

# **Snapshot of Thailand's Key Efforts to Combat Human Trafficking and Forced Labor**

**As of August 2014**

## **Introduction**

- Thailand's current administration remains committed to countering human trafficking, including forced labor. The issue is a national priority, and the leadership as well as line agencies continue to comprehensively address the problems of human trafficking and have stepped up the integration and coordination from the policy level down to the implementation level.

The improvement of migrant worker registration system has been closely linked with effective prevention of human trafficking, forced and child labor, which in turn helps strengthen the 5Ps approach. A number of new measures have been implemented in all 5Ps. A number of rules, laws and legislations have been amended and modified to provide more effective prevention, protection and prosecution.

## **Background**

- Located in the heart of mainland Southeast Asia, Thailand shares several thousand kilometers of land border with its neighboring countries, notably Myanmar, Laos and Cambodia. Thailand's geographical location as regional transportation hub and relatively advanced economy makes the country a desired destination for migrants from countries in the region. Each day migrant workers willingly cross the border, both legally and illegally, with the hope of pursuing better lives or even to settle in Thailand. Legal migrant workers are fully protected by Thai laws while illegal ones are vulnerable to becoming victims of human trafficking.

- There is a prevalent misunderstanding, if not a gross oversimplification, that all or most migrant workers in Thailand are illegal, and that all or most illegal migrant workers are victims of human trafficking. This is not simply the

case. In fact, the majority of migrant workers have registered themselves with the Ministry of Labor. As of August 2014, these migrant workers are classified into 3 groups. The first group of 442,786 persons are those who are employed in Thailand through the Memorandum of Understanding the country has signed with neighboring countries. The second group of 1,381,722 workers includes those who have already gone through the registration and national verification processes in the past and are able to work legally in Thailand. The third group of 1,062,090 workers and their dependants are those who have gone through the NCPO's recent migrant workers registration since May, 2014.

- The fact that there is a sizable migrant worker population in Thailand does not automatically mean that all or the majority of them are illegal or victims of human trafficking. What makes a victim of human trafficking can never be based on a simple claim or allegation but rather is contingent on the law. In the Thai case, such is the Anti-Trafficking in Persons Act, B.E. 2551 (2008) which defines "human trafficking" in accordance with the UNTOC and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, or the so called "Palermo Protocol". As such, the criminal act of human trafficking in Thailand entails several elements including coercion, deception, and exploitation. Should any of these acts be committed against children under the age of 18 years old, such crimes then are automatically punishable under human trafficking law. And anybody who requires protection and services as a victim of human trafficking must go through the victim identification process that is carried out by multi-disciplinary teams, a process of stipulated by Thailand's Anti-Trafficking in Persons Act, B.E. 2551 (2008).

#### **Policy and Political Commitment in 2014**

- There has been a firm and uninterrupted commitment from the highest level of Thailand's leadership on preventing and eliminating human trafficking. The National Council for Peace and Order (NCPO) has, in June 2014, resolved

to tackle the problem of forced labor and human trafficking even more vigorously and in a systematic and integrated manner. Combating human trafficking is one of the top national priorities of the NCPO. The principal approach of the NCPO involves the following:

1. The NCPO has combined and linked more closely the dimension of migrant workers with the dimension of forced labor and human trafficking, since some illegal migrant workers are at risk of being victims of human trafficking.
2. In tackling the issue of illegal migrant workers, the NCPO has introduced the policy of bringing illegal migrant workers into the formal labor sector by legalizing the illegal migrant workers who have already stayed and worked in Thailand.

The roadmap of handling the migrant worker issue comprises three stages:

- The first stage is to register illegal migrant workers by establishing 79 One Stop Service Centers (one each in 76 provinces + three in Bangkok). As of September 2014, 1,062,090 migrant workers and their dependants have gone through the registration process at the OSS. Migrant workers registration has been extended to 31 October 2014 and registered workers will be allowed to remain in the country until 31 March 2015 while awaiting nationality verification.
  - The second stage is nationality verification and the issuance of work permits.
  - The third stage is the amendment of labor regulations and related laws.
3. The NCPO has carried out a clear anti-corruption policy as indicated in the following :
    - A budget of 700 million Baht has been allocated for the National Anti-Corruption Commission to increase manpower

- The NCPO has directed all agencies to closely monitor the actions of their officials. The NCPO Announcement No. 68/2557 dated 17 June 2014 has made clear that corrupt officials will not be tolerated and will be punished according to the laws.
- The Government/Prime Minister will work with the private sector and the civil society in the campaign against corruption.

