



Universal Periodic Review (UPR) 25th Session

(April/May 2016)

Human Rights Situation in Thailand

Joint submission of :

Franciscans International (FI)

Marist International Solidarity Foundation (FMSI)

Geneva, September 2015

INTRODUCTION

1. Franciscans International presents this submission concerning the human rights situation in Thailand for consideration by the UPR Working Group at its 25th session, April/May 2016. The human rights issues addressed are *the rights of asylum seekers, refugees, migrant workers, indigenous peoples, minorities and trafficking in persons*.
2. Franciscans International (FI) is a faith-based International Non-Governmental Organization (INGO) with General Consultative Status with the Economic and Social Council of the United Nations. It was founded in 1982 to bring to the UN the concerns of the most vulnerable.
3. Marist International Solidarity Foundation (FMSI) is an NGO in consultative status with the UN ECOSOC and has a special focus on promoting and protecting the rights of children. This organization was established in 2007 in Italy as a Not-for-Profit Organization with a Social Purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.

Asylum Seekers and Refugees

First-Cycle UPR Recommendations

4. In the previous UPR, Thailand accepted several recommendations on human rights issues affecting asylum seekers and refugees. These included the need to strengthen the legal rights framework and adjust enforcement mechanisms used in cases involving migrants, asylum seekers and victims of trafficking. This promoted the establishment of a long-term policy for addressing migrant workers, the protection of migrants found at sea according to international law, and respect of the principle of non-refoulement.¹

Legal and Institutional Framework

5. Thailand is not a state party to the UN 1961 Convention on the Reduction of Statelessness, nor the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. The government rejected recommendations for the ratification of these agreements during the review of Thailand under the UPR mechanism in 2011,² but agreed on the principle of *non-refoulement* for refugees and asylum seekers.
6. At the national level, in 2008 the Government of Thailand made amendments to The Nationality Act (No. 4) B.E. 2551 (2008) and The Civil Registration Act (No. 2) B.E. 2551 (2008). These legal amendments allowed all children born in Thailand to be registered, regardless of the legal status of parents. This means that the children of migrants, asylum seekers, refugees and stateless people are entitled to have their births registered.

Promotion and Protection of Human Rights on the Ground

7. The UN High Commissioner for Refugees estimated that the number of stateless people in Thailand is around 500,000 people,³ while other sources estimate the amount to be closer to 2 to 3.5 million.⁴ There are no official numbers published by the Thai government.⁵
8. In 2012, almost all children under five were registered at birth.⁶ However, a large gap between the birth registration rates of Thai and non-Thai households persists. In the latter, the birth registration rate is only 79.2%.⁷ The gap originates from the incomplete implementation of the amendments mentioned above, and most directly affects children born from refugee, asylum seeker or stateless parents.

¹ See A/HRC/19/8 para 89.66-71.

² See A/HRC/19/8/Add.1 para 19.

³ The estimation provided by the UN High Commissioner for Refugee, see <http://www.unhcr.org/pages/49e489646.html>

⁴ Information from International Observatory of Statelessness, see in <http://www.nationalityforall.org/thailand>

⁵ In its reply to List of Issues of this Committee, the Thai government fails to give details on the number of stateless people as well as the disaggregated information on their sex and ethnicity.

⁶ Information obtained from UNICEF Thailand, see : http://http://www.unicef.org/thailand/protection_14929.html

⁷ Ibid.

