



Ministry of Social Development and Human Security

# 2012 Thailand Situation and Progress Report on Prevention and Suppression of Trafficking in Persons

ประเทศไทย มุ่งมั่น

ต่อต้านการค้ามนุษย์



Ending Human Trafficking



Stop Human Trafficking



# 2012 Thailand Situation and Progress Report on Prevention and Suppression of Trafficking in Persons



## **Situation of Human Trafficking in Thailand**

The Royal Thai government has announced its fight against human trafficking as a priority on the national agenda citing human trafficking as a transnational crime against humanity, imposing adverse effects on individuals, the family, the community, the country, and the world at large. It is an urgent need to prevent and suppress human trafficking network exploiting both in-bound and out-bound workers, as Thailand has ratified and committed to international human rights conventions and other legal tools addressing human trafficking. It also sees that workers – both skilled and unskilled, Thai and migrant - in all production sectors play an important role in the country's economic development.

Approaches used in tackling the problem are based on the principle of good governance to ensure that trafficked victims and those who are at risk are specially taken care of.

During 2012, victims of human trafficking can be categorized as follows:

1. Thai victims being rescued within Thailand and from abroad and returned to Thailand
2. Migrant victims being rescued in Thailand

Once a victim of trafficking was rescued, victim identification process immediately began. In case that the incident occurred abroad, officials of Thai Embassies or Consular Offices based in destination countries were in charge of identifying process. If they are categorized as victims of trafficking or the potential victims, then they were sent back to Thailand, received at the airport by a social worker,

*Thailand's Prime Minister Yingluck Shinawatra addressed the 67<sup>th</sup> Sessions of the United Nations General Assembly on 27 September 2012 in New York:*

*"...one of the worst forms of human indignity is human trafficking. I consider this as a matter of national priority and am fully committed to eliminating this inhumane exploitation"*

*The Prime Minister also addressed the meeting of Thai Royal Police National Committee on 3 October 2012 that "Police shall take on human trafficking suppression seriously and immediately"*

<sup>1</sup> Both enter Thailand legally and illegally according to Immigration Act B.E. 2522



for further investigation and protection process. In case that the trafficking incident occurred in Thailand, a multidisciplinary team would be in charge of victim identification process, and identified victims would be protected by governmental agencies responsible for protection and assistance of trafficking victims if they were willing to.

In 2012, 85 Thai persons from 7 countries were identified as potential trafficking victims and were sent back to Thailand from seven destination countries. Most of the victims were from Malaysia and Bahrain and respectively.

**Table 1:** Number of Thai trafficked victims and potential victims in 2012 who receiving assistance from the Royal Thai Embassy/ Consular categorised by destination countries

Destination country	Form of trafficking	Gender	
		Female	Male
1. Bahrain	Prostitution	20	-
	Forced labour	-	-
2. Brunei	Prostitution	3	-
	Forced labour	-	-
3. Indonesia	Prostitution	7	-
	Forced labour	-	2
4. Malaysia	Prostitution	13	-
	Forced labour	-	26
5. Japan	Prostitution	3	-
	Forced labour	-	-
6. India	Prostitution	10	-
	Forced labour	-	-
7. China	Prostitution	-	-
	Forced labour	-	1
<b>Total</b>	<b>85</b>	<b>56</b>	<b>29</b>

Source: Department of Consular Affairs, Ministry of Foreign Affairs







There are totally 625 trafficked victims – including the Thai who were trafficked to work abroad and those who were trafficked within the country, and migrant workers with and without legal status. Among these trafficked victims, those under 18 years old were mostly trafficked into prostitution, while those above 18 years were exploited through bad working conditions in industries or service sectors.

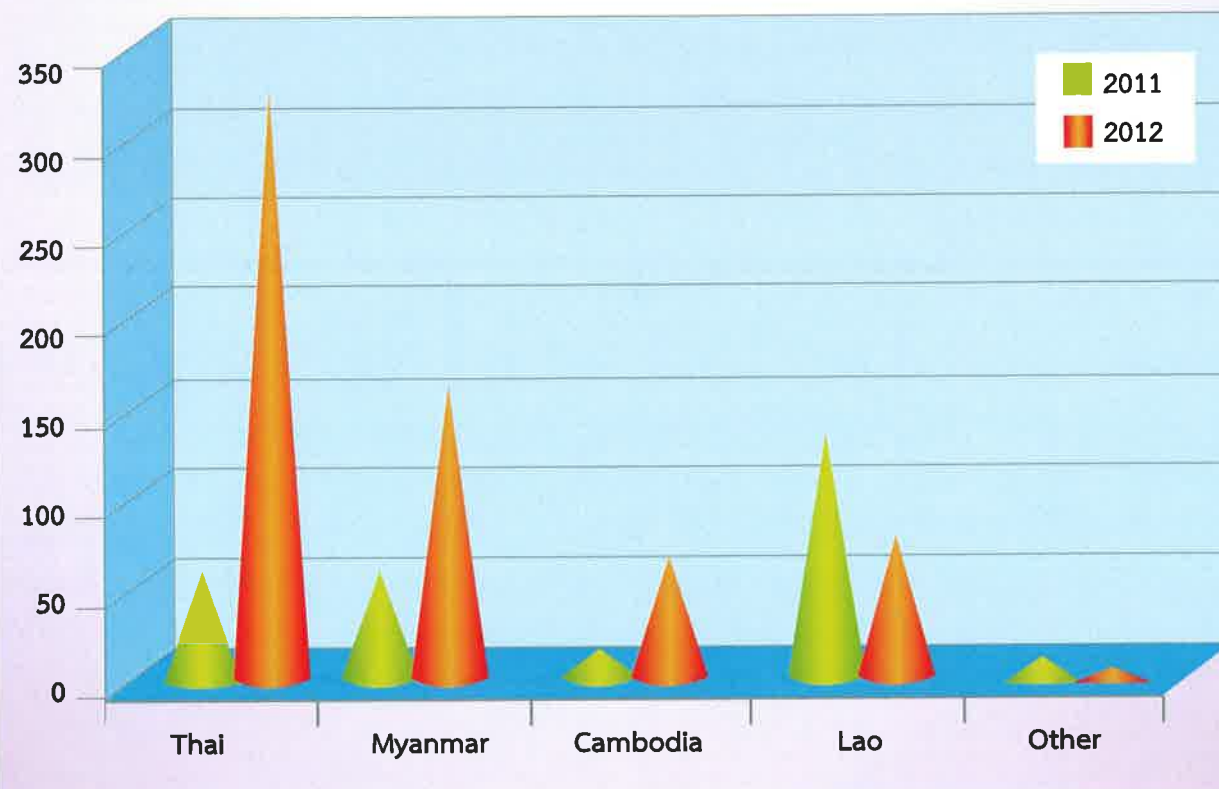
In 2012, the majority of victims were trafficked into prostitution, while only a small number were trafficked for begging (Table 2).

