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Human trafficking for sex exploitation in Thailand

Abstract

Research paper addresses an issue of sex trafficking in the Kingdom of Thailand and analyzes it through external and internal perspectives. Firstly, legal framework of The Association of Southeast Asian Nations (ASEAN) in regards to human rights violations and its activities to eliminate the problem in the region are examined. Secondly, historical reasons of sex industry in Thailand, state of affairs and its consequences for the society are discussed and local government's activities are criticized. Lastly, sex tourism as a main cause of the problem is identified.

Keywords: *human trafficking, sex industry, sex tourism in Thailand, ASEAN*

Introduction

Term “slavery” rarely appears in the day-to-day vocabulary of XXI century person in its initial meaning. Its strongly negative connotation has been softened and adjusted as an unfair workforce treatment allusion, since the vast majority of Western world population most likely would consider “slavery” to be an archaism. However, changing linguistic definitions does not change the occurrence behind it. Slavery exists nowadays and is referred to as a notion of “human trafficking”. In accordance with the Trafficking in Persons Protocol of the United Nations year 2000, human trafficking is defined as trading of people with purpose to gain monetary benefit and covers cases of forced labor, sexual exploitation, eviction of body organs and transfer of people against their will. Human trafficking is in the top three most profitable illegal businesses, almost reaching to the level of weapons and drugs trade.

The Association of Southeast Asian Nations (ASEAN) is a political and economical entity of ten Asian countries. Established by an ASEAN Declaration (Bangkok Declaration) in August 1967, during the Vietnam War and border disputes in the region, by five founding states: Indonesia, Malaysia, the Philippines, Singapore and Thailand. In the following forty years five more countries joined the organization (Brunei Darussalam, Vietnam, Lao PDR, Myanmar, and Cambodia), making up its current ten member-states. In 2007 The ASEAN Charter was signed and the entity gained its legal power, which in practice means that all member-states ought to abide to any agreements signed by or within ASEAN.

Southeast Asian region is rapidly developing. With its territory three times as big as Europe and much higher density of population, this region enjoys outstanding economic growth. Majority of ASEAN agreements are concerned with economic issues, such as free trade between member-states and neighboring countries. Recently important united steps in the area of human rights have been taken – ASEAN Human Rights Declaration (AHRD) was signed in 2012; as well as certain international human rights agreements: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Convention on the Rights of the Child (CRC).

However, Lee and Lim (2013, p. 11) notice, that: “Human trafficking in the ASEAN region has been a persistent and complex problem for decades. The region continues to have one of the largest populations of trafficked persons in the world. An estimated one third of all women and children trafficked worldwide are from Southeast Asia, with 60% of these individuals residing in the ASEAN region”.

Therefore, this research paper will address an issue of human rights violation in one of the ASEAN countries, namely human trafficking for sex exploitation in the Kingdom of Thailand. First, legal framework of ASEAN in regards to human rights and efficiency of its implementation will be analyzed. Then, case study of sex exploitation in Thailand will be focused upon. Historical background, trafficking routes and impact of sex tourism in the country will be discussed, as well as government officials' contribution to the problem. Finally, ASEAN's activities to eliminate the problem will be examined and criticized.

Methods and materials

The methodology of qualitative analysis is used in this research paper.

Reading of legal documents, such as ASEAN Human Rights Declaration (AHRD), ASEAN Convention against Trafficking in Persons Especially Women and Children (ACTIP), Prostitution Prevention and Suppression Act, as well as U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) allowed to focus on certain provisions of those documents and trace whether they are applied in the real life situations.

The Evolving ASEAN Human Rights System by Gerard Clarke (2012) gave an insight into a complicated process of decision-making among member-states and explained important steps in drafting of AHRD, along with functions of other institutional bodies responsible for human rights discourse in ASEAN. *Implementing Human Rights in ASEAN Countries* by Li-ann Thio (1999) added historical background to this topic of research.

Utilizing case study of Kelsey Lee and Sau Lim (2013), or work of Sriprapha Petcharamesree (2013) made possible a deeper analysis of human rights violations, its reasons and consequences in Southeast Asia and Thailand in particular. While a case study by Nodwarang Niamvanichkul (2013) brought to the spotlight issue of sex tourism and its significance in contribution to growing problem of sex trafficking in Thailand.

