

# Royal Thai Government's Progress Report on Anti-Human Trafficking Efforts

1 January – 31 March 2022

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### **Executive Summary**

The Anti-human trafficking efforts remain among the priorities of the national agenda. Within the first quarter of 2022, significant progress was made in anti-trafficking efforts, including several structural and organisational improvements, which in the long term will enhance the capacity and elevate the overall performances of the government agencies and law enforcement officers in prosecution, protection and prevention of trafficking in persons in all its forms.

### 1. Don Mueang Human Trafficking Victim Identification Centre

The Government through collaboration between the Ministry of Labour (MOL) and Royal Thai Police (RTP), together with other relevant agencies has developed the Don Mueang Human Trafficking Victim Identification Centre. The Centre will serve three main purposes: (1) Victim Identification – Potential trafficking victims will be provided with safe accommodation and victim-centred services to help them recover from trafficking trauma. Innovative technology and database system will be used to elevate victim identification process and protection services; (2) Anti-Trafficking in Persons Operation Centre for the Multidisciplinary Teams (MDTs) and related agencies; and (3) Regional Centre of Excellence for Combating Trafficking in Person – The facility will train law enforcement officers to become specialists in anti-trafficking in person. The training curriculum will be jointly developed with the International Justice Mission (IJM) and the ASEAN-Australia Counter-Trafficking (ASEAN-ACT).

### 2. National Referral Mechanism (NRM)

In March 2022, the Committee on Anti-Trafficking in Persons, chaired by General Prawit Wongsuwon, Deputy Prime Minister, approved the NRM guidelines, which include the extension of reflection period for victim identification up to 45 days, for nationwide implementation by all relevant agencies.

The Government also issued a Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee's Action Plan on NRM, Victim Identification and Protection Services for Potential Victims of Trafficking. The Action Plan will be implemented under NRM by law enforcement officers and will help increase the efficacy of victim identification and protection services for potential victims.

### 3. Freedom of Movement

Victims residing in shelters continued to have ability to move freely in and out of shelters and access communication devices. As of March 2022, 18 victims voluntarily sought outside employment, with six residing with their employers outside the shelters, and 12 staying in the shelters. The Ministry of Social Development and Human Security (MSDHS) also worked closely with the Officer of the Attorney General (OAG) and the Non-Governmental Organisations (NGOs) partners to ensure that victims were adequately prepared for court proceedings.

### 4. Standard Operating Procedure for Labour Trafficking and Section 6/1

The draft Standard Operating Procedures (SOPs) for initial victim identification of labour trafficking and section 6/1 offences was approved by the Anti-Human Trafficking Committee on 23 March 2022. The SOPs has been distributed to law enforcement officers to use as a victim identification guideline for labour trafficking and Section 6/1 offences. After six months, MOL will re-evaluate the implementation of the SOPs and make amendments in areas it can be improved.

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### **Prosecution**

At the beginning of 2022, the COVID-19 situation in Thailand has worsened and the Royal Thai Government continued to impose strict prevention and control measures to curb the new wave of outbreak. A declining trend in overall crime rates continued, including in the number of human trafficking cases. However, the internet became the dominant platform for human trafficking, including online prostitution, online child sexual exploitation, and false online job advertisements and recruitments. At the same time, the re-opening of the border has seen a flow of illegal migrants and labours.

The Royal Thai Government has continued to vigorously combat all forms of trafficking in persons and forced labour and enhance efforts in collaborating with NGO partners to tackle emerging forms of human trafficking and provide legal services to victims in the prosecution process.

### **Key Progress during January-March 2022**

- 1. The effectiveness of the prosecution of human trafficking cases, including victim identification, particularly in labour and fisheries labour cases, was improved through workshops and trainings for more than 800 law enforcement and relevant officers.<sup>1</sup>
- 2. The victim-centred and trauma-informed care approaches remained at the core of prosecution process. Officials enhanced efforts to ensure that victims were prepared and ready before their testimonies.<sup>2</sup>
- 3. During the first three months of 2022, 73 human trafficking cases were initiated. The efficacy of investigation and prosecution process was enhanced through close collaborations between all relevant agencies. To facilitate the Court's prompt proceeding, the voice records of victims' testimonies during the investigation were also used as evidence for the Court's consideration in cases that the victims did not appear at the Court.
- 4. The specialist task force was established to provide consultation and advices to relevant officials regarding victim identification process and relevant laws and regulations. The Thailand Anti-Trafficking in Persons Task Force

<sup>1</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

<sup>&</sup>lt;sup>2</sup> US Recommendation: (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

(TATIP) 24-hour hotline was also established to provide assistance and support to all relevant agencies.<sup>3</sup>

- 5. The amendment to the Office of the Prime Minister's Regulations on Management Measures in Preventing Official Complicity in Human Trafficking, was approved by the Cabinet's Legislative Review Committee on 7 March 2022 in order to broaden the Regulations' jurisdiction to cover the act of facilitating illegal entries into the Kingdom without permission under immigration law, to prevent official complicity in human smuggling.
- 6. The Working Group on Asset Seizures of Human Trafficking Offenders was established by the Royal Thai Police (RTP) to work with the Anti-Money Laundering Office (AMLO) and the Police Anti-Money Laundering Center (PAMLC) to accelerate the prosecution of money laundering cases on human trafficking offenders and seizure of their assets.
- 7. The establishment of the Trafficking Victim Identification Centre, in Don Mueang district, Bangkok, was approved by the Anti-Human Trafficking Committee.<sup>4</sup> The Centre will provide safe accommodation and victim-centred services. It will also serve as an anti-trafficking joint operation facility for the Multidisciplinary Teams (MDTs) and related agencies as well as a Regional Centre of Excellence for Combating Trafficking in Person to provide anti-human trafficking trainings for law enforcement officers.

