

Introduction

Trafficking in people undermines the freedom of human beings and degrades their fundamental rights since “human dignity” has been reduced to mere “merchandise.” It negatively affects socio-economic conditions and challenges the world community’s peaceful existence. Human trafficking originated as slavery which flourished in the past to supply forced labor for agriculture and warfare. The pattern kept evolving until the industrial revolution in Eastern Europe in the 18th century when the world communities started to recognize the negative impact of human trafficking and started to give priority to its prevention and suppression.

Nearly 21 million people are the victims of forced labor across the world, trapped in jobs into which they were coerced or deceived and which they cannot leave. The Asia-Pacific region accounts for the largest number of forced laborers in the world—11.7 million (56 per cent of the global total), followed by Africa at 3.7 million (18 per cent) and Latin America with 1.8 million victims (9 per cent). (International Labor Organization 2012).

Thailand is a country of origin, transit, and destination of men, women, and children who are victims of trafficking in persons due to its prime geographical location with borders adjacent to four neighboring countries and convenient transport via land, rivers, and seas. There are also long borderlines that are unsupervised. People living along frontiers commute across the borders daily to seek day jobs or handle their trade and other affairs. Economic disadvantages in the neighboring countries, their unstable political situation, and a shortage of cheap labor in Thailand for the sea fishery sector have attracted jobseekers from Myanmar, Cambodia, and Lao PDR in particular. Due to stringent regulations on foreign workers, many jobseekers have sought to avoid these regulations and hence fallen prey to abusive middlepersons in gaining entry, often illegally, into Thailand. Countless migrants are subject to ruthless recruitment practices such as deception, false promises, false travel documents, bodily harm, detention, confiscation of identity papers, withholding of wages, and other deceptive financial arrangements placing them as victims of trafficking in persons. While the problem is widespread, the numbers of cases being investigated remains low. For example, the overall numbers of trafficking in persons

cases under investigation increased significantly in 2012 and 2013 but the number of forced labor and services remained low at 44 and 80 out of 306 and 674 cases respectively. In 2013 alone, cases of *forced sea fishery labor* accounted for only a third of cases of forced labor and services i.e., 27 out of 80 cases.

Table 1: Cases of trafficking in persons, investigated in 2010-2014

Year	Numbers of cases	Increase (+)/Decrease (-) in percentage	Types of exploitation (numbers of cases)		
			Sexual	Forced labor and Services	Begging
2010	81	-21.4	65	12	4
2011	97	+19.8	74	19	4
2012	306	+215.5	226	44	36
2013	674	+120.2	520	80	74
2014	280	-27.46	222	47	11

Source: Anti-Trafficking in Persons Division

Research methodology

The article is based on qualitative research including a literature review and in-depth interviews with key informants in three provinces, Samut Sakhon, Rayong and Songkhla, representing the Central, East and South regions respectively. All sites were adjacent to the sea and are pilot provinces for Coordination Centers for Sea Fisheries Labor. The sites are dense with migrant communities that make their livings from fisheries and with supply chain industries.

The documentary study included a review of theories, Thai and international articles, including data available on the Internet and from meetings as well as legal comments and judgments from trafficking cases, including materials related to illegal aliens and collaboration between countries to prevent human trafficking.

The key informants, 4 women and 20 men, were divided into two groups. The first group consisted of 12 representatives from public agencies including 3 police officers, 1 military officer, 2 labor inspectors (both were woman), 1 public attorney, 4 lawyers, and 1 social worker. The second group of 12 persons was selected from the private

Prevention of trafficking in persons for forced sea fishery work in Thailand

sector experts, entrepreneurs and boat operators working in the private sector including 2 experts on trafficking (both were women), 4 off-shore sea fishery association committee members, and 6 fishing boat operators.

The in-depth interview was non-structured and open-ended with the use of keywords to direct key informants in their responses. Samples were selected through Purposive Sampling based on the suitability of the interview candidates, for example, whether they were policy administrators, reviewers of laws and regulations, practitioners or representatives in strategic meetings. Interview questions included key informants' demographic data, their legal responsibility, the measures developed by their respective agencies, the problems and setbacks encountered in prevention work and their recommendations.