It is important to admit that the topic of human trafficking in ASEAN countries is widely covered by scholars of different fields of humanistic disciplines from all around the globe, and many of their papers are easily obtained through open source domains on the Internet.

Results and analysis

To begin with, human trafficking can be divided into three major types: labor, sex and child trafficking.

Labor trafficking is characterized by inhuman working conditions, poor healthcare, little or no pay for services performed by workers, who are oftentimes held in captivity without any possibility to connect to the world outside. In many cases victims are kidnapped or tricked by recruiters and transported to locations distant from their place of inhabitation. All legal documents are withdrawn from victims and debt bondage is implemented. Victims are put under conditions when their reward for services goes as a pay for benefits they receive at a workplace. For instance, fee for housing or food of workers is counted out of their salary and usually exceeds the salary itself. Hence victims get no monetary reward for their services and are being under a constant threat of “rising prices”, thus are made to overperform.

Sex trafficking is a distinct form of labor trafficking as it keeps all stated above characteristics of it, but affects mostly women and children. However, cases of male victims also exist, they are far rarer. As it is implied by its name, victims of sex trafficking are made to engage in sexual activities without their consent (which ought to be qualified as rape). They are often drugged or frequently beaten to lower their spirit and create an atmosphere of doom. Recruiters prey on victims who look for better employment, in need to support families or are willing to travel away from their country.

Unlike labor or sex trafficking, child trafficking is mostly voluntary. Families sell their children out of desperation in order to pay off the debts. Those children, under the control of criminal organizations, are made to commit offences, beg for money, or in worst cases have their body organs removed for sale. Children also commonly work in sex industry.

All those types of human rights violations take place in Thailand on regular basis.

Lio-ann Thio (1999) suggests possible reasons why human trafficking is proliferating in the ASEAN region. First of all, historical heritage with its long-lasting tradition of discrimination against women and minorities, practices of prostitution and polygamy, colonial slavery. Secondly, negative impact of American soldiers in Vietnam, which directly links to nowadays sex tourism. However, most importantly – interregional migration through undocumented channels, which makes it easy for traffickers to kidnap people on their way to job destination or trick them to another place. So-called “push and pull” factors explain this phenomenon. Two biggest destination countries in the region

are Malaysia and Thailand. Both countries have quickly developing economies and hence high demand for cheap, efficient labor. They “pull” workers from neighboring countries and offer them at least some employment, while their poor countries “push” them out in search of living resources. Nearly third of such migrant workers travel undocumented and are easily trapped by traffickers (Thio 1999).

Human rights principles encounter difficulties while penetrating Southeast Asian region. AHRD in 2012 met criticism from Western society: “It is duty-oriented, counterbalancing the rights of individuals with corresponding duties to states and wider communities. It sets out substantive »positive« rights (especially economic and social rights), and more tentative »negative« rights (or civil liberties), framed by support for government intrusions such as the use of capital punishment and limitations on the grounds of »general welfare«, »public morality« and other criteria. It promotes controversial third generation rights, including collective rights to development and to peace. These features may suggest that it espouses a cultural-relativist position, in opposition to the universalist norms of international human rights law, and therefore outside the interdependent structure of regional and global human rights systems” (Clarke 2012, p. 24).

Nevertheless, Declaration is an important step for ASEAN countries, which took them forty years to make. The main weakness of this document is its non-binding, advisory tone and lack of clear procedures or institutions. De facto, victims of human trafficking did not get empowered by it, nor have they received any credibility or legal defense.

Bringing our attention to Thailand, despite being a signatory party to international agreements, such as Prostitution Prevention and Suppression Act (1996), Measures in Prevention and Suppression of Trafficking in Women and Children Act (1997), UN Convention of the Rights of a Child (1992), human rights violations are commonplace in the kingdom and are even facilitated by the local government.

According to Nodwarang Niamvanichkul (2013), who stated that Thailand is a source, transit and destination country for sex trafficking, 80% of sex workers in country originate from neighboring Burma, while Thai citizens are transported to Australia, United States and Japan.