### 1. Statistics on Human Trafficking Cases, Suspects and Victims

### 1.1 Number of Human Trafficking Cases

Six additional human trafficking cases from last year were reported, bringing the total number of human trafficking cases in Thailand in 2021 to 188 cases (Diagram 1).

The combined collaborative and inclusive efforts between related law enforcement and relevant agencies together with NGO partners in taking care of victims have resulted in increasing trust between victims and authorities, leading to better cooperation to the prosecution process. This helped increase the efficacy of evidence collection and prosecution with lesser time to handle human trafficking cases and higher number of completed cases.

<sup>4</sup> US Recommendation: (6) Extend the period in which officials are required to identify a potential victim formally, to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities.

<sup>&</sup>lt;sup>3</sup>US Recommendation: (5) Ensure experienced officers respond to trafficking cases, including by increasing the capacity of the police anti-trafficking unit to assist local districts that do not have experience with investigating trafficking.

Diagram 1: Statistics on human trafficking cases in 2021

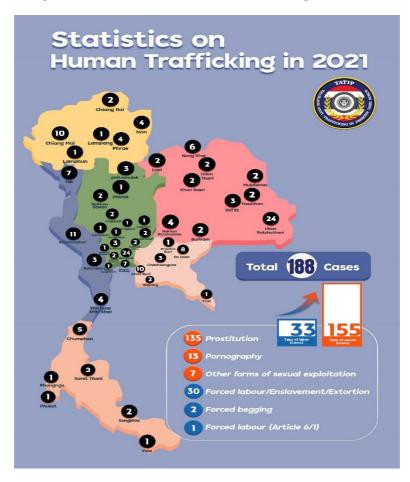


Diagram 2: Statistics on human trafficking cases in 2022



During January-March 2022, 73 human trafficking cases were initiated, with 64 cases related to sex trafficking (prostitution, pornography, and other forms of sexual exploitation), and nine cases of forced labour or services (Table 1).

Table 1: Number of human trafficking cases initiated

Year	Total		Types of Human Trafficking Activities						
		Prostitution	Pornography	Sexual Exploitation	Enslavement	Forced Begging	General Forced Labour	Forced Labour in Fisheries	Extortion/ Other
2017	302	246	7	2	-	26	14	7	-
2018	304	249	4	5	-	8	29	6	3
2019	288	158	15	12	33	9	31	4	26
2020	133	96	17	6	0	2	8 + (2)	2	0
2021	188	135	13	7	2	2	15 + (1)	2	11
Jan-Mar 2022	73	54	10	0	0	3	5	1	0

Note: (1) In 2020, the number in brackets represents one forced labour or services case, and one worst form of child labour case, both of which are offences under Section 6/1 and section 56/1 of the Anti-Trafficking in Persons Act respectively.

- (2) In 2021, the number in brackets represents one forced labour or services case, which is an offence under Section 6/1 of the Anti-Trafficking in Persons Act.
- (3) The number of cases initiated in 2021 was updated after the release of the RTG's 2021 Country Report.

#### 1.2 Number of Human Trafficking Offenders

From 2021, there were an additional 40 suspected human trafficking offenders. Of this number, 28 were males and 12 were females comprising 20 Thais and 20 foreign nationals. During January-March 2022, a total of 123 suspected human trafficking offenders were arrested, comprising 61 males and 62 females. Of 123 suspects, 110 were Thais and 13 were foreign nationals. Details appear in <u>Table 2</u>.

Table 2: Number of suspected human trafficking offenders by gender and nationality

Year	Total	Gender		Nationality					
1 cai		Male	Female	Thai	Myanmar	Cambodian	Laotian	Others	
2017	427	145	282	361	9	25	3	29	
2018	532	229	303	424	30	15	4	59	
2019	555	330	225	402	120	4	6	23	
2020	188	87	101	160	2	7	0	18	
2021	396	231	165	290	29	4	0	73	
Jan-Mar 2022	123	72	51	110	0	0	0	13	

Note: The number of suspected offenders in 2021 was updated after the release of the RTG's 2021 Country Report.

### 1.3 Number of Victims of Trafficking

In 2021, there were additional 62 victims of trafficking identified (37 males and 25 females). Of 62 victims, 60 were Thais and two were foreign nationals. During January-March 2022, a total of 202 victims of trafficking (87 males and 115 females) were rescued. Of this number, 196 victims were Thais, and six victims were foreign nationals (<u>Table 3</u>). Of this number, 75 victims are under the age 18. There were 80 victims related to sexual exploitation cases (70 victims of prostitution, ten victims of pornography) and 122 victims of labour trafficking. Details appear in Table 3, Table 4 and Table 5.