Data analysis was arranged as a Descriptive Model to match the research objectives. Findings were subjected to qualitative analysis and presented with Tables and descriptive narrations. Acquired data is summarized in this article.

Conceptual framework

Rational Choice theory

Rational Choice theory proposes that every human activity is based on rational decisions, after having considered all reasons and logic. Key assumptions are that a rational person *uses* reasons for an action, *sets* priorities according to the data available, and *applies* reasons to select the best approach to achieve the intended purpose (Becker 1968).

The theory proposes that, before taking a criminal action, a person analyzes and calculates the maximum benefits and losses. Expected benefits are both tangible and intangible, such as monetary gain, excitement, satisfaction, revenge, success, prestige, and fame. Losses may include assets, money, business and trade advantages, or emotional losses such as shame, opportunity and being caught and punished. If a person estimates that there will be more loss than gain, the person will refrain from taking action, but will proceed if the gains outweigh the losses. The principle of criminology also explains other consequences such as the possibility of being arrested, the degree of penalties if apprehended, including other legal alternatives.

Rational Choice theory can be applied to explain the actions of three offender groups: those involved *directly* in trafficking, such as any person who organizes to buy, sell, transfer, harbor, or receive victims of trafficking such as persuaders, middlepersons, transporters, entrepreneurs, employers and fishing boat operators; those involved *indirectly* in trafficking such as any person who support perpetrators by means of financing and providing harboring venues for offenders' business, or helping offenders to get away from justice due to the need to return favors or kinship relationships; and, *law enforcers* consisting of civil servants, officials, committee members and politicians.

Deterrence theory

Deterrence theory asserts that "harsh, swift and certainty in punishment is the major crime prevention." (Zimring and Hawkins 1973). In this light, man is a noble beast who will consider the consequences prior to committing a crime. Society can prevent an individual from engaging in a crime by imposing appropriate and effective laws (Pornchai Kunthee, 2010). These include *punishment certainty* when an offender has no chance of escape, *speedy punishment* when the offender is brought to trial immediately and the public can see the severity of the penalty, and *appropriate punishment* that fits with the severity of the crime conducted.

Deterrence theory has relevance for trafficking for forced sea fishery. The law applies not only to offences directly related to trafficking but also related criminal and administrative offences. Penalties include imprisonment and fines, indemnity for victims, seizure of assets, closure of business or abrogation of permits. Punishment that aims at preventing the crime is *Specific Deterrence* while punishment that aims at setting a precedent for the public is called *General Deterrence*. Both are effective if supported by punishment appropriate to the degree of crime committed and known to the public. Enforcement of anti-human trafficking laws and other criminal and civil laws are thus both *specific* and *general* measures to deter the crime.

Thailand has several legislative instruments to curb the problem of trafficking in persons in general and for forced sea fishery in particular. The most authoritative one is the Anti-Trafficking in Persons Act, 2008 that replaced an Act from 1997. This law imposes penalties on individuals, accomplices, and financial supporters harboring crimi-

Prevention of trafficking in persons for forced sea fishery work in Thailand

nals, persuading, directing or contacting a person to become member of an organized crime, including demanding, accepting or agreeing to accept property or any other benefit in order to help offenders of trafficking in persons. Three other closely related instruments are (1) the new Fishery Act, 2015 that specifies provisions to monitor, control, and provide surveillance of fisheries inside and outside the Thai waters to prevent illegal fishery; (2) the Aliens Employment Act, 2008 that contains provisions on job specification for alien workers as well as procedures for hiring aliens at the borders, allowing the operator to add job descriptions, employers, locations, work place, or other conditions; and (3) a set of Ministerial Regulations, 1998 as amended by the Labor Protection Act (No. 2), No. 10 of Ministerial Regulations concerning Labor Protection in Sea Fishery Work, 2014, and Ministerial Regulations, 2016 that prohibits children under 18 from working in sea fishery.

The Thai Criminal Code also punishes perpetrators and accomplices in trafficking crimes for actions related to violence, taking into custody, detention against a person's will, deception, slavery, transporting people out of the Kingdom, or other wrongdoings. Other supporting laws include those on Thai vessels' registration (1938, amended in 1978 and 1985), immigration (1979) and employment and job-seekers protection (1994, amended in 2001).

