



















Addressing Modern Slavery in Thailand

Policy Brief

Thailand's Modern Slavery Conference March 2025



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Introduction

Modern slavery is increasingly recognised as a global risk. In Asia Pacific it is estimated that 28 million people are in modern slavery, of whom 15 million in forced labour¹. The profits are significant, estimated at an annual US\$62 billion in the region². Migrant workers are at particular risk of modern slavery in the form of forced labour and human trafficking. Unpinning these estimates is a complex transboundary problem, with global, regional, national and local dimensions. Exploitation – whether for labour, sex or forced marriage - is entrenched in key industries and evolving in new ways.

Thailand faces risks of modern slavery in several sectors, including agriculture, fisheries, construction, manufacturing, and domestic work. Conditions in neighbouring countries affect vulnerabilities of migrant workers from those countries in Thailand. Unsafe migration has increased due to factors including political conflicts and climate change, while deceptive recruitment methods have proliferated through social media.

A diverse range of stakeholders joined Thailand's second Modern Slavery Conference 2025 on 3-4 March 2025, recognising the gravity of the issue and a growing commitment to progress strategies to prevent and improve responses to modern slavery. Led by the Office of the Attorney General, participants included government agencies, civil society, the private sector, international organisations and survivors of modern slavery. This policy brief presents key issues and recommendations discussed at the conference with implications for Thailand and beyond.

Key areas of discussion arising from the conference include:

- 1. National and regional good practices
- 2. Ethical recruitment and vulnerable populations
- 3. Responding to human trafficking and forced labour in Thailand
- 4. The role of human rights due diligence HRDD) in addressing modern slavery in Thailand

Key recommendations arising from the conference include:

- 1. Strengthening legal frameworks and enforcement mechanisms against modern slavery, including through mandatory corporate human rights due diligence
- 2. Improving labour migration governance and migrant worker protection
- 3. Promoting ethical business practices, including through the Employer Pays Principle3
- 4. Enhancing international cooperation, including within ASEAN, Australia and the EU
- 5. Supporting survivors and vulnerable populations to participate in policymaking
- 6. Capacity building and awareness raising of modern slavery risks and responses

¹ International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM): Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Geneva, 2022

² ILO: Profits and poverty: The economics of forced labour, 2024

³ The Employer Pays Principle is based on the understanding that "no worker should pay for a job – the costs of recruitment should be borne not by the worker but by the employer", as supported by the industry-led Leadership Group for Responsible Recruitment: https://www.ihrb.org/projects/leadershipgroup-for-responsible-recruitment

Key areas of discussion

National and Regional Efforts to Tackle Modern Slavery

There has been considerable progress towards tackling modern slavery in Thailand, Australia, the European Union (EU), and other jurisdictions since Thailand's first modern slavery conference in March 2024.

In Thailand, implementation of the 5th National Human Rights Plan (2023-2027) and the 2nd National Action Plan on Business and Human Rights (2023-2027), has included a focus on labour rights and governance, human rights defenders, vulnerable populations, and cross-border investments. These national plans aim to address human rights violations, including modern slavery, through a range of measures including legislative reforms, capacity development and awareness-raising.

Human rights due diligence has been promoted under the 2nd National Plan of Action on Business and Human Rights, which builds on efforts undertaken by government agencies, international organisations and business associations over recent years to promote and protect human rights in business operations. The Ministry of Justice is considering mandatory corporate human rights due diligence in law, with a draft anticipated to be completed by early 2026. At an operational level, measures are being implemented to provide increasingly effective remedies for migrant workers with grievances, including legal support, facilitating mediation between employers and workers, and providing state compensation and witness protection to victims of abuse. A key element of Thailand's response to modern slavery is international cooperation, including with Australia and the EU.

Australia has made significant progress in the past year with the appointment of the first national Anti-Slavery Commissioner, an independent pillar in Australia's comprehensive approach to tackling modern slavery. The Commissioner will work closely with businesses to ensure compliance with Australia's Modern Slavery Act, raise awareness on this issue, particularly in the business community, and also engage with victims and survivors. Australia reviewed its Modern Slavery Act 2018, which requires certain large businesses and the federal government to report on how they assess and address modern slavery risks within their operations and supply chains. The review produced 30 recommendations to strengthen Australia's Modern Slavery Act. The Government response to the recommendations was published in December 2024.

