

Thailand's Trafficking in Persons 2014 Country Report

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Executive Summary

Thailand's Trafficking in Persons 2014 Country Report

Trafficking in persons is a perennial, trans-boundary problem facing virtually all countries in the increasingly interconnected world today. Since the change of administration in May 2014, Thailand's leadership has attached utmost importance to better prevention and more effective solutions to the problem. Thailand's Prime Minister, General Prayut Chan-o-cha (Ret.), has reiterated his political commitment in eradicating human trafficking on numerous occasions. His strong determination has translated into a number of policy directives and deliverable measures addressing both the elimination of nurturing conditions and the immediate causes of trafficking in persons in Thailand. A case in point includes nation-wide registration of illegal migrant workers, more stringent regulation of vessels and labour in the sea fishery sector, amendments and improvements of relevant laws; all of which contribute to long-lasting solutions to human trafficking and related problems.

Due to the Kingdom's geographical location as the transportation hub and center of economic opportunities in mainland Southeast Asia, Thailand remains the destination for both legal and illegal migrants, mostly from its neighbouring countries, as well as the transit point and source of both Thais and foreign workers who seek job opportunities elsewhere. In this regard, migrants and Thais alike are vulnerable to labour exploitation and human trafficking which are common trans-boundary problems that Thailand strives to prevent and eliminate.

Thailand's Post-May 2014 Administration, the National Council for Peace and Order (NCPO), and the subsequent Government that took office in September 2014 mandated combating trafficking in persons an integral part of Thailand's Reform Agenda. In fact, the current Government has declared **zero tolerance to human trafficking and its nurturing conditions, including corruption and complicity**. In the policy statement delivered to the National Legislative Assembly in September 2014, the Prime Minister announced that

combating human trafficking is one of the top priorities his administration will seriously address through more vigorous law enforcement. On 24 December 2014, during one of the interagency meetings on human trafficking, the Prime Minister also instructed all concerned agencies “to work harder than ever so as to yield tangible results within one year” and to also “look out for officials suspected of being involved with both illegal immigration and human trafficking and, once caught, to swiftly and resolutely proceed with legal procedures against them. Human trafficking has been a problem in Thailand for too long. It must end as soon as possible.”

The leadership’s commitment and emphasis on achieving tangible results in countering human trafficking has translated into new policies and measures. In particular, the Government is fully aware of several remaining challenges including law enforcement and prosecution such as how to expedite judicial process. Every effort is, therefore, being made, starting from the policy level down to the implementational level in all relevant agencies to ensure that they now work together in a much more coordinated manner to overcome these challenges. As will be discussed later in this report in more details, specific measures are being implemented to correct unnecessary delay and better address victims’ grievances¹. Engagements and cooperation have also been extended to a **wider group of stakeholders** in public and private sectors, both domestically and internationally.

In 2014 and up to present, **improvements have been made on 5 crucial dimensions**, or the so-called 5Ps; namely, Policy and Mechanisms, Prosecution, Prevention, Protection, and Partnership. **Key highlights of the progress and achievements are:-**

¹ For more details, please see the Sections on Prosecution, Protection and Prevention in this report. In particular, for key highlights of Thailand’s progress and development on the issues related to judicial process, please see our responses to the U.S. TIP Report 2014’s recommendation number 2 (the establishment of an integrated team of law enforcement and criminal justice agencies, for instance) and number 11. On the issues related to our efforts to better address victims’ grievances, please refer to our responses to the U.S. TIP Report 2014’s recommendation number 3,8,10,12, and 19, all of which appear in Section IV of this report.

1. Policy and Mechanisms

- **Integration and Coordination** – The current Government has reinforced and strengthened coordination and integration both at the policy and the implementation levels. The Prime Minister General Prayut Chan-ocha (Ret.) has initiated the establishment of the Policy Committee on Combating Human Trafficking and Illegal Fishing, a new mechanism he chairs in order **to address the issue of trafficking in persons in a more comprehensive manner**. This is evidenced by the work of five Subcommittees that deal with (1) Human Trafficking, (2) Fisheries and Illegal, Unregistered, and Unreported (IUU) Fishing, (3) Child Labour, Forced Labour, and Migrant Workers, (4) Women, and (5) Public Relations and Legal Affairs.
- **The existing National Anti-Trafficking in Persons Committee continues to function** as a supplementary mechanism. Chaired by General Prawit Wongsuwon (Ret.), Deputy Prime Minister in charge of National Security Issues, the National Anti-Trafficking in Persons Committee focuses on the **execution of law enforcement and other related operations**. In addition, several ministries have set up their **Special Operational Centres** to tackle human trafficking promptly. The main Operational Centre on human trafficking is situated at the Ministry of Social Development and Human Security (MSDHS) and it is led by the Minister himself. This Centre coordinates with the Operation Centers of other ministries on a daily basis in order to ensure swift, timely and comprehensive responses to the problems.
- **Integration and Coordination at the Implementational Level** – Coordination and linkages among government agencies in all dimensions of human trafficking, migrant workers, child labour, and illegal fishing among the key government agencies have been strengthened **to better tackle the complexity of their interconnections**.
- **Addressing human trafficking by reducing risk factors and curbing nurturing conditions is a major achievement in 2014. Registration of over 1.6 million illegal migrant workers and their**

dependents has significantly lessened their opportunities of falling prey to labour exploitation and trafficking in persons.

- **At the same time, the Government has been actively addressing human trafficking at root causes, especially poverty and economic development gaps** between Bangkok and remote provinces, as well as between Thailand and neighbouring countries. In this regard, **Special Economic Zones are being established in 6 border areas**. The purpose is to create job opportunities for and improve the well-being of local people on both sides; hence, reducing the risk of them becoming victims of labour exploitation and human trafficking that could more readily happen outside a more permissive and transparent system.
- **Development assistance to neighbouring countries is another measure to address root causes that nurture the supply of migrants who could run the risk of becoming victims of labour exploitation and human trafficking**. A case in point is Thailand's assistance to the Learning Centers of Sustainable Development in Myanmar and Cambodia where skill training and capacity building necessary to community development are being conducted.
- **A holistic approach to address human trafficking in the Sea Fishery Sector** reflects the current Government's success in integrating efforts in various dimensions related to human trafficking, such as registration of Thai and migrant workers in the sector, registration of vessels, installation of Vessel Monitoring System, etc. This **results in better protection of workers in accordance with their legal rights and reducing their risk of becoming victims of labour exploitation and human trafficking**.
- **Fighting against corruption** is one of the current Government's policy emphases. Various measures have been taken since 2014; for instance,

- **The Centre to Combat Corruption**, which is a new mechanism within the Office of Public Sector Anti-Corruption Commission, was founded.
- **The Provincial Anti-Corruption Commissions** have been appointed.
- In 2014, the Government approved budget increase of more than **300 million baht (about 9.375 million USD)** and the increase of more than **700 positions** to the National Anti-Corruption Commission in order to better handle the existing workload.
- **Anti-corruption hotline services** have been made available. ‘**Dial 1206**’ is being supervised by the Office of Public Sector Anti-Corruption Commission (PACC).
- **Another area of achievements under the current Government has to do with the fact that several laws and regulations have already been improved precisely to better address wide-ranging dimensions of human trafficking.** More protection and enlargement of the scope of execution results. They are, for example;
 - **The Ministry of Labour’s Regulation to Protect Labour in the Sea Fishing Industry B.E. 2557 (2014)** to provide workers with better protection and better work conditions;
 - **The Ministry of Labour’s Regulation to Protect Agricultural Workers B.E. 2557 (2014)** to provide workers with rights to leave with pay and better protection;
 - **The Marine Department’s Regulation on Criteria for Permission to Work in Fishing Vessels of 30 gross tonnage or over B.E. 2557 (2014)** to improve preventive measures for workers in fishing vessels;
 - **The Amendment of the Anti-Human Trafficking Act B.E. 2551 (2008)** to provide better protection to witnesses and dutiful officials while increasing penalties to human trafficking offenders.

- **The Government's budget** on combating human trafficking in the budget year 2014 was 210.77 million Baht (about 6.5 million USD). **The amount has been increased to 496.82 million baht** (about 15.53 million USD) **in the budget year 2015** (from 1 October 2014 – 30 September 2015). The increased budget will further strengthen all the line agencies' capacity to carry out activities and launch projects related to prevention, protection and prosecution of human trafficking.
- In the budget year 2014, **5.6 million baht (about 0.2 million USD) from the Trafficking in Persons Prevention and Suppression Fund had supported 17 projects and activities, carried out by the private sector and NGOs to combat human trafficking.** In the budget year 2015, the Fund stands at 62.5 million baht (or about 1.95 million USD) and is expected to assist even more victims and finance much more cooperation activities.
- **Human trafficking database has now been put in place** by the Ministry of Social Development and Human Security (MSDHS). The database consists of **two major parts**. Data on investigated cases and **legal proceedings against offenders** is entered by the Royal Thai Police, while data on **victims of human trafficking** is supervised by MSDHS.

2. Prosecution

- In 2014, 280 human trafficking cases were investigated, 155 defendants were prosecuted and 104 defendants were convicted.
- **The above statistics correlates with the more stringent posture and measures** taken by NCPO and the subsequent Government since May 2014 up to the present:
 - Zero tolerance to human trafficking and corruption regularly stated by the Prime Minister via different media channels, reinforced by concrete cases of victim rescue and prosecution of wrong-doers (more details of the cases in the Prosecution Chapter), have generated significant **deterrent effects**.

- Legalizing about 1.6 million undocumented migrant workers through 87 registration centers country-wide and the awareness it creates have **raised people’s abhorrence to labour exploitation, human trafficking, and the penalties attached to it**, let alone its concrete effect in better protecting these workers and reducing the chance of them falling prey to labour exploitation and human trafficking.
- **Focusing on apprehending main perpetrators and the crack-down on human trafficking syndicates resulted in qualitative, rather than quantitative, prosecution outcomes.** Patience becomes a virtue in netting the “Big Fish” but the results, undeniably, cause a bigger impact. This is clearly reiterated by the Prime Minister when he instructed the agencies concerned to conduct vigorous investigations to pursue further leads and prosecute more networks of criminals as well as more high-profile cases so that these may have greater impact on the suppression of human trafficking not just in Thailand but also in the region.
- **A more stable and law-abiding environment after May 2014 has generated preventive impact** on potential wrong-doers, including human traffickers.
- **In 2014, five legal recruitment/employment companies were penalised**, of which 3 have already been filed for criminal charges for cheating and violation of the Job Provision and Job Seeker Protection Act B.E. 2528, one license has been revoked and the other has been suspended.
- In 2014, the Department of Employment promptly took **134 legal actions against 156 illegal brokers following the complaints from the job seekers**. The Department undertook **88 proactive investigations and took action against the total of 107 illegal brokers**.
- **Several measures on law enforcement have been improved, such as the use of complementary laws** (e.g. anti-money laundering, anti-tax evasion laws) **to put pressure on members of human trafficking syndicates**; the monitoring of suspects on temporary bail, the use of Provincial Governors’ authority and administrative power to close down “at-risk” or involved venues of human trafficking, etc. The prompt execution

and implementation of these measures clearly illustrated the much more result-oriented characteristics of law enforcement by the Thai authorities concerned (Details in 2.2.5 of Prosecution Chapter).

- **Victim identification by a multi-disciplinary team is now a Standard Operating Procedure (SOP).** Interviews and queries to alleged victims are conducted on site **in an appropriate venue with respect to human rights** by teams consisting of police officials, social workers and psychological experts from Ministry of Social Development and Human Security, officials from Ministry of Interior, and an interpreter (when necessary). **Where officials from multiple disciplines are inadequate, representatives of NGOs and International Organizations are invited to take part** in identifying human trafficking victims, as in many cases at the Immigration Bureau's Head Office. **The Royal Thai Police is now in the process of working towards signing a Memorandum of Understanding with various NGOs in the very near future so that, together, they can significantly improve the victim identification process.**
- **Potential victims of human trafficking while awaiting the process of victim identification are protected and provided with assistance on a humanitarian principle, such as provision of temporary shelter, urgent medical services, special protection** (Details in No. 3 of the Reply Table to the US TIP Report June 2014 Recommendations).
- **Complicity is not tolerated.** While not yet established of human trafficking charges, officials who are negligent or officials who are suspected to be involved in one way or another will immediately be removed from their posts. **In 2014, there have been 19 officials and public employees** (8 now facing criminal charges and 11 under disciplinary punishment) **who have been penalized for human trafficking, negligence, or involvement in the second degree** (Details in Section 2.7 of Prosecution Chapter).
- **8 complex cases** concerning sex trade syndicates, forced labour, child labour, brokers, and complicity are presented in Section 2.7 of the Prosecution Chapter. **These cases illustrate the Thai authorities'**

emphasis on cracking down on main perpetrators, which creates a more credible deterrent effect and greater repercussions to other related cases. It must also be noted that **information or assistance given by other stakeholders, including the NGOs play no small part in the closure of many cases.**

- **Rohingya** – In 2014 and January 2015, there were **at least 5 cases in which over 236 Rohingya migrants or those who claimed to be Rohingya were rescued and 16 offenders are facing charges** (Details in Section 2.9.14 of Prosecution Chapter). All cases that involved claims associated with Rohingya since 2014 have gone through a proper victim identification process, carried out by a multi-disciplinary team.

3. Protection

- In 2014, **595 victims of human trafficking were identified. 303 trafficking victims were placed in 9 shelters (236 foreigners and 67 Thais).** Details appear in the Protection Chapter.
- **Job opportunity services are provided** to victims of human trafficking in the shelters. Coordination with concerned agencies has been made to **expedite the issuance of temporary stay permit. Out of 236 foreign victims, 57 (42 men, 15 women) have chosen to work outside the shelters.** The majority of the remaining victims have voluntarily chosen not to work, as some are not physically fit and have health problems while others barely communicate in Thai. Still, all of them could opt for **vocational training in the shelters.**
- **Authorities concerned have attached great importance in the provision of a range of services to child victims. Services for child victims of human trafficking** have been provided in accordance with international standard and the UN Convention on the Rights of the Child (Details in Section 3.6 of Protection Chapter).
- **Two major groups of Hotlines** have been made available: **Human Trafficking-related Hotlines and Anti-Corruption Hotlines. Interpreters in 5 languages** (Burmese, Chinese, English, Khmer, and

Vietnamese) **are provided by Hotline ‘Dial 1300’** of the One Stop Crisis Center (OSCC) operated by Ministry of Social Development and Human Security. Since October 2014, OSCC Hotline has been operating 24/7. **Integration, information linkage, and cross-ministerial service improvements are in the pipeline. Cooperation in these matters is also being explored in consultation with both domestic and foreign agencies.**

- **In 2014, ‘Dial 1300’ received more than 3,400 complaints, helped law enforcers identified 123 cases related to human trafficking,** and further investigated and apprehended perpetrators in several cases. The Ministry of Labour also **provides ‘1546’ and ‘1694’ hotlines** with interpretation services to provide assistance and respond to enquiries on employment and related labour issues. Between July – December 2014, the hotlines were accessed by 79,796 callers. Of this number, 32,915 were calls made by foreign migrant workers (approximately 41.25%) to request further information on registration of workers, nationality verification and naturalization.
- Currently, the roster of **40 well-trained interpreters in six main languages** (English, Myanmar, Laotian, Cambodian, Chinese and Vietnamese) **is being provided for line agencies** to ensure that there are sufficient interpretation services available for foreign victims.
- In 2014, all expenses for repatriation of **397 victims to their respective country of origin were covered by the Anti-Trafficking in Persons Fund.** The Thai police and social workers were assigned to accompany the trafficked victim. Social workers from their country of origin would conduct risk assessment before repatriation and reintegration with victim’s family. For victims from the Lao PDR and Myanmar, Thailand has active follow-ups on the repatriation cases in annual bilateral Case Management Meeting.
- **A sufficient variety of legal aid services have been provided for all victims while special services for child victims of human trafficking are**

made adequately available. (Details in Section 3.6 and 3.7 of Protection Chapter)

- **Remedies and compensation** – In 2014, financial aid equivalent to 117,125 USD was given from the Anti-Trafficking in Persons Fund to 463 victims, while civil compensation of about 269,166 USD was given to 57 victims (14 Thais, 43 foreign victims). In addition, compensation in criminal cases of about 49,687 USD was paid to 53 victims. It should also be noted that, in the current amendment to the Anti-Human Trafficking Act, there is a proposed provision for half of the confiscated earnings of traffickers to be used as an additional compensation for victims. Should there be any amount left, it will be contributed to the Anti-Trafficking in Persons Fund.

4. Prevention

- Measures have been taken to **prevent not just Thai citizens but also foreign nationals in Thailand** from becoming victims of trafficking in persons.
- **Employment of migrant workers through Government-to-Government arrangements has been promoted to ensure that foreign workers receive full protection and benefits under Thai laws.** Memorandums of Understanding with the Lao PDR, Myanmar, and Cambodia are major frameworks in this regard. Additional measures, such as a reduction of work permit fees from 2,000 to 500 baht (or from 62.5 USD to 15.6 USD), have been proven to create greater incentives for migrant workers to utilize these formal channels in taking up work in Thailand, the channels which help **reduce the vulnerability to debt bondage, forced labour, and human trafficking.**
- **Job placement for Thai workers seeking jobs overseas is promoted through government-supported arrangement** in order to reduce the vulnerability of workers to labour exploitation and debt bondage. In 2014, there were 10,164 Thai workers who secured their jobs overseas through this G-to-G arrangement.

- **Registering and Legalizing Illegal Migrants** – In 2014, the policy of bringing illegal migrant workers into the formal labour sector had been implemented.
 - **Incentives** (such as a grace period with no legal penalty, reduced registration and other related fees totalling approximately 40 USD, temporary stay and work permits, etc.) were granted to induce these undocumented migrant workers to register themselves at 87 One Stop Service Centers (10 centres in Bangkok and 1 centre in each of the remaining 76 provinces).
 - **The idea behind** this nation-wide registration of illegal migrants is (1) **to improve the database and the system of migrant management;** (2) **to better protect migrant workers from labour exploitation, labour-related problems and human trafficking;** (3) **to accord them with the rights and benefits that they are entitled to** in accordance with Thailand’s labour laws and other related laws.
 - As a result, during the permissible registration period from 26 June – 31 October 2014, **migrant workers and their dependents of 1,626,235 people have now been legally registered.** They are now given temporary permits to work and stay in Thailand while awaiting nationality verification. **Their legal status significantly reduces the chance of them being taken advantage of in all forms, including human trafficking, while empowering them with the rights to respond to and report their offenders in accordance with pertinent laws.**
 - Despite initial success in improved record keeping and better protection to the registered migrant workers, **challenges remain in their nationality verification. Cooperation is being sought from Thailand’s neighbouring countries (Cambodia, Lao PDR, and Myanmar) in expediting nationality verification process.** Cambodia, for instance, has recently sent 5 extra teams to speed up the nationality verification of registered migrant workers in Thailand.
- **Holistic approach to curb human trafficking and labour exploitation in the Sea Fishery Sector** is a great step forward by the current

Government to tackle the whole spectrum of human trafficking and related issues. Various measures that are now being taken include, for instance, registration of migrant fishery workers, registration of fishing vessels, development of an integrated database for joint inspection, increased oversight of overseas fishing, legal improvements, the development of Good Labour Practices (GLP) and application of Thai Labour Standard (TLS), etc. Key highlights are:

- Re-systematizing and Registering Vessels and Labour in Fishery Sector: **Large fishing vessels of capacity over 30 gross tonnage**, especially those operating beyond Thailand's territorial water, **are at-risk venues as they require a large number of workers and crews** in their long-haul operation. In 2014, the Thai Marine Department significantly stepped up efforts in registering and legalizing vessels and acquiring information about their workers through mobile registration unit. By the end of 2014, out of the registered 46,722 vessels since 2007, **there are 8,270 vessels of capacity over 30 gross tonnage.**

- The Ministry of Labour has been actively updating data on migrant workers in the sea fishery sectors. Through the work of its Labour Coordination Centers in coastal provinces and from the information derived the nation-wide registration of illegal migrant workers in 2014, it has been established that **71,132 migrants are working in the sea fishery sectors.** Improvement in vessel and labour force databases, therefore, is absolutely essential in order to **give labour inspectors and law-enforcement authorities with a more focused target to monitor labour exploitation and human trafficking in the sea fishery sectors.**

- New or amended laws and regulations have been put forward by concerned agencies and have currently taken effect in **preventing and monitoring problems related to labour relations and human trafficking:**

- On 9 January 2015, the National Legislative Assembly approved **the Fishery Act B.E. 2558. This Act is expected to come into force by April 2015.** Based on this Act, **the Department of Fishery has already prepared an Action Plan in Solving Problems concerning Fishery and**

IUU. Key elements of the Action Plan are, for instance, **to make it compulsory for all vessels of 30 ton gross capacity or more to install Vessel Monitoring System (VMS) and implement port-in, port-out protocol** to be monitored by the Port-In Port-Out Centers. Hence, the movement of all Thai and migrant workers at sea will be more systematically followed and effectively inspected, contributing to lower possibility of labour exploitation and trafficking in persons.

- **The Ministry of Labour's Regulation to Protect Labour in the Sea Fishing Industry B.E. 2557 (2014)** requires (1) the **minimum age** of 18 years of age for workers in sea fishing vessels to be; (2) **daily rest period** of at least 10 hours; (3) **work contract** signed with consent by both parties; (4) **minimum annual leave** of 30 days.

- **The Marine Department's Regulation on Criteria for Permission to Work in Fishing Vessels of 30 gross tonnage capacity or over B.E. 2557 (2014)** will not allow any fishing vessel to operate **unless a vessel owner has already submitted for approval the following documents:** (1) vessel registration document, (2) vessel operation permit, (3) **employment documents**, (4) **the list of workers specifying names, nationalities, passport or identification numbers, duties, dates of employment together with copies of passports or identification numbers.** Additionally, a vessel owner is required to report to the Marine Department of termination of employment. Statistics on employment termination is updated on a monthly basis.

- **Claiming benefits for workers** – Pursuant to the Labour Protection Act B.E. 2541 (1981), labour inspectors, upon credible complaints of workers/employees, may issue an order compelling employers to pay wages and benefits owed to workers/employees. **In 2014, labour inspectors issued 2,192 orders and took 124 legal actions against employers who failed to comply with the orders. Among 15,420 workers/employees who received owed wages and benefits, 1,378 were from Myanmar, 57 from the Lao PDR, and 144 from Cambodia.** The Ministry of Labour takes this issue very seriously and will promptly look into any complaint

relating to unpaid wages and owed benefits since any employer's failure to pay their employees in a timely manner may be indicative of forced labour.

- **Prevention and protection in agricultural sector has been improved by a new regulation. The Labour Ministerial Regulation to Protect Agricultural Workers B.E. 2557 taken effect in 2014** requires: (1) **minimum age** of 15 years for employment; (2) **rights to leave with pay** for 3 days in every 180 consecutive working days or an equivalent amount of cash to compensate in case of no leave.
- **Preventive measures against sexual exploitation** have been taken by the Royal Thai Police, the Ministry of Tourism and Sports, and other key agencies concerned. **To effectively prevent foreign tourists with criminal records on sexual exploitation including child sex abuses from re-committing the crimes or re-entering the country**, the Immigration Bureau blacklisted 82 of such foreigners, denied entry of 98 and revoked permission of stay of 12 foreigners in 2014.
- **Preventive measures against forced beggars** have been taken by the Royal Thai Police, together with the Ministry of Social Development and Human Security. For example, closer **cooperation with Cambodia, a major source country, at border checkpoints and increasing patrols in major cities, such as Bangkok and Pattaya, resulted in the diminishing number of forced beggars.**
- **Preventive inspections** of various kinds were conducted in 2014. 9,506 high-risk areas were inspected, **resulting in 44 arrests under warrants, 79 people identified as victims of human trafficking, 13 minors below 18 years-old rescued.**
- **Joint inspections** by the Royal Thai Police, the Department of Labour Protection and Welfare and other concerned agencies were carried out in 2014. As a result, **legal actions were taken against at least 28 employers.**
- **Labour inspections by the Ministry of Labour in 2014 led to 1,316 workplaces being charges of violating labour laws.**

- **Inspection of 612 fishing vessel by the Marine Department** found 117 vessels in violation of navigation laws.
- **Raising awareness is another major component of prevention.** A number of activities towards this end were carried out in 2014 (Details in Section 4.6 of the Prevention Chapter).

5. Partnership

- Partnership has been promoted across all sectors, both domestically and internationally. **The very aim of cooperation is to enhance Thailand's capacity in tackling human trafficking in the areas of prosecution, protection, prevention and policy development.**
- **Regarding prosecution**, partnership across law-enforcement agencies and with international agencies is being strengthened. A case in point is **the signing of Memorandum of Understanding in combating human trafficking cooperation between the Department of Special Investigation (under the Ministry of Justice) and the United Nations Office on Drugs and Crime Regional Office Southeast Asia and Pacific (UNODC OSEAP) on 25 August 2014.**
- **In 2014, information from NGOs and International Organization also led the Royal Thai Police to rescue 61 victims of trafficking in 16 cases.** The NGOs and international organization that cooperated with the Royal Thai Police in this regard were Pavena Foundation for Children and Women, Labour Rights Promotion Network (LPN), Counter Human Trafficking Unit (CTU), Buddha Cheangwattana Vithee Network, and the International Organization for Migration (IOM).
- **On Protection**, Thailand is taking the lead in ensuring that **expertise in victim recovery as well as shelter management is being extended to countries of origin, such as Myanmar and Cambodia.** In the case of Myanmar, the Ministry of Foreign Affairs and the Ministry of Social Development and Human Security of Thailand are **reviewing assistance in vocation training and related equipment (valued 5 million baht or about**

156,250 USD) to better fit the needs of the existing shelter in Maw-Law-Yang, Myanmar. In the case of Cambodia, Memorandum of Understanding to set up Victim Recovery Center in Banteay Meanchey, Cambodia, is being negotiated. Once it is finalised and signed, Thailand's financial assistance of about 36.6 million baht (or about 1.4 million USD) will be spent on shelter construction. Additional assistance is also in the pipeline for training of shelter's personnel in giving care and vocational training to victims as well as shelter management.

- **On Prevention, cooperation between the Ministry of Labour and the International Labour Organizations** continued throughout the year 2014, especially in such key areas as developing Good Labour Practices (GLP) in seafood and shrimp industries, **training labour inspectors and developing work manuals under the Tripartite Action to Protect Migrant Workers from Labour Exploitation (TRIANGLE) Project, and training labour inspectors under the International Programme on the Elimination of Child Labour (ILO-IPEC).**
- **In 2014, cooperation between the Ministry of Labour (Department of Labour Protection and Welfare) and ILO produced a book of guidelines and risk evaluation checklists for labour inspection in the Sea Fishery Sector.** The checklists give risk indicators of differentiated cases, including labour abuses, labour exploitation, forced labour and human trafficking. The book and checklists are already in use by labour inspectors.
- **The Ministry of Labour is also cooperating with ILO on the issue of complaint receiving mechanism improvement.** ILO will provide capacity building to sustain the mechanisms.
- **The Ministry of Labour is cooperating with ILO and the International Organization for Migration (IOM) in revising the MoUs on Employment Cooperation** with Myanmar, Lao PDR, and Cambodia to achieve greater practicality. Among several points of improvement is the streamlining of labour recruitment processes.

- **As part of their work plan to fight against human trafficking, a number of Thai government agencies are now intensifying their engagement with new stakeholders, such as major importers of Thai products and large overseas buyers, as well as international NGOs. The objective is to further mobilize support in preventive and suppressive capacity building when it comes to anti human trafficking.**
- **In July 2014 and January 2015, large buyers from the U.S. and Europe visited Thailand to exchange information and discuss with both Thai authorities and private companies concerned about existing and future measures to ensure that Thai fishery supply chain would be free from labour exploitation and human trafficking. Some buyers have agreed to support training in human trafficking prevention and dissemination of Good Labour Practices as part of their corporate social responsibility (CSR) activities. Domestic producers have embraced these “Best Practices”.**
- **Internationally recognized NGOs, such as Polaris Project, International Justice Mission, also visited Thailand in 2014 to have preliminary discussion with various government agencies concerned to explore possible areas of cooperation, such as hotline service improvement, victim rescue and protection, investigation of a multi-disciplinary team. At the minimum, focal points of contact have been established between Thai authorities and these international NGOs. Future meetings to exchange more concrete ideas on cooperation are also in the pipeline.**
- **More updates will be provided before the end of March 2015, as additional data are rolling in and some of the key initiatives are now being discussed. Future work plan will also be finalized within the next two months.**

Introduction

With globalization, cross-border mobility has been made easier, and therefore, exposing countries to common challenges of trans-boundary issues. Trafficking in persons is undoubtedly one crucial form of the problems facing virtually all countries. According to the 2014 United Nations Office on Drug and Crime (UNODC) World Drug Report, from 2010 to 2012 human trafficking has become a worrying global phenomenon. From a total of 153 countries worldwide, trafficking victims were identified in 124 countries. The majority of these victims are women and children who have been sexually exploited and used as forced labour.