Concept and definitions of trafficking in persons

UNODC (United Nations 2004) defines "trafficking in persons" as depicted in Figure 1.

Concept of prevention

The UN International Framework for Action to Implement the Trafficking in Persons Protocol (UNODC 2009) has highlighted "prevention" as one of the most important aspects of an effective anti-human trafficking response. Among prevention measures proposed by the Protocol are those that protect victims from re-victimization, promote lawful migration for decent work, ensure coherence among related public policies, and reduce vulnerability to trafficking by addressing its root causes including the demand that fosters all forms of trafficking in persons and social indifference to exploitation.

Figure 1

ACT	MEANS	PURPOSE	= TRAFFICKING
Recruitment	Threat or use of force	Exploitation including	
Transport	Coercion	Prostitution of others	
Transfer	Abduction	Sexual exploitation	
Harboring	Fraud	Forced labor	
Receipt of Persons	Deception	Slavery or similar practices	
	Abuse of power or vulnerability	Removal of organs	
	Giving payments or benefits	Other types of exploitation	

This study employs the term “prevention” to be inclusive of all actions that contribute to improving public awareness on the issue, eliminating both the causes and effects of the problem, deterring and punishing perpetrators with strong law enforcement hence stopping recurrences of crime, promoting collaboration of key actors, protecting vulnerable groups and victims and assuring the society’s sense of security and well-being. This paper discusses *prevention* along the lines of the Thailand Five Ps Strategies to combat human trafficking, as well as the two criminology theories of Rational Choice and Deterrence.

Results

The recruitment of migrant workers for sea fishery work is highly organized. Traffickers and accomplices include job agents and middlepersons, business owners and fishing boat operators, politicians, and law enforcers. The process starts by enlisting workers from rural villages in their countries of origin to bringing them across the borders illegally to destinations such as Thailand.

Studies of international organizations, ILO and Chulalongkorn University (2015) have found that the fishery sector encounters many problems caused by the absence of written employment contracts.

Prevention of trafficking in persons for forced sea fishery work in Thailand

Rationally, the major problems of forced fishery labor come through coercion, threats, and deception. Some enterprisers even ask their employees to recruit workers through persuading their relatives or close friends in cases of labor scarcity.

According to the Office of Foreign Workers Administration, the recruitment process involves deception, the use of force, detention and bodily harm or deduction of wages in advance. The *Act, Means and Purpose* of these actions thus qualify these recruitment practices as human trafficking.

Trafficking in persons for forced sea fishery work

The Thailand seafood industry, particularly deep-sea fishing, has been heavily criticized by the US for using forced labor. Sea fishery is tough and risky work that is avoided by most Thai laborers and this has led to labor shortages in this industry (Mirror Foundation 2014). The Thai government has established measures to remedy labor shortages by allowing migrants from neighboring countries to register for work through a time-bound Bilateral Memorandum of Understanding (MOU) with the Governments of Cambodia, Lao PDR, and Myanmar. To meet the deadlines prescribed by the MOU, many migrants had to relocate in a rush. Those who did not register within the set timeframe had to either return to their homeland or stay illegally in Thailand and work without permits.

The US Trafficking in Persons Report for 2014 (Office to Monitor and Combat Trafficking in Persons 2014) placed Thailand in the lowest ranking of Tier 3 due to the fact that the Thai Government “does not fully comply with the minimum standards for the elimination of trafficking” and because a “significant portion of labor trafficking victims within Thailand are exploited in commercial fishing, fishing-related industries.” The Report estimated 2-3 million migrant workers in Thailand, the majority of whom were from Myanmar. It stated that “Burmese, Cambodian, and Thai men are subjected to forced labor on Thai fishing boats that travel throughout Southeast Asia and beyond; some men remain at sea for up to several years, are paid very little, are expected to work 18 to 20 hours per day for seven days a week, or are threatened and physically beaten.” It found that “corrupt Thai civilian and military officials profited from the smuggling of Rohingya asylum seekers from Burma and Bangladesh … and were complicit in their

sale into forced labor on fishing vessels.”