**Table 2: Number of trafficked victims during 2011 – 2012 by forms of trafficking and nationalities of victims**

Year	Forms of trafficking/ age of victims						Nationalities					
	Prostitution		Begging		Force labour		Thai	Myanmar	Cambodian	Lao	Others	Total
	Under 18	Above 18	Under 18	Above 18	Under 18	Above 18						
2011	108	97	5	-	8	57	66	57	15	125	16	279
2012	338	106	60	4	45	70	323	65	153	62	20	623

Source: Royal Thai Police and Department of Special Investigation

**Figure 1: Number of trafficking victims in 2011 – 2012 by nationalities**



However, a number of victims did not wish to be placed in neither government's nor NGO's shelters provided by the law, receive legal assistance, and take the case to the court as they preferred to return to the country of origin to begin a new life. Most of these trafficked victims are the Thai who were assisted from destination countries by Thai Embassies and Consular Offices and/or International Organization for Migration (IOM).

In 2012, the Royal Thai Police reported investigations in 305 trafficking-related cases under the Anti-Trafficking in Persons Act B.E 2551 (2008). Two special cases were investigated by Department of Special Investigation (DSI). Most trafficking – related cases are, as similar to the last year statistic, sex trafficking, forced labour and services, and trafficking persons into begging, respectively (Table 3).

**Table 3: Human trafficking court cases during 2010 – 2012 by types of offences**

Type of offences	Prostitution of others	Other forms of sexual exploitation	Forced begging	Coerced removal of organs for the purpose of trade	Production or distribution of pornographic materials	Slavery	Forced labour or service	other forms of exploitations	Total (case)
2008	20	-	9	-	-	-	13	-	42
2009	58	1	6	-	-	4	27	1	97
2010	58	-	2	-	-	-	10	-	70
2011	67	-	3	-	-	-	13	-	83
2012	227	-	36	-	-	-	44	-	307
<b>Total</b>	<b>430</b>	<b>1</b>	<b>56</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>107</b>	<b>1</b>	<b>599</b>

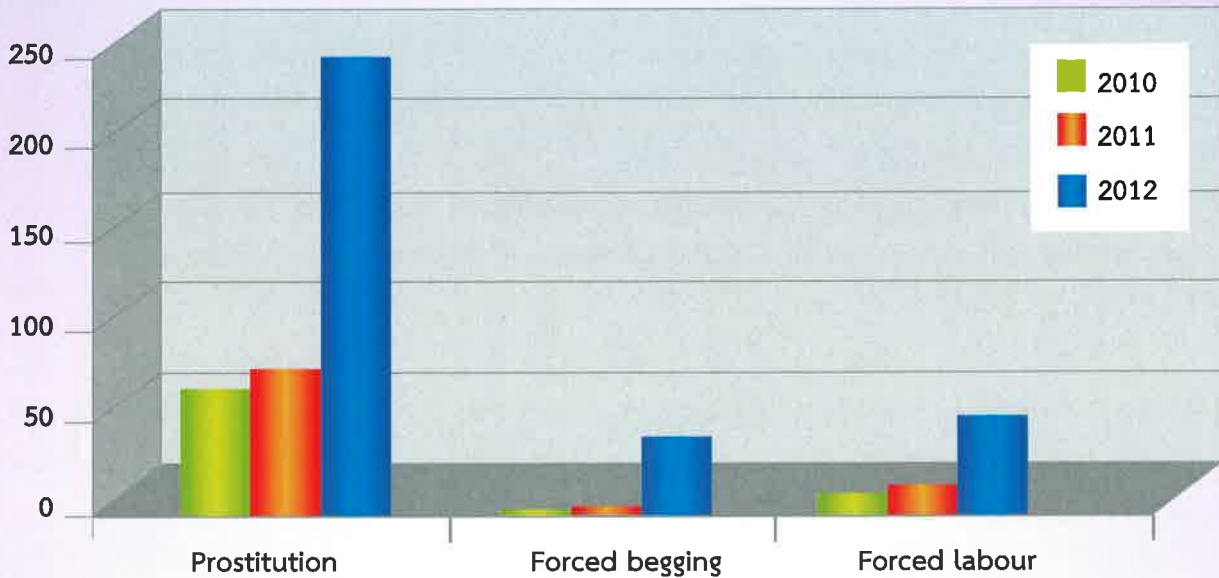
Source: Royal Thai Police

When comparing cases of trafficking during 2008 – 2012, the number of reported cases increased every year – especially in 2012 where 307 cases were reported. This was due to the Royal Thai Police's policy to put the human trafficking suppression high on its agenda, and issued its order to all police stations countrywide to conduct surveillance and strictly monitor on human trafficking situation, at least 15 times per month. An increase of human trafficking court cases in all types especially prostitution was also resulted from capacity building of law enforcement officials was enhanced through training sessions especially in prevention of risk population from falling victims of trafficking (Figure 2).





Figure 2: Trafficking – related cases during 2010 – 2012 by types of offence



Moreover, one of the success factors of prevention and suppression of human trafficking was the government policy requiring Royal Thai Police to prioritise human trafficking. The month of December 2012 has 149 trafficking related offences with 176 suspected offenders in accordance with the Anti-Trafficking in Person Act B.E. 2551, representing the highest in the year. Majority of suspected offenders are Thai, Myanmar, and Cambodia respectively (Table 4). Among these cases, one policeman was charged as an offender (Table 4).

Table 4: Number of trafficking related offenders by forms of trafficking, nationality and gender

Type of offences	No. of offenders	Gender		Nationality (country of origin)				
		female	male	Thai	Lao	Myanmar	Cambodian	Other
Prostitution of other	311	179	132	275	10	12	1	13
Forced labour or service	66	28	38	41	1	15	7	2
Forced begging	46	30	16	10	-	5	31	-
<b>Total</b>	<b>423</b>	<b>237</b>	<b>186</b>	<b>326</b>	<b>11</b>	<b>32</b>	<b>39</b>	<b>15</b>

Source: Royal Thai Police & Department of Special Investigation



Thailand has also put a lot of efforts in prevention and suppression illegal entry into Thailand. As illegal migrants are the most vulnerable group to exploitation and being trafficked from Thailand to third countries. Immigration Bureau increased its capacity in victim identification to ensure that trafficking victims were separated from illegal migrants. Victim identification process would be conducted prior to deportation. While being held in a detention center, multidisciplinary team and NGOs at provincial level with interpreters interview illegal migrants by using the identification form. Also, all migrants received information to help/prevent themselves not to fall into human trafficking rings.