The several thousand kilometres of shared borders with Myanmar, Laos, Cambodia and Malaysia together with Thailand's geographical location as the center of economic opportunities for people in mainland Southeast Asia, are inducing factors that have led Thailand to become the destination country for both legal and illegal migrant workers.

Higher paid salaries abroad have also attracted both Thai and foreign workers from neighbouring countries to seek job opportunities elsewhere; and hence, making them vulnerable to labour exploitation and human trafficking overseas. In this regard, Thailand's central location as transportation hub also makes it the source and transit country. Legal and illegal migrants often fall prey to brokers and middlemen who use deceptive tactics luring Thai and neighboring countries' nationals with promise of better opportunities both abroad and in Thailand.

In 2014, a total of 595 victims of human trafficking were identified in Thailand, of which 46 percent were Thai while 54 percent were foreigners. The majority of sexually exploited victims were Thai; forced labour victims were mostly from Myanmar whereas most of forced beggars were from Cambodia.

The majority of human trafficking victims from Myanmar use border passes to come to Thailand through Mae Sot, Tak Province, Ranong Province and the Three Pagodas Pass in Kanchanaburi Province. Human trafficking victims from Laos travel to Thailand via the Thai-Lao Friendship Bridge, Nong Kai Province, Chong Mek, Ubol Ratchathani Province and Mukdaharn Province.

Cambodian victims of trafficking enter Thailand through the Aranyaprathet and Poipet checkpoints and the Bungtrakun temporary checkpoint in Sakaew Province. A number of Thai victims are from the North and Northeastern parts of Thailand and the destinations where these victims of human trafficking were found are Chonburi, Samut Prakarn, Samut Sakorn Provinces and Bangkok.

The Royal Thai Government recognizes the gravity of human trafficking in Thailand. Taking into account observations and recommendations in the 2014 UNODC World Drug Report and the 2013 TIP Report by the U.S. State Department, the Thai Government has undertaken measures to tackle human trafficking and related problems under the 5 P frameworks, namely, Policy, Prosecution, Protection, Prevention, and Partnership.

In addition to the 5 Ps approach that is clearly spelled out in the Royal Thai Government's 2011-2016 Policy Strategies and Measures to Prevent and Suppress Human Trafficking, the current Government has also devised new mechanisms and measures as well as enhanced coordination and inter-agency operations in various key areas that together would contribute to a synergistic solution to human trafficking. The determination and efforts of the current Government to combat human trafficking is evidently at the maximum. The Prime Minister and all key Ministries have fully engaged and are involved in driving the policies and result-oriented implementation forward. A case in point is combating trafficking in persons and forced labour in the fishery sector in which such measures as registration of illegal migrant workers, registration of fishing vessels, joint inspection and patrol, the issuance of new regulations, etc. have combined to produce tangible progress in victim identification, rescue and prosecution of offenders. By the same token, the Government has also stepped up efforts to seriously curb officials' complicity in human trafficking.

With the strong determination to eradicate human trafficking in Thailand, the Royal Thai Government strictly adheres to the principles of human rights and human dignity, focusing on strict law enforcement, prosecution of human traffickers and tackling corruption at all levels. The Government also provides protection to the less advantaged as well as human trafficking victims in Thailand, whether they are Thai or foreign nationals.

1. Policy, Policy Implementation and Mechanism

1.1 National Priority and National Commitment

Combating human trafficking and forced labor is one of Thailand's **national priorities**. The Prime Minister has directed all the government agencies concerned to intensify measures and actions to curb the human trafficking and other related issues. All key political leaders have also engaged closely in this process. The current government has stepped up the maximum efforts and declared **zero tolerance to human trafficking** and its nurturing conditions especially corruption and complicity. Thailand has fully committed to eliminating all forms of human trafficking as well as enhancing human welfare and dignity.

According to the Prime Minister's policy statement, delivered to the National Legislative Assembly on 12 September 2014, human trafficking is a pressing problem that must be comprehensively and seriously addressed through vigorously enforcing laws along with addressing other related problems, such as the problem of status and rights of individuals, illegal migrants, immigration system, abuse of foreign workers, registration of foreign workers, child sex tourism and begging etc. A number of laws and regulations have already been reviewed and amended. All relevant laws and regulations will also be reviewed and amended. At the same time more stringent monitoring measures are being put in place.

As a **national agenda**, a **firm commitment** to eliminate human trafficking is pursued in all dimensions, from the highest level of Thailand's leadership to service levels, from all related government agencies in Bangkok to every province throughout the country. The Government has instructed all the related agencies to bring not only individual offenders but also human trafficking syndicates to justice without unnecessary delay as well as continuously striving to provide much better protection and assistance to victims and potential victims on the basis of rule of law, human dignity and equality. Priority is also given to prevent at-risk population, both Thai and foreign nationals, from falling into trafficking rings. In this connection, cooperation with the source and destination countries has been enhanced in order to prevent a wider range of targeted population from falling victim to human trafficking as well.

1.2 Integration and Coordination

In order to tackle the problem of human trafficking more effectively and more comprehensively, the Government has reinforced and even strengthened inter-ministerial coordination both at the policy and implementation levels.

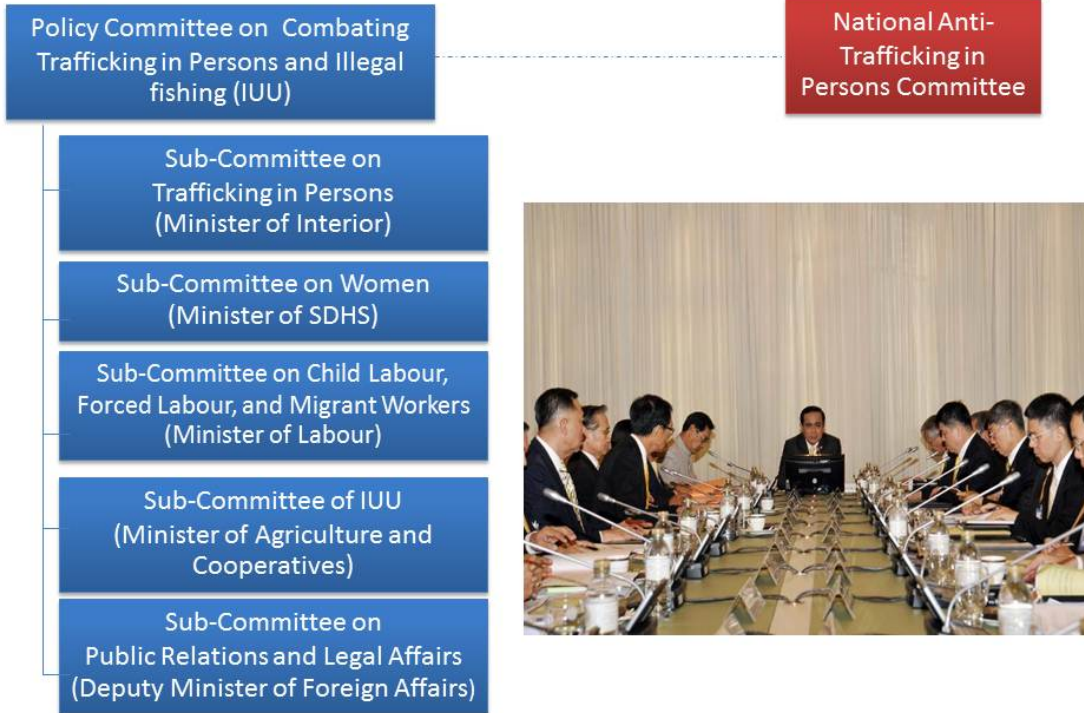
1.2.1 Integration and coordination at the policy level

To ensure better policy coherence and coordination at the policy level as well as the coordination among all the agencies concerned, the Prime Minister has initiated the establishment of **the Policy Committee on Combating Human Trafficking and Illegal Fishing**, chaired by Prime Minister and 5 subcommittees to drive the policy in related dimensions as follows;

- 1) Sub-Committee on Human Trafficking chaired by the Minister of Interior,
- 2) Sub-Committee on Women's issues chaired by the Minister of Social Development and Human Security,
- 3) Sub-Committee on Child Labour, Forced Labour, and Migrant Workers chaired by the Minister of Labour,
- 4) Sub-Committee on Fisheries and Illegal, Unreported, and Unregulated (IUU) Fishing chaired by the Minister of Agriculture and Cooperatives, and
- 5) Sub-Committee on Public Relations and Legal Affairs chaired by the Deputy Minister of Foreign Affairs

All 5 Sub-Committees have submitted their respective strategies and work plans with clear timelines of operation as well as determined the responsible agencies, by working together with the National Committee, to solve the problems of human trafficking and illegal fishing at policy level. The Committee will hold the meeting every month to systematically monitor the progress of implementation.

Inter-Agency Bodies



The existing **National Anti-Trafficking in Persons Committee**, which is formed by the provisions of the Anti-Trafficking in Persons Act B.E. 2551 (2008)¹, still continue to function as a national-level coordinating and monitoring mechanism in order to ensure the effective operation and execution of the work plan. The Prime Minister has assigned the Deputy Prime Minister (General Prawit Wongsuwan), who oversees the national security issues to chair the Committee and the progress of the implementation of law enforcement as well as prevention and protection measures have been followed up very closely.

In this connection, the **Taskforce on Combating Human Trafficking** and the **Taskforce on Beggars Relating to Human Trafficking** have been established under the National Anti-Trafficking in Persons Committee chaired by the Deputy Prime Minister, in order to drive the policies to the implementations among related agencies, especially law enforcement

¹ This Act is now under revision by the National Legislative Assembly (NLA). It is likely that the amendments of this Act which will mean more stringent measures will be passed by the NLA by May 2015.

agencies and other agencies with administrative power. Under these taskforces, measures with tangible results were approved such as 1) action plan to resolve the problem of beggars nationwide, covering the areas of law enforcement, protection and prevention 2) new policies such as that all potential victims must go through the victim identification process and the DNA testing must be conducted for any group suspected to be the same family to verify whether it is a human trafficking case, 3) urgent measures to solve the problem of human trafficking in short, middle and long term. In determining such policies and measures, the recommendations of the United States contained in the 2014 TIP Report has been taken into account. The Sub-Committees will continuously follow up the implementation of the approved measures.

Moreover, several ministries have set up their **Special Operational Centre** to tackle human trafficking promptly. For example, the Ministry of Social Development and Human Security (MSDHS) has established the Operational Centre chaired by the Minister of Social Development and Human Security to command, coordinated with other agencies on daily basis in order to ensure the swift, timely and comprehensive response to the problems. In addition to law enforcement agencies, both with the Royal Thai Police and the Department of Special Investigation, the representatives from the private sectors and international organizations were invited to share their opinions, give recommendations as well as address the challenges in working with the government sectors several times so as to lead to more targeted solutions.

The Ministry of Labour also set up their special operational centre chaired by the Minister of Labour in order to coordinate with other agencies on labour-related human trafficking issues and ensure prompt and effective responses.

The MSDHS, as the core agency in coordinating the implementation of prevention and suppression of human trafficking, has set up a monitoring system through mechanisms provided according to Section 22 of the Anti-Trafficking Act B.E 2551 (2008), as follows:

- The MSDHS has improved the operation of prevention and suppression of human trafficking to a more systematic manner through data updating so as to vigorously response to the problems which might happen in time;

- The meetings to follow up the implementation at both national and provincial levels are held every month. Each province is also requested to hold monthly meetings of the **Sub-Committee of the Provincial Operational Centre** chaired by the Governor. During the meetings, qualitative and quantitative information made by the relevant agencies reflecting the results of implementation in the areas of law enforcement and prosecution, protection of trafficked victims and prevention are presented, especially complicated cases, such as cases related to transnational organized crime, case where there is government officials allegedly involved, cases where the support from policy level is needed. The Permanent Secretary for Social Development and Human Security held a video conferencing meeting on 30 July 2014 to rehearse and make common understanding on the policy and practices as well as to ensure that the implementation of plans going in the same direction throughout the country.

The Ministry of Interior has also stepped up and played an important role to enforce their administrative power down to provincial levels in order to combat human trafficking. Since November 2013 the **Coordination Centres for Prevention and Suppression of Human Trafficking at Municipal Levels** have been established. The Minister of Interior laid down policy directives to governors, district chief officers and chief executives of Provincial Administrative Organization (PAO) and Sub-district Administrative Organization (SAO) to proactively combat human trafficking.

1.2.2 Integration and Coordination at the Implementation Level

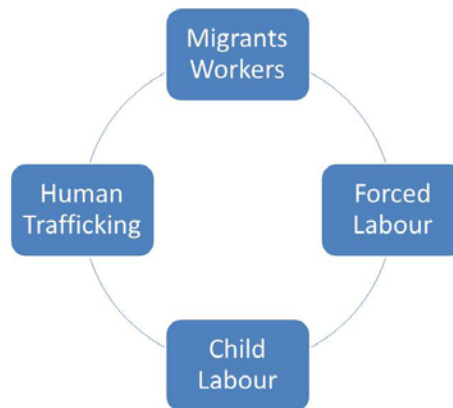
The coordination and linkages in all dimensions of human trafficking, migrant workers, child labor, forced labor, and illegal fishing, among the key government agencies concerned have been strengthened. The MOU between related agencies as well as the Joint Task Force has been formed in order to prevent and suppress human trafficking problem. The coordination and cooperation among the government agencies, NGOs and civil society, the private sector, and international organizations have been also intensified. The above-mentioned efforts result in better targeted, more tangible and significant progress and achievements.

Related Government Agencies



1.3 The Integration of the Key Dimensions:

Integrated of Key Aspects



The current government has successfully integrated the key dimensions related to the issue of human trafficking which are migrant workers, human trafficking, forced labour and child labour. This is a great step forward in tackling the labour issues and human trafficking more effectively.

For Thailand's situation, the dimension of forced labour and human trafficking links very closely with that of migrant workers, since some illegal migrant workers are at risk of being victims of human trafficking. Thus, in reducing the risk of victimization of the illegal worker, **the National Council for Peace and Order (NCPO)** and the current government have devised the policy to **register the illegal migrant workers** who are already in Thailand in order to bring them into formal labour sector. The NCPO, therefore, has

established a **High-level Policy Committee on Foreign Workers and Human Trafficking** and the **Sub-Committee** to drive the policy and supervise its implementation in a systematic manner has also been established. A registration system for migrant workers has been introduced in order to bring illegal migrant workers into the formal labour sector. Once migrant workers are brought under the system, they will be better protected and accorded with their rights. The roadmap of the registration of migrant workers is as follows:

- The first stage (June - 30 October 2014) is to register illegal migrant workers through One Stop Services Centres in all 76 provinces. Total of about 1.6 million migrants workers have gone through the registration process and have been issued temporary work permits.

- The second stage (31 October 2014 – 31 March 2015) is nationality verification, by cooperating with the government of neighboring countries, and issuance of work permits for these registered workers.

- The third stage, incorporating long-term measures, is to review and amend labor regulations and related laws.

The details of the implementation and the progress of the registration are described in the Prevention section.

1.4 Addressing Human Trafficking at Root Causes

The Government also tackles the problems of migrant workers, forced labour, and human trafficking at the **root causes**. With poverty and the differences of the economic development, migrant workers from neighboring countries leave their homeland and search for better jobs and income opportunities in Thailand and some of them risk the chance of falling victims to human trafficking. The Government has initiated measures to support the economic and social development and to eradicate the poverty in the border areas between Thailand and neighboring countries. This will also help to create employment opportunities in the border areas as well as in Thailand.

One of the key measures that help address the human trafficking at root causes is the establishment of the **Special Economic Zones** along the border areas between Thailand and neighboring countries. The Special Economic Zones aims at supporting social and economic development,

stimulating economy of the border areas, as well as improving the wellbeing of the local people both sides of the borders. Employment opportunities in Special Economic Zone will accommodate labor supply from neighboring countries to be able to work in the border areas.

These Special Economic Zones have been planned to be established in 6 provinces, as follows: 1) Mae Sot District, Tak Province, 2) Aranyaprathet District, Sakaew Province, 3) Border area in Trat Province, 4) Border area in Mukdahan Province, 5) Sadao District, Songkhla Province and 6) Nongkhai.



The other measures to help address the human trafficking and labour forces at their root causes are **Thailand’s provision of development and social cooperation projects and activities** supporting economic and social development, building the capacity to tackle human trafficking issues, and the skill development for migrants workers from neighboring countries such as the support for the **Centre for human trafficking victims at Maw-Lam-Yaing in Myanmar**, and the **Learning Centre for Sustainable Development in Cambodia and Myanmar**.

1.5 Holistic Approach to Address Human Trafficking in Sea Fishing Sector

In order to address human trafficking in the fishery sector, the current government has used the holistic approach to address the human trafficking issues in the fishery sector by integrating the key aspects such as the

amendment of related law and regulations, the setting of the Labour Coordination Centres, the interagency joint inspections, the registration of vessels and workers, the vessel control and monitoring system, the improvement of database and filing system, and the practices of Good Labour Practice (GLP) and the Thai Labour Standard (TLS).

The key regulations of related agencies that have been amended such as;

- Ministry of Labour's **Regulation to Protect Labour on the Sea Fishing Industry B.E. 2557 (2014)** which provides the minimum age requirement and rest period of workers labor on fishing vessels as well as their employment contract,

- Marine Department's **Regulation on Criteria for permission to work on fishing vessels of 30 gross tonnage or over B.E. 2557 (2014)** which provides further safeguards for workers on fishing vessels.

In addition, the Thai government has instructed fishing vessels owners to submit lists of their crews and register them at **One Stop Service (OSS) Centres** in 22 coastal provinces. At the same time, efforts to carry out inspections on fishing boats and in high-risk work places continue. These include inspections conducted by individual agencies as mandated by law; joint inspection by inter-agency teams of related agencies including the Department of Labour Protection and Welfare, the Department of Employment, the Department of Fisheries, the Marine Department, and the Royal Thai Navy; and inspections conducted by the Maritime Enforcement Coordination Centre.

Tightening the registration measures for fishing vessels and migrant workers, coupled with stricter law enforcement, will enable Thailand to better protect workers in the fishery sector from human trafficking. In order to increase the effectiveness of joint inspection on fishing vessels, the government has tasked the Department of Fisheries to be a coordinator to coordinate with other agencies concerned to develop an integrated database. The database will contain the information of both vessels as well as the results of previous inspections.

The **Labour Coordination Centres** set up in 7 provinces in 2013 as a pilot phrase have been upgraded to be the **Sea Fishing Worker Administrative Centres** and set up in 22 coastal provinces.

Holistic Approach to address human trafficking in fishery sector



1.6 Fighting Against Corruption

The NCPO has ordered all government and state agencies to lay out specific measures and guidelines to prevent and quickly resolve the problems of corruption in their own agencies by focusing on creating good governance in the administration and encouraging the participation of all sectors in monitoring and surveillance. In the case of officials' complicity in human trafficking where there is an allegation or reasonable ground to suspect that the government officials act or are involved in any corrupt activity, disciplinary, administrative and legal measures will be used decisively and immediately. If the heads of government agencies or superiors neglect reports on corrupt misconduct, the cases shall be treated as disciplinary or criminal offenses.

In addition, the **Provincial Anti-Corruption Commissions** have been appointed to promote the prevention and suppression of corruption by working in cooperation with local people, other government agencies, and NGOs. The Commissions also have duties to disseminate knowledge to people of all levels in order to make them realize the negative impacts of corruption, and to induce all sectors to take part in combating corruption. Moreover, the National Anti-Corruption Committee has been appointed to integrate collaboration between the agencies involved and to prepare guidelines and measures to strengthen coordination and cooperation in the prevention and elimination of corruption and misconduct among government agencies and any

involved agencies from the private sector, as well as to monitor the implementation.

The Prime Minister has established a **Centre to Combat Corruption** within the Office of Public Sector Anti-Corruption Commission chaired by the Minister of Justice. The centre is responsible for strategies and action plans to prevent and tackle corruption and misconduct, driving and translating strategies into practice, receiving complaints from the public about corruption and misconduct, scrutinizing the facts, monitoring and supervising the implementation of plans and measures so as to resolve the suffering and injustice as soon as possible.

The Government has allocated more, and sufficient, budget for the National Anti-Corruption Commission. In this connection, the Government has approved the increase of more than 700 positions, with budget increase of more than 300 million baht.

Many government agencies have provided 24 hours of **Hotline Services** for 1) **report of incidences related to corruptions** or government officials' complicity in human trafficking to such agencies as the Office of Public Sector Anti-Corruption (PACC) and the Anti-Money Laundering Office (AMLO), and 2) **report of incidences of human trafficking** such agencies as the MHDSH, the Anti-Human Trafficking Division, the Damrongdhama Centre (the Ministry of Interior) and the Department of Special Investigation. These services help provide assistance and response to enquiries, as well as to refer to other related agencies with direct responsibilities.

The infographic is divided into two main sections: 'Anti - Corruption Hotlines' and 'Human Trafficking Hotlines'. Each section lists specific phone numbers and the corresponding government agency responsible for that hotline. The 'Anti - Corruption Hotlines' section includes numbers 1206 (PACC), 1710 (AMLO), 1300 (Ministry of Social Development and Human Securities), and 02-281-0153 (Ministry of Social Development and Human Securities). It also provides an email address, Tiptops.office@gmail.com, and a contact point for the Permanent Secretary. The 'Human Trafficking Hotlines' section includes numbers 1300 (Ministry of Social Development and Human Securities), 1567 (Damrongdhama Center by Ministry of Interior), 1202 (Department of Special Investigation (DSI)), and 1191 (Anti Human Trafficking Division, Royal Thai Police).

| Anti - Corruption Hotlines | |
|----------------------------|--|
| 1206 | • By Office of Public Sector Anti-Corruption Commission (PACC) |
| 1710 | • By Anti-Money Laundering Office (AMLO) |
| 1300 | • By Ministry of Social Development and Human Securities |
| 02-281-0153 | • By Ministry of Social Development and Human Securities |
| Tiptops.office@gmail.com | To Permanent Secretary |

| Human Trafficking Hotlines | |
|----------------------------|---|
| 1300 | • One Stop Crisis Center by Ministry of Social Development and Human Securities |
| 1567 | • Damrongdhama Center by Ministry of Interior |
| 1202 | • By Department of Special Investigation (DSI) |
| 1191 | • Anti Human Trafficking Division, Royal Thai Police |

The MHDSH, as the core agency in coordinating the implementation of prevention and suppression of human trafficking, held a public forum to present the results of its operations for both governmental and non-governmental organizations, the United Nations Organization, international organizations and representatives from the foreign embassies to Thailand to provide information and to get feedback / suggestions from all sectors. In this event, the MSDHS has introduced new channels for reporting a complaint, any confidential information or clue which might be linked to the corrupt acts or involve government officials in human trafficking. In many cases, evidence or facts may be lacking, that would lead to action against allegedly corrupt officials, even though complaints to relevant agencies have been made. To ensure transparency and fairness to all parties, the Permanent Secretary of Social Development and Human Security has opened the channels, additional to the hotline services, to receive the report of corruption and has asked all provinces to make known to the public such channels. The channels are as follows:

e-mail: tiptops.office@gmail.com

Tel: 0 2281 0153 or

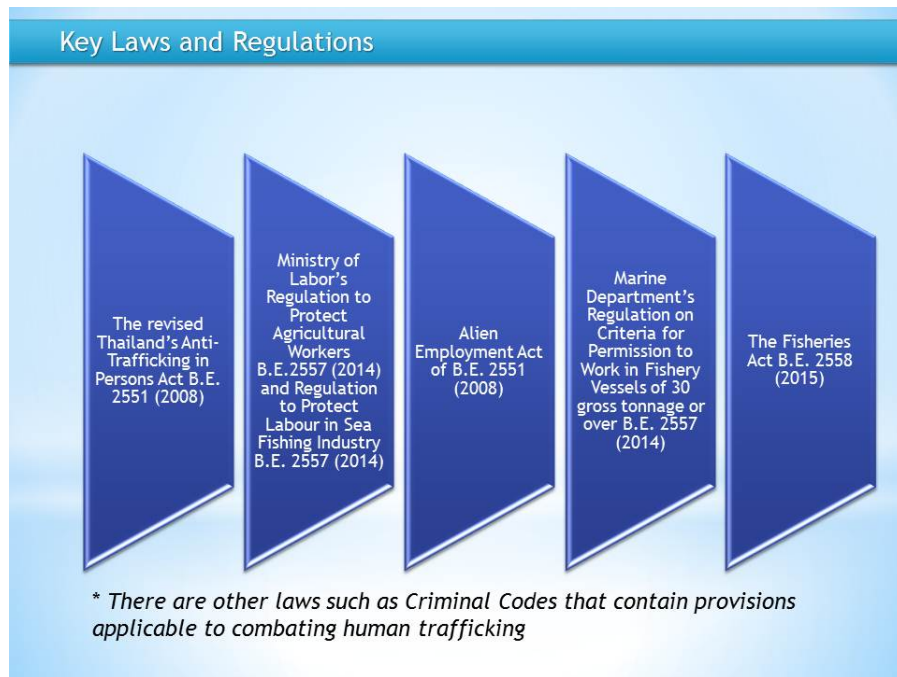
Meet in person with the Permanent Secretary

When the MSDHS is informed about the alleged corruption, it will report to the National Committee for consideration according to the provisions of the law and notify the original agency of the public official suspected of being involved in human trafficking to monitor and undertake legal action against such public officials.

1.7 Amendment of the Anti-Trafficking in Persons Act and other related laws

The Government and the government agencies have amended several laws and regulations in order to provide more protection for the labourers with potential risks, and vulnerable groups and victims. The amendment of those laws also enlarge the scope and administrative power of the law enforcement agencies to inspect and enforce the law and regulations more effectively.

1.7.1 Anti-Trafficking in Persons Act



The MSDHS has amended the law on preventing and combating trafficking and the Cabinet has approved the draft of the Anti-Trafficking in Persons for submission to the National Assembly for consideration. The essence of the measures can be summarized as follows:

(1) **Protect informants** to encourage witnesses to report human trafficking to the authorities and officials who prudently carry out their duties. The revised Act provides protection for the persons who report trafficking incidents to motivate the people who observed the incidents to inform the authorities so that they can take legal action and offer prompt assistance to the trafficked victims, and ensure that the informants will not be prosecuted if they turn out to be non-human trafficking incidents, while also providing protection to competent officials who performs the duties faithfully and impartially.

(2) Stipulate that half of confiscated asset derived from the human trafficking, which is the predicate offence under the Anti-Money Laundering Law, will be used to **compensate trafficked victim**, whereby the other half will go to the Anti-Trafficking in Persons Fund.

(3) **Increase the administrative power** of the competent official to inspect suspicious and at-risk workplaces. If it is found that human trafficking offence is committed in such places and the owners or operators cannot explain

or prove their innocence, the usage of such workplaces, factories, buildings, vessels or vehicles will be temporarily suspended.

(4) **Increase the jail term punishment** for acts causing serious injuries or death to the trafficked victims. Due to the high economic return of human trafficking, an increase of fine also has been proposed to deter and reduce the motive of human trafficking.

1.7.2 Other related laws and regulations

In addition, there are also the amendments of other related laws and regulations, such as

- The Ministry of Agriculture and Cooperatives **Fisheries Act B.E. 2558 (2015)**, approved by the National Legislative Assembly on 9 January 2015. It will empower the Minister of Agriculture and Cooperatives to enact a secondary legislation to require all fishing vessels of over 30 gross tonnage to install vessels monitoring system (VMS) or undergo port-in/-out controls which will enhance the monitoring of fishing vessels as well as the working and living conditions of the workers on board.

- The Ministry of Labor issued the Regulation to Protect Agricultural Workers B.E. 2557 (2014), Regulation to Protect Labour in Sea Fishing Industry B.E. 2557 (2014), which will improve working and living conditions for labors in both sectors, and the Announcement of Department of Employment on the reduction of the fee for issuance of work permits B.E. 2557.

- Ministry of the Interior proposed and the Cabinet has approved the reduction of fees for visa on 23 December B.E. 2557 (2014).

