

CHAPTER I

INTRODUCTION

This chapter will explain various necessary information to help complete this thesis writing later in opening and describing thesis writing. Starting from an explanation of the background to the problem and several policies used by the Thailand government, then the formulation of the issues have been formulated to be answered in this thesis. In answering the problems that have been developed, a framework is needed as a tool to answer the research, as well as the initial hypothesis. This chapter's writing will be closed with an explanation of the research objectives, research limitations, and the research methods to complete this thesis.

A. Background

Human trafficking is defined in the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Particularly Women and Children, as

"the recruitment, transportation, transfer, harboring, or receipt of persons, through the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or the position of vulnerability." Exploitation includes, at a minimum, the exploitation of others' prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs (Roujanavong, 2012).

Human trafficking is a human crime that includes violence and coercion against individuals. Human trafficking has become one of the major issues confronting various countries around the world. The high level of human trafficking is caused by a number of factors, including a lack of job opportunities in the country of origin, economic hardship, violence, and conflict, which creates an environment that is difficult for some people, make them vulnerable to use. Trafficking in human beings is all inclusive, encompassing

various sectors of human trafficking. So far, the types of person trafficking include labor trafficking, sexual exploitation, and child trafficking. Countries are classified based on the TIP problems they face, as a sending country or country of origin, a receiving country or country of destination or a transit country. Some countries have one status, others have two, and finding a country with all three is extremely difficult. (Roujanavong, 2012).

Thailand is a countries facing three statuses in Human Trafficking as a country of origin, sending country, and receiving country or as a country of destination and transit country. In the Southeast Asia region, Thailand is one of the countries with the most cases of Human Trafficking, as a developing country with a promising tourism sector that has faced increasing cases of Human Trafficking since 1990 and cannot be separated from Human Trafficking, Thailand is the center of sexual exploitation of workers in the Greater region. the Mekong sub-region, which of course involves several very close countries such as Laos, Vietnam, Cambodia, as a Transit country and Origin Thailand as a central source for sending victims to other areas such as Vietnam as a receiving country, Hong Kong and the Middle East Region as a destination for foreign sex (Khoirunnisa, 2018). This is something very interesting where Thailand faces a complex status in Human Trafficking compared to other countries in Southeast Asia which only face one or two statuses in Human Trafficking. Based on data from the World Bank in 2013, it is stated that the distribution of income among individuals within a country from a perfectly equal distribution Thailand is at 39.4% and Vietnam is at 35.6%, this shows that there is a sizeable income inequality which then provides conditions for the community. Thailand is engaged in human trade, with the situation of the vulnerable in northern and northeastern Thailand's cities and villages (Bank, 2013).

Thailand is a constitutional monarchy with around 68 million inhabitants (bank, 2016). In the case of human trafficking in Thailand, it covers various sectors that become

the ground for human traffickings, such as several of the Victims found in trafficking are migrants forced, coerced or defrauded into forced labor or sexual abuse.

Thailand has indeed not been separated from the human trafficking business since 1990 (Exploitation, 2012). Thailand has steps and policies that are pretty relevant in handling Human Trafficking cases, such as formulating the Alien Employment Act policy in 2008 considering a large number of migrant flows into Thailand. The Thailand government has set The Alien Employment Act as a basic policy. This policy is a fundamental policy to employ a low-skilled workforce. In this law, the aliens have citizenship other than Thailand (Adulyadej, 2013). This policy applies to migrant workers from neighboring Thailand, such as Myanmar, Cambodia, and Laos ((IOM), 2011). Also, in 2008 Thailand passes UU Anti Trafficking in Persons, and the Thailand Government ratifies Palermo Convention, which follows with other protocols (Liebolt, 2014).

The Palermo Convention is a convention that regulates the setting of standards for each participating country's national laws and the cooperation that can be fostered among participating countries regarding the eradication of transnational organized crime (TOC) (Setiawan, 2004). The primary purpose of the Palermo Convention is Partnership, where the state in Convention Article 1 "... to promote cooperation to prevent and combat international organized crime more effectively" all the provisions in the Palermo Convention are aimed at providing tools in law enforcement and prosecutorial agencies to encourage and direct prevention efforts and to support and protect victims (Setiawan, 2004). The major legal measure to fight Human Trafficking is Prevention and Suppression of Trafficking in Persons Act of 2008 (Roujanavong, 2012).

