

Thailand's Anti-Human Trafficking Efforts: Latest & Key Progress

POLICY

1. Translating “Zero tolerance” policy directive to real changes

- More agencies involved, greater coordination on the ground to improve operational efficiency
- Eliminating legal loopholes
- Intelligence-based approach; more effective use of resources
- Arrests of ‘big fish’ & trafficking rings, including government officials
- Expediting all human trafficking cases
- Better victim identification process, especially among vulnerable groups
- Closely working with our partners
- Taking a comprehensive and holistic approach in tackling human trafficking in women and children and also in the fishery sector

2. Putting in place legislations and regulations to better tackle human trafficking

- **Amendments to Anti-Human Trafficking Act 2015** (introduced and enacted 29 April 2015)
 - Authorities are empowered to immediately shut down work places or suspend operating licenses of factories and vehicles if found to have been used to assist trafficking;
 - Punishment terms have been appropriately prescribed; imprisonment of 8 – 20 years and fines from 160,000 – 400,000 baht (4,463 – 11,159 USD) or life imprisonment for inflicting severe injury; and life imprisonment for causing death; fines from such crimes are to be allocated to the Anti-Human Trafficking Fund;
 - In pursuance of the amended Act, the Office of Prime Minister issued a Notification which will be effective on 19 December 2015 to prescribe additional measures to prevent and combat human trafficking:
 - The Notification requires owner or operator of factory, entertainment facility, hotel, guest house and vessel to monitor and oversee that their employees and fishery workers are not subject to forced labor or abuses equivalent to human trafficking and must notify relevant authorities of suspected incident of human trafficking.
 - Where it is reasonable to believe that trafficking is taking place, the owner or operator is obliged to facilitate competent officials’ entry into their premises and vehicles to provide assistance to the victims.
 - Additional preventive measures under the Notification include the requirement to organize, at least once a year, training on rights of trafficked victims for employees and the permission for their employees to use communication devices for external contact.

○ **Royal Ordinance on Fisheries B.E. 2558 (2015)**

- Came into force on 14 November 2015, replacing the recently amended Fisheries Act B.E. 2558 (2015).
- Several provisions address both IUU fishing and forced labour and human trafficking.
- ‘Enhanced monitoring, control and surveillance’:
 - All commercial fishing vessels over 10 gross tonnages must undergo port-in and port out inspection.
 - An observer must be stationed on board of every Thai fishing vessel operating outside of Thai waters.
 - Vessel Monitoring System (VMS) is mandatory on all transshipment and storage vessels;
- ‘Severe punishment for illegal practices in the fishery sector’
 - Fishing vessel: owner of fishing vessel making use of a seaman without a valid work permit is liable to a fine of up to 800,000 baht (approximately 22,316 USD) per seaman.
 - Seafood-processing factory: employing illegal workers incurs a fine of up to 800,000 baht (approximately 22,316 USD) for each unlawfully employed person. Furthermore, if there are more than 5 illegal workers at the factory, the Permanent Secretary of the Ministry of Industry has the power to order the closure of the factory. For violation of the labour protection laws, the factory operator is liable to criminal penalties, including a term of imprisonment not exceeding 2 years or a fine of 200,000 – 2,000,000 baht (5,577 – 55,784 USD), or both, as well as a daily fine of 100,000 – 500,000 baht (2,789 – 13,945 USD) for the entire duration of the violation.

○ **The Child Pornography Prevention Act (Effective 7 December 2015)**

- The Act distinguishes between child and adult pornography and legally bans the possession of any child pornography

3. Enhancing integration through database linkage

- On 9 April 2015, the Court of Justice, the Office of the Attorney General (OAG), the Royal Thai Police, the Department of Special Investigation (DSI), and the Ministry of Social Development and Human Security (MSDHS) signed a Memorandum of Understanding to exchange information on victim protection and law enforcement.

PROTECTION

1. Improving victim identification

- Progress is being made on improving the interview questionnaire.
- On 26 October 2015, the MSDHS held a consultation meeting with concerned stakeholders, including the civil society, on the revised questionnaire.
- The questionnaire is being amended in accordance with the input and recommendations from the meeting and will be submitted to *the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee (CMP Committee)* for final approval.
- A guideline for implementing the new questionnaire is being drafted for front-line officers.