Restricted law enforcement is an indicator for the US in rating countries in their efforts to prevent and curb human trafficking. Lawsuits against human traffickers, however, are few in relation to the incidence. This is due partly to difficulties in monitoring sea fishery work. Seafarers are often on board for a long time and most fishing vessels depart from Thai waters to international seas. Employers and ship captains rotate their fishing crews from one vessel to another to avoid the screening process.

International pressure

The US concern over trafficking in persons for forced sea fishery has had an impact on Thailand’s trade and image. The US, which is a top buyer of seafood from Thailand with over 1,700 million USD trade value, has cut down trading and other subsidies directly affecting the Thai fishery industry, the frozen food industry, and the shrimp industry. The problem could escalate if these buyers decide to move their production base to other countries (Jarupat Panichying 2014). Moreover, Thailand may lose US non-trade and non-humanitarian assistance as well as face US objections to other subsidies from international institutions such as the International Monetary Fund (IMF) and the World Bank (Chotika Chummee 2014).

The US Trafficking Victims Protection Act (TVPA), enacted in 2000, gives it the power to supervise human trafficking and other similar practices both in the US and worldwide. The Act authorizes the US government through its Ministry of Foreign Affairs to prepare annual reports on situations of trafficking in persons in 188 countries. Using a tier-ranking to rate country performances on combating human trafficking, the TIP Report is considered a powerful instrument and a roadmap for both the U.S., and other national governments being reviewed. Classifications of the countries are in four groups:

Tier 1: countries that operate under the minimum standards set in U.S., law, both preventive and suppressive measures, including law enforcement and victim’s protection.

Tier 2: countries that operate differently from the minimum U.S., law requirements but have demonstrated efforts to improve situations.

Prevention of trafficking in persons for forced sea fishery work in Thailand

Tier 2 Watch List: countries with practices similar to those in *Tier 2* but with increasing numbers of human trafficking victims or who have not demonstrated clear effort.

Tier 3: countries that have not made any attempt to combat human trafficking.

Criteria for rating include the prohibition of human trafficking and punishment of perpetrators; the employment of definite penalties and heavy penalties for sexual exploitation, trafficking in children, trafficking with sexual assault, kidnapping or trafficking that causes death to victims; harsh penalties to prevent human trafficking and the demonstration of serious effort and consistency in actions to eliminate human trafficking problems.

The Five Ps strategies

Thailand first placed trafficking in persons on its national agenda on August 6, 2004. The Anti-Trafficking in Persons Act, 2008 was passed and a six-year long-term action plan for 2011-2016 was drawn up. Since the National Council for Peace and Order took control of the country's administration on May 22, 2014, trafficking in persons has been re-affirmed as an item on the national agenda on April 3, 2015, focusing on the participation of all sectors to maximize achievements (Thai Government 2015). The government has also devised a "Five Ps" scheme, meaning Prevention, Prosecution, Protection, Policy, and Partnership. A total budget of 969 million baht was allotted to support the implementation of these strategies from 2013 to 2015 (Sunee 2015).

Prevention strategy

This strategy largely focusses on the dissemination of information and the launching of public campaigns targeted at foreign laborers in Thailand and the general public. The campaigns aim to promote the workers' understanding and awareness of labor laws and regulations, workers' rights and how to stay safe from trafficking, as well as creating a sense of accountability and knowledge of human rights among enter-

prises, employers, and boat operators.

The authorities believe that prevention can also be done through border entry checks to detect illegal immigration and trafficking victims especially from Myanmar, Cambodia, and Lao PDR. Article 54 of the Immigration Act, 1979 allows the authorities to refuse entry for employment to any foreign person not having adequate training or any person seeking employment that violates the laws governing foreign workers. Promotion of the use of written employment contracts is another preventive measure to reduce exploitation and debt bondage in the sea fishery sector. Furthermore, employers are required to register foreign workers within a specific timeframe. Such a measure helps to ease monitoring, control employers and foreign workers, and possibly reduce the numbers of human trafficking victims.

Prosecution strategy

Prosecution is implemented by the public sector and includes the enactment of laws and punishment. Key applicable laws are the Act of Anti-human Trafficking, 2008 and the Amendment No. 2, 2015, which empowers field officers in preventing, suppressing and solving human trafficking. Key responsible agencies are the Royal Thai Police, the Ministry of Social Development and Human Security (MSDHS), and the Ministry of Labor (MOL).