In Europe, the EU's Corporate Sustainability Due Diligence Directive (CSDDD) adopted in 2024 has set a new global standard in mandatory due diligence for business. It establishes requirements for large companies to address adverse human rights, including labour rights, and environmental impacts. The Directive includes the prohibition of child labour, forced labour, unequal treatment in employment and freedom of association. The CSDDD will progressively ensure large businesses are responsible and accountable for ensuring their operations and supply chains are free of human rights abuses. Further, the EU's Forced Labour Regulation (FLR) adopted in 2024 will ban products made with forced labour from entering the EU market. The EU will support implementation of the CSDDD by providing

information and support to companies in facilitating compliance, issuing guidelines to help countries support compliance, and is currently supporting Thailand with related projects.

Ethical recruitment and vulnerable populations

Migrant workers: Thailand is a significant destination for migrant workers in Southeast Asia, particularly from neighbouring Myanmar, Cambodia, Lao PDR and Vietnam. There are 2.3 million registered migrant workers from these countries and an estimated 1.8 million further in undocumented, in irregular status⁴. Thailand faces challenges in ensuring ethical recruitment and protection of migrant workers, with the governance of migrant workers largely seen as ad hoc and viewed through a security, border management, lens. Migrants face significant vulnerabilities to modern slavery and related exploitation, particularly those in irregular migration status, including through debt bondage, and lack of access to legal protections and remedies.

Most migrant workers come to Thailand through irregular channels due to the time, cost, risks and complexity of regular migration. In recent years, migration through formal channel has become even more difficult for Myanmar workers. Thailand has made progress forward improving formal migration channels including through introducing a policy requiring employers to pay the fees for the recruitment and related costs of migrant workers. Despite these steps, existing laws and regulations often fail to address the power dynamics between employers and migrant workers, leaving workers with limited negotiation power and access to grievance mechanisms.

The Employer Pays Principle: EPP has become an established and evidence-based standard for reducing the vulnerability of migrant workers to debt bondage and related exploitation, with multinational companies increasingly adopting this approach in their operations and supply chains. The fees migrant workers pay for recruitment, documentation, travel and other services often amount to months' of salary, and it is logical therefore for employers to meet the costs for their labour needs. Thailand has taken steps towards EPP in policy, however gaps remain and enforcement is weak.

Implementation of EPP also requires addressing questions over which fees the employer should pay, and how they are to be paid. There may be differences in contexts from the international to local levels. Where costs are paid informally, there are difficulties in showing the costs to be compensated. For suppliers, implementing EPP may increase costs in production, and the question arises as to whether buyers will accept the higher prices for more ethical recruitment. Alongside the EPP therefore, it is equally important that buyers accept sustainable pricing and purchasing practices.

In-country recruitment of migrant workers is broadly not permitted in Thailand, yet this tends to occur when registration for undocumented migrant workers is opened, as has occurred on a frequent basis to meet labour demands and regularise the status of migrants in the country. The complexities in the formal recruitment and registration processes mean employers and workers often use informal brokers or agents to navigate, adding costs and risking exploitation.

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⁴ From the UN Network on Migration in Thailand: <u>Thailand Migration Report 2024</u>

Fisheries sector: Workers in the fisheries sector are particularly vulnerable to exploitation and abuse as has been well documented⁵. A series of policy reforms introduced in Thailand since 2015 sought to reduce vulnerabilities in the sector, including through: establishment and monitoring of Port-In Port-Out (PIPO) Control Centers in 22 coastal provinces; adoption of the Fisheries Act 2019 providing protection to fishers; and enhancing legal enforcement. The government has worked with a range of stakeholders, engaging employers and workers' networks, as well as international agencies for technical support. Thailand also ratified the ILO Convention 188 on Work in Fishing in 2019 to improve employment conditions and protections for workers in the sector. The reforms are being challenged by industry advocacy to roll back the regulations.