From January to December 2012, a total of 397,167 individuals were interviewed, 57 individuals were identified as trafficked victims. It was also noted that migrant workers deported back to their domicile included those who were sent from Thailand's neighbouring countries into Thailand for continuing back to their origin country.

In the process of issuing a prosecution order by prosecutors, some cases were considered non-prosecution orders therefore not brought up to the court due to insufficient evidence and witness, or the case was not categorized as human trafficking related crime. In addition, there were no arrest and offender-at-large cases which also failed to be brought to trial. As a result, the number of trafficking related cases being brought to trial was significantly less than the cases being investigated and brought to determination of prosecutors.

In conclusion, there were in total 307 trafficking related cases in which 260 being investigated by police, 38 under determination of prosecutors, and 4 under trial. Only 5 cases were sentenced by civil court (Table 5).

*According to a member of multidisciplinary team, in a victim identification process of workers in fishing boats, some workers were categorized as trafficking victims but refused to take the case to justice to avoid long and drawn out trial. Some refused because they felt that they already broke a law in an origin country.*







Table 5: Human trafficking cases during 2008 - 2012 by stages of legal procedure

2008 - 2011								2012				
No. of offences	No. of offenders	Under investigation of police and prosecutors	Under trial	Sentenced by the courts				No. of offences	During court procedure			Sentenced by civil court
				Prosecutors	Civil court	Appeal court	Supreme court		Stage of investigation by police	In determination by prosecutors	Under trial	
314	647	222	191	44	169	21	0	307	260	38	4	5

Source: Royal Thai Police & Department of Special Investigation

However, as legal procedure requires substantial time to assure the fairness of the verdict, cases taking place previous years have been carried over to be trialed in 2012. These cases were under investigation by police, under consideration by prosecutors and under trial in court (Table 6).

Table 6: Number of trafficking cases in 2012 by stage of legal procedure

Investigated by police	Determination by prosecutors			Under court procedure				
	Received case from police	Issued a prosecution order <sup>1</sup>	Considered on prosecution order	Brought to civil court	Under trial by civil court	Sentenced by civil court	Brought to appeal court	Brought to Supreme court
260	38	63	4	15	53	10	9	8

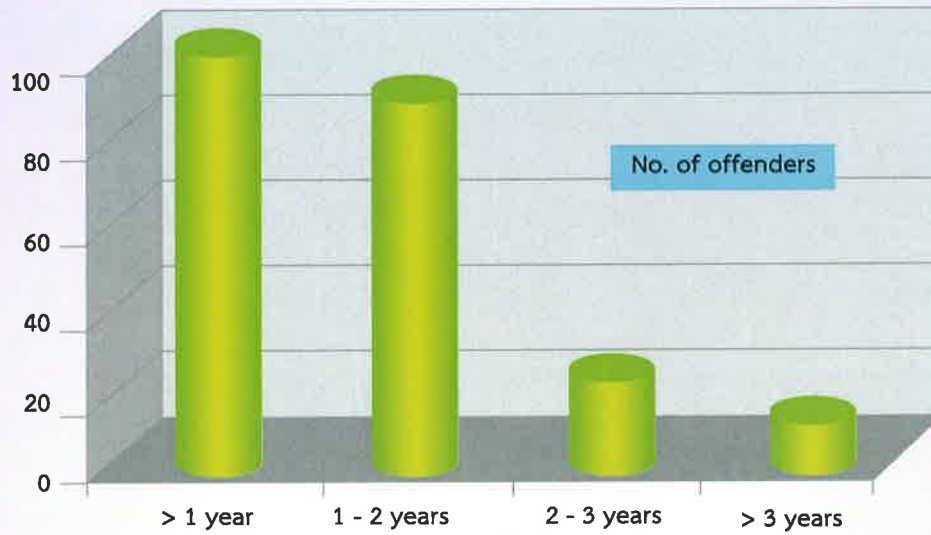
Source: Office of the Attorney General and Courts of Justice

According to statistics on the timeframe of legal procedure for over 200 offenders during 2008 – 2012, the longest duration of such legal procedures starting from investigations to civil court convictions was over three years (5 offenders); otherwise, the shortest duration was less than one year imposing on 94 offenders, between 1-2 year-duration imposing on 83 offenders, and 2 – 3 year-duration imposing on 18 offenders (Figure 3).





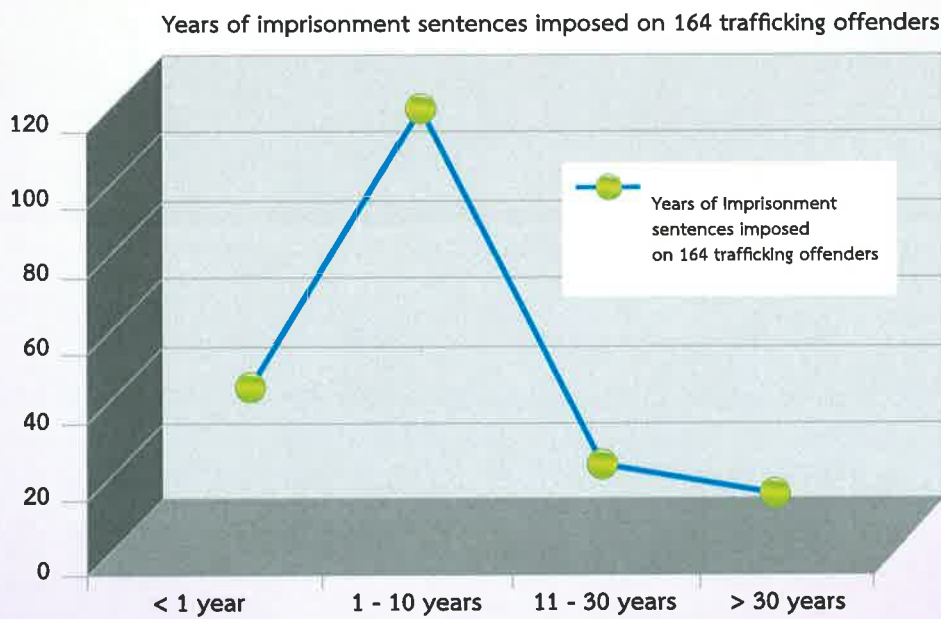
**Figure 3: Period of legal procedure over human trafficking offenders during 2008 - 2012**



Source: Royal Thai Police

In 2012, among 164 offenders convicted during 2008 – 2012, 4 of them were sentenced by civil courts to prison for more than 30 years, while 13 offenders 10 – 30 years. The majority of offenders, 112, were sentenced to prison ranging from one to 10 years, and 35 of them less than one year (Figure 4).

