

SIREN case analysis

STRATEGIC INFORMATION RESPONSE NETWORK

United Nations Inter-Agency Project on Human Trafficking (UNIAP): Phase III


PHNOM PENH, CAMBODIA

22 April 2009

CB-03

EXPLOITATION OF CAMBODIAN MEN AT SEA

FACTS ABOUT THE TRAFFICKING OF CAMBODIAN MEN ONTO THAI FISHING BOATS

KEYWORD	<ul style="list-style-type: none">▪ Location: Cambodia, Thailand, Malaysia▪ Topic: Recruitment; labor exploitation; fishing industry▪ Information type: Case analysis from 18 months of casework; n=49
Synopsis	<i>Fact sheet on the recruitment, trafficking, and exploitation of Cambodian men onto Thai fishing boats, based on 49 cases of victims who escaped in Thailand or Malaysia and were assisted in their return home.</i>
Author	 UNIAP UNITED NATIONS INTER-AGENCY PROJECT ON HUMAN TRAFFICKING ¹

An estimated thousands of Cambodian men, women, and children are trafficked annually to Thailand for the purpose of labor exploitation. Some of the worst exploited are the men and boys who are deceived onto long-haul fishing boats that fish the waters of the South China Sea, including into Malaysian waters². These boats, out to sea for up to two years or more, become virtual prisons on which the trafficking victims endure inhumane working conditions, and physical abuse. Death at sea is frequently reported, sometimes at the hands of the Thai boat captains. The only way to escape is to jump ship when the boat goes ashore for registration/documentation purposes in places like Sarawak, Malaysia.

This SIREN report summarizes the facts about the trafficking of 49 Cambodian men and boys trafficked onto Thai long-haul fishing boats and assisted over the past 18 months by a network of responders spanning Cambodia, Thailand, and

Malaysia. There are some variations in the scenarios faced by these men and boys, but the common theme is deception and debt bondage by two or more Khmer and Thai brokers; their sale to a Thai boat owner for 10,000-15,000 Baht³; slave-like working conditions at sea, including beatings, deprivation of food, inhumane work hours (for example, working 3 days and nights straight when nets need to be mended), lack of medical treatment for illnesses and injuries, and threats of death; and sometimes, reportedly, murder.

Some of these victims escape their enslavement by jumping ship, but often their suffering does not end here. In Sarawak, Malaysia, brokers feed exploitative palm oil and rubber plantations with the labor of these men and boys, who are easily recruited as they flee from the Thai boat captains and their agents who operate in the vicinity of the port. Some victims are picked up by police or immigration officials instead of brokers (sometimes leading to arrest, fines, caning, and deportation; sometimes leading to plantation work). Some victims surrender to the authorities immediately, in hopes of a swift deportation home. None were screened as trafficked persons.

¹ This report reflects the collaboration and learning of many agencies involved in these cases, including non-government partners IOM, LICADHO, and LSCW in Cambodia, and Tenaganita in Malaysia; and government partners MoFA, MoSAVY, and MoWA in Cambodia; Immigration authorities in Malaysia; and MOJ's DSI in Thailand.

² Olivie, Andre (2008). *Identifying victims of human trafficking among deportees from Thailand*. UNIAP.

³ Around \$287-430 US Dollars, at the current exchange rate of 34.8 Baht/dollar.