- Marine Department, Ministry of Transport issued a regulation on Criteria for Permission to Work in Fishery Vessels of 30 gross tonnage or over B.E. 2557 (2014).

Moreover, the Constitution Drafting Committee is currently drafting the new Constitution, a part of which will address the issue of the judicial process. The issues of the timeliness, justice in due course, clear and transparent guidelines for legal procedures will also be embedded and improved.

1.7.3 Development of new legal framework

With the addition of the Prevention and Suppression of Participations in Transnational Organized Crimes (B.E. 2556) which came into force in June 2013, as a legal enabler for the implementation of Thailand's obligation under UNTOC, the Royal Thai Government has worked closely with its national and international partners to develop a new and coherent framework to promote effective use of its legal tools.

On 17 November 2014, the Royal Thai Government, in close collaboration with the United Nations Office of Drugs and Crime (UNODC) and the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), organized a seminar for Thai law enforcement agencies concerned on Thailand's obligations under UNTOC and its Anti-Trafficking Protocol. The meeting provided a fresh new look on the use of UNTOC and the said Act as another channel of international cooperation with other UNTOC states parties in combating human trafficking. The meeting also offered recommendations and best practices in addressing traditional challenges of transnational and organized crime, including ways to prosecute and seize assets in cases involving criminal networks.

1.8 Budgets for Prevention and Suppression of Human Trafficking

The Government has allocated a budget to government agencies to conduct a project/activity according to the action plan against human trafficking, for fiscal year 2557 (2014) totaling 210,765,200 Baht (excluding staff budget, about 6.5 million USD). In addition, the Anti-Trafficking in Persons Fund has supported the budget for the agency in the region, both public and private organizations (such as the Mirror Foundation, Siam - CARE Foundation, Lampang Women's Development Foundation) for 17 projects totaling 5,564,949 Baht (about 0.2 million USD), including the campaign to educate the population at risk, so as to increase efficiency in combating human trafficking.

To prepare for the challenges, problems and to integrate cooperation between the agencies involved, in 2014 the Government has approved the increase of annual budget of the MSDHS to 1,472,067,800 Baht (about 45.4 million USD) classified as 1) 913,679,666 Baht (about 28.2 million

USD, about 135 percent increase from last year) for staff expenses, 2) 62,500,000 Baht (about 1.95 million USD) for the Anti-Trafficking in Person Fund and 3) 496,819,466 Baht (about 15.53 million USD, about 135 percent increase from last year) for carrying out the projects/activities. The activities will cover the areas of capacity building for law enforcement officers, improvement of victim identification process, improvement of investigation techniques to extend its results aiming at making the arrest of the main culprit and trafficking ring members, capacity building for service providers and those responsible for providing legal assistance and social service to the trafficked victims, awareness raising campaign through all kind of media, formation of surveillance networking, inspection of worksites/factories/ fishing boats, promotion of partnerships among various sectors and development of data base system for the prevention and suppression of human trafficking.

1.9 Integration of Database systems

The database system on the prevention and suppression of human trafficking has been developed. This database system consists of 2 parts; the legal proceedings against the offenders, and the trafficked victim. In 2014, training workshops for practicing data entry into the system was conducted. First, on 19 August 2014, the workshop for those working in the area of protection was organized. The attendants were the social workers and the data entry operator, responsible for providing protection to the trafficked victims, from the main agencies of the MSDHS. Second, on 28 August 2014, the workshop for law enforcement officers was held. The attendants were the police officers and data entry officers from the Anti-Human Trafficking Division.

At present, the data entry, in relation to the legal actions and social services as well as all forms of protection provided to the trafficked victims for the cases committed in 2012-2014, have been done by the police, social workers and their data entry officers. These data will be later used for designing the pattern of data analysis and processing.

1.10 Conclusion

The direct involvement of the leadership on combating human trafficking results in new policies and measures as well as new mechanisms that integrate all related dimensions and coordinate all related agencies. Another

significant developments are the revised of key laws and regulation that provide more protection for the labourers with potential risks, and vulnerable groups and victims. The Government's **firm commitment** to eliminate human trafficking is pursued to implementation levels in order to ensure that individual offenders and human trafficking syndicates will be brought to justice, victims and potential victims will be treated on the basis of rule of law, human dignity and equality as well as all prevention measures are in positions to reduce the risk of victimization in all exposed areas and vulnerable groups.

2. Prosecution and Law Enforcement

2.1 Overview

In 2014 Thai law enforcement and judicial agencies have further strengthened their efforts to proactively enforce the laws in an attempt to eradicate the problems of human trafficking in Thailand.

There is a significant change in police investigative procedure. That is, emphasis is shifted from investigation on case-by-case basis to proactive investigation conducted on the basis of information obtained from related cases and focusing on key perpetrators and networks of trafficking syndicates. Particularly in complex transnational cases, investigation is conducted in accordance with Thailand's Code of Criminal Procedure Article 20, which allows public prosecutors to work alongside with police officers from the investigative stage to enhance the efficiency of the investigation. This has helped to speed up the legal process with greater chances of successful prosecution.

In 2014, a total of 280 cases were investigated by the authorities, leading to prosecution in 115 cases involving 155 offenders, and resulting in conviction for 104 offenders. These statistics reflect a fundamental shift in law enforcement handling of human trafficking cases in Thailand in 2014. There are several factors contributing to changes in law enforcement landscape. First, a comprehensive labor registration program has brought the majority of undocumented migrant workers, including potential trafficking victims, into the system. Therefore, millions of the most vulnerable groups are now under full legal protection and are entitled to the care and services provided by the government, thereby drastically reducing the chances of being victimized in human trafficking. Secondly, law enforcement officials have improved their contribution in the multidisciplinary teams' victim identification process with strict observation of the standard operating procedures.

More accurate screening has led to appropriate care being provided to the victims, and at the same time officials are able to pinpoint the culprits and bring them to justice accordingly. Third, police officers have been able to conduct effective investigations leading to arrests of main perpetrators as well as enabling law enforcement agencies to pursue leads and prosecute high-profile cases with greater impact on the suppression of human trafficking.

2.2 Human Trafficking Crime Trend and Law Enforcement Measures in 2014

Overview

The several thousand kilometers of shared borders with Myanmar, Laos, Cambodia and Malaysia, together with Thailand's geographical location as the transportation hub and the center of economic opportunities for people in mainland Southeast Asia, are inducive factors that have led Thailand to become the source, transit and destination country for both legal and illegal migrant workers.

In 2014, a total number of 595 individuals, consisting of 215 males and 380 females, were identified as victims of human trafficking. By nationality, these individuals included 274 Thais, 108 Laotians, 83 Myanmars, 29 Cambodians, and 101 of other nationalities. These victims included 380 children (aged under 18 years old): 73 males and 307 females.

Victims from Myanmar often travelled from Kengtung, Hpa-An, Yangon, Myawaddi, Bago, Dawei, Myeik, Kawthaung, Myitkyina, Lashio, Mandalay, Taunggyi, and Mawlamyine through Thai borders in Chiangrai, Chiangmai, Mae Hong Son, Tak or Kanchanaburi provinces.

Victims from Laos often travelled from the provinces of Savannakhet, Champasak, Saignabouli, Salavan, Vientiane, and Khammouan through Thai borders in Ubon Ratchathani, Nongkhai, Mukdahan, and Loei provinces.

Victims from Cambodia often travelled from Kandal, Koh Kong, Battambang, Siem Reap, Kampong Cham, Poipet, Sala Krau, Bantey Meanchey, Phnom Penh, and Oddar Meanchey through Thai borders in Surin, Sakaew and Trad provinces.

Most of them were deceived by brokers who offered job opportunities in Thailand. Most victims from Laos were sexually exploited, while most victims from Cambodia were forced to work in industries. Most of the victims from Myanmar were also exploited in fishery and related industry. As for Thai victims, most were originally from Northern region and North East region. Most of them were sexually exploited, mostly in Chonburi, Samut Prakan, Samut Sakon provinces, and also in Bangkok.

This year's statistics reflect the proactive law enforcement and prosecutions in 2013. Human traffickers are carrying out crimes with higher degrees of sophistications making investigations more difficult and harder to bring the criminals to justice. Therefore, the Royal Thai Police has adjusted the investigative strategy for human trafficking cases in 2014. Investigations aim to expand upon the results, so as to bring down the entire human trafficking syndicate associated with the brokers,

smugglers, hosts, detainers, traffickers and all other accomplices. Professionals with experience are also assigned to victim identification process. The year 2014 also saw massive movements of migrant workers returning to their respective countries. The Thai government responded with labor management and registration which have brought about drastic improvement to the protection of migrant workers in Thailand.

Sexual exploitation situation

Among human trafficking cases in 2014, 222 cases involved sexual exploitation. The nature of fraudulent behaviour in prostitution industry has become more complex, with many cases involving other crimes such as money laundering and illegal business activities. The majority of victims were Thai and Laotian females under the age of 18. For Laotian female victims, fake passports and identification documents showing their age to be over 18 had become more commonly used because the Anti-Trafficking in Persons Act states that a person over 18 years of age who provides commercial sexual service by consent is not a victim of human trafficking unless he/she was coerced, forced, or tricked to do so by the traffickers. Moreover, venues which provide commercial sexual services have become more sophisticated, being disguised as legitimate entertainment providers, such as karaoke bars, spas and massage parlors. The sexual services would not be conducted directly on these premises, but a customer could pay for, and receive, such services outside the venues.

Forced labour situation

Regarding forced labour, 47 cases were found, and among them 11 cases involved forced labour in fishing vessels. The majority of victims were from Myanmar and were of over 18 years of age. Investigations reveal that boat owners usually signed contracts with the boat captains in order to avoid responsibility regarding the employment of illegal labours and unreported fishery. As a result, when the cases of trafficked and abused labours were found in fishing vessels operating outside Thai waters, it was difficult to identify the real perpetrator orchestrating such activities.

Nevertheless, there are also cases of false claims. For these, migrant labourers would initially be reported as trafficked victims. However, after interviews through a thorough victim identification process, it turned out that they had entered into the job voluntarily, but later could not endure the harsh working conditions on such fishing boats. This illustrates cases where labour exploitation, in itself a heinous crime, is nevertheless distinct from human trafficking.

Forced begging situation

With regard to forced begging, 11 cases were found to be human trafficking. Most of victims were boys under the age of 15. They entered Thailand illegally with their parents or their relatives and were later exploited, forced, or coerced to go begging as a profession within an organized begging syndicate. There were also many cases in which the minor beggars were not exploited, forced or coerced. Thailand has immensely expended efforts and various measures to suppress this type of criminal exploitation, resulting in continuous decrease of the number of begging cases.

Measures to improve law enforcement

The government is fully committed to expediting all efforts to strengthen the foundation for anti-human trafficking framework in Thailand. Therefore, in 2014 agencies have stepped up their efforts to improve law enforcement effectiveness as follows:

(1) Laws which are not directly related to human trafficking, but which can put pressure on suspected members of human-trafficking syndicates, such as anti-money laundering and anti-tax-evasion laws, have been applied more stringently. Anti-corruption measures are also being strictly enforced on state officials at all levels, as is also the consideration of temporary release under bail, where strict conditions have been set to ensure that the suspects do not flee or interfere with victims, witnesses or judicial proceedings;

(2) For human-trafficking suspects who have been granted temporary release on bail, the Royal Thai Police has closed the loopholes by integrating their name lists with those of the Immigration Police, so that their movements can be monitored at borders. If the suspects are foreign citizens and attempt to flee, the Immigration Bureau will also consider revoking their permit to stay in Thailand according to the Immigration Act (1979);

(3) Outdated laws and regulations are under consideration by the National Legislative Assembly (NLA) for, among others, modernization, improvement of human rights and revision of prescribed penalties for serious offenses;

(4) The general public now has more access to policy information and channels to instigate investigations through the Damrongtham Centers, which also act as complaint-receiving centers in all provinces. This system provides support to an effective monitoring system of activities that may constitute human trafficking, and enhances the power to protect the citizens' own rights;

(5) Law enforcement helps create a strong deterrent factor by ensuring that the private sector complies with laws concerning labour rights and good business practice. To this end, related law enforcement agencies have stepped up their efforts. Priorities have been given to the fishery industry, for examples, the inspection of fishing vessels for their licenses, the inspection of the vessels' operators for their fishing permits, and the inspection of the labourers' work permits and residence permits;

(6) Increased integration, coordination, and cohesiveness between agencies including the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, the Anti-Money Laundering Offices (AMLO), the Ministry of Interior, and the Courts of Justice, have successfully led to a significant number of substantive cases resulting in conviction in a time-efficient manner, thereby providing a deterrent effect. Details are given in *Section 2.5, Seizure of assets in crimes related to human trafficking*;

(7) Legal proceedings and disciplinary punishment against government officials involved in human trafficking and illegal exploitation have been increased. The government is also strengthening corruption-monitoring units in all governmental agencies, so that they can monitor and take disciplinary and criminal actions against corrupt officials without interference. Examples of such cases are given in detail in *Section 2.7, Prominent Cases*;

(8) The provincial governors' authority have been utilized to close down or suspend the license of work places found to be involved in human-trafficking and forced-labour activities;

(9) More intense pre-emptive measures have been carried out throughout the year, particularly the frequent inspection of vulnerable geographical areas and work places, such as those related to the fishery and entertainment industry. This approach complemented the regulation of foreign migrant labour through registration between June – October 2014. Together, these two approaches have created a substantial deterrent effect among would-be employers of forced labour;

(10) On 25 March 2014, a directive was issued by the Royal Thai Police giving instructions on the standard procedures for inspections and interviews conducted by immigration officers. The directive stresses that immigration officers must treat travellers entering and leaving the Kingdom with respect to their rights and dignities. As a result, more stringent screening of travellers crossing the national border into and out of Thailand has been carried out, without affecting their dignity and freedom of movement, in order to improve the detection and increase the efficiency of assisting victims of human trafficking. Immigration officers are mandated with the task of

finding out the purpose of the interviewees' travels and also to carefully examine the information stated on the travellers' passports;

(11) International cooperation with neighboring countries as well as cooperation stipulated in other bilateral and multilateral frameworks to combat trafficking and identify victims has been intensified. The enhanced international cooperation has led to prosecutions of human trafficking culprits and the rescue of victims as evident in international cases as exhibited in Prominent Cases number 2 (the Dontoom Case) and 3 (The Bahrain Case) In these cases, authorities were subsequently able to build up on the investigations of individual culprits to make further arrests on entire networks of human traffickers.

(12) Laws to increase the penalty related to human-trafficking offenses have been amended. For example, the proportion of the civil forfeiture (confiscated earnings from human-trafficking activities), which is a crime under the Anti-money Laundering Act, has been significantly increased. In the amendment, 50 per cent of the confiscated earnings will be contributed to the Anti-Trafficking in Persons Fund to provide financial aid for victims of human trafficking.

(13) The Royal Thai Police established the "Center for the Protection of Children, Women, Family and Anti-Human Trafficking" which is headed by a deputy commissioner-general. The centers are to be established at 3 levels namely, (1) national, (2) regional, and (3) provincial. All regional commands (1-9 regions), the immigration police, and all provincial police divisions are to set up their own centers to collect data and information about human trafficking prosecution and any problems that may arise and report them to the headquarter in order to incorporate such information in the national strategic plans for the prevention and suppression of human trafficking. The centers are tasked with following up on cases, expediting the investigations where possible, and executing relevant duties related to the works of protection of children and women and suppression of human trafficking. Many of these centers proactively engage with NGOs in their respective areas to tackle human trafficking cases on the ground and this type of proactive engagement will be further encouraged in other centers.

(14) The Constitution Drafting Committee is currently drafting the new Constitution, a part of which will address the issue of the judicial process. The issues of the timeliness, justice in due course, clear and transparent guidelines for legal procedures will also be embedded and improved.

2.3 Identification of human-trafficking victims

According to the investigation procedures on human trafficking cases followed by the Royal Thai Police, the victim identification process starts after victim rescue. Field investigators and/or interrogators who are responsible for the case will screen the victims using a checklist form as guided by the *2008 Anti-Trafficking in Persons Act*. The form makes explicit the indicators of human trafficking such as Acts, Means and Exploitation Stages.

The police officers then interview the victim(s) regarding their suspected traffickers involved in the procurement, buying and selling, and logistics of the victims and whether these suspects had resorted to coercion, force, kidnapping, cheating, lying, abuse of power, or bribery. The interview also covers methods of victim exploitation. The interview team mainly comprises field police officers, officers from the Ministry of Social Development and Human Security, and officers from the Ministry of Labor. In many cases, representatives from NGOs are invited to take part in the interview.

After the interview, interviewees who are found to be victims of human trafficking will receive protection from the Thai authorities. The Thai government has designated 5 shelters for male victims and 4 shelters for female victims. There are also child and family shelters in each of the 77 provinces in the country.

Interviewees who are not found to be victims of human trafficking will be further interviewed regarding job contracts, wages, welfare, deduction of wages to pay out any debts, and withholding of travelling documents. This is to verify whether the employers of the interviewees should face other charges. Foreign victims are also verified whether or not they have the rights to remain in Thailand. If not, they will be sent to Immigration for deportation to their countries of origin. Significantly, it should be noted that the Royal Thai Police requires that the Immigration Office considers deportation cases with the presence of representatives from NGOs and interpreters.

In the case where it would be beneficial for the investigation of human trafficking cases or necessary for the protection of potential victims, under the Thai Anti-Trafficking in Persons law, competent officers can provide potential victims with protection for a maximum of 24 hours. Also, if necessary, a request can be submitted to the judge for a court order to extend the period for another 7 days. This is to ensure more efficient victim screening.

In addition, the Thai Immigration has placed extra measures for verifying and interviewing in-bound and out-bound travellers at checkpoints, which has helped increase the efficiency of assisting victims of human trafficking since 2014. Meanwhile, the

measures put in place also take into consideration the dignity and freedom of movement of travellers. These measures include random screening of the list of passengers prior to their travel to single out potential victims and discrepancy age check of female travellers. If discrepancies or suspicions arise of travellers entering for prostitution or beggary, they will be refused entry to Thailand which is in accordance with the 1979 Immigration Act. As a result of these stringent prevention measures, the number of victims significantly dropped from 1,020 in 2013 to 595 in 2014.

| Victim Identification Statistics: A Comparison between the Years 2013 and 2014 | | | | | | | | | | |
|--|----------|--------------|-----------------------|-------------|---------|----------|------|--------|---------|-------|
| Year | Age | | | Nationality | | | | | | Total |
| | Below 18 | 18 and above | Pending Investigation | Thai | Myanmar | Cambodia | Laos | Others | Unknown | |
| 2013 | 757 | 263 | - | 657 | 141 | 89 | 114 | 19 | - | 1,020 |
| 2014 | 380 | 215 | - | 274 | 83 | 29 | 108 | 101 | - | 595 |

2.4 Protection for Potential Victims and Vulnerable Groups

Due to its geographical characteristic, Thailand shares long land border with neighboring countries. As a result, illegal migration is a big challenge for Thailand, with more than 300,000 illegal migrants entering Thailand every year. Despite this challenge, the Thai Government has done its utmost in implementing victim identification procedures that prioritize the rights and safety of potential victims, including right to privacy.

While waiting for the finalization of their status, the potential victims will be protected and provided with assistance and necessities based on humanitarian principles and consideration of human dignity. The officers in the multidisciplinary team will also assess if potential victims need urgent medical treatment and special protection to provide such assistance accordingly.

For vulnerable groups, potential victims will be provided with assistance according to their special needs. All relevant officers are trained to provide vulnerable groups with age and gender sensitive treatment. While in temporary protection, potential victims will be provided with temporary shelters and not retained in any kind

of detention facilities. The multidisciplinary team needs to request court's permission to extend the temporary protection period from 24 hours onward and needs to decide on the potential victims' status within 7 days.

According to the established practice under the Anti-Trafficking in Person Act, potential victims will be interviewed by well-trained social workers, psychologists, law enforcement officers and representative from NGOs, using standardized interview forms. To identify victim of trafficking in persons, inquirer will make decision based on facts, evidence and opinions of members of the multidisciplinary team. The opinions of a social worker or psychologist will be taken into consideration as they take close care of the potential victim, while the Royal Thai Police acts as the focal point to incorporate the efforts of relevant agencies to protect rights of potential victims.

The Royal Thai Police has also stepped up efforts to address human resource constraints by pooling police personnel who are experienced in trafficking in persons cases, local police authorities as well as 11 authorized NGOs to assist in the process of victim identification. The Royal Thai Police is also in the process of drafting an MoU with local NGOs in all provinces, especially in border areas to promote full participation of NGOs in the victim identification process.

For returnees who claimed that they were not interviewed, the Immigration Bureau explained that the returnees might not be aware about the process and mistakenly understand the victim identification interview as a normal interrogation procedure. As additional standard procedure, the Immigration Bureau will have interpreters present to clarify the victim identification process to migrants and designate a victim identification room in every office. Moreover, a standardized victim identification form has been improved to comprehensively and clearly address questions relating to the act of exploitation and also to photograph for rerecorded bio data, especially for cases that need follow-up.

The Ministry of Labour has established complaint centers in provincial employment offices nationwide. If the complaint received involves trafficking in persons, the office will refer the case to relevant authorities for further investigation. Once the Ministry of Labour receives a complaint, an inspection team will be sent within 3 days. In reality an inspection team usually is sent out immediately after the complaint is received. Moreover, the Ministry of Labour has a plan to launch

provincial center to assist and rescue victims of labour trafficking by 2016, to address the needs of trafficked labours.

2.5 Prosecution and Conviction

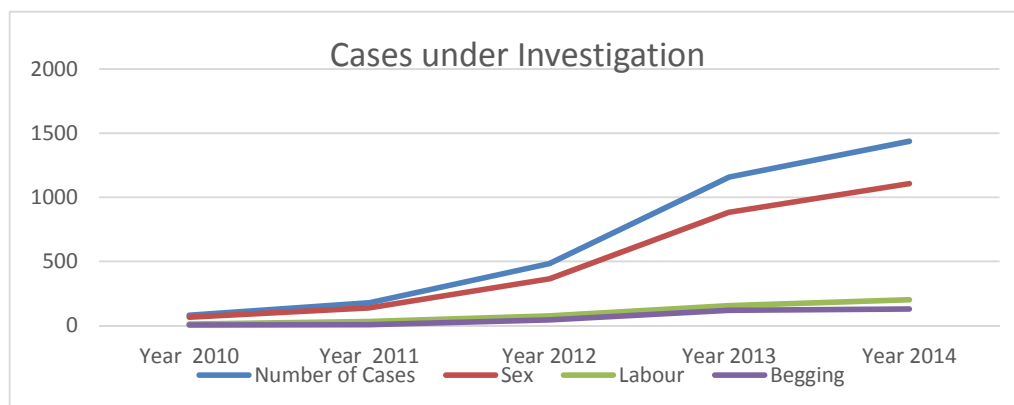
Cases under investigation

In 2014, a total of 280 cases have been brought into the investigation process. Among these, 222 cases are related to sexual exploitation; 47 cases are related to forced labour of which 11 cases involve the fishing industry where 14 people were arrested and 20 victims rescued; and 11 cases concern forced begging.

Statistics for investigation cases launched over the past five years (2010 – 2014) are shown in the Table below.

| Cases under Investigation | | | | |
|----------------------------------|--------------|--------------------------|---------------|----------------|
| Year | Cases | Exploitation Type | | |
| | | Sex | Labour | Begging |
| 2010 | 81 | 65 | 12 | 4 |
| 2011 | 97 | 74 | 19 | 4 |
| 2012 | 306 | 226 | 44 | 36 |
| 2013 | 674 | 520 | 80 | 74 |
| 2014 | 280 | 222 | 47 | 11 |

A Graph of Cumulative Number of Cases under Investigation



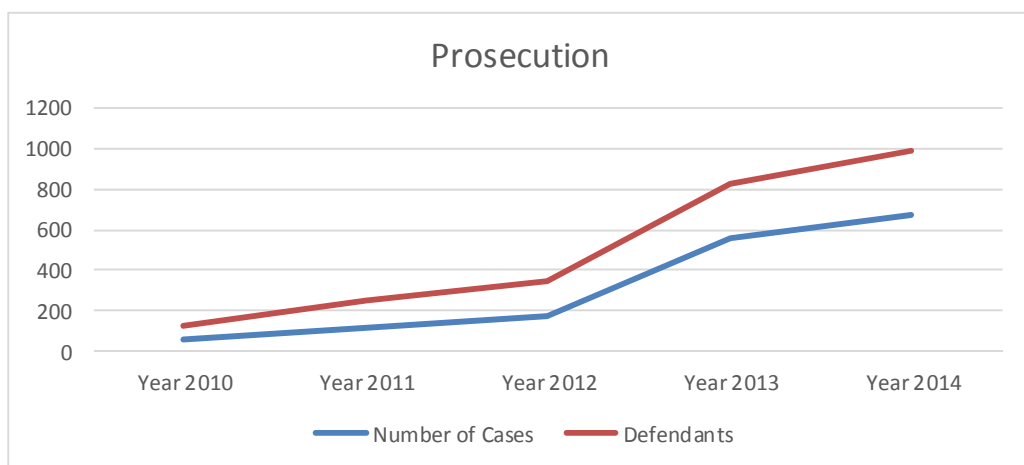
Prosecution

In 2014, public prosecutors prosecuted a total of 115 cases, among which 102 are related to sexual exploitation, 7 are related to forced labour, and 6 are forced begging. Statistics for prosecuted cases for the past five years (2010 – 2014) are shown in the Table below.

Public prosecutors have further increased their efforts to work closely with police officers by setting up a special task force to integrate their work into the investigative stage, so that evidence compiled for prosecution at court has a better chance of conviction. This special task force also meets once a month to review progress and expedite the prosecution of pending cases.

| Prosecutions | | | | | | | | |
|--------------|-------|------------|-------------------|------------|-------|------------|---------|------------|
| Year | Cases | Defendants | Exploitation Type | | | | | |
| | | | Sex | | Labor | | Begging | |
| | | | cases | defendants | cases | defendants | cases | defendants |
| 2010 | 57 | 126 | 42 | 85 | 14 | 40 | 1 | 1 |
| 2011 | 59 | 128 | 45 | 89 | 10 | 30 | 4 | 9 |
| 2012 | 56 | 93 | 46 | 72 | 9 | 20 | 1 | 1 |
| 2013 | 386 | 483 | 298 | 374 | 37 | 53 | 51 | 56 |
| 2014 | 115 | 155 | 102 | 128 | 7 | 21 | 6 | 6 |

A Graph of Cumulative Prosecution Statistics



Conviction

In 2014, 104 defendants were convicted of human trafficking. Among these, 24 were sentenced to between 1-3 years jail term; 40 were sentenced to between 3-5 years jail term; 11 were sentenced to between 5-7 years jail term; and 20 were sentenced to between 7-30 years jail term. The penalties are in accordance with the prescription in the 2008 anti-trafficking law and commensurate with other serious offenses.

Statistics for convicted cases (final decisions) for the past five years (2010 – 2014) are shown in the Table below.

| Conviction (Final Decision) | | | | | |
|------------------------------------|-----------------------------|----------------------|----------------------|----------------------|----------------------|
| Sentences (jail term) | Defendants convicted | | | | |
| | year 2010 | year 2011 | year 2012 | year 2013 | year 2014 |
| less than 6 months | 4 | - | 3 | 18 | 5 |
| 6 months – less than 12 months | 0 | - | - | 18 | 4 |
| 1 year – less than 2 years | 2 | 5 | 2 | 23 | 6 |
| 2 years – less than 3 years | 13 | 12 | - | 35 | 18 |
| 3 years – less than 5 years | 13 | 9 | 12 | 77 | 40 |
| 5 years – less than 7 years | 9 | 12 | 14 | 30 | 11 |
| 7 years – less than 10 years | 5 | 4 | 4 | 12 | 9 |
| 10 years – less than 15 years | - | 3 | 12 | 3 | 10 |
| 15 years – less than 20 years | - | 4 | - | 1 | - |
| 20 years – less than 30 years | - | 2 | - | 9 | 1 |
| 30 years and over | - | 4 | 2 | 4 | - |
| Total | 46 | 55 | 49 | 225 | 104 |

2.6 Seizure of assets in crimes related to human trafficking

Money laundering

The Royal Thai Police has intensified its efforts in enforcing the law and tackling the issue of money laundering, itself a predicate crime of human trafficking. Regular reports and list of suspects have been sent to the Anti-Money Laundering Offices (AMLO) for further investigations, prosecution and seizure of assets.