Table 3: Number of victims of trafficking

	T 4 1	Gender		Nationality				
Year	Total	Male	Female	Thai	Myanmar	Cambodian	Laotian	Others
2017	455	88	367	327	53	26	30	19
2018	631	282	349	345	205	28	14	39
2019	1,821	1,158	663	251	1,306	96	38	130
2020	231	66	165	162	5	5	46	13
2021	414	151	263	312	94	0	2	6
Jan-Mar 2022	202	87	115	196	2	2	2	0

Note: The number of victims in 2021 was updated after the release of the RTG's 2021 Country Report.

Table 4: Number of victims of trafficking identified during January-March 2022

Number of Victim of Trafficking Identified	Sex Trafficking	Labour Trafficking	Extortion/Other
Total	80	119	3
Male	4	72	0
Female	7	44	0
Boy (under 18)	7	1	3
Girl (under 18)	62	2	0
LGBTQI+	0	0	0
Foreign nationals	4	0	2
Thais	69	0	1
Thais in foreign countries	7	119	0

Table 5: Number of human trafficking victims by type of human trafficking activities

Year	Total		Types of Human Trafficking Activities								
		Prostitution	Pornography	Sexual Exploitation	Enslavement	Forced Begging	General Forced Labour	Forced Labour in Fisheries	Extortion/ Other		
2020	231	134	21	13	0	2	8 + (39+1)	13	0		
2021	414	159	14	8	2	2	149 + (7)	2	71		
Jan- Mar 2022	202	70	10	0	0	3	117	2	0		

Note: (1) The numbers in brackets represent forced labour or services cases, which are offences under Section 6/1 the Anti-Trafficking in Persons Act.

#### 2. Prosecution of Human Trafficking Cases

### 2.1 Human Trafficking Cases Handled by Inquiry Officers

#### 1) Progress of Human Trafficking Cases Handled by Inquiry Officers

During January-March 2022, police inquiry officers received a total of 73 human trafficking cases. Of this number, inquiry process has been completed for six cases, which were filed to public prosecutor. At present, the remaining 67 cases are under the consideration of inquiry officers. The inquiry officers were also able to complete additional three cases from 2020 and 55 cases from 2021, all of which were filed to public prosecutors. Details appear in <u>Table 6</u> and <u>Table 7</u>.

<sup>(2)</sup> The number of victims in 2021 was updated after the release of the RTG's 2021 Country Report.

Table 6: Progress of human trafficking cases handled by inquiry officers

Year	Total	Under inquiry	Filed to public prosecutors	Not filed to public prosecutors
2018	304	2 (0.66%)	300 (98.68%)	2 (0.66%)
2019	288	2 (0.70%)	284 (98.61%)	2 (0.69%)
2020	133	2 (1.50%)	128 (96.24%)	3 (2.26%)
2021	188	38 (20.21%)	150 (79.79%)	0 (0.00%)
Jan-Mar 2022	73	67 (91.78%)	6 (8.22%)	0 (0.00%)

Note: (1) Two pending cases from 2018 are under consideration of DSI and RTP.

- (2) Two pending cases from 2019 involve extra-territoriality, still awaiting evidence from countries of final destination for inquiry officers' consideration.
  - (3) Two pending cases from 2020 are under consideration of DSI.
  - (4) 38 pending cases from 2021 are under consideration of DSI and RTP.
  - (5) 67 pending cases from 2022 are under consideration of DSI and RTP.
- (6) The number of cases initiated in 2021 was updated after the release of the RTG's 2021 Country Report.

**Table 7: Case classification by number of suspects** 

Year	Total	Cases Involving One Suspect	Cases Involving Two or More Suspects
2018	304	219 (72.04%)	85 (27.96%)
2019	288	187 (64.93%)	101 (35.07%)
2020	133	103 (77.27%)	30 (22.56%)
2021	188	100 (53.19%)	88 (46.81%)
Jan-Mar 2022	73	52 (71.33%)	21 (29.77)

Note: The number of cases initiated in 2021 was updated after the release of the RTG's 2021 Country Report.

The Government continued to develop the Electronic Database System for Anti-Human Trafficking of Thailand (E-AHT) to integrate all statistics and data related to human trafficking cases from all relevant agencies into a single system. The E-AHT system also recorded the channels where cases of human trafficking were received. During January-March 2022, from the total of 73 cases, 53 cases were offences committed through online platforms and 20 cases were offences committed via non-online methods (<u>Table 8</u>).

In 2021, law enforcement agencies made arrests on a total of 71 cases of online false advertisements. Out of this number, 40 cases were identified as child pornography offences. From January-March 2022, law enforcement officers were able to make the arrests of 70 cases with child pornography offences.

Table 8: Statistic on cases reported via different channels

		Cases Rep	orted via	Cases R	Suspects' Detention				
Year	Cases	Online	Non-online	Law Enforcement Officers	Victims	NGOs	Fleeing Suspect	Bail out	Detained
2019	286	32 (11.19%)	254 (88.81%)	-	-	-	-	-	-
2020	133	37 (27.82%)	96 (72.18%)	-	-	-	-	-	-
2021	188	107 (56.91%)	81 (43.09%)	-	-	-	-	-	-
Jan- Mar 2022	73	53 (72.60%)	20 (27.4%)	34	26	7	23	1	43

Note: The number of cases initiated in 2021 was updated after the release of the RTG's 2021 Country Report.

