

**Thailand's Annual Report on
Efforts and Progress on**

the Implementation of Anti-Human Trafficking Action Plan in 2012

**for the U.S. Department of State's preparation of
Trafficking in Persons Report of 2013**

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I. Introduction

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. Whether it is human trafficking or other transnational crimes, the key is to ensure that the rule of law prevails and the basic rights of the peoples guaranteed, in particular vulnerable groups, such as women, children, the elderly, and persons with disabilities, who deserve our special attention.

~ Prime Minister Yingluck Shinawatra¹

On behalf of the Royal Thai Police, I assure you of our commitment to combating human trafficking to uphold human rights and human dignity, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, in order to alleviate human trafficking situation in Thailand and in the region.

~ Police General Adul Saengsingkaew, Commissioner General of the Royal Thai Police²

Combating human trafficking is Thailand's national priority. The Government recognizes the importance of the problem and its linkage with transnational organized crimes. The Prime Minister of Thailand reaffirmed at the 67th Session of the United Nations General Assembly in September 2012 the country's commitment to combating trafficking in persons and to tackle the root causes of this heinous crime. In addition, on 18 November 2012, Prime Minister Yingluck and President Obama had agreed to strengthen joint efforts to combating transnational crimes, including in anti-human trafficking, as reflected in their Joint Press Statement during the latter's official visit to Thailand.

Victims of trafficking across the globe are often among the poor and unemployed or underemployed. In Thailand, migrant workers are among the vulnerable groups. Given Thailand's geographical location and economic disparities with its neighboring countries, economic migrants have continuously poured across the borders into the country to look for job opportunities in Thailand. Moreover, because of the long natural border that Thailand shares with its neighbors of over five thousand kilometers, a great number of migrants could easily cross into the country illegally. Due to their illegal status, these migrant workers are at risk of becoming victims of human trafficking. The Thai government is fully aware of these challenges and has forged cooperation with its neighboring governments as well as the international community to

¹ Statement at General Debate of the 67th Session of the United Nation General Assembly, September 27, 2012.

² Statement addressed to the Diplomatic Corps at the Royal Thai Police Head Quarter, January 16, 2013.

help tackle the problem. In addition to cooperation on labour employment/ recruitment, Thailand has sought cooperation from Myanmar, Lao PDR and Cambodia to expedite the nationality verification process. Thailand also cooperates with the United States in capacity building for law enforcement officers in the region on anti-trafficking in persons through the International Law Enforcement Academy (ILEA). Moreover, Thailand collaborated with the International Labour Organization (ILO) in developing a guideline on Good Labour Practices in the fishery industry, as well as on the capacity building of labour inspectors.

The year 2012 marks Thailand's fourth year of the implementation of the Anti-Trafficking in Persons Act B.E. 2551 (2008) and the eighth year of the implementation of the National Agenda on Anti-Human Trafficking announced by the Prime Minister in 2004. It also marks the first year of the implementation of Thailand's Anti-Human Trafficking Action Plan 2012-2013, which was submitted to the Office to Monitor and Combat Trafficking in Persons, the U.S. State Department, in March 2012. The said Action Plan was a result of a series of inter-agency consultations and reflects the Royal Thai Government's strong determination and commitment to address the issue of human trafficking in all dimensions, especially prevention, protection and prosecution. They are action-oriented, ambitious, and require serious efforts and a collaboration by all stakeholders, including a strong partnership with international organizations, the civil society and the international community. Details of Thailand's Anti-Human Trafficking Action Plan 2012-2013 and its implementation will be elaborated in the following chapters.

In order to implement this ambitious plan and agenda, the government allocated a special fund of 5.1 million US dollars for combating human trafficking in the fiscal year 2013. The Thai leadership is fully engaged in the efforts. Deputy-Prime Minister, Police Captain Chalerm Yubamrung, as a chairman of the National Anti-Trafficking in Persons Committee (ATP Committee), instructed that the ATP committee be convened monthly, instead of every quarter so as to closely monitor TIP situation and follow up on the progress. In addition, the Prime Minister has tasked the Deputy Prime Minister and Minister of Foreign Affairs Surapong Tovichakchaikul to specifically follow up on the implementation of the Anti-Human Trafficking Action Plan 2012-2013 and report directly to her.

On January 16, 2013, the Deputy Prime Minister and Foreign Minister along with Ministers from anti-TIP related agencies, namely Minister of Labour Phadernchai Sasomsub, Minister of Social Development and Human Security Santi Promphat, Deputy Minister of Agriculture and Cooperatives Siriwat Kajornprasart, and Vice Labour Minister Anusorn Kraiwatnussorn led members of diplomatic corps from eleven countries in the American and Pacific region and the EU on a study visit to the Royal Thai Police Operation Center and a seafood export factory and its supplier in Samut Sakhon province where migrant workers are highly concentrated. This study visit allowed the members of the diplomatic corps to observe the integrated operations of law enforcement agencies for the prevention and suppression of human trafficking and observe first hand the real situation surrounding the seafood export production in Samut Sakhon Province. Because of the leadership involvement in this activity, local, national and foreign media had extensively reported the story, which significantly raised public awareness across the nation about TIP issue.

Various urgent and concrete actions in prevention, protection and prosecution have also been conducted by relevant Thai agencies. Highlights of significant progress and success in anti-human trafficking efforts, which testify to the strong determination of the Thai government on this particular issue, are as follows:

(1) Thailand is moving from a Signatory State towards **becoming a State Party to the United Nations Convention against Transnational Organized Crime (UNTOC) and its two Protocols** on anti-trafficking in persons and migrant smugglings. On 15 October 2012, the Cabinet approved in principle the ratification of the UNTOC, awaiting only the enactment of all the related legislation. The new draft legislation on transnational organized crime, which enables Thailand to implement all the obligations set forth in the UNTOC was recently approved by the Cabinet and is now under the consideration of the Parliament. To effectively and fully implement such significant instruments, Thailand and Australia, with the support of the United States, co-hosted the Bali Process Workshop on the Ratification and the Implementation of the UNTOC and its two Protocols during 12 – 14 December 2012 in Bangkok. The workshop, as part of capacity building exercise, helped enhance law enforcement skills for local authorities through learning from experiences of other States Parties to the UNTOC.

At the recent ASEAN Senior Official Meeting on Transnational Crime (SOMTC) in September 2012, ASEAN members agreed to develop a Regional Plan of Action to Combating Trafficking in Persons (RPA) as proposed by Thailand and Singapore. This RPA will complement the ongoing effort to draft the ASEAN Convention on Trafficking in Persons (ACTIP) and support the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons. Moreover, Thailand is the first country to ratify the Optional Protocol on A Communications Procedure to the Convention on the Rights of the Child on 25 September 2012.

(2) The Cabinet approved on 9 October 2012 the holistic approach to prevent and suppress human trafficking in the fisheries, which encompasses the revision of related legislation, the enhancement of relevant law enforcement and inspection, as well as the **establishment of the Labour Coordination Center for Fishery Industries** in 7 pilot provinces, namely Samut Sakhon, Rayong, Trat, Chumpon, Songkhla, Ranong, and Satul. The establishment of these Centers will address labour shortages in the sector and prevent illegal recruitment of labour and labour exploitation in the industries. These Centers promote transparent and better regulated employment, as well as improve working conditions on fishing boats. They will be an indispensable mechanism that helps suppress trafficking in persons in all its forms. They furthermore are operated in a parallel track with the promotion of the code of conduct and good labour practices for fishery industry. The Ministry of Labour was therefore tasked to expedite the establishment of the Centers in the latest meeting of the National Anti-Trafficking in Persons Committee (ATP), on 7 November 2012. The operation of these centers will be monitored closely by the Committee.

The Department of Labour Protection and Welfare revised **the Ministerial Regulation Number 10 (implementing the Labour Protection Act of 1998) on Labour Protection of workers in Sea Fishery Industry**. The revised Regulation extends the scope of protection to workers in sea fishery by, among others, prohibiting children under 18 years of age from working in sea fishing vessels. The Ministerial Regulation is applied to fishing vessels with

at least one worker that operates outside the border of the Kingdom without time limit³. The Ministerial Regulation draft is currently being submitted by the Council of State to the Ministry of Labour for the Minister of Labour to sign.

(3) The Ministry of Labour has issued the new **Ministerial Regulation Number 14 (2012) on Domestic Workers Protection**, published in the Royal Gazette, dated 9 November 2012, under the Labour Protection Act B.E. 2541 (1998), to implement obligations under the International Labour Organization's Convention on Domestic Workers. The revised regulation prohibits children under the 15 years of age to work as domestic workers. It also entitles domestic workers to additional welfare, such as paid holiday and paid sick leave.

Moreover, in October 2012, the Department of Labour Protection and Welfare has issued a special/ urgent regulatory policy to the Provincial Welfare and Protection Offices to inspect workplaces that employ migrant workers. The inspection has been conducted regularly to ensure that employers strictly comply with the labour laws and that no workers under the 15 years of age are being employed. If a workplace is found guilty of violation of the 1998 Labour Protection Act, notably the violation of articles concerning wages or employment of underage workers under 15 years of age, its employer shall be prosecuted without specific recommendation or order. Employer shall also return withhold wages to migrant workers.

Within the following month, in November 2012, the Department has also issued another special/ urgent regulatory policy requiring each Provincial Welfare and Protection Office to inspect workplaces for violation of debt bondage or forced labour, such as the deduction of wages for brokerage fees which violates article 76 of the 1998 Labour Protection Act and the withholding of migrant workers' passports. If an employer is found guilty for violation of such regulations, he or she shall be strictly prosecuted according to the Department's regulations on workplaces inspection of the 1998 and 1999 Labour Protection Act.

In addition, the National Committee on the Elimination of the Worst Forms of Child Labour has issued an **Announcement on Types of Hazardous Works Considered as Worst Forms of Child Labour**, on 9 November 2012. The announcement gives a detailed list of types as well as work conditions which are considered hazardous for children under 18 years old. It includes frozen food production and processing workplaces and sea fishing boats.

(4) The Immigration Bureau has improved its preliminary identification of trafficked victim process (PVIP). Steps have been taken to enhance capacity of relevant agencies and strengthen efficiency of the PVIP, including through increased engagement of related agencies, NGOs, and international organizations; and through the allocation of budget to cover expenses for NGOs involved. During the year 2012, fifty seven individuals were identified as human trafficking victims, accounting for twenty cases of human trafficking. The Immigration Bureau also held workshops and training courses to enhance efficiency of interpreters and police officers, as well as multi-disciplinary team members involved in the PVIP.

³ The existing Regulation covers only fishing vessels with at least twenty workers.

(5) To increase efforts on the investigation and prosecution of offenders, the Department of Special Investigation and the Royal Thai Police have jointly defined each agency roles and responsibility. In 2012, the law enforcement agencies have demonstrated their efforts to investigate, prosecute, and convict trafficking offenders. The Royal Thai Police has charged 305 cases as human trafficking offenders, of which 279 cases were under police investigation, 27 cases were under the consideration of the Office of the Attorney General with 2 cases were pending under the Court prosecution, and 4 cases with a total of 10 offenders were convicted by the Court.

Among the human trafficking cases prosecuted from 2008 to 2012, the law enforcement agencies investigated five officials for TIP offenses. The five cases included two police officers, a military officer, a teacher and a representative of a sub-district municipality. Among them, two involved in commercial sex trafficking and 3 involved in forced labour. Two officials were convicted as TIP offenders, one was acquitted, one is currently under military court prosecution and another is under an on-going investigation. In addition, in the most recent case of an investigation involving a senior police officer that began in 2012, the prosecutor has charged, in January 2013, the officer with a murder of a Myanmar worker in addition to human trafficking.⁴

In 2012, there were 27 cases submitted to the Anti-Money Laundering Office. The Secretary General of the Anti-Money Laundering Office issues orders to investigate 18 cases. The Transaction Committee ordered to confiscate assets of two cases with a total sum of 31,715,100 baht.

(6) Human Trafficking Prosecution manuals and Protection and Suppression of Human Trafficking handbooks for multi-disciplinary team's usage were produced and distributed to prosecutors and multi-disciplinary teams respectively. Workshops and seminars on trafficking in persons and related issues were held for police officers and prosecutors as capacity building measures.

