



Thailand's Country Report on Anti-Human Trafficking Response

(1 January – 31 December 2016)

Executive Summary

In 2016, the Royal Thai Government continues to pursue its strenuous drive to eliminate trafficking in persons in Thailand. This has been a top national agenda and priority since the **“zero tolerance for human trafficking”** policy was adopted by the Government in 2014 as a linchpin in the Government’s efforts to totally eliminate all forms of human trafficking, which is contrary to the universal value of human dignity and human rights that Thailand and the international community hold dear.

The preservation of human dignity from exploitation, as exemplified by human trafficking, is an underlying and ongoing priority of the Government. From 2014 to 2016, the Government sought to combat human trafficking by involving all stakeholders in a result-oriented approach that translated policy into action and yielded tangible results.

POLICY

1) CONTINUING COMMITMENT AND DEDICATION TO ELIMINATING TRAFFICKING IN PERSONS. A “ZERO TOLERANCE” POLICY

Throughout the year 2016, the Government’s anti-human trafficking measures focused on several key policy directions and implementations. **The Government substantially increased the overall anti-human trafficking budget to support actions in all key areas.** In implementing and coordinating efforts, the Government set out a **24-point Action Plan** with measures covering all aspects of the anti-human trafficking process. The Government also intensified legal reforms, improving existing legislations and drafting new ones. To enhance effectiveness in prosecution, one additional approach is to **change the human trafficking trade** from a low risk – high return attraction into a high risk – no return proposition with a high cost of punishment. The integrated database on human trafficking cases is now fully operational. The Government also emphasized a **victim-centered approach**, with particular focus on **victim rehabilitation and witness protection**, along with greater incentives to encourage informant and witnesses to come forward on human trafficking cases. Concurrently, the Government also worked to provide **better protection and prevention** measures to lessen the chance of trafficking in vulnerable groups. This included undertaking several reforms to conform with international standards such as the relevant International Labour Organization (ILO) Conventions. The glue binding these varied efforts together was the adoption of a **holistic approach** that streamlined the anti-human trafficking process and stimulated more effective coordination and cooperation between the various law enforcement agencies to target offenders and beneficiaries while also speeding up the prosecution and conviction process. This was done in conjunction with **close cooperation with partners**, namely, foreign governments, the private sector, international organizations and civil society organizations both in and outside Thailand.

2) CONSIDERABLE INCREASE IN RESOURCES AND BUDGET, WITH LARGEST SHARE OF BUDGET SPENT ON PROSECUTION, PROTECTION & VICTIM-CENTERED APPROACH AND PREVENTION

In FY 2016 (1 October 2015 – 30 September 2016), the Government continued to **support its anti-human trafficking priorities by allocating the total budget of 2,590.28 million THB (74 million USD) for human trafficking and migrant labor issues, which then rose for FY 2017 to 3,208.91 million THB (91.68 million USD), an increase of 23.88 percent from 2016. Of this, 625.75 million THB (17.88 million USD), or 19.51 percent of the total budget, was allocated to the Command Center for Combating Illegal Fishing (CCCIF) for Illegal, Unreported and Unregulated (IUU) fishing and human trafficking in the fishing industry.** The budget increase and distribution exemplifies the translation of policy into action and the distribution of greater resources to the appropriate sectors.

The Government allocated 62.33 million THB (1.78 million USD) in FY 2016 to agencies working on **Prosecution** of trafficking in persons (TIP) cases. This rose to 253.90 million THB (7.25 million USD) in FY 2017, an increase of 307.35 percent. The prosecution budget in 2017 gave priority to the operation budget for the Royal Thai Police (RTP) Anti-Trafficking Center, the Thailand Internet Crimes Against Children (TICAC) task force, and the Anti-Trafficking in Persons Division (ATPD), including expenditures for six surveillance teams, investigation units in 22 coastal provinces and the Marine Police unit to investigate trafficking in the fishery sector and IUU fishing related tasks.

For **Protection**, the budget allocated rose from 115.81 million THB (3.3 million USD) in FY 2016 to 130.78 million THB (3.7 million USD) in FY 2017, an increase of 12.92 percent. Key protection initiatives done in 2016 include the provision of more employment opportunities for victims inside and outside the shelters, permitting migrant trafficking victims and witnesses to stay in Thailand for up to 2 years, drafting the Guideline to Enhance Efficiency of Human Trafficking Victim Identification, setting up an additional Children's Advocacy Center Thailand (ACT) in Pattaya, and improving capacity of all officials – law enforcement and administrative – operating in human trafficking cases, including interpreters.

In **Prevention**, the budget allocated rose from 515.36 million THB (14.7 million USD) in FY 2016 to 584.41 million THB (16.7 million USD) in FY 2017, an increase of 12.96 percent. This reflects the ongoing commitment to enhance prevention programs, which in 2016 saw the strengthening of the labor management system via, among others, the Master Plan for Labour Management for 2017 – 2020 and the National Strategy for Migrant Worker Management for 2017 – 2021, along with legal reforms and programs to reduce vulnerabilities for migrant workers, women and children, and regularize the movement of migrant workers to come and work legally in Thailand in order to prevent exploitation by recruitment agencies or brokers.

