

Highlights of Thailand's Progresses in the Implementation of Recommendations contained in the U.S. State Department's Trafficking in Persons Report 2014

Prosecution

“Promptly and thoroughly investigate all reports of government complicity in trafficking, and increase efforts, particularly through the Department of Special Investigation and the Office of national Anti-Corruption Commission and the Office of Public Sector Anti-Corruption Commission, to prosecute and punish officials engaged in trafficking-related corruption”

✓ **Penalize** 19 government officials and public employees for human trafficking negligence or involvement in the second degree – 8 now facing criminal charges and 11 under disciplinary punishment.

✓ **Strengthen** corruption-monitoring units in all government agencies to monitor and prosecute corrupt officials without delay.

✓ **Mandate** punishments, under the National Council for Peace and Order (NCPO)'s Announcement no. 68/2557 on 17 June 2014, for officials who neglect or are complicit in human trafficking. Complicit officials will face immediate disciplinary and criminal prosecution.

✓ **Instruct** police officers at all levels not to be involved with or to seek bribery from human trafficking activities. If found to be involved human trafficking, they will face severe disciplinary actions as well as criminal charges.

✓ **Reassign** local police in the area where human trafficking takes place outside of such area, whenever an arrest is made.

YES!

“Increase efforts to prosecute and convict trafficking offenders, including those who subject victims to forced labor in Thailand’s commercial and export oriented sectors”

“ Pursue criminal investigations of cases in which labor inspections reveal indicators of forced labor – including the imposition of significant debts by employers or labor brokers, withholding of wages, or document confiscation”

“Consider establishing a dedicated court division, or take other measures to consistently expedite the prosecution of trafficking cases”

✓ **Take** 134 legal actions against 156 illegal labor brokers, while another 107 illegal brokers are facing action based on 88 proactive investigations.

✓ **Establish** a team of law enforcement and criminal justice agencies including the Royal Thai Police, Office of the Attorney General, Ministry of Justice, Department of Special Investigation, Court of Justice, Ministry of Labor and Ministry of Social Development and Human Security to record trafficking cases and to establish an integrated database for future case follow-up.

✓ **Give** additional power to law enforcement authorities, under the new amendment of Anti-Trafficking in Persons Act, to temporarily close business if evidence of labor trafficking is found in the workplace.

✓ **Issue** judicial guidelines by Supreme Court President to expedite human trafficking cases to be completed within 6 months, or a maximum of one year if necessary.

YES!

“Restrict bail to alleged trafficking offenders to prevent flight”

✓ **Share** information of the suspects with the Immigration Bureau of Thailand in order to ensure proper monitoring and restricting cross-border movements. If the Immigration Bureau of Thailand detects the plan to travel across border with intention to flee prosecution, the prosecutor will be promptly notified and immediately file request to terminate the bail order.

✓ **Prevent** foreign suspects from leaving Thailand by notifying the Thai Immigration Bureau, which may further consider withdrawing their stay permit and take the suspects under detention according to charges according to the Immigration Act of 1979.

YES!

“Enact legislation that protects officials against legal retaliation for pursuing trafficking cases”

YES!

✓ **Approve** amendment of the Anti-Trafficking in Persons act with additional articles on protection of officials acting in good faith and with justice to prevent and suppress trafficking in persons. Those reporting such cases in good faith shall be granted protection and shall not face any civil, criminal or administrative charges, even though these cases may be later unfold as non-human trafficking related.

Protection

“Develop and implement victim identification procedures that prioritize the rights and safety of potential victims”

“Consistently include trained social workers or victim service organizations in victim screening interviews in safe and private spaces”

“Significantly increase efforts to proactively identify victims of trafficking among vulnerable populations, particularly foreign migrants, deportees, and refugees”

“Significantly increase the availability of interpretation services across government agencies with responsibilities for protecting foreign migrants”

YES!

✓ **Interview** potential victims by well-trained social workers, psychologists, law enforcement officers and NGOs representative, using standardized interview forms.

✓ **Improve** further the One Stop Crisis Center Hotline which operates 24/7 in five languages (Burmese, Chinese, English, Khmer, and Vietnamese), and in 2014 took more than 3,400 complaints and identified 123 cases related to human trafficking, and working to integrate working process among this and other related hotlines (e.g. Labor Protection Hotline, Hotline for migrant workers, Royal Thai Police’s Anti-Human Trafficking Division Hotline), and concerned agencies.

✓ **Work toward** signing a MoU between the Royal Thai Police and registered NGOs across Thailand, to promote full participation of NGOs in the victim identification process.

✓ **Interview** all migrants who are due to be deported from Thailand through established Immigration border checkpoints. This measure is to rescreen migrants, especially among vulnerable individuals to find out whether or not they have been victims of human trafficking.

✓ **Register** over 71,000 migrant workers in the sea fishing sector, while working toward implementing Port-in/Port-out control (to be operationalized on 6 May 2015), Vessel Monitoring System-related measures, and an integrated database system.

✓ **Register** illegal migrants into the formal labor sector, with over 1.6 million having registered and undergoing the process leading to issuance of work permits.

✓ **Promote** employment of migrant workers through G-to-G arrangements to ensure migrant workers receive full protection and benefits under Thai laws.

✓ **Set up** 37 anti-TIP centers focusing on high-risk provinces.

