 charges and seven convictions on trafficking-related offences, in five years.⁵⁶

Demand Drives Supply:

The demand for children prostitutes from the West is a major driving factor of the industry in South East Asia, although this trend is slightly changing, as tourists from Asian countries such as South Korea, Malaysia and Singapore are increased users, and have set up on-line ordering systems, where a child or young girl can be referred on line for as little as B 500, which equates to a mere \$15.60, to countries such as Malaysia, Singapore and South Korea.⁵⁷

⁵³ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁵⁴ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/australia

⁵⁵ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/australia

⁵⁶ Child Wise, *Stop Sex Trafficking of Children and Young People*, The Body Shop Campaign 2010
www.childwise.net/stop-sex-trafficking-of-children-young-people.

⁵⁷ Taken from the conversations with Duean Wongsa, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

Australians have been identified as child sex tourists in 25 tourist destination world wide, predominantly in the Asian and Pacific countries, identified as the largest group of sex tourists prosecuted in Thailand. Australian are consumers of child pornography, the majority of which is produced overseas. Between 1995 and 2006, Australians made up the largest percentage of perpetrators arrested and prosecuted for Child Sex tourism in Thailand.⁵⁸

The low detection rates of Australians traveling for child sexual exploitation allows offenders to continue to offend in both Australia and overseas. Australians involved in child sex tourism overseas pose an increased risk to Australian children being abused upon the offenders return.⁵⁹

Although the Thai government has strong Anti-Trafficking laws, and strong Child Protection Laws, and Thailand adheres to the Convention on the Rights of the Child, which they ratified in 1992, therefore enforcement of these laws are rare, and in fact they are often not upheld. The rule of law is not valued. Cultural practices and corruption take precedent over law. This can be seen in the gender inequality that exists through Thailand that is based on the Philosophical beliefs of the nation, which leads to the way women are viewed and treated in their society. This also leads to the vulnerable being further exposed and unprotected, heightening the risk of children who do not know or understand their rights at law.⁶⁰

Pavena Hongsakul is one of the few female politicians in Thailand who have made it to the ministerial level. She also heads up the Pavena Foundation for Children and Women. She states:

“Woman and Child abuse is a rooted problem in Thai society. The inferior will always be the victim of the superior. It is the duty of all of us to ‘keep our eyes’ open and to help prevent any kind of discrimination, physical assault, any kind of abuse to the inferior, namely ‘children and women’ whom we consider vulnerable in Thai society.”

Thailand’s Legal Obligations:

⁵⁸ John Hopkins University and The Protection Project, International Child Sex Tourism, 2007.

⁵⁹ Child Wise, in Partnership with The Body Shop Community Education Campaign, *Community Attitudes on Sex Trafficking of Children and Young People Survey Report*, July 2010.

⁶⁰ Taken from the conversations with Duean Wongsu, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

The Association of the South east Asian Nations (ASEAN) Declaration Against Trafficking in Persons Particularly Women and Children reaffirms the Organized Crime Convention and Trafficking Protocol and declares that its member states should 'undertake concerted efforts' to address the human trafficking problem and work toward regional solutions.⁶¹

Thailand's Contribution to Change:

Although the police began enforcing their national law against under aged girls in the sex industry in the early 2000's, this drove the industry in the hands of organized crime, and a monthly bribe to appease the local cop was enough to allow under aged girls selling their bodies to be a part of the go-go bars, the karaoke bars, the massage parlors and the brothels that serviced tourists and locals alike.

Thai-Australian Law Enforcement Partnerships:

The Thailand Transnational Crime Coordination Network, staffed by Royal Thai Police members with the assistance of an AFP Police Advisor and a locally-engaged staff member, is a multi-crime-type network jointly established by the Royal Thai Police and the AFP to strengthen the capacity of the Royal Thai Police to counter transnational crime issues at home and abroad.⁶²

In March, as a result of a joint AFP and Royal Thai Police investigation, the AFP arrested an Australian national in New South Wales for extra-territorial child sex offences alleged to have occurred in Thailand between 2006 and 2007. He pleaded guilty in April 2010 to two counts of committing an act of indecency on a person under the age of 16 years, contrary to the *Crimes Act* 1914, as well as to other offences.⁶³

During 2009, the Royal Thai Police also arrested an Australian national in Thailand for allegedly committing similar offences. The Thai prosecution is ongoing.⁶⁴

Recent Developments:

Trafford was recently involved in a high profile case, which divided the community. A well known and well respected Buddhist Monk with a high position bought little boys for his own

⁶¹ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁶² Australian Federal Police; Annual Report, 2009-10.