3) STEADILY REFORMING LEGISLATIONS TO BETTER FACILITATE LAW ENFORCEMENT AND THE VICTIM-CENTERED APPROACH

Throughout 2016, the Government continued to **reform existing legislations** to improve the law enforcement process and better **facilitate the victim centered approach** for victims of trafficking and migrant workers. **Seven important legal reforms** were accomplished in 2016. Five were new or revised laws, namely:

(1) **Amendment to the Prevention and Suppression of Human Trafficking Act B.E. 2551 (3rd Version)**, which entered into force as the Prevention and Suppression of Human Trafficking Act B.E. 2560 (3rd Version) on 28 January 2017. The new revision increased the Act's clarity and operational efficiency;

(2) The **Royal Ordinance Concerning Rules on Bringing Migrant Workers to Work with the Employers in the Kingdom B.E. 2559 (2016)**, which entered into force on 16 August 2016 and is to help improve Thailand's management of recruitment agencies and prevent migrant workers from being exploited and becoming victims of forced labor or debt bondage;

(3) The **Human Trafficking Criminal Procedure Act, B.E. 2559 (2016)**, which came into effect on 25 May 2016 and aims to enhance the efficiency and effectiveness of the judicial process to cope with the complex nature of human trafficking;

(4) The **Amendment to the Labour Protection Act, B.E. 2541 (1998)** [in relation to child protection], to keep Thailand in line with international obligations such as ILO Convention No. 138 (Minimum Age Convention, 1973). It was passed by the National Legislative Assembly on 17 November 2016 and is awaiting publication in the Royal Thai Government Gazette to enter into force;

(5) The **Beggar Control Act B.E. 2559 (2016)**, which came into effect on 28 July 2016, to regulate the protection and quality of life development of beggars.

The sixth reform was **ratifications of two important ILO Conventions**, namely the ILO's Occupational Safety and Health Convention No.187 on 23 March 2016, and the ILO's Maritime Labor Convention (MLC) 2006 on 7 June 2016. Finally, on 24 July 2016, Thailand deposited the Instrument of Ratification of the **ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP)**, the third ASEAN member country to do so.

4) HOLISTIC APPROACH AGAINST SEXUAL EXPLOITATION, FORCED LABOR, CHILD LABOR, BEGGARS AND CHILD PORNOGRAPHY HAVE ALLEVIATED PROBLEMS SIGNIFICANTLY

Of the 333 trafficking cases investigated in 2016, 244 were related to sexual exploitation, and of the 75 cases in labor exploitation, 43 involved with workers in fishing sector. Therefore, it would be fair to say that, in terms of the different types of trafficking, sexual exploitation and labor exploitation were the most prominent in Thailand.

There were positive developments in terms of the much-reduced number of beggars, child labor and the use of children in pornography production. In 2016, only 8 cases were related to forced begging, and 3 were related to the use of children in pornography production

Thailand continues to work towards the goal of **eliminating the worst forms of child labor by 2020**, as exemplified by Thailand's 2nd National Policy and Plan to Eliminate the Worst Forms of Child Labor for 2015-2020. The Ministry of Labour (MOL) has begun its collaboration with the ILO and Thailand's National Statistical Office (NSO) on a 21-month project to conduct Thailand's National Working Children Survey for 2017.

The Government set up the **TICAC** in 2015. Based on a U.S. model, the TICAC, currently an ad hoc body, comprises 5 full-time police officers and 43 operational police officers assigned to the task force to conduct both field investigations and perform digital forensic investigations. It has been working directly with Homeland Security Investigations (HSI) and the Federal Bureau of Investigation (FBI) of the U.S., who help provide access to the National Center for Mission and Exploited Children (NCMEC) database, to collaborate and share real-time information on reported cases of sexual exploitation online involving Thai and foreign nationals, which would then lead to further human trafficking investigations. In 2016, 64 alleged incidents of child exploitation were reported, from which the police found a total of 25 criminal offences, out of which 18 cases are for the use of children in pornography production, 4 cases are for child sexual abuse and 3 cases are for human trafficking. A total of 24 alleged offenders were charged.

