

CHAPTER I

INTRODUCTION

A. Background

Every country in the world has been affected by human trafficking. Human Trafficking is a crime against humanity. It involves an act of recruiting, transporting, transferring, harboring or receiving a person through the use of force, coercion or other means for the purpose of exploiting them. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Whether as a country of origin, transit or destination for victims.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.¹ Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or

¹ United nation office on Drugs and Crime, 2005, Human Trafficking, from <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>, Accessed 11 November 2015.

services, slavery or practices similar to slavery, servitude or the removal of organs, like as Thailand, Thailand is the one country that has many case of human trafficking.

Thailand is a source, transit, and destination country for human trafficking. It is a destination-side hub of exploitation in the Greater Mekong Sub-region, for both sex and labor exploitation. Thailand has a problem with child labor that is hard to solve. The United Nations Inter-Agency Project on Human Trafficking (UNIAP), said the number of children begging and selling flowers remains unclear, but the problem is significant. Lisa Rende Taylor, chief technical advisor for UNIAP for Southeast Asia, said children are being rented or sold by their families or guardians, and then controlled in order to make money for someone, and whether or not permission was granted, these children are victims of trafficking. The definition of child trafficking is essentially the act of recruiting, harboring, or receiving a child for the purpose of exploitation. The child could go along with it, the parents at home could go along with it - it doesn't matter - there does not need to be deception or force. According to the US State Department, Thailand remain a source, destination, and transit country for trafficking men, women and children. Most of the trafficked victims identified in Thailand are from neighboring

countries like Myanmar, Cambodia and Laos, and have been forced, coerced, or defrauded into labor or commercial sexual exploitation.²

No one can say how many children have been labored in Thai capital but the three months survey of the trade earlier this year shows children aged from 3 months to 10 years are working long hours in tourist destinations and busy business precincts. A handler sits close by in a small business, perhaps selling flowers, and regularly collecting the cash. It is a lucrative trade, with children making between 500 baht (\$15.80) and 3000 baht a day for their brokers. They receive only basic food and accommodation. A shop assistant earns 6000 baht a month.

In July 2005, the Royal Thai Police set up a division focused on the protection of children and women, and the division's commander has said the child beggars will be treated as victims and not as criminals. The survey showed old women carrying very young children or babies, one old woman with a different child each day or the same children with a different mother. Rarely did the children speak Thai: most of them came from Cambodia or Burma.³ The brokers got the children from poor

² Children trafficked to sell flowers and beg, retrieved from <http://www.irinnews.org/report/95566/thailand-children-trafficked-sell-flowers-and-beg>, accessed on 3-3-16

³ Child Beggars in Thailand: A Lucrative Business, retrieved from <http://www.humantrafficking.org/updates/91>, Accessed on 23-4-16

families in the border regions by buying, renting or kidnapping them. While the number of beggar children working in Bangkok is hard to quantify, hundreds have been rescued and rehabilitated. Before a child is sent home, NGOs and the government evaluate the family. If they believe they will sell the children again, they will not send them back.

In 2010, the Thai prime minister chaired meetings with labor and civil society organizations to coordinate anti-trafficking efforts, which led to the development of the Thai government's second six-year National Policy Strategy on human trafficking for 2011-2016. In July 2010, the prime minister publicly acknowledged the need to improve the government's weak interagency coordination in addressing human trafficking and the government self-reported increased trafficking prosecutions and convictions.⁴ However, there was insufficient data available to determine whether each of these could be categorized as human trafficking convictions. The government also continued efforts to training a thousand of police, labor, prosecutors, social workers, and immigration officials on victim identification.

Thailand is still on Tier 3 in the latest US Trafficking in Persons (TIP) report, released Monday by the US state department. Thailand's

⁴ Human trafficking, Thailand, retrieved from <http://www.humantrafficking.org/countries/thailand>, Accessed on 21-10-2015

military government, led by prime minister general Prayut Chan-o-cha, were hoping they had done enough to be upgraded, but the report is clear. The country's government "does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Thailand investigated and prosecuted some cases against corrupt officials involved in trafficking but trafficking-related corruption continued to impede progress in combating trafficking", the report states.⁵

Therefore, human trafficking is illegal in Thailand. Thai government has to eliminate the human trafficking based on the rules and laws of the country to control. Moreover, human trafficking has now been increasing into Tier 3.

B. Research question

Based on the background and the understanding of problem's background, the research question is formulated as follows,

How do Thailand policies eliminate human trafficking?