Child labour: An increase in risk of child labour has been observed due to the conflict in Myanmar, particularly in Thailand's agricultural sector. Many of the children arriving from Myanmar are in irregular status and face barriers in accessing legal identity, formal education and social security. Even in cases where migrants and their children are able to access these basic rights, language and other barriers often prevent access. Children of Myanmar workers may face risk of arrest and deportation, which occurs despite the conflict and both international and national policies prioritising their protection. Efforts to end detention of migrant children require increased support with the implementation of alternatives to detention. Ensuring migrant children's access to the child protection system and basic rights, including health, education and social services should therefore be a focus for relevant agencies and stakeholders.

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⁵ See for example: https://europetouch.mfa.go.th/th/content/90111-highlights-of-progress-on-labour-related-issues-in-thailand%E2%80%99s-fisheries-sector?cate=5d6abf7c15e39c3f30001468; https://www4.fisheries.go.th/dof_en/view_news/426; https://www.ap.org/news-highlights/seafood-from-slaves/; http://www.ias.chula.ac.th/ias/en/Article-Detail.php?id=28

Responding to human trafficking and forced labour in Thailand

Thailand has declared the prevention and suppression of human trafficking a national agenda. The Department of Anti-Trafficking in Persons under the Ministry of Social Development and Human Security (MSDHS) has been established to oversee strategies and provide information to all stakeholders, including government, civil society, private sector, and international organisations. The Anti-Trafficking in Persons Act of 2008 has been reviewed and updated in 2019 to specify criminalisation of forced labour. To support enforcement, the Anti-Labour Trafficking Operations Centre was established within the Ministry of Labour with the responsibility for identifying and preventing human trafficking for labour exploitation, including by inspecting workplaces and screening potential victims. It is recognised as an important step and increased capacities would help to meet the scale of workplaces and migrant labour force in the country.

Laws and regulations have been adopted to protect migrant workers, however, these are limited in scope and tend to favour business interests' over workers. For example, migrant workers are not permitted to form unions and Thailand has not ratified ILO fundamental conventions 87 and 98 on freedom of association, and the right to organise and collective bargaining. In practice, where employers withhold identity documents in violation of regulations, workers may lack bargaining power or knowledge of who can help to have these returned. As migrant workers' legal status is tied to an employer, they can only change employer with the agreement of the employer or when they report violations to the police themselves, which is very difficult in practice. This means that any effective grievance mechanism needs to be designed with an understanding of the needs and capacities of the populations they seek to serve.

Thailand has increasingly comprehensive laws and regulations on anti-slavery, however numbers of forced labour cases remain low in part due to the lack of targeting and resourcing of labour inspections.

International cooperation to assist exploited Thai migrant workers

Thailand's embassies and consulates around the world provide protection and assistance to Thai citizens working overseas, including mobile consular units in harder to reach areas. Thai migrant workers are encouraged to register with their embassies and consulates in countries of destination and hotline and social media channel can be used to seek help in cases of labour abuse or exploitation.

Victims of human trafficking in Thailand are assisted through the National Referral Mechanism, and this includes Thais identified overseas. Thais seeking work overseas can apply for the Thailand Overseas Employment Administration (TOEA) fund, which provides benefits if workers are laid off, injured, or face exploitation. Thai embassies can help as a part of the National Referral Mechanism, which continues to be developed in the country.

Finland/Sweden – Thai migrant workers have been going to Finland and Sweden for several years for seasonal berry picking. Finland and Sweden allow visitors traveling on certain visas to pick berries and sell them to individual buyers. Thai seasonal workers tend to have lower education levels and no foreign language skills, making them susceptible to deception, abuse and in some cases exploitation. There is little predeparture support or information about the realities of work and life in the destination countries, including the high living costs and difficult climate and living conditions. Combined with the costs of recruitment and travel, many workers find themselves trapped in debt, with no certainty of how much they will earn from berry-picking.

When cases of exploitation and abuse have come to light, authorities in Finland and Sweden have worked together with Thai authorities to investigate and prosecute the cases. Successful prosecutions have resulted in convictions and fines for the perpetrators, as well as compensation paid to the workers. Finland and Sweden have since also changed visa policies as a result to reduce vulnerabilities to abuse and exploitation of seasonal workers.

