

****An unofficial Thai translation of this letter is attached****

Gen. Prayuth Chan-ocha
Prime Minister
Royal Thai Government
Government House
Pitsanulok Road, Dusit
Bangkok 10300 Thailand

January 14, 2015

Re: Recruitment of Prisoners to Work on Thai Fishing Boats

Dear Prime Minister Prayuth Chan-ocha:

We write today on behalf 45 regional and international nongovernmental organizations and labor associations to express our deep concern about a pilot project proposed by the Thai Ministry of Labour (MoL) to recruit prisoners to work on Thai fishing vessels. As outlined to date, this project poses a serious threat to the human rights of prisoners, and use of their labour will violate international human rights standards and codes of conduct of many international companies. The project will also likely fail to address the fundamental causes of the labour shortage that fuels trafficking in Thailand's fishing industry. If implemented, this initiative could strengthen arguments that the Thai government is unwilling to take serious steps to address human trafficking on fishing boats and could threaten any possible upgrade of Thailand's Tier 3 rank in the forthcoming 2015 US Trafficking in Persons (TIP) Report rankings.

As you may be aware, the fishing industry plays a vital part in Thailand's economy. From January to May 2014 alone, fishery production accounted for exports worth 89,596 million baht (based on the export 704,658 tons of seafood products).¹ The fishing industry employs upwards of 300,000 people, 90 percent of whom are migrant labourers.² The vast majority of those working on fishing boats are not legally registered to work in Thailand, and they are highly vulnerable to abuse. Reports over the last several years have demonstrated that many in the Thai fishing fleets are willing to exploit these fishermen to increase their profit margins. A string of stories throughout 2014 in news outlets including the BBC,³ Reuters⁴ and the *Guardian*⁵ exposed horrific working conditions including human trafficking, debt bondage, physical abuse, murder, non-payment of wages, confinement and 20-hour working days on some Thai fishing boats. These brutal and inhumane working conditions are the most significant reason why there is a prevailing labour shortage in the fishing industry.

Simply replacing vulnerable migrant workers with released prisoners will not solve the abusive working conditions and many other problems present in the Thai fishing industry. While the MoL has made assurances that prisoners will only be voluntarily recruited for this project, this does not diminish the fact that people in prison are often subject to coercion from prison authorities, and that it will be extremely difficult to ensure that those being sent to fishing boats are actually volunteering to do so. The MoL has

¹Foreign Fisheries Affairs Division, Department of Fisheries, Ministry of Agriculture and Cooperatives, "Information on Fisheries Exports, Years 2007-2014", ;

http://www.fisheries.go.th/foreign/index.php?option=com_content&view=category&id=16&Itemid=14

² Kate Hodal and Chris Kelly, *The Guardian*, "Trafficked into Slavery on Thai Trawlers to Catch Food for Prawns," June 10, 2014, <http://www.theguardian.com/global-development/2014/jun/10/-sp-migrant-workers-new-life-enslaved-thai-fishing>.

³ Becky Palmstrom, BBC, "Forced to Fish: Slavery on Thailand's Trawlers", Jan. 23, 2014, www.bbc.co.uk/news/magazine-25814718.

⁴ Jason Szep and Andrew R.C. Marshall, Reuters, "Special Report: Thailand Secretly Supplies Myanmar Refugees to Trafficking Rings", Dec. 4, 2013, www.reuters.com/article/2013/12/05/us-thailand-rohingya-special-report-idUSBRE9B400320131205.

⁵ Kate Hodal and Chris Kelly, *ibid*.

also repeatedly demonstrated that it cannot effectively monitor conditions of work and timely payment of wages on Thai fishing vessels, and has done little to effectively rectify this regulatory deficiency. Thus, the Thai government is not in a position to fulfill the MoL's claims that prisoners placed on these ships will be treated in line with Thai labour law, nor can it provide reasonable assurances that these prisoners will not end up in conditions of forced labour.

Furthermore, prison labour for commercial, for-profit purposes is a violation of international norms and standards. Under the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by the U.N. as guidance, prison labour must be of a vocational nature, not used as punishment, and prisoners should be allowed to choose the type of work they wish to perform. The work must not be driven by financial motives, and no prisoner should be forced to work for private entities. In addition, International Labour Organization Convention No. 29 on Forced Labour, which Thailand has ratified, states that prison labour for private entities may be only undertaken by consent of the prisoner. Though the details of the plan proposed by the MoL have not been made public, it would apparently violate these rights standards given the lack of choices for prisoners to work other than on fishing boats, and the clear for-profit motives of Thai fishing boat owners.