4. The NCPO plans to tackle the problems of migrant workers and human trafficking at the root causes, for example, development of Special Economic Zones along borders with neighboring countries with a transparent system of migrant labor management has been planned to accommodate the labor supply from neighboring countries. In the initial stage, there will be 5 Special Economic Zones: 1. Mae Sot District, Tak Province (Thai-Myanmar), 2. Mukdahan Province (Thai-Laos), 3. Aranyaprathet District, Sakaew Province (Thai-Cambodia), 4. Trat Province (Thai-Cambodia), and 5. Yala Province (Thai-Malaysia). Thailand is also considering 5 more Special Economic Zones in 1. Chiang Rai Province (Thai-Myanmar), 2. Kanchanaburi Province (Thai-Myanmar), 3. Nongkhai Province (Thai-Laos), 4. Nakhonphanom Province (Thai-Laos), and 5. Narathiwat Province (Thai-Malaysia). These Special Economic Zones will help support economic development and employment opportunities along the borders with neighboring countries.

5. Thailand has also adjusted certain elements of socio-economic development projects to address anti-human trafficking capacity building and improvement in labor's well-being in neighboring countries:

- Establishing a center for human trafficking victims at Maw-Lam-Yaing in Myanmar
- Providing support to projects to develop skills for migrant workers
- Establish the Learning Center for Sustainable Development in Cambodia and Myanmar

6. The new intake of migrant workers will mainly come from the Government-to-Government MoU mechanisms between Thailand and Myanmar, Cambodia, and Laos. Currently, Thailand and Myanmar are under the negotiations process to discuss the possibility of finding willing laborers who wish to work in the fishing industry. This group of migrant workers will be able to legally work in Thailand under the MoU framework and will receive protection and welfare according to the law.

- To better provide policy direction and foster coordination, the NCPO has established the Policy Committee on Foreign Workers and Human Trafficking chaired by the Supreme Commander of the Royal Thai Armed Forces and Deputy Chairman of the NCPO. This Committee serves as a central mechanism to coordinate the efforts of all relevant agencies in tackling the problems of human trafficking and forced labor, while at the same time supervising the management of preconditions that could complicate the issue of human trafficking, i.e., through the registration of migrant workers.

- NCPO Announcement No. 68/2557 dated 17 June 2014 on Emergency Measures to Prevent and Suppress Human Trafficking and to Solve the Problems Associated with Alien Workers, First Phase (Temporary), emphasizes respect for the human rights of workers, cooperation with neighboring countries and the international community to tackle the problem of human trafficking. Under this announcement, the NCPO publicly declared that any businesses, organizations, and government officials who are involved with human trafficking will be punished according to the law.

- With reinvigorated efforts to combating human trafficking and forced labor by the NCPO, responsible line agencies are now meeting more frequently in order to coordinate their plans and actions along the 5Ps, namely Prosecution and Law Enforcement, Protection and recovery, Prevention, Policy and mechanisms to Drive Policy and Partnerships. The close monitoring through the Committee on Foreign Workers Policy and Combating Human Trafficking

enables the NCPO to respond and facilitate the line agencies' requests in a timely manner.

## **Prevention**

- Thai and migrant workers contribute significantly to Thailand's economic development. In order to provide all workers in Thailand with the rights and protection they deserve, labor registration is the starting point of effective prevention of human trafficking. Coming into the system, workers will be protected under the provisions of at least three legal frameworks namely, (1) Labor Protection Act (1998) (2) Employment and Job Seeker Protection Act (1985) and (3) Alien Employment Act (2008).
- Thailand has enhanced cooperation with neighboring countries where migration and people smuggling originate. Labor coordination centers have been established to facilitate workers coming from Myanmar, Cambodia, and Laos. The centers' major objective is to bring migrant workers into the system, hence making them less vulnerable to illegal brokers or people smuggling syndicates, which in turn will lessen chances of them becoming victims of forced labor and human trafficking.
- Inter-agencies labor inspections on fishing boats and in high-risk worksites have been carried out regularly with improved labor inspection criteria and forms. Members of the multi-disciplinary inspection team have gone through capacity building classes.
- The NCPO also issued a decree instructing fishing vessel owners (about 57,141 vessels operate within Thai and regional waters) to submit lists of their crews, both Thai and foreign nationals, by July 2014. Between 22 July – September 2014, 46,061 migrant workers from Myanmar, Laos, and Cambodia in the fishery industry have registered themselves at the OSS Centers in 22 coastal provinces.