9. At the root of the lower birth registration rate in these households is a lack of awareness about the civil registration process and the subsequent rights entitled to one's child through registration. Additionally, many migrants, asylum seekers and stateless persons are afraid that contact with Thai authorities might result in their arrest.⁸ Therefore, parents are reluctant to carry out the registration process and children from these groups fail to be registered with the Thai authorities.
10. There is also concern related to the birth registration of children born to refugee and asylum seeker parents, including the Rohingya refugees. Thailand is one of the primary host countries for the Rohingya who have fled persecution and ethnic violence in their place of origin in Rakhine State, Myanmar. The Government of Myanmar refuses to grant them citizenship, leaving them legally classified as stateless. Thailand has been used as both a final destination and transit country for those going elsewhere, such as Malaysia or the Philippines. Since 2009, increased sectarian violence, including riots in 2012, has driven greater numbers of Rohingya refugees into Thailand.
11. The majority of Rohingya children born in Thailand – barring those who have one Thai parent – are unable to acquire Thai nationality and remain stateless.⁹ Such children are often branded as “illegal migrants”, despite being born in the country. In some cases, the children of asylum seekers or refugees have been admitted to schools, but this is based on the discretion of individual schools. There is no consistent policy from the Thai government to guarantee access to universal birth registration for all children born to asylum seekers and refugees. A more effective implementation of universal birth registration legislation would prevent the statelessness of the Rohingya children born in Thai territory and protect them from potential human rights abuses.
12. The absence of legal Thai citizenship or identification documents, such as a birth certificate, among ethnic minorities and migrants increases their vulnerability to trafficking.¹⁰ This is similarly applicable to the cases of asylum seekers and refugees. Restricted access to education, limited freedom of movement, a lack of work opportunities and the resultant urge to seek a better life lead members of these groups to risk being trafficked.
13. Thailand has faced criticism from the international community regarding its treatment of Rohingya refugees found fleeing Myanmar and Bangladesh in the Andaman Sea. It was reported that Thailand blocked several boats from coming ashore and in May, publicly stated its unwillingness to welcome these distressed populations into their borders. This is in clear opposition of international humanitarian law regarding the treatment of refugees. The Thai government recently increased measures to block undocumented, economic migrants from entering their borders, a policy which has now been conferred upon the destitute Rohingya stranded at sea. Thailand has provided these ships with humanitarian relief including food and water provisions.

14. Recommendations

1. *Take concrete measures to ensure the effective implementation of the Civil Registration Law as amended in 2008 to ensure the universal birth registration of children, regardless of the status of their parents;*
2. *Ratify the 1951 Convention on the Status of Refugees and 1967 Convention on the Reduction of Statelessness;*
3. *Adopt policies to ensure the equal treatment and non-discrimination of the Rohingya refugee population and other asylum seekers based on human rights norms and standards.*

⁸ The Equal Rights Trusts, in partnership with the Institute of Human Rights and Peace Studies Mahidol University, *The Human Rights of Stateless Rohingya in Thailand*, 2014, p. 13.

⁹ Report by NGO Equal Rights Trust, see: Equal Right Trust, *Equal Only in Name: The Human Rights of Stateless Rohingya in Thailand*, 2014, Section 1.4, pp. 12-13.

¹⁰ See the Mission to Thailand report of the UN Special Rapporteur on Trafficking in persons especially women and children, A/HRC/20/18/Add.2, para 66.

Indigenous Peoples and Minorities

First-Cycle UPR Recommendations

15. In the previous UPR, Thailand accepted several recommendations on human rights issues affecting ethnic minorities, vulnerable groups and the poor, but there was no specific reference on the indigenous peoples. These include the commitment to strengthen the implementation of policies and measures to protect the vulnerable social groups like (...) poor people, ethnic minorities (...) as well as to strengthen the general concept recognizing social and ethnic diversity in Thai society and protect [their] fundamental rights.¹¹

Legal and Institutional Framework

16. Regarding international instrument, Thailand is not a state party to the ILO Convention No 169 concerning the Indigenous and Tribal Peoples.
17. On 14 June 2014, the Military Junta's National Council for Peace and Order (NCPO) issued Order 64/2557, which aims to end deforestation and encroachment on forest reserves nationwide. Three days after, on June 17, the NCPO issued a subsequent order, 66/2557, which stated that operations carried out on the basis of order 64/2557 must not impact the poor, people with low incomes, and the landless who lived on the land prior to the order. A Master Plan on Solutions to Destruction of Forest Resources and Land Encroachment and Sustainable Forest Management was developed by the Internal Security Operations Command and the Ministry of Natural Resources and Environment as a tool for the implementation of Order 64. The NCPO aims to increase the forest cover in Thailand from its current level of 33% of the country (17.1 million hectares) to 40% (20.5 million hectares) within 10 years.