PROSECUTION

5) NUMBER OF CONVICTIONS INCREASED, WITH MORE SEVERE SENTENCES, WHILE TIME SPENT ON PROSECUTING TRAFFICKING IN PERSONS CASES REDUCED SIGNIFICANTLY

In 2015, Thailand achieved an important milestone by having specialist trafficking agencies in *every* step of the criminal justice process and reducing significantly, for the first time in Thailand's history, the period of time spent on prosecuting human trafficking cases. This, coupled with the completion of the integrated database on human trafficking cases, the creation of a new interagency sub-committee to specifically tackle problems in prosecuting trafficking cases and greater efforts in working with various law enforcement agencies, including administrative agencies like the Ministry of Interior (MOI) and the Anti-Money Laundering Organization (AMLO), along with partners in the private sector and civil society, Non-Governmental Organizations (NGOs) included, to acquire intelligence necessary for effective prosecution and systematically target trafficking syndicates throughout the year 2016, has resulted in **significant improvements** in uncovering cases, indictments, conviction rate and more severe sentences.

In 2016, the RTP uncovered and investigated a total of 333 human trafficking cases, up by 5 percent from 317 in 2015, which, in turn, increased by 13.2 percent from 280 in 2014. **The number of offenders arrested and charged in 2016 was 600**, compared to 690 in 2015 and 442 in 2014. **Out of the 600 in 2016, 265 were male while 335 were female; 462 were Thais**, 35 Myanmar nationals, 26 Cambodians, and 41 Laotians. The rest (i.e. 36) were other nationalities.¹ Looking at the overall trend, one can see that the number of cases against offenders have been

¹These are 27 Vietnamese, 1 Filipinos, 2 Malaysians, 2 Uzbekistanis, 1 Swiss, 1 British, and 2 Sri Lankans

increasing since 2014, which reflects that the law enforcement officers have remained vigilant in their efforts to capture and prosecute those offenders. It should be noted, however, that the reason the number of offenders arrested in 2015 was exceptionally high, was due to one major case, the Rohingya case, which involved as many as 296 offenders.

The number of cases indicted by the public prosecutor increased every year. In 2016, there were 301 indictments compared to 251 cases in 2015, an increase of 19.92 percent, which was, in turn, also an increase of 8.7 percent in the year 2015, compared to the 231 cases in 2014. **The number of cases that were not indicted went down from 12 cases in 2015 to only 1 case in 2016** with 9 cases still under consideration.

The rate of human trafficking convictions with the courts of first instance also shows a steadily increasing trend that reflects the expediting of court proceedings. **The number of cases convicted within three months increased from about 14 percent (30 out of 206) in 2014, to 21 percent (36 out of 169) in 2015 and to 21 percent (69 out of 330) in 2016.** **The number of cases convicted within six months increased from about 39 percent (80 out of 206) in 2014, to 43 percent (73 out of 169) in 2015 and to 49 percent (163 out of 330) in 2016.** **The number of cases convicted within a year was nearly 90 percent (295 out of 330) in 2016,** as compared to 67 percent (113 out of 169) in 2015 and to 70 percent (145 out of 206) in 2014, respectively. **In contrast, the number of cases that took longer than a year for conviction dropped significantly from about 30 percent (61 out of 206 in 2014 and 56 out of 169 in 2015) to only about 10 percent (35 out of 330) in 2016.**

6) TANGIBLE SUCCESS IN SEVERING THE MONEY SUPPLIES AS PART OF THE OVERALL EFFORTS IN CHANGING HUMAN TRAFFICKING TRADE TO A HIGH-RISK, NO RETURN PROPOSITION

Throughout the year 2016, the Government's anti-human trafficking measures focused on changing the human trafficking trade from a low-risk, high return attraction into a high-risk, no return proposition with a high cost of punishment. In particular, the **AMLO**, with the recent amendments of the Anti-Money Laundering Act 2015, is now better able to actively target and seize the assets of numerous human trafficking offenders, including some government officials. The new laws now provide for hefty fine and penalties for owners and operators; i.e. the beneficiaries from human trafficking. **In the year 2016 alone, AMLO investigated and confiscated the assets of 9 TIP cases. The agency seized over 784 million THB (22.4 million USD) in assets derived from illicit activities related to human trafficking. This represents an increase of 414 percent from 2015 (195 million THB or 5.4 million USD).**

7) ADDRESSING GOVERNMENT OFFICIAL COMPLICITY

The Administrative Measures to Prevent Public Official's Involvement in Human Trafficking, which came into effect since 2015, set out a clear code of conduct for public officials as well as disciplinary and legal punishments for wrongdoers. The total number of government

officials now being charged for involvement in trafficking in persons from 2013 – 2016 is 45, with the following breakdown: 1 in 2013, 7 in 2014, 27 in 2015² and 10 in 2016. Details are as follows:

- In 2013, one official was subjected to criminal charges and sentenced to 4 months in prison and fined 4,000 THB (114 USD).
- In 2014, 7 officials were subjected to criminal charges. 4 convicted officials were sentenced as follow: (1) 36-year imprisonment (2) 22-year and 6 months imprisonment and fined 126,900 THB (3,625 USD) (3) 16-year imprisonment and fined 360,000 THB (10,285 USD) and (4) the court dismissed the case. The 3 others are still being investigated.
- In 2015, 27 were subjected to criminal charge. One official was sentenced to 2-year and 6 months imprisonment and fined 75,000 THB (2,142 USD). Cases for 4 officials are still under consideration by the public prosecutor while 22 others are still being on trial.
- In 2016, 10 police officers were investigated from two cases, namely the Natari entertainment and massage center case (4 officers) and the Jojo-san Karaoke case (6 officers). The cases for all 10 police officers are currently under investigation by the Public Sector Anti-Corruption Commission (PACC).