- Tightening the registration measures for fishing vessels and migrant workers, coupled with stricter law enforcement, will enable Thailand to better protect workers in the fishery sector from human trafficking.
- With the improved database and filing system from such registration, authorities will be able to more effectively monitor movements of workers and ensure decent working conditions as well as appropriate protection.
- Over the years, export of products from the fishery industry has contributed substantially to economic development in Thailand. To ensure sustainable fisheries development and decent working conditions for laborers in the fishing industry, line agencies have encouraged the private sector to implement Good Labor Practices and do away with illegal, unreported and unregulated fishing.

## **Protection**

- The Ministry of Social Development and Human Securities (MSDHS) continues its works in assisting human trafficking victims' recovery by providing them with safe shelters while allowing them to work temporarily. MSDHS also provides funding for traveling expenses should the victims prefer to go back to their home country after being rescued.
- In the year 2014 (as of June), 124 newcomers entered the care and protection shelters under the Department of Social Development and Welfare, while 121 chose to travel back home. Some victims (102 persons) of foreign nationalities, who chose to participate as witnesses in the legal proceedings, were granted permission to stay temporarily in the Kingdom according to Article 37. They (38 persons) are allowed to work temporarily if they are physically fit to do so and if their chosen jobs do not place them in harm's way.
- The Ministry of Labor also ensures workers' protection at their work place. Officers from the Department of Labor Protection and Welfare regularly inspect areas at risk, such as factories and fishing vessels. These include

integrated inspection involving concerned agencies and inspection by Thailand Maritime Enforcement Coordinating Center (Thai-MECC).

- The Ministry of Labor is in the process of revising the Labor Ministerial Regulation Number 10 on the Protection of Labor in Fishery Industry, which includes increasing the minimum age of those who work on fishing vessels from 16 to 18, expanding the mandatory rest period, and enforcing employment contract requirements.

- The Ministry of Labor and the Fisheries Department along with the International Labor Organization and the U.S. Department of Labor developed the Good Labor Practices (GLP) for the shrimp and seafood industries. Thai companies are now incorporating the GLP guidelines into their businesses to show their commitment to preventing human trafficking and forced labor in their work places. The GLP builds upon the existing required standards subject to relevant Thai laws and enforced by the Thai labor inspection system. The work places and operations of major Thai companies are also constantly being inspected by external (3rd party) auditing, who are often hired by foreign buyers.

## **Prosecution**

- The judicial process has made improvements in a number of fronts concerning human trafficking cases; namely :-

1. To prevent suspects from skipping bail during trial, the Ministry of Justice is in the process of implementing electronic locators for the suspects.

2. To facilitate victims who choose to travel back to their home countries, the Ministry of Justice is in the process of consultation with the Courts to allow remote testimonies by witnesses in court proceedings.

- The Ministry of Justice and the Royal Thai Police issued several directives to expedite human trafficking cases. Human trafficking cases usually do not take more than 3 years to receive a judgment from the day the case enters the Thai justice system.

- The punishment for human trafficking is already severe. In many instances, judges may consider the highest level of punishment according to related laws depending on the nature of the crime committed apart from human trafficking. Out of 415 convicted human trafficking defendants between 2009 - 2013, 266 (64.10%) were sentenced to jail terms of 3 years and over.
- In 2014 (January - June), police investigation has filed 142 cases as human trafficking (compared to 488 cases in the same period of last year) while 142 human trafficking cases have been prosecuted (compared to 674 total cases in 2013). The substantial year-on-year statistical decline is indicative of the culprits' responses to stringent investigation and prosecution on human trafficking cases in the previous year.
- Thailand's Job Placement and Job Seekers Protection Act as of 1985 stipulates that an employment company must acquire authorization and permission license. This license will be withdrawn should any employment company fail to abide by the Act, including undertaking illegal action against job seekers. Illegal employment companies or illegal brokers are also criminalized by the law.
- Over the years, increasing pieces of evidence have shown that illegal labor brokers are largely people of the same nationalities as the victims, which means that the sources of human trafficking originate beyond Thai borders. This issue is one of the pressing matters on which Thailand is in consultation with Cambodia, Laos and Myanmar in the process of revising the MoUs on Employment Cooperation between Thailand and its neighboring countries.