⁵ Thailand remains at 'Tier 3' on 2015 US TIP report, July 27, 2015, 2:33 pm, Tom Seaman retrieved from <https://www.undercurrentnews.com/2015/07/27/thailand-remains-at-tier-3-on-2015-us-tip-report/>, Accessed on 23-4-16

C. Theoretical framework

In order to answer the formulated research question, the writer will try to analyze the mechanism or device; this thesis will apply the Theories of Child Labor: Models of Household Decisions by Drusilla K. Brown.

Child Labor: Models of Household Decisions

The purpose of this section is to touch briefly on theories of household decision-making with regard to the employment of children. Greater emphasis will be placed on the more recent literature that addresses the role of market failure, particularly in the capital market, and its relationship to poverty. The ultimate objective of the review is to identify the household characteristics that ought to emerge in empirical analysis as statistically significant determinants of child labor.

Neoclassical models of household decision-making are commonly employed in the analysis of child labor and are typically derivative of Becker (1964). Models of household bargaining fall into two broad categories: those in which children have no bargaining power and those in which children have some intrinsic value in the family. In models in which children have no bargaining power in the household, parents make decisions that serve their own interests, without regard for the impact on the child. This class of models lends analytical support for public policies that constrain the choices that parents are allowed to make for their

children, compulsory schooling, minimum age of work, a ban on bonded child labor, etc.

Children as Household Assets

In this context, children are viewed strictly in terms of their value as assets. Parents first must choose the number of children they will have. They then weigh whether to invest in the quality of the child or to extract a current stream of services. Becker and Lewis (1973) argue that in the quality-quantity tradeoff, parents who choose a large number of children are less likely to invest in quality schooling. That is, the number of children and investment in the human capital of children are substitutes. Or, parents may choose to have a large number of children in order to diversify risk, formally educating some and putting the others to work.

Initial empirical analysis was quite supportive of both the quality-quantity trade-off and the diversification hypothesis. Rosenzweig and Wolpin (1980) find that an exogenous increase in fertility lowers child quality, and Hanushek (1992) finds a trade-off between family size and educational attainment in the United States. Indeed, there is considerable evidence that, on average, children in larger families in both developed and developing countries receive less schooling, perform more poorly on intelligence tests, and are less well nourished (Patrinos and

Psacharopoulos, 1997). Closely-spaced children receive the least investment (Powell and Steelman, 1993).

However, Montgomery, Kouame and Oliver (1995) find contradictory evidence for Ghana and Cote d'Ivoire. Further, Patrinos and Psacharopoulos (1995) do not find that the number of siblings of Paraguayan children affect the level of enrollment. Nor is there a strong sibling effect in Brazil (Psacharopoulos and Arrigada, 1989; Levison, 1991). Chernichovsky (1985), studying schooling choice in rural Botswana, actually finds that family size raises educational attainment. Levison (1991) suggests that the positive correlation between family size and schooling may occur because there are decreasing returns in household production. With a large number of children available to engage in household work, the opportunity cost of education for any one child may be quite low.

Not only are child assets viewed in relation to one another, the labor of children may also be seen as a complementary input to other household capital. For example, the investment in physical capital to launch a family enterprise may be optimizing only if it can be combined with the labor of the household's children.⁶

⁶ CHILD LABOR: THEORY, EVIDENCE AND POLICY, by Drusilla K. Brown, Alan V. Deardorff, Robert M. Stern, August 17, 2001, p.2-4.

In this case, the writer will apply the theory of child labor to the case of increasing of human trafficking base on child labor. In Thailand a lot of human trafficking has involved child labor. Children are willing to work in order to help their family economically. Therefore, they are getting into child labor because their families are poor. Some of them follow their parents in human trafficking, because it has been part of one culture. The children have no bargaining power. Their parents make decisions that serve their own interests, without regard of the impacts on the child.

Education System

The current educational landscape of Thailand is shaped through several reforms. The most recent educational reform started with the National Education Act in 1999, which includes the National Education Plan 2002-2016.

Important results of these reforms are as follows:

- Broader compulsory education up to and including lower secondary education.
- Curricular reform in primary, vocational and higher education, with particular emphasis on the needs of the community.
- The establishment of an Office for National Education Standards and Quality Assessment (ONESQA).

Since 2003 education is compulsory in Thailand for children between the ages of 6 and 15 years. The 9 years of compulsory education covers primary and lower secondary education. The language of instruction is Thai, with the exception of a few private schools where the language of instruction is English. In addition, universities offer an increasing number of international programmes taught in English.