(7) The Ministry of Labour (MOL) has improved its standards and procedures on labour inspection by setting a target on the inspection of shrimp industry, seafood-processing industry, and small scale workplaces. It also provides regular training and capacity building for labour inspectors. Moreover, MOL has collaborated with the Royal Thai Navy and the Marine Police Division to improve labour inspection on fishing boats in targeted areas. Various steps have been taken by MOL and the Fisheries Department to raise public awareness and disseminate knowledge on labour protection, labour rights, and duties of employers and employees.

(8) Thailand has effectively implemented (a) the Ministry of Interior's Regulation on Permission of Certain Groups of Aliens to Stay in the Kingdom on Special Circumstances, including as Victims of Trafficking and (b) the Announcement of the Prime

⁴ In January 2013, the Prosecutors in Petchaburi province charged Pol. Col. Dr. Supat Laohawattana and his two sons with the murder of a Myanmar worker and illegal possession of firearms. Pol. Col. Was also charged with human trafficking and hiring illegal migrants.

Minister's Office on the Occupations Allowed for Victims of Trafficking. The Ministry of Interior (MoI) has permitted 107 migrants identified as trafficked victims (64 Myanmar nationals, 41 Laotians, 2 Cambodians) to temporarily stay in Thailand for 6 months during the judicial and rehabilitation process before their repatriation. The Ministry of Labour is working on the procedures of work permit issuance for identified trafficked victims.

(9) In working towards sustainable solution to the protection of migrant workers, Thailand has cooperated with Myanmar, Lao PDR and Cambodia to facilitate and expedite the nationality verification process. As of 14 December 2012, a total of 619,830 migrant workers have been verified. A process is now under way to rectify the status of all migrant workers within a timeframe of 120 days as from 15 December 2012.

(10) The Thai Government is currently collaborating with the Vietnamese Government to establish the standard operating procedures for the identification and return of victims of human trafficking between the two countries. It also seeks Government-to-Government cooperation on labour recruitment and employment with Israel and Bangladesh.

II. Thailand's Anti-Human Trafficking Action Plan 2012 – 2013 submitted to the Office to Monitor and Combat Trafficking in Persons, the U.S. State Department (March 2512)

The Action Plan is a result of a series of interagency consultations and reflects the Royal Thai Government's strong determination and commitment to address the issue of human trafficking. The Action Plan covers A) Effective preliminary victim identification; B) Increase of Efforts to investigate and prosecute trafficking offenders and officials engaged in trafficking-related corruption; C) Improvement of labour inspection standards and procedures; D) Implementation of procedures to allow adult trafficked victims to stay temporarily in Thailand and work outside of shelters; E) Protection of workers in fishery industry; F) Working towards sustainable solution to protection of migrant workers; G) Ratifying the United Nations Convention against Transnational Organized Crime (UNTOC). These elements were seen as immediate challenges that will help to enhance Thailand's efforts in anti-human trafficking. They are action-oriented, ambitious, and require serious efforts and a collaborative ownership by all stakeholders, including a strong partnership with the civil society.

A. Effective preliminary victim identification

- to enhance capacity of relevant agencies in the process of preliminary identification of trafficked victims and strengthen efficiency of the process by:

(1) allowing representatives from relevant agencies, including governmental agencies, NGOs, and international organizations to engage in the standardized process of preliminary identification of trafficked victims (Immigration Bureau); (2012-2013)

(2) enhancing efficiency of interpreters involved in the process of preliminary identification of trafficked victims (Department of Social Development and Welfare – DSDW); (2012-2013)

(3) enhancing efficiency of police officers and multi-disciplinary teams involved in the process of trafficked victims identification in the at-risk areas (Songkhla, Ranong, Tak, Nakorn Srithammarat, Samut Sakhon, Nong Kai, Chonburi, Sa Kaew and Bangkok) (MSDHS, Royal Thai Police, Immigration Bureau); (2012-2013)

B. Increase of Efforts to investigate and prosecute trafficking offenders and officials engaged in trafficking-related corruption

- to increase efforts to investigate and prosecute trafficking offenders, including prosecuting officials engaged in trafficking-related corruption by enhancing efficiency of officials in investigation and interrogation process of human trafficking cases as well as of trafficking-related corruption cases in order to efficiently gather witness and evidence and make strong cases for the Court's consideration. (Royal Thai Police) (2012-2013)

C. Improvement of labour inspection standards and procedures

- to improve regulations and capacity of labour inspections by:

(1) focusing labour inspection on these following targeted workplaces:

- workplaces hiring migrant workers, particularly shrimp industry, seafood-processed industry, garment industry (2012-2013);
- small scale workplaces with 1 to 49 employees that were not inspected for the past two years and ones that violated laws over the past year (2012-2013);
- workplaces that have not submitted employment conditions form and working conditions form or ones that have submitted but violated laws (2012-2013);
- sea fishing boats in targeted areas in Nakon Srithammarat and Songkhla (2012-2013); (MoL, Marine Department, Royal Thai Police, Fisheries Department, Royal Thai Navy).

(2) expanding and strengthening the existing labour protection networks to complement the labour inspection system to allow the authorities concerned to be informed of potential instances of laws violations and/or trafficking in a timely manner (MoL, Royal Thai Police);

(3) raising public awareness and disseminating knowledge on labour protection, rights and duties of employers and employees (MoL, Fisheries Department);

(4) providing intensive and regular training and capacity building for labour inspectors (MoL).

D. Implementation of procedures to allow adult trafficked victims to temporarily stay in Thailand and work outside of shelters

- to provide the victims with basic freedoms, economic opportunity as well as incentives to participate in criminal cases against trafficking offenders by:

(1) effectively implementing the Ministry of Interior's Announcement on Permission of Certain Group of Aliens to Stay in the Kingdom on Special Circumstances for Victims of Human Trafficking and the Announcement of the Prime Minister's Office on the Occupations that Victims of Human Trafficking Can be Allowed to Work (MoI, MSDHS, MoL, Royal Thai Police);

(2) establishing and disseminating guidelines regarding coordination of agencies concerned in implementing the Ministry of Interior Announcement on Permission of Certain Group of Aliens to Stay in the Kingdom on Special Circumstances for Victims of Human Trafficking and the Prime Minister's Office Announcement, which will put into effect Article 37 of the Anti-Trafficking in Persons Act B.E. 2551 (2008) (MSDHS, MOI, MOL, Royal Thai Police).

E. Protection of workers in fishery industry

- to tackle the working conditions and labour shortage in the industry by:

(1) finalizing and issuing the Ministerial Regulation regarding the protection of workers in sea fishery, the draft of Hazardous Work List (for children under the age of 18), and Protection of Workers on Sea Ship Transportation Work Act within 2012 (MoL, Fisheries Department);

(2) establishing “Good Labour Management Practice: GLP” for Thai fishery industry aimed at developing “Operational Guidelines” and manuals on good working conditions on Thai fishing boats focusing on the recruitment, employment, and welfare of both Thai and foreign/migrant workers within 2012 (Fisheries Department);

(3) developing training manual and training course on safety in working in sea fishery industry to train workers in Thai fishing boats within 2012 (Fisheries Department);

(4) developing a Good Labour Management Practice: GLMP for shrimp farms, shrimp peeling sheds, and shrimp/seafood processing factories (Fisheries Department);

(5) developing a GLP Shrimp Peeling Shed Model by taking the setting of good practices and understanding of the laws and regulations better a step further by establishing a clear framework and a standard for the physical layout of processing enterprise including recommended management and quality control systems and conditions of work (Fisheries Department);

(6) considering and materializing the establishment of the Center for Coordination with labours and Recruitment of labours in collaboration with the private sector, mainly the National Fisheries Association of Thailand (MoL, Fisheries Department).

F. Working towards sustainable solution to protection of migrant workers

- to consider long-term solutions to recruit migrant workers through legal means in order to prevent abuse of human rights violation by:

(1) speeding up the nationality verification process by negotiating with Myanmar, Lao PDR and Cambodia to speed up and facilitate the nationality verification process to be completed within 14 June 2012 by issuing passports (in case of Myanmar and Lao PDR) or certificates of identification – CI (in case of Cambodia) to their nationals (both migrant workers and their children born in Thailand) (MoL, MoI);

(2) seeking cooperation with neighboring countries apart from Myanmar to appoint their labour attaché to their Embassies in Thailand to enhance closer coordination (MoL, MFA);

(3) seeking Government-to-Government cooperation on labour employment/recruitment (MoL, MFA);

(4) increasing Thai investment along the border areas or within neighboring countries to reduce the needs of workers from neighboring countries to seek work in Thailand;

(5) continuing cooperation with international organizations such as International Organization for Migration to enhance the interpretation service systems for the anti-TIP hotline operation (MSDHS) (2012-2013).

G. Ratifying the United Nations Convention against Transnational Organized Crime (UNTOC)

- to finalize and promulgate the Act on the Prevention and Suppression of Transnational Organized Crime B.E. ... soonest, so as to ratify and implement the UNTOC within 2013 (Office of the Attorney General, MFA).

III. Implementation of Thailand's Anti-Human Trafficking Action Plan 2012-2013

A. Effective preliminary victim identification process (PVIP)

The Immigration Bureau has improved preliminary trafficked victims identification process (PVIP). All provincial immigration offices are instructed to use the standardized form to interview migrants on their preliminary screening of potential trafficked victims without delay. This is done in collaboration with local interpreters and representatives from NGOs and Ministry of Social Development and Human Security.

If a migrant is identified as a human trafficking victim, the person will be brought to the police to press charges against the trafficker. Nevertheless, if the migrant is not identified as trafficking victim and has entered Thailand illegally, the person will undergo the deportation process in accordance with related laws and will be deported through the border-crossing area where they entered Thailand. For instance, the Songkla province immigration office that holds an illegal Myanmar migrant who entered Thailand through Mae Sod (Tak province), has to transfer the said migrant to an Immigration office in Mae Sod for the deportation. The screening/interviewing process is not necessary to be performed again by the Mae Sod Immigration office. However, for some cases of vulnerable groups, especially women and children, the interviewing process could be repeated at the transferred immigration office.

Steps have been taken to increase capacity of relevant agencies involved in the PVIP and enhance efficiency of the process, which include:

(1) allowing representatives from relevant agencies, including governmental agencies, NGOs, and international organizations to engage in the standardized PVIP. (Immigration Bureau, Department of Social Development and Welfare - Ministry of Social Development and Human Security)

(a) The Immigration Bureau has engaged relevant state agencies, NGOs, and international organizations in the standardized preliminary victim identification process. The agencies include International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), Foundation for Women Protection, Foundation for Women, Jesuit Refugee Service, Maryknoll Thailand, Catholic Office for Emergency Relief and Refugees (COERR), Grace Baptist Visiting Group, Tharntip Center Foundation, Deutscher Hilfsverein Thailand e.V. German Help and Immigration Health Control Office.

(b) Social workers from Kredtrakarn Protection and Occupational Development Center, Pathumthani Protection and Occupational Development Center for Men, Pakkred Reception Home for Boys, Shelters for Children and Family (Bangkok, Pathumthani, Nontaburi) under the Ministry of Social Development and Human Security (MSDHS) have taken part in the PVIP, particularly at the immigration facility in Bangkok.

(c) The immigration offices have allowed both domestic and foreign agencies to observe and study the preliminary screening process, as well as all related documents/ evidences. In 2012, the Immigration Bureau has granted 4 study visits.

(d) The Immigration Bureau allocates its budget to cover expenses for NGOs who assist in the PVIP at 4 detention facilities at immigration offices in Ranong, Sakaew, Nongkai, and Tak (Mae Sot) provinces. This budget allocation encourages and facilitates the NGOs' participation.

(e) For the well-being of children of the illegal migrants, the Immigration Bureau has set up a Day Care Center and joined with NGOs in organizing weekly activities and study trips for these children who are waiting for repatriation with their parents. The budget for this initiative is provided by the International Organization for Migration (IOM).