Enforcement of anti-money laundering law by the AMLO

Since January 2014, 107 cases on money laundering associated with human trafficking have been under investigation by the AMLO.

In a case concerning human trafficking in the form of prostitution occurred in Narathiwat Province, the AMLO has issued a seizure order with a total value of 2 million baht. The case is now being tried in court.

In another human trafficking case in Songkhla Province, the Civil Court has ordered a seizure of assets worth 30 million baht. The victims consisting 31 women from Laos, 2 from Myanmar and 20 from Tai ethnic group, have been successfully rescued.

2.7 Prosecution of corrupted government officials

Greater efforts have been made in the enforcement of laws against, and prosecution of, government officials involved in illegal exploitation of human trafficking, especially in relation to illegal migrant workers, child labours, prostitution, and labour smuggling. Such offence is punishable both through disciplinary and criminal proceedings. This is supported and complemented by an announcement No. 68/2557 dated 17 June 2014 issued by the National Council for Peace and Order providing for urgent measures to prevent and suppress human trafficking and to tackle problems pertaining to migrant workers. The government is also strengthening corruption-monitoring units in all governmental agencies, so that they can monitor and prosecute corrupt officials without interference.

In 2014, 4 police officers faced criminal prosecution for human trafficking crimes and 11 more police officers received disciplinary punishments. Not only were police officers prosecuted, 4 more government officials also faced criminal charges. The details of their cases are as follows.

Legal action has been taken against a police officer of Kuraburi Police Station in Phang Nga Province who was found to be complicit in extortion from Rohingya victims. The relevant officer had undergone a disciplinary proceeding and was eventually dishonorably discharged. The Royal Thai Police filed criminal proceedings against him and the case is currently under investigation by the Office of Public Sector Anti-Corruption Commission (PACC).

Furthermore, the PACC launched a major investigation into an important case involving 3 police officers of the Highway Police, the Immigration Bureau, and the Special Unit of the Pattani Provincial Police in Pattani Province. Charges were subsequently brought against them on accounts of human trafficking, restriction of freedom and extortion, and abuse of power to detain 3 Cambodian illegal migrants for exploitative purposes. The officers have been discharged from office and are currently facing criminal prosecution.

In total, 11 police officers (of whom 2 are ranked Police Colonel, 7 are ranked Police Lieutenant Colonel, and 2 are ranked Police Major) have been removed from their previous posts for negligence and dereliction of duty, and are now working in inactive posts.

Not only were law enforcement officials punished for human trafficking crimes, no other officials in any branch of government can escape punishment if they are involved in human trafficking. In 2014, the following government officers were prosecuted for human trafficking crimes.

- An officer in the Royal Thai Navy was arrested for committing human trafficking crime (prostitution) along with 2 civilians in Nong Khai Province.

- Two executives at the Local Administrative Organization of Satun Province were arrested for human trafficking crime with involvement in the smuggling of Rohingyas along with 9 civilians. (Details provided in section 2.8.14)

- A social work employee in Nong Khai Province was arrested for human trafficking crime (forced prostitution). Seventeen victims were rescued stemming from this arrest. (Details provided in section 2.7 Prominent Case 2: The Don Toom Case)

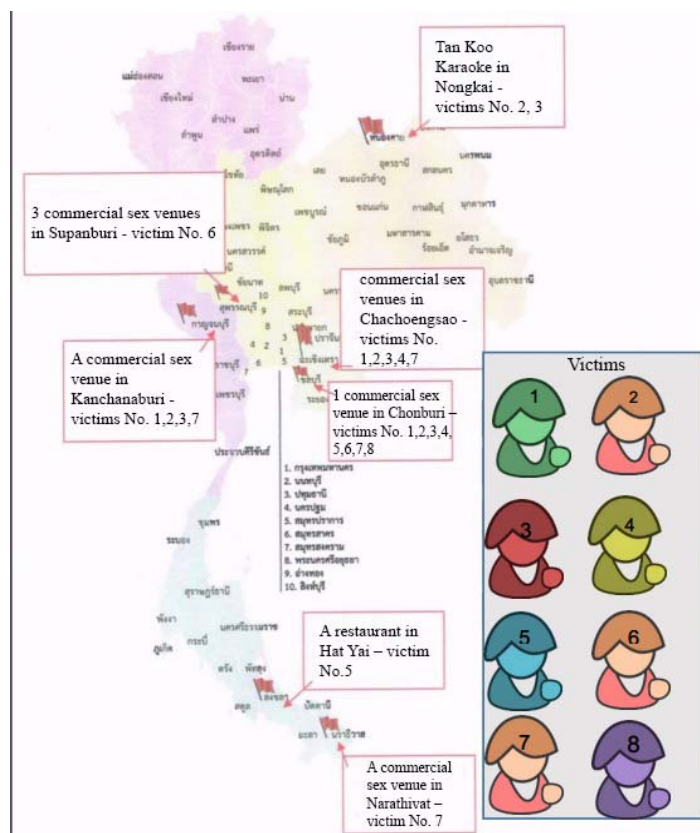
- These and other cases are discussed in detail in the Chapter on Prominent Cases.

2.8 Prominent cases

Case 1 : Underage Sex Trade : The Laotian Victim Case

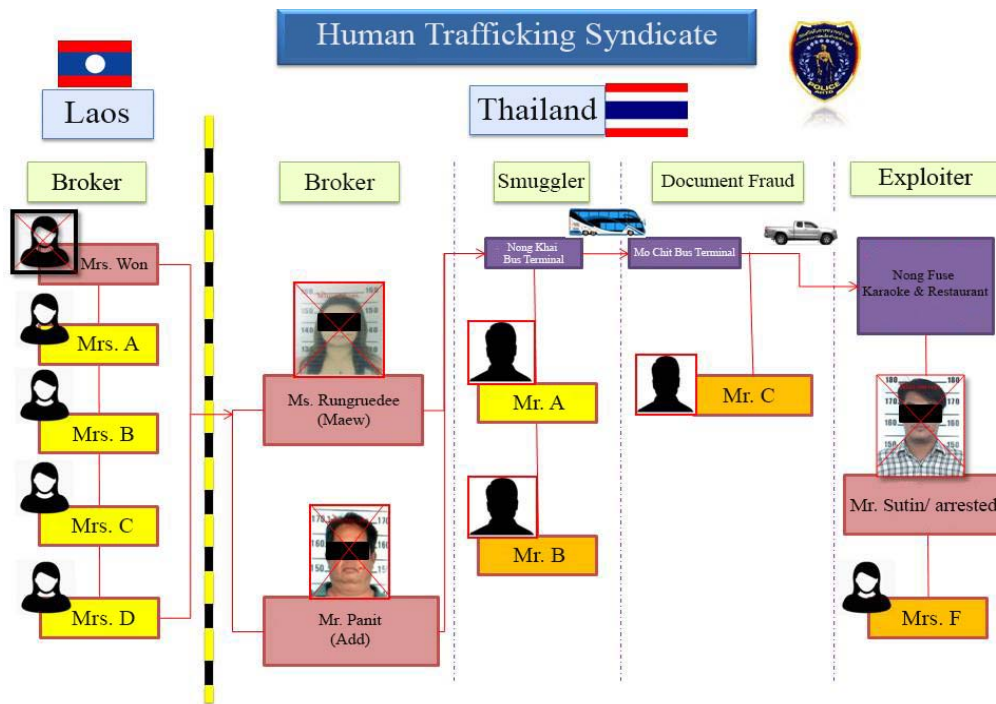
The Anti-Trafficking in Person Division of the Royal Thai Police has expanded their investigation from a case in 2013, in which 3 human trafficking victims were rescued from a brothel in Chonburi Province, to uncover a trafficking syndicate that was engaged in sex exploitation of underage female from Laos.

In March 2014, in cooperation with officers from Kredtrakarn Protection and Occupation Development Center, they gained valuable information from five underage females from Laos who fell victim to a trafficking syndicate and who are now under the care of the Kredtrakarn Center. Further investigation shed light to the operation of this syndicate in various provinces, namely Chachoengsao, Song Khla, Kanchanaburi, Supanburi, Narathiwat, and Nongkhai. Subsequently, 4 members of the syndicate were arrested and 8 more victims were successfully rescued in Chachoengsao province; whereas in Song Khla province, the police arrested 1 trafficker and rescued 5 victims.



Case 2 : Sex Trade Syndicate : The Dontoom Case

On 5 November 2014, police from the Anti-Human Trafficking Division along with the Paweena Foundation for Children and Women rescued 17 victims and arrested 1 human trafficking perpetrator in Dontoom District, Nakhonpatom Province. Further investigation led to the issuance of arrest warrants for 11 more accomplices which include brokers and smugglers. The police were able to capture 3 of the 11 human traffickers. One of the captured trafficker acted as the broker and was in fact a social work employee at the MSDHS Home for Children and Family in Nong Khai Province. This offender provided a place for victims from Laos to stay while awaiting transportation to other venues. Another captured trafficker brought victims to engage in forced prostitution at a Karaoke bar in Song-Pi-Nong District in Suphanburi Province. The arrest of the second criminal occurred during an operation where 72 victims were rescued.



Case 3 : Rescue of Thai Female Victims : The Bahrain Case

In August 2013, a Thai female called the hotline 1191 of the Anti-Trafficking in Persons Division and reported that she had been kept and forced to engage in sex trade in Manama, Bahrain. Within 24 hours, 7 Thai females were rescued by Bahraini police and the Royal Thai Embassy in Manama. The 7 Thai females rescued were later identified as trafficked victims. The investigation found that there

were 2 Thai female brokers who confiscated the victims' passports and forced them to provide sexual service. The brokers later pretended to be trafficked victims themselves. Upon their return to Thailand, they were arrested and charged with the offence of human trafficking. In May 2014, the court convicted them of the crime and punished them to 8 years in prison and 100,000 Baht fines. In order to identify other members of this particular trafficking ring, the police are now investigating a Bahraini man and a Thai woman.



Case 4 : Child Labor : The Broker Case

In October 2013, police officers from the Anti-Trafficking in Persons Division successfully rescued 5 children of Laos nationality, all of whom had been forced to work in a pineapple field and in a street food stall in Prachuap Khiri Khan Province where they had been working for over 3 months without pay. The owner of the food stall was arrested and charged with the offence of trafficking in persons by using forced labour. All 5 children are now under the care of the Kredtrakarn Protection and Occupation Development Center. Further investigation has led to the arrest of two Thai male brokers in January 2014, while an arrest warrant has been issued for another suspect. It is also found that the two brokers engaged in facilitating illegal immigrants from Laos, who were later found to be victims in four criminal cases including, among

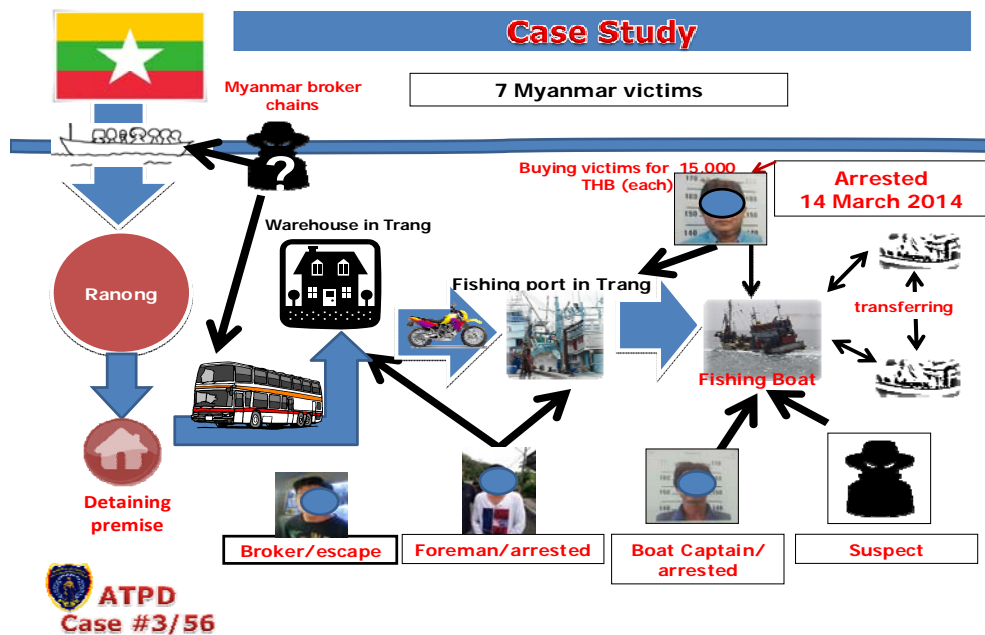
others, a case concerning slave labour trafficking in which 9 victims were successfully rescued.



Case 5 : Forced Labour: The Kantang Case

With respect to the case of a Myanmar trafficking syndicate arrested in Kantang District, Trang province in March 2013, 14 Myanmar labourers were rescued while the arrested Myanmar foreman was charged with the offence of human trafficking and was later convicted with 3 years 6 months in jail.

Further investigations led the police to identify and arrest 5 additional accomplices. One of the five arrested was found involved in the syndicate and prosecuted. Later on September 2013, another human trafficking case was detected in Trang and Satun. 8 Myanmar labourers were rescued from a fishing boat. The police expanded their investigation and found that the offenders from the earlier case were also involved in this case. The police were also able to identify the boat captain and the Thai fishing boat owner. Two of them were arrested in March and April 2014 respectively.



Case 6 : Forced Thai Labour : The Ambon Island Case

On August 2014, the Department of Special Investigation (DSI) received reports from Labour Rights Promotion Network Foundation (LPN) that a group of Thai nationals had been forced into providing labour in a fishing boat operating offshore near Ambon Island in Indonesian waters. The DSI then registered the case as a special case no. 84/2557 and assigned the Director-General of the DSI or a representative to be responsible for the case. On October 2014, the synchronized efforts for victim rescue had been made among officials of the Ministry of Social Development and Human Security, the Department of Consular Affairs, Ministry of Foreign Affairs, the DSI, the Ministry of Labour and other relevant agencies.

Twenty-seven Thai nationals were rescued as a result and 16 persons were identified as trafficked victims. Substantive investigations have led to the criminal court issuing arrest warrants for 3 suspects. On 19 January 2015, DSI led a joint operation comprising officers from AMLO and Central Institute of Forensic Sciences in apprehending the labour broker and the boat captain while the search for the remaining suspect is ongoing. Authorities are following up with further investigation while AMLO will seek possible seizure of assets of the suspects. The Ministry of Labour was able to recover the unpaid salaries totaling 750,700 baht for 11 victims who filed claims.

Case 7 : Closure of High-risk Entertainment Venues, : The Chachoengsao Case

Information received from Damrongtham Centers pointed out to two restaurants/karaoke bars in Mueang District, Chachoengsao Province purportedly providing sexual services by foreign workers. On 2 December 2014, administrative officials of Chachoengsao Province thus launched an investigation and found 49 females sex workers of Laotian origin in the two venues. The victim identification process by a multi-disciplinary team revealed that all 49 workers voluntarily entered the profession at these places and that all were above 18 years of age.

Nevertheless, it was found that the two restaurants/karaoke bars were operating without proper licensing. Officials from the Ministry of the Interior were able to use their authorities to immediately shut the venues down, so as to eliminate the risk of them receiving potential victims of human trafficking in the future. This case demonstrates the role of officials from the Ministry of the Interior in combating human trafficking. Eight defendants were charged with all relevant criminal charges including the Prevention and Suppression of Prostitution Act, the Immigration Act etc. Proactive Law Enforcement of other laws by relevant agencies can also punish and prevent human traffickers as well.

Case 8 : Cracking down on a Rohingya Migrants Human Trafficking Ring : The Hua Sai Case

Following the Government's policy directive to crack down on human trafficking rings, the Hua Sai Provincial Police Station of Nakhon Sri Thammarat Province carried out investigations to suppress human trafficking activities that may occur within its precinct. Leads from investigation led to the discovery of a human trafficking ring which smuggle migrants from a neighboring country through the precinct with the aim of sending them to a third country or sending them to work in the sea fishery or agricultural industries. In this case, intelligence was gathered that a caravan consisting of a few vehicles will attempt to smuggle Myanmar migrants from Pang-nga Province to Malaysia. On 11 January 2015, police officers from the Hua Sai Provincial Police Station set up a road block and were able to stop and made arrests of 2 culprits and rescued 97 victims. Further investigations revealed that 4 more accomplices escaped. Consequently, arrest warrants were issued promptly by the court.

When the police rescued the victims, they were found to be extremely exhausted and in poor health due to malnutrition and strenuous conditions they endured

during their travels. Authorities immediately rushed the victims to the nearest hospital, but unfortunately three victims did not survive. After recuperation, victims were identified by a multidisciplinary team with Rohingya translators providing language assistance.

Authorities captured the broker and the other driver on 14 and 23 January 2015 respectively. Police officers are still hunting down the other 2 culprits. The defendants are charged for crimes under the Immigration Act and the Anti-Human Trafficking Act. The captured perpetrator revealed that he has carried out the smuggling 3 times before and received 4,500 baht for each adult smuggled successfully. The case receives support from the Investigation Unit of the 8th Region Police Command by conducting further investigations into the culprits' use of mobile communications. Furthermore, the Anti-Money Laundering Office confiscated the vehicles used to commit the crime and will further look into the financial dealings of the suspects. This case provides an example where a local law enforcement unit carries out the proactive suppression of human trafficking.

2.9 Information and Answers Addressing Prosecution Issues as Raised by the 2014 TIP Report

2.9.1 There remains widespread corruption among law enforcement officials in Thailand. Law enforcement in human trafficking remains insufficient compared to the size of the problem.

The Royal Thai Government has given priority to solving the problems of corruption by government officials in all agencies. A clear policy directive has been issued instructing all agencies, especially those related to law enforcement, to carry out their duties with honesty, integrity, and to live and work by adhering to His Majesty the King's sufficiency economy philosophy. The government is also strengthening corruption-monitoring units in all governmental agencies, so that they can monitor and prosecute corrupt officials without interference.

The National Council for Peace and Order has issued Announcement no. 68/2557 on 17 June 2014 mandating immediate prevention and suppression of human trafficking and resolving migrant worker problem (phase 1, temporarily). Part of the said directive mandates punishments for officials who neglect (thereby allowing corruption) or are complicit in unlawful profiteering from human trafficking, illegal migrant workers, child labour, prostitution, and illegal smuggling of migrant workers.

Complicit officials will face immediate disciplinary and criminal prosecution. The Royal Thai Police has instructed its officers at all levels not to be involved with or to seek bribery from human trafficking activities. If complicity by officials were found, commanding officers must prosecute such officials to the fullest extent of the involved criminal laws, as well as disciplinary actions. Should higher officers or other departments find negligence to effectively prosecute human trafficking cases in certain areas, the locally responsible units will be subject to disciplinary actions or should they be involved in racketeering in relation to human trafficking, they will face severe disciplinary actions and if criminal activities were found, they will be punished according to the related criminal charges.

Immediately when an arrest is made under the provision of the anti-human trafficking law, the local police in the area where the crime took place will be reassigned outside of such area. This is to allow prudent investigation to find out whether there is officials' involvement or not. In 2013, 11 police officers were reassigned to inactive posts for such purpose. Among these reassigned high ranking commissioned officers, there were 2 police colonels, 7 police lieutenant colonels, and 2 police majors. However after fact-finding investigations, these 11 officers were not involved in human trafficking activities. A non-commissioned police officer was found to be complicit to extortion from Rohingya victims in Kuraburi, Phang Nga Province. He was dishonorably discharged from service and the result of the investigation of his case was forwarded to the Office of Public Sector Anti-Corruption Commission.

In 2014, 3 officers from the Highway Police, Immigration Bureau and the Special Unit of the Pattani Provincial Police were arrested under allegations of human trafficking, detaining and holding or restricting others of physical freedom, and wrongfully abusing entitled power by smuggling 3 Cambodian migrant workers for the purpose of extortion. These 3 police officers are under criminal prosecution and are discharged from the Royal Thai Police.

Not only were law enforcement officials punished for human trafficking crimes, but also no other officials in any branch of government can escape punishment if they are involved in human trafficking. In 2014, the following government officers were prosecuted for human trafficking crimes.

- An officer in the Royal Thai Navy was arrested for committing human trafficking crime (prostitution) along with 2 civilians in Nhonkhai Province.

- Two executives at the Local Administrative Organization of Satun Province were arrested for human trafficking crime with involvement in the smuggling of Rohingyas along with 9 civilians.

- A MSDHS social work officer in Nong Khai Province was arrested for human trafficking crime (forced prostitution). Seventeen victims were rescued stemming from this arrest.

2.9.2 Frequent shuffling and rotations of officers lead to the delay of human trafficking law enforcement.

Investigations of criminal human trafficking cases by the Royal Thai Police and the Office of the Attorney General are carried out within the time frame in accordance with the Criminal Procedure Code. Police officers, as the responsible investigators, can retain the accused for a period of not more than 48 hours for the purpose of investigation. Should the investigation require more time, a court order must be sought, but the cumulative retention period cannot exceed 84 days before filing the case to the court. Should the accused be granted bail, the investigators and the attorneys have 6 months to file the case to the court. As such, even if there is a rotation of case officers, the new officer in charge must conclude the investigation and forward the case to the Office of the Attorney General within the time limit to file the case at the court according to the Criminal Procedure Code. In Thailand the reshuffle of officers occurs regularly only once a year. Officers can anticipate their new assignments and are able to prepare necessary information to handover the cases for their replacement beforehand. As a result, the annual rotation of officers should not delay legal proceedings in anyway.

2.9.3 Only law enforcement officers can make decisions at victim identification proceedings despite frequent objections by social workers and private sector representatives, especially in debt bondage cases.

Prior to the Anti-Human Trafficking Act of 2008 came into effect, governmental agencies and the private sector have reached an Agreement on the Cooperation between Governmental Agencies and Private Organizations in Cases of Women and Children of 2003. When the opinion of the officer in charge of investigation differs from those of other relevant agencies, the authority to make the

final decision falls upon the head of the responsible police precinct albeit the police must provide written justification to all related agencies.

Furthermore, the Ministry of Social Development and Human Securities set up a working committee consisting of representatives from both the private and public sectors to come up with a common definition of “human trafficking victim” which includes agreed upon references for victim identification process according to the Anti-Human Trafficking Act of 2008. In practice, the multidisciplinary teams have been using such references all along and victim identifications were not made solely upon the judgment of law enforcement officers.

Should others, who are not victims themselves, wish to file legal complaints against officers on human trafficking allegations, they must present their case with convincing evidence with all components of human trafficking crime according to the law. If the evidence provided is not comprehensive enough, the attorney may decide not to file the case to the court as the case could be dismissed and the plaintiff could face counter legal action in retribution.

Not all allegations of debt bondage cases fall under the statute of the Anti-Human Trafficking Act of 2008. In questionable cases, where acts can be interpreted as containing elements of human trafficking such as involuntary seizure of travel documents, forced labor, confinement or deprivation of freedom, police officers will follow strict standard operation procedures:

1. Received complaints from potential victims;
2. Further investigation basing on information from victims and related persons;
3. Identifying Witness and evidence gathering to conclude the case for public prosecutor’s consideration;
4. Bring victims to local police station to press charge against traffickers under the Anti-Trafficking in Persons Act and other relevant labor laws.

2.9.4 Lack of Cooperation between the Royal Thai Police and the Office of the Attorney General Creates an Obstacle to the Success of the Prosecution of Human Trafficking Cases.

Under the legal system in Thailand, public prosecutors are not vested with the power to investigate, unlike their counterpart in the United States. Normally, public prosecutors do not have a chance to help shape the case from the beginning. They receive a complete investigation report of the case from the police, but if they find

shortcomings they may seek more investigation in specific areas. It is possible that some points maybe lost in this process.

In the past, the Office of the Attorney General assigns public prosecutors to be involved with investigation with the police only in cases involving crimes committed outside of the Kingdom. More recently, the Special Investigation Act allows public prosecutors to work with investigating officers in cases involving prominent cross-border crimes, crimes involving international syndicates, and cases involving influential figures. Since the Prevention and Suppression of the Participation in Organized Crime Act of 2013 came into effect, the coordination and cooperation between the Royal Thai Police and the Office of the Attorney General has been enhanced furthermore, especially in transnational organized crime cases.

2.9.5 Some officials are customers of children prostitutes who are human trafficking victims.

After comprehensive inquiries into this matter, no officers were found to be customers of trafficked children prostitutes in 2013. The allegation could stem from a case which took place on 2 August 2010. On that date, a team consisting of representatives from the Royal Thai Police, the Department of Special Investigation, and Alliance Anti Traffic (an NGO) rescued trafficked victims from a karaoke bar and arrested 8 culprits. The Court sentenced the karaoke bar owner to 126 years imprisonment because the acts were committed against many victims and each count is thoroughly considered by the court, but Thai law limits the carrying out of the sentence to a maximum of 50 years. The other 7 culprits who are all Thai nationals each received 25 years sentences.

During the investigation, there were allegations that a police officer with the rank of a commander superintendent and another police officer with the rank of deputy superintendent were customers of the karaoke bar. The allegation led to legal prosecution and the officers were immediately discharged from the Royal Thai Police. However, further investigation could not find enough evidence to substantiate the indictment of these two officers, but the case can be reopened if new evidence is found to incriminate the accused.

2.9.6 Ship owners, captains, and corrupt officials are not prosecuted for human trafficking in the form of forced labor in the fishing industry.

In 2013, there were 28 cases of human trafficking in the form of forced labor in some fishing vessels. Fifteen people were arrested, of whom, 5 were fishing

vessels captains, 4 were ship owners, and arrest warrants have been issued for 3 more ship captains. No officials were found to be involved in these cases.

In 2014, there were 11 cases of human trafficking in the form of forced labor in some sea fishing vessels. Fourteen people were arrested including 7 labor brokers and 1 ship captain. Twenty victims were rescued.

2.9.7 Follow up of a case where a fishing vessel manager imprisoned 14 victims.

On 10 March 2013, the Kantang Provincial Police Station, Trang Province, received a call for help to rescue Myanmar workers who were detained in a room on a fishing raft. The police were able to rescue 14 human trafficking victims who were forced to work on a fishing vessel. A Myanmar head worker and a Thai fishing raft caretaker were arrested for human trafficking. Another arrest warrant was issued for another Myanmar accomplice. The Myanmar head worker received a sentence of 3 years and 6 months for human trafficking crime. The Thai fishing raft caretaker received a 6 months sentence for providing asylum to illegal immigrants and is currently appealing his case at the Supreme Court.

2.9.8 Police and immigration officers extort money and sexual relations from illegal immigrants who were detained before repatriation. Officials sell migrants from Myanmar who cannot pay their job brokers the fees.

After reviewing possible cases that could be the cause of this allegation, it was found that on 22 May 2013, a local policeman and his Myanmar accomplice smuggled Rohingya migrants out of a shelter home in Phang Nga province. On 27 May 2013, a police senior sergeant major from the Kuraburi Provincial Police Station, Phang Nga Province was prosecuted for unlawful detention, extortion, and negligence. He was immediately discharged from service and his case has been filed with the Office of Public Sector Anti-Corruption Commission. The other culprit (Myanmar national) was charged with rape and illegal entry into the Kingdom and his case was filed to the court on 12 September 2013. Later on, the aforementioned police officer and another immigration police officer were also charged with human trafficking crime.

2.9.9 Thai Court takes lengthy period to reach a conviction decision (since 2009).

During an inspection on 10 March 2008, police officers found 73 migrant workers at Anoma shrimp peeling factory in Samutsakorn Province. The investigators and public prosecutor filed a case against 2 factory owners. The Court of First Instance and the Court of Appeal sentenced the 2 convicts to 5 years imprisonment and a fine of

1,054,000 baht and 8 years imprisonment and 2,084,000 baht in fine. For this case the police have prosecuted the case under the criminal code because the crime occurred before the Anti-Human Trafficking Act came into effect on 5 June 2008.

2.9.10 Defendants jumped bail and threatened victims

It is a policy of the Royal Thai Police to file objection to the courts for any motion to seek bail by the culprits in **all** human trafficking cases. Should the court decide to grant bail, the court will notify all immigration offices at all points to not let the suspects from leaving the kingdom. Once the immigration receives the notification from the court, they will revoke the suspects' visa and the suspect will have to be detained at the immigration office.

The government is well aware of the impact of permission to release suspected traffickers on bail. Relevant criminal justice agencies have intensified strict consideration against bail requests. Prosecutors responsible for trafficking cases will submit opposition in writing against the request along with supporting argument, explicit intention to escape, and possible impact on the case and society once the traffickers are released. This supporting argument is a vital part for the court to consider dismissing the bail request. Otherwise, the court has to approve the bail request in accordance with the rights given to the defendants under the Constitution.