CASE SUMMARY

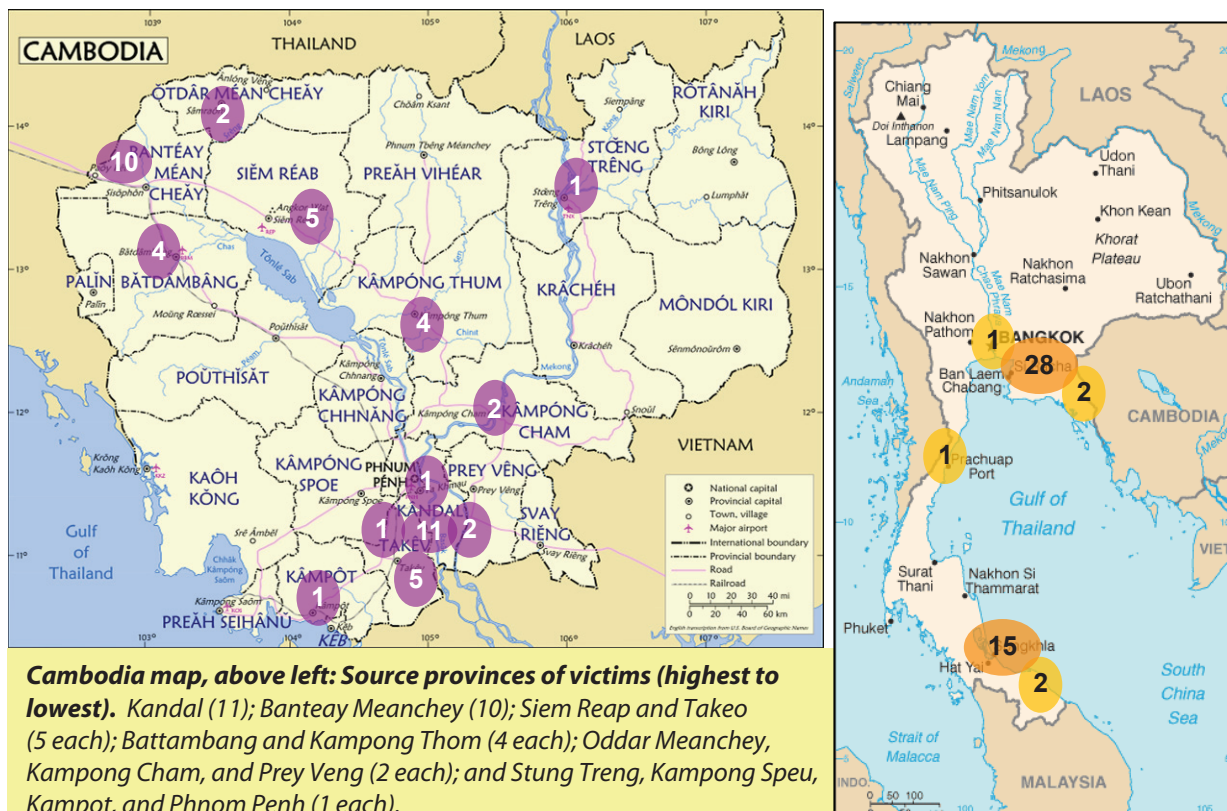
49 Cambodian men and boys trafficked onto Thai long-haul fishing boats and assisted in Thailand or Malaysia, June 2007 – December 2008 (18 month period)

The sample of cases included in this analysis are Cambodian men and boys who met four criteria: (1) they were trafficked onto Thai fishing boats; (2) they escaped the boats; (3) they were identified and assisted in the past 18 months by a network of responders in Cambodia, Thailand, and Malaysia; and (4) they have been safely returned to Cambodia. These men and boys were interviewed by UNIAP staff in Khmer language, in or near their home villages.

There are dozens of similar cases that government and NGO responders have assisted prior to this reporting period, and there are also many cases 'in progress' of victims who have been traced and located, but not yet safely returned home. These cases will not be included, for the sake of clarity.

Origin provinces in Cambodia and destinations in Thailand for the 49 victims

10 of the 49 men and boys were from Banteay Meanchey province and 11 of the 49 men were from Kandal province. The high representation in these two provinces is due to the fact that two of the major cases covered in the past 18 months were reported by family members in these provinces, where large groups of men were trafficked *en masse* onto the same boats. In total, the 49 men originated from 13 provinces – a fairly wide distribution across Cambodia. In Thailand, 57% of the victims were trafficked onto boats in Pak Nam, Samut Prakan province, and 31% onto Songkhla boats.



With regard to age, 18% of the 49 victims were children at the time that they were recruited and forced onto the boats; the remainder were adults.

Age of victims at time of recruitment

[Age range: 15-53]

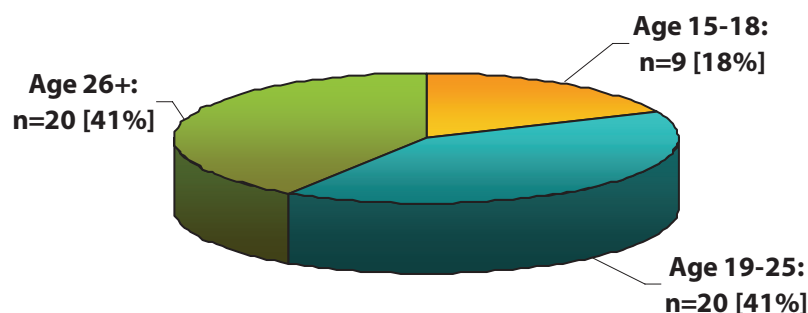


Photo (right): Three of the younger rescued victims from the sample of 49, interviewed in their home village (December 2008).



From village to fishing boat: Networks of Cambodian and Thai brokers, organized in a few different ways, deceive the victims onto the fishing boats for the purpose of exploitation for two years or more.