Results of the improved PVIP

As mentioned above, by requiring any Immigration office to perform the PVIP without delay, the Immigration Bureau has significantly improved the effectiveness of the process. From January to December 2012, a total of 397,167 individuals were interviewed. 20 cases involving 57 individuals were identified as trafficking victims, details are as follows:

- Myanmar 5 individuals (all males)
- Lao PDR 34 individuals, comprising of
 - o Men 9 individuals
 - o Women 11 individuals
 - o Boys 5 individuals
 - o Girls 9 individuals
- Cambodia 15 individuals, comprising of
 - o Men 1 individuals
 - o Women 1 individuals
 - o Boys 7 individuals
 - o Girls 6 individuals
- Other Nationalities 3 individuals (all female)

Among 397, 110 interviewed were identified as not being human trafficking victims, with details as follows:

- Myanmar 182,742 individuals, comprising of
 - o Men 125,442 individuals
 - o Women 54,192 individuals
 - o Boys 1,803 individuals
 - o Girls 1,307 individuals
- Lao PDR 57,911 individuals, comprising of
 - o Men 25,205 individuals
 - o Women 25,515 individuals
 - o Boys 3,744 individuals

- Girls 3,447 individuals
- Cambodia 141,103 individuals, comprising of
 - Men 91,572 individuals
 - Women 39,943 individuals
 - Boys 6,055 individuals
 - Girls 3,447 individuals
- Other Nationalities 15,372 individuals, comprising of
 - Men 7,536 individuals
 - Women 7,547 individuals
 - Boys 264 individuals
 - Girls 25 individuals

(2) enhancing efficiency of interpreters involved in the process of preliminary identification of trafficked victims (Immigration Bureau, Department of Social Development and Security - Ministry of Social Development and Human Security)

Department of Social Development and Human Security has trained 41 interpreters on the protection of trafficked victims and PVIP. Out of these 41 interpreters 22 are Myanmar language interpreters and 19 are Cambodian language interpreters. A name list of all trained interpreters is distributed to relevant agencies for their contact.

(3) enhancing efficiency of police officers and multi-disciplinary teams involved in the process of trafficked victims identification in the at-risk areas (Songkhla, Ranong, Tak, Nakorn Srithammarat, Samut Sakhon, Nong Kai, Chonburi, Sra Kaew and Bangkok) (Immigration Bureau, Department of Social Development and Welfare - Ministry of Social Development and Human Security)

(a) The Royal Thai Police instructed the Deputy Commander of relevant units nationwide and local officers in at risk areas (Songkhla, Ranong, Tak, Nakorn Srithammarat, Samut Sakhon, Nong Khai, Chonburi, Sakaew and Bangkok) to strictly implement the Human Trafficking Protection and Suppression Action Plan, with an emphasis on victim identification dimension. If there were a large number of victims with various nationalities, the headquarters would assist these local offices with additional personnel. The RTP also instructed the offices to assign experienced investigators in every case that PVIP is performed.

(b) A total number of 300 Immigration Bureau officers from the rank of deputy inspector to commanding officer attended training courses to increase their knowledge about PVIP, which included victim interviewing techniques, multi-disciplinary teamwork, human trafficking investigation and prosecution techniques, in addition to operational training on PVIP, investigation and arrest of trafficking offenders. Officers who had completed the training courses were appointed “Human Trafficking Investigating Officers.”

(c) A total number of 217 police officers from the Investigation and Suppression Unit of Human Trafficking Suppression Division participated in workshops hosted by the RTP.

The workshops aimed at familiarizing and increasing their capacity on PVIP. Topics learnt include the definition of victims, differentiation between human trafficking and illegal migration, techniques and the arts of victims interviews, victim protection, and efficient victim identification techniques.

(d) Department of Social Development and Welfare held a series of workshops in Bangkok and Nakorn Sri Thammarat province in identifying, assisting, and protecting victims of trafficking and cooperating with a multi-disciplinary team in protecting victims of trafficking. The workshops provided investigators with shared knowledge and common understanding on the definition of human trafficking victims in accordance with PVIP. The trained officers would also have developed skills and techniques in human trafficking victims interviewing methods which would enable them to attain maximum information. In addition, they will be familiarized with operational procedures in working with the multi-disciplinary team to assist victims and to prosecute perpetrators. The workshop series, with 100 expected attendants each include:

- 1st workshop (Bangkok and Samut Sakhon, between 17-19 January 2013, in Bangkok.

- 2nd workshop (Chonburi, Sakaew, Nong Khai, and Tak) between 31 January to 2 February 2013, in Bangkok.

- 3rd workshop (Song Khla, Ranong, Nakorn Srithammarat) between 17-19 February 2012, Nakorn Srithammarat.

B. Increase of efforts to investigate and prosecute trafficking offenders and officials engaged in trafficking-related corruption
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- to increase efforts to investigate and prosecute trafficking offenders, including prosecuting officials engaged in trafficking-related corruption by enhancing efficiency of officials in investigation and interrogation process of human trafficking cases as well as of trafficking-related corruption cases in order to efficiently gather witness and evidence and make strong cases for the Court's consideration. (Royal Thai Police)

(1) Clarifying the assigned authorities and responsibilities of the Department of Special Investigation (DSI) and Royal Thai police (RTP)

The Department of Special Investigation (DSI) has been a designated authority over complicated/organized/severely impacted human trafficking cases since December 2011. Later, the RTP and the DSI met to discuss the roles and responsibilities of each organization regarding investigation and prosecution of human trafficking cases. Issues discussed in the meeting are as follows:

(a) Based on the Special Investigation Act, Article 21 Clause 1 (a – e), the Director-General of the DSI has the authority and responsibility to conduct investigations on human trafficking cases that are considered complex/organized and severe. The RTP has the authority to investigate cases other than those defined above.

(b) The RTP and the DSI agreed that whichever agency initiates the investigation, that agency will complete the investigation process. Nevertheless, if the RTP initiates the investigation and later identifies the case as a complicated/ organized/ severely impacted human trafficking case, it will refer the case to the DSI for consideration.

Another meeting between the two agencies was held on 22 – 23 November 2012 to conclude pending issues. At present, the integration of the work procedure of the two agencies was being considered and is awaiting final approval from DSI and RTP.

(2) Holding workshops and seminars to increase efficiency of officials:

(a) 56,423 police officers nationwide participated in workshops regarding the Anti-Trafficking in Persons Act B.E. 2551 (2008) and the PVIP. The workshops were organized by chiefs of units relating to TIP under the Metropolitan Police Bureau, Provincial Police sector 1-9, Thailand's Southern Border Provinces Administrative Center, and the Immigration Office. These chiefs had participated in "*the high-ranking police officials in accordance with the proposed act of legislation on the defense and suppression of human trafficking B.E. 2551*" training course in 2011. Among these officers, 37,644 were from the Prevention unit, 9,780 from the Inquiry unit, 8,996 from Investigation unit, and 3 from other units.

(b) 392 police officers from the RTP' Anti-Human Trafficking Division attended seminars focusing on the implementation of the Anti-Trafficking in Persons Act B.E. 2551 (2008), investigation techniques and multi-disciplinary teamwork.

(3) Producing a Handbook on Protection and Suppression of Human Trafficking for multi-disciplinary team officials' usage. This manual will enhance officials' knowledge in identifying indicators and legal aspects of TIP, as well as enable prosecutors to effectively prosecute trafficking offenders. This handbook was produced under cooperation between the Royal Thai Police and the Human Rights and Development Foundation.

The handbook provides guidelines regarding steps to be taken in human trafficking lawsuits. They are (1) taking complaints (2) Inquiry/fact findings (3) preparation for rescue and arrest (4) rescue, raid and arrest (5) victim identification (6) arrest report and (7) investigation and prosecution. The handbook also identifies related regulations, cautions, and provides case samples of human trafficking prosecution.

(4) Producing a Manual on Human Trafficking Prosecution for prosecutors' usage. The Office of the Attorney General produced a manual on prosecution of human trafficking cases. The content includes information on the United Nations Convention against Transnational Organized Crime (UNTOC); relevant domestic laws and offences; procedures to conduct the investigation of domestic, cross-border and transnational trafficking cases; guidelines for

prosecutors to follow when reviewing the investigation files; guideline on the issuance of prosecution order; composition and core elements of indictment, including the process of making witness deposition and claiming of compensation for trafficking victims.

The Office of the Attorney General held 10 seminars throughout the country to introduce and familiarize the 500 prosecutors on how to make the best use of the manual.

(5) Holding workshops and seminars to enhance capacity of prosecutors nationwide.

The Attorney-General's Office held 9 workshops with 640 attendants on anti-human trafficking law and related laws.

In addition, each year, a class of at least 100 assistant prosecutors, provincial prosecutors, and special public prosecutors attend annual training course that include a topic on human trafficking prosecution.

(6) Capacity building for law enforcement officials

The Royal Thai Government has cooperated with the U.S. on capacity building for law enforcement officers, details as follows:

a) Cooperation with the International Law Enforcement Academy (ILEA) Bangkok: Trafficking in Persons and Child Exploitation Courses were conducted in July and December 2012, which 60 police officers from ASEAN countries attended.

b) The Transnational Crimes Affairs Section (TCAS) of the U.S. Embassy in Bangkok provided budget for conducting workshops to enhance cooperation between Thai-Cambodian officers, which 30 Thai and Cambodian police officers participated in August 2012 in Bangkok and Chiang Mai. The workshops were conducted by experts from UNODC, ICPO (International Criminal Police Organization), the US Department of Justice and the US State Department. The sessions focused on various dimensions of human trafficking such as investigation, interviewing technique and witness protection for trafficked victims.

(7) RTP's Anti-Human Trafficking Division Projects on prevention and suppression of human trafficking :

a) Workshops: Realizing that human trafficking offenders tend to find ways to conceal evidences to avoid being charged with human trafficking offense, RTP deemed necessary to organize series of workshops to strengthen investigation capacity of law enforcement officers and improve work guidelines, as well as enhance efficiency of PVIP in which dignity of victims is protected. 202 police officers from Anti-Human Trafficking Division from different ranks, such as Deputy Superintendent, Inspector, Sub-Inspector, Inquiry Officials and noncommissioned officers participated in the 5 workshops in 2012.

b) *Outreach*: "Talad Thai Safety" under the Community Policing program. Located in Samut Sakhon province, Talad Thai is one of the country's biggest wholesale markets for fruits,

vegetable and seafood. Most of the workers there are poor and uneducated, hence are vulnerable to fall victims of trafficking. Thus, there is a need to educate general public, community leaders and business owners about the forms of trafficking offenses in order to prevent them and society from crimes. Participating in community's activities, providing services and fulfilling their needs can build trust and familiarity between the police and the community. These outreach efforts help reduce people's risks of becoming trafficked victims and increase collaborations between officers and people in crime prevention.

c) *Outreach*: Dormitory zoning in targeted areas: Dormitory has become one of a potential host for unlawful acts. A number of the dorms' owners do not strictly comply with related laws and regulations. This non-compliance acts could potentially lead to involve in human trafficking, drugs and crimes. Data collection and patrolling of all dormitories in the zoning area is a proactive measure to suppress any potential illegal actions. This integrated efforts among law enforcement agencies and the Ministry of Social Development and Human Security results in dormitory owners' apprehension of law, and enhance their awareness of unlawful actions, elements of TIP as well as related laws and regulations.

d) *Outreach*: "Community Policing" in TIP at-risk areas is a program aiming to increase police's engagement in community, build satisfactory and familiarity, and trust, strengthen family/ community units, as well as increase public awareness on TIP. Program of activities include (1) police training on TIP policies, guidelines and understanding of other related policies, (2) public relation teams to campaign and raise community's awareness on TIP and (3) police-community dialogue and joint cooperation in crime/TIP prevention. This outreach program is a preventive measure to protect youth and vulnerable groups from falling victim of human trafficking.

e) *Training*: A training on the Suppression of Sexual Violation Against Children and Youth and the Elimination of Sex Tour was conducted to enhances officers' knowledge in special techniques on evidence finding and data searching, using new information technology and communication devices. 25 police officers attended.

(8) Figures of Human Trafficking Cases

In 2012, law enforcement agencies have shown their serious and sustained efforts to investigate, prosecute, and convict trafficking offenders.

The Royal Thai Police investigated 305 TIP cases of 409 TIP offenders with a total number of 594 victims in 2012, in comparison to 83 TIP cases with a total numbers of 155 victims in 2011.