If the bail request is approved by the court, justice agencies, all agencies in the criminal justice system agreed to;

1. Share information of the suspects with the Immigration Bureau to monitor and restrict cross-border movements. If the Immigration Bureau detects the plan to travel across border with intention to flee prosecution, the prosecutor will immediately file a request to terminate the bail order.

2. In case of foreign suspects, the Immigration Bureau will be notified so as to prevent them from leaving the Kingdom. The Immigration Bureau may further consider withdrawing their stay permit and take the suspects under detention for charges in accordance with the Immigration Act (1979).

2.9.11 The participation of police officers in the victim identification process could lead to possible human trafficking victims being left out.

Police officers, as the law enforcement authorities in the capacities of local police and immigration officers, serve as the first point of contact in the legal process. Their participation in the victim identification process has been enhanced over the past

year by a newly designed screening questionnaire. This improved interviewing tool was designed to provide an accurate and clear identification. Victims will also be photographed for future reference in case they wish to give further information after they return home. These improvements are specific to the works carried out by police officers (local and immigration), but the victim verification process is multidisciplinary in nature and involves many professionals from various agencies both from the governmental and private sectors. Eleven NGOs and international organizations regularly participate in the victim identification process with officials. Moreover, all victim identifications result in verifiable documentations. The 11 NGOs and international organizations are listed below:

1. Jesuit Foundation Prison Ministry (JFPM)
2. The Office of Immigration Doctors
3. United Nations High Commissioner for Refugees (UNHCR)
4. International Organization for Migration (IOM)
5. Marryknoll Thailand (MT)
6. Catholic Office for Emergency Relief and Refugees (COERR)
7. Grace Baptist Visiting Group (CVG)
8. Alliance Anti Traffic (AAT)
9. Foundation for Women (FFW)
10. Living Water Center (LWC)
11. Evangelical Church of Bangkok

2.9.12 Investigators do not provide sufficient security to witnesses. Victims who are children are brought to provide testimonies in front of the perpetrators.

Investigations involve a multidisciplinary team comprising of police officers, public prosecutors, psychologists or social workers, and persons whom the victims trust. Investigations of children are done in enclosure space and are photographed and voice recorded as they will be used as court evidence.

After reviewing possible cases that might fit the descriptions underlined in the allegation, two cases could fit such descriptions.

1. Child prostitution case filed in Chiang Mai Provincial Court : Two victims aged 14 and 15 were rescued on 28 January 2014. While awaiting the court's

verdict, the perpetrator escaped and is currently on the run and authorities are in the process of issuing arrest warrants.

2. Child prostitution case filed in Fang Provincial Court : A victim aged 17 was rescued in June 2014 and later gave testimony in court in front of the accused perpetrator.

2.9.13 The Royal Thai Navy and the Marine Police inspected 10,427 fishing vessels but found no human trafficking cases.

Frequent inspections of fishing vessels by the Royal Thai Navy and Marine Police serve as deterrents that preempt potential human traffickers from committing the heinous crimes. In 2013, additional inspections of 113 fishing vessels in at-risk areas in 22 coastal provinces led to the prosecution of 28 human trafficking cases. Consequently, 5 ship captains were arrested. Additional arrest warrants were issued for 3 more captains. Four ship owners were also prosecuted.

2.9.14 Smugglers of Rohingya are not prosecuted.

In 2014, all (100%) cases that involve claims associated with Rohingya go through the human trafficking victim identification process by multidisciplinary team. There were 5 human trafficking cases involving Rohingyas.

Cases where human trafficking crimes were committed:

- On 9 March 2014, police officers arrested 2 Myanmar human trafficking offenders. Five victims who claimed they were Rohingyas were rescued. The case occurred in Pattani Province. The investigator and public prosecutor filed the case to the court and the case is now being considered by the court.

- On 10 June 2014, police officers rescued a group of Rohingya migrants and arrested an entire gang of human traffickers. Investigations led to the issuance of arrest warrants of 9 Thai nationals (2 have been apprehended and 7 remain at large). The case occurred at the Hat Yai Transportation Terminal, Songkhla Province. One of the detained suspect is a Member of the Satun Provincial Council the other detained suspect is Chief of the Puyoo Subdistrict Administrative Organization (local politicians in Satun Province).

- On 11 October 2014, police officers arrested 2 human trafficking offenders and rescued 53 victims who claimed they were Rohingyas migrants. This case occurred in Bang-nai-see Subdistrict, Takuapa District, Phang Nga Province.

- On 13 October 2014, police officers arrested 3 human trafficking offenders and rescued 81 victims who claimed they were Rohingyas. This case occurred in Bang-nai-see Subdistrict, Takuapa District, Phang Nga Province.

- Most recently on 11 January 2015, local police officers were able to rescue 97 Rohingya migrants from a human trafficking ring in Hua Sai District, Nakhon Sri Thammarat Province. So far, 4 people have been arrested and the on-going investigations have expanded to involve the Anti-Money Laundering Office.

3. Protection

3.1 Assistance and Protection for Victims of human trafficking

Thailand provides protection and assistance to the victims based on human rights and humanitarian principle; in accordance with international standard and Thailand's obligation to relevant international law.

According to the Anti-Trafficking in Persons Act(2008), the MSDHS provides comprehensive services to victims to ensure access to all basic necessities, proper and specialized medical treatment, physical and mental rehabilitation, education and skill training, legal aid, and legal action to acquire restitution, compensation and remedies. All services are provided upholding dignity and rights of the victims as priorities. The provided services need to address special needs of victims basing on gender, age and nationality, in cultural sensitive manner. Relevant authorities ensure that victims are acknowledged of their rights and the processes of protection, recovery and legal procedures.

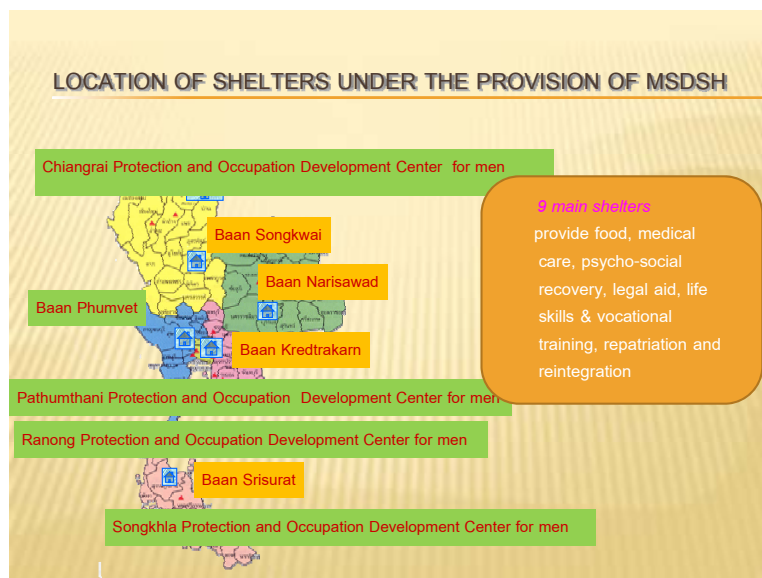
The assistance and protection for victim will be provided by the competent officers under the Anti-Trafficking in Persons Act. All along the process, all services, supports and protection will be provided by multidisciplinary team.



3.2 Victim Identification and Case Referral

Beginning from the victim identification process, potential victims will be interviewed by well-trained social workers, psychologists, law enforcement officers and representative from NGOs, using standardized form for interview. To identify victim of trafficking in persons, inquirer will make decision based on facts, evidence and opinions of members of the multidisciplinary team. The opinions of social worker or psychologist will be taken into consideration as they take close care of the potential victim. While considering final decision, potential victims shall be temporarily protected under the Anti-Trafficking in Persons Act, Section 29. While the authority to make the final decision in those rare cases where there is no consensus falls upon the law enforcement officer, a detailed written justification must be provided to all relevant agencies and representatives from NGOs may oppose the said decision by submitting petition to the local police authority. In addition, **for cases involving potential child victims, the decision will be settled by majority rule regardless of the view of the law enforcement officer in such case.**

Once victims are identified, the competent officers will inform the victim of his/her rights and refer victims who need assistance to one of the 9 main shelters operated by MSDHS.



In addition, 17 non-governmental organizations have been approved by the MSDHS to register as service provider for victims, i.e. the

Foundation for Human Rights and Development, the Foundation for Child Development, Raks Thai Foundation, Foundation of Child Protection Development, Hotline Center Foundation, World Vision (Thailand), Mirror Foundation, Duang Prateep Foundation, Center for Promotion and Development of Women's rights, the Labour Right Promotion Network Foundation (LPN), Siam-Care Foundation, Fisheries Association of Thailand Foundation, Thai-Myanmar Fellowship Foundation, Foundation for Women, Female-to-life Group, Local Community Development Foundation, Night Life Foundation.

3.3 Number of Victims in MSDHS Shelters

3.3.1 Victims identified in Thailand

In 2014, there are 595 identified victims under protection and assistance provided by MSDHS and NGOs. From this number, 303 victims are under protection of the MSDHS in the 9 shelters specialized in assisting victims. The rest of the number can be separated into 2 groups; first, victims in private shelter run by registered NGOs; second, as victims have been acknowledged of their rights and have received medical treatment, Thai adult victims decide to promptly reintegrate to their families and community. Most of the Thai integrated victims received help from Peer Support groups in the community with frequent follow-up by social workers.

Among 303 victims in MSDHS's facilities, there are 67 Thai victims and 236 foreign victims including 75 Myanmar nationals, 65 Bangladeshis, 52 Laotians, 13 Cambodians, 23 Rohingyas, 7 Indians and 1 Uzbek. The majority, 165 victims, are adults. For children population, 88 victims are between 15 to 18 years old, and 50 victims are 15 years old and younger. Labour trafficking is the most prevalence form of exploitation as 188 victims were identified. The rest of the group comprises of 108 victims of sexual exploitation and 7 victims of forced begging. (Details provided below)

Table of number of victims in MSDHS shelters segregated by nationality, age and gender (2013-2014)

| Number of victims placed in shelters | | | | | | | | | | | | | | |
|---|--------------------|----|---------------------|-----|-------------------|----|------------|--------------------|----|---------------------|----|-------------------|----|------------|
| nationality | Year 2013 | | | | | | | Year 2014 | | | | | | |
| | Less than 15 years | | 15 years – 18 years | | 18 years and over | | total | Less than 15 years | | 15 years – 18 years | | 18 years and over | | total |
| | M | F | M | F | M | F | | M | F | M | F | M | F | |
| Thai | 9 | 90 | 19 | 165 | 18 | 4 | 305 | 5 | 22 | 5 | 24 | 10 | 1 | 67 |
| Cambodian | 22 | 18 | 8 | 7 | 10 | 6 | 71 | 4 | 1 | - | 6 | 2 | - | 13 |
| Laotian | 2 | 18 | 1 | 69 | 2 | 13 | 105 | 2 | 6 | - | 22 | - | 22 | 52 |
| Myanmar | 19 | 8 | 27 | 36 | 75 | 22 | 187 | 5 | 5 | 11 | 4 | 48 | 2 | 75 |
| Chinese | - | - | - | 1 | - | - | 1 | - | - | - | - | - | - | - |
| Uzbek | - | - | - | - | - | 2 | 2 | - | - | - | - | - | 1 | 1 |
| Indian | - | - | - | - | 7 | - | 7 | - | - | - | - | 7 | - | 7 |
| Rohingya | - | - | - | - | - | - | - | - | - | 3 | - | 20 | - | 23 |
| Bangladeshi | - | - | - | - | - | - | - | - | - | 13 | - | 52 | - | 65 |
| Unknown | - | - | - | - | - | 3 | 3 | - | - | - | - | - | - | - |
| Total | 186 | | 332 | | 163 | | 681 | 50 | | 88 | | 165 | | 303 |

Table of number of victims in MSDHS shelters segregated by forms of exploitation (2013-2014)

| Number of victims placed in shelters | | | | | | | | |
|---|------------|------------|-----------|------------|------------|------------|----------|------------|
| Nationality | Year 2013 | | | | Year 2014 | | | |
| | Labor | Sex | Begging | Total | Labor | Sex | Begging | Total |
| Thai | 66 | 210 | 29 | 305 | 15 | 51 | 1 | 67 |
| Cambodian | 29 | 6 | 36 | 71 | 2 | 7 | 4 | 13 |
| Laotian | 20 | 85 | 0 | 105 | 5 | 47 | - | 52 |
| Myanmar | 106 | 60 | 21 | 187 | 71 | 2 | 2 | 75 |
| Chinese | - | 1 | - | 1 | - | - | - | - |
| Uzbek | - | 2 | - | 2 | - | 1 | - | 1 |
| Indian | 7 | - | - | 7 | 7 | - | - | 7 |
| Rohingya | - | - | - | - | 23 | - | - | 23 |
| Banglades hi | | | | | 65 | - | - | 65 |
| Unknown | 3 | - | - | 3 | - | - | - | - |
| Total | 231 | 364 | 86 | 681 | 188 | 108 | 7 | 303 |

3.3.2 Thai victims trafficked abroad

For Thai victims trafficked abroad, in 2014 MSDHS has provided assistance to 72 victims (30 males and 42 females) exploited for labour and sexual purposes. These victims were rescued and return by cooperation between Department of Consular Affairs, Thai Embassies/Consulates and the MSDHS to guarantee victims will get proper protection and recovery upon their arrival in Thailand. In so doing, the multidisciplinary team is deployed at the airport to receive case, conduct victim identification interview to assess specialized needs they require, and refer case to shelters. MSDHS will provide all services identical to victims of trafficking in persons identified in Thailand.

3.4 Medical Services

The preliminary physical check-up upon arrival of the victims at MSDHS's shelter is the vital procedure to determine appropriate medical treatments for each victim. Medical services in shelters include physical and mental health treatment. Once health needs are identified, specialized medical services for victims in MSDHS's shelters are provided by professional medical staff with 24 hours monitoring by professional nurses. For severe cases, the

victim will be transferred to nearby hospitals. In case of foreign victims whose health condition needs to be monitored upon their reintegration, the MSDHS will transfer their health records to authorities in country of origin to guarantee follow-up care.

For vulnerable groups, special care for pregnant victims and children is provided by well-trained medical staff, basing on victims' special needs. MSDHS's shelters also provide separate rooms for mother and babies and unaccompanied children. In addition, Pathumthani Protection and Occupational Development Center for Men also provide separate facilities for victims and their families.

3.5 Services for Child Victim

Thailand has provided specialized services for children in accordance with international standard and the UN Convention on the Rights of the Child, upholding the principle of the best interest of the child.

1. Notification of Rights of victims in child-friendly manner by using media such as cartoons in 7 languages including Myanmar, Laotian, Cambodian, Vietnamese, English, Chinese and Thai.

2. Child development plan to make sure that individualized physical, mental and social rehabilitation, education and health care are suitable for each child victim. For children with specific needs, the shelter provides special activity for their development and recovery.

3. Ensuring that Thai child victims are in contact with their family; either by telephone, letters or family visit. For foreign child victims, the MSDHS is cooperating with Laos and Myanmar to arrange visits for social workers from country of origin for further interviews to acquire information of victim's family and expedite nationality identification. The visit by social worker also encourages speedy rehabilitation and potential reintegration.

In case where authorities cannot identify victim's family or guardian, safe return of child victim cannot be guaranteed, or cases where there is risk of revictimization once reintegrated; the MSDHS will closely cooperate with social agencies in the country of origin to assess alternatives basing on the best interest of the child.

3.6 Legal Aid Services

Relevant Thai agencies on prosecution and protection has provided sufficient specialized legal aid for victims of trafficking in persons. Social workers and legal officers in shelters are working closely with lawyers, interpreters and NGOs to ensure that legal rights of victims are protected. The victims are informed of their rights, process of protection and involve in all legal procedures during prosecution of traffickers.

To expedite the prosecution of traffickers, the MSDHS would cooperate with police or public prosecutor to submit request for pre-trial interrogation of victims to the court. The social workers also inquire follow-up with police officers and prosecutors when the case is unusually delayed. In case where victim is willing to testify as a witness, the MSDHS would request protection from police. The victim is always accompanied by social worker, psychologist, lawyer and caretaker when visiting the crime scenes, police station and the court, to ensure that the victim feels safe and confident to cooperate in criminal justice procedure.

During the trial, the child victim will testify in a separate room, in the presence of a psychologist, social worker and other person as requested by the victim, to avoid the direct confrontation with perpetrators in the court. Upon the discretion of the Court, if the adult victim is reluctant to testify in the court room, psychologist or social worker may also request the court to grant permission of testifying in separate room.

3.7 Interpretation Service

The government has provided sufficient interpreters for victims and ensures that all victims have access to interpretation. The MSDHS provides interpreters of 6 main languages, i.e. Myanmar, Cambodia, Lao, Chinese, Vietnamese and English to be present in all process of assistance. The interpreters are trained specifically on trafficking in persons, assisting victims, professional ethics and psychology of working with victims. The roster of trained interpreters is also provided for other line agency for their use. The roster of trained translators will also be able to improve their service line agency for their use. The trained translators will also be able to improve their services in assisting officials during the prosecutions of the traffickers.

Challenges still remain for victims who speak local dialects; however, the MSDHS has made unexhausted efforts seeking interpreter to ensure that the communication with the victim is effective so that all needs are addressed and important services, such as legal aid services, are delivered. For the local dialects such as Kachin, Northern Lao, Southern Lao or Thoeng or Rohingya language, the MSDHS seeks cooperation and interpretation support from embassies, academic institutions and network organizations, such as, UNICEF, UNHCR and World Vision etc.

3.8 Temporary stay and employment for victims

Another positive development from the Anti-Trafficking in Persons Act (2008) is the provision for victims to be granted temporary stay and allowed to work outside their shelters for the entire duration of their legal proceedings. The permit to work outside shelter is provided for victims on voluntary basis and all victims may opt for vocational and skill training activities available inside the shelter.

In 2014, a total of 57 victims enjoyed gainful employment outside shelters supplementing the government assistance including pocket money and allowance. The incomes gained by the victims are in accordance with the minimum daily wage but differ due to different types of work and period of their employments. Even though 190 victims chose not to work outside their shelters; they can opt for vocational trainings inside the shelters. The remaining 40 did not work for a variety of reasons (23 were under 15 years old, 12 were repatriated shortly after staying in shelters, 8 did not speak Thai and could not communicate with employers, and 7 were in bad health or otherwise disabled)

| Sex | Number of foreign victims placed in shelter in 2014 | Number of victims working outside | Number of victims not going to work outside | | | | | Total |
|--------|---|-----------------------------------|---|---------------------------------|--------------------------|-------------|-----------------------|-------|
| | | | Less than 15 years | Unwilling to work ^{KH} | Disabled/Health problems | Return Home | Unable to communicate | |
| Male | 167 | 42 | 2 | 81 | - | - | - | 83 |
| Female | 69 | 15 | 21 | 59 | 7 | 12 | 8 | 107 |
| Total | 236 | 57 | 23 | 140 | 7 | 12 | 8 | 190 |

Challenges still remain for employment of the victims. Some victims are dismissed from work because of lack of discipline, frequently changing jobs, alcohol drinking behavior etc. Other challenges remain in the process of registration and work permit issuance. To address this challenge, relevant agencies have integrated steps for temporary stay registration and decrease cost for health check-up and work permit fee. The next steps are to have designated fast track for temporary stay/work permit request and to specify clear steps and focal point in line agencies to expedite the process.

3.9 Remedies and Compensation

Victims have the rights to initiate legal proceeding to get remedies, restitution and compensation as provisioned in the laws, including:

3.9.1 Financial Aid from the Anti-Trafficking in Persons Fund, as encoded in the Anti-Trafficking in Persons Act: In 2014, the Sub-Committee of the Fund approved 3,748,031.57 baht (117,125 USD) as financial aid for 463 victims.

3.9.2 Civil Compensation: Victim is entitled to compensation for damage suffered from human trafficking. The Permanent Secretary of MSDHS or designated persons will determine the amount of compensation the victim should receive, as suggested by the multi-disciplinary team, and notify public prosecutor for further action in court proceedings. The victim or his delegate is involved in all process of compensation determination. In 2014, compensations for 57 victims (14 Thais, 43 foreign victims) were determined, resulting at the amount of 8,613,340 baht (269,166 USD). In addition, the amount of 22,549,171 baht (704,660 USD) is determined as compensation for 19 Thai victims returned from abroad.

3.9.3 Unpaid wages: The MSDHS requested the Department of Labour Protection and Welfare to claim unpaid wages under the Labour Protection Act B.E. 2541, for 39 victims (14 Thais, 25 foreign victims) at the total amount of 758,527 baht (23,700 USD).

3.9.4 Victim compensation in criminal cases: In accordance with Victim Compensation and Restitution for the Accused Person Act, 53 victims received expenses for injury and damages caused by the crime of trafficking in person, a criminal case, in a total amount of 1,590,000 baht (49,687 USD).

3.10 Repatriation of foreign victims

The MSDHS cooperates with the country of origin in preparation for safe return and reintegration of victims once they have completed the recovery process and relevant professionals are confident of their mental and physical health conditions. The repatriation process was agreed in the bilateral agreements between Thailand and neighboring countries including Myanmar, Lao PDR, Cambodia and Vietnam. In 2014, 397 victims were repatriated and all expenses were covered by the Anti-Trafficking in Persons Fund. The Thai police and social worker were assigned to accompany the victim to their country of origin.

Government agencies and international organizations in country of origin will assist, monitor, follow-up and make a report on reintegration for each case. For the returned victims from Myanmar and Lao PDR, the report will be discussed in Case Management Meeting between Thailand and the country of origin. For victims from other countries, the report will be sent to the MSDHS. Successful reintegration is assessed by ensuring that victims are not revictimized and victims who need assistance are continued to get support from relevant agencies in the country of origin

3.11 One Stop Crisis Center: OSCC

The MSDHS developed the hotline 1300, operated by the Center for Social Assistance (One Stop Center - OSCC) to provide assistance to children, women, elderly, disabled, and those experiencing social problems, including human trafficking. In addition to the hotline, 3 other channels of case reporting are available including (1) through 20,000 centers in various local government agencies throughout Thailand (2) through the official website at <http://www.osccthailand.go.th/> (3) Mobile Application. Once the hotline received report of social problems, the case is immediately referred to relevant authorities for prompt rescue or initiation of investigation. In 2014, there were 3,485 reported cases, with the majority of cases of violence against children, women, disabled and elderly persons. Among the number of reported cases, 123 cases reported as related to human trafficking and they were immediately referred to the police. (Details appeared in Table below)

The information of each case is linked with line agencies to ensure prompt and comprehensive assistance. Interpreter services is also provided in 5 languages including English, Cambodian, Myanmar, Vietnamese and Chinese, with more than more than 40 volunteer interpreters in the roster. In 2014, the

Center rendered assistance to 138 foreigners. The OSCC has operated 24 hours since October 2014.

The MSDHS has arranged various campaigns to intensify public awareness about the OSCC to encourage vulnerable group's access to such assistance in any social problem situation. In addition, the MSDHS also plans to publicize the activities of the OSCC in the languages of the ASEAN member countries.

| Issues | Number of reports to OSCC categorized by the issues (year 2014) | | | | |
|--------------------------|--|--------------------------|--------------------|-----------------|--------------|
| | Unwanted pregnancies | Human trafficking | Child labor | Violence | Other |
| Number of Reports | 948 | 123 | 10 | 2,404 | - |

(2) Marine Department’s Regulation on Criteria for Permission to Work on Fishing Vessels of 30 gross tonnage or over B.E. 2557 (2014)

This regulation, which became effective on 15 January 2015, provides further safeguards for workers on fishing vessels and, therefore, complements the protection afforded by Ministry of Labour’s Regulation to Protect Labour in the Sea Fishing Industry B.E. 2557 (2014). Under the regulation, fishery workers wishing to work on a fishing vessel must acquire permission from the Marine Department. In application for such permission, ship owners or captains, on behalf of the workers, must provide a number of documents including proof of employment and copy of ID cards or passports of the workers. Furthermore, should a ship owner wish to terminate employment of the worker, he must issue a proof of discharge to the worker and report the discharge/termination of employment to the Marine Department. As a result, the Marine Department and other enforcement authorities can effectively monitor the movement of the workers on each fishing vessel, assess the risks of human trafficking and take swift action to prevent or stop the incidence.

(3) The Fisheries Act B.E. 2558 (2015) (the amendment of the Fisheries Act B.E. 2490 (1947))

The new amendment to the Fisheries Act B.E. 2490 (1947) will enable the Ministry of Agriculture and Cooperatives to play an even more proactive role in addressing human trafficking in fishery sector. For instance, it will empower the Minister of Agriculture and Cooperatives to enact a secondary legislation to require all fishing vessels of over 30 gross tonnage to install vessels monitoring system (VMS) or undergo port in – port out controls which will enhance the monitoring of fishing vessels as well as the working and living conditions of the workers on board. The draft amendment was approved by the National Legislative Assembly on 9 January 2015 and is expected to be in force by April 2015.

Vessel monitoring system (VMS) installation and Port in – Port out control under **the Roadmap to combat IUU fishing**

In recognition of the linkage between IUU fishing and human trafficking, the Thai government has sought to address both of these issues

5. Partnership

Partnership plays an important role in enhancing Thailand's capacity in tackling human trafficking, especially in the key areas of prosecution, protection, prevention and policy development. The Royal Thai Government has promoted cooperation among state agencies to achieve better integration and has reached out for partnership with all stakeholders including the private sectors, NGOs and international organizations. At the same time, partnership and cooperation are being fostered with these actors under bilateral, regional and multilateral frameworks with a view to enhancing effectiveness in preventing and suppressing trafficking in persons.

Partnership and networks among concerned government agencies concerned have helped strengthen coordination and enhance prosecution, protection and prevention. Partnership of government agencies with NGOs, civil society actors, private sectors as well as other stakeholders will further expand the networks and hence, contribute to greater achievements in tackling human trafficking. So far, many government agencies have had a number of cooperation s, activities and projects with NGOs and stakeholders in the private sector. These activities and projects are, for example, assisting and reintegrating victims of trafficking, research on the routes and nature of the human trafficking process, developing a work safety manual in the fishing industry, ensuring implementation of Good Labour Practices (GLP), providing legal assistance to people of vulnerable groups and victims of human trafficking in Northern Thailand.

With regard to inter-governmental agency cooperation, national committees, such as the Anti-Trafficking in Persons Committee chaired by Deputy Prime Minister, or the newly created Policy Committee on Human Trafficking and Illegal Fishing, devised and chaired by the Prime Minister, meet regularly to encourage closer coordination and networking, greater integration and more efficient use of shared resources among various Ministries and concerned public agencies. Under the Policy Committee, the Subcommittee on Public Relations and Legal Affairs plans to deepen the engagement and cooperation with NGOs, private sectors, international organizations, and other stakeholders in order to improve Thailand's efficacy in preventing and suppressing human trafficking.

On international cooperation, the Thai Government deems human trafficking as one crucial form of trans-boundary challenges and has been encouraging collaboration in preventing and suppressing the problem at all levels, be it bilateral, sub-regional, regional, or multilateral. Moreover, Thailand can offer her best practices to support capacity building in neighbouring countries, most of which are the sources of vulnerable populations and victims of trafficking. Meanwhile, Thailand can also learn from other countries' experience in combating human trafficking to strive for better results.

Details of key cooperation activities and projects are to be found in the following sections.

5.1 Government Agencies and Their Cooperation Activities

5.1.1 The Royal Thai Police

5.1.1.1 Cooperation with Neighbouring Countries

(1) High-ranking police officers are appointed as police attachés to the Royal Thai Embassies in Myanmar, Cambodia, and Yunnan, China. Prior to the assumption of their duties, the police attaches will be extensively trained regarding current situation on drugs, human trafficking and transnational crimes so as to ensure better understanding of the current nature of these problems and better coordination with overseas officials and NGOs.