In addition, the **AMLO** investigated the properties of 22 out of 45 officials involving in trafficking in persons. In 2016, the Civil Court ordered the seizure of assets from 2 officials (1 military and 1 local politician) worth a combined 11.1 million THB (0.31 million USD). Cases involving 3 officials (1 police and 2 local politicians) worth a combined 33.9 million THB (0.97 million USD) are still pending in Civil Court.

8) SOME PROMINENT CASES AND PROGRESS IN SOME IMPORTANT CASES

The Report provided the snapshot of six prominent cases as examples of the effective law enforcement. The three cases, Natari, The Big Boss Ring case and the Ton Nam Karaoke case demonstrate the success of proactive intelligence-led measures to crackdown on child sex-trafficking, which rely mainly on information gathering by locally operating NGOs. They are the joint operation between the RTP and Ministry of Interior. AMLO is also involved in the investigation which led to the temporary seizure of the suspect's assets.

The Phuket operation and the Pattani cases demonstrate effective law enforcement to combat trafficking in fishery sector. While the Fang operation case demonstrate the effective operation by TICAC task force to tackle child pornography cases.

Moreover, in 2016 law enforcement agencies effectively followed through in prosecuting six ongoing cases, namely the pigsty case, the Silver Sea case, the case of Pol.Col. Supat Laohawatana, the “Gig” peeling shed in Samut Sakhon case, the Rohingya cases, and the case concerning human trafficking in the Indonesian Islands. The Government has devoted attention and efforts to bring the offenders to justice and impose severe sentences. The tangible progress reflect the seriousness and greater effectiveness of the investigation, indictment and conviction of human trafficking offenders.

² One major case in 2015, the Rohingya case, involved as many as 296 offenders. Its breadth and complexity contributes to the time needed to process the charges against the various defendants.

9) KEY FACTORS IN PROSECUTION IMPROVEMENTS

The greater effectiveness in human trafficking law enforcement is due to several key factors, namely: (1) clear instruction and positive encouragement from the highest policy level; (2) the necessary financial support for operating all special units on Anti-Human Trafficking in the RTP, the Office of Attorney General and the courts; (3) the Attorney-General issued two new directives to specifically expedite the human trafficking cases; (4) quicker processing of cases by the Courts; (5) completion of the Interagency Database System; (6) additional focus on attacking the economic incentives for human trafficking to make it a high-risk and no return proposition; (7) the systematic targeting of major syndicates and “big fish” for inspection, arrest and prosecution; (8) setting up an Ad Hoc Sub-Committee on Increasing Effectiveness of Human Trafficking Prosecution, chaired by a senior public prosecutor and comprising of an Advisor to the Prime Minister and 9 senior representatives from all relevant government agencies; and (9) the work of the TICAC concerning reported cases of sexual exploitation online involving Thai and foreign nationals.

PROTECTION

10) BETTER COORDINATION AND NEWLY IMPROVED STANDARD OPERATING PROCEDURES AMONG KEY AGENCIES & NGOS TO ENSURE BETTER PROTECTION, VICTIM-CENTERED ASSISTANCE AND VICTIM IDENTIFICATION PROCESS

Today, Thailand continues to implement a human rights-based approach which focuses on non-discrimination, confidentiality, best interest of the child, gender sensitivity and being victim-centered. The key protection initiatives in 2016 included the adoption of the Cabinet Resolution on 13 December 2016 to **permit migrant trafficking victims and witnesses to stay and work in Thailand for up to 2 years once their cases have reached the verdicts**; implementing across the country and across relevant agencies a new universal set of **Guideline to Enhance Efficiency of Human Trafficking Victim Identification** (which includes the removal of the 24-hour deadline that previously existed and resulted in officials having to make a quick decision on whether or not someone is a victim of trafficking, and making it compulsory for the police’s case agents to work with other relevant agencies, including qualified NGOs, in promptly finding temporary shelters for victims); providing protection to all groups of vulnerable people who are at risk of becoming victims of trafficking, including irregular migrants such as Rohingyas, and establishment of additional ACT center in Chonburi Province (Pattaya). In addition, Civil Society Organizations (CSOs) and NGOs have taken part in the victim identification process and providing services and care to victims in Ministry of Social Development and Human Security (MSDHS)’ shelters and in other aspects of protecting victims.

