

# **Stuck at Sea:**

**Situational Analysis of Cambodian  
Labour Migration to the Thai and  
Indonesian Fishing Industry**



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## Introduction

In recent years, the Thai Government has made some highly publicized steps towards eradicating forced labour and human trafficking into the fishing industry. Yet despite these efforts there is still large-scale abuse and trafficking prevalent within the fishing industry. Brad Adams, the Asia director of Human Rights Watch recently stating that, “despite high-profile commitments by the Thai government to clean up the fishing industry, problems are rampant” (2018). The abuse on Thai fishing vessels is not merely constrained to Thai waters, there are many reports of horrific abuse and in extreme cases, murder, on Thai owned fishing vessels operating in Indonesian waters.

The lack of long-term national policy framework on labour migration is a key factor contributing to the regularization of forced labour and trafficking within Thailand, Cambodia and countries of South East Asia (HRW, 2018). Legal channels of migration are seen as slower and less cost effective, pushing migrants towards riskier means of crossing borders through the use of brokers.

The objective of this research is to review the current situation on Thai fishing vessels, extending to those vessels operating in Indonesian waters. Drawing specific focus to the statistics available, working conditions, salaries and accommodation on those vessels, with the aim of identifying some key recommendations on how to counteract the exploitative nature of the fishing industry.

The National Committee for Counter Trafficking (NCCT) released a report in 2016 stating that 95 victims of trafficking were repatriated to Cambodia from fishing vessels. The largest number, 71, coming from Indonesia (NCCT, 2016). It is for this reason that this report has also chosen to focus on the flow on effects of the abuse on Thai fishing vessels in to Indonesian waters.

## Patterns of Forced Labour and Human Trafficking in the Fishing Sector

From multiple reports over the last decade, it is evident that victims of forced labour on Thai fishing boats are predominantly Myanmar and Cambodian men, and majority of those being undocumented and migrating through the use of a broker (HRW, 2018). “Trafficked fishers have been repatriated from countries as far away as Malaysia, Indonesia, Viet Nam, and Timor-Leste” (US Department of State, 2012, p. 338).

There appears to be a common cycle on how Cambodian individuals find themselves in situations of trafficking into Thailand and further, into Indonesia, Malaysia etc. A study by IOM in 2011 revealed a common pattern among the stories of trafficked victims in the fishing industry:

1. A broker offers a specific form of labour work to young men within their community. Promising a wage of between THB3,000 to THB8,000 per month.
2. Due to the worker having insufficient funds to pay for the services, they agree to loan the money from the broker and pay the money back from their wages after they begin work.

3. The broker provides transportation to a border crossing point into Thailand. This same broker either continues with them into Thailand, or another broker is waiting at the border to take escort them from that point.
4. The migrant worker is then taken to another broker in a coastal province, who sells them to a boat owner or captain.
5. In most cases, the victims are unaware of their surroundings and do not become conscious of the situation until they are handed over to traffickers in the port area and placed on a ship.

(Robertson, IOM, 2011)

There is significant evidence that ties the role of brokers in the migration process to the case of trafficking and forced labour in this fishing industry. There is a strongly held belief by Cambodian migrants that recruitment and migration through the use of a broker is easier, faster and cheaper, with this form of migration being seen as safer due to the middleman involved often being a 'trusted' member of the community.

Migrants are often told that the cost of using a broker is able to be paid back within a few months of working in Thailand, with brokers arranging the job placement themselves (Solidarity Center, 2009). Victims must then work to pay off their debt, putting them in a situation of debt bondage (UNIAP, 2007). UN research found when Cambodians who migrate to Thailand through a use of a broker their risk of labour exploitation and/or trafficking increases by 1.5 to 1.7 per cent (UNIAP, 2010).

## Thailand

### Figures

Men and boys are seen as the main targets to be trafficked into Thailand's fishing industry. Majority of reports of labour trafficking from Cambodia to Thailand are from men who work in abusing, hard conditions with minimal pay, in the Thai fishing, construction and agricultural industries. Studies have found that men, specifically young men, are more likely to use brokers and migrate through irregular channels than women (UNACT, 2015).