### 2.2 Human Trafficking Cases Pursued by Public Prosecutors

# 1) Progress of Consideration of Human Trafficking Cases by Public Prosecutors

Of the total 92 human trafficking cases received by the Office of the Attorney-General (OAG) during January-March 2022, 70 cases were related to prostitution, pornography and other sexual exploitation related offences which continued to be the majority of the offence committed since 2017. The OAG received 22 cases related to general forced labour and services during the first three months of 2022 (<u>Table 9</u>).

Table 9: Type of human trafficking cases received by public prosecutors

		Type of Human Trafficking cases Received					
Year	Total	Prostitution and Sexual Exploitation	Forced Begging	General Forced Labour and Services			
2017	418	325	25	68			
2018	357	286	14	57			
2019	364	242	7	115			
2020	241	191	3	47			
2021	197	163	3	31			
Jan-Mar 2022	92	70	0	22			

Out of 92 cases received by OAG during January-March 2022, 90 cases were cases with arrested suspects and two cases were cases with fleeing suspects. Public prosecutors completed the consideration of 72 cases (80 percent), 67 of which were submitted to the Court. Furthermore, since the beginning of 2022, OAG has completed its consideration of additional 26 cases from 2021, with 24 cases submitted to the Courts. There were two cases with fleeing suspects in the first three months of 2022. Details appear in <u>Table 10</u> and <u>Table 11</u>.

Table 10: Progress of human trafficking cases with arrested suspects

		Progress of Human Trafficking Cases						
Year	Total	to the Courts (%) the Courts (%)		Cases under public prosecutors' consideration	Cases returned to inquiry officers (%)			
2017	396	385 (97.22%)	11 (2.78%)	0	0			
2018	331	294 (88.83%)	33 (9.97%)	0	4 (1.2%)			
2019	343	273 (79.59%)	65 (18.95%)	0	5 (1.46%)			
2020	225	202 (89.78%)	17 (7.55%)	0	6 (2.67%)			
2021	180	163 (90.56%)	10 (5.55%)	0	7 (3.89%)			
Jan-Mar 2022	90	67 (74.44%)	5 (5.56%)	16 (17.78%)	2 (2.22%)			

Table 11: Progress of human trafficking cases with fleeing suspects

		Progress of Human Trafficking Cases						
Year	Total	Cases submitted to the Courts (%)	Cases not submitted to the Courts	Cases under public prosecutors' consideration	Cases returned to inquiry officers (%)			
2017	22	17 (77.27%)	4 (18.18%)	0	1 (4.55%)			
2018	26	23 (88.46%)	1 (3.85%)	0	2 (7.69%)			
2019	21	18 (85.71%)	3 (14.29%)	0	0			
2020	16	13 (81.25%)	0	0	3 (18.75%)			
2021	17	11 (64.69%)	2 (11.77%)	2 (11.76%)	2 (11.77%)			
Jan-Mar 2022	2	0	0	2 (100%)	0			

### 2.3 Human Trafficking Cases Pursued by the Courts of Justice

### 1) Progress of Consideration of Human Trafficking Cases by the Courts of Justice

During January-March 2022, a total of 201 human trafficking cases were brought before the Courts of Justice across Thailand. Of this number, 57 were initiated in 2022 and 144 were pending cases from 2021. The Courts of First Instance adjudicated on 18 cases and are in the process of considering 183 cases. (<u>Table 12</u>). Electronic Court Procedures, which were introduced during the COVID-19 pandemic, remain in use in 2022 to ensure the continuity of court proceedings without delay.

Table 12: Decisions reached by the Courts of Justice on human trafficking cases

	Cases subm	itted to the C	ourts		Pending cases (as			
Year	Cases initiated in previous years	Cases initiated in indicated year	Total	Convicted	Acquitted	Disposed	Total	standing at the end of indicated year)
2018	166	279	445	235 (77.055%)	24 (7.87%)	46 (15.08%)	305	140
2019	140	256	396	217 (76.68%)	26 (9.19%)	40 (14.13%)	283	113
2020	113	191	304	157 (78.89%)	22 (11.06%)	20 (10.05%)	199	105
2021	105	127*	232*	66* (75%)	8* (9.09%)	14* (15.91%)	88*	144*
Jan-Mar 2022	144	57	201	10 (55.56%)	6 (33.33%)	2 (11.11%)	18	183

<u>Note:</u> \* The number of cases submitted to and decided by the Courts in 2021 was updated after the release of the RTG's 2021 Country Report.

# 2) Number of Defendants in Human Trafficking Cases Convicted by the Courts of Justice

During January-March 2022, 22 defendants in new human trafficking cases from the same year were brought before the Courts and eight were convicted (<u>Table 13</u>). Both were male defendants. Of 125 defendants from 2021, 117 were Thais and eight were foreigners, while 60 were males and 65 were females. All convicted defendants from 2021 and 2022 were also convicted under other laws relevant to the offences such as the Prevention and Suppression of Prostitution Act, B.E. 2539 (1996), Child Protection Act, B.E. 2546 (2003), and Labour Protection Act, B.E. 2541 (1998).