Most of the victims are able to clearly describe the abuses they suffered and by whom, with descriptions of the brokers, exploiters, and locations involved in their abuse, as well as the promises made and broken. The following quote illustrates a typical scenario of credit bondage (withholding of payment to compel the worker to not escape, in the hopes that he will eventually receive the full payment owed to him), followed by cheating.

"I could get 6,000 Baht per month, but I had never received my salary. My boss did not give me my salary and he asked me to wait for next month, again and again. When I worked for 1 year I tried to ask him for my salary. He gave me 20,000 Baht for 1 year that I worked for him. I sent all of my money to my mother in Cambodia through [the broker]. But [the broker] did not send my money to my mother, he kept it for himself." - 21-year-old victim from Prey Veng

As illustrated in the quote below, victims were also able to easily ascertain the nationalities of all brokers, transporters, and exploiters involved – that is, whether they were Cambodian or Thai.

Question: Did anyone help you on the Thai side of the border...help you to arrange transportation or work?

Answer: A Thai broker helped me to go to Thailand, and found a job for me.

Question: Did you pay this person? How much? What do you know about this person?

Answer: I did not pay them. When the Thai broker drove me to my work, he took 2,500 Baht from my boss so I needed to work for my boss in order to return his money back. I did not know the Khmer or Thai brokers before. The first Khmer broker's name is [name deleted] and his age is around 28-29 years old. He is Cambodian and his occupation was to bring people from Cambodia to work in Thailand. And he transferred money from Cambodian people who were working in Thailand to their family in Cambodia. The second Khmer broker was a man, Cambodian, aged around 25 years old. I thought maybe he was a soldier because when I met him, he wore a soldier uniform. The Thai broker's age was around 27...he was Thai, [name deleted]. - 23-year-old victim from Prey Veng

An analysis of the recruitment/brokering of the 49 victims reveals the following broker/trafficker patterns and practices.

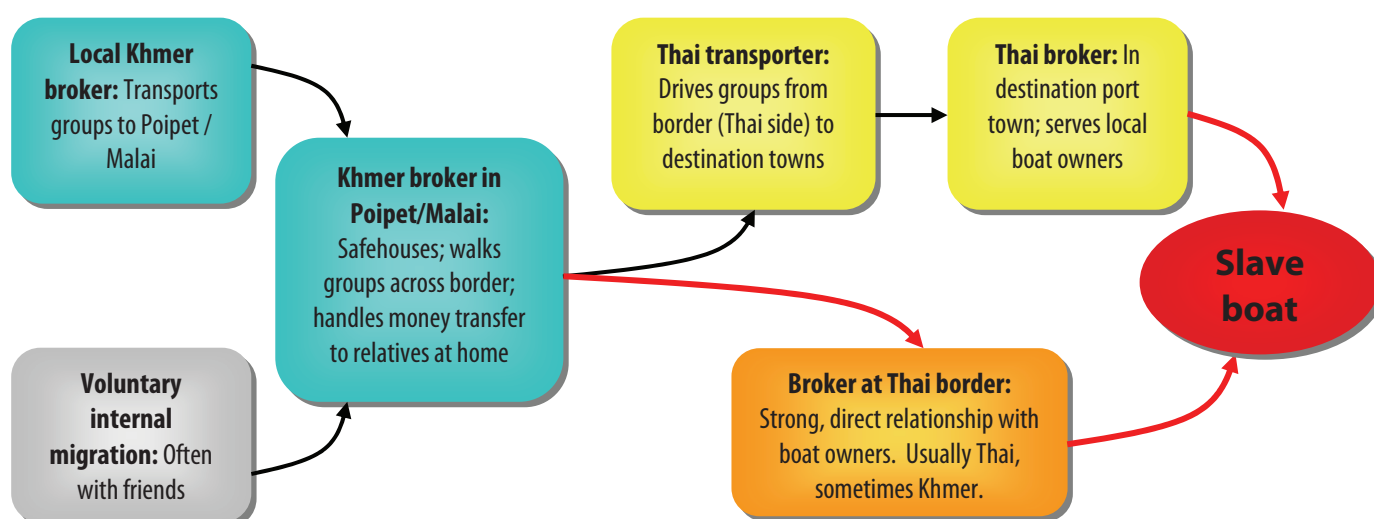
PROMISES MADE AND BROKEN

Reported tricks and promises of brokers

Monthly earnings in Thailand promised by brokers to victims	3,000-7,000 Baht (USD \$86-\$200)
Amount earned by brokers from selling victims to boat owners or captains	10,000-15,000 Baht (USD \$287-\$431)
Amount earned by intermediary brokers and transporters	1,500-2,500 Baht (USD \$43-\$72)
Job promised by broker to victim	Usually no specific job is promised. Sometimes factory or construction jobs are promised.