Figures on the origin of Cambodian nationals who migrate to Thailand into the fishing industry show that many victims originate from provinces East and Southeast of Phnom Penh, these including including Svay Rieng, Prey Veng, Kandal and Kampong Cham (UNIAP, 2010). Predominately, irregular migrants from Cambodia in the fishing industry move to coastal areas and large ports along the Gulf of Thailand, to provinces in the south (Pattani and Songkhla provinces), provinces in the west (Prachup Khiri Khan province), provinces in the north (Samut Prakan and Chon Buri provinces) and the east (Rayong province) (UNIAP, 2010). Provinces in the north see a higher concentration of irregular migrants due to the seafood processing industry being mainly situated in Samut Sakhon (Jampaklay et al, 2009).

The Department of Fisheries in 2015 reported that there were 172,430 fishers with 82 per cent of them being migrant workers (Department of Fisheries, 2015). Later in 2017, it was noted that 49,138 migrant workers were registered in the fishing industry - 33,851 with pink cards, 13,856 through the nationality verification process, and 1,431 through the MOU process (Office of Foreign Workers Administration, 2017)

The UNIAP then reported in 2010, that cases of trafficking and exploitation are most common within the fishing sector, where it is estimated that 44 percent of migrant workers are exploited, and 31 percent are trafficked (UNIAP, 2010).

Finally, UN-ACT found in 2015 that nearly half of all the workers they surveyed left their employment by means of escaping or because vessels were raided. This supporting UNODC statement that, “offshore vessels can become prisons... as workers have no one to turn to and no prospects for escape” (2013).

## Working Conditions

Working conditions within the fishing industry are notoriously harsh and cruel. Many migrants report that once they enter the boat and voyage out to sea, they are treated like slaves with no opportunity to leave. They are often forced to carry out dangerous tasks, which they have no prior experience in and received no training (Yongyuth Chalamwong et al, 2012).

In 2017, the ILO found that 36% of migrant workers remember signing a contract at some point, however, fewer had received a copy of that contract. There are still large amounts of reports stating that contracts for migrant workers are rarely written in a language that they understand. Further to this, migrants reported that very little information was provided to them about the conditions and types of work they could expect on the vessels (UNIAP, 2010).

Within the recruitment process the use of coercion through deception and false promises is very common, with researchers finding evidence of forced labour indicators in 37 per cent of cases (ILO, 2017). This research also stating that only 29 percent of fishers reported no indicators of forced labour, this percentage was less for those in the seafood processing industry, with the figure standing at 56 percent.

In 2011 it was reported that 61 percent of workers in the Thai fishing industry worked over 12-hour days (IOM, 2011). The ILO finding in 2017, that on average, fishing vessel workers worked 12-hour days, with an improvement of only 22 percent of workers claiming they work over 14 hours. Fishing vessels often operate in remote areas and for long durations of time, making it easier for those in a superior position on the vessels to exercise their control. There have been many reports of fishing vessels remaining out at sea for longer than workers were told or expected. Workers reporting that often they would be deprived of food, water and shelter if they refused to work (Yongyuth Chalamwong et al, 2012).

One-third of employers have been found to confiscate migrant workers documents and bank cards (ILO, 2017). This prohibits workers from any opportunity of fleeing, changing employers and accessing their bank account.

### Salaries and benefits

The current minimum wage within the fishing industry stands at 300 THB a day, but in 2018 there is a large push by Thailand's Labour Ministry to increase this number to 400 THB per day, which equates to a monthly wage of 12,000 THB (Under Current News, 2017). The ILO found in 2017 that compliance with the Thai minimum wage was at 76 percent in the fishing industry and 57 percent in the seafood processing industry, with 53 percent of employees reporting regular deductions from their monthly salary (ILO, 2017).

24% of fishing vessel workers reported that their salary was often withheld from them for over one month. Almost half of the workers reported having one day off a week, with 34 per cent reporting that they received paid holidays.

Workers in the Thai fishing industry that were recruited by brokers, often find themselves in a situation of debt bondage if the fee charged or method of paying back the loan is not well defined. Brokers charge fees for the services they provide, including, smuggling across borders and placing them with employers (ILO, 2014). In multiple cases, employers withhold their workers documents and bank cards, so that those on the fishing vessels cannot change employers or access their money.