A National Committee on Anti-Human Trafficking was established and chaired by the Prime Minister to organize and monitor national action plans and coordinate the efforts of the agencies involved. The body establishes approaches and raises funds for the assistance and protection of human trafficking victims. It has the authority to designate human trafficking as a basic offense under the money laundering law, to close down workplaces or factories, suspend licenses of enterprising businesses and factories, prohibit vehicle use, and take any action necessary to prevent any recidivism.

Protection strategy

Currently there are eight welfare homes throughout the country to protect and assist victims of human trafficking, under the supervision of the MSDHS. Interdisciplinary teams, consisting of both public and private agencies, classify victims of trafficking in person before referring victims of forced sea fishery to Welfare Protection Homes of

Prevention of trafficking in persons for forced sea fishery work in Thailand

the MSDHS, located in the provinces of Pathumthani, Chiang Rai, Songkhla, and Ranong. Victims are supported by means of board and lodging, medical care, physical and psychological rehabilitation, education, skills training, legal assistance and lawsuits to claim indemnity from offenders. They are then safely repatriated to their home countries or places of domicile.

Policy strategy

The government seeks cooperation from the private sector in implementing policies related to migrant workers. One important policy is the registration of migrants which requires employers to register all migrants they employ. Another example is the set-up of seafarers' coordination centers in Trat, Rayong, Samut Sakhon, Chumphon, Songkhla, Ranong, and Satun. While the centers are set up by the MOL, the actual operation is left to enterprise owners. Policy work also includes the collection of data on seafarers' registration, vessel registration and the issuance of permits to use vessels or permits to use fishery tools.

Partnership strategy

A set of Memoranda of Understanding (MOU) has been concluded at national and regional levels to form partnership among Thai authorities as well as between Thailand and the governments of the sending countries. The MOU often covers the exchange of information, joint rescue actions, assistance in the prosecution process, and the repatriation of victims. There have been both new MOUs and renewal of existing MOUs.

Sharing of information among key Thai agencies takes place among the MSDHS, the Royal Thai Police, the MOL and the Office of Attorney General. There are also joint meetings of representatives from the public and private sectors, including the Command Center for Combating Illegal Fishing (CCCIF) and Provincial Coordination Centers in strategic provinces. The meetings provide updates on new laws, regulations, orders, and practices related to sea fishery.

Discussion

At the time of this study, the Five Ps Strategies were proving inadequate in eliminating trafficking in persons for forced sea fishery work,

as evidenced by the Tier 3 status of Thailand in the 2014 TIP Report. However the Ps Strategies have been strengthened by the government policy to set up CCCIF in 2015. CCCIF operates to address challenges in both illegal fishing and forced labor in sea fishery, leading to a significant reduction of the challenges. (ARCM 2017)

Prevention. While controlling the issuance of work permits is one way of preventing the primary causes of human trafficking, the risk remains in cases where workers are smuggled illegally through natural borders. It is also difficult to monitor seafarers in fishing vessels that operate outside Thai waters. Therefore, agencies involved should impose strict inspection measures over fishing vessels, operators, and seafarers in order to prevent illegal border entries and incidents of human trafficking. The CCCIF addresses illegal fishery by demanding captains or owners of fishing vessels to report their "Port Out" (departure) 24 hours in advance and "Port In" (arrival) 24 hours in advance together with submitting support documents such as boat registration papers, fishing licenses, employment contracts of fishing crew members, and details of fishing activities. This can be helpful in preventing trafficking but the sheer numbers of fishing vessels and fishing ports overwhelms the limited numbers of responsible officials, the few coastal surveillance ships, and the small stocks of petrol. Joint-operations and randomized inspection are carried out but they cannot keep up with the growing numbers of illegal entries for sea fishery and migrant workers. In 2015, the number of patrolling ships was 384 compared to 43,983 registered fishing vessels (Department of Fishery 2015).

