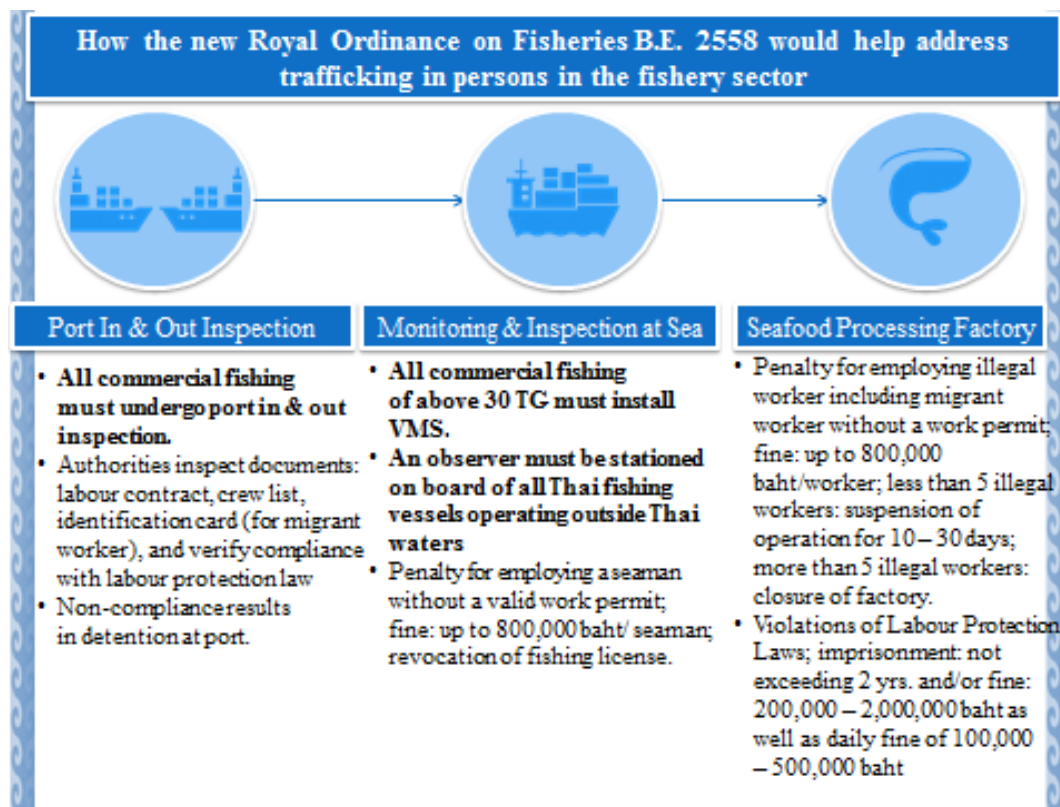


## 1. Amendments of Laws and Regulations

### 1.1 Royal Ordinance on Fisheries B.E. 2558 (2015)

- Came into effect on **14 November 2015**
- Repeals the recently amended Fisheries Act B.E. 2558 (2015)
- Sets out several key objectives including **eliminating all forms of forced labour and improving the welfare and working conditions of workers in the fisheries sector**
- Addresses TIP issues in the context of both fishing vessels and seafood processing factories (see the picture below for details)




### 1.2 The Office of Prime Minister's Notification on Measures to Prevent and Combat Trafficking in Persons in places of business, factories and vehicles B.E. 2558 (2015)

- Published in the Royal Gazette on **19 November 2015** and will be effective on **19 December 2015**
- Issued in pursuance of the amended Anti-Trafficking in Persons Act B.E. 2558 (2015)

- Sets out several obligations for owner and operator of factory, entertainment facility, hotel, guest house and fishing vessel
  - To monitor and oversee that their employees and fishery workers are not subject to forced labor or abuse that is equivalent to human trafficking; and must notify relevant authorities of suspected incidents of human trafficking.
  - To facilitate competent officials' entry onto premises and vehicles in order to provide assistance to the victims where it is reasonable to believe that trafficking is taking place, the owner or operator is obliged
  - To organize, at least once a year, training on rights of trafficked victims for employees
  - To permit their employees to use communication devices for external contact.

## **2. Protection**

### **2.1 Updates on Improvement of Interview Questionnaire**

- The Ministry of Social Development and Human Security (MSDHS) held a consultation meeting with concerned stakeholders including front-line agencies and the civil society on 26 October 2015 to improve the current interview questionnaire for the better victim identification process.
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- Based on the views and recommendations from the consultation meeting, a working group amended the interview questionnaire as follows:
    - Comprehensive description of offenses under the Anti-Trafficking in Persons Act is provided to render the questionnaire more user-friendly
    - Front-line officers are required to record information about the interviewee in greater details. In particular, he/she is required to take note of TIP indicators such as the ability to communicate with family members and friends, the liberty to travel, irregularities in wage payment, confiscation of personal documents etc.