Until recently, the academic year ran from the end of May to the end of February. From 2014 onwards, the academic year starts in September.⁷

Primary Education

Education in Thailand is largely a government responsibility provided through the ministry of education. Two to three years of kindergarten begins this process, followed by 6 years of primary school. The Thai school year is from May to March for primary and middle school, while secondary schools begin one month later. Uniforms are also compulsory during tertiary education.

Middle Education

Three years of middle school follow, where students continue with core subjects including Thai language, arts and music, maths, physical and social science, technology and foreign languages. From here though, vocational students follow a different path.

⁷ Education system in Thailand, retrieved from <https://www.nuffic.nl/en%3B/publications/find-a-publication/education-system-thailand.pdf>, Accessed on 08-04-2017

Secondary Education

At high school, students who wish to continue academic education move on to elective courses. Of these, the science and math/English programs are most popular – other choices include foreign languages and social science. In this way, they are already preparing for tertiary education that may follow.

Vocational Education

Thai vocational education system is grounded in high school where students may choose to adopt this more practical form of education. Here they may aspire to two levels of qualification too. These are a certificate in vocational education, and a higher diploma that opens to the door to a university degree. After reaching school-leaving age, a Thai may also enroll for a technical diploma.

Tertiary Education

Both private and public colleges of higher education and universities are regulated by the ministry of education. They offer excellent study programs in arts, medicine, humanities and information technology. However many young Thai citizens still prefer to study subjects like law and business abroad. The oldest and most prestigious university in Thailand is Chulalongkorn founded in 1917. It attracts many of the nation's best students and enjoys an fine international reputation.⁸

⁸ Education system, Thailand, retried from
<http://www.classbase.com/countries/Thailand/Education-System>, Accessed on 08-04-2017

Table1. Education system in Thailand

Education	School/Level	Grade From	Grade To	Age From	Age To			Years	Notes
Primary	Prathom 1 - 3 - Elementary School			1	3	6	8	3	
Primary	Prathom 4 through 6 - Elementary School			4	6	9	11	3	
Secondary	Matthayom 1 - 3 - Secondary School			4	6	15	17	3	
Vocational	Dual Vocational Training (DVT)					15		3	2 year diploma technician level, 3 year certificate for skilled workers
Tertiary	Tertiary								
Tertiary	Bachelor's degree							4	
Tertiary	Bachelor's Pharmacy & Architecture							5	
Tertiary	Bachelor's -Doctor of dental surgery, medicine, and veterinary medicine							6	
Tertiary	Master's Degree							2	
Tertiary	Doctorate Degree								

International Cooperation

ASEAN Commitment to International Cooperation Over the past several years, ASEAN and its Member States have affirmed the importance of stronger and more effective regional and international cooperation in the area of trafficking in persons - recognizing that such cooperation is vital to successful domestic prosecutions as well as to eliminating safe havens for traffickers and their accomplices. A number of instruments have been developed that support such cooperation. A treaty on mutual legal assistance in criminal matters, completed in 2006, is directly relevant to this issue. A set of guidelines on trafficking in persons,

endorsed by the (ASEAN) Senior Officials Meeting on Transnational Crime (SOMTC) in 2007, provide detailed guidance to criminal justice practitioners on international cooperation as it relates to trafficking in persons cases. Instruments developed by other multilateral organizations such as the United Nations Convention against Transnational Organized Crime (UNTOC), the United Nations Convention against Corruption (UNCAC) and the Organization for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials in International.

It is possible for all elements of the crime of trafficking to take place within national borders and for offenders, victims and evidence to be found within the same State. However, trafficking cases are typically much more complicated than this. Alleged offenders, victims and evidence can be located in two or more States. The same fact situation can justify and give rise to criminal investigations and prosecutions in multiple jurisdictions. Informal cooperation mechanisms such as police-to-police cooperation, as well as legal tools such as extradition and mutual legal assistance, are important means of eliminating safe havens for traffickers and thereby ending the current high levels of impunity enjoyed by traffickers.

The importance of international cooperation has been recognized at the international level as well as at the regional level, including within ASEAN.