(2) Border Liaison Offices (BLOs) – its formation stemmed from collaboration between the Royal Thai Police and the United Nations Office on Drugs and Crime (UNODC) under “Partnership against Transnational Crime through Regional Organized Law Enforcement” (PATROL) project. BLOs are tasked with facilitating coordination between border checkpoints of Thailand and those of Cambodia, Lao PDR, and Myanmar respectively. The use of Case Management and Intelligence System (CMIS) allows for better analysis of intelligence information for combating transnational organized crimes. The BLOs are located at the following border checkpoints:

Thailand-Myanmar Border

- PaknamRanong Checkpoint
- Mae Sot Checkpoint

- Mae Sai Checkpoint

Thailand-Lao PDR Border

- Chiang Saen Checkpoint
- Chiang Kong Checkpoint
- Chong Mek Checkpoint
- Khemarat Checkpoint

Thailand-Cambodia Border

- Ban Pakard Checkpoint
- Ban Laem Checkpoint
- Ban KlongLeuk Checkpoint
- Ban Hat Lek Checkpoint

5.1.1.2 Bilateral Cooperation on Prosecution

Thailand and Myanmar

Overall, prosecution-related agencies of Thailand and Myanmar have enjoyed good and close coordination, particularly with the Department of Special Investigation (DSI). This close and longstanding relation is further accentuated by the recent meeting between a Myanmar police delegation and their Thai police counterparts from the DSI to work on human trafficking cases on 19-21 March 2014 in Samut Songkram province. The meeting provided a timely forum for extensive exchange of views on prosecution cases, particularly, human trafficking cases on fishing boats in Trang province of Thailand. The meeting also discussed guidelines on the procedure of returning victims of trafficking to give testimonies in courts in the country where cases initiated and on issues such as migrant labour from Thailand and Myanmar who were lured into forced labour on fishing boats in Indonesia

In addition, a meeting between law enforcement and judiciary related agencies of Thailand and Myanmar was convened in Phuket on 4-6 August 2014, during which the following outcomes were agreed:

(1) To exchange information between both sides to prosecute middle men/ agents related to human trafficking cases

(2) To set up of a sub-working committee to draft guidelines on procedure of returning victims of trafficking to give testimonies in courts where cases initiated. Additionally, the IOM agreed to financially support to organize meetings which will be convened every 3 months at border cities, and also agreed on setting up a working committee comprising junior ranking officers to discuss cases related to human trafficking.

Thailand and the Lao PDR

During the 15th Thai – Lao Case Management Meeting (CMM) on 2 – 6 July 2014 in VangVieng, the Lao PDR, both sides discussed cases in which victims hold passports with inaccurate information on their age, posing a problem for prosecution of human trafficking cases. Both sides agreed on the followings:

(1) To increase channels through which Thailand and the Lao PDR can exchange information for the benefit of investigation. In case that aided victims did not look the age given in their passports or other Lao official documents, field officers could send a copy of such documents to the Anti-Human Trafficking Division (AHTD), Royal Thai Police, and the latter would pass the copy to its Lao counterpart within 30 days. The Lao counterpart would then verify the information and send feedback within 30 days after having received the copy.

(2) To increase surveillance at immigration checkpoints, both inbound and outbound. Organizations responsible for immigration in both Thailand and the Lao PDR would focus on female travellers with age/physical attribute discrepancies and consider interviewing or reviewing of their documents on a case-by-case basis.

Additionally, the Department of Special Investigation (DSI) organized the Thai-Lao PDR Workshop on Law Enforcement in accordance with the 3rd phase of the Thai-Lao Joint Action Plan on Combat Against Trafficking in Persons Especially Women and Children (2013 – 2015) between 18 – 21 August 2014 at Long Beach Garden Hotel, Pattaya. In attendance were representatives from Thailand and the Lao PDR's law enforcement agencies. Gists of the workshop were as follows:

(1) Both sides agreed to use the Border Cooperation on Anti-Trafficking in Persons (BCATIP) as a framework to monitor and prevent transnational trafficking in persons.

(2) Both sides agreed to use diplomatic channels, mediators, and international cooperation on criminal laws and extradition to facilitate prosecution of transnational human trafficking cases.

(3) Thailand gave a presentation concerning Thailand's related legislation (Acts) the former's acts on victim compensation, damages, and expenditure for appearing as a defendant in criminal case, witness protection and anti-money laundering. The Lao PDR expressed interest and would like to further study these Acts. The Lao PDR also requested Thailand to organize workshops on these Acts for Lao officers.

(4) Thailand suggested that bilateral meetings between law enforcement agencies be organized bi-annually. Thailand proposed to take turn hosting the meetings to which the Lao PDR would consider this suggestion in details back at the capital.

5.1.2 Ministry of Social Development and Human Security

5.1.2.1 Cooperation with the Ministry of Foreign Affairs on the establishment of a one stop service centre for victims of human trafficking and vulnerable groups in Myanmar, and Banteay Meanchey province in Cambodia. The aim is to provide sustainable assistance to victims, by providing shelter for those who have been abused by human trafficking, and vulnerable groups. This includes the provision of required services and training to reduce the possibility of becoming re-victimized.

5.1.2.2 Cooperation with the World Vision Foundation of Thailand on the development of mechanisms to support anti-human trafficking measures. This includes research on the causes and means through which people fall victim to human trafficking, as well as studies on victims who have received assistance from Section 37 of the Anti-Trafficking in Persons Act B.E. 2551 (2008). The information obtained is then used for policy-making, strategic planning, guidelines on the prevention of human trafficking, and the implementation of appropriate measures to protect and assist victims.

5.1.3 Ministry of Labour

5.1.3.1 Cooperation with related agencies on the conduct of multidisciplinary activities. In 2015, priority is given to companies working on the production of shrimp, fish, sugarcane, and clothing.

5.1.3.2 Campaign for entrepreneurs to declare their intention not to use child labour and forced labour, which will be certified by the Department of Labour Protection and Welfare, and will be expanded to the whole country in 2015.

5.1.3.3 Cooperation with the Department of Fisheries, the National Fisheries Association of Thailand, and the International Labour Organization (ILO), to promote and provide protection for labour in the fisheries sector, by producing a handbook on ethical guidelines for businessmen in this sector. Cooperation with Thai Fisheries Producers Association on activities to combat illegal labour, child labour, forced labour and human trafficking.

5.1.3.4 Signing of a memorandum of agreement on anti-human trafficking and labour relations with local entrepreneurs in the clothing sector in Tak Province.

5.1.3.5 Signing of a memorandum of agreement with the Sugarcane Growers' Association and the Sugarcane Growers' Cooperatives to oppose the use of child labour on sugarcane plantations.

5.1.3.6 Cooperation with various agencies, including the Department of Employment, the Employers' Confederation of Thailand, Trade Union, the National Fisheries Association of Thailand, the Foundation for Labour and Employment Promotion, and Thai Allied Committee with Desegregated Burma Foundation to promote the health and learning of ethnic migrants. In addition, the Ministry of Labour also cooperates with the Human Rights and Development Foundation, and the Foundation for AIDS Rights, to promote and protect the rights of migrant workers.

5.1.3.7 Cooperation with the International Labour Organization (ILO) under two frameworks: the Tripartite Action to Protect Migrant Workers from Labour Exploitation (TRIANGLE) and the International Programme on the Elimination of Child Labour (ILO-IPEC). Thailand's current cooperation with the ILO emphasizes the consistent promotion of labour rights, and the elimination of child labour and forced labour, especially in the areas of fishing

and fishing industry in Thailand. Important ILO projects to promote labour rights in the fishing industry include drawing up Good Labour Practices (GLP), and an ethical code of conduct for employers to promote the protection of fish workers. Other projects the issuance of Ministry of Labour's Announcements of Hazardous Works Considered as Worst Forms of Child Labour, and support for the establishment of seven pilot Labour Coordination Centres (LCC) in border provinces.

In 2014, under cooperation with ILO, **books of guidelines and risk evaluation checklists for labour inspection in the Sea Fishery Sector** have been also produced. The checklists give risk indicators of differentiated cases, including labour abuses, labour exploitation, forced labor and human trafficking. The book and checklists are already in use by labour inspectors. In addition, **on the issue of complaint receiving mechanism improvement**, ILO will provide capacity building to sustain the mechanisms.

Besides that the Ministry of Labour is also cooperating with ILO and the International Organization for Migration (IOM) in **revising the MoUs on Employment Cooperation** with Myanmar, the Lao PDR, and Cambodia to achieve greater practicality. Among several points of improvement is the streamlining of labour recruitment processes.

5.1.3.8 Cooperation with the Department of Fisheries, concerned private sector associations, and the International Labour Organization (ILO) - Key achievement is the developing of Good Labour Practices (GLP) in the shrimp and seafood processing industry, as well as the fishing industry. In 2015, GLP will be extended to cover the whole production process. This includes the primary production process, the production process in factories for shrimp and seafood, farms for harvesting shrimp and seafood, and fishing boats.

In addition, the Department of Labour Protection and Welfare, the Department of Fisheries, concerned private sector associations (such as the Thai Frozen Foods Association, and the Thai Food Processors' Association) and ILO organized a Multi-Stakeholders Meeting Forum on labour conditions in Thailand's fishery sector, in November 2014. The working group for this forum produced guidelines on GLP for the shrimp and seafood processing industries, NGOs, Trade Union, and importers of Thai fishery products. Many importers of Thai fishery products also participated in the said forum, and stated their intention to join the Buyers Reference Group, and Workers' Reference Group,

as part of a joint working group. Moreover, these importers also promised to continue buying Thai fishery products.

5.1.4 Department of Fisheries and its cooperation with the Marine Department in developing a master plan on actions to resolve labour problems in the fishery sector and cooperation with related agencies. Further details are :

5.1.4.1 The Department of Fisheries issued regulations on boat registration, and records on the entry and departure of boats at various ports. The Department of Fisheries and the Marine Department presented these regulations to the National Council for Peace and Order and the Subcommittee on Migrant Workers Management, to ensure that fishing vessels of capacity larger than 30 gross tonnages, both within and beyond Thailand's sea boundary, have to report each entry and departure from Thailand's ports. In addition, a Vessel Monitoring System is to be set up.

5.1.4.2 The Department of Fisheries organized two meetings in August 2014 to discuss technical issues with the Marine Department, the Department of Provincial Administration, the Royal Thai Navy and the Ministry of Labour, to integrate databases on fishing boats, fishing licenses, and labour in the fishery sector. These meetings raised awareness on the details of different agencies' databases and possible areas for integrating information, such as information on fishermen, fishing licenses, registration of boats, boat permits, boat size, information on labour, employment contracts, and boat and labour checks. All agencies agreed on the need for an online integrated database, which will be an important tool in promoting an integrated, efficient and effective approach for checking boat registrations and labour in the fishery sector.

5.1.4.3 The Department of Fisheries plans to organize training for its officials and fishing boat operators, to provide knowledge on related laws and guidelines to prevent human trafficking in the fishery sector. Moreover, the training program also aims to raise awareness and promote understanding on human trafficking, as well as to promote labour treatment in accordance with the labour law in the fishery sector.

5.1.4.4 The Department of Fisheries presented a concept paper to the Ministry of Foreign Affairs on the establishment of a centre to screen fish workers in the country of origin. The Department of Fisheries, the National Fisheries Association of Thailand, and the Thai Overseas Fisheries Association, are all willing to send officials to the said centre, to provide information on the

nature of work on fishing boats to interested labour. The aim is to prevent human trafficking, and to prevent fish workers from running away, due to their ignorance on the nature of work beforehand. The Marine Department works with law enforcement agencies, such as the Department of Special Investigation, the Ministry of Social Development and Human Security, and the military, to issue work permits for fishing boats.

5.1.4.5 The Anti-Human Trafficking Division works with the Ministry of Foreign Affairs and the country of origin to coordinate information on the prosecution of cases.

5.1.5 Ministry of Foreign Affairs

5.1.5.1 Cooperation with government agencies, academia, and NGOs, including the Ministry of Social Development and Human Security, the Ministry of Labour, the Mirror Foundation, the Centre for the Protection of Children's Rights Foundation, Khon Kaen University, and Mae Fah Luang University, to provide information to vulnerable populations in the north and northeast regions of Thailand.

5.1.5.2 Consultations with related international organizations, including various UN organs and related agencies in Thailand, upon policy implementation and the management of migrant workers and human trafficking (since June 2014). The objectives are to share information and exchange thoughts on policy formation, promote knowledge and understanding on the measures and implementation taken, exchange of good practices and receive recommendations. Notable projects include a seminar under the framework of UNTOC for Thai law enforcement agencies concerned in November 2014, as well as the upcoming Development Cooperation Seminar with the UN Country Team (UNCT) for Thailand and the International Organization for Migration (IOM) in the first quarter of 2015. Recommendations which suit the Thai context will be presented to various meetings for further inputs as well as the policy making bodies for consideration to utilize them in solving problems on migrant workers and human trafficking. The process ensures the improvement of policies and laws that will reduce the risk of workers falling victim to human trafficking, in accordance with international human rights and labour standards.

There is another notable cooperation that provides available assistance, especially for the most vulnerable groups. Such cooperation includes close engagement between Thailand and IOM on Assisted Voluntary

Return and Reintegration (AVRR) project to help irregular migrants including victims of trafficking in persons who want to return to their countries of origin, as well as other protection related works under close collaboration with the UNHCR and IOM.

5.1.5.3 Cooperation with the Ministry of Justice, the Ministry of Social Development and Human Security, the Royal Thai Police, the Department of Special Investigation, Ministry of Labour, and the Australian Embassy in Thailand to carry out the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP). The program is financially supported by the Australian government. Projects were implemented during 2013 – 2014 to consolidate and strengthen the legal process for combatting human trafficking. The program chose Thailand for its regional office due to Thailand's central location in the region as well as profile and potential to offer best practices in combating human trafficking in various areas. On 22 January 2015, a signing ceremony was held for an additional agreement under the program. APPTIP Regional Workshop is also scheduled to be held in late April 2015.

5.1.6 Department of Special Investigation

On 25 August 2014, Police General Chatchawal Suksomjit, Director-General of the Department of Special Investigation (DSI), and Mr. Jeremy Douglas, Regional Representative of UNODC ROSEAP (Regional Office of Southeast Asia and Pacific), signed a Memorandum of Understanding on Cooperation Combat in Human Trafficking. The consequent projects and activities include the appointment of liaison officers, creation of database on techniques to investigate human trafficking cases, developing Standard Operating Procedures for Trafficking in Persons investigations, knowledge development through training, workshops and seminars, and procurement and installation of necessary equipment. These projects and activities will be undertaken in the course of 2 years.

5.2 Bilateral Cooperation

5.2.1 Thailand signed a bilateral Memorandum of Understanding (MOU) on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (GMS) with 4 GMS countries (Cambodia, the Lao PDR, Vietnam, and Myanmar) to strengthen regional cooperation against human trafficking, especially in providing protection for trafficked persons, tracing the victim's

family, assessment of victims, and facilitating the successful recovery and reintegration of trafficked persons. Examples of signed bilateral MOUs are as follows:

5.2.1.1 MOU between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (signed on 31 May 2003)

On 9 - 11 June 2013, Thailand and Cambodia reviewed and revised the provisions of the MOU to reflect the current situation. The Thai side is currently in the process of presenting the revised MOU to the Cabinet for approval. In addition, a plan of action for Phase I (2013-2015) was drawn up and consists of 7 work plans, as follows: 1) a compliance mechanism; 2) data analysis and evaluation mechanism; 3) prevention mechanism; 4) protection of victims; 5) suppression; 6) recovery and reintegration of victims; and 7) monitoring of operations in accordance with the plan of action Furthermore, the Ministry of Social Development and Human Security is in the process of submitting a draft revised MOU between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Human Trafficking for Cabinet approval.

5.2.1.2 MOU between Thailand and the Lao PDR on Cooperation to Combat Trafficking in Persons, Especially Women and Children (signed on 13 July 2005)

On 26 - 28 December 2012, Thailand and the Lao PDR agreed on a Plan of Action Phase III (2013 - 2015) consisting of 6 work plans: 1) joint cooperation; 2) the process for receiving and returning victims to their country and society; 3) reintegration of victims; 4) protection of victims; 5) combating and suppressing human traffickers; and 6) protection measures.

5.2.1.3 MOU between Thailand and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, especially Women and Children (signed on 24 March 2008)

On 24 - 26 March 2013, the bilateral meeting agreed on the implementation of a Plan of Action Phase II (2013-2015) which consists of 3 work plans as follows: 1) Review and strengthening of working committee 2) Strengthening coordination and 3) Reintegration of victims. Furthermore, the Meeting also adopted a guideline on the guidelines for victim identification and

Standard of Procedure (SOP) for the return of victims in the following 5 areas; 1) Designated focal point of contact 2) Guidelines for victim identification 3) Family tracing of victims 4) Procedure for the return of victims 5) other conditions such as information sharing, coordination, language training, and the revision on future cooperation.

5.2.1.4 MOU between Thailand and Myanmar on Cooperation to Combat Trafficking in Persons, especially Women and Children (signed on 24 April 2009)

At present, the Plan of Action Phase II (2012-2014) is being implemented and consists of 6 work plans as follows: 1) Compliance mechanism 2) Data analysis and evaluation mechanism 3) Preventive mechanism 4) Protection of victims 5) Suppression 6) Return and reintegration of victims. On 13-16 November 2013, the bilateral meeting was held to monitor the progress made under the Plan of Action Phase II. In addition, on 14 March 2013, Thailand and Myanmar signed a bilateral agreement on procedure of extradition and reintegration of child victims.

5.2.2 The Thai Government plans to negotiate and conclude MOUs with the following countries:

5.2.2.1 Malaysia - Thailand and Malaysia have arranged several rounds of discussions. The first round of discussion was held on 27 - 30 August 2013 in Penang, Malaysia, and the latest round of discussion was held on 21 - 24 January 2014 in Chiang Rai, Thailand.

5.2.2.2 United Arab Emirates (UAE) - Thailand and the UAE have exchanged a draft MOU through diplomatic channels. On 13 November 2013, the Ministry of Social Development and Human Security requested the Ministry of Foreign Affairs of Thailand to approach the UAE about a possible meeting. On 15 - 16 September 2014, delegations from the Ministry of Social Development and Human Security, and the UAE, met for discussions and agreed on most of the main contents. The remaining issues include (1) designating agencies to sign the MOU, and (2) identifying the coordinating agencies.

5.2.2.3 Brunei Darussalam - Thailand has already submitted a draft of the MOU to Brunei Darussalam and is now waiting for their response.

5.2.2.4 The People's Republic of China - On 1 - 5 July 2013, a Chinese delegation visited Thailand to exchange knowledge and experiences with Thai officers responsible for anti-human trafficking measures. During the visit, both sides exchanged their views on the following 3 issues: 1) prevention of human trafficking; 2) protection and assistance for victims; and 3) prosecution of human traffickers. The Thai delegation also proposed that the People's Republic of China host the next meeting to further explore and discuss future cooperation.

5.2.2.5 India - On 11 - 12 December 2014, the 9th Thailand-India Joint Working Group on Security Cooperation was held in Chiang Mai, Thailand. During this meeting, India proposed that an MOU between Thailand and India on Cooperation in Combating Human Trafficking should be formulated. Since then, India has submitted a draft MOU for the Thai side's consideration, and the Ministry of Social Development and Human Security has agreed to set up a working committee to review the draft MOU.

5.2.3 Other Bilateral Cooperations

5.2.3.1 The Department of Social Development and Welfare, Ministry of Social Development and Human Security, cooperates with agencies in neighbouring countries, as follows:

1) Cooperation with victims' countries of origin to develop protection mechanisms through bilateral Case Management Meetings (CMM). In 2014, Thailand organized CMMs with both Myanmar and Laos, which can be summarized as follows:

- The 14th Thailand-Myanmar CMM was attended by 70 people from the public and private sectors and international organizations. Both sides exchanged information and promoted cooperation to assist victims of Myanmar traffickers in the areas of welfare protection, return and reintegration, and progress reports. In addition, participants exchanged ideas on preparations for the Workshop to Revise the Annex of Thailand – Myanmar Draft Standard of Procedure.

- The 15th Thai-Laos CMM was attended by 70 people from the public and private sectors and international organizations. Both sides discussed methods and mechanisms to facilitate the return and reintegration of Lao victims. Many issues were decided during the meeting, including channels to

verify evidence for prosecution, exchange of information on victims in the format of matrices, and steps to compensate victims. In addition, the meeting provided a platform for the exchange of information and reports on the protection and assistance for Lao victims.

2. Bilateral meetings with Laos and Myanmar to formalize standards of procedure on the return and reintegration of victims. One such meeting is the Thai-Myanmar Bilateral Workshop to Finalize the Annexes, which was attended by 60 people from the public and private sectors and international organizations. During the workshop, both sides revised the draft Standards of Procedure on the Return and Reintegration of Victims.

5.2.3.2 In 2006, Thailand and Japan established the Japan - Thailand Joint Task Force on Counter Trafficking in Persons (JT-CTP), to be led by Director Generals from the Thai and Japanese Ministry of Foreign Affairs. This joint task force is an example of Japan's bilateral partnership to combat trafficking in persons. In January 2015, Thailand hosted the 5th JT-CTP, and presented the 2015 - 2016 JT-CTP Action Plan. This Action Plan outlines bilateral cooperation to combat human trafficking. In addition, the 5th JT-CTP also provided an occasion for Thailand and Japan to report on the progress made in combatting trafficking in persons, and to decide on the means for cooperation in three areas: 1) prevention of trafficking in persons; 2) law enforcement; and 3) protection of victims.

5.2.3.3 The Thailand International Development Cooperation Agency (TICA), Ministry of Foreign Affairs, has cooperated with Japan to help victims of human trafficking since 2009. Thailand will implement projects in Chiangrai, Phayao and Ubon Ratchathani in Thailand, and in Bokeo and Champasak in Laos.

5.2.3.4 The Department of Special Investigation (DSI) has partnerships on prosecution with law enforcement agencies in Laos, Cambodia and South Africa. The Department also cooperates with U.S. law enforcement agencies to improve its human resources.

5.2.3.5 The Thailand Institute of Justice and the Royal Thai Police organized a bilateral meeting to combat trafficking in persons attended by Thai and Myanmar law enforcement agencies between 5 - 7 August 2014.

5.2.3.6 The Thailand Institute of Justice sent 2 Thai judges to Israel to participate in the international conference on the role of judges in combatting trafficking in persons on 29 October 2014.

5.2.3.7 The Thailand Institute of Justice and Department of Special Investigation organized a workshop to promote coordination between Thailand and the Lao PDR on law enforcement between 19 - 21 August 2014.

5.2.3.8 The Office of the Attorney General will organize a training workshop for attorneys, police officers, and officers from related organizations in Thailand and ASEAN member states including Cambodia, Vietnam, the Lao PDR, Myanmar, Malaysia, Indonesia, and the Philippines between January - September 2015. The workshop seeks to outline cooperation on combatting trans-boundary crime within the ASEAN Community and to explore each country's laws on the subject. The workshop will also facilitate networking between law enforcement agencies from ASEAN member states, which will increase the efficiency of combatting trafficking in persons in the region through exchanges of information, evidence and witnesses.

5.3 Multilateral Cooperation: Sub-regional, Regional, and International Frameworks

5.3.1 Cooperation in the Mekong Sub-Region

The Ministry of Foreign Affairs organized meetings between countries in the Greater Mekong Sub-Region (GMS) on identifying victims of human trafficking. The meetings were attended by Thai and foreign officers, and organizations representing civil society. One such meeting is the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). Under the framework of cooperation on combatting trafficking in persons in the Mekong Sub-Region, the governments of Cambodia, China, Myanmar, the Lao PDR, Vietnam and Thailand are drafting phase 4 of the sub-regional plan of action to combat trafficking in persons (2015 – 2018). The draft will be considered during the COMMIT Senior Officers Meeting and the 10th COMMIT Ministerial Meeting in April 2015. The plan of action will be used as an outline for important sub-regional cooperation to end rights violation and profiteering from the disadvantaged and potential victims of human trafficking.

5.3.2 Cooperation within the ASEAN Framework

5.3.2.1 Since 1981, ASEAN chief police officers have met annually within the ASEANAPOL framework, and trafficking in persons is one of their main agenda. Progress on the matter must be reported during the meeting in order to exchange information between ASEAN member states and to provide focal points for each type of crime.

5.3.2.2 The framework of ASEAN Transnational Crimes (ASEANTC) includes annual Senior Officials Meeting on Transnational Crimes (SOMTC), the latest of which was held in June 2014 in Brunei. In addition, there are also smaller sessions, such as Head of Special Units (HSU), Working Group on Trafficking in Persons, Expert Working Group Meeting on the ASEAN Convention on Trafficking in Persons (ACTIP) and Regional Plan of Action to Combat Trafficking in Persons (RPA). These sessions enable representatives from various organizations in combatting trafficking in persons from the 10 ASEAN member states to exchange experiences and standards of procedure. The issues discussed during these sessions include inter-ASEAN court cases concerning trafficking in persons, and an ASEAN mechanism to promote the ASEAN Convention on TIPs in ASEAN. Once the convention is ratified, ASEAN member states will have a clearer and uniform standard of procedure, and better coordination to combat trafficking in persons. Indeed, coordination requires a framework of agreement between each country, or a formal channel that allows requests for cooperation between different countries on criminal cases, especially through embassies/consulates, or INTERPOL channels. However, most ASEAN member states do not have standard agreements; for example, Thailand does not have MOUs with all countries, or, some countries are not signatories to the Mutual Legal Assistance Treaty (MLAT) or other extradition agreements.

5.3.3 Cooperation under the Bali Process

(1) Thailand takes part in the Bali Process, playing a leading role in both protection and combatting of trafficking in persons and smuggling of migrants.

(2) Thailand promotes the ratification of the United Nations Convention against Transnational Organized Crime (UNTOC) and its two Protocols. In 2014, Thailand co-chaired the drafting of the Bali Process Policy Guides on Criminalizing Trafficking in Persons and Smuggling, which has been printed, and now serves as the guideline to prosecute cases concerning

trafficking in persons and smuggling of migrants. This is very beneficial for countries wishing to amend their laws and sign the UNTOC and its two Protocols, and also promotes international cooperation on persecution of human trafficking cases. In addition, on 17 November 2014, the Ministry of Foreign Affairs and the Office of the Attorney General organized a conference on “Thailand’s Obligations to UNTOC and the UNTOC Protocols on the Protection, Prevention and Prosecution of Trafficking in Persons especially Women and Children”. The conference featured discussions between Thai specialists and representatives from the United Nations Office on Drugs and Crime (UNODC) and the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), and was attended by around 100 representatives from Thai law enforcement agencies.

(3) In 2014, Thailand co-hosted conferences to strengthen immigration and border management in order to increase its capacity to stop the human trafficking network. Migrant smuggling networks are also included since smuggled migrants are susceptible to becoming victims of trafficking in persons. Examples of such conferences include the Regional Immigration Liaison Officer Network Team Bangkok, the Seminar on Immigration Border Analysis, and Project on the Exchange of Immigration Officers with the Philippines.

(4) In 2015, Thailand will continue to give importance to activities concerning and promoting the Bali Process, focusing on the protection and prosecution of trafficking in persons and aiding victims. The main projects that will be carried out in late 2014 and 2015 include participation in the committee drafting the Bali Process Policy Guides on Identifying and Protecting Trafficked Persons, which is planned for completion in March 2015, and cooperation with Australia to host the International Symposium on Labour Trafficking in early 2015.

5.4 Cooperation driven by the Private Sectors and NGOs

5.4.1 Thai manufacturers in fishery products, such as CP Foods, jointly set up a working committee with foreign NGOs to work with the Government in combating human trafficking and forced labour in the fishing industry, and to review regulations in the fishing industry, in accordance with international standards.

5.4.2 Cooperation with foreign NGOs: the Children Protection and End Trafficking in Persons (ETIP) Campaign in the Greater Mekong Sub-Region, which includes Cambodia, the People's Republic of China, the Lao PDR, Myanmar, Thailand, and Vietnam. The main sponsors of the campaign are (1) the Australian Agency for International Development (AUSAID) (2) the United States Agency for International Development (USAID) in collaboration with the World Vision Foundation of Japan, Canada, Australia, Republic of Korea, and Taiwan.

5.5 Engagement with International NGOs: Polaris Project and International Justice Mission

Thailand is open for future cooperation with recognized international NGOs. In 2014, concerned Thai authorities welcomed the visits of the representatives of Polaris Project and International Justice Mission. They had preliminary meetings to establish points of contact and discussed the possible areas that could be further explored as joint activities.

5.5.1 Polaris Project representatives visited Thailand in July 2014 and met officials of the Ministry of Social Development and Human Security to discuss possible cooperation in the area of hotline service improvement. The two sides designated respective focal points to exchange information on possible victims of human trafficking in the U.S. and in Thailand. Polaris Project representatives also took a study visit to one of the shelters for trafficking victim in Pathumthani Province and to see for themselves the procedure in which victims are facilitated to work outside the shelter.

