

Is the Thai government punishing anti-human trafficking advocates?

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Thailand is losing ground in efforts to end human trafficking, but government officials prefer to jail trade union leaders rather than collaborate on solutions.

The situation is emblematic of two distinct approaches in the fight to end forced labor and human trafficking. The Thai government, employers, and international buyers have invested mainly in port inspections and rescue programs for victims of human trafficking.

The unions argue those efforts are worth little if migrant workers' rights to organize and bargain collectively continue to be repressed, leaving them dependent on charity but unable to speak out for themselves. Both approaches are needed, but the anti-trafficking community needs to consider how the Thai government is actively undermining the latter.

Sawit Kaewwan, the secretary general of the State Enterprises Workers' Relations Confederation (SERC), has mobilized the Thai trade union movement to support migrant workers, especially those at risk for human trafficking. The unions have offered repeatedly to collaborate during tripartite meetings with industry and government. Instead, the government is pursuing [criminal charges against Sawit and 12 of his colleagues](#) for organizing a national railway safety campaign they launched back in 2009.

The charges appear politically motivated because they were filed in 2019, just before the statute of limitations expired and after union leaders had already been fined 24 million Baht (\$713,000) in 2018.

Dave Welsh, Thailand director for the Solidarity Center noted: "Sawit has been out front and extremely impactful in his work to welcome and integrate migrant workers into the Thai labor movement. Given the political sensitivities within the government and the business sector around providing rights to migrant workers and Sawit's strong role in advocating for them, there is no doubt there is a link between his advocacy for migrant workers and the legal harassment he has faced over the past decade."

It's not surprising the Thai government is [reticent to expand migrant workers' ability to organize](#) and speak out, given its broader campaign to limit civil society space and freedom of expression. Last spring, following massive anti-government rallies in February, the [Thai government drafted a law](#) to expand its oversight and control of non-governmental organizations. The government has also long resisted proposals that would strengthen migrant workers' ability to speak out and seek legal remedy, such as reforming the outdated labor code so that migrant workers might organize in their own defense.

Yet Thailand needs collaborators and more effective strategies to address human trafficking. Last June, the [U.S. State Department's Trafficking in Persons \(TIP\) Report](#) downgraded Thailand from Tier 2 to Tier 2 Watch List. That ranking gives the country a max of two years to make significant improvements or they will be downgraded to Tier 3 and face U.S. trade sanctions. Overall, the TIP report outlines weak mechanisms and even a reversal of progress, including the lack of procedures for labor inspectors to refer potential cases to law enforcement and a 2019 amendment to the 2008 anti-trafficking law that *decreased* penalties for traffickers.

As a magnet country for migrants from much poorer, neighboring countries like Myanmar and Cambodia, the Thai government has struggled for years to address human trafficking of migrants into the country.

Following a rash of [media exposes in 2014 and 2015](#) that revealed [state officials' complicity](#) in human trafficking in the seafood industry, and the ensuing trade pressure from the European Union, Thailand put in place port inspection programs and ratified the International Labour Organization (ILO) Convention 188 on Work in Fishing. The government has not implemented C 188 and Thai fishing vessel owners oppose it. As for inspections, the TIP report notes: "Thai authorities have never reported identifying a victim of labor trafficking as a result of fishing vessel inspections conducted at ports."

Under Sawit Kaewwan's leadership, SERC ran awareness raising campaigns and building solidarity, effectively bringing the country's largest union confederation – the majority of them Thai nationals – to support migrant workers. I spoke recently with Sawit about his advocacy for migrant workers in Thailand. He noted that: "There will be no way for us to solve every single problem of migrant workers here in Thailand. The only way we can do it, we need to help them to speak up about the problem. We need to have them form their own organization, representing themselves."

Since 2005, Sawit has worked with others in SERC leadership to provide administrative and political support to the formation of several organizations dedicated to supporting migrant workers, helping them organize and seek justice.

SERC's nine regional offices around the country have been mobilized to support migrant workers locally and SERC's lobbying for labor law reforms includes advocacy for migrant workers' rights to organize and lead trade unions, something the current law forbids. Probably the greatest irony are Sawit's multiple proposals for collaboration and offers to help extend the government's capacity for outreach to migrants, the lack of which currently puts Thailand's trade benefits at risk.

Companies that are serious about conducting due diligence on the human rights risks in their supply chains will need to consider not only whether Thailand can strengthen its port inspections and aid for human trafficking victims, but whether the country stops actively blocking efforts to enable migrant workers to speak for themselves.

If Thai government leaders could take a step back and seriously commit to ending forced labor and human trafficking, they would see that the people they want to throw in jail could actually be their greatest allies.

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