**Figure 4: Years of imprisonment sentences imposed on human trafficking offenders**



Source: Royal Thai Police

<sup>2</sup>Including cases prior to and received during 2012





## **Progress in 2012**

Thailand developed the “National Policy, Strategies and Measures to Prevent and Suppress Trafficking in Persons (2011-2016)” as a national framework for implementation of agencies responsible for prevention and suppression of human trafficking – using multidisciplinary approach and on the basis of the so-call “5Ps” namely prevention, prosecution, protection, policy and partnership. The National Policy provides a framework for government agencies, non-governmental organizations, and international organizations; the government develops the annual plan of action in order to establish a systematic operational workplan among concerned agencies.

In 2012, the government allocated budget of 102 million Thai Baht (102,274,280 Thai Baht or USD 3.4 million) to concerned governmental agencies working to address human trafficking according to the integrated annual plan of action. Besides, budgets of 314,698,100 Thai Baht (314 million Thai Baht or USD 10.5 million) was allocated to the Ministry of Social Development and Human Security to assist trafficked victims. This includes the provision of food, necessities, physical and psychosocial recovery, health services, recreation, and vocational training etc. Moreover, the Anti-Trafficking Fund has granted budget of 11 million Thai Baht (10,997,007 Thai Baht or USD 366,666) for supporting government agencies as well as non-governmental organizations registered as an organization working on prevention and suppression of human trafficking.

Progress of national implementation addressing human trafficking in Thailand can be cited in details as follow:

### **Prevention**

As Thailand is an origin, destination and transit country for human trafficking, progress in prevention work can be categorized into three areas; these include preventing migrant workers already residing in Thailand, the incoming migrant workers, and Thai nationals from becoming victims of trafficking.

#### **A. Prevent migrant workers already residing in Thailand from falling victims of human trafficking**

1. Ministry of Labour conducted the nationality verification process<sup>1</sup>. On 12 June 2012, the Thai Cabinet endorsed the recommendations of the Committee on Illegal Migrant Workers to extend the nationality verification procedure from 14 June to 14 December 2012. As of 14 December 2012, there are a total of 886,507 migrant workers who need verification; 619,830 migrant workers have been verified and 266,677 migrant workers are in the process. (Table 7)



The Process required approval by the government of the country of origin. The Ministry sought cooperation from neighboring countries to conduct this procedure:

Myanmar established eight nationality verification centers in Thailand and assigned its officials – equipped with database system and computers - to conduct the national verification process and issues passports for its nationals. The centers were located in Bangkok, Chiang Mai, Chiang Rai, Tak, Ranong , Samut Sakhon, Samut Prakan and Surat Thani.

Lao PDR issued a letter requesting for an extension of national verification process up to May 2013.

Cambodia assigned its officials to conduct the process namely in Bangkok, northern, southern, south-eastern, central and eastern Thailand to ensure that the process completed within the timeline.

**Table 7: Status of nationality verification by nationality of migrant workers**

Country of origin	Number of migrants who completed the nationality verification process	Number of migrants who are in the process of being verified	Total number of migrant workers in Thailand
Myanmar	537,584	27,474	565,058
Lao PDR	-	99,019	99,019
Cambodia	82,246	140,184	222,430
<b>Total</b>	<b>619,830</b>	<b>266,677</b>	<b>886,507</b>

Source: Department of Employment, Ministry of Labour, Thailand (as of 14 December 2012)

2. Hotline/Call Center - Ministry of Labour has set up a Hotline number 1546 in 6 provinces including Bangkok, Samut Sakhon, Ranong, Khon Kaen, Chiang Mai and Chonburi Province. Their task was to provide advice and counseling service on the protection of workers’ rights as stipulated in the Labour Protection Act B.E. 2541.

Moreover, the Ministry of Social Development and Human Security, with the support from the International Organization for Migration (IOM), hired Thai-Myanmar interpreters for the

<sup>3</sup>A procedure for formalizing irregular migration: Migrants who originally had “illegally” entered into Thailand but were registered and given the opportunity to receive regular status upon completion of the nationality verification process.







Ministry's Hotline 1300, to provide counseling service to and notification channels for Myanmar migrant workers in areas where they were highly concentrated, namely in Tak, Chiang Rai and Samut Sakhon provinces, in addition to Pang Nga and Ranong provinces.

3. Training sessions were conducted to increase capacity of labour inspectors on prevention and suppression of human trafficking as well as assistance provision for victims of human trafficking in the forms of labour exploitation. Labour inspection standards and procedure in workplaces and fishing boats was also improved with focus on shrimp and seafood processing industry. Labour inspection was conducted in 434 workplaces which cover 15,263 workers, and 46,965 small sized workplaces (with 1 - 49 workers) covering 599,958 workers. The inspection found that 1,359 workplaces have not met the standard according to the Labour Protection Act, B.E. 2541 but none human trafficking offence was found.

4. Inspection on safety in the workplace was conducted in food processing industry – with focus on 28 shrimp peeling sheds – in Samut Sakhon Province. This action reached out to 2,149 workers including 1,909 Myanmar migrant. It was found that peeling sheds had operations that could led to work-related accidents and illnesses. Employers were then instructed to improve the work condition.

5. The 'Samut Sakhon Model' was piloted – Samut Sakhon is a province with high concentration of migrant workers; therefore its population is vulnerable to human trafficking and exploitation of child labour. The Model aims to develop an integrated work plan and proactive measures which include labour inspection in at risk areas to prevent and address child labour and forced labour. Among other actions, there has been plan to conduct awareness raising campaigns for employers and workers on prevention and suppression of worst forms of child labour, and enrollment of children into education system.

6. Inspection of fishing boats in target provinces including Songkhla and Nakhon Si Thammarat. Inspection emphasized on qualifications of captain and fishing boat permission. Period of inspection was also increased from once a month to 2 times a month and each inspection should take 3 – 5 days. This effort was well cooperated by Royal Thai Navy which provided off-shore patrol vessels. In total 446 fishing boats were inspected and 560 were visited but human trafficking offence was not found

7. In cooperation of the International Labour Organisation (ILO) Triangle Project, an initiative was developed to protect the rights of workers especially on employment and work conditions of those working in the fishing industry and fishing boat in accordance with international labour standard. One of the outputs of this initiative is the development of guideline for labour inspection in fishing industry.



8. Improvement of labour inspection standards and procedures by using the inspection and reporting form which was jointly developed by Royal Thai Navy, Marine Police Division and Ministry of Labour.

**B. Prevent new-coming migrant workers from falling victims of human trafficking**

1. Prevention and suppression of illegal entry into Thailand according to the Immigration Act B.E. 2522 (1979). This would prevent migrant workers from being exploited by job brokers through broker fee and by employers seeking to employ illegal migrants. Moreover, the Thai Government has set up screening process in detention centers before deportation of illegal migrants to countries of origin to ensure that the victims of trafficking will be protected and provided assistance as appropriate. In total 397,167 illegal migrants were interviewed, 57 of them were identified as victims of trafficking, while the rest were found to infringe Thai laws including illegal entry to Thailand, overstay, and other charges under Immigration Act B.E. 2522 (1979), Working of Alien Act, B.E. 2551 (2008); and Narcotic Act, B.E. 2552 (1979) etc.