Learning from survivors and NGOs

Survivors of modern slavery and NGOs that support and advocate for survivors provide valuable insights to inform policymaking by enhancing understanding of the drivers of modern slavery and the range of vulnerabilities that migrant workers and other minorities face to abuse and exploitation.



Sreda, a survivor of trafficking for forced labour, recounted how she was recruited into working overseas through a radio advertisement. She departed Cambodia, transited through Thailand and upon arrival in Malaysia, her identity documents and phone were withheld, and she was sent to work for a household and four other rented houses. She endured long working hours without days off and did not receive a salary during 12 months of work. She asked the broker to send her home but was instead sent to work in a second household. After five months working as a nanny without pay, she was then forced to work in a third household, where she worked a further five months without being paid. She could not speak the local language and felt trapped, relying on the broker who exploited her. Sreda was finally assisted by an acquaintance who contacted an NGO, who intervened and provided legal, financial and mental support. The employer and broker were both sentenced to prison. Sreda returned home and has reintegrated back into her community with the support of an NGO.

Sreda urges governments to improve monitoring of recruitment agencies' advertisements and practices, as well as to provide better information to prospective migrants to prevent people from entering the cycle of work exploitation.

The role of human rights due diligence (HRDD) in addressing modern slavery

Human rights due diligence helps businesses to answer the question "How can you know whether your business, or your suppliers, or subsidiaries, have human trafficking or forced labour?" It is a part of the UN Guiding Principles on Business and Human Rights (UNGPs), the authoritative, normative framework guiding responsible business conduct globally, and addressing human rights abuses in business operations and global supply chains⁶. The UNGPs are organised under the following three pillars:

- 1. **Protect:** The State's duty to protect, setting clear expectations for companies by enacting policies and regulations
- 2. **Respect:** The corporate responsibility to respect, companies should undertake ongoing human rights due diligence, a necessary element, to identify, prevent and mitigate human rights abuses and enable remediation mechanisms for negative impacts
- 3. Access to Remedy: The requirement for victims to have access to effective remedies, which are legitimate, accessible and equitable. There are criteria for the effectiveness of judicial and non-judicial grievance mechanisms implemented by both states and businesses. Access to justice for victims of modern slavery should include financial compensation, relief from immigration penalties, regular pathways to stay, and removal of barriers to access formal justice mechanisms.

Internationally, the UN Committee on Economic, Social and Cultural Rights (CESCR) pronounced an obligation of all member states to make HRDD mandatory, which Thailand is now moving towards. Concurrently, Thailand is seeking to become a member of the Organization for Economic Cooperation and Development (OECD) and as a result, must align with the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.

Working towards this transition, the Stock Exchange of Thailand now requires all listed companies to include non-financial performance in addition to financial reporting. The "One Report" includes sustainability indicators covering environmental, social and governance (ESG) aspects. This is a significant step forward for the Thai market, however, a more robust system is needed to help SMEs, which constitute around 90% of the national economy, to effectively integrate HRDD.

In ensuring HRDD and effective access to remedy human rights abuses it is vital to take a systems-wide approach and look at the broader structural factors, including the rule of law, and how impunity is being addressed. This includes the role of civil society and the ability of the media to operate freely and independently. HRDD should be situated within the framing of 'responsible business practices' and a holistic approach to access to justice for those victim-survivors and those vulnerable to modern slavery. It requires looking at the broad systems and structures that perpetuate injustice and inequality, such as shrinking civic space

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⁶ https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

or the inaccessibility of legal support. When some populations are more vulnerable to exploitation, it can prevent survivors of modern slavery from gaining access to remedy and support.

The role of Thai businesses in addressing modern slavery

Private sector action to address modern slavery is essential as most human trafficking and forced labour occur in the private sector. In Thailand, leaders in the private sector, mostly among large multinational companies, are demonstrating and promoting cross-sectoral, multistakeholder approaches to address risks of forced labour and modern slavery in their own supply chains. These companies are implementing ESG reporting and improvements in sustainability, as well as human rights due diligence. They are incorporating the new regulatory environment, human rights and sustainability concerns, into purchasing and procurement decisions. They are leveraging technology to have greater visibility of their supply chains; while training suppliers on their Code of Conduct and other relevant policies to ensure suppliers are in compliance.