Promotion and Protection of Human Rights on the Ground

Right to land and natural resources

18. In order to increase the amount of land designated for forest preservation, the Forestry Master Plan has targeted provinces labelled as 'crisis zones'. These designations are reportedly based on instances of deforestation and encroachment carried out by local communities. Many of these 'crisis zones' are located in Northern Thailand, which has made indigenous forest community members fearful that the current NCPO Government will use Order 64 and 66 to take indiscriminate action against them.¹²
19. The issuance and implementation of Order 64 and Order 63 have been strongly criticised at national and international levels. After receiving 18 appeals from people in several areas regarding the implementation of Order No. 64/2557, the Thai National Commission on Human Rights expressed its concern through the Sub-Commission on the Rights Related to Lands and Forest, and the Sub-Commission on Community Rights. The Commission requested the authorities to cease or delay their operations in the areas designated in the Master Plan.¹³ The Commission also urged the NCPO to create processes that allow citizens to participate in and contribute to the considerations and decision-making steps made in relation to the Master Plan and its associated action plans.
20. In March 2015, the UN Office of the High Commissioner on Human Rights (OHCHR) in Bangkok issued a statement expressing its concern that the implementation of the Orders 64/2557 and 64/2557 has led to violations of international human rights standards, including the failure to ensure the free, prior and informed consent of communities and incidents of violence, intimidation and threats against those seeking to defend community rights.¹⁴
21. There have been several reports on the allegation of human rights violations based on the flawed implementation of Orders 64/2557 and 64/2557. In October 2014, 37 villagers of Jatrabiap, in the Isaan region of the North-eastern of Thailand, were arrested and held on bail. They were charged with illegally

¹¹ See A/HRC/19/8 para 89.23-27.

¹² Information from the Focus on the Global South, at <http://focusweb.org/content/statement-arrests-and-evictions-forest-dwellers-thailand>

¹³ See the statement of Thailand National Commission on Human Rights at <https://voicefromthais.wordpress.com/2014/10/02/nhrc-urge-ncpo-to-cease-master-plan-on-counter-deforestation-that-might-violate-communities-rights/>

¹⁴ See the statement of the UN OHCHR Office in Bangkok at <http://bangkok.ohchr.org/files/ROB%20Press%20Statement%20150311.pdf>

reclaiming and occupying a section of Phu Phan Reserve Forest,¹⁵ through the cultivation of rubber trees, which had been the main source of their livelihood for several years. However, disagreements have arisen between authorities and villagers on the status of the Reserve Forest. In 1972, the authorities designated the Phu Phan Reserve Forest as a national park, though the land has been claimed by the villagers as theirs for generations.

22. The NCPO, which declared its commitment to promoting the rights of the poor, has turned to adopt a policy against the poor. Orders 64/2557 and 64/2557 have been used by the current government to justify a campaign of forced evictions against many communities in forest reserves and to deprive these groups of their agricultural lands and livelihood. According to media reports, since the military coup, at least 18 communities across the country have been affected by NCPO Order 64.¹⁶ One of the latest cases was the killing of land rights activist, Mr. Chai Bunthonglek, a prominent member of the Southern Peasant's Federation of Thailand from Khlong Sai Pattana community, Surat Thani Province, on 11 February 2015. This case was raised by the UN Office for the High Commissioner on Human Rights, as were three prior murders¹⁷ and one disappearance of land rights activists carried out by unknown actors in Thailand.¹⁸
23. In April 2015, after lifting martial law, the NCPO issued Order No. 4/2558, giving cabinet members the ability to call for military assistance in matters of law enforcement. Under the order, military acting in this position carry the same authority as police officers and senior government officials, depending on the situation. This legislation was created to assist in the "protection of public interest" which the government cites as having been violated by increasing levels of encroachment on public spaces, including national parks and forest reserves.¹⁹ It is aimed at increasing the efficiency of forest protection measures being taken by the new government.
24. Many local communities fear that Order No. 4.2558 will be used to unjustly force people off of their land in these territories, regardless of their lawful or indigenous claim to the space. As these military men will now have the authority to act as both police officers and government officials, people evicted from their land might be forced to do so immediately or face significant punishment. There is also a fear that the military will use more physical force in carrying out their orders than law enforcement officers have in the past.

Birth registration of the indigenous peoples

25. Of particular concern is the birth registration of children born to stateless parents, especially those who belong to hill tribes living in the Northern provinces of Thailand, such as the Akna, Lanu, Lisu, Yao, Shan, Hmong, and Karen ethnic communities. Although exact numbers are not known, there may be as many as 2 million hill tribe people in Thailand – half a million of whom are stateless.²⁰ This number persists despite the efforts made by the Thai government to promote universal birth registration, including the 2008 amendment of the Civil Registration Act. In order to obtain Thai nationality, several documents, including a birth certificate, are necessary to complete the application. Other impediments to acquiring citizenship include the influence of corrupted officials and the discrimination of people from hill tribe communities, as is frequently manifested by negative attitudes towards ethnic minorities.²¹ Because many lack the necessary legal documents and requisite birth certificates, they are not eligible to start the application procedures. Consequently, they are considered non-citizens and denied the rights of citizens, including the right to vote, to own property or buy land, to seek legal employment, to work, or to freely move to other parts of the country.