2. Capacity of 95 interpreters was enhanced in victim identification process through training on protection and classification of trafficking victims conducted by Department of Social Development and Welfare, Save the Children UK, IOM and Chalermprakiat Center of Translation and Interpretation of Chulalongkorn University.

**C. Prevent Thai nationals from falling victim of human trafficking**

1. The Thai government established a G to G cooperation in employment and recruitment of workers through establishing an MOU on formal recruitment of workers, for example with Israel. Through this agreement, 5,000 Thai workers were recruited for jobs in Israel by IOM on 27 June 2012. Under this process, each worker paid less than 70,000 Thai Baht (USD 2,333) instead of 300,000 Thai Baht (USD 10,000) that they would have to pay prior to this agreement.

2. Awareness campaign on anti-trafficking was conducted for workers seeking to work abroad, employers/entrepreneurs, and the general public including:

2.1 Ministry of Foreign Affairs – in cooperation of Mae Fah Luang University and Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD) in northern region, and Khon Kaen University in the Northeast – conduct training for Thai workers seeking work abroad. Information provided to participants during training sessions included facts on work culture and





lifestyle of destination countries. The Ministry also supported Thai embassies and consular offices located in popular destination countries to initiate a project on prevention and suppression of human trafficking, as well as provide assistance to Thai victims abroad. Thai embassies that took on this initiative during 2012 include those located in Brazil, Italy and Taiwan.

In addition, legal advisors and volunteers were sought to support the Thai Embassy in Bahrain to assist Thai victims of human trafficking. The Thai Consulate in Australia also initiated a project to prevent and address human trafficking. One of the activities is inviting multidisciplinary team members to provide knowledge on human trafficking to the Thai Association in Australia.

2.2 Ministry of Labour organized trainings for 18,651 youth countrywide to prepare them for entering the labour market and participate in labour network for labour rights protection.

2.3 Ministry of Labour organized trainings for 9,239 employers and workers on the Labour Protection Act, B.E. 2541 (1998) and the worst forms of child labour.

2.4 Training was conducted for 65 employers and workers on labour related laws.

2.5 Ministry of Labour in cooperation of Thai Frozen Food Association (TFFA) conducted a meeting among shrimp peeling shed operators in Samut Sakhon Province on measures to address the use of child labour, forced labour and human trafficking within the industry

2.6 Awareness raising campaigns was conducted on the worst forms of child labour through information materials and exhibitions which reached out 229,075 audiences.

2.7 Information materials on migrant labour rights were produced in the form of pamphlets, posters and exhibition sets in three languages (Myanmar, Lao, and Khmer).

2.8 Public awareness raising campaign on the Anti-Human Trafficking Day was conducted in cooperation of relevant stakeholders at national and provincial level.

2.9 Establish labour control checkpoints to inspect job seekers who illegally travel abroad without work permission. If such case was found, the person would be suspended from travelling, then referred to relevant agencies for counseling; they will be given further information to prevent themselves from being lured or deceived by brokers so that they don't find themselves entangled in the human trafficking cycle.

2.10 Thai embassies and consulates worldwide disseminated information on human trafficking network to raise awareness of Thai communities in supporting the government to surveillance and address the problem.





## Prosecution

### A. Investigation

1. Immigration Bureau increased effectiveness of victim identification prior to deportation. Once illegal migrants were arrested and sent to be detained at a police station and/or immigration offices in the province, they would go through the victim identification process to verify if they were considered victims of trafficking or not. The process opened for representative of multidisciplinary team, NGOs, UN agencies and other relevant agencies to observe. If a migrant was classified as victim, he or she would be referred to police for further investigation to bring the case to justice, and they were provided protection and assistance according to the law. If not, they would be deported back to their country of origin.

Moreover, identification of trafficked victims from the arrested illegal migrants was also conducted at local police stations, provincial immigration offices as well as border check points. These migrants were then deported to their country of origin through checkpoints in border areas of Ranong, Tak, Chiang Rai and Sra Kaew Province. Majority of deported illegal migrants were from Cambodia (49.54% of total workers), followed by Myanmar (36.65%), and Lao PDR (11.61%) respectively.

Day care centers were also established within detention centers to care for accompanying migrant children while waiting to be deported with their parents.

2. Trafficking methods were complex and often changing; therefore it is important to enhance capacity of investigators and multidisciplinary team members on victim identification methods. This was done especially in provinces at risk including Song Khla, Ranong, Tak, Nakhon Si Thammarat, Samut Sakhon, Nong Khai, Chonburi, Sra Kaew, and Bangkok. In addition, the Royal Thai Police issued a policy on sending an investigator with expertise to participate in all victim identification process, and

*I received a phone call from a police officer in Myanmar asking for support in looking for a Myanmar – whom his relative said had come to work as a construction worker near one of the intersections in a southern province. I then coordinate with police in the South and jointly searched for the person. We finally found him. After fact finding we found that he was not exploited as per his relatives' complaint but he was an illegal migrant and merely wanted to change his job or return home so he called his relatives. This was considered to be an illegal entry case. - An official in Chiang Rai Province*



that all police stations should assign well-trained investigators to be in charge of investigation of human trafficking cases.

3. The Royal Thai Police issued an order to chiefs of police stations and chief of all police units including border police and immigration officers who were trained on “roles of senior officials in accordance with the Anti-Trafficking in Persons Act” in 2011 that they shall disseminate the information to other officials by coaching and/or conducting training for police officers under their supervision. In total, 56,423 police officers were trained. Furthermore, Anti-Human Trafficking Division (AHTD) as specialized unit has also conducted a seminar for its officials in amount of 392.

4. A handbook for legal enforcement officials on prevention and suppression of human trafficking was developed. Contents include receiving cases, fact finding, preparing for operation, arrest and rescue of victims, classification of victims, arrest of offenders and record of arrest, investigation, court procedure and issues of concern as well as good practices.

5. Two special cases received cooperation from both police and local administration.

*The Anti-Trafficking Center of the Department of Special Investigation (DSI), in cooperation with the Army Special Force in Narathiwat Province and Department of Social Development and Welfare, rescued 20 women who were victims of human trafficking for prostitution in a karaoke bar in Su-ngai Kolok district. After investigation conducted with participation of prosecutor, found that some offenders committed crime outside of Thailand. Witness hearing was conducted prior to the court procedure. The prosecutor issued a prosecution order to bring 8 suspected offenders into the court. Five of them were apprehended while the rest are still on the run. Two of the offenders were sentenced to 50 years imprisonment while the other are awaiting verdict. (according to the red case no. 3671/2555).*



6. Police and multi-disciplinary team also provide assistance to trafficking victims with cooperation of the Border Cooperation on Anti-Trafficking in Persons (BCATIP).