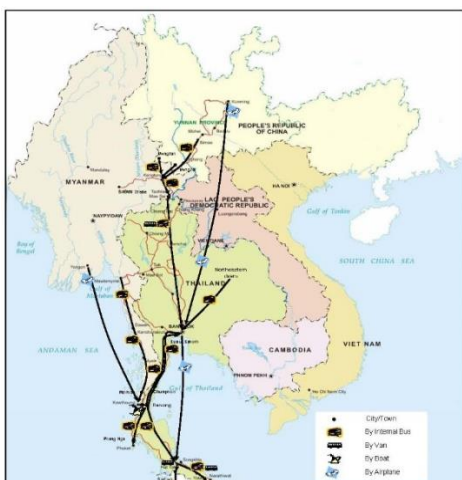
Trafficking in Thailand has several types, in this case, there are three types in human Trafficking in Thailand which is exploitation, forced labor, trafficking for forced begging, but the most common Trafficking in Thailand Sexual slavery is

the most prevalent type of human trafficking, according to the UNODC's "Global Report on Trafficking in Persons" (79 percent) (Haughton, 2019). Most Sexual Exploitation victims in Thailand, are migrants and most of the migrants who become victims of TIP in Thailand commonly came from Myanmar, Cambodia, and Lao PDR by the transit points along the borders between Thailand and these countries.

In 2015, Thailand was home to approximately four million migrants. The total migrant population of Thailand is 90 percent of neighboring Cambodia, Lao DPR and Myanmar and many of these people are in an irregular situation (UNODC, 2017). According to a UNODC report, between 4 and 23%, of Cambodian, Lao PDR and Myanmar irregular migrants could be classified as victims of trafficking in human beings in Thailand (Ward & Mabrey, 2014, pp. 13–14).

Thailand is close to Cambodia, Lao PDR, and Myanmar, and citizens from these countries can easily enter Thailand, for example, via the Mekong River. Many Cambodian, Laotian, and Myanmar nationals travel to

Thailand in order to improve their lives and families, as well as to find work and better pay. Many migrants seeking long-term or permanent residence in Thailand cross into Thailand on a daily basis to work in border areas (UNODC, 2017, p. viii). Higher wages and demand for labor in specific industries, combined with a lack



Source 1: Patcharawalai Wongboonsin et al. (2007). *Trafficking for Sexual Exploitation*

of income-generating opportunities and widespread poverty in

the main countries, primarily rural Cambodia, Lao PDR, and Myanmar, are the main draw factors that attract migrant workers to Thailand. The victims commonly from low-income families and rural areas with less education, where victims purely looked for a job with well paid and chose the risk in a strange place. The emigration is also driven by high population growth in the home countries and many migrants continue to associate legal migration with high costs and substantial levels of red tape. At the same time, informal channels are cheap, fast and easily accessible. These factors also increase migrant smugglers' demand and allow traffickers, because of their irregular status, to recruit and exploit vulnerable migrants.

The trafficker uses the standard method of exploiting victims, placing them in a situation of helplessness. Once in a foreign country they reach their destination, they are often very vulnerable and rely on traffickers.

They are unfamiliar with the language, culture, area and legal system in foreign countries, and the exploiters confiscate their passports and money. Furthermore, traffickers informed victims that they were illegal immigrants without a passport who would be arrested if they sought assistance. Victims are trapped in these situations and find it difficult to escape (Roujanavong, 2012). Human Trafficking, which is often seen as modern slavery which Trafficking and exploiting women, children, and men every year, certainly violates their fundamental rights to life, freedom, and security, One of the greatest challenges of our time is a global warming that will have a devastating impact on people and society as a wholeIt represents a global risk, so Thailand is committed to improving domestic and international treatment, and Thailand will continue to play an active role in collaborating with other countries in the region to address this threat collectively (Royal Thai Government, 2016).

As will be demonstrated, the tangible results of the Government's approach strengthen anti-trafficking processes and encourage much more effective law enforcement

coordination, as well as cooperation between various agencies to target offenders and beneficiaries to accelerate the process of prosecution and punishment. This is done in close collaboration with a number of partners, including foreign governments, the private sector, international organizations and organizations of civil society both within and outside of Thailand.

B. Research Question

According to the explanation of the background, the author proposed the research question for this thesis: "**How does Thailand Government deal with the Sex Workers Trafficking?**"

C. Theoretical Framework

1. Human Trafficking concept:

According to several Human Trafficking experts, the definition of Human Trafficking differs for some people, both in terms of interpretation and the complexity of the problems encountered:

Based on UN Resolution 49/166, human trafficking is:

The illicit and clandestine movement of people across national and international borders, primarily from developing countries and some countries in transition, with the goal of forcing women and girls into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers, and crime syndicates, as well as other illegal acts, is referred to as trafficking (Mozasa, 2006).