One more key protection initiative in the year 2016 included **providing more employment opportunities for victims** inside and outside the shelters. In 2016, 561 victims were under the care of the Ministry of Social Development and Human Security (MSDHS). Of out these 561 victims, MSDHS worked closely with the Ministry of Labour (MOL) and were able to **provide employment opportunities for 196 victims in 2016, an increase of 350.1 percent from 2015** when only 47 out of 471 victims were given employment opportunities.

In addition, **reintegration assistance** from being re-trafficked is provided by the Government to both Thai and foreign victims. All 72 provincial Ministry of Social Development and Human Security (MSDHS) offices have the responsibility to take periodical assessments of the reintegration process of all Thai victims. For victims returning to their home countries, Thailand follows up on their reintegration process through the Case Management Meeting (CMM) and providing capacity-building support to these countries.

Several government agencies also intensified their efforts in partnering with more NGOs in providing different forms of victim-centered assistance, such as providing independent interpreters, when needed, during each victim identification process (e.g. A21, FACE), and offering legal assistance to victims (e.g. SR Law, Labor Rights Promotion Network (LPN) Foundation). Noteworthy was the establishment of one more **ACT Center** in Chonburi Province (Pattaya) – based on the successful model in Chiang Mai - which was the first of its kind in Southeast Asia and established in early 2016 as a center providing shelter and resources for victims of child sexual exploitation and abuse, while offering comprehensive care for victims. Each ACT Center is a joint effort among law enforcement authorities from various countries and relevant NGOs. ACT Pattaya began its operations in late 2016. In 2017, three more ACT Centers will be opened in three provinces, i.e. Phuket, Kanchanaburi and Chiang Rai.

Protection is provided to all witnesses involved in human trafficking cases. The MSDHS provides protection to witnesses who are victims of trafficking while the Rights and Liberties Protection Department (Ministry of Justice - MOJ) provides protection to witnesses who are not victims of trafficking, including informants. In 2016, there were 245 witnesses who are not victims of trafficking, including informants, are under the protection of the Rights and Liberties Protection Department.

11) COMPENSATING VICTIMS OF HUMAN TRAFFICKING

In 2016, a total of 23 trafficking victims were compensated by the Compensation of Injured Person of the Rights and Liberties Protection Department (MOJ), amounting to 455,000 THB (13,000 USD). In comparison to 2015, only 6 trafficking victims were compensated amounting to 180,000 THB (5,142 USD) **representing a 152 percent increase**. The Anti-Human Trafficking Fund of the Ministry of Social Development and Human Security (MSDHS) compensated 648 victims in the same period amounting to 5,308,792.90 THB (151,679 USD).

As for trafficking victims in the labor sector, 58 persons were assisted and unpaid wages and overtime claimed to the amount of 3,838,304 THB (109,655 USD) in comparison to 2015, when only 3,348,736 THB (95,678 USD) was allocated to 77 persons. This was **an increase of 14.62 percent**. Furthermore, under the compensation in accordance with Section 35 of the Anti-Human Trafficking Act (B.E. 2551), 61 victims have filed claims for compensation totaling 13,486,671 THB (385,333 USD). Following a trial verdict of seven cases, the court found 15 victims eligible for compensation, for which they have been compensated 1,656,100 THB (47,317 USD). The remaining victims are still awaiting the pending court decision.

PREVENTION

12) TANGIBLE PROGRESS IN THE REFORMS ON MIGRANT LABOR MANAGEMENT

In 2016, the Government undertook a comprehensive approach to preventing trafficking in persons within and beyond our borders and identified **6 key objectives** in preventing human trafficking: 1) To ensure that all migrant workers in Thailand have legal status and better protection by laws, as well as being entitled to employment rights and assistance; 2) To enhance the effectiveness of the labor inspection system; 3) To eliminate any legal loopholes and to meet international standards in taking care of all workers; 4) To put in place a better mechanism to protect the vulnerable groups; 5) To raise awareness among workers, through more creative means, regarding their rights; 6) To strengthen partnership and supporting networks, both within and outside of Thailand.

The Government has taken many measures to prevent trafficking in persons by strengthening the labor management system. This include the **Master Plan for Labour Management for 2017-2020** to set the policy direction for the development of human resources which focuses on capacity building for both the worker and employer and ensure fair labor standards for all workers, **reforming laws and regulations** such as the Ministerial Regulations that Prohibit Employing Workers under 18 Years Old and amending the Labour Protection Act B.E. 2541 (1998) to make it more current and up to date, including increase punishments for child labor violations, and proceeding with an Urgent Reform Action Plan on 8 Agenda Items Under the **20-Year National Strategy to Improve Human Capital**. Furthermore, on 25 October 2016, the Cabinet agreed on the **National Strategy for Migrant Worker Management for 2017- 2021**, which consists of 5 key strategies: namely, devise a standard for migrant worker employment by 2017; reduce the dependency of unskilled migrant labor by 2017; develop an organization by 2017 to effectively manage the migrant worker situation; promote all migrant workers to be employed through MOUs by 2020; and monitor, assess, and evaluate the labor management situation twice yearly to make sure global standards are met.