5.5.2 International Justice Mission (IJM)'s Vice President and his team visited Thailand twice in October and November 2014. The Ministry of Foreign Affairs arranged for them to meet and have several rounds of discussion with concerned government agencies; namely, the Ministry of Social Development and Human Security, the Ministry of Justice, the Department of Special Investigation, the Royal Thai Police's Anti-Trafficking Section, the Marine Police, and the Ministry of Foreign Affairs. They exchanged information and views on Thailand's law enforcement processes, victim rescue and protection, and the work of Thailand's multi-disciplinary team. IJM will get back to the Thai side with a more concrete proposal on cooperation

activities that fit the Thai context. Two possible areas that are of interest to IJM are cooperation in investigation and victim rescue and protection.

5.6 Engagement with New Groups of Stakeholders : Foreign Private Sector

Thai authorities have also reached out to engage with new groups of stakeholders, such as buyers of Thai products and importers in order to mobilize their support to prevent labour exploitation and human trafficking. In July 2014 and January 2015, large buyers from the U.S. and Europe visited Thailand to exchange information and discuss with both Thai authorities and private companies concerned about measures to ensure that Thai fishery supply chain are free from labour exploitation and human trafficking. Some buyers have agreed to support training in human trafficking prevention and dissemination of Good Labour Practices as part of their corporate social responsibility (CSR) activities.

5.7 Engagement with Multi-Stakeholders: New Model of Cooperation

The Thai Government is acutely aware of the vital role of the private sector, NGOs, and civil society groups, and has continued to work tirelessly with all stakeholders in order to maintain progress in our fight against human trafficking. On the 22nd and 23rd of May, 2014 the Thai Government and the International Labour Organization organized the first ever ILO-RTG Multi-Stakeholder Forum on Labour Conditions in the Fisheries Sector. The meeting brought together multiple stakeholders, including representatives of relevant ministries, the fishing industry, workers organisations, international buyers and NGOs to discuss and share information on initiatives and progress made in addressing labour conditions issues in the fisheries sector with emphasis on child labour, forced labour and trafficking in persons for labour exploitation. The meeting resulted in a series of recommendations and plan of action for participants to take forward.

Key Cooperation Highlights

TRAFCORD Project

The Anti-trafficking Coordination Unit Northern Thailand (TRAFCORD) is an anti-human trafficking project in the upper northern part of Thailand (under the Foundation of Children Understanding (FOCUS)) which operates under 4 main operational frameworks on protection, legal assistance, capacity building for the target group, and prevention. The project also integrates its work with various government agencies, such as the Ministry of Social Development and Human Security, Shelters for Children, the Royal Thai Police (Anti-Human Trafficking Division, Provincial Police Region 5), Department of Special Investigation (DSI) and international organizations in assisting and protecting victims of human trafficking and child abuse.

In 2014, TRAFCORD's activities include promoting and developing the potential of target groups; establishing a center for local communities to monitor and report cases of human trafficking, as well as violation of children and women's rights; promoting cooperation with Myanmar and Lao PDR, in particular, through collaboration with the Government and NGOs of Myanmar and Lao PDR. In terms of protection, activities include compiling relevant codes of conduct for local officials in preventing and combating human trafficking, and cooperating with Bang Kredtakarn and Ban Songkhawe in the rehabilitation of trafficked victims and career development.

Proactively Preventing and Combating Human Trafficking Project

In 2014, the Department of Consular Affairs, Ministry of Foreign Affairs of Thailand, launched a project to proactively prevent and combat human trafficking in collaboration with Mae Fah Luang University, Khon Kaen University, and NGOs, such as Child Trafficking Watch Thailand (CTWT) and the Mirror Foundation. The main objective was to educate and to create a better understanding for vulnerable groups and those at risk of being trafficked, for example, Thai labor groups and groups of students participating in the Work and Travel Scheme. Activities include raising awareness on human trafficking in the North and North-eastern regions of Thailand, launching a community campaign on “How to travel overseas without being trafficked” and organizing “Road shows” at Khon Kaen University, Ubon Ratchathani Rajabhat University, Lampang Rajabhat University, Chiangmai Rajabhat University and Nakhon Sawan Rajabhat University, to provide information to students in preparation for their studies and work overseas.

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| Recommendations by the U.S. TIP report 2014 | |
| 1. Promptly and thoroughly investigate all reports of government complicity in trafficking, and increase efforts, particularly through the Department of Special Investigation and the Office of National Anti-Corruption Commission and the Office of Public Sector Anti-Corruption Commission, to prosecute and punish officials engaged in trafficking-related corruption; | <p>The Royal Thai Government has given priority to solving the problems of corruption by government officials in all agencies. A clear policy directive has been issued, instructing all agencies, especially those related to law enforcement, to carry out their duties with honesty, integrity, and to live and work by adhering to His Majesty the King’s sufficiency economy philosophy. The Government is also strengthening corruption-monitoring units in all governmental agencies, so that they can monitor and prosecute corrupt officials without delay.</p> <p>The National Council for Peace and Order (NCPO) issued Announcement no. 68/2557 on 17 June 2014, mandating immediate prevention and suppression of human trafficking and also resolving all problems related to migrant workers. Part of the said directive mandates punishments for officials who neglect (thereby allowing corruption) or are complicit in unlawful profiteering from human trafficking, illegal migrant workers, child labour, prostitution, and illegal smuggling of migrant workers. Complicit officials will face immediate disciplinary and criminal prosecution.</p> <p>Likewise, the Royal Thai Police has instructed its officers at all levels not to be involved with or to seek bribery from human trafficking activities. If complicity by officials were found, commanding officers must prosecute such officials to the fullest extent of the relevant criminal laws, as well as take immediate disciplinary actions. Should any higher officers or indeed other departments find any evidence of negligence in effectively prosecuting human trafficking cases, the locally responsible units will be subject to disciplinary actions or if found to be involved in racketeering in relation to human trafficking, they will face severe disciplinary actions as well as criminal charges, if any criminal activities were found. More efforts are being made in order to ensure that these officers are duly punished.</p> <p>As a standard of practice, whenever an arrest is made under the provision of the anti-human trafficking law, the local police in the area where the crime took place will immediately be reassigned outside of such area. This is to ensure a proper investigation to find out whether there is any official’s involvement or</p> |

not. In June 2013, 11 police officers were reassigned to inactive posts on such a basis. Among these reassigned high-ranking commissioned officers, there were 2 police colonels, 7 police lieutenant colonels, and 2 police majors. Unfortunately, after careful investigations, there really was no evidence of these 11 officers having been involved in human trafficking activities. However, also in 2014, a non-commissioned police officer was found to be complicit to extortion from Rohingya victims in Kuraburi, Phang Nga Province. He was dishonourably discharged from service promptly and the result of the investigation of his case was forwarded to the Office of Public Sector Anti-Corruption Commission.

In addition, in 2014, 3 officers from the Highway Police, Immigration Bureau and the Special Unit of the Pattani Provincial Police were arrested under allegations of human trafficking, detaining and holding or restricting others of physical freedom, and wrongfully abusing entitled power by smuggling 3 Cambodian migrant workers for the purpose of extortion. These 3 police officers are now under criminal prosecution and have already been dishonourably discharged from the Royal Thai Police.

Not only were law enforcement officials punished for human trafficking crimes, but other officials in any other branch of government also faced punishment if they were found to be involved in human trafficking. In 2014, the following government officers were prosecuted for human trafficking crimes.

- An officer in the Royal Thai Navy was arrested for committing human trafficking crime (prostitution) along with 2 civilians in Nong Khai Province.

- Two executives at the Local Administrative Organization of Satun Province were arrested for human trafficking crime with involvement in the smuggling of Rohingyas along with 9 civilians.

- A social work officer in Nong Khai Province was arrested for human trafficking crime (forced prostitution). Seventeen victims were rescued as a result of this arrest.

Measures:

Relevant government agencies, especially law enforcement agencies, have now declared zero tolerance policy against any government officers conspiring with trafficking rings or other corrupting acts that

lead to facilitation of the crime.

- The Government has strengthened all efforts to constantly monitor and check against corruptions among government officers, especially law enforcement officers. For instance, the Government has assigned independent internal-audit agency and complaint mechanism against abuse of power by officers in every government agency. Media reports of such high-profile corruption or criminal cases throughout 2014 have also helped to create a new norm of zero tolerance against corruption and human trafficking related crimes among government officers and increase public pressure on government officers to ensure that they serve the public interest.
- Also, there is a central authority receiving complaints and monitoring cases of abuse of power, for the purpose of checks and balances, against government agencies.
- Officers found to be involved with human trafficking; either due to negligence or conspiring with trafficking syndicates, will be immediately transferred from their area of influence and receive disciplinary punishment once there is sufficient evidence. A committee will be established to investigate the allegation within 30 days. If the officer is found to have conspired with the crime, either directly or indirectly, he will be dishonourably discharged. The case will then be referred to National Anti-Corruption Commission (NACC) or Public Sector Anti-Corruption Commission (PACC) for prosecution in court.
- Relevant authorities may use measures in trial against trafficking crime, including confiscation of assets and other proceeding from the committed crime.
- The Royal Thai Police also takes measure against supervisors of police officers who were found guilty of human trafficking. Negligence to such crime is unacceptable and senior police officers will also be punished if such negligence is evident.

Stronger prevention and punishment on abuse of power in labour regulating agencies.

- Ministry of Labour has a rotation system of high-level officers, local employment service officers and local migrant worker management officers to prevent local influences in the long run.
- Surveillance system is also put in place to monitor the abuse of power, corruption and facilitation to

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| | <p>local traffickers. If found guilty, they will be dishonourably discharged, subject to disciplinary punishment and punished according to relevant criminal code.</p> |
| <p>2. Increase efforts to prosecute and convict trafficking offenders, including those who subject victims to forced labor in Thailand’s commercial and export oriented sectors;</p> | <p>In 2014, from a total of 280 cases investigated by law enforcement authorities, 47 cases are labour trafficking cases and 7 cases out of 47 were indicted in court. (in 2013, from 674 cases, there were 80 cases of labour trafficking investigated, the number of which 37 cases were indicted in court). And since 2010, 679 trafficking cases (1,285 suspects) were indicted in court. Among this number, 77 cases (164 suspects) were labour trafficking cases.</p> <ul style="list-style-type: none"> - The government has established an integrated team of law enforcement and criminal justice agencies since 2013. The integrated team is consisted of law enforcement agencies concerned including the Royal Thai Police, Office of the Attorney General, Ministry of Justice, Department of Special Investigation, Court of Justice, Ministry of Labour and MSDHS, expected to be fully functional within 2015. Currently, the team is assigned to record all cases of trafficking in persons since the Law came into force in 2008, to establish an integrated database for future case follow-up. The information on victims will also be integrated into the database for complete information on each trafficking case. The database is expected to be completed and come into effect by 2015. - The RTP has ordered all 280 Trafficking cases in 2014 to be re-examined to ensure comprehensive and thorough investigations, with an aim to extend investigation to higher level criminals as instructed by the Prime Minister on 24 December 2014. - Relevant agencies also utilise existing extradition agreement and Mutual Legal Assistant agreement with partner countries to prosecute traffickers. - In all 280 cases, Anti-Money Laundering Office (AMLO) is now looking into confiscating assets of all suspects while increased efforts are also being made to efficiently prosecute traffickers using anti-money laundering law and taxation measures. - The new amendment of Anti-Trafficking in Persons Act has given additional power to law enforcement authorities to temporarily close business if evidence of labour trafficking is found in the workplace. |

Labour Inspection in the on-shore fishing industry/or fishing vessels

In 2014, joint inspections were conducted in 22 coastal provinces on fishing vessels and establishments related to the seafood industry. Out of 696 vessels and 10,426 fishery workers inspected, 4 vessels were found in violation of the labour laws. In all of these cases, the authorities issued corrective orders in accordance with the laws. As for establishments, 667 establishments and 39,181 workers were inspected. 5 establishments and 175 workers were found in violation of the labour laws. In all of these cases, the authorities issued corrective orders in accordance with the laws.

Integrated teams of officials from key responsible agencies also inspected the working conditions and environmental conditions of 53 fishing vessels, with 699 workers. In Trang province, charges were filed against one ship owner who exploited a child aged below 15 years old and failed to report the employment of 2 working children aged below 18 years old to the authorities. The case has also been referred to other relevant authorities for further actions.

Integrated work on cases of Trafficking in Persons throughout the justice system & specific Measures to improve law enforcement

The government is fully committed to expediting all efforts to strengthen the foundation for anti-human trafficking framework in Thailand. Therefore, in 2014 agencies have stepped up their efforts to improve law enforcement effectiveness as follows:

(1) Laws which are not directly related to human trafficking, but which can put pressure on suspected members of human-trafficking syndicates, such as anti-money laundering and anti-tax-evasion laws, have been applied more stringently. Anti-corruption measures are also being strictly enforced on state officials at all levels, as is also the consideration of temporary release under bail, where strict conditions have been set to ensure that the suspects do not flee or interfere with victims, witnesses or judicial proceedings;

(2) For human-trafficking suspects who have been granted temporary release on bail, the Royal Thai Police has closed the loopholes by integrating their name lists with those of the Immigration Police, so that their movements can be more closely monitored at borders. If the suspects are foreign citizens and attempt to flee, the Immigration Bureau will also consider revoking their permit to stay in Thailand and taking

the suspects under detention for charges in accordance with the Immigration Act (1979).

(3) All outdated laws and regulations are now under consideration by the National Legislative Assembly (NLA) for, among others, modernization, improvement of human rights and revision of prescribed penalties for serious offenses;

(4) Since July 2014, the general public now has more access to policy information and channels to instigate investigations through the Damrongtham Centers, which also act as complaint-receiving centers in all provinces. This system provides support to an effective monitoring system of activities that may constitute human trafficking, and enhances the power to protect the citizens' own rights;

(5) Law enforcement helps create a strong deterrent factor by ensuring that the private sector complies with laws concerning labour rights and good business practice. To this end, related law enforcement agencies have stepped up their efforts. Priorities have been given to the fishery industry, for example, the inspection of fishing vessels for their licenses, the inspection of the vessels' operators for their fishing permits, and the inspection of the labourers' work permits and residence permits;

(6) Increased integration, coordination, and cohesiveness between agencies including the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, the Anti-Money Laundering Offices (AMLO), the Ministry of Interior, and the Courts of Justice, have successfully led to a significant number of substantive cases resulting in conviction in a time-efficient manner, thereby providing a deterrent effect. Details are given in Section 2.5, Seizure of assets in crimes related to human trafficking;

(7) Legal proceedings and disciplinary punishment against government officials involved in human trafficking and illegal exploitation have been intensified. The government is also strengthening corruption-monitoring units in all governmental agencies, so that they can monitor and take disciplinary and criminal actions against corrupt officials without delay. Examples of such cases are given in detail in Section 2.7, Prominent Cases;

(8) The provincial governors' authority have been utilised to close down or suspend the license of work places found to be involved in human-trafficking and forced-labour activities;

(9) More intense pre-emptive measures have been carried out throughout the year 2014, particularly frequent inspections of vulnerable geographical areas and work places, such as those related to the fishery and entertainment industries. This approach complemented well with the regulation of foreign migrant

labour through proper registration between June-October 2014. Together, these two approaches have created a stronger than ever deterrent effect among would-be employers of forced labour;

(10) On 25 March 2014, a directive was issued by the Royal Thai Police, giving instructions on the standard procedures for inspections and interviews conducted by immigration officers. The directive stresses that while immigration officers must treat travellers entering and leaving the Kingdom with respect to their rights and dignities, more stringent screening of travellers crossing the national border into and out of Thailand must also be carried out, without affecting their dignity and freedom of movement, in order to improve the detection and increase the efficiency of assisting victims of human trafficking. Immigration officers are mandated with the task of finding out the purpose of the interviewees' travels and also to carefully examine the information stated on the travelers' passports;

(11) International cooperation with neighboring countries as well as cooperation stipulated in other bilateral and multilateral frameworks to combat trafficking and identify victims has been intensified. The enhanced international cooperation has led to prosecutions of human trafficking culprits and the rescue of victims as evident in international cases as exhibited in Prominent Cases number 2 (the Dontoom Case) and number 3 (The Bahrain Case). In these cases, authorities were subsequently able to build up on the investigations of individual culprits to make further arrests on the entire networks of human traffickers.

(12) Laws to increase the penalty related to human-trafficking offenses have been enacted. For example, the proportion of the civil forfeiture (confiscated earnings from human-trafficking activities), which is a crime under the Anti-money Laundering Act, has been significantly increased. In the amendment, 50 per cent of the confiscated earnings will be contributed to the Anti-Trafficking in Persons Fund to provide financial aid for victims of human trafficking.

(13) The Royal Thai Police established the "Centres for the Protection of Children, Women, Family and Anti-Human Trafficking" at the national, regional, and provincial levels – each of which is headed by a deputy commissioner-general. All regional commands (1-9 regions), the immigration police, and all provincial police divisions are to work together more closely in a much more coordinated manner. They are now setting up their own centres to collect data and information about human trafficking prosecution and any problems that may arise and report them to the headquarter in order to then incorporate such information from all centres into the national strategic plans for the prevention and suppression of human trafficking. The centers are tasked with following up on cases, expediting the investigations where possible, and executing relevant duties related to the works of protection of children and women and suppression of human trafficking.

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| | <p>Many of these centres proactively engage with NGOs in their respective areas to tackle human trafficking cases on the ground and this type of proactive engagement will be further encouraged in other centres. However, because not all NGOs now working in Thailand are well trained or have sufficient experience in dealing with human trafficking cases and neither have all of them been properly registered, the Royal Thai Police is now working closely with the Ministry of Social Development and Human Security to compile a revised list of registered NGOs in Thailand. Once this list is updated, the Royal Thai Police will soon sign a Memorandum of Understanding (MoU) with these registered NGOs in order to enhance their cooperation in various areas, including a more effective victim identification process.</p> <p>(14) The Constitution Drafting Committee is currently drafting the new Constitution, a part of which will address the issue of the judicial process. The issues of the timeliness, justice in due course, clear and transparent guidelines for legal procedures will also be embedded and improved.</p> |
| <p>3. Develop and implement victim identification procedures that prioritize the rights and safety of potential victims;</p> | <p>The Thai Government has guaranteed sufficient, rights-based and safety of victim identification process for potential victims and groups at risk.</p> <p>Due to its geographical characteristic, Thailand shares long land border with neighboring countries. As a result, illegal migration is a big challenge for Thailand, with more than 300,000 illegal migrants entering Thailand every year. Despite this challenge, the Thai Government has done its utmost in implementing victim identification procedures that prioritise the rights and safety of potential victims, including right to privacy.</p> <p>While waiting for the finalisation of their status, all of the potential victims are protected and provided with assistance and necessities based on humanitarian principles and consideration of human dignity. The officers in the <u>multidisciplinary team</u> will continue to assess if potential victims need urgent medical treatment and special protection to provide such assistance accordingly.</p> <p>For any vulnerable groups, potential victims will be provided with assistance according to their special needs. <u>All relevant officers are trained to provide vulnerable groups with age and gender sensitive treatment.</u> While in temporary protection, potential victims are and will continue to be provided with temporary shelters. They have not been and will not be retained in any kind of detention facilities. The multidisciplinary team needs to request the court’s permission if it sees the need to extend the temporary protection period from 24 hours onward and needs to decide on the potential victims’ status within 7 days.</p> <p>According to the established practice under the Anti-Trafficking in Person Act, potential victims will be</p> |

interviewed by well-trained social workers, psychologists, law enforcement officers and representative from NGOs, using standardised interview forms. To identify victim of trafficking in persons, inquirer will make a decision based on facts, evidence and opinions of members of the multidisciplinary team. The opinions of a social worker or psychologist are taken into consideration as they take close care of the potential victim, while the Royal Thai Police acts as the focal point to incorporate the efforts of all relevant agencies, registered NGOs included, to protect rights of potential victims.

The Royal Thai Police has also stepped up efforts to address human resource constraints by pooling police personnel who are experienced in trafficking in person cases, local police authorities as well as 11 authorised NGOs to assist in the process of victim identification. As mentioned above, the Royal Thai Police is also in the process of working towards signing an MoU with registered NGOs across Thailand, to promote full participation of NGOs in the victim identification process.

For returnees who had earlier claimed that they were not interviewed, the Immigration Bureau explained that the returnees might not be aware about the process and mistakenly understood the victim identification interview as a normal interrogation procedure. As an additional standard procedure, the Immigration Bureau now has interpreters present to clarify the victim identification process to migrants and designate a proper victim identification room in every office. Moreover, a standardised victim identification form has been improved to comprehensively and clearly address questions relating to the act of exploitation and also to photograph for recorded bio data, especially for cases that need follow-up.

The Ministry of Labour has established complaint centers in provincial employment offices nationwide. If any complaint received involves trafficking in persons, the office will promptly refer the case to relevant authorities for further investigation. Once the Ministry of Labour receives a complaint, in theory, an inspection team will be sent to properly look into the complaint within 3 days but, in reality, an inspection team is usually sent out *immediately* after the complaint is received. Moreover, the Ministry of Labour has a plan to launch their provincial centres to assist and rescue victims of labour trafficking by 2016, to address the needs of trafficked labours.

Research on Victim Identification Process

- The government is well aware that challenges remain in the victim identification process, such as disagreement over the act comprising crime of trafficking in persons and constraints in interpretation especially for ethnic dialects. To address these challenges, the research on victim identification in

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| | <p>Thailand has been commissioned by the Ministry of Social Development and Human Security with the objective to find evidence-based practice guidelines for effective identification process in the process and improve the quality for clear and standardised practices for law enforcement officers and other relevant officers.</p> <p>The area of study is Bangkok, provinces with high number of migrant workers and 12 border provinces of Thailand including Tak, Songkhla, Chiang Rai, Ubon Ratchathani, Mukdahan, Trat, Prachuab Kirikhan, Ranong, Srakaew, Nongkhai and Samut Sakhon. The researchers conduct interview with all relevant agencies for comprehensive and factual information in practical level. The interviewees include police officers, immigration officers, public attorneys, social workers and interpreters (Myanmar and Cambodian), representatives from NGOs and International Organizations such as Stella Maris Foundation, Songkhla, ECPAT Foundation, ESAN Human Rights Promotion Centre, Alliance Anti-Traffic, World Vision Foundation of Thailand, Mekong Region Law Centre, The Centre for the Protection of Children’s Rights Foundation, Friend of Women Foundation, International Organization for Migration (IOM) and International Rescue Committee (IRC). The research is also in consultation with Dr.Saisuree Chutikul, internationally renowned expert on trafficking in persons, to ensure the neutrality and transparency of the research. In the first week of February, the Ministry will open a forum to discuss findings from the research to collect further comments from stakeholders involving in the process of victim identification, including local NGOs, local government agencies and International organizations. The finalized research is expected to be published by March.</p> |
| <p>4. Significantly increase efforts to proactively identify victims of trafficking among vulnerable populations, particularly foreign</p> | <p>The Thai Government is acutely aware of the specific vulnerability of many populations, particularly those involved in irregular migration and migrant workers in targeted industries. Since 2014, the Government has stepped up its efforts to proactively identify and protect victims of trafficking among various groups with specific vulnerabilities. (Please see item 3 also)</p> <p><u>Migrants:</u></p> <ul style="list-style-type: none"> - As an example, since 2014, the Government has implemented a new policy (“100% screening for trafficking victims” directive from the Minister of MSDHS) to screen all illegal migrants from Rakhine |

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| <p>migrants, deportees, and refugees;</p> | <p>and Bangladesh for victims of trafficking regardless of the nature and surrounding circumstances of the migration itself.</p> <ul style="list-style-type: none"> - On migrant workers, the Ministry of Labour (MOL) has cooperated with the International Labour Organization (ILO), on various fronts to promote capacity building for labour inspectors to detect the act of exploitation and labour trafficking, with special focus on fishing industry. <p><u>Deportees and Displaced Persons:</u></p> <ul style="list-style-type: none"> - The Immigration Bureau of Thailand (TIB) has a strict policy to interview all migrants who are due to be deported from Thailand through established Immigration border checkpoints. This measure is to rescreen migrants, especially among vulnerable individuals, from various neighboring countries to find out whether or not they have been victims of human trafficking. If not, they will then be deported according to the Immigration Law. - Although Thailand is not party to the 1951 Convention on the status of refugees, for at least 30 years the Thai Government has always strictly adhered to the international humanitarian norms and has, indeed, been taking care of more than 100,000 of international displaced persons in need of protection. The Thai authorities have been working in close cooperation with a number of related international organizations (i.e. UNHCR) and civil society organizations, in arranging temporary sheltering areas and conducting transparent system, procedures and measures to take care of these displaced persons. Several international organizations, NGOs and partner countries have been assisting Thai government in taking care of these international displaced persons. It is safe to say, therefore, that this group of people has been properly monitored and closely assisted with a very small risk of being trafficked. <p><u>Vulnerable population:</u></p> <ul style="list-style-type: none"> - The Ministry of Labour has stepped up their inspections of high-risk workplaces and establishments. Such inspections focus on establishments with high risk of child labour and forced labour to ensure that employment is in accordance with the law and workers are actually properly looked after. In 2014, the inspections were conducted in 46,313 establishments with 1,508,730 workers (of which 84,503 were migrant workers: 70,021 from Myanmar, 2,869 from Lao PDR, 10,376 from Cambodia, and 1,237 from other countries). The authorities issued corrective orders against 1,316 establishments. 656 were charged with offences related to labour laws (of which 9 establishments were charged with employing children aged below 15) |
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| | <ul style="list-style-type: none"> - Under the Announcement on Types of Hazardous Works Considered as Worst Forms of Child Labour (2012), followed with the revised Ministerial Regulation to Protect Labour in the Sea Fishing Industry B.E. 2557 (2014), the minimum age for workers on sea fishing boats was designated at 18. Labour inspection has actively detected the use of child labour on sea fishing boats. Children found working on fishing boats will be immediately removed and carefully screened through the victim identification interviews to find out if they are victims and whether their position of vulnerability were abused on aboard. |
| <p>5. Pursue criminal investigations of cases in which labor inspections reveal indicators of forced labor—including the imposition of significant debts by employers or labor brokers, withholding of wages, or document confiscation;</p> | <ul style="list-style-type: none"> - In case where acts that can be interpreted as elements of human trafficking such as involuntary seizure of travel documents, use of forced labour, confinement or deprived of freedom, debt bondage, is evident. Police’s standard operation procedure is as follows: <ol style="list-style-type: none"> 1. Receive complaints from potential victims; 2. Further investigation based on information from victims and related persons; 3. Identifying witness and evidence gathering to conclude the case for public prosecutor’s consideration; 4. Bring victims to local police station, usually with presence of a well-qualified NGO, to press charge against traffickers under Anti-Trafficking in Persons Act and other relevant labour laws. - The Ministry of Labour has a mandate to receive complaints on labour abuse through provincial employment offices nationwide. If evidence of a human trafficking case is found, the case will be promptly referred to relevant authorities for immediate investigation. - In all cases, once a complaint is received, the Ministry of Labour will assign a labour inspection team to visit the work place and investigate the complaint within 3 days. However, in most cases, once the complaint is received the inspector will <i>immediately</i> inspect the workplace. - Labour inspection is the important process to detect and identify labour trafficking. Each government agency can usually conduct inspections within their mandate so in order to ensure a more integrated and better coordinated inspections of all possible aspects of human trafficking, each inspection will, from |

now on, be a multi-disciplinary team. When a trafficking case is found, an officer in charge is promptly assigned to take responsibility for case follow-up with public prosecutors and reporting its development.

Controlling the operation of private recruitment agencies

The Ministry of Labour has particularly intensified its efforts in taking actions against all private recruitment agencies who are engaged in forced labour and human trafficking.

Domestic employment services for migrant workers: In regard to domestic agencies recruiting migrant workers into Thailand, they must be registered and authorised for official licenses in pursuance of the Employment and Job Seeker Protection Act B.E. 2528 (1985). Furthermore, they are legally required to provide securities which shall be used for compensation of aggrieved migrant workers. As of 30 December 2014, there are 135 active agencies, all of whom have been routinely inspected by the Inspection and Job Seekers Protection Division and Provincial Employment Offices and, so far, no violation has been found. Nevertheless, the Department of Employment will continue to closely monitor these agencies and strictly enforce the law should they be found to engage in or contribute to human trafficking.