“Allow every adult trafficking victim – including sex trafficking – to travel, work, and reside outside shelters in accordance with provisions in Thailand’s anti-trafficking law”



✓ **Provide** job opportunities to all victims seeking work and able to work.
 ✓ **Allow** trafficking victims to work outside shelters if their situation is conducive to work and their protection guaranteed. In 2014, a total of 57 victims enjoyed employment outside shelters and the salaries they earned have helped to supplement the government’s financial assistance they received. Some of them chose not to work and opted for vocational training activities available inside the shelters in preparation for sustainable repatriation.

“Implement court procedures which prioritize the protection of witnesses”



✓ **Ensure** protection of witnesses under Criminal Procedure Code, Witness Protection Act, and Anti-Trafficking in Person Act. In case where trafficking victims make a statement or testify as a witness, he/she shall be under protection. The safety of their family members shall also be taken into account.

“Increase incentives for victims to cooperate with law enforcement in the investigation and prosecution of trafficking cases”

“Develop and provide specialized services for child sex trafficking victims and take appropriate steps to ensure their cases progress quickly”

✓ **Assess** the risk faced by each victim and bring him/her into a witness protection program if the threat is imminent.

✓ **Assist** victims to initiate cases to claim for compensation. Victims have the rights to initiate legal proceeding to get remedies, restitution and compensation as provisioned in the laws.

✓ **Testify** a child victim in a separate room, in the presence of a psychologist, social worker and other persons as requested by the victim to avoid direct confrontation with perpetrators in court.

✓ **Train** all staff involved in child trafficking cases to be able to intervene using a victim-right approach.

✓ **Put** child victims in shelter homes for children where specific services and facilities, such as the use of the child’s native languages and cartoons, dedicated childcare centers with activities catering to child development.

✓ **Stipulate** in the Anti-Human Trafficking Act that the consent of a child is not a prerequisite for legal proceedings. When acts and means as described in the law were used, the child will automatically qualify as a victim of trafficking, which entitles the child with protection and recovery as well as ensures expeditious prosecution.

YES!

“Provide legal alternatives to the removal of foreign trafficking victims to countries in which they would face retribution or hardship”

YES!

✓ **Constantly work on** finding more alternatives for foreign victims, for example, to allow them to be legally employed instead of being repatriated, taking into account relevant laws and regulations.

“Increase efforts to seize assets of trafficking offenders and ensure these funds directly benefit victims”

YES!

✓ **Submit** all 280 trafficking cases investigated in 2014 to the Anti-Money Laundering Office (AMLO)

for confiscation of assets and proceeding of crime.

✓ **Amend** the Anti-Trafficking in Persons Act to stipulate that when the Court orders confiscation of assets in a human trafficking case, half of the assets shall belong to the Anti-Money Laundering Fund, and the other half shall no longer be considered as government revenue but shall be used to compensate victims of human trafficking. Any remaining assets, if any, after such compensation is made, shall be transferred to the Anti-Trafficking in Persons Fund.

Prevention

“Increase anti-trafficking awareness efforts directed at employers and clients of the sex trade, including sex tourists”

“Make efforts to decrease the demand for exploitative labor”

✓ **Blacklist and deny** entries of foreign tourists who have committed sexual exploitation offenses, including child sex abuses – with 82 pedophiles and sex tourists blacklisted, 98 entry requests denied, and permission to stay of 12 foreigners revoked.

✓ **Inspect** more than 9,500 high-risk areas, resulting in 44 arrests, 79 victims identified, and 13 minors under 18 rescued.

✓ **Launch** a project to develop surveillance network on child sex tourism administered by the Ministry of Tourism and Sports in cooperation with the Tourist Police Division. The project included a series of awareness raising campaign in high-risk areas with over 3,000 participants from various sectors.

✓ **Organize** a training course for 30 hotel service providers on trafficking in persons and child sex tourism.

✓ **Issue** recognition certificate for businesses with zero use of child labor or forced labor.

✓ **Implement** strong enforcement and strict labor inspections.



Partnership

“Cease prosecuting criminal defamation cases against researchers or journalists who report on human trafficking; recognizing the valuable role of NGOs and workers’ organizations in uncovering the nature and scope of human trafficking in Thailand, work to establish an environment conducive to robust civil society participation in all facets of understanding and combating human trafficking”

✓ **Establish** closer coordination and better working relationships with NGOs and the private sector. These NGOs include, for example, World Vision Thailand, Labor Rights Promotion Network Foundation (LPN), Foundation for Women, and Foundation for Child Development.

✓ **Partner** with NGOs to improve capacity for victim identification. Currently, eleven NGOs and international organizations regularly participate in the victim identification process with officials. The 11 NGOs and international organizations include Jesuit Foundation Prison Ministry (JFPM), the Office of Immigration Doctors, United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), Marryknoll Thailand (MT), Catholic Office for Emergency Relief and Refugees (COERR), Grace Baptist Visiting Group (CVG), Alliance Anti Traffic (AAT), Foundation for Women (FFW), Living Water Center (LWC), and Evangelical Church of Bangkok.

✓ **Develop** cooperation with foreign NGOs, such as International Justice Mission (IJM) and Polaris Project, to enhance capacity and learn from best practices of law enforcement and access to victims. Thailand is also actively participating in a dialogue with many other NGOs, such as the McCain Institute, the Heritage Center and the Solidarity Center.

✓ **Work** with foreign buyers of our products to promote Good Labor Practices as part of their corporate social responsibility activities.



YES!