To reduce vulnerabilities for migrant workers, women and children, and those in the fishery sector, specific measures – both immediate and long-term – have been devised. The Cabinet **extended the deadline for migrant workers** of Myanmar, Cambodia, and Lao nationalities to temporarily stay and work in the Kingdom, and the MOL allowed migrant workers from these countries to renew their registration at One Stop Service (OSS) Centers during the period of 1 April – 28 July 2016. A total of 1,202,347 migrant workers and their dependents registered during that period, (734,517 from Myanmar, 396,388 from Cambodia and 71,442 from Lao PDR). In the fishery sector alone, the total number of migrant workers that registered from 2 November 2015 until 31 July 2016 was 45,441 (25,603 from Myanmar, 18,899 from Cambodia, 939 from Lao PDR).

In addition, in order to **better regulate the movement of migrant workers to prevent exploitation by recruitment agencies or brokers**, the Government has continued to promote channels in which migrant workers can come to legally work in the Kingdom so that migrant

workers can receive legal protection in accordance with both Thai laws and international standards. This included a **reduction in fees and charges** required for migrant workers, such as application fees for work permits, medical checkup costs, and visa fees. The overall reduction of fees at over 64 percent less has helped 1.3 million migrant workers that came to work in Thailand save over 4.7 billion THB (134 million USD) in 2016. The MOL also **reduced the process time** for employing workers through MOUs. As of 18 November 2016, the process to bring a migrant worker to Thailand by MOU has been reduced to 17 days from the original length of 25 days, a significant reduction of 32 percent.

13) SOLID LEGISLATIVE PROGRESS

In eliminating legal loopholes and improving the laws and regulations in 2016, the **Royal Ordinance concerning Rules on Bringing Migrant Workers to work with Employers in the Kingdom, B.E. 2559 (2016)** has been in effect since 18 November 2016. The **Labour Protection Act B.E. 2541 (1998)** was also revised and the amended Labour Protection Act B.E. 2559 (2016) was approved by the National Legislative Assembly on 17 November 2016. An important part of the amendment is to increase punishments that deal with child labor violations. Thailand was the first country in ASEAN that enacted a law to protect child labor, which demonstrated the country's zero tolerance toward the use of children under the age of 15 as part of the labor force and the country's measures to protect child labor in accordance with international principles.

Reforms of the labor migration system, done in close consultation with the ILO and all stakeholders, seek to achieve the **eventual elimination of illegal labor brokers. Revised regulations now strictly prohibit employment of children under 18 years of age in the fishing and seafood processing industries, provide compulsory rest hours and holidays, mandatory signed work contract, crew list, and requirements on training and welfare of workers. Rules have also been revised to provide migrant workers with greater flexibility to change employers** if (1) the employer decided to terminate employment / breach of contract / death of employer; (2) the employer is bankrupt; (3) the employer physically abused the employee; (4) the employer did not comply with the contract or labor regulations, and; (5) the employee works in a hazardous work environment that affects well-being.

In addition, the MOL, together with other relevant agencies, such as the Immigration Bureau, the Ministry of Health and the Office of the Council of State, is now drafting a Royal Ordinance on the Management of Migrant Workers which aims to eliminate all the existing legal loopholes that weakens effective protection of migrant workers in Thailand. A special working group, consisting of key representatives from various CSOs, has already been set up to assist the MOL in drafting this new Royal Ordinance, which is hoped to be passed and enter into force in 2017.

14) POSITIVE DEVELOPMENTS IN ENSURING THAT THAILAND WILL MEET THE NECESSARY INTERNATIONAL STANDARDS

On 23 March 2016, Thailand ratified the ILO's Occupational Safety and Health Convention No.187 and on 7 June 2016 ratified the ILO's Maritime Labor Convention (MLC) 2006 to reconfirm Thailand's commitment to improve working and living conditions for workers and seafarers in compliance with international labor standards. Moreover, Thailand ratified the ACTIP. Thailand is also in the process of ratifying several ILO Conventions in order to strengthen global efforts on improving labor working conditions. This includes the ILO's Working in Fishing Convention, 2007 (C.188) and Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), which are expected to be finalized in early 2017, and the ILO Right to Organize and Collective Bargaining Convention, 1949 (C98).

15) HOLISTIC APPROACH IN TACKLING HUMAN TRAFFICKING AND IMPROVED MONITORING, CONTROL & SURVEILLANCE SYSTEM IN THE FISHING SECTOR IN ORDER TO BETTER PROTECT FISHING WORKERS BOTH THAIS & FOREIGNERS

To tackle the problems of human trafficking and forced labor in the fishery industry, in 2016, the CCCIF began its full implementation of measures for regulating, monitoring, and prevention, using an interagency-integrated database and computerized inspections, along with stricter law enforcement. The **Monitor Control and Surveillance (MCS) system**, comprising of the newly improved **Vessel Monitoring System (VMS)**, is now fully operational, along with labor inspections by Multi-Disciplinary Teams (MDTs) at 32 **Port-In-Port-Out (PIPO) Centers** in 22 coastal provinces.