Historical perspective sheds a light on abundant Thai sex industry. Up until year 1905 prostitution along with the slavery was legal and taxed by the kingdom, which makes it only a century of equality and freedom versus thousands of years of servitude and collective mentality heritage. Right after King Rama V's abolition, most of women kept their previous lifestyles since it provided them with stable income and possibility

to support their families, thus the tradition continued. In the eyes of community with strong gender roles, marital infidelity on husband's side is acceptable and even praised, which leads to tolerant attitude to sex industry.

As for now, Thailand sex industry, despite being illegal and profits run undercover, brings enormous benefits to the country's economy. Those investments for development meet no opposition from the government. In fact, corruption level of Thai officials and law enforcement is incredibly high and they equally profit from sex industry while using its services for free.

As a result of government cover for sex industry, it provides ill support to victims of human trafficking. First of all, officials seem not to be able to accurately identify victims. In another words, people who suffered from their rights violations are criminally charged for them (for prostitution) or deported from Thailand (for undocumented labor). In case victims were able to file a complaint into one of hardly accessible courts, they will be held in state institutions throughout the whole investigation process. Moreover, unless victim has enough money to hire private legal representation, the state will most likely fail to provide him or her with it. Unfortunately, a vicious circle occurs. The only purpose of this complicated and unfair procedure is to scare away human trafficking survivors from seeking any just treatment since it can provoke a public outrage with following negative publicity; and as for now, it works.

Thailand is considered to be the largest sex tour operator in the world. Sex services are offered on each corner: in bars, restaurants, massage salons and karaoke clubs. Night streets of Bangkok are filled with explicit advertisement of various sex services; many of them include underage sex or approval of violent treatment of workers. Prices are the lowest in the world – 15\$ is an overage fee for any kind of service, although the money earned rarely go to prostitutes directly. Sex industry is controlled by local Thai and Russian mafia, who are the main profiteers. Sex workers are oftentimes held in captivity, ill-treated, stripped of any documents or means of connection to the outside world. They are forced to engage in sexual activities up to ten times a day. Notorious number of children (up to 33,000) work in sex industry out of fear of starvation (Hays 2012)

Discussion

To summarize written above, situation within the kingdom appears to be nearly hopeless and hardly resolved without any external interference. In fact, the only visible solution is to stop sex tourism as it appears to be the core of the problem. Even though lately,

in the light of proliferation of AIDS and other health issues in Thailand, the government is looking for ways to gain control over the situation, its direct economical interest in profits from sex tourism obstructs it from acting effectively. According to *Trafficking in Persons Report (2015)*, The Kingdom of Thailand is considered to be Tier 2 country, which means that its activities in Prevention, Prosecution, and Protection (Three “P”s) and Rescue, Rehabilitation, and Reintegration (Three “R”s) need to be significantly improved.

As for ASEAN’s input into resolving the problem, it is not anyhow influential mostly due to its “ASEAN Way” policies, slow-advancing and non-binding. Petcharamesree (2013, p. 57) elaborates on this topic: “It seems that any reconciliation between the principle of human rights and that of non-interference is not foreseeable in the near future. Resistance to the universal concept of human rights, a trade-off between two categories of rights as well as rights and duties, and the strict principle of non-interference in internal affairs have prevented ASEAN from setting out any clear human rights policies or including any human rights elements in their cooperation agenda”. In essence, ASEAN had minimal success in facilitating any fruitful dialogue between source and destination countries to produce any kind of working law agreement or change existing unfair laws towards trafficking victims. Having reviewed weaknesses in ASEAN approach, the main obstacle was identified – strong policy of anti-interventionism into sovereign member-states; along with lack of political initiatives.

This research paper has focused on human rights violations in regards to sex trafficking in the Kingdom of Thailand; its reasons, state of affairs and consequences for the society. Due to Thailand’s membership in ASEAN, activities in the field of elimination of this problem were looked upon through internal and regional perspective. Sex tourism as a main cause was identified. Limitations of this research appear to be lack of in the field experiment; inaccessibility of truthful data on money revenue from the interested parties (criminals, traffickers, government); impossibility to identify actual number of victims; lack of access to classified documents and legislative drafts.

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