7. If the case was classified as a human trafficking case, police would refer the victim agreed to cooperate with Thai officials in bringing the case to justice by acting as witness to one of the governmental protection centers and immediately entitled to human trafficking victims' protection scheme as stipulated in Anti Trafficking in Persons Act, B.E. 2551.

8. During the investigation process, police would report data on human trafficking case to the Anti-Money Laundering Office (AMLO) to process the case as stipulated in the Money Laundering Control Act, B.E. 2542. Among 25 human trafficking related cases received by the AMLO, 18 of them had their properties and business operation investigated according to the order of the AMLO general secretary. As a results offenders of two cases had their properties seized, which was worth in total 31,715,100 Thai Baht (USD 1.05 million)

9. Support and cooperation was sought from the government of United States in Thailand's anti-human trafficking actions which include:

9.1 Cooperation on enhancing capacity of law enforcement officials through training session on human trafficking and exploitation of children conducted for police from ASEAN countries

9.2 Budget was provided for a workshop to increase cooperation of Thai and Cambodian law enforcement officers and enhance capacity on investigation techniques and protection of trafficking victims and witnesses. The workshop was conducted by the UN Office on Drugs and Crime (UNODC), INTERPOL, immigration bureau and custom bureau.

*We were contacted by an anti-human trafficking unit at Tha Chi Lek of Myanmar – which is part of the Border Cooperation on Anti-Trafficking in Persons (BCATIP) mechanism. BCATIP was informed that a Myanmar worker was held captive in a bad working condition: being confined and forced to work without pay, he wished to return home. However, after an investigation and fact finding, it was found that the workers were not confined or forced to work, this case therefore was not considered as a human trafficking case but rather a case of infringement of the Labour Protection Act, B.E. 2541. Thai officials took an action in representing 16 migrant workers to claim for their outstanding wage, and put a lawsuit against the employer.*







### **B. Pre-trial procedure (Determination of prosecutors)-**

Prosecutors – upon receiving a case from police would 1) issue a prosecution order if evidences and witnesses were sufficient; 2) consider non-prosecution orders therefore not brought up to the court due to insufficient evidence and witness, or the case was not categorized as human trafficking related crime; or 3) order a suspense to the investigation process for no arrest and offender-at-large cases. Capacity of prosecutors was also enhanced through the following actions:

1. A handbook for prosecutor was produced with information on the United Nations Convention against Transnational Organized Crime, laws and offences related to human trafficking cases both in country and abroad, interrogation and consideration of cases, guideline for determination of cases and issuance of a prosecution order, writing and description of a prosecution order of human trafficking cases, trial and sentencing process, as well as witness hearing prior to court procedure and claiming for compensation for trafficking victims.

2. Training sessions/seminars were conducted for prosecutors countrywide. Human trafficking related laws were integrated into training session for assistant prosecutors, provincial prosecutors, and special prosecutors.

### **C. Trial & sentencing**

According to the Office of the Judiciary, offences related to the Anti-Trafficking in Person Act B.E. 2551 during January to December 2012, 53 cases were brought to trial under the civil court – which 10 of them were sentenced, 9 cases to the court of appeal, and 8 cases to the supreme court.

With regards to the legal procedure of trial in a civil court, Chief of Judge of the provincial courts had to send case reports to the Judge of Region quarterly to ensure that they are not delay in prosecution.

Each court has an appointment center under the supervision of chief judge. It searches for available dates of courts and make appointments for witness hearing for all courts. This one for all courts appointment center helps facilitate timely and efficiently witness hearing session.

In addition, the Office of the Judiciary – a support unit for trial process in court – attended a regional workshop conducted by UNODC on the promotion of effective law enforcement and cooperation of the courts of origin, transit and destination countries to address human trafficking in Central Asia during 20 - 21 November 2012 in Turkmenistan.



## Protection & Assistance

### A. Assistance & protection of Thai nationals in destination countries

Thai embassies and the Consulates in destination countries were responsible for assisting Thai nationals who are potential victims of trafficking to return to Thailand. The embassies/ Consulates would send details of returning persons to Department of Consular Affairs which would be transferred to Department of Social Development and Welfare (DSDW) and Anti Human Trafficking Division of Royal Thai Police (AHTD). The two agencies will cooperate with Immigration Bureau to meet with the returned potential trafficked victims to conduct additional fact finding process, as well as inform them the right to be protected by the Thai government.

In addition, IOM also provided assistance to Thai trafficked victims in some destination countries – whose information would be sent to the Department of Social Development and Welfare (Table 7).

**Table 8: Number of Thai trafficked victims rescued and returned in 2011 - 2012 by destination countries**

Destination country	Form of trafficking	2011		2012	
		Female	Male	Female	Male
1. Denmark	Prostitution	3	-	3	-
	Forced labour	-	-	3	-
2. Switzerland	Prostitution	8	-	-	-
	Forced labour	-	1	-	-
3. Japan	Prostitution	10	-	7	-
	Forced labour	-	1	-	-
4. Malaysia	Prostitution	2	-	9	-
	Forced labour	-	9	-	-
5. South Africa	Prostitution	1	-	-	-
	Forced labour	-	-	-	-
6. Indonesia	Prostitution	-	-	7	-
	Forced labour	-	6	-	-
7. Macao	Prostitution	2	-	-	-
	Forced labour	-	-	-	-
8. Brunei	Prostitution	-	-	6	-
	Forced labour	3	-	-	-
9. Bahrain	Prostitution	-	-	14	-
	Forced labour	-	-	-	-





Destination country	Form of trafficking	2011		2012	
		Female	Male	Female	Male
10. Oman	Prostitution	-	-	1	-
	Forced labour	-	-	-	-
11. USA	Prostitution	-	-	1	-
	Forced labour	-	-	-	-
12. Israel	Prostitution	-	-	-	-
	Forced labour	-	-	-	1
13. India	Prostitution	-	-	-	-
	Forced labour	-	-	-	1
14. Finland	Prostitution	-	-	-	-
	Forced labour	-	-	-	2
15. Saudi Arabia	Prostitution	-	-	2	-
	Forced labour	-	-	-	-
16. China	Prostitution	-	-	-	-
	Forced labour	-	-	-	1
17. Vietnam	Prostitution	-	-	-	1
	Forced labour	-	-	-	-
	Sub-total	29	17	53	6
	<b>Total</b>	<b>46</b>		<b>59</b>	

Source: Department of Social Development and Welfare, Ministry of Social Development and Human Security

The majority of these victims were unwilling to take their case to court despite encouragement of officials, for example, by describing their rights and benefits to be gained during prosecution of trafficking offenders. Eventually, the Department of Social Development and Welfare usually refer them to Homes for children and family and the Provincial of social development and welfare office of their origin for social service provision. However, most of them did not return home but instead continue their journey to seek for work.