Pathways to slavery. Broker/trafficker networks feeding exploitative long-haul fishing boats.

**Red arrows indicate clear linkages to exploitation. The yellow and orange pathways were about evenly represented in the sample. Enforcement responses should focus on the links to exploitation.*



On the long-haul boats: Victims typically experience numerous forms of severe exploitation at sea, including beatings to the head and body, starvation, lack of pay, and psychological trauma from witnessing violence and murder.

Virtually all of the men and boys reported enduring the following exploitative conditions and treatment: beatings to the head and body; threats to life; trauma from witnessing violence, death, and murder; inhumane working hours (sometimes up to three days and nights straight); sleep and nutritional deprivation; and extremely hazardous, sometimes life-threatening, working conditions. All of the long-haul boats seemed to be out to sea for two years or more, served by supply boats providing supplies, fuel, ice, and new workers (and picking up fish) while closer to Thailand, and making cyclical stops to the Sarawak shore while in Malaysian waters. According to the victims, men are traded from boat to boat in the open sea as manpower needs change.

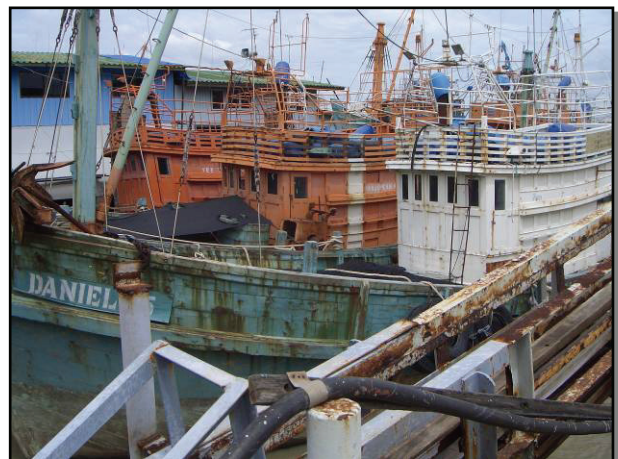
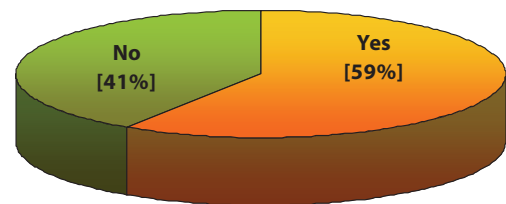
"We were beat frequently by the Thai crew, on the back of the head and across the back. The captain had a gun. On shore [on Sarawak] we saw a Thai captain decapitate a Vietnamese fisherman, and another Thai captain decapitate a Thai fisherman."

- 19-year-old victim from Banteay Meanchey

"My boss used bad words toward me, beat me, forced me to do hard work, and threatened me that if I braved to run, he would shoot me. There were a lot of big waves in the sea. It was not safe. A worker died because he fell into the sea and my boss knew it as well, but he did not return the boat to save him."

- 21-year-old victim from Prey Veng

Proportion of victims who report witnessing a murder by the boat captain



**Photos (above): Examples of fishing trawlers, Pak Nam, Samut Prakan, Thailand (August 2008).
Photo credits: UNIAP.**



Photo credit: Melissa Brennan.

Photo (above): Fishing trawler, Songkhla, Thailand (August 2007).

***Post-escape experiences in Thailand and Malaysia:
Re-trafficking and extortion await many escaped trafficking victims.***

After jumping ship, what happened to the escaped victims in Malaysia? This sample presents a bias in victims who were found and deported (as opposed to those re-trafficked onto plantations and not found); however, it is still instructive to examine some of the outcomes of the 49 victims.

It is noteworthy that none were screened or identified as victims of trafficking according to Malaysian law⁴.

EXAMPLES OF POST-ESCAPE OUTCOMES IN MALAYSIA

- ▶ Arrested, charged under Immigration Act, sentenced, punished (fined and/or caned), and deported as illegal immigrants
- ▶ Chased down by Thai agents affiliated with the boat captains and owners (but protected by Malaysian immigration officers)
- ▶ Hid out in forests, sewers, or rural areas, then found and sold onto plantations or farms by Chinese, Malaysian, or Thai brokers
- ▶ Held by agents who contacted victims' family members in Cambodia and requested money for the victims' release and return
- ▶ Assisted by local Malaysians who offered food, money, and cell phone usage to call home and to call the police
- ▶ Assisted to find work on "good" plantations by other Cambodian men living in Sarawak who previously escaped slavery at sea, as opposed to being re-trafficked onto more exploitative plantations

⁴ Malaysian Anti-Trafficking in Persons Act (2007).