Table 13: Defendants in human trafficking cases brought before the Courts of Justice

<b>X</b> 7	Number of defendants subjected to the Courts' consideration								
Year	Total	Convicted	Acquitted	Disposed					
2018	438	316 (72.15%)	57 (13.01%)	65 (14.84%)					
2019	386	304 (78.76%)	27 (6.99%)	55 (14.25%)					
2020	302	233 (77.15%)	41 (13.58%)	28 (9.27%)					
2021	125	82 (65.60%)	25 (20%)	18 (14.40%)					
Jan-Mar 2022	22	12 (54.55%)	8 (36.36%)	2 (9.09%)					

# 3) Severity of Punishment Handed Down by the Courts of Justice in Human Trafficking Cases

The severity of punishment for human trafficking crimes remained high. Nine defendants convicted this year were handed down a punishment of more than five years of imprisonment. The number of severe punishments of imprisonment of over ten years has remained high over the years (<u>Table 14</u>), reflecting that judges have recognised the severity of human trafficking crimes.

Year	Total number of defendants sentenced to imprisonment	Shorter than 1 year	Between 1 – 2 years	Between 2 – 5 years	Between 5 – 10 years	Over 10 years
2018	236	1 (0.42%)	4 (1.69%)	47 (19.9%)	60 (25.42%)	124 (52.54%)
2019	276	6 (2.17%)	8 (2.90%)	38 (13.77%)	124 (44.93%)	100(36.23%)
2020	199	8 (4.02%)	15 (7.54%)	41 (20.60%)	53 (26.63%)	82 (41.21%)
2021	75	1 (1.33%)	1 (1.33%)	11 (14.67%)	26 (34.67%)	36 (48%)
Jan-Mar 2022	10	0	0	1 (10%)	5 (50%)	4 (40%)

Table 14: Imprisonment sentences of defendants in human trafficking cases

# 4) Suspects Held in Detentions During the Prosecution Procedure

In 2021, during the prosecution proceeding, there were 78 suspects being detained. Of this number, the Court rejected bail plea for 69 suspects and nine suspects did not file for bail plea. During January-March 2022, there were four suspects being detained. The Court rejected bail plea for all four suspects.

### 5) Decisions Reached by the Appeal Courts

The Appeal Courts reached a verdict to convict nine human trafficking cases consisting of 13 defendants in 2021, and three human trafficking cases consisting of three defendants in 2022. The Appeal Courts upheld the decision made by the Court of First Instance in all cases from 2021 and 2022.

### 3. Prosecution of Complicit Officials in Human Trafficking Cases

The Royal Thai Government remains committed to the suppression and prevention of officials' complicity in human trafficking. Public officials found to have been involved in human trafficking activities, demanding, or receiving benefits from those activities, or neglecting duties in preventing and suppressing human trafficking would not be tolerated and would be subject to criminal prosecution and/or disciplinary actions.

# 3.1 Prosecution of Officials Accused of Complicity in Human Trafficking Cases

In 2022, progress continued to be made on the prosecution against officials accused of complicity in human trafficking crimes. This included one case that the Court completed the consideration whereby the complicit official was convicted with 325-year imprisonment sentence.<sup>5</sup> Cases of four more officials from 2021 were also sent to the public prosecutors for consideration. Details appear in Table 15.

Table 15: Criminal prosecution of suspected public officials in human trafficking cases

	Number		Under public		Complet		
Year	of public officials	Under investigation	Under public prosecutor's consideration	Under Courts' consideration	Imprisoned	Acquitted/ Not pursued	Fleeing
2013-	4.4			6	20	7	3
2016	44	-	-	6	28	/	3
2017	11	-	-	4	7	-	-
2018	2	-	1	-	1	-	-
2019	2	-	-	-	1	-	1
2020	3	-	-	1	1	-	1*
2021	17	7	8	1	-	1	-
Total	79	7	9	12	38	8	5

**Note:** \*deceased suspect

### 3.2 Progress of Disciplinary Actions against Complicit Officials

In 2022, one public official in the case from 2020 was expelled (Table 16).

Table 16: Complicit public officials subjected to disciplinary actions

			Disciplinary actions and other measures									
Year	Number of public officials	Under disciplinary inquiry	Expelled	Suspended	Under probation	Incarcerated	Dismissed by the Administrative Court	Resigned	Retired	Disciplinary inquiry ended		
2013-16	44	5	35	-	-	-	-	-	-	4		
2017	11	3	7	-	-	-	-	-	1	-		
2018	2	1	2	-	1	-	-	1	-	-		
2019	2	1	2	-	1	-	-	1	-	-		
2020	3	2	1	-	1	-	-	1	-	-		
2021	17	14	1	-	-	-	-	ı	2	1		
Total	79	24	47	-	-	-	-	-	3	5		

<sup>&</sup>lt;sup>5</sup> US Recommendation: (3) Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

### 3.3 Progress of Criminal Prosecution of Complicit Officials

In 2022, further progress continued to be made in the prosecution of complicit officials from previous years. 6 Details of the relevant cases are as follows:

- 1) <u>Nataree Case</u> (initiated in 2016) Four police officers were involved in bribery from Nataree Massage Parlour. All four were expelled and the public prosecutor has already submitted the cases to the Court. In 2022, the Court of First Instance sentenced one police officer to 325 years of imprisonment, two police officers were under the consideration of the Court of First Instance and the remaining officer fled, for which the Court has issued arrest warrants.
- 2) <u>Chom Dao Case</u> (initiated in 2017) In 2021, DSI was able to trace the network of offenders and arrest seven additional police officers complicit in the case. The case of two police officers was already submitted to the public prosecutor. In 2022, DSI submitted the case of four additional alleged offenders to the public prosecutor. One alleged offender remained under the investigation of DSI.
- 3) <u>Miss B-Haven Case</u> (initiated in 2018) In January 2022, the DSI arrested two complicit police officers. The case is currently under the public prosecutors' consideration.
- **4)** <u>Valentine's Case</u> (initiated in 2020) Five police officers allegedly received bribes from the owner. In 2022, one complicit official prosecuted in 2020 died. Other four police officers were charged but denied the allegation. The case is under investigation.

#### 3.4 Other progress

The DSI conducted a test-run of database system, in coordination with all relevant agencies, in order to monitor progress made on the prosecution of complicit officials in human trafficking cases.

### 4. Asset Restraints and Seizures by the Anti-Money Laundering Office

#### 4.1 Amount of Asset Restraints and Seizures

During January-March 2022, the Anti-Money Laundering Officer (AMLO) issued orders to freeze and seize assets in 67 cases related to human trafficking offences, involving 198 offenders and accomplices. The initial value of the assets subjected to these orders were THB 1,267,296.01 (USD 38,022.68). Details appear in <u>Table 17</u> and <u>Table 18</u>.

<sup>&</sup>lt;sup>6</sup> US Recommendation: (3) Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

Table 17: Value of assets subjected to restraint and seizure orders

Year	Numbers of Cases	Total Value of Assets Subjected to Restraint / Seizure Orders (THB)				
2018	15	477,058,488.94				
2019	15	8,587,166.78				
2020	20	51,201,949.60				
2021	15*	4,926,275.05				
Jan-Mar 2022	67	1,267,296.01				
Total	126	543,041,176.38				

Note: \*The number was updated from 12 cases in the RTG's 2021 Country Report.

Table 18: Value of assets filed to public prosecutors and value of assets ordered by the courts to be forfeited for the benefits of the state

Year	Value of Assets Filed to Public Prosecutors (THB)	Value of Assets Ordered by the Courts to Be Forfeited for the Benefits of the State (THB)
2018	526,124,240.44	55,865,721.56
2019	11,681,474.08	401,014.26
2020	77,000,754.52	10,626,474.08
2021	4,926,275.05	304,335.12*
Total	619,732,744.09	67,054,276.34

Note: \* The number was updated from THB 161,066.44 in the RTG's 2021 Country Report.

#### 4.2 Amendments of Relevant Laws

- 1) Further progress continued to be made in amending the Anti-Money Laundering Act to allow for greater compensation for victims of trafficking from assets related to the predicate office. The Law Committee of the House of Representatives held their 8<sup>th</sup> deliberation of the draft Anti-Money Laundering Act, B.E. ... (...) on 15 February 2022.
- 2) The draft Anti-Money Laundering Act, B.E. ... (...) on the provisions related to illegal human smuggling offences in accordance with the immigration law and the criminal offence on child pornography is being considered by the Office of the Council of State.

# 4.3 Sample Case Related to Money Laundering in Human Trafficking

In 2019 and 2021, RTP arrested a human smuggling network in Nakhon Si Thammarat, Chumphon, and Surat Thani provinces. The offender was arrested and sentenced to eight years of imprisonment on human trafficking, illegal

immigration, and transnational organised crime charges. After further investigation, AMLO was able to draw connections to a money laundering network and issue arrest warrants for 33 suspects in February 2022. In March 2022, additional seven Thai suspects were arrested while three Myanmar suspects fled with Interpol Red Notice issued. The authorities were able to seize total assets worth more than THB 1.89 billion (USD 56.7 million).

### 5. Examples of Human Trafficking Cases and Prosecution Progress

In the first quarter of 2022, close collaboration between law enforcement agencies, civil society, NGOs, and other partners resulted in extensive investigations, leading to further arrests on human trafficking cases. Example of cases are as follows:

### 5.1 Cases Related to Sexual Exploitation

- 1) <u>Underage Prostitution Case</u> The Child Women Protection and Anti-Human Trafficking Centre (CWP) in collaboration with Thailand Internet Crime Against Children Task Force (TICAC), the Anti-Trafficking in Person Division (ATPD), RTP, and Ministry of Social Development and Human Security (MSDHS) arrested 11 offenders and rescued additional five child victims of sexual exploitation aged 13-18 years old who were lured into prostitution in Surat Thani Province.
- 2) <u>Child Sexual Exploitation Case</u> Initiated in 2020, one suspect was arrested for child sexual exploitation and ten suspects were arrested for soliciting services. The ATPD collaborated with the Ministry of Justice (MOJ) to provide a witness protection programme for three witnesses with safe house, income, and other essential services. In March 2022, during the court hearing, a witness outside the witness protection programme gave false testimony, while witnesses under the protection programme provided a different testimony which were useful for the judges. Furthermore, MOJ worked with MSDHS and HUG Project to provide scholarships for witnesses for vocational study to prevent revictimisation.
- 3) Overseas Prostitution Case The DSI received a report on a Thai woman lured into prostitution in the United Arab Emirates. The victim managed to escape the confinement and sought assistance from the Royal Thai Consulate-General in Dubai. The Consulate-General then facilitated her repatriation to Thailand. From the investigation, three suspects were identified and DSI is collecting further evidence before submitting the case to the public prosecutor.