### Accommodation

For those working in the fishing industry, employers in most instances arrange accommodation for them. When these migrants then embark on journeys out into sea, they often sleep on the vessel. There have been some reports in extreme cases of migrant workers being confined in storage facilities or other buildings, before taken onto the vessel and shipped out to sea to work (Sylwester, 2014).

## Indonesia

### Figures

The situation in Indonesia is vastly connected to the fishing industry in Thailand, with most of the Indonesian vessels belonging to Thai parent companies that operate under the auspices of Thai-Indonesian shell companies (Seafish, 2016). The journey of those fishers to Indonesian waters start from several different ports around Thailand, with the Mahachai Port in Smaut Sakhom Province becoming the primary port for migrant fishers making their way to Indonesia (IOM, 2016).

Those trafficked into the Indonesian fishing industry often report that they were issued Thai identity documents by Thai traffickers, then they are forced to work in Indonesian waters. Due to these foreign workers holding Thai documents, they run the risk of being exposed to Indonesian authorities and this risk is constantly exploited by those in superior positions on the vessel. The majority of these Thai-Indonesian shell companies are based in fishing ports in Eastern Indonesia, prohibiting their fishermen from leaving the vessel and in some extreme cases, detaining them on land in makeshift prisons.

A 2015 report found over 1000 fishermen from Myanmar, Cambodia, Thailand and Laos were stranded in Ambon and Benjina (East Indonesia). Once interviewed the men reported that they were trafficked from their home country and forced to work over 20 hours per day, with no chance of escaping once the vessel had left the port. In 2016 an investigation discovered over 4,000 fishermen from Myanmar, Cambodia and Thailand were being trafficked in Indonesia's Maluku islands (Associated Press, 2016). That following year, the Cambodian National Committee for Counter Trafficking reported that 71 victims from the Indonesian fishing industry were repatriated into Cambodia (only 13 from Thailand).

### Working Conditions

Majority of those working in the fishing industry within Indonesian waters were not employed under a work contract. Victims identified only primary document given to them was the seaman's book, which only 30 percent of victims had (IOM, 2016). In 2016, the IOM interviewed 285 victims rescued from the Indonesian fishing industry, with 78 percent of them claiming that they worked between 16 and 24 hours a day. They were given meals which consisted of watery fish gruel, whilst enduring physical and psychological abuse and in extreme cases, even murder. Workers testified witnessing regular and actual murders against those who were already victimized, with many reports of bodies being wrapped in tarpaulins and left at beaches or thrown into the sea (Chapsos, 2016).

Often those who requested to leave the vessel were sentenced to death, or either chained to the middle of the deck or locked in the freezer (Topsfield, 2017). A study conducted by the UNIAP found that out of the 49 Cambodian fishermen interviewed, 59 per cent of them claimed to have witnessed the captain of the vessel murder a crew member (UNIAP, 2009).

Migrants were subject to constant abuse and harassment, including being whipped. Particular cases arising from vessels belonging to Pusaka Benjina Resources, reported that fishermen were locked inside cages and often left on remote islands to die. Pusaka Benjina Resources is the only fishing company in Indonesia that is authorized to operate on the island (Indonesia Investments, 2015).

### Salaries and Benefits

Due to a majority of workers on vessels in Indonesian waters being employed by Thai employers, the situation of wages is similar to that in Thailand, if not worse. Fishing vessels that operate in Indonesian waters run a higher risk of being cheated out of wages, as it is reported that remuneration is received less frequently on boats operating out of Thailand (Robertson, 2011).

There are many reports of fishermen having their wages withheld for long periods of time and some not being paid at all. The IOM released a study stating that of 249 victims found in Indonesian waters, 40 per cent of them reported that they were not paid for the work that they had performed (IOM, 2016). Of the 60 per cent that were paid, 99 per cent of them had their wages partially withheld by their employers. Victims reported that they were usually paid once they completed their trip. They were paid less than 6,500 BAHT for approximately 3-4 months work, when in majority of cases they had been promised 9,000 BAHT a month (IOM, 2016).