While large companies, who are also typically the leaders in HRDD, can largely ensure compliance in their own operations and top tiers of the supply chain, they also experience challenges in conducting upstream due diligence⁷. Workers in SMEs and in the informal sector are not being reached, and there is growing recognition that much more needs to be done for businesses to be prepared for mandatory HRDD. International buyers have risk metrics for reporting on human rights and modern slavery, but many Thai businesses still do not understand its importance. This situation is further complicated by the fact that international brands often use different tools and indicators in assessing labour risks, which can be confusing and time-consuming for supplies.

An important aspect of responsible business conduct and the UNGPs is to ensure protection of workers and whistleblowers who come forward with complaints or grievances. It requires a clear focal points and channels for reporting, procedures and timelines, as well as transparency on outcomes of complaints or grievances. Without such protections retaliation may become standard practice, whether through lawsuits or more informal intimidation which obstructs justice. Thailand has been considering such protections but there remain concerns that workers and their advocates may be targeted when they make complaints until they are in place.

Support to business

Micro, Small and Medium Sized Enterprises (MSMEs) will require more targeted and intensive support in implementing HRDD. Thailand has more than 3 million MSMEs - 85% of which are micro businesses. Many HRDD trainings have been conducted for businesses by government agencies, employers' associations and international organisations, and handbooks and guidelines have been developed to support implementation. While awareness is growing as a result of these trainings, there may also be a need for different measures including coaching and mentoring to support behaviour change.

⁷ Upstream in this context relates to sourcing and suppliers to the business.

Beyond training and awareness raising, Thailand could consider incentives for companies that effectively implement HRDD such as tax breaks and access to public procurement. A resource center of materials and support for businesses to learn and get updates would provide valuable support to business, including for example, with guidance for grievance mechanisms. Simplified toolkits for employers are needed, building on the range of HRDD tools that already exist such as the toolkit for assessing the risk of employing migrant workers.

Government agencies continue to drive policy changes and support to business. The Securities and Exchange Commission of Thailand (SEC) for its part has emphasised the importance of HRDD as it contributes not only to economic, social and environmental sustainability but also to competitiveness in capital markets. The SEC supports HRDD implementation with regulations and tools, capacity building workshops, and working with businesses to disclose and mitigate risks. Data from HRDD supports analysts and investors, thereby supporting responsible investment. From 2027 onwards, large companies will be required to include reports on governance, strategy and risk management. This will be a significant shift for Thai companies as while 96% of companies have information disclosure policies, only 14% put these into practice. The Office of SME Promotion has worked to promote Thai SMEs to be competitive in the global market, operating with a focus on sustainability, human rights, and ethical business. OSMEP is implementing its 5th SME Promotion Masterplan (2023-2027) to improve competitiveness, including sustainability.

Businesses and government agencies can work with civil society actors who often have insights and relationships with migrant workers and other populations vulnerable to rights abuses. CSOs can contribute to audits and provide 3rd party complaint mechanisms, as well as training for businesses and their upstream and downstream suppliers and buyers. Civil society and human rights defenders have key roles in reporting violations and advocating for positive changes, yet there also needs to be support from government and other stakeholders against retribution.

Trafficking into online scams

Human trafficking into online scams is a growing trend in the region and has brought significant attention to the prevalence of organised crime, and the intersection with political power and elites where they operate. While this represents a typical yet new trafficking pattern, it is often considered trafficking for forced criminality rather than forced labour and has resulted in differentiated responses. A key area of alignment is in addressing vulnerabilities in recruitment, where perpetrators have used social media to deceive potential migrant workers to work in the online scams under the pretence of legitimate employment opportunities. Some tech and social media companies, as well as banks and finance institutions, have recognized their role in responding to these risks, while others have yet to do so. Greater recognition of their role and collaboration and engagement with the relevant authorities and civil society are urgently needed to address these patterns. This has rapidly become an issue of global concern, centered in Southeast Asia, as the scams are estimated to steal tens of billions of dollars annually from people globally.