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<sup>&</sup>lt;sup>7</sup> US Recommendation: (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants

- 4) <u>Look Kae Noi Online 2 Case</u> The ATPD, Central Investigation Bureau (CIB), RTP with cooperation from Operation Underground Railroad (O.U.R.), made an arrest in an online child sexual exploitation case under the Look Kae Noi Online Operation. This is the second Look Kae Noi Online Operation of the law enforcement agencies and O.U.R. The offenders used an online platform to offer child prostitution services. The Court sentenced the offenders to four years of imprisonment and also ordered the offenders to pay compensation to each victim. Law enforcement officers also arrested additional 13 offenders who solicited child prostitution and the case is currently under the consideration of public prosecutors.
- 5) <u>VK.com Case</u> Initiated in 2021, TICAC, in collaboration with NGOs, shut down an online child sexual exploitation page on the "vk.com" domain. Law enforcement officers were able to track down the owner of the page, a resident of Sweden. The RTP, public prosecutors and the Swedish police have been in close cooperation to arrest and extradite the offender to be prosecuted on human trafficking offences in Thailand. In 2022, further investigation led to an arrest of four offenders, two of which were already sentenced to 13 years and six months of imprisonment each by the Court.

### **5.2** Labour Trafficking Cases

- 1) Online Scammer Case In November 2021, CWP, TICAC, TATIP, RTP, Ministry of Foreign Affairs (MFA) rescued Thai workers in Cambodia. They were forced to work as scammers for an online gambling website. The victims were also subjected to physical harm by their employers. Further investigations found a network of criminals behind the case. The law enforcement officers were able to trace evidence, leading to a further crackdown of the crime syndicate, additional arrests, and rescue of more victims. To date, the RTG has issued arrest warrants on 37 suspects, arrested ten suspects and rescued a total of 499 Thais, 227 of which were identified as human trafficking victims.
- 2) <u>Sing Buri Case</u> Initiated in December 2021, the Region 1 Police received a complaint from a potential victim of forced labour and physical abuses.<sup>8</sup> In 2022, RTP in cooperation with MSDHS identified the potential victim as a victim of human trafficking. The RTP arrested three suspects and charged them with human trafficking offence. The public prosecutor already submitted the case to the Court.
- 3) <u>Fishing Vessel Case</u> The ATPD received a report from Stella Maris of a potential forced labour case on a fishing vessel. The ATPD conducted investigation and identified three victims of human trafficking. The three victims

<sup>&</sup>lt;sup>8</sup> US Recommendation: (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

were deceived to forced labour, with torture, on fishing vessels in Malaysian waters. They did not have Seaman Books and did not receive wages. The victims were arrested in Malaysia and repatriated to Thailand. The ATPD is working with Malaysian authorities for further investigation and collection of evidences.

# 5.3 Cases of Forced Labour and Extortion under Section 6/1 of the Anti-Trafficking in Person Act, B.E. 2558 (2015)

- 1) <u>Phang-Nga Case</u> The DSI received an information from IJM about Myanmar workers who were threatened by the employer and forced to work. The DSI rescued all four victims and pressed charges against one suspect. The DSI was in the process of gathering evidence against additional two suspects, one of which is a public official, resulting in DSI transferring the case to the Office of the National Anti-Corruption Commission for further investigation on the alleged complicit official.
- 2) <u>Ladprao District Case</u> Initiated in February 2021, DSI received a request from the Myanmar Labour Attaché of the Myanmar Embassy in Thailand to rescue Myanmar workers from a jelly factory in Ladprao District, Bangkok. A total of 18 Myanmar workers were rescued. 13 workers comprising seven males and six females were identified as victims of forced labour. In January 2022, the public prosecutor submitted the case to the Court against five offenders on human trafficking crime of forced labour and labour exploitation offences.

### 6. Work of the Thailand Internet Crime Against Children Task Force (TICAC)

From January-March 2022, the TICAC initiated a total of 129 cases, comprising 19 trafficking cases, 36 child sexual exploitation cases, 70 cases of child pornography possession, and four other computer-related crime cases. A total of 139 offenders were arrested. Of this number, 135 were Thais and four were foreign nationals. A total of 91 victims were rescued. Details appear in <u>Diagram 4</u>.

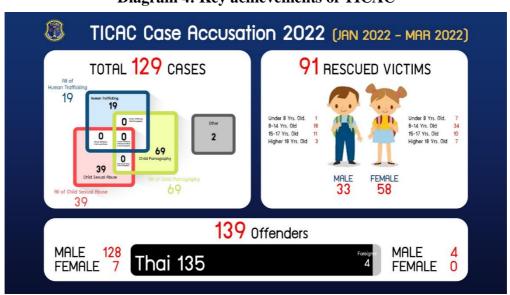


Diagram 4: Key achievements of TICAC

### 7. Improving the Efficacy of Human Trafficking Prosecution

### 7.1 Workshop on Victim Identification

During February-March 2022, three workshops conducted by CWP and MOL were held for 375 inquiry officers and MDTs members to increase the efficacy of victim identification, especially in labour trafficking, including with regards to Section 6/1 of the Anti-Trafficking in Person Act, B.E. 2558 (2015). The workshops included trainings on rights and protection of migrant workers, work integration between relevant agencies on migrant workers management, and the changing nature of human trafficking crime platforms as well as getting updated on the new laws and regulations and the use of new technology. The workshop also helped build a network between MDTs to share their experiences and knowledge on human trafficking cases.