Similar to the situation in Thailand, many of those employed in the fishing industry were recruited by brokers who charge fees for their services, resulting in a large number of migrant workers in situations of debt bondage (ILO, 2014).

### Accommodation

In the report released by the IOM in 2016, 94 percent of victims reported that their living conditions were inhumane. Accommodation on the vessels consisted of small, cramped, low-ceiling rooms together without any mattresses or pillows. 84 per cent of victims claiming that they would often not be given meals when they had not done enough work for the day (IOM, 2016).

## Recommendations

### Thailand

1. Amendment to Thai Labour Law to allow migrant workers to form and hold an active position in their union.
2. It is recommended that the Government allow fishers to register in the fishing sector as opposed to registering with one specific employer would allow for freedom of movement between jobs, boats and provinces – without losing legal status.
3. Further increase to the minimum wage to the proposed 12,000 TBH per month would be beneficial. With the ATM card, bank book and pin number to be kept in possession of the individual.
4. Standardized vessel Code of Conduct for all Thai fishing vessels – including those that operate in foreign waters (Code of Conduct to be in line with foreign laws).
5. It is advised that the Department of Labour Protection and Welfare establish guidelines on conducting labour inspections both on shore and while at seas. This to be implemented by all relevant authorities, including, the Marine Police and Royal Thai Navy.
6. Complaint mechanisms should be made more readily available to fishers, including migrant workers. It would be best if these were available both on shore and out at sea.
7. Stronger collaboration is advised between the Government, industry associations and trade unions in the development of legislation and policy.



## Indonesia

1. It would be highly beneficial for Indonesia to become party to several comprehensive conventions regarding seafaring activity of fishing vessels or merchant ships, including, the Maritime Labour Convention (MLC) and ILO Work in Fishing Convention.
2. Consistent monitoring of specific islands such as, Ambon, Benjina and Maluku islands, where migrant workers are being reportedly stranded and 'left for dead'.
3. It is advised that the Indonesian Government establish guidelines on conducting labour inspections both on shore and while at seas, for all vessels operating in Indonesian waters.

## Indonesia and Thailand Collaboration

1. It is important that fishers are provided a Seaman's book and working contracts written in their own language. Consider differences in language, culture and fishing practices if additional countries are being considered sources of fishers.
2. Greater cooperation is recommended through the sharing of information on vessel registrations, crew lists and guidelines surrounding the inspection of vessels.
3. It is advised that both countries support the Food and Agriculture Organisation (FAO) in establishing a global vessel registry that provides greater transparency in the identification of fishing vessels.
4. Working conditions to be addressed by the Ministry of Labour in both Indonesia and Thailand. It is advised that the Labour Protection Act be amended to ensure that workers employed on fishing vessels are subject to the same amount of protection as those working in other labour sections.

## Cambodia

1. Work alongside NGOs to employ safe migration strategies to reduce the vulnerability of migrants.
2. Pass regulations to eliminate high recruitment fees charged. Take appropriate legal action when companies have charged excessive fees that lead to debt bondage of migrant workers.
3. Continue to prosecute those responsible for and participating in human trafficking networks within Cambodia. Whilst assisting the Thai and Indonesian Governments in prosecuting illegal brokers who are involved in human trafficking.
4. Provide community training/lessons to those wanting to migrate for work, on what their rights are and what to do in case of an emergency.

## Conclusion:

Although Thailand has made some significant steps towards counteracting forced labour and trafficking in the fishing industry, it would appear that there are still some major gaps in legislation that are prohibiting protection of migrant workers.

The Thailand Anti-Trafficking in Persons Act recognizes forced labour as a form of exploitation, however, under this law a person must be trafficked into the exploitation in order to be protected by law. Migrant workers working in the fishing industry are in need of further protection from Thai laws, with forced labor to become a stand-alone offense under Thai Law (ILO, 2017). It is recommended that a long-term labour migration management policy framework is developed and introduced, to give legal status and protect migrant workers from the risk of trafficking and forced labour.

It is evident that the abuse on Thai fishing vessels is not merely constrained to Thai waters. With the reports of abuse in Indonesian waters being linked to the Thai fishing industry it is clear that the problem is widespread and in need of further international cooperation and collaborative efforts to combat the issue.

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