⁶³ Australian Federal Police; Annual Report, 2009-10.

⁶⁴ Australian Federal Police; Annual Report, 2009-10.

sexual pleasure. This thinking which permeates the Thai culture can be viewed as another factor when combating human trafficking in South East Asia, to not only the Thai community, but for those in prominent positions of power.⁶⁵

Part of the community believed that a Buddhist Monk is entitled to do as he pleases. Part of the community stood against such abhorrent behavior, but were not the majority. Thankfully, the Monk was tried and convicted- opening up the door to not only future convictions, but also to future reporting, setting an extremely encouraging precedent.

Due to international pressure, Thailand cracked down on the face of under aged sex workers during the early 2000's to the mid 2000's. Bribes to officials ensured that the girls were transported from working in brothels in prison like conditions to working in GO-GO Bars, Karaoke Bars, Clubs and Restaurants, with the under aged children hiding under the facade of these businesses.⁶⁶

This crack down on child exploitation and trafficking also led to the sale of children falling into the hands of organized criminals. Traffickers are often trafficked victims themselves.

The demand of servicing pedophiles on sex tours, the multi-billion dollar industry many seek to gain from, the corruption that covers up blatant crimes with bribes are all reasons trafficking is increasingly challenging to stop. All of these factors have been exacerbated by the fact that trafficking has become more organized and more internationally interwoven within mafia activity and other criminal activities throughout Asia and Russia.

In 2010, the Thai Prime Minister chaired a meeting with labor and civil society organizations, to coordinate anti-trafficking efforts, which led to the development of the Thai government's second six-year National Policy Strategy on human trafficking for 2011-2016. In July 2010, the Prime Minister publicly acknowledged the need for improvement to current government's weak interagency coordination in addressing human trafficking and the government self reported increased trafficking prosecutions and convictions.

Convictions were hard to determine as there is a lack of administrative record keeping which leads to inaccurate reporting and a lack of transparency regarding human trafficking

⁶⁵ Taken from the conversations with Duean Wongsu, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

⁶⁶ Taken from conversations with Duean Wongsu, Foundation Manager at Traffcord in Chiang Mia, Thailand, August 2012.

convictions. The government continued efforts to train thousands of police, labor, prosecutors, social workers and immigration officials on victim identification.⁶⁷

Recent Efforts by Thailand:

In order to better protect victims of human trafficking, Thailand opened 97 shelters. Thailand also drafted the Child Protection Act of 2003, which prohibits the trafficking and enslaving of children. Thailand drafter MOU's with various non-government organizations, regions in Thailand, as well as with Cambodia, Laos and Myanmar.⁶⁸

Despite these efforts, and the international prohibition and Thailand's legal commitment to eliminating trafficking within and across its borders, the country remains a favored source, destination and transit country. Trafficking continues to thrive, because its root causes have not been addressed.⁶⁹

These root causes are addressed accordingly:

Gender Inequality:

Cultural gender inequality and the practice of misogyny is another driving factor of the trafficking industry in South East Asia.

Often, there is at least one female in every family who knows intuitively from an early age that she is the chosen one. She is responsible for raising her family's life from hopeless poverty while the rest of the family lives from her earnings. This reality continues throughout the life of the most rural Thais.⁷⁰

Some Thai girls grow up waiting until they are old enough to go to Bangkok, Pattaya or Phuket so they can earn the kind of money that would not be attainable any other way. The choice is between choosing the sex trade and being able to provide for family, or allowing them to continue to exist in abject poverty. For the eldest girl in the families if tribe people in Thailand, arguably, their culture has made this choice for them.⁷¹

⁶⁷ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/thailand

⁶⁸ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁶⁹ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

⁷⁰ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁷¹ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

A victim-centered approach is one recognizing that prostitution is not about the commodification of sex and of people, but is actually a manifestation of sex inequality, and ultimately gender inequality, which was the core focus in creating Sweden's sex purchase laws.⁷²

Corporate Grooming:

With family expectations and money being the national pursuit as driving factors, many little girls are groomed for the sex industry at a young age, as their teachers at primary school would often expect sexual favors in exchange for good marks.