26. Recommendation

1. *Revoke the implementation of Orders 64/2557 and 66/2557 and the Master Plan on Solutions to Destruction of Forest Resources and Land Encroachment and Sustainable Forest Management;*

¹⁵ Information obtain from The Isaan Record, see <http://isaanrecord.com/2014/10/19/isaan-poor-targeted-by-juntas-forest-policies/>

¹⁶ Information according to the International Federation of Human Rights (FIDH) see in <https://www.fidh.org/International-Federation-for-Human-Rights/asia/thailand/16260-thailand-address-human-rights-concerns-in-order-to-be-a-credible-and>

¹⁷ The other victims of murder were Ms. Montha Chukaew and Ms. Pranee Boonrat in 2012 and Mr. Somporn Pattanaphum in 2010.

¹⁸ See the statement of the UN OHCHR Office in Bangkok at <http://bangkok.ohchr.org/files/ROB%20Press%20Statement%20150311.pdf>

¹⁹ For coverage on the issue from the National News Bureau of Thailand see:

http://thainews.prd.go.th/centerweb/newsen/NewsDetail?NT01_NewsID=WNPOL5804090010002#sthash.N4zyBt6E.dpuf

²⁰ Estimation based on the research of Tilburg University, see: Conny Rijken *et al*, *The Nexus between Statelessness and Human Trafficking in Thailand*, 2015, p.28. [https://www.tilburguniversity.edu/upload/0ebb32a3-8b81-4dd3-b02d-](https://www.tilburguniversity.edu/upload/0ebb32a3-8b81-4dd3-b02d-51daa6c29578_Nexus%20between%20statelessness%20and%20trafficking%20-%20Thailand%20report.pdf)

[51daa6c29578_Nexus%20between%20statelessness%20and%20trafficking%20-%20Thailand%20report.pdf](https://www.tilburguniversity.edu/upload/0ebb32a3-8b81-4dd3-b02d-51daa6c29578_Nexus%20between%20statelessness%20and%20trafficking%20-%20Thailand%20report.pdf)

²¹ *Idem*, p. 33.

2. *Adopt and implement an effective policy based on the principle of Free, Prior and Informed Consent (FPIC) to involve affected communities, including indigenous peoples, in any and all decision making processes regarding policies which affect the full enjoyment of their rights.*
3. *Take concrete measures to ensure the effective implementation of the Civil Registration Law as amended in 2008 so as to ensure the universal birth registration of children, regardless of the status of their parents;*
4. *Ratify the ILO Convention 169 on the Indigenous and Tribal People.*

Migrant Workers

First-Cycle UPR Recommendations

27. In the previous UPR, Thailand accepted several recommendations on the human rights issues of migrant workers, including the protection of human rights, equal access to health and justice services and the adoption of measures needed to prevent arbitrary arrest, violence, abuse and exploitation.²²

Legal and Institutional Framework

28. Thailand is a state party to several International Labour Organization (ILO) Conventions, such as the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Worst Forms of Child Labour Convention, 1999 (No. 182).
29. Thailand is not a state party to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), nor the ILO Convention 189 on Domestic Workers. During the UPR of Thailand in 2011, Thailand did not accept the recommendations for the ratification of ICRMW.²³ Nonetheless, Thailand is committed to the protection of the basic rights of all persons, including migrant workers.²⁴
30. In 2006, Thailand signed a Memoranda of Understanding (MoU) with Cambodia and the Lao People's Democratic Republic regarding cooperation in the employment of workers from those two countries. Another MoU was signed in 2009 with Myanmar. These MoUs aim to regularise the recruitment of workers from these three countries before their arrival to Thailand. This provides for a more distinct legal status for migrant workers. The MoU provides for a maximum of four years of employment, after which the migrant must return home for a period of three years before he or she can reapply to work in Thailand. For the migrant workers who are already in Thailand, the Government of Thailand adopted a policy outlining the Nationality Verification (NV) process in which the regularisation of their status can be completed upon the verification of their nationality by their country of origin. In principle, the migrant workers who obtain the work permission through MoU or under the NV process should have access to social protection, through either the Social Security System or the Migrant Health Insurance program.²⁵

Promotion and Protection of Human Rights on the Ground

31. While there are no formal government statistics, the number of foreigners living in Thailand is estimated to be between 3.5 and 4 million, of which about 3.25 million are workers. Around 2.7 million of them come from Cambodia, Laos and Myanmar,²⁶ and are actively working or looking for jobs in Thailand's low-skill sectors.²⁷ The International Organization for Migration (IOM) reported that by July 2013, there were

²² See A/HRC/19/8 para 88.93-97.