Examples of this recognition include the following:

- International cooperation to prevent and combat transnational organized crime is a primary aim of the UNTOC
- One of three basic purposes of the UN Trafficking Protocol is to promote international cooperation to prevent, suppress and punish trafficking in persons.
- Other key international instruments, including UNCAC, highlight the central importance of international cooperation as a critical means of eliminating safe havens for criminals.
- ASEAN Member States have developed a strong legal framework that regulates the provision of mutual assistance through the ASEAN MLAT.
- The ASEAN Declaration on Transnational Crime and the ASEAN Declaration against Trafficking in Persons both affirm that regional and international cooperation is vital to preventing and combating trafficking in persons. This is further emphasized in the UN Trafficking Principles and Guidelines.
- The ASEAN Practitioner Guidelines affirm the practical importance of strong cooperation in ending impunity for traffickers and securing justice for victims.⁹

⁹ ASSOCIATION OF SOUTHEAST ASIAN NATIONS, retrieved from https://www.unodc.org/documents/human-trafficking/ASEAN_Handbook_on_International_Legal_Cooperation_in_TIP_Cases.pdf, p.19-20 Accessed on 08-04-2017

International Agreement on Human Trafficking

On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which declared freedom from slavery as an internationally recognized human right. Article 4 of the Universal Declaration of Human Rights states: (1948) “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. “

Legal Efforts to Curb Trafficking

Sex trafficking has concerned the international community for more than a century. In 1904, a treaty called the International Agreement for the Suppression of the White Slave Trade was ratified by twelve nations, including the United States. Responding to the widespread abduction of girls for the purposes of sexual exploitation in Europe and Asia, this agreement urged governments to prohibit “procurement of women and girls for immoral purposes abroad.”

After World War I, the League of Nations adopted a broad-reaching document against slavery that essentially affirmed the 1904 treaty but added children to the agenda. The League also replaced the term “white slave trade” with the term that enjoys currency today: “trafficking in women and children.” Then, in 1949, the United Nations General Assembly set out to establish a legal framework to stop the traffic. Known formally as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, it declared that the

enslavement of women and children for the purposes of sexual exploitation was incompatible with fundamental human rights. It called on governments to adopt procedures for punishing any person who sexually exploits another individual or who runs a commercial enterprise that profits from such activity.

Unfortunately, the convention was ratified by fewer than half of the member states of the United Nations (72 out of a total of 185). Today, nearly half a century later, its translation into policy yields widely divergent legal strategies.¹⁰

D. Hypothesis

Based on the theoretical frameworks, it is proposed the following hypothesis, the Thailand policy to eliminate human trafficking through:

1. Educate people to have more knowledge, train the police Department, and increase punishment terms for traffickers; and protect whistleblowers against civil and criminal litigations.
2. Cooperate with International Agreement with ASEAN states to highlight that trafficking in persons constitutes a violation of human right and an offence to the dignity of human beings.

¹⁰ International Agreements, Fight Slavery Now: Human Trafficking is modern day slavery, retrieved from <https://fightslaverynow.org/why-fight-there-are-27-million-reasons/the-law-and-trafficking/international-agreements/>, Accessed on 03-01-2017

E. Objective of Research

The objectives of research are:

1. To fulfill one of the subject in International Relation studies.
2. To describe and explain the phenomenon of trafficking in Thailand.
3. To seek a way out or the solution to overcome the problem.
4. To implement the political concept of international relation directly to explain the case that is relevant to the problem.

F. Method to collect data

The writer uses several ways to collect the data in order to discuss the problem, they are as follows:

1. Media research, collecting the data from media, such as the internet in order to find reference and sources to accomplish the explanation of the problem.
2. Library research, this method is used to study the relevant sources in order to discuss the problem and by using the qualitative research the writer also will get secondary data.
3. Data analysis, the data gained from the internet and library (books), were checked for the relevancy in order to be used as the sources in the final paper arrangement.
4. Proving hypothesis, derived from the meaning of the title, the discussion of the problem, and data analysis.

G. Scope of the Research

Focusing more on the topic research, the writer limits the time, in which the research is conducted. The scope of discussion started from 2010 to 2015 where human trafficking in Thailand has increased until to Tier 3. This time limitation is used in order to ease the observation of the problem as well as to avoid the complexity of the further analysis.

H. System of writing

CHAPTER I Explains the Background, Research Question, Theoretical Framework, Hypothesis, Objectives of research, Method to collect data, Scope of the research, and System of Writing.

CHAPTER II Description of General Condition of Thailand and border of Thailand, including its Political history, geographically, the structure of Socio-culture, and the economic structure.

CHAPTER III Discusses the dynamics of human trafficking and child labor in Thailand and Southeast Asia.

CHAPTER IV Explains the research question and Thailand policy to eliminate human trafficking.

CHAPTER V Gives the conclusion of all chapters and also gives suggestions.

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