Social:

Women and girls assume the family and household responsibilities within the family, as well as the financial burdens of the family, and the financial burdens of parents, when they become old.

The Thai woman's obligation is to provide for their family. The burden of financial provision is placed upon the women and girls in the family, as the chief, and often the sole income earner. Education is not emphasized for girls, education opportunities are reserved for young boys.

Cultural:

Although Thailand has strong Anti-Trafficking and Child Protection domestic laws and recognizes the Convention of the Rights of the Child, culture is stronger than law.

Girls are not valued enough to educate, yet they are expected to become the primary income earners responsible for the basic needs and welfare of the family.⁷³

Boys earn merit in Buddhism by living in a temple for three months and becoming monks. A daughter earns recognition by taking care of family and her parents.⁷⁴

Thai women grow up believing that no suffering is too great if it leads to money and 'makes face' for the family- bettering their situation of poverty. Thai women also believe

⁷² Exodus Cry, New South Wales Submission for the *Inquiry into Exploitation of Women Through Trafficking*, August 2012.

⁷³ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁷⁴ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

that their fate is sealed as women - this is what is expected of them, by their families and communities, and such a life is all they can hope for.

Thai culture is a culture that values duty over dignity, a culture that encourages young girls to dishonor themselves and compromise on their self worth, self value and self respect for the sake of their families, in an effort to pull their families out of poverty, through sacrificing their bodies, dignity and future.

Philosophical:

The behavior of women towards the sex industry in South-East Asia has directly been attributed to the low value placed upon women, deriving from the Buddhist philosophy which teaches that it is a curse to be born a woman, and the penalty for something done wrong in a previous life.

“Women are pawns in times of need.” Thai Proverb

“Women are buffalos, men are human” the only value of a woman is her labor. Thai philosophy

“I hope not only to be reborn as a man, but a Western man at that!”

Khmer Proverb

“Men are Gold; Women are cloth; men look like gold; when gold drips in mud, we can clean it. Women look like white clothes; when they drop in mud, we can never clean them to be white again” Khmer Proverb ⁷⁵

Economical:

The humiliation that the girl’s families suffer from poverty is considered to be far worse than the humiliation the girls must endure from selling their bodies. ⁷⁶

Educational:

The inequality in education opportunities results in illiteracy rates of 17% for Thai girls, with a drop out rate of 80% between the 6th and 12th grades, as children are required to go to

⁷⁵ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁷⁶ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

work, or due to the fact that their parents cannot afford their education any longer. Free education to year 12 is constituted, but not enforced, and due to corruption throughout the government system, most children cannot access education due to the associated costs.⁷⁷

Thailand: Not fully compliant

Thailand has been placed in Tier 2 in the 2011 US Department of State's Trafficking in Persons' Report for two years' in a row. Countries which are placed in Tier 2 indicate that their government has not fully complied with the Trafficking Victims Protection Act's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

Thailand's 2008 *Anti-Trafficking in Persons Act* criminally prohibits all forms of trafficking and prescribes penalties from four to 10 year's imprisonment, applying equally to all persons, and is not only relevant to women and children who have been trafficked.

Penalties for all involved in human trafficking are to apply, with compensation available to victims. Under the Act, victims are to be provided with shelter, psycho-social, legal, educational and health care assistance.⁷⁸

According to the 2011 TIP Report, the Thai government has made mixed progress in its anti-trafficking law enforcement efforts. It reported 18 convictions in trafficking-related cases in 2010, but as of May 2011, only five of the 18 convictions reported by the government could be confirmed to be for trafficking offenses.⁷⁹

The Ongoing Suffering of Victims:

As can be imagined, many girls turn to substance abuse as a form of coping with the emotional and psychological pain they put themselves through working in the industry. Once they become dependent on substances, it is much harder for them to break the cycle, or to walk away from the industry and the money that can be made through selling their bodies.

⁷⁷ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁷⁸ UNIAP: The Human Trafficking Situation in Thailand (last updated 2008), 2011 Department of State Trafficking in Persons Report.