Comparison of TIP Cases Investigated by the Royal Thai Police in 2012 and 2011		
Categories of the Trafficking / Types of Crime	Number of cases in 2012	Number of cases in 2011
Prostitution	226	67

Forced beggars	36	3
Forced labor or services	43	13
Total	305	83

With the total number of 594 victims, 324 were Thais, 56 were Laotians, 145 were Myanmar, 63 were Cambodians and 6 were of other nationalities. 452 victims were female, while 142 of them were male.

With the total number of 409 offenders, 319 were Thais, 9 were Laotians, 27 were Myanmar, 39 were Cambodians and 15 were of other nationalities.

Of the 305 investigated cases in 2012, public prosecutors had charged 27 cases with human trafficking offense. Among them, there were 2 pending court cases and 4 prosecuted cases. The penalties for the convicted cases included 19 years for 4 offenders, 9 years for 1 offenders, 7 years and 6 months for 1 offender, 4 years and 7 months for 1 offenders, and 3 years 3 months for 1 offenders, and 3 years for 1 offenders.

Among the human trafficking cases prosecuted from 2008 to 2012, the law enforcement agencies investigated 5 cases involving 5 government officials for TIP offenses. Among them, 2 officials involved in commercial sex trafficking and 3 officials involved in forced labour. From these five cases, two officials were convicted as TIP offenders, one was acquitted, one is currently under military court prosecution and another is under an on-going investigation (*See further details in Appendix A*).

The Transaction Committee under the Anti-Money Laundering Act B.E. 2542 (1999) has been authorized to examine a transaction or asset connected with the commission of, among other offenses, a human trafficking offense. In 2012, there were 27 cases submitted to the Anti-Money Laundering Office. The Secretary General of the Anti-Money Laundering Office issues orders to investigate 18 cases. The Transaction Committee ordered to confiscate assets of two cases with a total sum of 31,715,100 baht.

(9) International Cooperation in Law Enforcement

In forging international cooperation, The Department of Special Investigation (DSI) held the following meetings and workshops;

9.1 Thailand – Myanmar Ad Hoc Meeting on the Prevention and Suppression of Human Trafficking: In 2012, Thailand and Myanmar took turn to host three Ad Hoc Meetings to foster cooperation and exchanges of information. Both sides have signed the Terms of Reference on the exchange of information.

9.2 The International Meeting on Law Enforcement Cooperation against Human Trafficking in the Greater Mekong Sub-Region: The DSI has taken the first step in creating a surveillance network against human trafficking by hosting the meeting on 23-26 July 2012

in Bangkok. The meeting, attended by representatives from law enforcement agencies in the GMS and Malaysia, was aimed at strengthening cooperation between law enforcement institutions in preventing and suppressing human trafficking in the region, as well as exchanging information on efforts in combating human trafficking. Participating countries agreed in principle to exchange information related to human trafficking on a bilateral basis, in the same manner as the present cooperation between DSI and Myanmar Police Force.

9.3 Thailand-Cambodia Ad Hoc Meeting: Representatives from both sides met to discuss cooperation in the prevention and suppression of human trafficking and information sharing on 3-4 December 2012.

9.4 A Workshop on Victim Participation in the Thai Criminal Justice System: The DSI together with UNIAP, Alliance Anti Traffic (AAT), and Labour Rights Promotion Network Foundation (LPN) held a technical consultation on victim participation in the Thai Criminal Justice System on 8-9 March 2012. The purpose was to improve processes and procedures to better facilitate criminal justice cooperation of human trafficking victims. The workshop was attended by representatives from Thailand, Cambodia, Myanmar, and Lao PDR. The participants exchanged information and experiences as well as discussed challenges relating to trafficking victims' participation in the criminal justice process. The workshop concluded with a list of recommendations for Thailand in enhancing participation of trafficked victims in the criminal justice process.

9.5 Seminar on the prevention and solution to trafficking problem in fishing industry in Samsarn sub-district of Chonburi Province: The DSI held a seminar on the prevention of forced labour in the fishing industry in Samaesarn sub-district, Chonburi Province on 19-21 September 2012. The workshop was attended by representatives from both public and private sectors, such as the Ministry of Social Development and Human Security, Royal Thai Police, Ministry of Interior, Ministry of Labour, Marine Department, Department of Fisheries, National Fisheries Association Thailand and owners of local fishing vessels. These stakeholders jointly agreed to set up a coordination and information management center on migrant workers to help prevent and solve the issue of forced labour and TIP in the fishing industry.

C. Improvement of labour inspection standards and procedures

(1) Improving regulations and capacity of labour inspections:

The Ministry of Labour has given utmost importance on the issue of prevention and suppression of labour trafficking and made it one of its immediate priorities. Actions have been taken on issues related to labour inspection standards and procedures, details are as follows:

(1) The MOL has issued Ministerial Regulation No. 14 (B.E. 2555) to enhance protection of domestic workers. The Regulation prohibits employers from employing children under 15 as domestic workers, and allows domestic workers to have a weekly day off, in addition to traditional holidays, annual and sick leave. They are also entitled to overtime pay, holiday pay, and paid leave.

(2) Focusing labour inspection of targeted workplaces

- In conducting the inspection, labour inspectors inspected the terms of employment, working conditions of employees, labour welfare, as well as occupational safety, health environment with an aim to protect workers' rights as stipulated in the Labour Protection Act. Moreover, labour inspection officers also inspected workplaces for forced labour. If any workplace is found to have forced labour and/ or involved in human trafficking, inspection officers will coordinate with the multidisciplinary team of the National Operation Center on Prevention and Suppression of Human Trafficking to help assist those affected.

When the labour inspection is made in a workplace for the first time, either it has not been inspected or it is newly established, and an employer fails to comply with the labour law, the labour inspector shall give either an advice or an order to the employer to comply with the law. Whereas the labour inspection is made due to a complaint, and the violation of the labour law is found, an order shall be made to the employer to comply with the law, and surveillance shall be made to that employer whether he or she complies with the labour law. If the employer fails to comply with the order of the labour inspector, the criminal case shall be further proceeded by settlement and the case shall be deemed extinguished. If the employer refuses settlement, the labour inspector shall lodge a complaint or denunciation to an inquiry officer.

Focusing Inspection of workplaces in 2012 are categorized into the following:

(1.1) Workplaces in the shrimp industry, seafood processing industry, fishery industry, sugarcane, and garment industry have been inspected. 1,284 workplaces with 171,713 workers were inspected. 47 workplaces with 5,739 workers were found to have minor violation of Labour Protection Act and were given recommendations/ notices to meet with inspectors/ orders to comply with the Act. Among the 47 workplaces, 33 have been given recommendations by inspection officers to improve its compliance with the Act, 1 was called on employers to meet with inspection officers, and 13 were issued written order to comply correctly with the Act.

(1.2) 46,965 small scale workplaces (1-49 employees) with 599,958 employees have been inspected. It was found that 1,359 workplaces have violated the Labour Protection Act. 1,189 were given recommendation by inspection officers to improve its compliance with the Act, 12 were issued letters calling on employers to meet with inspection officers, and 156 were issued written order to comply correctly with the Act.

(1.3) 5,241 workplaces with 127,617 migrant labour (Myanmar, Lao PDR, and Cambodia) have been inspected. 234 workplaces were found to have violated the Act. Among these, 196 have been assisted by inspection officers to improve its compliance with the Act, 4 were issued letters calling on employees to meet with inspection officers, and 34 were issued written order to comply correctly with the Act.

The recommendations and orders made in order to ascertain that the rights of the labour was protected as well as to address possible vulnerability. Taken together the offenses did not meet the criteria that constitute TIP.

A total of 54,072 workplaces around the country, employing 2,096,108 workers were inspected by the Department of Labour Protection and Welfare in 2012. Among these, 1,714 workplaces were found to have violated the Labour Protection Act B.E 2551. Of the 1,714 workplaces, 1,011 workplaces were given recommendation and advice to comply with the law by 2012. For the other 703 workplaces, the employers are in the process of improving its operation in compliance with the Act; 640 workplaces were given recommendations to improve its compliance with the Act, 7 workplaces were issued letters requiring employers to meet with inspection officers and 44 were issued written order to comply correctly with the Act. Most of the violated cases were related to wages, working rules, employee registration, proof of wage payment, and holidays but not meet the criteria that constitute trafficking, child labour and forced labour.

In addition, the Department also inspected workplaces that the multidisciplinary team had made a request to provide protection to workers. The 1998 Labour Protection Act provides protection to both legal and illegal migrant workers and enable them to receive assistance from the state. Assistance request may be filed directly by a worker or by related agencies. There are 18 cases, involving 11,063 migrant workers (8,152 Myanmar, 205 Laotians, 2,706 Cambodians) filing for compensation of 22,717,004 baht. This sum includes the return of withholding wages, such as the case of Pattana Seafoods Co., Songkhla province. Among the 18 cases, two of them involved 16 Myanmar migrants that were considered potential victims of human trafficking. They worked in fishing industry in Chonburi province and in a farm in Petchburi province. The Department has assisted them to attain initial compensation. These two cases are currently under investigation for human trafficking.

(3) Issuance of special/ urgent regulatory policies: Department of Labour Protection and Welfare have issued special/ urgent regulatory policies for workplace inspection as follows:

- Issuance of a regulatory policy to the Provincial Office of Labour Protection and Welfare to inspect workplaces that employ migrant workers to ensure that they strictly comply with the labour laws and no child labour (under 15 years of age) are being employed in October 2012. Any workplace found to violate the 1998 Labour Protection Act by deducting wages or employing of child labour, the employer shall be prosecuted according to the Department's regulations. Employer must also return withhold wages to migrant workers.

- Issuance of a regulatory policy in November 2012 requires each Provincial Office of Labour Protection and Welfare to inspect whether workplaces have involved in debt bondage and forced labour, such as withholding of wages that violates article 76 of the 1998 Labour Protection Act and the withholding of migrant workers' passports. If an employer was found to violate such regulations, the inspectors must strictly enforce the 1998 and 1999 Labour Protection Act and their related regulations.

- From 15 November to 21 December 2012, the Department inspected the technical safety of 28 small-preliminary food processing workplaces in Samut Sakhon province, including 2 shrimp farms, 7 shrimp preliminary processing facilities, 11 shrimp peeling sheds and 8 preliminary shrimp processing facilities, with a total of 2,149 workers. Among them, 1,909 workers were migrant workers of Myanmar nationality. The inspection found working conditions

in some of these workplaces could cause accident and illness to workers. The employers were given warnings and instruction to correct the conditions.

- Implementation of the “Samut Sakhon Model”

In an attempt to combat trafficking in persons and the usage of child labour in sea food industry in Samut Sakhon where Myanmar migrant workers were concentrated, special plan and implementation had been initiated. Details are as follows:

With a high concentration of migrant workers, Samut Sakhon province is at risk of becoming a host to workplaces that involve in elements that constitute human-trafficking and child/forced labour. With collaboration between government, private sector, NGOs, and local networks, the province had worked to find preventive measures and solution to the problem. A committee was set up to define framework and labour inspection in a proactive approach. Provincial regulation was issued to prohibit child labour and forced labour. A meeting, attended by 600 local employers and employees, was held to raise their awareness and understanding of criteria that constitutes the worst forms of child labour. The employers and employees were also provided with information regarding preventive measures, solution to the problem, as well as the potential effect of violation. In addition, the province also introduced a measure to accommodate children of foreign migrants by providing them with childcare services and access to education in public schools. This measure is made possible by cooperation between private agencies and provincial educational institutions.⁵

In addition, the province of Samutsakorn had also worked collaboratively with the Department of Labour Protection and Welfare in identifying measures to prevent and solve the problem of child labour and illegal labour, in addition to giving information to employers to increase their awareness of the issue. Since 1 November 2012, they have jointly conducted inspection on shrimp processing facilities. 74 workplaces with 6,184 workers (1,894 Thai workers and 4,291 Myanmar workers) were inspected. 35 workplaces were found not complying with the regulations. Cases of misconducts mostly involve working rules, workers registration, wage payment documents, minimum wages, reports on child labour employment, holidays and day leaves according to the law. The inspectors gave recommendations to 26 employers and ordered 8 employers to make corrections. One employer was prosecuted on violation of employing child workers.

