

SIREN case analysis

STRATEGIC INFORMATION RESPONSE NETWORK

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

PHNOM PENH, CAMBODIA

28 September 2007

CB-02

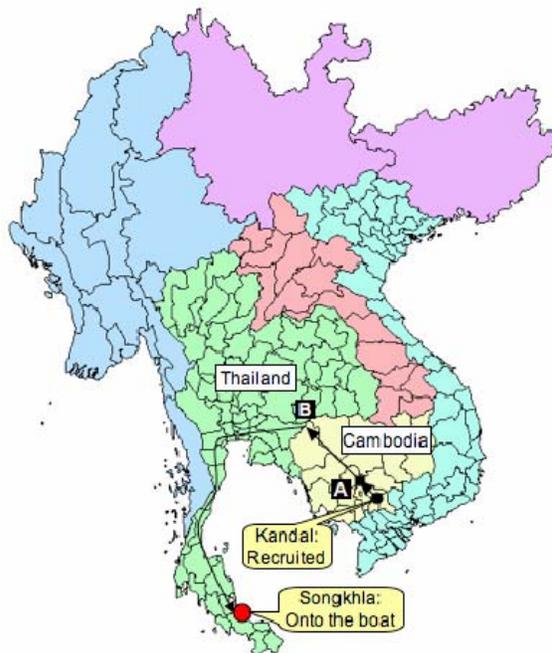


Exploitation of Cambodian men at sea



Few alternatives in their home villages lead many Cambodian men and boys to migrate for work, even if they know risks are involved

In April 2007, a group of ten men and one boy from Kandal province (ranging from 15 to 33 years in age) were recruited for work on fishing boats in Thailand by a local informal broker in their district. In their village in Sa-ang district, there are few livelihood alternatives to fishing for young men. Compounding the lack of opportunities are concerns now that fishing stocks are being depleted, an increasing population is living from those resources, and a recently introduced policy, which prohibits the farming of the lucrative striped snakehead fish. Additionally, in April, when the water is low, there is little for the men to do to earn a living for themselves and their families.



In the search for work, leaving the province also offers few options for men. Factory work is difficult to get, as employers prefer females who are considered less likely to demand their workplace rights. While they had heard some stories of severe exploitation on boats in Thailand, these were few. There were cases from within the village of men leaving for Thailand and falling out of touch, but it was assumed that the reason was that they were successful and had no reason to call home. The combination of these factors in the case of the eleven Kandal males made the broker's offer appealing.

Key: From Kandal province, the group were taken to Phnom Penh (A), then sent to the border at Poipet (B). Here, they walked overnight, crossing the border without documentation. On the Thai side of the border they located the two vehicles and drivers that had been arranged to take them onto Songkhla.

Crossing the border covertly in Poipet, the group of eleven walked overnight to reach vehicles on the Thai side, as instructed by a contact in Poipet. The vehicle drove them on to Songkhla, where they were put almost directly onto a boat. While they had heard stories of abuse on some boats leaving from Thailand, they felt confident that by staying together as a group they would be safe. Songkhla is a deep-sea port, accommodating fishing vessels that spend long terms at sea. They were told that they would work for two years on the boat and be paid after that time.

Key elements of the case:

- A group of 11 males, from 15 years of age up, were recruited for work on fishing boats in Thailand, from Kandal province in Cambodia.
- They were transported overland voluntarily into Thailand, and onto a fishing boat in Songkhla where they were to work for two years.
- After more than one month of suffering abuse on the boat and unsure if they would be paid for their work, the group was desperate to leave.
- The men sabotaged the boat's engine in order to return to land and make their way back to Cambodia by getting arrested and deported.
- The broker in their home village has been arrested, but those involved in the exploitation in Thailand have received no penalty or investigation.

Whether the recruiter in Cambodia was aware or not, conditions at the place of work in Thailand were highly exploitative and abusive

On the fishing boat, the group of eleven from Kandal was part of a fishing crew of 27 Cambodian males, with six Thais, plus the Thai captain. The crew worked long hours, getting as little as two hours sleep a day. They had insufficient food and there was no medicine for those who fell sick. Physical and verbal abuse was frequent, and some of the Thai crew was armed. One Cambodian man whose leg became swollen, making it difficult to stand, was beaten and forced to continue working. The Cambodian crew was told by other Cambodians on passing ships that their boat had earned a bad reputation for selling their crew and cheating their crew out of their pay at the end of the two years. Indeed, they eventually came to understand that they had been sold onto the boat.

After more than a month on the boat, they knew they would not be able to endure two years. They were desperate to escape, but being at sea left the Cambodian crew with few options. Asking Cambodian crews on the other boats how to return to land, they were told they would have to engineer some scheme, such as sabotage the engine, so as to force the boat to shore. The youngest member of the group took the initiative and, was successfully able to force the boat to dock. According to the group this was an extremely risky endeavor that would have endangered their lives had it been detected. Fortunately it was not, and the boat was forced to return to shore to be fixed.