Overseas employment services by private recruitment agencies: For private agencies recruiting Thais for overseas employment, the Ministry of Labour has taken prompt actions upon the receipt of complaints from aggrieved job seekers. **In 2014, the Ministry did not find any licensed overseas agencies engaging in human trafficking. Nevertheless, there were incidences whereby some licensed overseas recruitment agencies were found to commit fraudulent recruitment practices illegal under the Employment and Job Seeker Protection Act B.E. 2528 (1985), such as excessive fees for services or fraudulent offers of employment. This led the Ministry to revoke the license of one agency, suspend the license of 1 agency and file criminal charges against 3 other agencies.**

The Ministry of Labour is also committed to combatting illegal brokers. In 2014, based on the complaints of the job seekers, the Ministry took 134 legal actions against 156 illegal brokers. It also

| | <p>proactively initiated investigations 88 times against 107 illegal brokers. The details are provided below:</p> <table border="1" data-bbox="667 282 1749 553"> <thead> <tr> <th colspan="2" data-bbox="667 282 1207 367">Legal Actions based on the complaints of the job seekers</th> <th colspan="2" data-bbox="1207 282 1749 367">Proactive Investigations</th> </tr> <tr> <th data-bbox="667 367 936 509">No. of legal actions (cases)</th> <th data-bbox="936 367 1207 509">No. of illegal brokers</th> <th data-bbox="1207 367 1478 509">No. of investigations (times)</th> <th data-bbox="1478 367 1749 509">No. of illegal brokers</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 509 936 553">134</td> <td data-bbox="936 509 1207 553">156</td> <td data-bbox="1207 509 1478 553">88</td> <td data-bbox="1478 509 1749 553">107</td> </tr> </tbody> </table> | Legal Actions based on the complaints of the job seekers | | Proactive Investigations | | No. of legal actions (cases) | No. of illegal brokers | No. of investigations (times) | No. of illegal brokers | 134 | 156 | 88 | 107 |
|---|--|--|------------------------|--------------------------|--|------------------------------|------------------------|-------------------------------|------------------------|-----|-----|----|-----|
| Legal Actions based on the complaints of the job seekers | | Proactive Investigations | | | | | | | | | | | |
| No. of legal actions (cases) | No. of illegal brokers | No. of investigations (times) | No. of illegal brokers | | | | | | | | | | |
| 134 | 156 | 88 | 107 | | | | | | | | | | |
| <p>6. Cease prosecuting criminal defamation cases against researchers or journalists who report on human trafficking;</p> | <p>If and when a Thai Government agency has initiated a lawsuit against journalists, every effort is made to ensure a due process of law. If and when absolutely necessary, particularly when a request is made by a party directly involved in a case, a small number of relevant Thai agencies may serve as a team of mediators to help reconcile the case outside court and to ensure that an agreeable solution is reached in a manner that is acceptable to all.</p> | | | | | | | | | | | | |
| <p>7. Recognizing the valuable role of NGOs and workers' organizations in uncovering the nature and scope of human trafficking in Thailand, work to establish an environment conducive to robust civil society</p> | <p>A number of Thai Government agencies have long been working with various NGOs whose expertise on assisting potential victims and crime prevention are valuable for the Government's policy implementation. The Ministry of Social Development and Human Security has been assigned as the main focal point of contact with the NGOs and the Ministry frequently engages with a wider circle of NGOs who are working in various areas, such as human rights and labour rights. They have a channel of two-way communications to ensure that useful inputs and recommendations from credible, registered, and well-qualified NGOs are also fed into the Ministry's operations and policy setting mechanism. Cooperation with NGOs on various aspects of anti-trafficking in persons include:</p> <ul style="list-style-type: none"> - Various prevention projects with World Vision Thailand to conduct research on trafficking routes and patterns of victimisation in order to effectively implement preventive measures in cooperation with various countries of origin; | | | | | | | | | | | | |

participation in all facets of understanding and combating human trafficking;

- Organising workshops on safe migration with Foundation for Women, Foundation for Child Development, Foundation of Child Understanding, The Center for the Protection of Children's Rights Foundation, SR Law Office;
- Intensifying cooperation and information sharing for successful rescue missions, such as on-going cooperation with the Labour Rights Promotion Network Foundation (LPN), etc.;
- Cooperation with Friends International for successful reintegration and returns of victims to their respective country of origin;
- Cooperation with Save the Children, under close collaboration with UNICEF and UNHCR, in information sharing, especially on assistance and rescue missions for potential victims and high-risk groups.

Currently, eleven NGOs and international organizations regularly participate in the victim identification process with officials. All victim identifications result in verifiable documentations. The 11 NGOs and international organizations include Jesuit Foundation Prison Ministry (JFPM), the Office of Immigration Doctors, United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), Marryknoll Thailand (MT), Catholic Office for Emergency Relief and Refugees (COERR), Grace Baptist Visiting Group (CVG), Alliance Anti Traffic (AAT), Foundation for Women (FFW), Living Water Center (LWC), and Evangelical Church of Bangkok.

Thailand is now intensifying its efforts in engaging with NGOs at the policy level. The subcommittee on Public Relations and legal affairs, established according to the order of the Prime Minister on 24 December 2014, is mandated to engage with civil society and NGOs to step up cooperation in the area of trafficking in persons from the level of implementation to policy recommendations. The subcommittee is now in close consultations with relevant governmental and non-governmental bodies to explore how to better set a structure of effective engagement and cooperation with NGOs both in and outside of Thailand.

As for prevention and policy development, MOL has tripartite cooperation with NGOs and private sector in projects and established committee to curb labour trafficking, especially with local NGOs in high-risk areas and foreign NGOs who specialise in combating human trafficking in fishery and related industries.

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| | <p>Furthermore, cooperation between Thai and foreign NGOs at the regional level should also complement the attempts to address the problem from a preventive aspect, such as launching a campaign to raise awareness among potential victims in various countries. Closer cooperation with various neighbouring countries and NGOs are essential to better prevention and policy development in Thailand.</p> <p>Thailand is also developing cooperation with a number of foreign NGOs, such as IJM and Polaris Project, to enhance capacity and learn from best practices of law enforcement and access to victims. Moreover, Thailand is actively participating in a dialogue with many other NGOs, such as the McCain Institute, the Heritage Center and the Solidarity Center.</p> |
| <p>8. Allow every adult trafficking victim—including sex trafficking victims—to travel, work, and reside outside shelters in accordance with provisions in Thailand’s anti-trafficking law;</p> | <p>As provisioned in the law, all victims of trafficking in persons under the care and protection of the MSDHS are allowed to work outside shelter if their situation is conducive to work and their protection is guaranteed.</p> <p>In 2014, a total of 57 victims enjoyed gainful employment outside shelters and the salaries they earned did help to supplement the government’s financial assistance they receive, which currently includes pocket money when they are placed in shelters and travelling allowance when they leave their shelters. The incomes gained by the victims are well in accordance with the minimum daily wage but how much each victim receives obviously differs depending on the different types of work and the period of their employments. Out of a total of 190 victims in 2014, 140 victims chose not to work outside their shelters and instead opted for gratis vocational trainings inside the shelters. The remaining 50 did not work for a variety of reasons (23 were under 15 years old, 12 were repatriated shortly after staying in shelters, 8 did not speak Thai and could not communicate with employers, and 7 were in bad health or otherwise disabled).</p> |
| <p>9. Significantly increase the availability of interpretation services across government agencies with responsibilities for protecting foreign migrants;</p> | <p>The government has continued to provide sufficient interpretation services for all victims of trafficking in persons, potential victims and high-risk groups such as migrant workers, especially vulnerable groups. Focusing on service availability in complaint mechanism and case report such as hotlines, the Ministry of Social Development and Human Security is also providing roster of interpreters for further use by relevant agencies. In addition, hotlines operated by the Ministry of Labour to address violation of labour rights has long provided sufficient interpreters to serve the needs of those from Thailand’s neighboring countries and to ensure effective communication with authorities both on preventive measures and case reporting.</p> <p>- Currently, the Ministry of Social Development and Human Security has a roster of interpreters of</p> |

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| | <p>various languages including Myanmar, Cambodian, Laotian, Chinese, Vietnamese and English, to assist in process of protection.</p> <ul style="list-style-type: none"> - The Thai Government also works closely with embassies, academic institutions, NGOs and network organizations, such as the UNICEF, UNHCR and World Vision, among others, to seek support for other local dialects such as Kachin, Northern Lao, Southern Lao or Thoeng or Rohingya language. - In case of migrant workers, the MOL also engages and works in partnership with volunteers who are migrant workers themselves, to create the Migrant Workers Protection Network, providing necessary services including interpretation. - In case where there is no interpreter in the area, the authority concerned will request interpreter from other line agencies such as Anti-Human Trafficking in Persons, RTP; Thai Immigration Bureau and Embassies in Thailand - For the operation of OSCC, interpreters of 7 languages including Chinese, Vietnamese, Cambodian, Myanmar, English, Laotian and Malay are currently provided to assist potential victims and foreigners in social problems through the OSCC’s Hotline. - In December 2014, the MSDHS also arrange training programme for volunteer interpreters to equip them with necessary skills to assist people in social problem. Currently, there are more than 40 volunteers on the volunteering interpreter roster. - MOL also operates 2 hotlines with interpreters provided to facilitate communication with migrant workers: <ol style="list-style-type: none"> 1. Labour Protection Hotline (1546) as a complaint mechanism and legal aid regarding labour protection law. 2. Hotline for receiving complaints and queries about migrant workers (1694) with interpreters provided in English, Cambodian, Laotian and Myanmar languages. Between July-December 2014, there were 79,796 queries / complaints from Thai and migrant workers nationwide. |
| <p>10. Increase incentives for victims to cooperate with law</p> | <p>Thai government has created incentives for victims to participate in trial as witness in various fronts, both in terms of minimizing disincentive to participate in trial, and providing incentives for victims to cooperate with law enforcement.</p> |

enforcement in the investigation and prosecution of trafficking cases;

Minimising disincentives:

Relevant law enforcement agencies will assess the risk, faced by each victim and bring him/her into a witness protection programme if the threat is imminent. Each victim is always accompanied by a social worker, a psychologist, a lawyer and a caretaker when visiting the crime scenes, the police station and the court, to ensure that the victim feels safe and confident to cooperate in criminal justice procedure. During the trial, every effort is made to ensure that a child victim will testify in a separate room, in the presence of a psychologist, social worker and other person as requested by the victim, to avoid the direct confrontation with perpetrators in the court. Upon the discretion of the Court, if the adult victim is reluctant to testify in the court room, a psychologist or a social worker may also request the court to grant permission of testifying in a separate room.

Providing incentives:

Along with criminal legal proceedings, prosecutors and social workers assist victims to initiate cases to claim for compensation that they rightfully entitle to receive. Assisting funds, compensations and remedies for victims of trafficking borne from various laws including Anti-Trafficking law, Labour law, the law on compensation for victims of criminal cases, and civil code, etc. The trial to claim compensation would encourage victims to cooperate with authorities in investigation and prosecution of trafficking cases. Victims have the rights to initiate legal proceeding to get remedies, restitution and compensation as provisioned in the laws, including:

1. Financial Aid from the Anti-Trafficking in Persons Fund, as encoded in the Anti-Trafficking in Persons Act: In 2014, the Sub-Committee of the Fund approved 3,748,031.57 baht (117,125 USD) as financial aid for 463 victims.

2. Civil Compensation: Victim is entitled to compensation for damage suffered from human trafficking. The Permanent Secretary of the Ministry of Social Development and Human Security or designated persons will determine the amount of compensation the victim should receive, as suggested by the multi-disciplinary team, and notify public prosecutor for further action in court proceedings. The victim or his delegate is involved in all process of compensation determination. In 2014, compensations for 57 victims (14 Thais, 43 foreign victims) were determined, resulting at the amount of 8,613,340 baht (269,166 USD). In addition, the amount of 22,549,171 baht (704,660 USD) is determined as compensation for 19 Thai victims returned from abroad.

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| | <p>3. Unpaid wages: The Ministry of Social Development and Human Security requested the Department of Labour Protection and Welfare to claim unpaid wages under the Labour Protection Act B.E. 2541 (1998), for 39 victims (14 Thais, 25 foreign victims) at the total amount of 758,527 baht (23,700 USD).</p> <p>4. Victim compensation in criminal cases: In accordance with Victim Compensation and Restitution for the Accused Person Act, 53 victims received expenses for injury and damages caused by the crime of trafficking in person, a criminal case, in a total amount of 1,590,000 baht (49,687 USD).</p> <p>Finally, As encoded in article 37 for victims to be granted temporary stay and allowed to work outside their shelters for the entire duration of their legal proceedings, victims are allowed to work and has a safe place to stay in Thailand. Victims can also opt for vocational and skill training activities available inside the shelter for their preparation for sustainable repatriation.</p> |
| <p>11. Consider establishing a dedicated court division, or take other measures to consistently expedite the prosecution of trafficking cases;</p> | <p>Thailand has been exploring ways in which this recommendation can appropriately be put into action. Meanwhile, the Thai Government has now made significant progress in expediting the prosecution of trafficking cases. Recent developments, including the integration of work among relevant agencies within the justice system, are likely to contribute to these efforts.</p> <p>The Constitution Drafting Committee is currently drafting the new Constitution, a part of which has addressed the issue of the judicial process. The issue of timeliness, justice in due course, as well as clear and transparent guidelines for legal procedures will also be embedded and improved.</p> <p><u>Court of Justice (COJ)</u></p> <ul style="list-style-type: none"> - On 19 December 2014, the Recommendation of the President of the Supreme Court on Guidelines for Case Management under the Anti-Trafficking in Person Act B.E. 2551 (2008) came into effect after being researched and statistically observed in the number of cases for years with the benefit of handling human trafficking cases in trial. With this, the Court of Justice and the Office of the Judiciary (OJ), the central administrative support organ of the Court of Justice, can accelerate all unfinished and newly filed human trafficking cases in proceedings. 161 human trafficking cases were reported with legal actions and 162 defendants were convicted of human trafficking from January to October 2014. Most defendants were sentenced to 5-10years imprisonment. The average duration of a human trafficking |

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| | <p>case (from the filing to a decision) was 6months to 1 year with 56 cases, almost one-thirds of total cases from January to October 2014.</p> <ul style="list-style-type: none"> - In terms of educating judicial personnel, human trafficking issues were added into the outline of all compulsory and mandatory training courses arranged for justices and judges in all levels. |
| <p>12. Develop and provide specialized services for child sex trafficking victims and take appropriate steps to ensure their cases progress quickly;</p> | <p>Thailand pays special attention to the treatment of children in criminal justice system by implementing measure for special protection of child victim and witness. (Criminal Procedural Code Section124/1, Section 133 (2), Section 133 (3) and Section 172 (4))</p> <ul style="list-style-type: none"> - Child-friendly investigation procedures were applied in all cases of child trafficking with special consideration to the protection of victims’ identity and privacy. - All staff involved in child trafficking cases are specifically trained to be able to intervene <u>using a victim rights sensitive approach</u>. The concept of human rights, human dignity, and gender based and child sensitive responses were integrated in a curriculum of authorized officers in trainings. - Child victims are also sheltered in shelter home for children where specific services and facilities for children are provided and under special care of competent officials, taking into consideration age and gender, to provide child-friendly rehabilitation and recovery services and reintegration. Such specialized services include the use of the child’s native language and cartoons, dedicated childcare centers with activities catering to child development, and frequent development assessment and risk assessment prior to reintegration to prevent revictimisation. - During their stay in shelters, child victims are staying in a separate room from adult victims. Moreover, victims younger than 13 years will be serviced in a child development room which is equipped specifically with activities for child development and supervised by specialised social workers. <p>Given the specific concerns of child trafficking victims, relevant agencies try their utmost to ensure that legal cases proceed quickly.</p> <ul style="list-style-type: none"> - According to the Anti-Human Trafficking Act, the consent of a child victim is not a pre-requisite for legal proceedings. Therefore, when acts and means as described in the law were used, the <u>child will automatically qualify as a victim of trafficking</u>, which entitles the child with protection and recovery as well as ensures expeditious prosecution. |

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| <p>13. Implement court procedures which prioritize the protection of witnesses;</p> | <p>Thailand pays special attention to the protection of witness with sections in Criminal Procedural Code, Witness Protection Act, and Anti-Trafficking in Person Act dedicated to the protection of witnesses.</p> <p>Anti-Trafficking in Persons Act B.E.2551 (2008) stipulates that “The competent official shall provide for the safety protection to the trafficked person under his care regardless of where such person stays, whether it be prior to, during or after the proceeding. In so doing, the safety of the family members of trafficked person shall also be taken into account” and “In case where the trafficked person will make statement or testify as a witness in the offense of trafficking in persons under this Act, the trafficked person, as a witness, shall be under the protection according to the law on the protection of witness in a criminal case in all respects.” Relevant officers emphasise on safety of victims, witnesses and their family members; they arrange protection when it is believed that they are in danger.</p> <p>Relevant law enforcement agencies will assess their risk and bring them into witness protection programme if the threat is imminent (As also described in No.10). During the trial, the child victim will testify in a separate room, in the presence of a psychologist, a social worker and any other person as requested by the victim, to avoid the direct confrontation with perpetrators in the court. Upon the discretion of the Court, if the adult victim is reluctant to testify in the court room, a psychologist or a social worker may also request the court to grant permission of testifying in separate room. The law also allow the questioning be done by social workers, psychologists or persons whom victims and witnesses trust. (Criminal Procedure Code,article 172 (3))</p> |
| <p>14. Restrict bail to alleged trafficking offenders to prevent flight;</p> | <p>Investigations of criminal human trafficking cases by the Royal Thai Police and the Office of the Attorney General are carried out within the time frame in accordance with the Criminal Procedure Code. Police officers, as the responsible investigators, can retain the accused for a period of not more than 48 hours for the purpose of investigation. Should the investigation require more time, a court order must be sought, but the cumulative retention period cannot exceed 84 days before filing the case to the court. Should the accused be granted bail, the investigators and the attorneys have 6 months to file the case to the court. As such, even if there is a rotation of case officers, the new officer in charge must conclude the investigation and forward the case to the Office of the Attorney General within the time limit to file the case at the court according to the Criminal Procedure Code. In Thailand, the reshuffle of officers occurs only once a year. Officers can usually anticipate their new assignments and are able to prepare necessary information to handover the cases for their</p> |

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| | <p>replacement beforehand. As a result, the annual rotation of officers should not delay legal proceedings in anyway.</p> <p>If the bail request is approved by court, justice agencies, all agencies in criminal justice system agreed to;</p> <ol style="list-style-type: none"> 1. Share information of the suspects with the Immigration Bureau of Thailand in order to ensure proper monitoring and restricting cross-border movements. If the Immigration Bureau of Thailand detects the plan to travel across border with intention to flee prosecution, the prosecutor will be promptly notified and immediately file request to terminate the bail order. 2. In case of foreign suspects, the Immigration Bureau of Thailand will be notified so as to prevent them from leaving the Kingdom. The Immigration Bureau of Thailand may further consider withdrawing their stay permit and take the suspects under detention according to charges according to the Immigration Act B.E.2522 (1979) |
| <p>15. Enact legislation that protects officials against legal retaliation for pursuing trafficking cases;</p> | <p>The Cabinet has approved amendment of the Anti-Trafficking in Persons act with additional articles on protection of whistle blowers and persons who report trafficking cases to authorities. This is the measure to increase incentive among public to report incidence conducive to trafficking. The new Article will also guarantee that the reporter will not be prosecuted if the investigated case is not trafficking in persons. The law will also protect law enforcement officers who conduct their duty in good faith in cases involving human trafficking.</p> |
| <p>16. Consistently include trained social workers or victim service organizations in victim screening interviews in safe and private spaces;</p> | <p>Potential victims will be interviewed by trained social workers, psychologists, law enforcement officers and representative from NGOs, as part of a multi-disciplinary team, using standardised questions in a safe and secured venue. (See also item 3)</p> <p>Social Workers and relevant officers, including police officers and Minister of Interior officers responsible for victim identification process are trained of guidelines for victim identification. In 2014, 100 officers from local and central authorities of mentioned agencies were trained. And for 2015, the Ministry of Social Development and Human Security plans to train more than 250 officers.</p> <p>The Government is aware of importance of victim identification interview. In other areas apart from Bangkok,</p> |

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| | <p>the Immigration Bureau of Thailand cooperates closely with the Ministry of Social Development and Human Security and 12 NGOs. For 12 immigration detention centres, including those in Kanchanaburi, Srakaew, PrachuabKirikhan, Mukdahan, Nong Khai, Nakhon Phanom, Chiang Mai, Tak, Satun, Chumphon, Songkhla (Padang Besar), local NGOs also participated in the victim identification process. The workplan to integrate professional participation in the victim identification process is as follows:</p> <ol style="list-style-type: none"> 1. The Provincial Social Development Office is responsible for recruiting social workers to support police officers in victim identification in every province. 2. The Ministry of Social Development and Human Security is reconsidering revision of the MOU with NGOs (2003) to clarify and outline closer cooperation in the same direction. 3. The Royal Thai Police is working towards signing an MOU with local NGOs across Thailand, especially in border provinces, to increase civil society participation in victim identification process. 4. The Ministry of Social Development and Human Security, together with the Royal Thai Police, is currently considering giving rewards to all participating in victim identification process, including representatives from NGOs. |
| <p>17. Process and approve legal status applications at the national, district, and provincial level in a timely manner;</p> | <p>In the latter half of 2014, Thailand established a national scheme for registration of migrant workers from Myanmar, Cambodia and Laos. This national scheme is to ensure that all migrant workers have legal status so that their rights are protected under the Labour Protection Act B.E.2541 (1998) and other relevant legislation on welfare they are entitled to get. The key measures include improving system and decreasing relevant fees such as the work permit fee, the fee of a temporary ID card, health check and insurance etc. From June-October 2014, 87 temporary One Stop Service Centres (OSS) have been set up nationwide to expedite the registration of formerly illegal migrant workers from Myanmar, the Lao PDR and Cambodia. In total, over 1.6 migrant workers and their family from three neighboring countries were registered; among this number 40.6% are from Myanmar, 14% are from Laos PDR and 45.4% are from Cambodia.</p> <p>The entire registration process which included document verification, collection of personal data, health-check and issuance of temporary non-national ID cards was streamlined and employers only took</p> |

approximately 30 to 45 minutes to fully register their migrant workers. Moreover, The fees for registrations were also significantly reduced in order to lessen the migrant workers’ vulnerability to forced labour and debt bondage. Details are provided in the Table below:

| | Registration Fees per year | Pre-OSS rates (Baht) | OSS rates (Baht) |
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| 1 | Temporary work permit | 1,800 | 900 |
| 2 | Temporary non-national ID card | 80 | |
| 3 | Health check | 600 | 500 |
| 4 | Health insurance | 2,200 | 1,600 |

Currently, all registered migrant workers are going through nationality verification scheme which aims to provide all migrant workers with proper documentation before they can obtain work permit issued Ministry of Labour. Relevant agencies are also discussing on future establishment of permanent OSS for labour registration to ensure that migrant workers are registered to get protection under Thai labour law.

As for labours in fishery industry, the Ministry of Labour has registered more than 71,000 migrant workers working on fishing boats before and during the OSS operations. The MOL and related agencies are also preparing for the establishment of “Labour Management Centre for Sea Fishing Industry” in 22 coastal provinces by upgrading and expand mandates of the Labour Coordination Centers in 7 coastal provinces to intensify the integrated efforts of related agencies at provincial levels and focus on improving working conditions of fishery workers. One of the functions of the new centre is also to be the focal point for registration of migrant workers in the fishery industry.

18. Provide legal alternatives to the removal of foreign trafficking victims

The Ministry of Social Development and Human Security has constantly been working on finding more alternatives for foreign victims even though these victims are already protected comprehensively according to the standard procedure. The consideration to allow victims to be legally employed instead of repatriated is being consulted among relevant agencies on relevant laws and regulations. However, this must not serve as a

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| <p>to countries in which they would face retribution or hardship;</p> | <p>“pull factor” and leads to any attempt to abuse the support system.</p> |
| <p>19. Increase efforts to seize assets of trafficking offenders and ensure these funds directly benefit victims;</p> | <p>As encoded in Thai Money Laundering Law, Trafficking in Persons is considered one of the predicate offenses of money laundering. In 2014, the government intensified the use of money laundering tracing traffickers and strict enforcement of the law. All 280 cases investigated in 2014 are also submitted to the Anti-Money Laundering Office (AMLO) for confiscation of assets and proceeding of crime.</p> <p>One recommendation is that assets of traffickers should be seized to compensate victims. The Cabinet has approved such amendments of the Anti-Trafficking in Person Act, with the new provision that the assets confiscated from the traffickers are to be divided into three parts; to compensate for victims, to be seized as public asset and to contribute to the Anti-Trafficking in Persons Fund. The amendments are now under the consideration of the National Legislative Assembly. When adopted (tentatively in May 2015), the new provision will be used against suspects in all 280 cases investigated in 2014.</p> |
| <p>20. Increase anti-trafficking awareness efforts directed at employers and clients of the sex trade, including sex tourists;</p> | <p>In 2014, the Ministry of Tourism and Sports took the following preventive efforts to prevent trafficking directed at clients of sex trade;</p> <p>(1) The Ministry held a forum to exchange views with 50 participants consisting of experts and related agencies on how to effectively address sexual exploitation and child sex tourism on 25 August 2014. This forum contributed specifically to the development of the <u>Plan of Action to proactively address sexual exploitation in the tourism industry</u> for 2015-2016 as well as many measures such as the establishment of multidisciplinary team to prevent sexual exploitation in famous tourist destinations, the production of materials to promote awareness on sexual exploitation and child sex tourism and the dissemination of information to the tourists travelling into Thailand by the officials of the Ministry stationed at 9 airports of Thailand’s measures against sex tourism and the use of 1155 Tourist Police hotline for incident reporting.</p> <p>(2) The Ministry, in cooperation with the Tourist Police Division, launched a project to develop surveillance network on child sex tourism in line with the Ministry’s Plan of Action to Prevent and Combat Human Trafficking 2014. The project included a series of awareness raising campaign in high-risk areas such</p> |

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| | <p>as Bangkok, Chiang Mai, Chiang Rai, Chonburi (Pattaya), Nong Khai and Phuket with over 3,000 participants consisting of experts, teachers, students, parents, civil society organizations, and various communities in Bangkok.</p> <p>(3) The Ministry organised a concert to promote awareness on human trafficking on 28 September 2014 in the province of Nakorn Pathom.</p> <p>The Ministry will continue with its preventive efforts in 2015 by launching 2 projects, namely, “Project on development of surveillance network against child sex tourism” and “Project on awareness promotion to prevent and protect the rights of the child in tourism sector “ (in cooperation with Friends-International and UNICEF Thailand)</p> <p>Other agencies:</p> <ul style="list-style-type: none"> - The Tourist Police Division, the Royal Thai Police, has implemented a project to raise awareness on trafficking in persons and impact on tourism industries in May 2014 to 550 employers and public in Bangkok, Samut Sakhon and nearby provinces. - The Ministry of Social Development and Human Security has organised a training course for 30 hotel service providers on trafficking in persons and child sex tourisms in February 2014. The training was to help raising awareness and early detection of children sex trafficking. |
| <p>21. Make efforts to decrease the demand for exploitative labor.</p> | <p>The Government addresses the demand for the use of trafficked labours by focusing on increasing incentives of entrepreneurs to employ legal workers. The following measures were implemented:</p> <ul style="list-style-type: none"> - Deregularisation and making employment, especially the process to employ migrant workers, less complicated. The national scheme to register migrant workers at OSS nationwide is also meant to encourage employers to have all of their migrant workers legally registered in order to have them fully protected by law and provide them with appropriate welfare according to the law. - The Government is also encouraging recruitment of migrant labours through Labour MoUs with neighboring countries. In 2014, the government decreased visa fees for potential migrant workers and looks forward to expand MoUs to other countries to offer more options for entrepreneurs to employ migrant workers through |

Government-to-Government (G2G) agreements. In close cooperation with various countries of origin, Thailand has continued to seek measures to simplify procedures to recruit migrant workers through MoUs.

- The Ministry of Labour issues recognition certificate for businesses with zero use of child labour or forced labour. The certificate helps the business ensure their transparency to buyers. Hence, discouraging incentive to use trafficked and forced labours. More promotion on Thai Labour Standard is also aimed at raising awareness and incentive for businesses to raise their standard for higher competitiveness. The committee to approve the recognition certificates includes representatives from relevant agencies and NGOs.

Strong enforcement and strict labour inspections are also implemented to discourage uses of exploited labours. After the migrant workers registration period ends, any employer found to have been hiring unregistered migrants will be promptly arrested and prosecuted. This clear announcement from the Government should serve as a clear warning to anyone who still wishes to exploit their labours.