(4) Inspection of fishing vessels in targeted areas :

Related agencies have taken responsibilities in the inspection of fishing vessels as follows:

⁵ For further details on Samutsakorn province’s efforts on prevention of the worst forms of child labor and protection of workers rights, please see Appendix C

Marine Department

- Songkhla province – The Marine Department inspected 18 fishing vessels in Songkhla port. They inspected the vessel controller’s qualification, engine controller, Thai vessel registration documents and vessel permission documents. No cases of human trafficking was found.

- Nakhon Srithammarat province – Marine Department has increases frequency of inspection from once a month to twice monthly. Each inspection covers a period of 3-5 days. Of the 30 vessels inspected, six cases were found in violation the 1913 Marine Act. None was found involving in human trafficking.

Royal Thai Navy

Patrolling ships were sent out to inspect suspicious fishing vessels 446 times, in order to check and prevent the violation of law at sea, particularly violation relating to human trafficking. 560 fishing vessels were inspected and none was found involving in human trafficking.

Department of Labour Protection and Welfare

1) The Department of Labour Protection and Welfare produced and translated into English a work contract for sea fishing vessels. The contract is to be used by the Department of Employment in determining a request by sea fishing vessels to employ migrant workers. This contract will set standard of good labour practices and fair employment. It is also a measure to prevent human trafficking on fishing vessels.

2) On 11 October 2012, the Department met with related agencies including Department of Employment, Marine Department, Fisheries Department, DSI, Royal Thai Navy and Royal Thai Police to plan the inspection of fishing labours in Nakornsrihammarat and Songkhla areas. On 18 October 2012 the agencies met to review the fishing labour inspection form which would improve data collection and analysis. Labour inspectors from the Royal Thai Navy and the Marine Police Division have forwarded the inspection form to related agencies to be used in conducting labour inspection.

3) From November to December 2012, the Department of Labour Protection and Welfare designated Songkhla and Nakornsrihammarat provinces as pilot provinces in the prevention and solving human trafficking problems in fishing industry. It gave an instruction to set up provincial committee and organized a meeting with the committee on labour inspection in fishery industry, as well as hold a meeting with all stakeholders including employers, employees and related parties in sea fishing industry and sea fishing vessels. It also conducted inspection of 12 small-fishing related workplaces with a total number of 55 workers.

In addition, Songkhla’s Provincial Office of Labour Protection and Welfare collaborated with Division 6, Anti-human Trafficking Division and the Songkhla’s Marine Police to conduct labour inspection in 2 fishing vessels with 42 workers in Songkhla province. They found no elements that constituted human trafficking.

Anti-human Trafficking Division of the Royal Thai Police

The Division launched a campaign to combat human trafficking in the fishing industry to encourage all stakeholders to comply with the law. This campaign was a collaborative effort by the division and other related agencies, including Marine Police, local police stations, Ministry of Social Development and Human Security, provincial labour office. It aimed at ensuring fishing vessel owners understand contents of the laws and the consequences of their violations. This is a preemptive measure against any potential violation as well as a measure to encourage cooperation with authority. In addition, the division also sought cooperation from government and private sectors, civil societies and local administrative offices in preventing and suppressing various forms of misconduct that could potentially lead to other crimes, including human trafficking. The Division also conducted inspections in main sea ports and instructed the employers to strictly comply with the laws. This is a proactive approach to curb fishing vessel owners, as well as other related business stakeholders to comply with regulations.

(2) expanding and strengthening the existing labour protection networks to complement the labour inspection system to allow the authorities concerned to be informed of potential instances of laws violations and/or trafficking in a timely manner (MoL, Royal Thai Police)

1) To prevent and combat human trafficking as well as solve the problem of illegal workers in the province, the Department of Labour Protection and Welfare, together with the Thai Frozen Foods Association, organized a conference in Samutsakorn province to inform the public about strategies to solve the problem of child labour and illegal workers. There were approximately 600 participants, comprising representatives from various governmental agencies, private sectors and the U.S. Embassy in Thailand.

2) 2,545 participants, comprising of owners of shrimp, fish, textile, and sugar cane industries signed an agreement with the Department of Labour Protection and Welfare, expressing their intention to prevent and combat child labour and forced labour, which is one of the dimension of human trafficking. In addition, certification would be given to workplaces that passed the assessment for not hiring child labours and forced labours. Details are as follows:

2.1 In Bangkok: 213 participants from the shrimp and fish manufacturing industry and their members attended an event held at the Ministry of Labour on 23 November 2012, and 306 participants including the Thai Garment Manufacturer Association and its member attended the event at the Ministry of Labour on 29 November 2013. Both of these events were presided by Minister of Labour as well as executive officials of the Ministry of Labour which reflected the utmost seriousness given to the combating of human trafficking.

2.2 In the other regions : 2,036 participants comprising of business owners from various sectors attended the events, details are as follows:

- Udon-Thani :203 participants from sugar industry.
- Khon-Kaen, 207 participants from sugar and textile industry.
- Tak, 202 participants from textile industry.
- Songkla, 604 participants.
- Chonburi, 220 participants.

- Ranong, 200 participants.
- Samutsakorn, 402 participants.

In addition, on 28 December 2012, the Ministry of Labour had issued an order to form a committee authorized to perform an assessment and certify workplaces that are free of child labour and forced labour.

3) The Department of Employment has implemented the following projects:

3.1 Workshops to develop a standard for overseas employment of Thai workers

On 25 May 2012, Department of Employment signed a Letter of Understanding with the International Labour Organization for cooperation on guideline for recruitment and labour protection between 2011 to 2012 and to conduct a workshop on standard for overseas employment of Thai workers. The goal of this workshop was to inform participated recruitment agencies about international standard in sending employees overseas, as stipulated in protocols and international conventions on the prevention and protection of human trafficking, etc. In addition, A Code of Conduct has been drafted for Thai recruitment companies that send Thai workers overseas so that the practices would be in accordance with international standards, as well as to prevent the agencies from over-charging workers for recruitment fees which is in violation of the law. Workshops were hold on 5-6 January and 14-15 May 2012 and participated by 113 representatives from recruitment agencies.

3.2 Projects to set up 4 regional service points in north eastern region, i.e. Nakhonratchasima, Burirun, Konkaen, and Udonthani provinces, as contact points to serve workers who are interested to work overseas. The service point is a one-stop-service incorporating concerned parties, including banks, recruitment agencies, staff from the health department, etc. The services will streamline the process and prevent unnecessary brokers. Between July and December 2012, there were a total of 3,666 workers applying through the service points and 838 have been selected and sent for overseas employment. These projects have been extended into the year 2013.

3.3 Projects to increase awareness and promote understanding of overseas employment process, aimed at preventing Thai workers from falling into the trap of illegal middleman and TIP victims. There were a total of 1,193,440 participants.

- A Project to increase awareness and prevent workers from being lured to employment overseas: The purpose of this is to promote and inform the public about recruitment and domestic/ overseas employment, related rules and laws, rights, as well as employment regulations of host countries to prevent job seekers from falling victims of TIP. Other information about the host countries, such as ways of livings, geography, cultures, as well as potential problems, is also provided so that Thai workers have knowledge about the host countries in addition to the employment process before making decision to work abroad. There were 967,810 participants in October 2011- September 2012 and 142,735 from October - November 2012.

- Community networking to prevent illegal smuggling of workers for overseas employment: the purpose of this project was to inform the community leaders and interested persons about overseas labour market trends and legal process in overseas employment. This public relation will create trust between officials and the public and increase cooperation between the government and communities. It is one of a channel to prevent workers from falling victims to trafficking. 67,090 leaders and members of communities participated in this project in 2012. The project is extended to 2013.

- Knocking on the door project to protect and prevent people from falling in the trap of illegal recruiters and brokers: this project disseminated information about the process of going to work overseas legally and educated them about rules and laws relating to labour recruitment and labour protection. There were almost 10,000 participants from October 2011 to November 2012.

3.4 A project under the Department of Employment and the International Labour Organization (ILO) cooperation framework regarding the guidelines for employment and protection of workers for the year 2011-2012:

1) The Department collaborated with ILO to conduct a study project to follow up with complaint mechanism on cases that constitute a breach of the Employment and Worker Protection Act B.E. 2528 and its additional protocol. It also covered best practices and lessons learned from solving the cases. The study was conducted in four provinces including Petchabun and Chaiyabhum between 19-21 January 2012, and Buriram , Udonthani on 25-27 January 2012. At present, it is in the process of making a conclusion of the study. Knowledge gained from this study will be applied to follow up on the complaints cases by officials of the Department of Employment. In addition, the department held two sessions of online complaints processing training to develop the necessary skills for officials. There were 99 complaint officers participated, including 75 from sub-contractors, 10 from provinces and official from the central authorities.

2) The Department collaborated with ILO in setting up an online service center (Service On-line) to file complaints and to monitor the assistance provided. It also served as resource center for workers on laws, regulations, the local custom and other essential information such as the local wages and the living conditions to assist them in making decision. It will be an accessible channel for workers to file complaints even when they are already employed abroad. It is now in the process of test run and the system trainings had already been conducted two times.

3.5 In the fiscal year 2012, the department had overseen and inspected related agencies including the recruitment agencies for domestic employment and overseas employment. Penalties were imposed on agencies that violated the Employment and Worker Protection Act B.E. 2528. In non-compliance cases including job details not complying with contract, such as position, wage and benefits, the recruitment company taking the handling fee or other expenses from the a worker but failed to send he/ she abroad without due reasons; the Department could invoke registration and license of the agency.

Penalties were imposed on agencies that breached the law. From 1 October 2011-30 September 2012, penalties imposed include suspension of the license of 42 agencies, revoking the license of 1 agency and filing criminal lawsuits against 43 agencies. From 1 October 2012-30 November 2012, they include suspension of the license of 1 agency and filing a criminal lawsuit against 1 agency.

(3) raising public awareness and disseminating knowledge on labour protection, rights and duties of employers and employees (MoL, Fisheries Department)

1. Department of Labour Welfare Protection facilitates an access to the service given by its officials as well as provides information on worker rights to the foreign migrant workers

1.1 Assigned 11 interpreters to communicate with the migrant workers in 6 provinces that has the high concentration of migrant workers including Samut Sakhon, Tak, Ranong, Khon Khaen, Chiang Mai, Phu Ket and Chon buri; as well as additional interpreters at Call Center No. 1556 to assist and protect the right of the workers according to the Labour Protection Act B.E. 2541. In 2012, it gave 39,624 consultations on 60,486 matters relating to worker rights according to labour laws.

1.2 Launched a website for online complaint filing at www.labour.go.th

1.3 Organized mobile units to give information on rights of workers to migrant workers in 22 locations involving 4,455 employees

1.4 Published and disseminated information on issues relating to the rights of migrant workers, welfare, and other information to improve standard of living of the migrant workers in 3 languages in the form of printed leaflet, Poster and mobile Exhibition Unit. Channels of information distribution include placing materials at the workplaces' information corners and directly hand them to the workers when inspect the facilities and visit communities.

1.5 Reached out to communities with high concentration migrant workers in order to disseminate the information on welfare according to law and beyond the law, in addition to educate them on basic health care. Over 1,000 migrants workers at camp sites in Petchabun, Rayong, Nonthaburi, Udonthani, Chumpon provinces attended.

1.6 Conducting seminars, workshops and meetings to increase awareness:

- Conducted various seminars for employers, employees and the general public on labour protection law, as well as prevention and solution to TIP in workforces, attended by 12,850 participants.

- Organized meetings for preliminary shrimp processing owners in 36 locations in Samutsakon province on 14 December 2012. This was part of a project to reduce risk and prevent accident in workplace. The purpose was to review the guidelines for safety management, hygiene and the environment conditions at workplace, in addition to accident prevention at work places. The Department gave an order to the preliminary shrimp processing facilities to

implement the guidelines and also report back to the Center. The Center will conduct inspection on factories that do not comply with the guidelines

- Organized two seminars to improve the knowledge on how to eliminate the use of the worst form of child labour, and increased the understanding about the impact on products' images if employing child labour and the awareness for the concerned parties to prevent the use of the child labour. The seminars were held in Bangkok and Samut Sakhon, attend by 527 employers, employees, related government authorities, NGOs and interested public.

