



Australian Government

Refugee Review Tribunal

Country Advice

Thailand

Thailand – THA38319 –Mixed-Race
Children – Thai Mother – Racism –Self
Support

10 March 2011

- 1. Please provide information about the following: (i) whether a baby in the care of their mother would be at risk of being attacked or trafficked because they are half-white, and an Australian citizen, if they were living (a) in Prasat district or Surin district in the north-east border region of Thailand; or (b) elsewhere in Thailand.**

No current reports of babies or young children experiencing harm or trafficking because of their mixed parentage or Australian citizenship (or citizenship of other Western countries) were located.

Regarding attitudes and harm towards Australian citizens more generally, current travel advice from the Department of Foreign Affairs and Trade warns that “[s]exual assault, food and drink spiking, assault and robbery against foreigners occurs in Thailand”. Petty theft is a common occurrence and robberies by drivers of unauthorised taxis have occurred.¹ The US Department of State (USDOS) advises that “there has been a recent upsurge in violent crime against tourists, including the murder of several independent travelers, on the southern islands of Phuket and Koh Samui”.²

It is further noted that lighter, or “white” skin is reported to be widely considered attractive in Thailand. An opinion piece from the Bangkok Post states that advertisements for skin whitening products “bombard” Thai television viewers, and further states that Thai men generally prefer Northern Thai women over those from the North-east, who are renowned for having darker colouring.³

Again, more generally, sources indicate that trafficking of children in Thailand continues to be a challenge for the Thai government. Regarding sex trafficking, the precise numbers of under-age sex workers in Thailand is not known; however, government agencies and NGOs alike agree that, at a minimum, it is in the tens of thousands. The US Office of the National Commission of Women’s Affairs estimates that in 2008 there were “between 22,500 and 40,000 Thai nationals below age 18 engaged in prostitution”.⁴ In 2007, however, the Thai

¹ Department of Foreign Affairs and Trade, 2011. “Travel Advice - Thailand”, smartraveller website – <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Thailand> – Accessed 4 March 2011 – Attachment 1

² US Department of State 2010. *Thailand Country Specific Information*, 16 September http://travel.state.gov/travel/cis_pa_tw/cis/cis_1040.html#crime – Accessed 8 March 2011 – Attachment 2

³ “The Dark Side of Thailand: When it Comes to Skin Colour, There is Only One Shade to Be in This Country” 2010, *Bangkok Post*, 28 March <http://www.bangkokpost.com/learning/education-features/35176/the-dark-side-of-thailand> – Accessed 1 March 2011 – Attachment 3

⁴ US Department of Labor 2009, *2008 Findings on the Worst Forms of Child Labor – Thailand*, UNHCR Refworld, 10 September <http://www.unhcr.org/refworld/docid/4aba3ebe37.html> – Accessed 6 January 2011 – Attachment 4

government, academics and NGOs estimated that the number was probably closer to 60,000.⁵ One source makes the claim that the number could be as high as 800,000.⁶

Sources indicate a significant proportion of sex workers in Thailand are unwilling participants, forced into prostitution at an early age by poverty and/or their parents rather than by means of abduction. The US Department of State states that many girls “forced into prostitution” are from Thailand’s border regions and poor areas in the country’s north and north-east.⁷ In a similar vein, in a 2003 interview a United Nations spokesperson stated that in relation to trafficking Radhika Coomaraswamy, the United Nation’s special representative of the Secretary General on violence against women, says... “[t]he tragedy of trafficking is that the actual recruitment is often by family members, friends . . . then they are sold to brothels run by organized crime... the actual recruitment procedure is not, as I said, abduction. It’s by trust.”⁸

Minority Rights Group International reports that women and girls from minorities are “especially vulnerable to trafficking”. However it is noted that this comment is made predominantly in relation to highland minority groups and does not specifically mention girls born overseas or of mixed-race parentage.⁹ Similarly, the US Department of State reports that “[m]igrants, ethnic minorities, and stateless people in Thailand are at a greater risk of being trafficked than Thai nationals”.¹⁰ The same report states that Australia is both a source and destination country for trafficking,¹¹ but does not contain any examples of Australian nationals being trafficked to or within Thailand. The non-government Human Trafficking website states that “Thailand is a destination country for men, women, and children who are trafficked from Burma, Cambodia, Laos, People’s Republic of China, Russia, and Uzbekistan for sexual and labor exploitation. Children are trafficked for commercial sex and forced labor in begging, fishing, and fish processing.”¹²

2. Please provide information about whether the mother of a half-white Australian baby would be at risk of being seriously harmed because of the need to protect her baby from violence or trafficking.

