

July 27, 2015

The Honorable John F. Kerry  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Re: Thailand's designation in the 2015 Trafficking in Persons Report

Dear Secretary Kerry:

We write today to support the State Department's decision to maintain Thailand's Tier 3 designation in the 2015 *Global Trafficking in Persons Report*. We believe the Tier 3 ranking, as well as the research and recommendations contained in the report, will be an important tool for governments, international institutions, companies and investors to continue to press the Thai authorities to enact more substantive reforms to end the labor trafficking that can be found in many sectors of Thailand's economy, including seafood.

This decision comes at a vital time for leveraging change from the Thai government in its anti-trafficking efforts. Last year's downgrade to Tier 3 in the 2014 TIP Report, the decision by the European Union to issue Thailand a "yellow card" for its failure to adequately monitor its fishing industry, and high-profile global media exposés of human trafficking in Thailand's fishing industry have together produced an unprecedented level of international pressure on Thailand to address its significant human trafficking problem. The Thai government has demonstrated its willingness to respond to that pressure, and has taken a few encouraging actions. In particular, efforts to register migrant workers, passage of the Regulation to Protect Labour in the Sea Fishing Industry, and reforms to the Fisheries Act that increase regulation and oversight of fishing vessels are positive steps.. However, the government only began making these regulatory changes toward the end of 2014, many of them weren't operational until mid-2015, and we remain deeply concerned that failure to effectively enforce these laws and policies may render those changes ineffectual. The U.S. decision to leave Thailand on Tier 3 until it demonstrates greater political commitment to enforce these new laws and regulations reflects an accurate assessment of Thailand's efforts to combat human trafficking and will serve as a powerful incentive for Thailand to take further steps.

The State Department's decision will keep pressure for substantive changes by Bangkok. In particular, Thailand needs to demonstrate it is willing to enforce newly established mechanisms to increase transparency and regulatory accountability within its seafood industry, and apply those mechanisms to combating human trafficking by conducting more frequent inspections at sea, ensuring inspectors are trained to identify and respond to the needs of trafficking victims, and cracking down on the trade of fraudulent crew manifests and identification documents at ports.

Another issue that requires urgent US attention is Thailand's use of criminal defamation and the Computer Crimes Act to prosecute journalists and human rights defenders. This month, Phuketwan journalists Alan

Morison and Chutima Sidasathian, and migrant rights defender Andy Hall faced court proceedings. If they are found guilty, it will have a chilling impact on the ability of trafficking victims to speak out and seek justice. Thailand should not be prosecuting journalists and activists for doing their jobs, and these court trials belie Thailand's claims that it is working with civil society to address human trafficking issues.

Finally, Thailand should ensure that migrant workers have the right to associate and organize to protect their rights, including the right to form unions. The US should press Thailand to adopt key International Labor Organization conventions – including Conventions No. 87 on Freedom of Association and No. 98 on Collective Bargaining, as well as the new Protocol to Convention No. 29 Against Forced Labor (which Thailand has ratified) – and bring its laws into compliance.

We are committed to continue our efforts to press the government of Thailand toward making substantive changes to end human trafficking, and today's decision will aid our efforts. We thank you for your work to combat human trafficking, and look forward to continuing our engagement with the Bureau of Democracy, Human Rights, and Labor; the Bureau of East Asian and Pacific Affairs, and the U.S. Embassy in Bangkok to secure the outcome that we all want: the end of human trafficking in Thailand based on changed laws and policies, and effective enforcement on the ground. You can respond via Abby McGill, director of campaigns at the International Labor Rights Forum, by email at [abby@ilrf.org](mailto:abby@ilrf.org) or phone at (202) 347-4100, ext. 113

Sincerely,

The logo for the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), featuring the text "AFL-CIO" in a bold, blue, sans-serif font.

1. American Federation of Labor and Congress of Industrial Organizations



2. Anti-Slavery International



3. The Child Labor Coalition



4. Environmental Justice Foundation



5. Green America



6. Greenpeace



7. Fairfood International



8. Fair World Project



9. Finnwatch



10. Fish Wise



11. Food Chain Workers Alliance



FORTIFY  
RIGHTS

12. Fortify Rights



13. Free the Slaves



14. The Freedom Fund



15. Human Rights and Development Foundation



16. Human Rights at Sea



17. Human Rights Watch



18. International Labor Rights Forum



19. International Transport Workers' Federation



20. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)



21. Lawyers' Rights Watch Canada



22. National Consumers League



23. National Guestworker Alliance



24. Slave Free Seas



**Uniting Church in Australia**  
SYNOD OF VICTORIA AND TASMANIA

25. Synod of Victoria and Tasmania  
Uniting Church in Australia

cc: Thomas E. Perez, Secretary of Labor

Daniel Russel, Assistant Secretary of State for East Asian and Pacific Affairs

Tom Malinowski, Assistant Secretary for Democracy, Human Rights and Labor

W. Patrick Murphy, Charge d'Affaires a.i., US Embassy in Thailand

Patricia A. Butenis, Acting Director, Office to Monitor and Combat Trafficking in Persons