2. Increasing the number of interpreters

MSDHS

- Training of 65 new interpreters
- Retraining of 20 interpreters
- Training of 22 new interpreters specializing in Rohingya

Ministry of Labour (MOL) (FY2015-2016)

- Hiring 40 interpreters for labor inspections

3. Advancing Protection for Women and Children

- *Center to Solve Human Trafficking Problems for Women and Children* was set up by the MSDHS in every province and complements the works of *Center for Protection of Children, Women and Family*, which is run by the Royal Thai Police.
- The Sub-Committee on Women approved of *an Action Plan to Address Human Trafficking in Women and Children*. The plan comprises several key measures, such as more stringent screening for potential victims at borders, monitoring and closure of venues/establishments involved in sex trafficking, training of female investigators, blacklisting sexual offenders, promoting awareness on sex trafficking and sex tourism, etc.
- The Immigration Bureau continues to apply the Immigration Act 1979 to terminate stay, deny entry, and blacklist sex offenders. Between January – September 2015, the Bureau terminated stay of 67, denied entry of 222 and blacklisted 30 sexual offenders.

4. Providing care and services for victims

- Between January – September 2015, the MSDHS provided care and shelter for 325 victims, consisting of 236 foreign victims and 60 Thai victims.
- 35 foreign victims are allowed to work in and outside shelters.

PREVENTION

1. Reducing vulnerability to labour trafficking

- **Employing migrant workers through MOUs**
 - Employment through MOUs with Laos, Myanmar and Cambodia
 - Between January-September 2015, **240,728 migrant workers** obtained their employment through MOUs (Lao: 15,175 Myanmar: 149,475 and Cambodia: 76,078)
 - Thailand and Vietnam are currently negotiating for similar arrangements.
- **Improving migrant workers' rights, legal status, and labor migration policies to minimize the risk of trafficking**
 - **Registration:**
 - Between 1 April – 29 June 2015, 54,402 **migrant workers in sea fishing** were registered (Laos 1,159 Myanmar 30,479 Cambodia 22,764)
 - On 10 November 2015, the Cabinet approved the **registration of migrant workers in the seafood processing industry**. Registered workers from Myanmar, Laos and Cambodia are allowed to work and stay in Thailand for 1 year.
 - **Labour inspection:**
 - Inspected 772 at-risk establishments with 64,694 employees
 - Inspected 1,875 fishing vessels with 22,195 employees
 - **Promotion of safe migration:**
 - The Immigration Bureau promotes awareness along the borders through posters/handouts (4,613 times), meetings with migrants (24,771 times) and other media outlets (2,772 times)
 - **Prevention of Human Trafficking on Labor Operation Center (PHTLOC)**
 - The Center was set up on 15 October 2015 at the MOL to formulate policies related to human trafficking and coordinate efforts among relevant agencies within the Ministry. Meetings at the Center are convened on a weekly basis to monitor developments and progress.

2. Reducing vulnerability of members of ethnic minorities, stateless persons and highland people to human trafficking

- **Improving legal status through citizenship**
 - The Ministry of Interior granted Thai nationality to 10,550 people between January 2014 – June 2015.
 - To expedite this process, the Ministry empowers district chiefs to grant nationality without having to seek approval from the Ministry, and 5000 (out of 10,550 or 47.39%) were granted citizenship through this expedited procedure.

PROSECUTION

1. Progress in Investigation of Trafficking Cases

- As of October 2015, a total number of 212 human trafficking cases are currently being under investigation, of which were 155 sex trafficking related cases, 56 forced labor cases, and 1 begging case.
- As of October 2015, 450 suspects have been arrested and charged with human trafficking. Compared to 300 suspects arrested throughout 2014, this is an increase by 50%.
- As of October 2015, 702 trafficking victims have been identified (an increase from 180 victims in 2014), with the majority of victims over 18 years of age. In this regard, the nationalities of the victims consist of Myanmar (265), Thai (238), Lao (74), Cambodia (7), and others (118).

2. Increasing efficiency in the criminal justice system

- Since 10 August 2015, the Special Human Trafficking Unit was established within the Criminal Court and 16 cases were submitted with 4 judgments rendered in less than 4 months (from the time of the first witness examination).
- On 1 October 2015, the Office of the Attorney General (OAG) set up the Department of Anti-Human Trafficking – which is divided into two offices – one in charge of improving strategies to tackle human trafficking cases and the other overseeing investigation and litigation.
- On 6 October 2015, the Prime Minister appointed an ad hoc committee to address current challenges in judicial proceedings with regard to human trafficking. The committee comprises senior judges, prosecutors, police officers, Permanent Secretary of Ministry of Justice, Ministry of Interior, Ministry of Labour and MSDHS, Secretary General of the Office of the Council of State, the Office of the National Anti-Corruption Commission (PACC), Director General of Department of Fisheries and DSI.