²³ During the 1st UPR Cycle in 2011, there were three specific recommendations for Thailand to ratify the ICRMW (see A/HRC/19/8 para 89.8, 89.9, 89.10). They did not receive the support from the Government of Thailand (see A/HRC/19/8/Add.1 para 6).

²⁴ See A/HRC/19/8/Add.1 para 20.

²⁵ United Nations Thematic Working Group on Migration in Thailand, *Thailand Migration Report 2014* p.199

²⁶ United Nations Thematic Working Group on Migration in Thailand, *idem* p. xiv,

²⁷ International Labour Organization (ILO), Pungpond Rukumnuaykit, *A Synthesis Report on Labour Migration Policies, Management and Immigration Pressure in Thailand, 2009*, p1.

1,174,000 foreigners with work permits in Thailand, in both professional and low-skilled occupations.²⁸ However, the number of migrant workers with an irregular status, such as those who have not yet completed the NV process as required or otherwise do not hold work permits in Thailand, exceeds those with work permits.

32. On the 1st of April 2015, the Ministry of the Interior made a statement on the Government of Thailand's intention to set up a migrant worker system and one-stop service offices designated for the registration of migrant workers. One of the aims is to prevent migrant workers, especially those coming from Laos, Cambodia and Myanmar, from becoming the victims of human trafficking.²⁹
33. Despite the policies in place, migrant workers in Thailand have faced several challenges in having their rights respected and fulfilled. There have been reported cases of extortion during the NV process. For example, while the official cost for the registration is 1,050 Baht, according to a local NGO report, many workers from Myanmar had to pay 5 to 10 times more than this official fee.³⁰ In addition, they are also required to pay 500 baht if caught exceeding the 4 year visa limit, with the risk of being arrested, extorted by law enforcement officials or forced to buy unlawful protection cards in some provinces.
34. The implementation of the NV policy is considered by many to be more directly representative of the interests of employer than those of migrants. In addition, there is a lack of a human rights based approach to this process. This is demonstrated by the lack of outreach, information and support provided to migrants. Non-Governmental Organizations and other international organizations have been depended upon to provide these services.³¹
35. Without a regular status migrant workers are at risk of having their rights denied. They often face inequitable working conditions that jeopardize their welfare and/or health. In many cases, they do not receive pay in accordance with minimum wage laws, during periods of illness, injury, or maternity; or on a regular schedule. Excessively long workdays of 12 hours or more are not unusual in some sectors, and the non-payment of overtime wages has been frequently reported.³² They are not entitled to the Thai Social Security Scheme or other benefits stipulated in the Workmen's Compensation Act of 1994.
36. Currently, the Government of Thailand does not allow migrant workers to form their own unions or associations, or to go on strike. However, migrant workers can participate in Thai trade unions, but they are not allowed to serve on the executive committees of such groups.³³ This prohibits the formation of distinct migrant workers' unions, which could be provide a constructive platform for reaching collective decisions, carrying out negotiations and advocating for policies and practices affecting migrant workers' lives. The absence of such an opportunity constitutes a denial of their basic rights and it may put them at a greater risk for abuse.

37. **Recommendations:**

1. *Ratify the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW);*
2. *Take concrete measures to develop a comprehensive policy on migration, which should provide social protection in line with the rights of migrant workers and respect labour rights and standards.*

Trafficking in persons

First-Cycle UPR Recommendations

38. In the previous UPR, Thailand accepted several recommendations on human rights issues relating to trafficking in persons, including combating and suppressing the rehabilitation of victims of

²⁸ United Nations Thematic Working Group on Migration in Thailand, *Idem*, p.2.

²⁹ Information from Mekong Migration Network at <http://www.mekongmigration.org/?cat=19>

³⁰ As reported by Migrant Worker Rights Network, see <http://www.humanrightsinasean.info/campaign/myanmar-migrant-workers-thailand-face-visa-extension-and-passport-issuance-chaos-and>

³¹ United Nations Thematic Working Group on Migration in Thailand, p. 19

³² United Nations Thematic Working Group on Migration in Thailand, p. 32-33.