No reports of mothers of half-white Australian babies (or half-western babies more generally) experiencing harm because of the need to protect their children from violence or trafficking were located.

Nevertheless, young Thai women who marry western men, or ‘mia farang’, may experience moral criticism and stigmatisation by their communities. In 2004, a PhD dissertation observed that the number of interracial marriages involving western men and Thai women had

⁵ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March, Section 6 – Attachment 5

⁶ Pusurinkham, S. (undated), ‘Child Prostitution in Thailand’, A Globe of Witnesses website <http://www.thewitness.org/agw/pusurinkham.121901.html> – Accessed 15 January 2010 – Attachment 6

⁷ US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Thailand*, 25 February, Section 5 – Attachment 7

⁸ Mintier, T. 2003, “Thailand tackles sexual slavery”, *CNN*, 25 September <http://edition.cnn.com/2003/WORLD/asiapcf/southeast/09/25/thai.sex.slavery/> – Accessed 15 January 2010 – Attachment 8

⁹ Minority Rights Group International (undated), “Thailand Overview” <http://www.minorityrights.org/5595/thailand/thailand-overview.html#peoples> – Accessed 1 March 2011 – Attachment 9

¹⁰ US Department of State, 2010. *Trafficking in Persons Report, 10th edn.* June, p. 320 – Attachment 10

¹¹ US Department of State, 2010. *Trafficking in Persons Report, 10th edn.* June, p. 66 – Attachment 10

¹² “Thailand” (undated), Human Trafficking website <http://www.humantrafficking.org/countries/thailand> – Accessed 28 February 2011 – Attachment 11

increased, particularly in the Northeast Region of Thailand. This phenomenon has stirred debate across the country. In 2003-2004, up to 15,000 women from Isan provinces were married to or in relationships with foreign men. These men were mainly from Western European countries and the U.S.¹³ According to the author:

While subtle and sporadic in the rural community, negative comments about the Phua Farang phenomenon are prevalent in the urban settings of Udonthani, as well as in the national media with headquarters in metropolitan Bangkok. For a significant part of the general public, certain academics, and some central and provincial government representatives, the Phua Farang phenomenon in rural Isan signifies a moral problem caused by “rampaging materialism/consumerism” which threatens to degrade the “Thai traditional culture.”¹⁴

A 2004 article published in *The Nation* similarly states that references in the media towards *mia farang* were both “derogatory and offensive”.¹⁵ Part of the stigma of being married to a foreigner is a commonly made assumption that the wife met her future husband through the sex industry. Marriage to foreigners (*farangs*), however, is quite common in Thailand, especially in the Eastern Isaan region; one 2005 article reported “that in some northeastern Thai villages, it is reported that as many as one-third of families have female members who have western husbands.”¹⁶ Economically less developed regions such as the Isaan have begun to recognise the economic benefits of women marrying foreigners. A 2004 *BBC News* report states that annual remittances to the Isaan were then worth \$35 million annually.¹⁷ Such benefits have also been reported in the Thai press.¹⁸ *Mia farangs* may face the expectation that they should financially support the extended family in Thailand.¹⁹

A recent opinion piece in the *Bangkok Post* states that many Thais still harbour disdain towards interracial relationships involving western men and Thai women. The piece notes that an informal survey of the *Bangkok Post*'s discussion forums indicate that negative attitudes towards Thailand are also present amongst some in western expatriate communities.²⁰ The

¹³Sunanta, S. 2009. *Global Wife, Local Daughter: Gender, Family, and Nation in Transnational Marriages in Northeast Thailand*, PhD Dissertation, Faculty of Graduate Studies (Women's and Gender Studies) University of British Columbia, March, p. 1

https://circle.ubc.ca/bitstream/handle/2429/6267/ubc_2009_spring_sunanta_sirijit.pdf?sequence=1 – Accessed 3 March 2011 – Attachment 12

¹⁴ Sunanta, S. 2009. *Global Wife, Local Daughter: Gender, Family, and Nation in Transnational Marriages in Northeast Thailand*, PhD Dissertation, Faculty of Graduate Studies (Women's and Gender Studies) University of British Columbia, March, p. 136

https://circle.ubc.ca/bitstream/handle/2429/6267/ubc_2009_spring_sunanta_sirijit.pdf?sequence=1 – Accessed 3 March 2011 – Attachment 12