Once back on shore in Thailand, the men were given 500 baht each and told to wait around the dock for the boat to be fixed. However, they were desperate to return home and fearful of being placed on another boat by the same Thai boat owner, so they borrowed a mobile phone to call their parents, who then contacted their original local broker. Their parents were told that they would have to pay 3,500 baht (approximately USD\$100) each for their return home. While they initially agreed to pay this amount, this

fee was soon increased to 6,500 baht, which they could not afford. The parents informed their sons of this as well as the broker, and the broker told them the group would be arrested if they did not pay.

Their best option to return was to get themselves arrested and deported

The families contacted Cambodian NGOs LICADHO and LSCW, who then followed up on the group's situation through their networks in Thailand. They also reported the case to the Commune Police Chief, who fed the case up to the Central Police through the provincial level.

In Thailand, after hearing that their parents could not afford the broker's increased price, the group sought other options and decided that being deported was the cheapest, quickest, and safest way home. Thus, they gave themselves up to police and were placed in detention in Sadao, Songkhla, then transported by Thai immigration officers to the Poipet border crossing, where they were met and finally brought home by their families. The Kandal-based recruiter has since been arrested, and is in detention and awaiting trial. However many villagers are unsure if she was aware of the conditions that the men found themselves in. The employer and brokers on the Thai side have not received any penalty and have not been investigated.

Is this human trafficking? If so, who were the criminals that should be pursued and brought to justice? At the destination side, the working environment on the Thai fishing boat constituted such abusive working conditions that the men wanted to leave, but were physically restricted at sea with no means of escape. However, with regard to the transit, it has not been clearly determined whether the Cambodian broker who was arrested knew of the abusive conditions on the fishing boat, knew the brokers/traffickers on the Thai side, or even knew where the men would end up. With the functional, financial, and communication connections between the brokers so unclear and not yet investigated, it is relatively easy to establish labor exploitation and to implicate the Thai captain and perhaps boat owner but much more challenging to understand the complicity of other brokers and transporters in the abuse.¹ Due to the nature of the exploitation, however, it is clear that these male victims require and deserve some assistance. This case provides a concrete illustration of the importance of bringing national laws in line with the Palermo Protocol.

Prevention. Policy. Protection. Prosecution. When we look at these aspects of counter-trafficking, what needs to happen for men exploited in this way?

The increasing livelihood and environmental pressures in traditional Cambodian fishing villages such as those in Kandal province lead many to fear that these conditions will lead to more unsafe migration as men and boys look for work elsewhere. With no agricultural land to farm, less fish to cultivate, and factory jobs difficult to obtain, there are few options for rural fishing men with meager education or contacts in urban areas. In focus groups in the village of the 11 males, most young men from the village say that they would not risk going to work on boats in Thailand after hearing about the abusive experience of these men. However, they seemed desperate for any work opportunity outside of the village, and for some it seemed that it would take little more than word from a broker or neighbor to get them to leave the village, with little inquiry or concern into the validity of the opportunity or the journey ahead.

¹ Egregious abuses by the captain and boat owner could be prosecuted under the Thai Criminal Code and civil remedies could be pursued through the Labor Protection Act.

RECOMMENDATIONS

ISSUE IDENTIFIED	RECOMMENDATION
1 There have been limited investigations of the exploitative employment conditions on fishing boats and few penalties against boat owners or captains.	i) There should be sufficient penalties to serve as a deterrent to such abusive employment conditions. ii) A policy of cooperation should be enacted between law enforcement officials across borders to investigate and prosecute those knowingly responsible for abuses.
2 Because of limited livelihood alternatives in rural villages, men seek employment elsewhere, which sometimes results in exploitation.	i) Promotion of safe migration in source communities should inform potential migrants of the risks associated with exploitation on fishing vessels and what they can do to protect themselves. Guidelines for Cambodian recruiters offering overseas employment should be developed that are consistent with these safe migration messages. ii) Alternative livelihoods options should be made available to rural villages.
3 Exploited workers are sometimes arrested and held in detention before being deported since there are no referral systems to provide assistance.	A referral system in destination countries is needed to ensure that those who have been exploited, abused and/or unpaid on fishing boats have information related to their rights and what they can do to address the situation.

NOTES ON METHODS

- Case tracking and documentation by LSCW and LICADHO
- Returnee tracing and interviews by UNIAP, plus vulnerability targeting focus groups with community members, and in depth interviews with police, village leaders, and employment brokers.

ABOUT THE AUTHORS

Cambodian NGOs Legal Support for Children and Women (LSCW) and the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) have documented other cases similar to this, and assist in cases where migrant Cambodian workers are exploited.

For questions, comments, and feedback on SIREN, please contact Paul Buckley at Paul.Buckley@undp.org.

UNIAP: www.no-trafficking.org



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