Policy. The system of foreign workers registration cannot account for all migrants seeking employment in Thailand. Unskilled foreign workers who cannot get through the official registration process have sought illegal entry into the country thus placing themselves in a vulnerable position and at great risk of being trafficked for forced labor. The private sector, such as enterprise owners, vessel captains or vessel controllers, often avoid registering their workers due to unmanageable deadlines, the costs involved, and the risk of losing registered workers in case they change jobs or employers, run away or go back home.

Prosecution. Lawsuits against offenders can help in deterring new crimes from being committed. Punishments such as imprison-

ment and fines of offenders, indemnity for victims, confiscation of offenders' assets, closure of workplaces, suspension of business licenses and temporary prohibition of vehicle usage serve as deterrents to possible traffickers. These penalties could persuade the public to fear wrongdoing and decline from taking part in trafficking, corresponding with the Deterrence Theory. While Thai legal measures may not be lacking and relevant laws may be in place, the evolution and sophistication of trafficking patterns are more complicated than the laws can cope with. Law enforcement is also deficient. While budgets have been allocated and public actors assigned, their amounts and numbers have proven insufficient when compared to the magnitude of the problem.

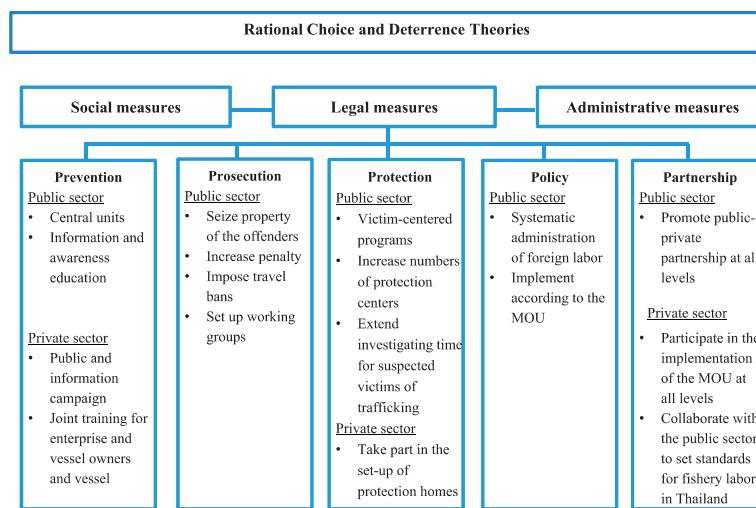
Protection. This is another measure that could prevent repetition of crime. When protection includes measures such as victims' education, career and life skills training and knowledge on law and trafficking, it can help victims to more easily find their footing back in their domicile. However, such measures require assessment and preparation of victims' families and communities of origin to ensure a smooth re-integration and avoid risks of re-victimization.

Policy. Implementation of some relevant policies have not been effectively carried out, for example, inclusion of human rights, children's rights and trafficking in persons as part of the school curriculum, as in the Police Academy and the Bar Association. Furthermore, work of national supervisory bodies has been affected by frequent changes of chairmanship and members. Often public agencies entrusted with human trafficking work, such as the Immigration Office and the Foreign Workers Administration Office, give priority to enforcing immigration laws rather than trafficking laws.

Partnership. Lack of understanding on human trafficking prevention among field officials is a concern. Exchange of information is found to be slow and only pieces of evidence approved by relevant authorities can be accepted at the trial. Thus intelligence information becomes useless. The extradition of rescued victims meets with obstacles within the bilateral agreements. Witness protection is still deficient or not taken seriously. Both domestic and international MOUs at bilateral and multilateral levels face problems arising from differences in law enforcement in different nations. Laws, standards and priorities of each country are different. International cooperation on human trafficking lawsuits is still at a low level.

Based on the overall findings, the author proposes to group the Five Ps Strategies under social, legal, and administrative measures, with different interventions under each strategy, underlined by the Rational Choice and Deterrence Theories.

Figure 2: The Five Ps Strategies



Social measures are found in both *Prevention* and *Protection strategies* where efforts have been made to sensitize, educate, and update the public, vulnerable groups, migrant workers, vessel owners and operators as well as law enforcers, on risks of human trafficking and forced labor, support services for victims, labor rights, new laws and regulations. Language barriers are one obstacle to the message reaching migrant workers groups, whose statelessness often prevents them from coming forward to receive assistance or to prosecute ruthless employers.