Recommendations

As a result of the discussions, the following recommendations were made:

1. Strengthen Legal Frameworks and Enforcement

- Implement laws for responsible business conduct, including mandatory HRDD: The drafting and implementation of HRDD legislation should be inclusive with stakeholders, including workers and survivors, and aligned to international best practices.
- Enhance labour inspections: Increase capacities, frequency and scope of labour inspections, particularly in high-risk sectors such as fishing, agriculture, and manufacturing. Proactively target labour inspections and conduct without prior notice.
- Amend labour laws: Reform labour laws to incorporate ILO fundamental conventions, including rights to freedom of association, and the rights to organize and collective bargaining. Ensure that workers have access to effective grievance mechanisms and protection from retaliation.

2. Improve Migrant Worker Protection

- Develop labour migration governance and regularisation: Consult with stakeholders to simplify the process for migrant workers to obtain legal status, and engage employers on their current and future workforce needs. Reduce costs, time and complexity, reducing the need for agents to be used, and thereby reducing vulnerability to exploitation.
- Alternatives to detention (ATD): Implement policies to end the detention of migrant children and provide equitable access to social protection and education.
- Address attitudes to migrant workers, among employers, officials and the public, promoting their contribution to the country and economy. Recognising that when workers enter exploitative conditions voluntarily, they may still be victims of trafficking and forced labour.

3. Promote Ethical Business Practices

- Implement the Employer Pays Principle (EPP): Encourage businesses to implement the EPP, ensuring that recruitment fees are not passed on to workers. Provide clear guidelines on which fees are considered in scope and how remediation should be conducted.
- Supply Chain Transparency: Mandate businesses to disclose their supply chains and conduct regular audits to identify and address risks of modern slavery. Encourage the use of technology to track supply chain activities and ensure compliance with ethical standards.
- Incentivise HRDD Adoption: Consider the provision of incentives such as tax exemptions
 or public procurement preferences for businesses that demonstrate strong HRDD
 practices. Develop a database where businesses can access tools and resources to
 implement HRDD effectively.

4. Enhance International Cooperation

- Strengthen Regional Collaboration: Continue working with ASEAN, Australia, and the EU
 on related initiatives. Share best practices and coordinate efforts to combat modern
 slavery across borders.
- Support Victims Abroad: Strengthen the role of Thai embassies and consulates in protecting Thai workers abroad. Ensure that victims of modern slavery have access to legal assistance, repatriation, and reintegration programs. Improve pre-departure briefings and information for prospective migrants.

5. Support Survivors and Vulnerable Populations, including through the National Referral Mechanism

- Expand Survivor Support Programs: Increase support and funding for survivor support programs, including legal assistance, financial compensation, and mental health services. Ensure that survivors have access to long-term reintegration programs to prevent revictimisation.
- Protect Whistleblowers: Establish mechanisms to protect whistleblowers who report cases of modern slavery. Ensure that workers can report violations without fear of retaliation.
- Enhance NRM Effectiveness: Ensure that the NRM is fully utilised to identify and assist victims of modern slavery. Provide training for law enforcement, service providers, and civil society organizations on how to effectively use the NRM.

6. Capacity Building and Awareness Raising

- Increase understanding of modern slavery and responsible business conduct among all relevant stakeholders and particularly SMEs, including on HRDD and ethical recruitment practices. Monitor and evaluate implementation of HRDD uptake after trainings, and use the findings to inform future strategies.
- Public Awareness Campaigns: Engage the public about the risks of modern slavery and the importance of ethical business practices. Use social media and other platforms to reach vulnerable populations.

Conclusion

Thailand's Modern Slavery Conference 2025 highlighted the urgent need for a whole-society approach to combat modern slavery. While important progress is being made, narrowing the gap between what should happen and what is happening, challenges remain, particularly in protecting migrant workers, ensuring responsible business practices, and supporting survivors. By implementing these recommendations, Thailand can strengthen its efforts to eradicate modern slavery and ensure the protection of human rights for all.

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