



Joint Civil Society Statement concerning Implementation of the Protocol of 2014 to the Forced Labour Convention, 1930

Almost 40 years ago, Thailand ratified the [Forced Labour Convention](#), designed by the International Labour Organization (ILO) to eradicate all forms of slavery and forced labour. And less than four months ago, it ratified its recent update – the [Protocol of 2014 to the Forced Labour Convention](#) (P29) – which requires ratifying states must provide protection and compensation to victims of forced labour, and suitably sanction its perpetrators.

Now, the Royal Thai Government (RTG) is aiming to bring Thai legislation in line with the ILO protocol with its new ‘Act on the Prevention and Elimination of Forced Labour’ – colloquially known as the Forced Labour Act. We, the undersigned organizations, applaud the RTG for this progress but reiterate much more still needs to be done. We urge the RTG to consider two crucial aspects in the next steps.

First, the definition of forced labour in Thailand’s new Forced labour Act must be consistent with the ILO’s definition laid out in its Forced Labour Convention, which states: “Forced labour is all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

It is crucial that the definition used is the same across all Thai legislation to prevent any inconsistency or loopholes in the law. A lack of a precise definition of all forms of forced labour might hinder the effective identification and protection of all victims, and their access to appropriate remedies, as required by the ILO convention and protocol.

Second, forced labour must be designated as a stand-alone criminal offence. Currently, forced labour can only be prosecuted in Thailand as part of a charge for human trafficking, a fact highlighted by the ILO in a recent [analysis](#). Therefore, although forced labour is recognised as a contributor to human trafficking – which is an offence – evidence of forced labour alone is not enough for a prosecution. This must change; eradicating forced labour clearly cannot happen without the prosecution of cases of extreme labour exploitation that are not a consequence of trafficking, or cases in which the trafficking element is not clearly evident.

We respectfully urge the RTG and its Ministry of Labour to reconsider the definition of forced labour and the provisions for penalties in the draft of the Forced Labour Act to be in line with the recently ratified protocol, and to criminalise forced labour as a criminal offence under a stand-alone anti-forced labour law.



Efforts at the last public hearing to entirely reject the draft of the Forced Labour Act by the National Fisheries Association of Thailand (NFAT) and the Joint Standing Committee on Commerce, Industry and Banking – an apex body of the three core private sector organizations, namely the Board of Trade of Thailand, the Federation of Thai Industries and the Thai Bankers’ Association – are unsurprising but highly disappointing.

Employers’ negative and hostile attitude was exemplified by the NFAT’s attempts to disrupt the latest public hearing that took place at the Ministry of Labour on September 19, 2018 in an effort to derail any opportunity to engage in constructive discussion about the law development and legislative process. This kind of action by NFAT negates the important benefit of promoting public participation in government policy and law making and holding public hearings as a method to achieve a common goal.

In order to reach mutual agreement on the text of the law, it is critical that the voices of all stakeholders, especially those involved in work settings most vulnerable to forced labour, such as fishing and other labour intensive sectors, be heard and respected. For this reason, the government should uphold best practices in promoting democratic dialogue.

By supporting the full and effective implementation of ILO standards, Thai employer organisations should recognize they can increase their competitiveness on the global market by sending a credible and powerful message to the international community that both the RTG and Thai corporations are firmly committed to eliminating human trafficking, forced labour and other forms of exploitation from their operations and supply chains.

Ratifying the ILO’s Forced Labour Convention and 2014 Protocol were crucial steps forward for Thailand, especially for the country’s fishing and seafood processing industries, which have in the past been notorious for human rights violations and forced labour cases.

Thai, Burmese, Cambodian, Vietnamese, and Indonesian men and boys are subject to forced labour on Thai and foreign-owned fishing boats, the US State Department Trafficking in Persons (TIP) Report showed.

Some are trapped at sea for several years, with little or no pay, working as much as 18-20 hours a day, seven days a week. First-hand testimonies tell of threats, beatings and even murder for becoming ill, attempting to escape, or disobeying orders. If they manage to escape some victims find it hard to return home because of unpaid wages and the lack of legitimate identity documents or a safe means to travel.



For this reason, the undersigned groups urge individuals, businesses, institutions, and governments around the world to call on the Royal Thai Government to demonstrate its leadership in improving forced labour prevention and prosecution, along with protection of the victims, and to bring Thai legislation in line with the ILO's standards.

Sincerely,

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
 Amnesty International
 Anti-Slavery International
 Australian Council of Trade Unions (ACTU)
 Cambodian Friendship Migrant Workers Association in Thailand (CFAT)
 Center for Alliance of Labor and Human Rights (CENTRAL)
 Cross Cultural Foundation (CrCF)
 CSO Coalition for Ethnic and Sustainable Seafood
 Environmental Justice Foundation (EJF)
 Ethical Trading Initiative (ETI)
 FinnWatch
 Fishers Rights Network (FRN)
 FishWise
 Fortify Rights
 Foundation for Education and Development (FED)
 Freedom Fund
 Freedom United
 Human Rights and Development Foundation (HRDF)
 Human Rights At Sea
 Human Rights Watch
 Humanity Action United
 IJM Foundation
 International Federation for Human Rights (FIDH)
 International Labor Rights Forum (ILRF)
 International Transport Workers' Federation (ITF)
 Labour Rights Promotion Network Foundation (LPN)
 Manushya Foundation
 Mekong Migration Network (MMN)
 Migrant Assistance Project (MAP)



- Migrant Forum in Asia (MFA)
- Migrant Workers Rights Network (MWRN)
- Migrant Working Group (MWG)
- Raks Thai Foundation
- Slave Free Seas
- State Enterprises Workers' Relations Confederation (SERC)
- Stella Maris Sriracha
- STOP THE TRAFFIK Australian Coalition
- SwedWatch
- Thai BHR Network
- Union for Civil Liberty (UCL)
- Uniting Church of Australia (Synod of Victoria and Tasmania)
- Verité
- Women4Oceans