Among others, one of the challenges occurred when officials tried to rescue Thai victims of trafficking abroad was that informants – usually their relatives in Thailand – failed to give information such as addresses or phone numbers of victims. It then took time and resources in searching for their locations – usually through Thai communities in destination countries. In addition, those becoming victims of trafficking were unaware of the threats relating to human trafficking, and were motivated by high figure of earnings they could earn as told by job brokers.





## B. Assistance & protection of Thai nationals in Thailand

1. Potential victims/those who were rescued would go through victim identification and fact finding process conducted by multidisciplinary team. Once police determines that the persons were victims of trafficking, they would be referred to one of the nine Protection and Occupational Development Centers for social services that provide services such as health care, physical and psychosocial recovery, vocational training, legal aid, safe return to their country of origin as well as reintegration into society.

2. Ministry of Interior issued, on 28 February 2011, a Ministerial Regulation under the Immigration Act, B.E. 2522 on permission for victims of trafficking in persons to stay in the country. Under this regulation they could be granted a renewable permission for temporary stay and work in Thailand. Those who reside in one of the governmental protection center would also be granted an ID by being registered for temporary stay (Tor Ror 38/1) under the household registration of the shelter they were residing as well as provided with a work permit from Ministry of Labour (Table 9).

*"I had to coordinate with employers or entrepreneurs within the proximity of the shelter so that it would not be difficult to sending and picking up the victims to and from work. We provided them with jobs available and they could choose the one they preferred. The victims would earn at least at the minimum wage rate. We also help them in applying for a work permit. At the same time, in some cases, the officials faced the situation that traffickers/brokers visited the shelter to threaten shelter staff and tried to take the victims out of the shelter." – DSDW official*

**Table 9: Number of trafficked victims permitted temporary stay in Thailand during 2011 – 2012 by nationalities**

Year	Nationality				Total
	Myanmar	Cambodian	Lao	Chinese	
2011	7	-	-	1	8
2012	64	2	41	-	107

Source: Office of the Permanent Secretary, Ministry of Interior





3. Legal aid is also provided to victims of trafficking including claiming for compensations and indemnity; and seeking jobs for trafficked persons to work outside of the shelter. As an example, Chonburi Provincial Office of Social Development and Human Security, the Provincial Office of Labour Protection, together with the Protection and Occupational Development Center assisted 14 workers in claiming compensation of their wage at the minimum wage rate; the total amount was 89,229 Thai Baht (USD 2,976).

4. Assist in legal procedure to claim compensations for 16 victims of trafficking in fishing industry (Chonburi Province) and agriculture.

5. With regards to return and reintegration, case management meetings were conducted with officials of countries of origin to monitor progress in victims' protection, nationality verification and/or family tracing.

**Table 10: Number of trafficked victims residing in governmental protection centers in 2012 by type of services and nationality**

Nationality	Types of services provided				Await for repatriation	
	Repatriation	Referred to other agencies	Left the centers	Death	Await for trial	Await for response from country of origin
Thai	88	13	6	-	21	-
Cambodian	6	9	3	-	14	11
Lao	65	13	12	-	10	5
Myanmar	101	6	39	-	14	-
Stateless	-	-	-	-	1	-
Others	11	-	-	-	-	-
<b>Total</b>	<b>271</b>	<b>41</b>	<b>60</b>	<b>-</b>	<b>60</b>	<b>16</b>

Source: Department of Social Development and Welfare, Ministry of Social Development and Human Security (MSDHS)

### **Development of Policy Mechanism and Propulsion**

1. The Cabinet passed a resolution on 9 October 2012, approving recommendations, approaches, and measures on the prevention and suppression of human trafficking in the form of labour exploitation on fishing boats. This document recommends revision of laws, rules and regulations related to vessels and persons on the vessels, which includes: amendment of the



Ministerial Regulation No. 10 (B.E. 2541) issued under the Labour Protection and Welfare Act B.E. 2541. Article 2 of this Ministerial Regulation was amended to apply to fishing boats that employ less than 20 employees and that perform work outside of Thai territory; and Article 4 Employers are not permitted to employ employees aged less than 16 years should be amended to 18 years. In addition, the Cabinet Resolution also agreed on the establishment of seven coordination centers for workers on fishing boats in pilot provinces, namely, Samut Sakhon, Rayong, Trat, Chumphon, Songkhla, Ranong, and Satun. The Coordination Center, with cooperation of the Ministry of Labour, the National Fisheries Association of Thailand, and other concerned agencies, will establish a system that controls inspects and protects the rights of workers; disseminates information on labour rights to both employers and workers; as well as develops a standardised work contract etc.

2. The Cabinet of Ministers resolved on 15 October 2012 in approval of the draft Anti-Transnational Organized Crime Act, B.E. .... This bill was under the consideration of the Parliament. When passed, the Ministry of Foreign Affairs would be enabled to ratify the UN Conventions.

3. The Anti-Trafficking in Persons Committee and the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee have had regular meetings to follow up the implementation of relevant agencies on prevention and suppression of human trafficking.

4. Ministry of Interior issued, in February 2011, a Ministerial Regulation under the Immigration Act, B.E. 2522 on permission for victims of trafficking in persons to temporary stay and work in Thailand while waiting for legal procedure of trafficking court case according to article 37 of the Anti-Trafficking in Persons Act, B.E. 2551.

5. Ministerial Regulation No 14, B.E. 2555 (2012) on Domestic Service was improved to prohibit children under the age of 15 years from working as domestic workers, and provide details on suitable working conditions, wages and leave entitlements such as weekly days off, public holiday, sick leave with pay, as well as protection from discrimination and sexual harassment.

6. Prioritizing prevention of hazardous work of children which is a form of worst forms of child labour according to the ILO Convention No. 182

7. Develop bilateral cooperation with neighbouring countries including Thailand - Lao PDR, Thailand – Myanmar, Thailand – Cambodia, and Thailand – Veitnam to jointly implement plans of action according to the Memorandum of Understanding (MoU) as agreed, jointly develop human trafficking reports and standards of procedure.

8. At ASEAN Senior Officials Meeting on Transnational Crime, conducted in September 2012 hosted by Thailand, ASEAN countries' representatives agreed to develop Regional







Plan of Action to Combat Trafficking in Persons as proposed by Thailand and Singapore. This initiative would be in line with the ASEAN Convention to Combat Trafficking in Persons and would support the implementation of UN Global Plan of Action to Combat Trafficking in Persons.

9. The Government continued to increase the effectiveness of local actions to protect and provide assistance to trafficked victims through provincial mechanisms i.e. the Provincial Operational Center, with cooperation from Provincial Home for Children and Family and the multidisciplinary team.