For 2016, a system requiring **compulsory secondary identification documents** were introduced for **both Thai and migrant workers, along with a computerized-database and inspection system**. The secondary identification documents consist of a **Seaman Book** (for Thai workers), issued by the Marine Department and a **Sea Book** (for migrant workers), issued by from Department of Fisheries, both of which must contain information such as biometric data, fingerprints, photograph, personal and employment information. These are used for inspections (whether at ports or at sea) and identification of persons, but most importantly it is to ensure that all workers in the fishery sector are properly accounted and cared for. From 15 September to 28 December 2016, 5,068 owners of fishing vessels with 51,678 migrant workers applied for Sea Books.

The Government has continued to provide opportunities for **registration of migrant workers**. New round of registration of illegal migrant workers (and their dependents) in fishing vessels and seafood processing factories (for nationals of Cambodia, Lao PDR and Myanmar) were opened from November 2015 to August 2016. All documented workers were given protection, welfare and the right to work for one year. The government planned to extend the length of their work permits to 2 years, renewable for up to 8 years (2+2+2+2). **45,441 migrant workers registered in the fishery sector from 2 November 2015 – 31 July 2016**, while **143,528 migrant workers along with 4,937 of their dependents registered in the seafood processing industry from 25 November 2015 – 22 August 2016**.

PARTNERSHIP

16) PROACTIVE, RESULT ORIENTED AND MORE EXTENSIVE PARTNERSHIPS

Recognizing that the Thai Government alone cannot combat human trafficking, the Government has been taking a proactive and result-oriented approach in forging partnerships with foreign governments, the private sector, a number of international organizations and CSOs both in and outside Thailand.

More than 50 agencies and organizations from the Government, private sector and civil society signed the **Memorandum on Cooperation to Prevent, Suppress and Anti-Trafficking in Persons** on 6 June 2016. Several collaborative projects also became operational in 2016, including the setting up of the **Fishermen's Life Enhancement Center (FLEC)** or **Drop in Center** to improve living standard and assist migrant workers and their families in the fishery industry in Songkhla province. Additional 3 FLECs are planned to be set up in Chonburi province, Rayong province, and Pattani province in 2017.

Thailand has also been pursuing **close cooperation with its neighboring countries**, especially the **CLMV countries (Cambodia, Lao PDR, Myanmar, Vietnam)**, through various frameworks of agreements and dialogues.³ In particular, Thailand hosted the CLMVT High-level Meeting on Safe Migration during 28-29 November 2016 to address safety and security for migrant workers. Thailand also reiterated its commitment to continue working with Coordinated Mekong Ministerial Initiative against Trafficking (**COMMIT**) members in combatting trafficking in persons. In addition, Thailand deposited the Instrument of Ratification for the **ACTIP** on 24 July 2016, the third country of the member states to have ratified.

Complementing the ACTIP, the **Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)** covers a larger scope of cooperation both with Thailand under its Regional Program for Thailand running 4 years from 2015-2018, and with its sub-regional partners. Several frameworks have been established and implemented under the areas of law enforcement, prosecutors, and judges and court officials.

Thailand, together with Australia and Indonesia, hosted the 10th **Bali Process Ad Hoc Group Senior Officials Meeting (AHG SOM)** on 2 February 2016 in Bangkok, also participated by IOM, UNHCR and UNODC, to discuss specific solutions for overcoming the challenges posed by irregular migration, both globally and in the Asia-Pacific region, and also contributed to the 6th Ministerial Conference of the Bali Process on 23 March 2016 in Bali.

³ For example, Thailand signed MOUs on Labor Cooperation and Agreement on the Employment of Workers with Cambodia, Lao PDR, Myanmar, and Vietnam (CLMV) and is working with all of its neighboring countries in developing specific action plans to bring migrant workers to work in the fisheries sector through the MOUs. Thailand is also working with Cambodia, Lao PDR and Myanmar to make effective use or renew MOUs on cooperation to combat trafficking in persons.

Beyond the region, Thailand continues to work closely with its longtime partner such as **Japan** under the Japan-Thailand Joint Task Force on Counter-Trafficking in Persons, established since 2006. Additionally, Thailand and the **United Arab Emirates** agreed to sign a Memorandum of Understanding on Cooperation in Combating Trafficking in Persons in early 2017. Several frameworks are being developed between Thailand and regional colleagues on preventing and suppressing trafficking in persons, *inter alia*, **Brunei Darussalam, Malaysia, China, and South Africa**.