³³ United Nations Thematic Working Group on Migration in Thailand, p.125

trafficking.³⁴

Legal and Institutional Framework

39. Thailand is a state party to the UN Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. At the national level, Thailand adopted the Anti-Trafficking in Persons Act B.E. 2551 in 2008. Thailand has also signed the Association of Southeast Asian Nations (ASEAN) Declaration against Trafficking in Persons, with a particular focus on women and children.
40. In 2011, the UN Special Rapporteur on trafficking in persons, especially women and children made a country visit to Thailand. She came out with some recommendations.

Promotion and Protection of Human Rights on the Ground

41. Human trafficking and the smuggling of migrants are of serious concern in Thailand. In this regard Thailand is recognized as a country of destination, origin and transit. Significant numbers of workers in the fishing and seafood processing industries in Thailand are migrant workers. The recruitment for workers in this industry is largely based on informal recruitment processes, which has led to cases of human trafficking and human rights abuses. In 2014 Thailand was downgraded to a Tier 3 ranking in the U.S. Department of States' Trafficking in Persons Report.³⁵
42. According to information we have received from our contacts in Thailand, only a small number of migrants working on fishing boats have Thai work permits, or other forms of proper documentation. Most of them come from neighbouring Myanmar, but some also originate from Cambodia. The Study of IOM in 2011 found that
*"Working conditions on fishing boats are extremely arduous. Fishermen are expected to work 18 to 20 hours of back-breaking manual labour per day, seven days per week. Sleeping and eating is possible only when the nets are down and recently caught fish have been sorted. Fishermen live in terribly cramped quarters, face shortages of fresh water and must work even when fatigued or ill, thereby risking injury to themselves or others. Fishermen who do not perform according to the expectations of the boat captain may face severe beatings or other forms of physical maltreatment, denial of medical care and, in the worst cases, maiming or killing."*³⁶
43. Other human rights violations involving migrants working on fishing vessels include verbal and physical abuse, limitations on food intake, lack of medical access and instances during which those who fell ill were either beaten to continue working or left to die and thrown overboard.³⁷
44. Debt bonded labour has been identified amongst those working on fishing vessels. As many workers are unable to immediately pay the brokers who find them jobs aboard these ships, the wages of workers are often deducted until they can pay off those debts. However, this takes a significant amount of time, so many workers feel trapped and forced to work harder in already exhausting conditions.
45. There have been reports of government officials and policemen using their positions to exploit groups of Rohingya refugees and other detained migrants by selling them to third-party trafficking syndicates or directly into forced labor positions.³⁸ The Thai government has done little to investigate these claims and a similarly lax treatment has been given to policemen known to be protecting the interests of brothels who employ trafficked women and girls.³⁹

³⁴ See A/HRC/19/8 para 88.45-51

³⁵ See the United States Department of State, *2014 Trafficking in Persons Report-Thailand*, June 2014.

³⁶ A research conducted by the International Migration Office (IOM), *Trafficking of Fishermen in Thailand*, January 2014, see at <https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/thailand/Trafficking-of-Fishermen-Thailand.pdf>

³⁷ See A/HRC/20/18/Add.2, para 9-10.

³⁸ See U.S. Dept. State, *2014 Trafficking in Persons Report-Thailand*, June 2014. para 4.

³⁹ *Idem.* para 4,12.

Though the new Thai government has sought to crack down on human trafficking syndicates, in April and May 2015 a series of mass graves, believed to be largely comprised of trafficked Rohingya, were found near the Thai border with Malaysia.⁴⁰ Their location is believed to coincide with several temporary trafficking camps set up to hold refugees and migrants prior to their departure to Indonesia and Malaysia. Squalid and inhumane conditions within the camps are reported as having caused the deaths.

46. Recommendations:

- 1. Provide capacity building training for the law enforcement and judiciary officers to enable them to provide protection for the victims of trafficking in persons*
- 2. Provide protection for the victims of trafficking in person, including women and children, especially those who work on the fishing sector;*
- 3. Implement the recommendations of the Special Rapporteur on trafficking in persons, especially women and children during her visit in 2011;*
- 4. Ratify the ILO Convention No 188 concerning work in the fishing sector.*

⁴⁰ Human Rights Watch. *Thailand: Mass Graves of Rohingya Found in Trafficking Camp*, 1 May 2015. Article available at: <http://www.hrw.org/news/2015/05/01/thailand-mass-graves-rohingya-found-trafficking-camp>.