¹⁵Klausner, W.J. 2004 “Valuing cross-cultural marriage”, Thailand Monitor website, source: *The Nation*, 24 June http://www.thaiworld.org/en/thailand_monitor/answer.php?question_id=60 – Accessed 14 April 2010 – Attachment 13

¹⁶ “Phanrayaa-Farang: Take Their Roots with Them” 2005, Thailand Monitor website, source: *Bangkok Post*, 15 May http://www.thaiworld.org/en/thailand_monitor/answer.php?question_id=148 – Accessed 15 April 2010 – Attachment 14

¹⁷ “Thailand's ‘Swiss village’” 2004, *BBC News*, 20 July <http://news.bbc.co.uk/2/hi/asia-pacific/3907581.stm> – Accessed 15 April 2010 – Attachment 15

¹⁸ “MIA FARANG’: When Harry weds Somsri, business blooms” 2004, *The Nation*, 14 June <http://www.nationmultimedia.com/search/read.php?newsid=100579&keyword=nation> – Accessed 14 April 2010 – Attachment 16

¹⁹ Suksomboon, P. 2007, “Remittances and social remittances: Their impact on cross-cultural marriage and social transformation”, IIAS Newsletter # 45, Autumn, p.6 http://www.iias.nl/files/IIAS_NL45_06.pdf – Accessed 15 April 2010 – Attachment 17

²⁰ “Dorothy You're not in Kansas Anymore” 2011, *Bangkok Post*, 21 January <http://www.bangkokpost.com/opinion/opinion/217666/dorothy-you-re-not-in-kansas-any-more> – Accessed 3 March 2011 – Attachment 18

‘Absolutely Bangkok’ website, on the other hand, stated in 2010 that some stigma towards women in these relationships had been removed, partly due to their upward economic mobility.²¹

3. If there is a risk of harm of the type mentioned in Questions 1 or 2, who are the persons or groups who may cause this harm?

As stated in responses to Questions 1 and 2, no specific reports of harm of the types mentioned were located.

4. Would the Thai police or other authorities be willing and able to protect the mother and her baby, who is half-white, and an Australian citizen, from harm of the type mentioned in Questions 1 and 2? If not, why not?

As reports specifically relating to harm of the type mentioned in Questions 1 and 2 were not located, no reports of authorities either being willing or unwilling to protect women and their babies from such harm were located.

However, on the issue of police protection in Thailand more generally, it is noted that Freedom House reports that corruption is “widespread at all levels of Thai society”.²² Thailand ranked 78 of 178 on Transparency International’s most recent Corruption Perception Index, with a comparatively mid-range score of 3.5 (on a scale of 0, or “Very Corrupt”, to 10, or “Very Clean” where Australia ranks 8th with a score of 8.7).²³

With regard to police protection from trafficking in particular, it is noted that child prostitution is illegal under Thailand’s *Prostitution Prevention and Suppression Act*,²⁴ and that according to the US Department of State, “those who procure children for prostitution face strict penalties, and the punishment is more severe if the minors involved are under 15.”²⁵ Nevertheless it appears that this legislative framework is not always effectively implemented. As discussed in the response to Question 1, the trafficking of children was discussed as a particular challenge for Thailand. A 2002 *Time Magazine* article stated that police were reportedly sometimes complicit in trafficking.²⁶ More recently, an article in the *Bangkok Post* reports that police “have proved weak in the face of strong cultural bias against sex workers and the systematic corruption in Thai officialdom.”²⁷ One source reports frequent accusations in Thailand that police protect the agents behind under-age sex worker trafficking.²⁸ In 2009 the US Department of State (USDOS) reported that annual convictions for sex trafficking had

²¹ “Phua Farang: Demanding Daughter Duty” 2010, Absolutely Bangkok website, 8 January <http://absolutelybangkok.com/phua-farang-demanding-daughter-duty/> – Accessed 3 March 2011 – Attachment 19

²² Freedom House 2010, *Freedom in the World 2010 – Thailand*, June – Attachment 20

²³ Transparency International 2010, *Corruption Perception Index*, 26 October. – Attachment 21

²⁴ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March, Section 6 – Attachment 5

²⁵ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March, Section 6 – Attachment 5