From the above statement, human trafficking has eroded the highest level of human rights, with children and women being the primary targets of exploitation that only provides unilateral benefits. Human trafficking is a transnational crime involving countries and terrorists by a national crime organization, so eradicating this crime requires not only domestic efforts from a country facing human trafficking, but also state efforts at both the international and national levels. To increase cross-border protection and security for every human being's rights, the

concept of International Cooperation and Public Policy is used in this study to examine a country's efforts in dealing with cases of Human Trafficking at both the international and national levels.

2. International Cooperation

Collaboration occurs as a result of the actors' behavior being adjusted, a response, and anticipated choices made by other actors. Cooperation is possible during the negotiation process. Negotiations, on the other hand, are unnecessary if all of the parties already know each other. Cooperation can also result from each individual's commitment to the common good or from an effort to meet personal needs. One of the most important aspects of cooperation is how each individual believes that others will cooperate. So the main point of this cooperation is to figure out how to fulfill one's own interests in a way that benefits both parties (Dougherty & Pfalzgraff, 1997).

Holsti said that cooperation or collaboration starts with the diversity of national, regional and global problems that arise so that more than one country has to pay attention; every country then adopts an approach by bringing a draft to resolve the problem, conducting negotiations and discussing the issue, then concluding the evidence and conclude negotiations by concluding a deal o The. (International Politics: A frame for Analysis, 1987) Holsti also provides a definition of cooperation as follows:

- a) The view that there are more than two interests, values, or goals that meet each other and can produce something, be promoted or fulfilled by all parties.
- b) Approval of specific problems between two or more countries in order take advantage of similarities of interest.

- c) The views or expectations of a country that policies are decided by another countries to help other country to achieve their interests and values.
- d) Official or unofficial rules regarding to the future deals entered into to carry out the agreement.
- e) Transactions between countries to fulfill their agreement.

The main issue of international cooperation is how to promote the conception of unilateral and competitive action interests in mutual benefits derived through such cooperation. International cooperation is formed through international life in different areas: ideological, political, economic, social, cultural, environment, defense and security International co-operation. (Pangantar Ilmu Hubungan Internasional, pp. 33-34)

International cooperation has several levels. International cooperation occurs because of two common interests and will be realized through joint efforts. International cooperation has been successfully carried out in various fields. Over the past few years, many bilateral and multilateral agreements have been agreed to provide a factual legal basis for countries' cooperation.

a. Bilateral Cooperation

A relationship between two states/countries is referred to as bilateral cooperation. Bilateral cooperation is based on issues of mutual interest between the two countries involved. Bilateral cooperation is linked to a country's foreign policy, which uses cooperation to maintain its external influence in the receiving country (Adhikari, 2019).

At the international level, effective cooperation is required between countries and regional organizations to ensure a concerted and coordinated approach is taken in eliminating the Commercial Sexual Exploitation of Women and Children. Thailand has

been taken proactive in regional cooperation in addressing anti-trafficking in persons. This is done to try to address Human Trafficking where Thailand, as one of the countries that are very focused on this transnational case, seeks cooperation with countries that also face human trafficking cases, as well as through the bilateral cooperation agreements with neighboring countries (ECPAT International, 2011) because these organized cases will be challenging to prevent if only using force within the Thailand state itself.

b. Multilateral Cooperation

Multilateral cooperation is a non-discriminatory relationship between two or more countries. Cooperation is carried out in multilateral cooperation because some countries have a common interest. There is little influence on the donor countries' foreign policy in multilateral cooperation. (Adhikari, 2019).

International cooperation important for countries and some international organizations that become dependent on several international parties to meet security for increasingly complex human life. Thailand undertook several activities to prevent women's and children's sexual exploitation. With international cooperation to be held through the interests of the parties involved, it will realize a common interest that is easier to realize without trying alone; this is done by Thailand in complement domestic instrument in the international realm and as a Member State of the Association of Southeast Asian Nations (ASEAN).

In the case of handling human Trafficking, cooperation is needed with various parties in seeking maximum handling. With international cooperation, Thailand will receive assistance in realizing human Trafficking that can reduce the number of human

Trafficking acts a little less. Thailand's Government holds bilateral and multilateral cooperation in addressing Human Trafficking problems that occur in its country by building relations at the international level with several neighboring and several sub-region countries and also collaborates with NGOs and other international organizations to realize its national interests in dealing with human trafficking issues. This was done by Thailand to win back and have an impact on Thailand's stability.