- On 25 November 2015, *the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee (CMP Committee)* chaired by the Deputy Prime Minister Admiral Narong Pipatanasai reviewed the questionnaire and gave a preliminary approval. The CMP assigned a working group to consider the possibility of attaching interviewee's photo to the questionnaire for the purpose of better identification, and to insert a sub-section in which front line agency can identify possible offenses under related laws and suggest appropriate redress. The CMP also stressed the importance of case referrals even when the questionnaire respondent may not be identified as victim of trafficking.

### **3. Prevention**

#### **3.1 Registration for Workers in Seafood Processing Industry**



- On 10 November 2015, the Cabinet approved of the Ministry of Labour's proposal to register migrant workers in the seafood processing industry.
- To expedite this process, One Stop Service Centers were set up in 22 coastal provinces and in Bangkok to register migrant workers in the seafood processing industry between 25 November 2015 – 22 February 2016 (approximately 90 days)
- This registration scheme is part of the Ministry's efforts to bring previously illegal workers into the system so that they receive effective legal protection and benefit from a range of social and health services.
- As for the ongoing registration of migrant sea fishery workers in pursuance of the Cabinet resolution dated 6 August 2013 and 3 March 2015, the Ministry of Labour has opened two rounds of registration: **1<sup>st</sup> round between 1 April 2015 – 29 June 2015; 54,402 migrant workers were registered** (30,594 from Myanmar, 22,671 from Cambodia and 1,142 from Laos): **2<sup>nd</sup> round between 2 November 2015 – 30 January 2016**; as of 25 November 2015, **4,891 migrant workers have been registered** (2,916 from Myanmar, 1,892 from Cambodia and 83 from Laos).

### 3.2 Clarification on the Scope and Definition of Forced Labour and Debt Bondage

- On 13 November 2015, the Ministry of Labour held a multi-stakeholder meeting on interpretation and indicators of forced labour and debt bondage. The participants included:
  - **Governmental agencies;** the Government House, the Royal Thai Police, the Department of Special Investigation, the Command Center for Combating Illegal Fishing (CCCIF), the Marine Police, Department of Fisheries, the Ministry of Industry and Ministry of Foreign Affairs
  - **Private sector;** the Federation of Thai Industries and National Fisheries Association of Thailand (NFAT)
  - **Civil society;** Alliance Anti-Traffic, Stella Maris, FACE and SR Law
  - **International Organization;** UN-ACT and International Labour Organization (ILO)
- The participants discussed the scope and definition of forced labour and debt bondage with reference to existing laws and regulations as well as relevant international instruments. Front-line agencies and NGOs also enriched the discussion with their experience and real case studies.
- The participants highlighted the importance of case referrals and agreed that, for deterrent purposes even where human trafficking is not established, enforcement agencies should seek to enforce other relevant laws which include labour protection laws and criminal laws against the offenders to the fullest.
- The Ministry of Labour is currently refining the scope and definition of forced labour and debt bondage based on the views and recommendations from the meeting, and will produce a guideline for labour inspectors. The guideline will also contain practical scenarios and useful case studies for labour inspectors.

### 3.3 Solving Labour Shortage in Sea Fishery and Seafood Processing by Allowing Flexibility for Workers in those Fields to Change Employers

- On 2 November 2015, the Department of Employment, Ministry of Labour circulated new instructions to all its offices as follow:
  - Migrant workers in sea fishing and seafood processing sectors are allowed to change their employers within these two sectors, with no limit on the number of changes of (i) employers and (ii) provinces.
  - Migrant workers from other sectors can opt to work in sea fishing and seafood processing sectors, and they are allowed to change employer and locality of their employment.
  - Migrant workers in the sea fishing sector are not allowed to change their (i) employer and (ii) locality of their employment to work in other sectors.
  - Migrant workers in seafood processing sector are not allowed to change their (i) employer and (ii) locality of their employment to work in other sectors.

## 4. Partnership

### 4.1 ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)



Photo from AFP

- The 10 ASEAN leaders signed ASEAN Convention Against Trafficking in Persons (ACTIP) at the 27<sup>th</sup> ASEAN Summit in Kuala Lumpur, Malaysia on 21 November 2015.

- ASEAN Convention Against Trafficking in Persons (ACTIP) as well as the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA) underscores ASEAN's commitment to collectively address the transnational phenomenon of trafficking in persons through enhanced cooperation among its members.
- The Convention has established a legal framework for the region in accordance with several key international instruments, including **the United Nations Convention Against Transnational Organized Crime (UNTOC), the United Nations Trafficking in Persons Protocol (UN TIP Protocol) and the United Nations Plan of Action to Combat Trafficking in Persons (GPA)**, and fosters cooperation on prevention, protection and prosecution of traffickers.
- As a step beyond the UN TIP Protocol, the Convention provides for preventive cooperation to address the root causes of human trafficking, such as poverty and other risk factors, and to reduce the possibility of re-trafficking. It also identifies instances in which severe penalties should be leveled against traffickers, for instance, where government officials are complicit in human trafficking.
- Concerned agencies in Thailand are now working towards the accession of the ACTIP.

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Department of American and South Pacific Affairs  
Ministry of Foreign Affairs of Thailand