²⁶ Perry, A. and Sai, M. 2002, “How I Bought Two Slaves, To Free Them”, *Time*, 11 March <http://www.time.com/time/magazine/article/0,9171,1001979-1,00.html> – Accessed 15 January 2010 – Attachment 22

²⁷ “Ending prostitution an uphill battle” 2010, *Bangkok Post*, 14 August <http://www.bangkokpost.com/news/local/190990/ending-prostitution-an-uphill-battle> – Accessed 5 January 2011 – Attachment 23

²⁸ “Thailand cops protect sex-slave trade” 2008, SFGate website, 14 September http://articles.sfgate.com/2008-09-14/opinion/17158917_1_brothels-younger-girls-agents – Accessed 15 January 2010 – Attachment 24

declined and that “the government initiated prosecutions of 54 individuals for trafficking offenses, including forced child labor, during the reporting period.”²⁹ In 2010, USDOS reported that “[t]he Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so”.³⁰

5. If there is no risk of harm to such a mother and her baby in other parts of Thailand, would the mother, who has previously worked as a production worker, be able to live safely and support herself there without the presence and support of family members?

Limited information pertaining to single Thai widows with children seeking to support themselves independently was located. On the theme of single parents in general, it is noteworthy that a 2010 *Bangkok Post* article reports a growing number of divorce cases and, subsequently, single parent families in Thailand.³¹

According to Thailand’s National Economic and Social Development Board, unemployment was low in 2010, at 1.1 per cent.³² There are large numbers of workers employed in Thailand’s informal sector, who are discussed further on. It is also noted that in February, *The Nation* predicted that rising oil prices may in turn have the impact of raising unemployment levels.³³

Positive factors which may affect single women with children seeking work in Thailand include state instruments such as a supportive legislative framework; possible availability of social security and child care; and Thailand’s comparatively good standing amongst ASEAN states in relation to social security provisions.

Thai labour law allows for basic rights such as limitations on working hours, rest periods, holidays, sick leave and minimum pay.³⁴ In December 2010, *The Nation* reported that the Thai government planned to maintain a price freeze on essential goods and that some increase to the minimum wage was expected in 2011.³⁵ Under Thai labour laws, employers are forbidden from requiring female workers to perform some sorts of work, including underground mining, work on scaffolding over ten metres high and the production or transportation of explosives.³⁶

²⁹ US Department of State, *Trafficking in Persons Report 2009*, – Attachment 25

³⁰ US Department of State, *Trafficking in Persons Report 2010*, p. 320 –Attachment 10

³¹ “Divorce in Thailand” 2010, *Bangkok Post*, 29 April

<http://www.bangkokpost.com/lifestyle/family/176226/divorce-in-thailand> – Accessed 1 March 2010 – Attachment 26

³² “NESDB Urges Gradual Price Rises” 2011, *The Nation*, 1 March

<http://www.nationmultimedia.com/home/NESDB-urges-gradual-price-rises-30149792.html> – Accessed 3 March 2011 – Attachment 27

³³ “Rising living cost hurts Thais’ condition” 2011, *The Nation*, 28 February

<http://www.nationmultimedia.com/home/2011/02/28/business/Rising-living-cost-hurts-Thais-condition-30149726.html> – Accessed 3 March 2011 – Attachment 28

³⁴ “Thailand Labour Laws” 2008, International Law Office Phuket, <http://www.ilo-phuket.com/legal-documents/thai-labour-laws.html> – Accessed 3 March 2011 – Attachment 29

³⁵ “Government Plans to Extend Cost Freeze” 2010, *The Nation*, December 21

<http://www.nationmultimedia.com/home/Govt-plans-to-extend-cost-freeze-30144870.html> – Accessed 1 March 2011 – Attachment 30

³⁶ “Thailand Labour Laws” 2008, International Law Office Phuket, <http://www.ilo-phuket.com/legal-documents/thai-labour-laws.html> – Accessed 3 March 2011 – Attachment 29

Although focused on divorce, as opposed to widowhood, an article from the *Bangkok Post* states that some financial compensation is available for a single mother to take leave from work until her child is 6 years old.³⁷ Information on whether or not a mother needed to first have formal employment from which to take leave in order to access this benefit was not clear in the sources located. A recent *Courier Mail* article reports that availability of child care, nurseries, nannies and care via extended family has contributed to women holding 45 per cent of senior management roles in Thailand. Whether such options are readily available to Thai women in lower skill level employment, such as production work, is not discussed in the article.³⁸

Also on the theme of state support, the Asia Monitor Resource Centre reports that as of March 2010, Thailand was the only ASEAN country to have a suite of social security programs covering “the nine branches of social security: medical care and cash benefits for old age, invalidity, survivors, sickness, maternity, employment injury, unemployment and family benefits.”³⁹

However, less favorable factors which may impact upon a single mother seeking work to support herself in Thailand may include weak unions, with less than 2 per cent of the total workforce unionised, and anti-union discrimination in the private sector⁴⁰. Furthermore, wages and labour standards may be lower than officially prescribed, particularly if a person’s work falls within the informal sector.