- Organized a nationwide training for 9,815 youth before entering the labour market

- Campaigned and publicizing on the prevention of the use of the worst form of child labour to employers, employees, child workers and parents, as well as general public with 151,799 participants.

- The SongKhla Office of the Department of Labour Welfare Protection held 2 meetings between owners of the fishing boats and fishing farms with 117 attendants.

2. The Department of Employment implements various projects, such as

2.1 The Project to protect and promote the right of the migrant workers (Triangle Project) under 2 activities:

- (a) to improve the efficiency of policy framework and regulations which are more inclusive and comprehensive especially on the Guideline to recruit the worker for recruitment agencies in importing the migrant worker, a mechanism to take complaints, the protection of the migrant workers seeking employment in Thailand, including the information sharing and the involvement of stakeholders, including to conduct a study on comparative experiences learned and international labour standard.

On 21 June 2012, the Academic Committee approved the implementation of a project under the Improvement and Protection of Migrant Worker Project (Triangle Project) as sponsored by the AUSAID through ILO for the period between 15 September 2012-14 September 2013. On 15 October 2012, an academic forum was held to present research findings on "Justice in the employment system: the evaluation of the complaint process in the employment of the foreign migrant workers" and a discussion between stakeholders on the complaint mechanism in employment system.

- (b) to improve the efficiency of the officials of the Department of Employment and the related authorities to strictly enforce and follow the laws, regulations and policies, by providing information through training, seminar and the academic forum on the enforcement and the implementation of law, regulation and policy as follows:

Conducted training for the officials from the Department of Employment both from Bangkok and from the Northern region on how to execute the case of labour law, human

trafficking and exploitation of labours. ILO Office in Bangkok had given advices on the courses of this training.

Producing a Manual for the taking complaints and mechanism to follow up on the case. (under the process of developing)

2.2 Seminars were held to educate the private sector on labour matters. In the fiscal year 2012 there were at least 800 attendants from 80 factories in 10 provinces. Workshops were organized to educate the local administrators, including village chiefs, district head and the interest public from 10 provinces. Over 80 attendants from each province attended.

2.3 Producing the standard Employment Contract in 3 languages which are Thai – English-Myanmar, Thai-English-Laos, Thai-English-Cambodian.

2.4 Producing employment contract between the owner of the fishing vessels and migrant workers in accordance with the ILO standard such as on issues of welfare and insurance for the injury at work. The contract entails protection on working environment and working condition as well as benefit and welfare to the migrant workers. It also will help prevent them from employer's exploitation. 502,897 migrant workers who have gone through the process of Nationality Identification are now being employed under employment contract. According to the statistics on 2 October 2012, they are 458,374 Myanmar migrants and 44,523 Cambodians.

2.5 Publishing 400,000 copies of leaflet in 3 languages (Thai-Myanmar, Thai-Laos and Thai-Cambodian) to give information on process to renew the working permits for migrant workers according to the Cabinet Decision on 12 June 2012 which extended the period for the nationality identification process and the extended the period of stay in Thailand for illegal migrants from Myanmar, Laos and Cambodia who already been temporary permitted to stay in Thailand to undergo and complete the process of the nationality identification before 14 December 2012.

2.6 The Project to inspect working condition of migrant workers and the worksites to ensure that employers' practices are in accordance with the governing law (Anti-Trafficking in Persons Act B.E. 2551 by informing and disseminate information about related laws and regulations on how to employ the foreign migrant workers to the employers, owners of workplaces and interested public. This is also to prevent the potentially negative affects on the country in term of economy, social and national security.

In the fiscal year 2012 (from 1 October 2011- 30 September 2012), 59,189 worksites that employed 307,154 migrant workers were inspected. The Department filed 1,277 legal lawsuit cases against the employers who illegally employed the migrant workers or assigned them the wrong type of workforce while filing 32,095 legal lawsuit cases against the foreign migrant workers who did not have the work permit or worked in different field.

In the fiscal year 2013 (1 October 2012-30 November 2012), 6,663 worksites with 42,636 migrant workers were inspected. The Department filed 81 legal lawsuits cases against the employers who illegally employed migrant workers or assigned them the wrong type of

workforce and filed 3,917 legal lawsuits cases against the foreign migrant workers who did not have the work permit or worked in different field.

2.7 A project to check, prevent and to arrest and file lawsuits against the illegal workers and sue the wrongdoer who breached the Foreign Workers Act B.E. 2551 and other related laws by coordinating with other stakeholders to work in collaboration with this aim and in line with the Government Policy and the Guidelines to administer the Foreign migrant worker. The ultimate goal is to systematically resolve the issue of illegal migrant worker working illegally as a whole. In the fiscal year 2012(from 1 October 2011- 30 September 2012)

21,234 working sites were inspected involving 181,666 migrant workers. In the fiscal year 2013 (1 October 2012-30 November 2012) 3,216 working sites were inspected involving 16,475 migrant workers

2.8 Collaborating with related agencies to deter and prevent the arrival of new migrant worker as well as to file the legal lawsuit against the illegal migrant worker and to find the root cause of the issue by setting up the Center to Prevent, Arrest and the File the Legal Lawsuit against the Illegal Migrant Worker, under the Order of the Office of the Prime Minister No.68/2555 dated 13 March 2012. This measure is also extended to cover labour smugglers. The Center is under the Chairmanship of Deputy-Prime Minister. Police Captain Chalerm Yubamrung,

From 4 May – 25 September 2012; 434 workplaces were inspected involving 33,365 migrant workers. 163 legal lawsuit cases were filed against employers and 4,804 cases against migrant workers. By working in integrated efforts with other agencies to identify and arrested according to the specific guidelines, if a person found to be the victim of human trafficking, the officials will not file the lawsuit but will assist that person as a victim and a witness. This is in accordance with Article 41 of the Anti- Human Trafficking Act B.E. 2551. Nevertheless, no case of human trafficking case was found.

(4) providing intensive and regular training and capacity building for labour inspectors (MoL)

The Department of Welfare and the Labour Protection has executed activities to increase its inspectors' capacity. They are:

1. Training: DWLP organize two trainings for the 264 officers on how to prevent, suppress and assist the case of Human Trafficking

2. Seminars/ meetings: DWLP held seminars to update and instruct inspectors on how to administer the issues of foreign migrant workers, attended by 166 inspectors.

3. Curriculum development: DWLP collaborated with International Labour Organizations to draft curriculum training course that is in line with international practices for the inspection officer.

Measures taken to prevent debt bondage and overcharging employment fees:

1. Coordinating center for overseas employment services:

In order to increase channels of services for job seekers, the Department of Employment has set up the coordinating center for overseas employment services in an integrated manner especially in the area or countries where the workers have high tendency to be cheated by inviting concerned parties such as banks, the recruitment agencies to give services to job seekers for overseas employment in this. The Department also encourages agencies and employers recruit the workers directly from this center to shorten the process and also to exclude the role of middleman hence, reduce the cost and the risk for job seekers from being cheated by the middleman. The centers are in Nakornratchasima, Buriram, KhonKhaen, Udonthani from July-December 2012 there were 3,555 workers visiting the centers and 839 of them successfully had secured the offer to work abroad. The center operation is extended to cover the period of the fiscal year 2013.

2. Government-to-Government cooperation on Overseas Labour Employment/ Recruitment:

Sending Thai workers for overseas employment under MOU that Thailand signed with the host countries such as Japan (IM) South Korea (EPS). In 2012 it began to send the workers in agricultural sector to Israel under the Agreement between International Organization for Migration (IOM) under the project of cooperation between Thailand-Israel for Employment Cooperation (TIC). Under this scheme, the worker only pays 36,000 Baht per person comparing to 264,000 Baht per person that a worker had to pay previously. At present, there were 2,081 workers who joined agricultural workforce in Israel under this MOU. For going to work in Taiwan, a Thai worker will only have to pay the minimum cost of 15,000 Baht. 9,266 Thai workers were sent to work overseas under this cooperation in 2012. The Ministry of Labour is hoping to promote this project to cover more countries. The scheme would benefit the workers and reduce the cost for all Thai workers overseas at estimated amount of 1,596,654,988 Baht.

Government-to-Government Cooperation on Overseas Labour Employment in 2012

	Country/ Entity	Number of workers	Expenses per worker / G-to-G cooperation	Expenses per worker /by recruitment agency	Expense reduction per worker	Total expenses reduction
1	Japan	272	15,000	300,000	285,000	77,520,000

2	Israel	2,081	36,000	300,000	264,000	549,384,000
3	Republic of Korea	5,748	20,244	180,000	159,756	918,277,488
4	Republic of China (through agencies)	376	15,000	120,000	105,000	39,480,000
5	Malaysia	337	10,500	35,000	24,500	8,256,500
6	Macau	101	3,000	40,000	37,000	3,737,000
7	Others	351	-	-	-	-
Total		9,266				1,596,654,988

(Source: Department of Employment, Ministry of Labour)

3. Service charge and expense reduction for overseas workers:

The Department will set up a committee to develop a system of sending workers to work abroad, aiming at lessening burden for the worker including service fees and other expenses paid to recruitment agencies. At present, it is at the stage of revamping the Regulation to Limit Service Fees and Expenses Collected from Job Seekers B.E....

4. Improvement of worker registration center (Labour Bank):

The Department received funding to renovate the worker registration center. This center will act as a gateway for workers, prospective employer in Thailand and abroad to access data on job seekers, recruit and use the information for Market analysis. Information can be accessed 24 hours. This is an effective way to cut the process of illegal middleman or complication in recruitment and to promote the process of administration of worker to work abroad effectively.

At present, this project is under the process of launching and expecting to start operation of this program in the middle of 2013

5. The Source for low interest Loan :

The Government of Thailand gives importance to overseas employment because remittances is an importance source of income for the country. Not only overseas work reduces unemployment in the country and generates income, the nature which the remittances go to families of workers which tend to be from outside cities. It also helps distribution of income in the country to various regions in the country especially the grassroots' level. Therefore, the

Department, in collaboration with state owned banks such as Krung Thai Bank and the Bank for Agricultural and Cooperatives to give an advice on loan for worker who intend to work abroad at the fair rate of 7-10 percent per annum (depend on each participating Banks) and have the grace period of 18 months for paying back or not more than the duration of Employment Contract. Normally the worker will use the collateral but in the case of Government to Government, the guarantor can be used and in the system the Employment Company will find one and guarantee for the worker.

In the Fiscal year 2012, the Banks already approved loan for 4,547 workers with estimate fund of 394.32 Million Baht and assisted the worker to use the special funding for assisting the 660 workers with estimate fund of 14.82 baht.

6. Enforcing law strictly

In the fiscal year 2012, the inspectors conducted inspection in the whole process of both the workers seeking an employment abroad and also the recruitment agencies that seeking to send employment abroad. There was a penalty to the wrongdoer who breaches the Act of Employment and the Protection of worker B.E. 2528 such as the license revocation. In case the worker who seek an employment abroad through the recruitment agency but fail to get the job or get lower wage or the working position or other benefit not as specified in the labour contract or in case whereby the recruitment agency receive the handling fee or service fee from worker but fail to send the worker abroad with no ample reason, the registrar can have the jurisdiction to suspend or revoke the license of that agency.

In the year 2012, there were a suspension case of 43 companies and revocation of 1 company and the legal lawsuits of 46 companies.

D. Implementation of procedures to allow adult trafficked victims to temporarily stay in Thailand and work outside shelters

The Ministry of Interior (MoI) has permitted 107 migrants identified as trafficked victims (64 Myanmar nationals, 41 Laotians, 2 Cambodians) to temporarily stay in Thailand for 6 months during the judicial and rehabilitation process before their repatriation.

On 29 February 2012, the Department of Employment posted an announcement from the Office of the Prime Minister on the specification of allowed occupation for migrants identified as trafficked victims, such as construction work and housework, to license work permits for the trafficked victims.