### **Partnership**

- Thailand's fight against human trafficking is an integrated effort from all sectors of our society. In addition to the frequent inter-agency meetings and coordination, responsible Government agencies have collaborated with a number

of international organizations and non-governmental organizations. **A list of their cooperation is as attached.**

- Despite the existing cooperation and partnership, attempts have been made to reach out to a wider group of stakeholders. On 14 August 2014, the Ministry of Foreign Affairs met with local NGOs and relevant governmental agencies to discuss ways and areas to counter human trafficking in which their coordination and cooperation could be enhanced. The meeting has recognized NGOs' contribution as their operations cover different regions of the countries and they work at the grassroots level. Participating government agencies have expressed willingness to further cooperate and provide support as requested by the NGOs in their anti-human trafficking operations, including awareness raising campaign and rescue of victims, while participating NGOs have expressed their readiness to work even more closely with the government sector.

- The Ministry of Foreign Affairs also has had close contact and regularly updated the US Embassy in Bangkok of developments concerning Thailand's counter human trafficking efforts and implementation. The latest update took place on 27 August 2014 at the Ministry of Foreign Affairs in which concerned US Embassy officials (from State Department, Department of Homeland Security, FBI and USAID) attended a briefing session on such developments. Details on new measures and their implementation to prevent and suppress human trafficking were presented by Thailand's Ministry of Foreign Affairs, Ministry of Labor, Royal Thai Police, Department of Special Investigation, Department of Fishery and Marine Department. The presentations and subsequent exchange of views were well-received by participants from the US Embassy in Bangkok. **The presentations by Thailand's concerned agencies are attached herewith for information.**

- Apart from coordination and cooperation with concerned organizations, both in the public sector and civil society, Thailand has enhanced cooperation

with neighboring countries to collectively address the problems of human trafficking through several channels and means. A case in point is as follows :-

- The Ministry of Labor has reviewed the Memoranda of Understanding on Employment Cooperation with Cambodia, Myanmar and Laos with a view to improving the labor recruitment system that could help reduce the chance of these workers falling prey to brokers and better protect them in accordance with their rights.

- As of August this year, 442,786 migrant workers from neighboring countries have been recruited through the MoUs on Employment Cooperation between Thailand, Laos, Myanmar and Cambodia (Myanmar 137,069; Laos 56,449; Cambodia 249,268). Workers who came through the MoU's are provided with passports and legal documentation from their countries of origin. Should their documents be taken away without consent by job brokers or their employers, they can report missing or stolen documents with law enforcement authorities.

- The Ministry of Labor is in the process of negotiating Memoranda of Understanding with such countries as Bangladesh, Malaysia and the United Arab Emirates.

- In 2014, the Royal Thai Police and the Department of Special Investigations have undertaken capacity building programs in addressing human trafficking with their counterparts in neighboring countries; namely (1) 14<sup>th</sup> Case Management Meeting with Myanmar on 29 May 2014 in Bangkok, (2) 15<sup>th</sup> Case Management meeting on 2 July 2014 in Vientiane, Laos PDR.

- At the regional level, Thailand has played a key role in pushing for the draft ASEAN Convention on Trafficking in Persons to be finalized by the end of 2014, so that it could be endorsed by ASEAN high authorities in 2015 when the ASEAN Community will have come into being.

- The Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Social Development and Human Security, the Ministry of Labor, and the Royal

Thai Police in cooperation with the Australian Embassy in Bangkok have jointly implemented the Australia–Asia Program to Combat Trafficking in Persons. The Project is funded by the Australian Government and covers the operational period between the years 2013 – 2014 with the aim of strengthening legal processes in tackling the problem of human trafficking. The Program chose Thailand as its regional office due to Thailand’s capacity and potential in sharing lessons learned and best practices with other countries in the region, including its neighbors such as Cambodia, Laos, and Myanmar.

### **In Summary**

- In 2014, the commitment to preventing and eliminating human trafficking remains strong, if not even stronger, at the highest level of Thailand’s leadership. Countering human trafficking, including forced labor, is a national priority and as a result, coordination and cooperation across concerned organizations in both public and private sectors as well as in the civil society, have intensified. The Momentum of progress in the areas of 5Ps, i.e., prosecution, prevention, protection, policy mechanism, and partnership is not simply being maintained but strengthened. Additionally, measures to manage preconditions, such as improved registration systems for migrant workers and for fishing vessels, have been introduced to complement the 5Ps.

- Countering human trafficking, including forced labor in Thailand is a work in progress. Thailand welcomes sincere cooperation in this area and will continue to do more, not simply because we are obligated under international norms or multilateral conventions, but because it is in keeping with our cherished values and long-standing humanitarian tradition in protecting and giving assistance to those in desperate need.

\*\*\*\*\*