

## PART II

# Stateless Persons

*“Statelessness” describes people who are not nationals of any country. Forced to exist outside the framework of society, those without citizenship or legal status are unable to access government benefits such as health care and education. If travel and movement within the nation are restricted, stateless persons are hindered from applying for jobs outside of where they live.*

*This is a significant issue in Thailand, where an estimated 50 percent of the one million hill tribe people lack citizenship, despite the fact that they were born in the nation. Without national identity, members of the hill tribes are marginalized; do not have equal opportunity to health care, property rights, or education; and often face discrimination. Without access to the formal labor market for employment, they are vulnerable to a litany of human rights abuses that include human trafficking, unsafe migration, exploitative labor, sexual exploitation, and an increased risk of HIV infection. The lack of protections not only increases their vulnerability to trafficking but also fails to adequately aid hill tribe victims afterward. For instance, if trafficked outside Thailand, hill tribe people without proof of citizenship may be denied reentry into Thailand.*

*Palestinians are similarly stateless and face poverty, inequity, discrimination, and violence—all factors that increase a person’s vulnerability to human trafficking. In addition to other restrictions, the government of Israel restricts Palestinians’ movement in, within, and out of the Occupied Palestinian Territories by means of checkpoints, barriers, gates, roadblocks, and a 436-mile-long wall. There are at least 561 physical obstacles that restrict the movement of*

*approximately 2.4 million Palestinians to gain access to their basic services, places of worship, and families. The checkpoints, and the number of authorities encountered, even determine whether an act of trafficking is internal or international. If the victim encounters both the Israeli authorities and the Palestinian National Authority (PNA) at a checkpoint, the act is considered international trafficking. If the victim just comes across the PNA, it is considered internal trafficking. Palestinian courts have jurisdiction in only some areas, and the Israeli government, the occupying power, does not collaborate with the territories on anti-trafficking efforts or share investigative information.*

*As stateless people, members of the hill tribes in Thailand and Palestinians in Israel and the Palestinian Territories are at the mercy of the whims of their reluctant (at best) or hostile (at worst) host governments—governments that don't regard them as equal and have the ultimate power to limit the scope of their rights. The result is the utmost in marginalization: trafficking victims have nowhere to turn for justice other than the government that created the inequality that increased their vulnerability to trafficking in the first place. These calls for justice go unanswered.*

## CHAPTER 4

# Thailand

If the single greatest risk factor to being trafficked is lack of citizenship, what they need is citizenship.

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The hill tribe people are one of the most marginalized groups in Thailand, despite the fact that they were born there. Many live in poverty and without legal status and the protection of citizenship, and so are vulnerable to various forms of exploitation, including human trafficking. A highland grandmother from the Sripingmuang Akha slum community in the city of Chiang Mai paints a tragic picture of the hill tribe experience. “Without I.D. Cards, the only choices for our children are to beg, sell drugs, or sell their bodies—they are without hope” (UNESCO Bangkok, 2008). Since August 2001, hill tribe children whose parents are registered with “alien status” (which grants permanent residence) are to be granted Thai citizenship, though the registration process for permanent residence and citizenship requires a variety of supporting documents. For instance, a DNA test is required for those who do not have a birth certificate or a witness who can testify on their behalf (Lertcharoenchok, 2001). As a result of the challenges in obtaining citizenship, an estimated 50 percent of the one million hill tribe people in Thailand lack citizenship (UNESCO Bangkok, 2008; Freedom House, 2009).

Legislation in Thailand has set out to improve the protection of trafficking victims and migrant workers. The 2008 anti-trafficking law prohibits trafficking for both commercial sexual exploitation and forced labor. This is a large step, as adult male victims prior to the law were not considered victims and were—if foreign—typically deported (Hon-thong, 2007). Prior to the anti-trafficking law, prosecutors used the