Administrative measures are present in *Prosecution*, *Protection*, *Policy* and *Partnership Strategies*. Here, a few key obstacles remain. The first is the difficulty in implementation of MOUs due to different sets of national laws being applied and inefficient collaboration and communication. Second ad hoc aliens' registration practices encourage people

smuggling into Thailand. Those involved hope for an amnesty registration to be announced thus legalizing their immigration status. Next the officials coping with the large numbers of fishing ports and vessels to be inspected are insufficient in number and frequently reshuffled. Often, assigned officials are not familiar with trafficking issues, are insufficiently trained, or are transferred to non-trafficking related posts too early. Last but not least is the inadequate number of protection homes and associated services supporting rescued victims of trafficking for forced sea fishery work.

Legal measures are mostly linked to *Prosecution* and *Policy strategies*. The problem lies in the Thai anti-human trafficking law that requires elements of *threat, force, coercion, deception and abduction* for an offence to be classified as “trafficking in persons,” otherwise, the wrongdoing will be prosecuted under labor protection or other criminal and administrative laws. This has allowed many trafficking cases to fall through the cracks and be inappropriately treated. The use of the anti-money laundering bill to seize the assets of convicted offenders has not been as effective as intended because responsible agencies do not have enough expertise in tracing the assets of offenders both within and outside the country. This has resulted in few cases of confiscation and in negligible seizures of assets, thus being an ineffective deterrent to potential offenders.

Conclusion

The study examined public and private measures to prevent trafficking in persons for forced sea fishery in Thailand, employing a broad concept of prevention and the two criminological theories of Rational Choice and Deterrence to review the Five Ps Strategies of the Government of Thailand.

Rational Choice Theory cuts across all five Strategies. The theory proposes that a person's choice whether or not to commit a crime depends on the possibility of gains and losses that are likely to result. In case of trafficking in persons for forced sea fishery, offenders choose to exploit cheap labor for sea fishery work due to loopholes in migrant workers registration, weakness in law enforcement, and insufficient numbers of law enforcers and sea patrolling equipment. They calculate that their gains will outweigh the risks of being arrested and punished;

thus exploitation continues or recurs.

In the same vein, the *Deterrence Theory* is relevant to the strategies of *Prosecution* and *Policy*. The theory proposes that a person's propensity to commit a crime is affected by that person's awareness of the severity of possible punishments. Anti-human trafficking laws and other labor protection, criminal and civil laws and policies are considered both *Specific Deterrence* that aim directly at offenders and *General Deterrence* that aim at the public at large. The low rating in the TIP report have, in a way, confirmed Thailand's failure in deterring this crime effectively. Victims and the public may therefore lose faith in the justice system because they cannot see the *certainty* of punishments that are *speedy* and *appropriate* to the degrees of crime committed.

However, the establishment of the Command Center for Combating Illegal Fishing (CCIF) in 2015 has increased both specific deterrence and general deterrence leading to a more efficient suppression of illegal fishing and protection of trafficked victims, including the change in the TIP report ranking in 2016 to Tier 2 Watch List.

References

Asian Research Center for Migration. 2017. The Research Report of Policy Development of the Problems of IUU Fishing, Forced Labour and Human Trafficking in Sea Fisheries 2016.

Becker, Gary S. 1968. "Crime and Punishment: An Economic Approach." *Journal of Political Economy* 76(2): 169-217

Chotika Chummee. 2014. U.S.A. reduced Thailand to Tier 3 as shown in Trafficking in Persons Report 2014. www.scbeic.com/THA/document/flash_20140623_tier/

Chulalongkorn University. 2015. Dialogue and Declaration on Rescuing Thai and International Crews "Stranded at Umpon Island: Is it stranded crew, trafficking labor and trafficking crew?" <http://www.ias.chula.ac.th/ias/th/Seminar-Detail.php?id=10>

Department of Fishery. 2015. Strategies of Department of Fishery B.E. 2013-2016. www.fisheries.go.th/planning/files/info/strategy56.pdf

ILO and Asian Research Center for Migration 2013. *Employment Practices and Working Conditions in Thailand's Fishing Sector*.

International Labour Organization. 2012. 21 Million People are now Victims