⁷⁹ Trafficking in Persons Report (TIP) 2011, US Department of State, Diplomacy in Action www.state.gov/j/tiprprt/2012

Victims of commercial sexual exploitation suffered physically. Some children and women contracted with sexual transmitted diseases such as Syphilis, or Genital Warts as a result of servicing too many clients. The victims are not allowed to reject any clients because they were young and were preferred by clients. After these victims were rescued, many were hospitalized. Several victims were also found to be pregnant.⁸⁰

Some victims were brought into prostitution at the age of thirteen. Because of entering the sex industry at such a young age, these children are physically and emotionally underdeveloped. An evaluation indicated that victims have both a low IQ and EQ. They lacked in many life skills and were able to read or write very little or many of young victims have low self- esteem.⁸¹

Many victims, have a high sense of insecurity and fear that their traffickers would harm them or their families. The majority of victims came into prostitution voluntarily without their family consent, while others feared shame if their families would find out that they were prostituting themselves. Many victims felt pressure to continue in this industry because of pressure to financially support their families. Consequently, they often refused help from assistant government officers because they did not understand their rights or the prosecution process.⁸²

The contributing factors include social culture and political and economy disparities. Methods used by traffickers or criminals are far more complicated. More and more children and women are entering the commercial sex business. Although there is little or no evidence of coercion or physical abuse these victims felt threaten and trapped.

Many women indicate that in research that prostitution establishments did little to protect them, regardless of whether the establishments were legal or illegal here in Australia, with women stating that they prefer to risk violence at the hands of clients than be subject to violence by both clients and brothel staff and security, and were not safe from the daily reality of rape.⁸³

⁸⁰ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁸¹ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁸² Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

⁸³ Exodus Cry, New South Wales Submission for the *Inquiry into Exploitation of Women Through Trafficking*, August 2012.

An article in the Michigan Journal of Gender and Law states that ‘It is not possible to protect the health of someone whose ‘job’ means that they will get raped on average once a week. The sexual services provided in prostitution is most often violent, degrading and abusive, including sex between the buyer and several women; slashing the woman with razor blades; tying women to bedposts and slashing them until they bled; biting women’s breasts; burning the woman with cigarettes; cutting her arms, legs and genital areas; and urinating and defecating on women.’⁸⁴

Women who work in prostitution exhibit the same incidence of traumatic brain injury (TBI) as a result of being beaten, hit, kicked in the head, strangled or having ones head slammed into objects which have been documented in torture survivors and battered women.⁸⁵

⁸⁴ Exodus Cry, New South Wales Submission for the *Inquiry into Exploitation of Women Through Trafficking*, August 2012.

⁸⁵ Exodus Cry, New South Wales Submission for the *Inquiry into Exploitation of Women Through Trafficking*, August 2012.

Future predictions of growth in trafficking to and in Thailand:

ASEAN and trafficking in persons Thailand is a center for economy especially among the countries of Maekong sub-region. The North of Thailand has its borders to neighboring countries which make Thailand the source and destination of human trafficking which tends to continue. Therefore, when Thailand enters the ASEAN trade in 2015, there can be expected growth in human trafficking issues as a need for laborers will be increased. This problem will effect political and national security and violations of human rights. ⁸⁶

This significant increase in human trafficking issues will continue to be a challenge for the Thai government in engaging and combating human trafficking issues which is escalating more and more every day.

Trafficking in persons is a complex issue, requiring a complex set of interwoven solutions. Economics, migration, asylum policy, human rights and cultural prejudices are just a few of the standards that must be unraveled and reworked to formulate effective solutions in addressing trafficking.

A holistic goal should be created to support the national strategies and enforced to prevent human trafficking from happening.

“Too many women.....

From too many countries.....

Speak the same language.....

Of silence.....”⁸⁷

⁸⁶ Report on Prevention and Suppression of Trafficking in Persons Issues in Thailand, Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD) under Foundation of Child Understanding (FOCUS), Duean Wongsu, August 2012.

⁸⁷ Edited by: Julia Manzanara and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

The Swedish Model:

In 1999, with the approval of over 70% of its surveyed population, Sweden passed groundbreaking legislation that criminalized the buyer of sexual services. Part of a large Violence Against Women Bill, the legislation was based on the foundation that the system of prostitution is a violation of gender equality. Sweden's legislation officially recognizes that it is unacceptable for men to purchase women for sexual exploitation, whether masked as sexual pleasure or 'sex work'.