Furthermore, the Department of Employment issued and promoted a guideline on work permit licensing considerations for migrants identified as victims of human trafficking on the website for the Department's central and provincial personnel nationwide in order to operate accurately. The guideline is divided into 2 parts:

Part 1 includes the support and the protection of the welfare of trafficked victims and the leniency on migrants identified as trafficked victims' temporary stay in the Kingdom on special circumstances, the Cabinet's resolution, and the operational guidance for related government service, particularly for agencies concerning migrants' occupation.

Part 2 includes the guidance on the request of work permits and the issuance of work permits for migrants identified as victims of human trafficking.

E. Protection of workers in fishery industry

- to tackle the working conditions and labour shortage in the industry by:

(1) finalizing and issuing the Ministerial Regulation regarding the protection of workers in sea fishery, the draft of Hazardous Work List (for children under the age of 18), and Protection of Workers on Sea Ship Transportation Work Act within 2012

1. The Department of Labour Protection and Welfare revised the Ministerial Regulation Number 10 (implementing the Labour Protection Act of 1998) on Labour Protection of workers in Sea Fishery Industry. The revised Regulation expands the scope of protection to workers in sea fishery by, among others, prohibiting children less than 18 years of age to work on sea fishing vessels, applying protection to fishing vessels with at least one worker that operates outside the border of the Kingdom without time limit⁶. The Ministerial Regulation draft is currently being submitted by the Council of State to the Ministry of Labour for the Minister of Labour to sign.

2. The National Committee on Elimination of the Worst Forms of Child Labour, in cooperation with International Labour Organization, Employers Confederation of Thailand, Confederation of Thai Labour, Non-Governmental Organizations and governmental agencies, have specified and announced the types as well as working conditions which are considered hazardous for children in Thailand, for the clarification in the management of child labour in hazardous works. Hazardous work is considered one of the worst forms of child labour according to the International Labour Organization Convention No. 182.

A sub-committee on preparation of a list of hazardous works of the worst forms of child labour was held on January 31, 2013 to further consider the concerned matters, the result are as follows:

1. The progress of the preparation of the notification of the National Commission for the elimination the worst forms of child labour, the types of hazardous work for Thailand. Minister of Labour, as chairman of the National Commission signed the Notification of the National Board on November 9, 2555 and the Department of Labour Protection and Welfare as Secretary of the National Commission for the elimination of the worst forms of child labour

⁶The existing Regulation covers only fishing vessels with at least twenty workers.

disseminated the notification to its agencies to announce to workplaces to implement and already published on the Department's Web site.

The general principles of such hazardous work for children focus on:

1) the nature of the work is dangerous for children, such as lifting, carrying on their shoulders, carrying on their heads, pulling or pushing heavy loads; metal smelting, blowing, casting, rolling, and pressing; and working using a pneumatic drill, etc., and

2) the work environment which is dangerous for children, such as routine work during 10.00 pm. to 06.00 am., working in cold storage in the production or preservation of food by freezing, working in slaughterhouse and working in the gambling place.

2. The consideration to improve the types of hazardous work of the worst forms of child labour in Thailand.

1) Preparation of information and suggestions to revise Ministerial Regulation No. 6 concerning hazardous works forbidden for worker under 18 years of age which was enacted in B.E. 2541. The sub - committee consider to revise some points in the regulation for instance; temperature in working environment and a list of carcinogens attached to the Ministerial Regulation.

Since it is prescribed in the Regulation which protected children less than 18 years of age from hazardous work which was enacted since B.E.2541, but there are several points that should be improved, such as temperature, working environment, or the list of carcinogens which shall be carcinogenic to humans attached annexes of the Regulation, it is considered to prepare information and suggestion to revise the Ministerial Regulation.

The Meeting has a resolution to enact a new Ministerial Regulation concerning hazardous work of child labour, and discard the Ministerial Regulation No. 6, and assigned the Occupational Safety and Health Bureau of the Department to prepare.

2) Department of Labour Protection and Welfare, in collaboration with the International Labour Organisation to perform a project to prevent and tackle child labour, forced Labour in Shrimp and Seafood industry (ILO-IPEC) has been prepared (draft) proposal suggestions for the list of hazardous works of child labour in the shrimp and seafood processing industries in Thailand.

The meeting agreed to consider the suggestions on child labour in hazardous work for shrimp and seafood processing industry. The Bureau of Labour Protection was assigned to draft a manual on the management of occupational safety, health and working environment for children working in the shrimp processing industry. The draft manual will be presented to the sub-committee on preparation a list of hazardous works of the worst forms of child labour for an approval and dissemination. The manual is aimed to increase knowledge and awareness among employers, employees, and related parties to prevent the use of child labour in hazardous conditions in this industry.

(2) establishing “Good Labour Practice: GLP” for Thai fishery industry aimed at developing “Operational Guidelines” and manuals on good working conditions on Thai fishing boats focusing on the recruitment, employment, and welfare of both Thai and foreign/migrant workers within 2012.

On January 21st, 2013, the Deputy Director-General of the Department of Labour Protection and Welfare (Mr Chokchai Srithong) chaired the meeting on Good Labour Practices on Fishing Sector (GLP / FS) which the Department of Labour Protection and Welfare is working in cooperation with the International Labor Organization (ILO) in the promotion of the rights of migrant workers (DLPW / ILO TRIANGLE PROJECT). The participants included representatives of the International Labour Organization, Regional Office for Asia and the Pacific, representatives of the Department of Labour Protection and Welfare, representatives of the Department of Employment, Department of Fisheries, Department of Marine, National Fishery Association of Thailand, the Thai Oversea Fishery Association, Asian Research Center for Migration, Human Rights and Development Foundation, and the other 30 participants.

The meeting is aimed to jointly develop good labour practice: guidelines for the fishing sector on employment and working conditions that complies with Thai law, and includes selected provisions from international labour standards, Thailand Labour Standards and the Code of Conduct of the National Fisheries Association of Thailand (NFAT) of the fishing vessels entrepreneurs in Thailand. This will be the guidelines for the Thai fishing vessels entrepreneurs to be the criteria for their implementation to achieve the objective of raising the standard of employment, working conditions, and to be a good model. The principle and content framework of the guidelines concerning the use of forced labour, debt bondage labour, child labour, association, employment good practice checklist, employment agreement, remuneration, working hours, holidays, leave, labor relations promotion, document records, the use of young worker, welfare (shelter, food), as well as improved safe working conditions with fishing tools.

The guidelines will be examined by concerned parties and revised under the mutual consent of all parties involved. These guidelines will be developed as a Thai labour standards: social responsibility of business with appropriate guidelines for the fishing sector. Similar guidelines are also being developed for the shrimp and seafood industry.

(3) developing training manual and training course on safety in working in sea fishery industry to train workers in Thai fishing boats within 2012

The Department of Fisheries, in cooperation with the International Labour Organization, the Department of Labour Protection and Welfare, and the National Fisheries Association of Thailand, supports the compilation of the Occupational Safety and Health training manual, and currently coordinates with the Marine Department and the Royal Thai Navy for their curriculum on the Sea Fishery Safety training to integrate further information into the compilation of the previously mentioned manual.

(4) developing a Good Labour Practice: GLP for shrimp farms, primary procession workplaces or shrimp peeling sheds, and shrimp/seafood processing factories

The Department of Fisheries, in cooperation with the Department of Labour Protection and Welfare, and the International Labour Organization, plans to develop the GLPs for 3 types of facilities as follows:

1. The GLP guidelines for shrimp farms. The Department of Fisheries will hold a meeting with the International Labour Organization to plan for the GLP guidelines for shrimp farms draft of the in February 2013, and aims to finish the draft by the first quarter of 2013.

2. The GLP guidelines for peeling sheds. Its draft has been processed in two meetings with the owners of peeling sheds in Samut Sakorn province to get their feedbacks on the implementation of the draft GLP. The draft covers details on prevention against child labour, forced labour, legal employment, labour welfare, and work condition improvement, and has been distributed to fishery industry business owners, and shrimp and seafood peeling sheds owners to be preliminarily acknowledged on 12 November 2012. Furthermore, the Department of Fisheries, in cooperation with the Department of Labour Protection and Welfare, the International Labour Organization, the Thai Frozen Food Association, and the Thai Food Processors' Association, plans to test the application of the previously mentioned GLP with shrimp and seafood peeling sheds owners in Samut Sakhon, Nakorn Srithammarat and Songkhla province in January and February 2013 for further improvement. The complete GLP draft shall be distributed to promote peeling sheds owners to operate accordingly by March 2013.

3. The GLP guidelines for processing factories. It will be developed in similar manner as that for the primary processing workplaces. The GLP guidelines for shrimp and seafood processing factories would be drafted through consultations among stakeholders, i.e. DOF, DLPW, ILO, and private sector by the first quarter of 2013.

(5) developing a GLP Shrimp Peeling Shed Model by taking the setting of good practices and understanding of the laws and regulations better a step further by establishing a clear framework and a standard for the physical layout of processing enterprise including recommended management and quality control systems and conditions of work (Fisheries Department)

The Development plan will be able to operate after the improvement and distribution of the GLP to the shrimp and seafood peeling sheds for the owners to acknowledge and be promoted to conduct accordingly. The plan is scheduled to operate from February 2013 onwards, commencing with the trainings of shrimp and seafood processing operators to be trainers for operators of their primary processing workers.

(6) considering and materializing the establishment of the Center for Coordination with labours and Recruitment of labours in collaboration with the private sector, mainly the National Fisheries Association of Thailand :

The Cabinet passed a resolution dated 9 October 2012 approving the proposal, guidelines, and measures to prevent and suppress human trafficking of workers in fishery industry and the guidelines to establish the Coordinating Center for Workers in Fishery Industry. The Cabinet also identified and tasked agencies involved to follow up on the approved proposals and to submit the progress report within 6 months. The identified agencies are the Department of Labour Protection and Welfare, Department of Employment, Marine Department, Royal Thai Police (Immigration Bureau, Marine Police Division, Anti-Human Trafficking Division), Office of the Attorney General, Royal Thai Navy, Department of Fisheries, Department of Special Investigations, National Electronics and Computer Technology Center, Ministry of Foreign Affairs, and the Ministry of Social Development and Human Security.

The Establishment of the Provincial Coordinating Center for Workers in Fishery Industry :

Immediate Stage Operation

1) The Department of Employment issued documents to 7 provinces in Thailand to inform of the Cabinet's resolution on 9 October 2012. Documents has been issued to 7 provinces with orders for the Provincial Employment Office to establish the Center, and report back to the Department of Employment.

2) To issue the guidelines for the Coordinating Center for Workers in Fishery Industry and the Department of Employment Order Number 1592/2555, dated 26 November 2012 concerning the use of the Provincial Employment Office as the location for establishing the Provincial Coordinating Center for Workers in Fishery Industry.

3) To issue an order to appoint the National Subcommittee to support the operations of the Provincial Coordinating Center for Workers in Fishery Industry, with the Permanent Secretary of the Department of Labour as chairman, the Director General of the Department of Employment as secretary, and the Provincial Subcommittee with the Governor of the province as chairman, the Employment Office as secretary. The order has been signed by the Deputy Prime Minister (Police Captain Chalerm Yubamrung), the Chairman of the Coordinating Committee and Director of the Prevention and Suppression of Trafficking on 9 January 2012.

Mid-term Stage Operation

1) To follow up on the establishment of the Center from provinces that still have yet to submit the reports.

2) After the Chairman of the Coordinating Committee and Director of the Prevention and Suppression of Trafficking signs the appointment of the National Subcommittee and the provincial Subcommittee, the orders shall be issued for all agencies that belong in the subcommittees to be acknowledged. The agencies will be required to appoint a representative and organize the subcommittees meeting to consider the guidelines of operations of the Coordinating Center for Workers in Fishery Industry.

3) To Coordinate with the Ministry of Social Development and Human Security on the request for financial support in the establishment of the Provincial Coordinating Center for Workers in Fishery Industry, such as subcommittee meeting premium and other related expenses.

4) To continuously follow up and compile the outcomes of the Provincial Coordinating Center for Workers in Fishery Industry's operations to report back to the Coordinating Committee and Director of the Prevention and Suppression of Trafficking.