### ***Development and administration of information***

Ministry of Social Development and Human Security conducted research study on database system for the prevention and suppression of human trafficking in Thailand. Objectives of the study are threefold: 1) Study and analyse the existing data and information on prevention and suppression of human trafficking of the governmental and non-governmental agencies; 2) Identify the content of information needed to be collected and used to fulfill various organizations' needs; 3) Recommend system for data collection and database linkages of various agencies to increase the efficiency and effectiveness of data processing of the country. Database systems to be studied include 1) laws related to legal procedures 2) social protection and assistance provided to trafficked persons, and 3) other relevant data.

Methodologies of this study are victim centered, participatory, and human right based approach which includes desk review on methods of data collection and the use of data collected; in-depth interview of senior and operational officers; analyzing database system operating at local and national levels. In the area of prosecution and law enforcement, interviews were conducted with Royal Thai Police including data entry officer, investigators, interrogators and commanders. For public prosecutors' database, studies were conducted at provincial offices of prosecutors, regional office of prosecutors, and the Center against International Human Trafficking under the International Affairs Department of the Office of Attorney General. For court's database system, study was conducted at provincial and national court of justice. On social protection and assistance, study was conducted at Provincial Homes for Children and Family, nine Protection Centers and Bureau for Anti Trafficking in Women and Children of the Department of Social Development and Welfare.

The research also interviewed and studied database system of different agencies and NGOs at local and central level. Thematic forums were also conducted to consult on database need, cross-check information, and recommend effective database system ready to be





implemented including those of Royal Thai Police, Office of the Attorney General, Department of Social Development and Welfare, and NGOs.

Periodically consultations with relevant stakeholders working in the area of human trafficking were conducted to seek cooperation on designing the database to ensure the effectiveness and accuracy of the database system. Things considered while collecting data include reliability and validity of measuring instruments or the appropriateness of the subjects measured.

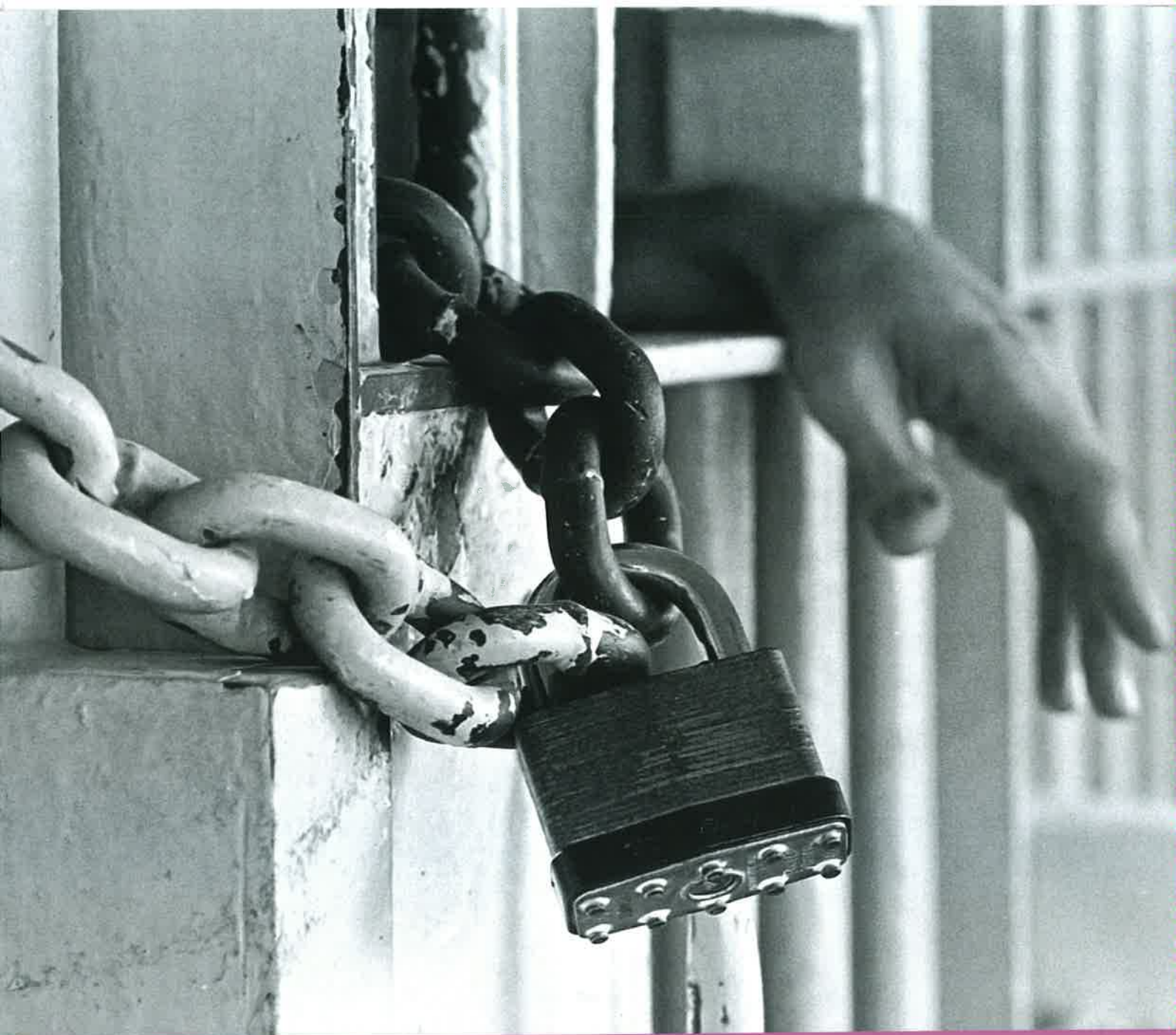
Outcome of the study is expected in March 2013 with recommendations on how the database system shall be organized i.e. which agency should be a focal point, method for data coordination, and system of the database. A manual for practitioners on how to record the database as well as curriculum and trainings of data collectors and recorders would also be produced.

### **Next step**

The Government of Thailand has put efforts in increasing its capacity in suppression of human trafficking and protection of the victims. It therefore

1. Take the suppression of human trafficking in the form of working in fishing boats as high priority
2. Increase capacity of legal enforcement and enhance expertise on legal procedure of law enforcement officials
3. Increase effectiveness of investigation and arrest of human trafficking offenders
4. Increase effectiveness of social services including further development off repatriation and reintegration of trafficking victims
5. Promote development of anti-trafficking network of civil society at all levels
6. Initiate research and development to help design mechanism and approach in addressing rapidly changed situation of human trafficking
7. Develop an effective and up-to-date information and database system on prevention and suppression of human trafficking





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