3. Taking government official's complicity seriously

- **The Regulation of the Office of the Prime Minister on Administrative Measures to Prevent Public Official's Involvement in Human Trafficking 2015**
 - Public officials must not get involved, support, take part in, or ignore any act related to human trafficking. In addition, they neither can secure nor guarantee human trafficking suspects to be bailed out of jail.
 - When a supervisor is notified of the result of a disciplinary investigation, disciplinary proceedings must be carried out within 10 days. Where officials are found guilty of offenses under the Anti-Human Trafficking Act, they will also face criminal sanctions. Furthermore, complicity in or involvement with human trafficking must be taken into account when considering career promotions.

○ Investigations with regard to complicity

- In 2015, the number of actions taken against government officials involved in human trafficking significantly increased. In total, there are 25 officials under investigation (compared to 8 in 2014). These officials include 5 military officers, 5 police officers, 4 village headmen, 7 local politicians, 1 MSDHS employee, 1 retired police officer and 2 former local politicians.

PARTNERSHIP & INTERNATIONAL COOPERATION

1. Internal partnership

- **MOUs** between TIP related agencies (Court of Justice, Office of the Attorney General, Royal Thai Police, MSDHS, and MOL) to enhance efficiency on TIP cases
- **Cooperation** between Anti-Money Laundering Office (AMLO), Anti-Human Trafficking Division, NACC, DSI, MSDHS, and Royal Thai Navy
- **Cooperation between Thai government agencies and NGOs**
- Immigration Bureau and Thai NGOs (i.e. Foundation for Women (FFW) and Friends – International) to enhance officer's capability in victim identification process.
- Ministry of Justice, MFA and Thai NGOs (i.e. Mirror Foundation and Children Trafficking Watch Thailand) to promote awareness and knowledge in high-risk provinces
- Most recently, on 8 November 2015, Thailand's Provincial Police Region 9, the Third Naval Area Command, DSI, Trang Province and the AMLO, on the basis of the information from the Environmental Justice Foundation (EJF) and the prior rescue mission of 11 trafficked victims from Myanmar, conducted a joint operation to raid onshore and offshore targets in Trang. The operation led to the arrest of 5 suspects including an influential local figure and the seizure of 3 suspected trawlers.

2. International partnership

- **MOUs** on Anti-TIP with Myanmar*, Laos*, Cambodia**, and Vietnam (**Revising the new MOUs*, ** *New MOUs*)
- Negotiating and concluding MOUs on Anti-TIPs with Malaysia, Brunei, UAE, PRC, and Russia
- Cooperation with/under **AAPTIP**
- Cooperation between MOJ, DSI, OAG and other law enforcement agencies and AAPTIP
- Courts of Justice cooperated with AAPTIP for training programs
- Cooperation between law enforcement agencies of Myanmar, Cambodia, Indonesia and Thailand on Ambon/Benjina Cases.

- Cooperation with **international organizations** such as ILO, IOM, UNHCR
- Department of Labour Protection and Welfare (DLPW), DOF, ILO and private sectors are working together to develop **GLP Roadmap Program** under Thai-EU Cooperation to focus on worker protection and other measures covering all stages of seafood supply chains.
- Cooperation in **Mekong Sub-Region**: Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) – *Phase 4 of the sub-regional POA was adopted in April 2015.*
- Cooperation within **ASEAN Framework**: ASEAN Convention on Trafficking in Persons (ACTIP) and Regional Plan of Action to Combat Human Trafficking in Persons (RPA) – **ACTIP was signed on 21 November 2015.** The main objectives of ACTIP are to effectively prevent and combat human trafficking, especially women and children; protect and assist victim of trafficking; and promote cooperation among the parties.
- Cooperation under the **Bali Process** – *Thailand will host the Ad Hoc Group SOM (AHG SOM) in February 2016*

3. Cooperation with the United States

- Regional training courses on human trafficking by International Law Enforcement Academy (ILEA) for law enforcement officers.
- Exchange of best practices between the Royal Thai Police and the Immigration and Customs Enforcement (ICE) under the Department of Homeland Security.
- Project between the Royal Thai Police, the Department of Special Investigation and the Federal Bureau Investigation (FBI) on the development of a taskforce to combat internet crime against children.
- Cooperation between the Ministry of Social Development and Human Security and Polaris Project (U.S. based NGO) on the improvement of the Thai hotline and on hotline collaboration between Thailand and Vietnam.

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November 2015