RECOMMENDATIONS

The three recommendations offered below have been informed by many of the government and non-government anti-trafficking responders involved in the identification and support of these victims.

RECOMMENDATION 1: Law enforcement and coordination. The laws and policies of Cambodia⁵, Thailand⁶, and Malaysia are essentially in line with international standards and definitions. If enforced, they could identify and protect these men and boys as victims of human trafficking, and punish their enslavers⁷, such that:

- ▶ More victims could be immediately screened and identified by Malaysian authorities once they land on Malaysian soil, then repatriated swiftly and safely through Cambodian Embassy cooperation. Both Cambodia and Thailand have trafficking victim screening guidelines and procedures in place that are in line with their anti-trafficking laws and international standards. Similar trafficking victim screening guidelines and procedures for Malaysia would greatly strengthen the three countries' ability to suppress this form of human trafficking, as well as to provide the protection, treatment, and services to victims that are their rights under the laws of all three countries.
- ▶ Critical information could be shared between the three countries to support enforcement operations against the worst exploiters – the boat owners and captains, as well as the agents clearly linked to them – so that an increase could be seen in the numbers of exploiters investigated/prosecuted, and numbers of victims identified/assisted. Both Cambodia and Thailand have established specialist enforcement and investigative units to suppress human trafficking⁸. The establishment of a similar unit in Malaysia, as well as increased coordination between these units of the three countries and clearly designated focal points for communication, information sharing, and coordination, would again greatly strengthen the three countries' ability to suppress this form of trafficking.

RECOMMENDATION 2: Livelihood alternatives. With few livelihood and reintegration options for these men and boys, particularly in the midst of the global financial crisis, safe, legal options for employment of these men – whether in Cambodia or elsewhere – should be a priority for service providers and donors. Feedback from victims indicates that most would prefer to stay and work in Cambodia, if they could find work and make a steady income.

RECOMMENDATION 3: Trafficking prevention. Empirically-based preventive measures should be implemented at both origin and destination locations. This report provides critical information on the origin provinces in Cambodia that should be targeted, as well as the destination provinces in Thailand. The tricks and false promises of the recruiters reported by the 49 victims could be used to inform and update awareness-raising messaging to the vulnerable populations targeted.

⁵ Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation (2008).

⁶ Thai Anti-Trafficking in Persons Act (B.E. 2551 / 2008).

⁷ However, no traffickers or exploiters in these types of cases have been prosecuted to date.

⁸ The Cambodian police has an Anti-Human Trafficking Unit. The Royal Thai Government has anti-trafficking units within the Children and Women's Division of the Royal Thai Police, and within the Department of Special Investigations (DSI) of the Ministry of Justice.

SIREN

STRATEGIC INFORMATION RESPONSE NETWORK

United Nations Inter-Agency Project on Human Trafficking (UNIAP): Phase III

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Please contact SIREN for hard copies or soft copies, in English or Mekong languages!

- GMS-01 – Introduction to SIREN: The Strategic Information Response Network
- GMS-02 – Targeting Endemic Vulnerability Factors to Human Trafficking
- GMS-03 – Statistical Methods for Estimating Numbers of Trafficking Victims
- GMS-04 – The State of Counter-Trafficking: A Tool for Donors
- GMS-05 – Why Victims of Trafficking Decline Assistance: Feedback from European Trafficking Victims
- GMS-06 – Raids, Rescues, Resolution: Removing Victims from Sex and Labor Exploitation

- CB-01 – Counter-Trafficking Databases in Cambodia
- CB-02 – Exploitation of Cambodian Men at Sea (Kandal 11 Case)
- CB-03 – Exploitation of Cambodian Men at Sea: Facts about the Trafficking of Cambodian Men onto Thai Fishing Boats

- TH-01 – From Facilitation to Trafficking: Brokers and Agents in Samut Sakhon, Thailand
- TH-02 – What Do Lawyers Require to Prosecute Trafficking and Slavery in Thailand? Guidelines from Lawyers to Front-line Agencies

- UK-01 – Raids, Rescues, Resolution: Pentameter 2: Attacking Exploitation in the UK

- Country Data Sheets (v. 1.0): Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam

For information about UNIAP's SIREN project, please contact SIREN@undp.org.

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United Nations Inter-Agency Project on Human Trafficking
Regional Project Management Office (UNIAP/PMO)
United Nations Building
7th Floor, Block B
Rajadamnern Nok Avenue, Bangkok 10200
THAILAND



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