

15 February 2018

ILO remarks for Draft Thai Prevention of Forced Labour Act public hearing

I have the honour to provide a summary of the remarks of the International Labour Office on the draft Act on the Prevention and Elimination of Forced Labour. The draft Act aims to improve forced labour prevention, protection, and assistance to victims of forced labour, and to bring Thai national legislation in line with the ILO Protocol of 2014 to the Forced Labour Convention of 1930.

Thailand ratified the Forced Labour Convention nearly 40 years ago and we appreciate the Royal Thai Government's new commitment in proceeding with changes to legislation in moving towards ratification of the Protocol. The ILO recognises important progress in this draft Act over the Government's July 2017 draft. In particular, the definition of forced labour and provisions for victims are stronger and clearer.

There are three comments on the language in the revised draft Act that we want to reiterate in this hearing. One, the definition of forced labour is now consistent with the definition in the Anti-Trafficking Act. This compatibility between the laws is important to avoid conflicts or confusion in preventing forced labour, and in identifying victims and providing justice for them.

Two, some penalties in the draft Act (Section 37) remain significantly lower than sanctions under the Anti-Trafficking Act. According to Article 25 of the Forced Labour Convention, penalties for the imposing forced labour must be "really adequate" and "strictly enforced". The ILO Committee of Experts on the Application of Conventions and Recommendations has consistently found that fines and short-term sentences of imprisonment cannot be considered as effective penalties, given the seriousness of the offence of forced labour and the dissuasive effects that the penalties should have.

Three, the ILO recommends that the draft Act make provisions for the care of forced labour victims and prosecution of their cases similar to those made for trafficking victims in the Anti-Trafficking Act.

We look forward to the results of these consultations and progress on amendments to Thai law, their active and effective enforcement, and ratification of the Protocol.

Thank you.