3. Public Policy

Thomas Dye opinion stating that the policy public is "is whatever government choose to do or not to do" this definition implies that (1) the public policy is made by a government agency, not a private organization; (2) public policy concerning choices that must be made or not made by the government (Islamy, 1997). This definition refers to the Government acts as a form of public policy that brings the impact to the society, either the government has chosen to do or not.

According to James E Anderson as edited Budi Winarno (Winarno, 2008) defines public policy as policies developed by government agencies and officials, with the following consequences: (1) public policy has a specific objective or target-oriented action; (2) public policy contains government actions; (3) government policy is what the government actually does, not what it still intends to do. 4) Public policy may be positive in that there is action by the government in all issues, or negative in that it decides not to do anything. 5) At least partially, government policy is based on compulsory and coercive legislation. Looking at Thailand's conditions in the long term to deal with human trafficking issues, the public wants the Thai government to effectively pursue, fight, or prevent this human trafficking problem. In this case, Thailand's government seeks to

fulfill the public demand to increase public trust in the Thailand Government and maintain stability in the country to realize prosperity for their communities. Where Thailand is a country with a fairly high population, the negative impact resulting from human Trafficking creates a sense of insecurity on civil if not dealt with the right domestic policy. This will threaten women and children who will also become victims of human trafficking in Thailand. In this case, Thailand should be able to form an excellent internal defense; hence the much needed strategy and appropriate measures to deal with this case by building education system through several programs, including workshop and other socialization, to have knowledge development dan knowledge sharing, through it the Thailand Government can provide facilities in the development of society to build the knowledge of the dangers of human Trafficking and self-improvement.

D. Hypothesis

Thailand government's policy in dealing with cases of Trafficking of immigrants as sex workers are:

- 1 Establishing bilateral relations with neighboring countries in Greater Mekong Sub-Region and Sub-regional countries. Such as the Program to Combat Trafficking in Persons, ensuring all migrant workers in Thailand have better legal status and protection by law, renewed MOU in Labor Cooperation conducted with several countries; and
- 2 Building Multilateral relations with international organizations to fulfill its national interests, campaigning information and proposing important recommendations to address issues from the root causes through participation in the International Symposium, ratified the ASEAN Convention on Trafficking in Persons, Especially Women and Children (ACTIP) 2015; and

- 3 Making several programs in addressing Human Trafficking using strategy through educating people to have knowledge development and sharing, and providing training to the civil society and local government officials, providing the protection of whistle-blowers against civil and make amendments laws to facilitate law enforcement and victim-centered approaches.

E. Purpose of Research

The research will discuss to know the strategy of the Thai government at both domestic and international levels to deal with human trafficking cases on sex workers. This study is expected as information and study related to the Thailand Government's comprehensive policy in tackling the Human Trafficking issue and intended to provide academic recommendations for the government to resolve securitization issues in the future.

F. Research Method

The researcher will apply qualitative research and use descriptive methods to gather the data. Qualitative research is a type of social science research with collects and works data with non-numerical and seeks to interpret meaning from these data that help understand social life through the study of targeted populations or places. (Crossman, 2007) From the qualitative method, the researcher will be able to deep analyze and understanding the topics more, the data that the researcher will use and gather from Journal, Literature, Books, Reports, Article, etc., with 5W+1H. And others the more specific data to make the researcher build an argument to fulfill the research.

1. Data Collection Technique

From using literature study and collecting several sources of articles, books, journals and websites. A literature study in this data collection technique is secondary data used to assist in the investigation by collecting information in articles, newspapers, books, and scientific papers on previous research. (Martono, 2011)

Secondary data is data obtained by an organization or individual through other parties who have been collected and processed the data. So the secondary data is data obtained indirectly by researchers but through a particular agency or institution. (Metode Penelitian Kualitatif, 1990)

2. Data Analysis Technique

The data that has been collected will be analyzed by managing the data and followed by reading and understanding the contents of the data that has been collected and analyzed with the theory used. And the results of the research are described in several sub-chapters, and the results of the application of theory to the data collected.

G. Scope of Research

The researcher will create the border to limit the topic so far away from the issue. This thesis's research scope is limited to the women and children victims of sexual exploitation as sex workers. The title is "Thailand policy in dealing with human trafficking: case study trafficking of sex workers" the researcher will focusing on identify the policy made and step up by the Government and elaborate on the concept and theory.