Its law also acknowledged that a country cannot resolve its human trafficking problem without addressing the demand for prostitution. The law moves away from targeting the person in prostitution, to the users.⁸⁸

In July 2010, the government of Sweden published an evaluation of the law's first ten years of operation, and how this legislation has worked in practice.⁸⁹

The findings were strikingly positive, with evidence that street prostitution had been cut by 50%; with no evidence that the reduction in street prostitution had led to an increase in prostitution elsewhere.

The bill provided increased services for women to exist prostitution, with records showing that fewer men stating that they purchased sexual services. Traffickers have found Sweden an unattractive market to sell women and children for sex. Police had confirmed that the bill was working well, having a deterrent effect on other organizers and promoters of prostitution.

Sweden appears to be the only country in Europe where prostitution and sex trafficking has not increased.⁹⁰

⁸⁸ Janice Raymond, *Trafficking, Prostitution and the Sex Industry: The Nordic Legal Model*, July 2010, originally published at Portside.

⁸⁹ Janice Raymond, *Trafficking, Prostitution and the Sex Industry: The Nordic Legal Model*, July 2010, originally published at Portside.

⁹⁰ Janice Raymond, *Trafficking, Prostitution and the Sex Industry: The Nordic Legal Model*, July 2010, originally published at Portside.

The German Model:

In 2002, Germany decriminalized procuring for purposes of prostitution, widening the legal basis for establishing brothels and other prostitution businesses, lifting the prohibition against promoting prostitution, allowing women to enter contracts and benefits in prostitution establishments.

In 2007, a Federal Government evaluation found that the *German Prostitution Act* had failed to improve conditions for women in the prostitution industry, and has not helped women to leave the industry. It has also failed to 'reduce crime in the world of prostitution'. As a result, the report stated that 'prostitution should not be considered to be a reasonable means of securing one's living'. The Federal Government is drafting a criminal provision to punish the clients of those forced into prostitution or who are victims of trafficking, which is a reflection of the Swedish model.⁹¹

⁹¹ Janice Raymond, *Trafficking, Prostitution and the Sex Industry: The Nordic Legal Model*, July 2010, originally published at Portside.

Recommendations:

Prostitution needs to be seen first of all, and most importantly, as a form of gender inequality. A study published in the American Journal of Epidemiology found that the mortality rate of women in prostitution to be 200 times higher than the general population. In the same survey, murder accounted for 50% of the deaths of women in prostitution, and 89% of 854 prostituted women interviewed informed researchers that they urgently wanted to escape prostitution.⁹²

The link between human trafficking and prostitution needs to be recognized, that prostitution is a manifestation of gender inequality, and a form of violence against women, with a need to move toward practical action to reduce the demand for prostituted women by criminalizing the purchase of sex in Australia.

There are various academics who have linked pornography to prostitution to trafficking. An estimated 20,000 new child pornography images are posted on the internet every week.⁹³ Exposure to involvement in pornography can lead to an increased risk of sexual exploitation or sexual offending. Child pornography is linked to users accessing child prostitution, which is of course is linked to the need of trafficking children and under aged minor, to service the demand driven by pedophiles.

There is overwhelming evidence that prostitution is inherently harmful and dehumanizing, and that it fuels sex trafficking.⁹⁴

Legalization of prostitution is a failed policy practice, as is evidenced across Europe. The prostitution policy tide is turning from legalization of prostitution to targeting the demand for prostitution without penalizing the victims. Countries who want to be effective in the fight against trafficking and not havens of sexual exploitation are beginning to understand that they cannot sanction pimps as legitimate sexual entrepreneurs and must take legal action against the buyers.⁹⁵

⁹² Exodus Cry, New South Wales Submission for the *Inquiry into Exploitation of Women Through Trafficking*, August 2012.

⁹³ Canadian National Child Exploitation Coordination Centre.

⁹⁴ Exodus Cry, New South Wales Submission for the *Inquiry into Exploitation of Women Through Trafficking*, August 2012.

⁹⁵ Janice Raymond, *Trafficking, Prostitution and the Sex Industry: The Nordic Legal Model*, July 2010, originally published at Portside.