5) In addition, the Department of Fisheries together with the Maritime Department will support and cooperate in the establishment of the Coordinating Center for Workers in Fishery Industry with the plan to produce a prototype for fishing vessel information resources on data such as vessel license, fishery equipment license, and vessel crew information. This information will be sent to the Coordinating Center for Workers in Fishery Industry to be used for managing fishery labour, and to track and inspect fishing vessels and their crews in order to manage fishery labour accordingly to related legislation.

(7) Vessel Monitoring System (VMS) Installation Procedure Consideration

The Department of Fisheries discussed with the Marine Department and the overseas fishing vessel owners on December 2012 to consider the procedure of the VMS installation on Thai fishing vessels overseas. The outcome of the discussion concluded that it is possible to install the VMS on the Thai fishing vessels overseas under the control system of the Department of Fisheries, which the Thai overseas fishing vessel owners readily agree to cooperate. The Marine Department is confident in the technology and the control system's capacity to track the Department of Fisheries' vessels, and in the readiness and the voluntary cooperation of the fishing vessel owners, as well as in the capacity to increase efficiency of the control and tracking system of the fishing vessels that the Department of Fisheries already possesses. Currently, the issue is in process for consideration from related agencies, particularly the National Fisheries Association of Thailand, to discuss towards a final conclusion of the VMS installation on Thai fishing vessels, and the preparation for the issuance of regulations for Thai overseas fishing vessels to install VMS from the Marine Department.

(8) Systematic categorization of fishing vessels based on its fishing equipment, fishing area, and total crews required

The Marine Department is responsible for vessel registration in Thailand, including Thai fishing vessels, while the Department of Fisheries regulates fishery activities and issues permits for fishing gears. At the moment, the two departments are in cooperation for the integration of a unified database of fishing vessels registration which will include information on permits for fishing gears used. In case of fishing vessels registration, the Department of Fisheries together with the Marine Department have organized and provided a "Mobile Unit" service on site for fishing vessels registration as well as the issuance of permits for fishing equipments along 22 coastal provinces (of Thailand) since 2010, which has led to a substantial increase of number of registered fishing vessels. 24,971 additional fishing vessels were registered during 2010-2012, summing up to approximately 40,000 vessels in total being registered at present.

Furthermore, the Department of Fisheries is also planning to include information on fishing crews / workers aboard the fishing vessels in the same database. However, given that there is not yet a domestic legislation that stipulates the report of such information, the Department of Fisheries is therefore planning to seek cooperation from the National Fisheries Association of Thailand and the Thai Overseas Fisheries Association to report information on fishing crews / workers aboard each of the fishing vessels.

With the inclusion of such information in the database, it will support the work of the soon-to-be-established Coordinating Centre for Workers in Fishery Industry and benefit relevant agencies with greater efficiency in their management and examination.

The Department of Fisheries, in coordination with the Marine Department, the National Fisheries Association of Thailand and the Thai Overseas Fisheries Association, expects to complete the model of the integrated database by January – February 2013.

(9) Examination and verification of the fishing vessels, fishing equipments, and workers aboard the fishing vessels that they are in accordance with the laws and regulations

The afore-mentioned database that includes information on fishing vessels registration, permits for fishing equipments, and fishing crews / workers aboard each of the fishing vessels will be of assistance to relevant agencies, especially in case of suspicion that a fishing vessel may have committed any wrong-doing including human trafficking on board. The Department of Fisheries will have to consult further with the Marine Department in the implementation of such examination / verification.

(10) Promotion and support of research and development to create a technology that would reduce the number of workers needed aboard the fishing vessels

The Department of Fisheries, with participation of some Korean experts, has conducted a research study on a modification of fishing equipments which would reduce the number of workers needed aboard the fishing vessels. Furthermore, the Department of Fisheries has coordinated with SEAFDEC and FAO in order to find ways to improve technology aboard fishing vessels, including a development of a pilot project on a model fishing vessel, which is now under study of how to be applied to Thai fishing vessels. Tangible outcomes are to be expected by mid 2013.

(11) Development of Operational Guidelines for Port in-Port out inspection for fishing vessels operating in international waters

This is an attempt to promote the conduct of port in-port out inspection for the fishing vessels operating in international waters. The objective is mainly to protect human smuggling and trafficking on board the vessels. Since November 2012, the DOF together with the Immigration Department and the Marine Department had convened joint meetings to analyze the situation and the problems concerning the existing measures on port in-port out inspections. While the guidelines had primarily been drafted, further consultations among the three

departments including the Royal Thai Navy on the draft guidelines had been planned, and it is hoped that the guidelines could be finalized for eventual implementation within 2013.

F. Working towards sustainable solution to protection of migrant workers

- to consider long-term solutions to recruit migrant workers through legal means in order to prevent abuse of human rights violation by:

(1) speeding up the nationality verification process by negotiating with Myanmar, Lao PDR and Cambodia to speed up and facilitate the nationality verification process by issuing passports (in case of Myanmar and Lao PDR) or certificates of identification – CI (in case of Cambodia) to their nationals (both migrant workers and their children born in Thailand)

The Department of Employment held bilateral talks with three source countries: namely, Cambodia, Myanmar, and the Lao PDR.

Cambodia sent her officials to facilitate the mobile nationality verification process by increasing the number of deployed officials and devising a plan for nationality verification.

After Thailand concluded bilateral talks with Myanmar, the Myanmar government opened five additional centers for nationality verification in five provinces in Thailand (i.e. Chiang Mai, Samutprakarn, Samutsakorn, Suratthani, and at Bangkok Employment Office Area 7). These centers will operate collaboratively with the Immigration Bureau as one-stop service center. The Myanmar authority sent her officials to station at the centre in each province.

Since the conclusion of the Thailand-Lao PDR MOU on Employment Cooperation on 18 October 2002, there were 11 follow-up meetings on this matter. Nonetheless, internal obstacles still persist in the Lao PDR. On 27 August 2012, the Director-General of the Department of Employment, Ministry of Labour of Thailand, paid a courtesy call on the Ambassador of the Lao PDR to Thailand to discuss this matter. The Ambassador informed the Director-General that the Lao PDR government was still in the process of considering this issue. In this connection, the Lao PDR government issued a formal note to the Director-General, informing him that the Ministry of Labour and Social Welfare of Lao PDR would send an official delegation to facilitate the nationality verification process of Laotian migrant workers in Thailand from November 2012, and asked Thailand to consider extending the deadline for such process until the end of May 2013. The Thai side is in the process of considering the Lao PDR's proposal.

Cooperation between Thailand and Lao PDR

On 27 November 2012, Thailand jointly organized an academic meeting in Thailand in order to discuss matters on a status of Laotian migrant workers in Thailand and a treatment towards Laotian migrant workers after 14 December 2012, as well as to revise the Memorandum of Understanding between Lao PDR and Thailand on Employment Cooperation. The Laotian side proposed to refer the matters to be discussed at the meeting to the 2nd

Ministerial Meeting between Thailand and Lao PDR and the 9th Senior Official Meeting between Thailand and Lao PDR, which would be held toward the end of December 2012 in Luang Prabang, Lao PDR.

Cooperation between Thailand and Cambodia

On 7 December 2012, Thailand jointly organized an academic meeting in Thailand to discuss and consider how to expedite a nationality verification process of Cambodian migrant workers in Thailand and a treatment towards Cambodian migrant workers after 14 December 2012, an issuance of a temporary passport to the Cambodian migrant workers who travel across border daily or seasonally, as well as to revise the Thailand-Cambodia MoU on Employment Cooperation.

Cooperation between Thailand and Myanmar

Thailand jointly organized the Ministerial Meeting to discuss and consider how to expedite a nationality verification process of Myanmar migrant workers in Thailand and the treatment of Myanmar migrant workers after 26 November 2012.

Nationality Verification Result

On 12 June 2012, the Thai Cabinet endorsed the recommendations of the Committee on Illegal Migrant Workers to extend the nationality verification procedure and to allow migrant workers waiting to be registered to remain in Thailand until 14 December 2012. As of 14 December 2012, there are 886,507 migrant workers whose nationalities still need to be verified. A total of 619,830 migrant workers have been verified as detailed below:

Myanmar	537,584
Lao PDR	0
Cambodia	82,246
There remain	266,677 individuals to be verified. They are:
Myanmar	27,474
Lao PDR	99,019
Cambodia	140,184

On 15 January 2013, the Cabinet approved a resolution to accommodate undocumented Myanmar, Laotian and Cambodian migrant workers, which are already hired by

employers, including migrant workers' dependants aged not over 15 years; to reside in the Kingdom as a specific case for 120 days since 15 December 2012 onwards. The extension is aimed for undocumented migrant workers to obtain Temporary Passports or Certification of Identity from their countries of origin. Therefore, every migrant worker, including the ones who missed the national verification process and other undocumented migrant workers that are already hired, are indulged according to the resolution.

The Department of Employment has established 12 One Stop Service Centers to facilitate employers and migrant workers. 3 Centers are located at the border (Ranong, Chiangrai and Tak) which provide services only for Myanmar workers. 9 Centers are located within the country (Chiangmai, Samutprakarn, Pathumthani, Samutsakorn, Rayong, Songkhla, Surat Thani, Kanchanaburi and Khonkaen) to provide service for Myanmar and Cambodian workers; in which Kanchanaburi and Konkaen Centers provide service for Laotian workers as well.

(2) seeking cooperation with neighboring countries apart from Myanmar to appoint their labour attaché to their Embassies in Thailand to enhance closer coordination

The 7th Meeting on Employment Cooperation between Thailand and Lao PDR was held between 12-13 January 2012 in Laos. The Thai and Laotian senior official delegations discussed, among other matters, the appointment of the Laotian Labour Attaché to the Laotian Embassy in Thailand. The Laotian side will report back to their superiors to consider this matter accordingly.

(3) seeking Government-to-Government cooperation on labour employment/recruitment

The Ministry of Labour had considered recruiting legal migrant workers from Bangladesh in the fishery industry. The MoU regarding the matter is now being discussed.

(4) continuing cooperation with international organizations such as International Organization for Migration to enhance the interpreter systems for the anti-TIP hotline operation

Ministry of Social Development and Human Security, in collaboration with the International Organization for Migration, hired Thai -Myanmar translators for Call Center No. 1300, to provide counseling and complaint channels for Myanmar migrant workers in the areas where they were concentrated, namely Pang-gna, Ranong, Tak, Chiang Rai and Samut Sakhon provinces.

Ministry of Labour has hired eleven staffs for the Call Center 1546 in 6 provinces where migrant workers were concentrated; namely, Bangkok, Samut Sakhon, Tak, Ranong, Khon Kaen, Chiang Mai and Chonburi. Their task was to give consultation to protect the workers' rights as stipulated to Thailand Labour Protection Act B.E. 2541. In 2012, there were 39,624 calls on 60,486 cases related to workers' rights.

G. Ratifying the United Nations Convention against Transnational Organized Crime (UNTOC)

- to finalize and promulgate the Act on the Prevention and Suppression of Transnational Organized Crime B.E. ... soonest, so as to ratify and implement the UNTOC within 2013.

On 15 October 2012 the Cabinet approved in principle the ratification of the United Nations Convention against Transnational Organized Crime (UNTOC) and further submitted this matter to the Parliament for approval in accordance with Article 190 (2) of the Constitution of the Kingdom of Thailand. After the Act on Prevention and Suppression of Transnational Organized Crime B.E. ... takes effect, the Ministry of Foreign Affairs is tasked to proceed to ratify the UNTOC. Moreover, the Cabinet also gave an approval to the Ministry of Foreign Affairs to begin the process of ratification of the Protocol on Prevention, Suppression and Punishment of Human Trafficking, especially in Women and Children, which is attached to the Convention.

Thailand hosted the Bali Process Workshop on the Ratification and the Implementation of the UNTOC and its two Protocols in Bangkok during 12-14 December 2012. The Workshop was aimed for countries participating in the Bali Process to exchange experiences and best practices related to the signing and ratification of the UNTOC and its two Protocols. In addition, the Workshop was intended not only to highlight Thailand's role in forging regional cooperation on issues related to transnational crimes, human trafficking and people smuggling, but also to support Thailand's process in ratification and implementation of the UNTOC and its Protocols, particularly in assisting to enhance preparedness of the Thai agencies concerned.