With the **United States**, a long-standing partner of Thailand in anti-human trafficking, there were significant developments in cooperation in 2016, particularly in law enforcement field. In particular, the TICAC was established, with assistance from the FBI and HSI, to combat sexual exploitation facilitated via the internet and help law enforcement agencies to more effectively investigate and increase the chance of imprisoning offenders. The U.S. is also an active participant and contributor to setting up the ACT Center now in full operation.

Thailand has been active in working with other international partners on addressing the challenges of trafficking in persons. For instance, **Thailand was the only ASEAN member state to have attended the Leaders' Summit on Refugees, hosted by the U.S. Government** at the United Nations Headquarter on 20 September 2016. There, the Thai Prime Minister pledged support, among other things, for the development of a screening system to reduce the risks of people falling victim of trafficking and enacting the Act on Prevention and Suppression of Torture and Enforced Disappearance to strengthen the implementation of the principle of non-refoulement.

Thailand today steadily increased its collaborations with a greater number of NGOs who have tirelessly worked as our true partners in combatting human trafficking throughout the year 2016. They include the Environmental Justice Foundation (EJF), A21, HUG Project, Save the Children, HOPE, FOCUS, Alliance Anti Traffic (AAT), Diocesan Social Action Centre (DISA), New Life Center Foundation, ZOE International, FACE, Freedom Story, the World Wildlife Fund (WWF), Human Rights Watch, Raks Thai Foundation, Human Rights and Development (HRDF) Foundation, Social Responsibility Law Office (SR Law), Greenpeace Southeast Asia, the Migrant Workers Rights Network (MWRN), the International Seafood Sustainability Foundation (ISSF), Stella Maris Seafarers' Center – Thailand, and the LPN Foundation.

Acknowledging and appreciating the crucial roles of the NGOs and civil society in combating human trafficking, the Government has now set up a **special sub-committee on enhancing cooperation with NGOs and civil society**. This sub-committee reports directly to Deputy Prime Minister Prawit Wongsuwan and is tasked with overseeing and ensuring close collaborations at all time across all government agencies and NGOs and civil society in combating human and labor trafficking. This is part of Thailand's efforts in ensuring that our work with NGOs will be effective, transparent and sustainable.

Given the importance of the private sector's role in the United States, the Ministry of Foreign Affairs regularly engages with the United States' business associates and companies including wholesalers and retailers to make contribution to the efforts to combat human trafficking. Some cooperation projects have also been developed between some of the aforementioned businesses and Thai stakeholders.

Last but not least, Thailand works with a number of local and international news agencies, including those of the United States to exchange views and ensure the accuracy of information and same understanding of trafficking in persons issues. In 2016, Thailand also facilitated a series of field works for media. The regular engagement reflects that Government's channel of communication with media is always opened. The media is fairly free to work in the field and allowed to broadcast and express their views freely.

FUTURE PLANS

17) MOVING AHEAD INTO 2017

Thailand will continue to implement the 24-point Action Plan, improve laws and legislations, and increase capacity building of all government officials involved in combatting human trafficking, including the police, public prosecutors and court officials, as well as non-police law enforcement agencies such as interpreters, language coordinators, offshore and onshore labor inspectors, multi-disciplinary teams (MDTs), witness protection officials and shelter staffs. To further improve prosecution coordination, the Government is preparing an in-depth manual on collecting and sharing real-time and integrated human trafficking data to provide clearer guidelines for police, prosecutor and court. The Court will also link up its information with the integrated human trafficking database. In the first quarter of 2017, the Government is expected to sign a memorandum of understanding with the United States' NCMEC to improve cooperation with the TICAC task force, which the RTP is considering upgrading to a permanent entity. The RTP will expand the facilities of its digital forensic laboratory. In 2017, the RTP will also share its TICAC experience with other countries in Southeast Asia.

With regards to protection, the MSDHS is currently drafting an SOP for NGOs to operate shelter to assist victims of trafficking, setting up a mock-up courtroom in Songkhla to help adult and child victims familiarize themselves with court procedures, opening up 3 additional ACT centers in Phuket, Kanchanaburi and Chiang Rai, and reforming Thailand's main national hotline system.

Prevention efforts in 2017 will include implementation of Thailand's National Strategy for Migrant Worker Management for 2017-2021, drafting the Royal Ordinance Concerning Migrant Worker Management B.E... to reform Thailand's labor management system and improve the quality of life for migrant workers, and setting up 3 additional FLEC Centers in 2017 in Pattani, Chonburi, and Rayong provinces.

Partnership engagements in 2017 include working with Stella Maris – a local NGO – on organizing activities in Thailand, and coordinating with the Thai private sector on projects for effective fisheries management in the Andaman Sea and the Gulf of Thailand to prevent, deter and eliminate IUU fishing and overfishing as well as protect the wider marine ecosystem. The Ministry of Foreign Affairs will also coordinate with the U.S. Embassy in Bangkok to explore the possibilities to develop an already broad-based cooperation to be the Thailand – U.S. cooperation framework.