Regarding wages, the Economic Intelligence Center of the Siam Commercial Bank reports that workers in the Northern regions of Thailand are typically disadvantaged:

“It does not matter whether you are a farmer, a construction or factory worker, or a professional. If you work in the North or Northeast, your income is lower than if you do the same work in another region. For example, professionals in the North and Northeast typically earn about 60% of their counterparts in Bangkok.”⁴¹

Furthermore, a Bangkok Post feature article reports in detail that 23.3 million workers in Thailand’s informal sector are not covered by labour laws or social security. These workers include home-based workers (including women who take subcontracted work in the garment industry), as well as “large numbers” of workers from other sectors, including production workers. Difficulty with applying for social security is often encountered when these workers do not have written contracts, making it difficult to identify their employers.⁴² It is also reported that informal economy wages do not rise in line with the cost of living.⁴³

³⁷ “Divorce in Thailand” 2010, *Bangkok Post*, 29 April <http://www.bangkokpost.com/lifestyle/family/176226/divorce-in-thailand> – Accessed 1 March 2010 – Attachment 31

³⁸ “Australia Lags Behind Thailand on Women Bosses” 2011, *Courier Mail*, 7 March <http://www.couriermail.com.au/business/australia-lags-behind-thailand-on-women-bosses/story-e6freqmx-1226017109168> – Accessed 7 March 2011 – Attachment 32

³⁹ “Social Security for Migrant Workers in ASEAN” 2009, *Asia Monitor Resource Centre, Social Security*, Issue 73, October-December <http://www.amrc.org.hk/node/973> – Accessed 3 March 2010 – Attachment 33

⁴⁰ Freedom House, *Freedom in the World 2010 – Thailand*, June – Attachment 20

⁴¹ Economic Intelligence Center, Siam Commercial Bank, 2010, “Insight: Growth, Inequality and Opportunity in Thailand. August-September”, p. 2 http://www.scb.co.th/eic/doc/en/SCB%20Insight%20Aug%20-%20Sep%202010%20Eng_final_inclusion.pdf – Accessed 3 March 2011 – Attachment 34

⁴² “Falling Between the Cracks” 2009, *Bangkok Post*, 1 March <http://www.bangkokpost.com/print/12561/> – Accessed 3 March 2011 – Attachment 35

⁴³ “NESDB Urges Gradual Price Rises” 2011, *The Nation*, 1 March <http://www.nationmultimedia.com/home/NESDB-urges-gradual-price-rises-30149792.html> – Accessed 3 March 2011 – Attachment 26

With regard to general safety Bangkok has a lower crime rate than many cities in the United States.⁴⁴

Attachments

1. Department of Foreign Affairs and Trade, 2011. "Travel Advice - Thailand", smartraveller website – <http://www.smartraveller.gov.au/zw-cgi/view/Advice/Thailand> – Accessed 4 March 2011.
2. US Department of State 2010. *Thailand Country Specific Information*, 16 September http://travel.state.gov/travel/cis_pa_tw/cis/cis_1040.html#crime – Accessed 8 March 2011.
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5. US Department of State 2010, *2009 Country Reports on Human Rights Practices – Thailand*, 11 March.
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7. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Thailand*, 25 February.
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⁴⁴ US Department of State 2010. *Thailand Country Specific Information*, 16 September http://travel.state.gov/travel/cis_pa_tw/cis/cis_1040.html#crime – Accessed 8 March 2011 – Attachment 2

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33. “Social Security for Migrant Workers in ASEAN” 2009, *Asia Monitor Resource Centre, Social Security*, Issue 73, October-December <http://www.amrc.org.hk/node/973> – Accessed 3 March 2010.
34. Economic Intelligence Center, Siam Commercial Bank, 2010, “Insight: Growth, Inequality and Opportunity in Thailand”. August-September,
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