The reputation of the Thai fishing industry is already suffering from critical coverage by the international media that has documented the use of forced labour and human trafficking. International and Thai companies buying Thai seafood have had to increase their scrutiny over their purchases of seafood originating in Thailand to try and avoid buying products produced by forced labour, and some international companies have already decided simply not to source seafood from Thailand rather than deal with that risk.

This ill-advised and rights-threatening program to place prisoners on fishing boats will significantly add to the bad reputation of Thailand's seafood products. If the program goes forward, international companies buying Thai seafood will face both new reputational hazards with consumers, and increased scrutiny from government regulators tasked with preventing imports of goods made with forced labour.

Major Western retailers are unlikely to want to purchase products sourced or made with prison labour and can be expected to order their purchasing agents to avoid any products from boats tainted by this prison work program. Negative publicity may taint the entire fishing industry further, beyond those vessels with prisoners working on board.

If this program goes forward, we will raise our concerns with the United States Department of State as it considers how to assess Thailand's performance on trafficking in persons (TIP) in the coming months. As you know, abuses in the seafood industry were one of the primary reasons Thailand was downgraded in the State Department's annual TIP report to Tier 3 in 2014. This prison labour program will be another black mark on Thailand's record, indicating Thailand is failing to tackle abuses and forced labour in the Thai fishing fleets.

The Thai government should recognize the only way to address the labour shortage on Thai fishing vessels is to make enforcement of labour laws on fishing boats a priority and improve conditions so that the sector can attract workers to voluntarily work on the boats. Such a policy and course of action would provide positive outcomes for all stakeholders: fishermen are assured their rights will be respected, Thai industry can count on a steady supply of workers, and Western seafood buyers can rest assured that their supply chain is not blighted by forced labour. The Thai government should realize that the prison labour scheme will lead in precisely the opposite direction of these possible positive outcomes.

In conclusion, the Thai government should immediately and unequivocally end any further consideration of a policy to place prisoners as workers on Thai fishing fleets, and terminate all steps by the Ministry of

Labour and the Ministry of Justice to implement such a pilot program. By doing so, the Thai government will protect the Thai seafood industry as a major export sector while at the same time hopefully making it possible to move toward a future where the rights of all workers on Thai fishing boats are fully respected and human trafficking is eradicated.

Sincerely,

International Organizations		
1.	 Business & Human Rights Resource Centre	Business and Human Rights Resource Centre
2.	 FORTIFY RIGHTS	Fortify Rights
3.	 HUMAN RIGHTS AT SEA	Human Rights at Sea
4.	 HUMAN RIGHTS WATCH	Human Rights Watch
5.	 ITUC CSI IGB	International Trade Union Confederation (ITUC)
6.	 IUF UITA IUL	The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)
7.	 MIGRANT FORUM ASIA	Migrant Forum in Asia
8.	 Sum Of Us	SumOfUs
9.	 WALK FREE THE MOVEMENT TO END HUMAN TRAFFICKING	Walk Free

Asia/Pacific

10.		Australian Council of Trade Unions (ACTU)
11.		Cambodian Center for The Protection of Children's Rights
12.		Chab Dai Coalition, Cambodia
13.		Community Legal Education Center, Cambodia
14.		Community Resource Centre, Thailand
15.		Equitable Cambodia
16.		Greenpeace Southeast Asia
17.		HAGAR, Cambodia
18.		Healthcare Center for Children, Cambodia
19.		Humanitarian Organisation for Migration Economics (HOME), Singapore
20.		Human Rights and Development Foundation, Thailand
21.		KontraS, Indonesia
22.		Labour Rights Promotion Network Foundation (LPN)

23.		LBH Jakarta, Indonesia
24.		Migrant Workers Rights Network, Thailand
25.		National Council of Jewish Women of Australia (Victoria)
26.		SEALawyers
27.		Slave Free Seas, New Zealand
28.		State Enterprises Workers' Relations Confederation (SERC), Thailand
29.		Thai Labour Solidarity Committee (TLSC)
30.		Textile Clothing and Footwear Union of Australia
31.	 Uniting Church in Australia SYNOD OF VICTORIA AND TASMANIA	Uniting Church in Australia, Synod of Victoria and Tasmania

North America		
32.		American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), United States
33.		Coalition to Abolish Slavery & Trafficking (CAST), United States
34.		Fair World Project, United States

35.		FishWise, United States
36.		Food Chain Workers Alliance, United States
37.		Green America, United States
38.		Humanity United, United States
39.		International Labor Rights Forum, United States
40.		National Consumers League, United States
41.		United Food & Commercial Workers International Union, CLC, United States & Canada

Europe		
42.		Environmental Justice Foundation, United Kingdom
43.		Fairfood International, Netherlands
44.		Finnwatch, Finland
45.		Trades Union Congress (TUC), United Kingdom