It has also been found in studies both in Australia as well as abroad, as mentioned above, that the legal model of prostitution causes the expansion of the sex industry, leading to a greater demand, and therefore leading to more women and girls being trafficked, and at risk of being trafficked into the sex industry.

Australia is to have legislation that ensures it takes a victim-centered approach, which considers trafficked women victims, defined in accordance with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Article B (18).⁹⁶

There needs to be a focus on protection, prosecution and prevention of human trafficking victims, both domestically, as well as internationally. Prevention, Protection, Provision of Services, Prosecution (Punishment) and Participation (Partnership) are referred to as the five P's comprehensive approach to combatting trafficking.⁹⁷

Protective and preventative measures need to be put into place nationally, as well as a campaign for the capacity building of relevant professionals to provide professional care to rescued victims by culturally relevant and sensitive services and approaches also apply.

The investigation, prosecution and conviction of sex and labor trafficking offenders and the conviction of officials engaged in trafficking-related corruption need to be increased.⁹⁸

Ongoing efforts need to be made to identify victims of trafficking among vulnerable populations, in particular undocumented migrants and deportees, with legal alternatives to be reached for victims to countries to which they may face retribution or hardship.⁹⁹

The issue of non-citizenship for minority groups who are not considered Thai, who live in the Hill Tribes also need to be addressed, as they require citizenship status to be provided with the ongoing opportunities of education and employment.

⁹⁶ The Protection Project, *Reporting on the Status of trafficking in Women in Accordance with Article 6 of the Convention on the Elimination of all Forms of Discrimination Against Women: Guidelines in the Interpretation of the Text of Article 6 of the Convention*, July 2012

⁹⁷ The Protection Project, *Reporting on the Status of trafficking in Women in Accordance with Article 6 of the Convention on the Elimination of all Forms of Discrimination Against Women: Guidelines in the Interpretation of the Text of Article 6 of the Convention*, July 2012

⁹⁸ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/thailand

⁹⁹ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006
www.humantrafficking.org/countries/thailand

The government must take urgent action to address the vulnerability to trafficked ethnic minorities born in Thailand. All ethnic minorities living in Thailand should have the same rights as other children, such as to citizenship, education, health services, social welfare and employment, therefore reducing the ongoing risk of the child of being trafficked and victimized.¹⁰⁰

It was found that improving access to citizenship, and tightening birth records would eliminate significant factors that contribute to human trafficking in Thailand, including;

- registering the births of all children;
- Improving transparency of the citizenship applications process;
- Training local officials and people in the elements of the law and eliminating fees associated with the application process;
- Eliminating restrictions on travel. Education, health care and employment for non-citizens during the application process.¹⁰¹

In order to improve the number of births registered, the UN Committee on the rights of the Child recommends that the Thai Government create mobile registration units, conduct a public awareness campaign educating midwives on the registration process and communicate with district officials on the matter regularly. Cambodia provides an example, with an increase to 89% of Cambodians being able to obtain birth certificates.¹⁰²

There needs to exist a stronger reinforcement of law. The issue of uneducated children from poorer provinces needs to be addressed, and young people need to be trained in various life skills and trade skills, ensuring alternate means for them to make a living and to provide for their families as an alternative to turning to sex work, or falling victim to this abuse is reduced. The Government of Thailand needs to ensure the full implementation of the anti-trafficking legislation throughout the country.¹⁰³

¹⁰⁰ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/thailand

¹⁰¹ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

¹⁰² Vital Voices Programs, *Stateless and Vulnerable to Human Trafficking in Thailand*, Vital Voices Global Partnership June 2007, www.vitalvoices.org

¹⁰³ Taken from the conversations with Duean Wongsas, Foundation Manager at Trafford in Chiang Mai, Thailand, August 2012.

Working effectively against trafficking in Thailand requires commitment at all levels of society – government, non-government organizations and communities both local and international. Three levels of action can be identified as: national, regional, and community.¹⁰⁴

The principle of the best interest of the child needs to be enforced within the Thai legal system and their practices, with the need to place international pressure on nations such as Thailand. Pressure should also be placed on the country users of such services, such as Malaysia, who ‘marry’ these babes for a night.

The Thai government needs to put more effort into reducing demand for child sex services by engaging and working in closer collaboration with the private sector, to adopt, and implement the *Code of Conduct* for the Tourism and Travel industries.

Rehabilitation, restoration and care for trafficking victims, post rescue need to be specifically based on child needs, differentiating from adult services.

Australia has a responsibility to protect children everywhere. There is an urgent need for the Australian Government to fund an ongoing education campaign and support service, which helps Australians to identify and report suspicions or concerns about child sex offenders who travel overseas.¹⁰⁵

The Australian Government is called upon to fund community-based, international development programs which focus on the prevention and protection against forms of child sexual exploitation such as child sex trafficking and child sex tourism.¹⁰⁶

The Australian Government is called upon to initiate greater government action and funding to be directed toward strategies to deter, detect and prosecute Australian child sex tourists and traveling sex offenders.¹⁰⁷

¹⁰⁴ World Vision Child Protection Traffick Report: Thailand;

www.wvasiapacific.org/humantrafficking

¹⁰⁵ Child Wise, in Partnership with The Body Shop Community Education Campaign, *Community Attitudes on Sex Trafficking of Children and Young People Survey Report*, July 2010.

¹⁰⁶ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

¹⁰⁷ *Cultural, Economic and Legal Factors Underlying Trafficking in Thailand and their Impact on Women and Girls from Burma*, Christa Foster Crawford, Thailand Law Journal, 2009, Spring Issue 1 Volume 12.

Cultural teachings, such as teaching little girls who grow up believing that they are a 'curse' and they are to live out their lot in life as a girl, which includes being abused, victimized and repeatedly raped also needs to be addressed.

There is certainly room for further educating migrant workers of their rights, their employer's obligations to them, the legal recourse available to victims of trafficking, and how to seek remedies against traffickers.¹⁰⁸

The Anti-Slavery Project, which is an Australian based NGO recommends that Australia:

1. Reform the current visa regime to protect all victims of trafficking and slavery, seeking to prevent re-enslavement and re-trafficking of victims, regardless of their cooperation with authorities;
2. Adequately resource and implement a victim support program that effectively meets the needs of survivors of trafficking and slavery by providing comprehensive and culturally appropriate services.

The Anti-Slavery Project found that the level of support offered to victims is variable, and can be inadequate to meet the needs of victims leaving them vulnerable to violence, exploitation and endangerment of their ability to cooperate with law enforcement.¹⁰⁹

It has been found that the working-holiday visa is used in the trafficking of women into Australia. This visa should be re-examined by the Department of Immigration and Citizenship.¹¹⁰

¹⁰⁸ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/thailand

¹⁰⁹ A Web Resource for Combating Human Trafficking, Academy for Educational Development, 2006 www.humantrafficking.org/countries/australia

¹¹⁰ Exodus Cry, New South Wales Submission for the *Inquiry into Exploitation of Women Through Trafficking*, August 2012.

APPENDIX A

A Case Study: This is Lon's Story¹¹¹

Lon sold her virginity at the age of 13 to a foreigner, at which point she neutered the sex industry.

"I was unskilled and uneducated. I knew no other way to earn money except to sell my body. I not only had to care for myself, but I was expected to send money home. I was embarrassed and ashamed; I felt dirty- dirtier than the repulsive men with whom I slept. I despised myself even more as I inflicted yet one more wound upon my soul. Before my self esteem had the opportunity to take root, to grow, and to flourish, it was buried as feelings of worthlessness in the deepest recesses of my soul. I was a whore! Even though I was barely into my teens, I understood revulsion and heartache; I was overwhelmed by those feelings. I couldn't bathe away the dirt that I felt filled my every pore."

At the height of her sex work career, Lon vulnerably admits to earning up to \$2,500 per month, sending most of it home. It was never enough for her mother. When she sent \$500 home specifically for her brother's medical bills due to a motorbike accident, her mother withdrew the money the next day, but never paid the medical bill, or put a cent towards her son's rehabilitation or a new bike for him. Greed had taken over. Lon had become her mother's walking ATM.

Lon sold her own virginity at age 13, and assisted the selling of a 16 year olds virginity at 16. She had become that which she despised- the mama san who forced her to perform the most damaging act of her life, that left her emotionally and psychologically scarred for the rest of her life.

¹¹¹ Edited by: Julia Manzanares and Derek Kent, *Only 13 -The True Story of Lon*, 2011.

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