### 7.2 Workshops for TATIP Officers

Since November 2021, CWP has conducted a series of workshops for law enforcement officers from CWP, TATIP, and relevant officials to enhance their capabilities in trafficking crime prosecution. The series will be concluded in December 2022. The officers who have completed the workshop will be assigned to supervise other officers to ensure that well-trained officers are handling trafficking cases. <sup>11</sup>

# 7.3 Standard Operation Procedures for Human Trafficking Case for the Court of Justice

On 17 March 2022, the Standard Operation Procedures (SOPs) for Human Trafficking Cases for the Court of Justice was published for judges to conduct appropriate victim-centred approach during the court procedure.

#### 7.4 Guideline on Prosecution Procedure for the Public Prosecutors

The OAG established a working group to continue to revise the guideline for prosecution procedure of trafficking cases. The working group will host a seminar to discuss challenges faced by the public prosecutors during human trafficking prosecution procedures. Comments gathered from the seminar will be taken into consideration to revise the guideline for prosecution procedure of

<sup>&</sup>lt;sup>9</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

<sup>&</sup>lt;sup>10</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

<sup>&</sup>lt;sup>11</sup> US Recommendation: (5) Ensure experienced officers respond to trafficking cases, including by increasing the capacity of the police anti-trafficking unit to assist local districts that do not have experience with investigating trafficking.

trafficking cases for public prosecutors. The guideline will enhance the efficacy in prosecuting the human trafficking cases in consistence with the revised guideline for human trafficking cases procedure of the Court of Justice.

### **Don Mueang Human Trafficking Victim Identification Centre**

In December 2021, the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee (CMP) approved the establishment of the Don Mueang Human Trafficking Victim Identification Centre. The Centre will be equipped with innovative technology and database system to elevate victim identification process as well as provision of victim-centred services. The project is a collaboration between MOL, MSDHS, RTP, and NGO partners. The centre will serve three main purposes:

- 1) Victim Identification Potential trafficking victims will be provided with safe accommodation and victim-centred services to help them recover from trafficking trauma. At the same time, they will be prepared for the formal victim identification. The potential victim's stay at the centre will not be considered as part of formal reflection period, therefore, the period for potential victims to reflect on their experiences will be extended until they are ready for official identification.
- 2) Anti-Trafficking in Persons Operation Centre The Centre will serve as an anti-trafficking joint operation facility for MDTs and related agencies.
- 3) Regional Centre of Excellence for Combating Trafficking in Person The Centre will be used as a facility to train law enforcement officers to become specialised in anti-trafficking in person. The training curriculum will be jointly developed with IJM and ASEAN-ACT.



### 8. International Cooperation and Partnerships with NGOs

### 8.1 Seminar to Enhance the Prosecution of Labour Trafficking

The Department of the Trafficking in Persons Litigation, OAG, in cooperation with IJM, organised a seminar on 13 January 2022 to increase the efficacy of the prosecution of labour trafficking and forced labour cases for law enforcement officers from various agencies, NGOs, and other partners, including the Centre for the Protection of Children's Rights Foundation, Labour Promotion Network (LPN), Stella Maris Thailand, Catholic Bishop's Conference of Thailand, and Human Rights and Development Foundation (HRDF) as well as SR Law. The seminar also enhanced the integration of the prosecution process between related agencies and NGO partners.

### **8.2** Training Programme for Assistant Public Prosecutors

The OAG, in cooperation with ASEAN-ACT, held trainings during February-March 2022 for 262 assistant public prosecutors on basic human trafficking prosecution procedure. The training programme is mandatory for all assistant public prosecutors before they are assigned to provincial offices across Thailand. The programme was designed to train assistant public prosecutors to handle human trafficking cases with victim-centred and trauma-informed care approaches and to understand the role of OAG and other agencies in trafficking prosecution as well as to enhance partnership between assistant public prosecutors and inquiry officers working on human trafficking cases. Similar trainings for more batches of assistant public prosecutors will be held in May 2022.

# 8.3 Workshop to Enhance Government – Civil Society Partnership in the Northern Region

The DSI, in cooperation with Immanuel Foundation International, organised a workshop to enhance the partnership and integration of human trafficking case prosecution between law enforcement agencies and NGO partners. Participants included CWP, ATPD, MSDHS, Immanuel Foundation International, Lift International, O.U.R., Zoe International, Rapha International, The Exodus Road, Ronnasit Foundation, Thai-Lahu Foundation, and Destiny Rescue Foundation. As a result of the workshop, the enhanced partnership and information sharing between DSI and NGOs led to the rescue of 11 victims of human trafficking.

# 8.4 Capacity-Building Programme to Create Anti-human Trafficking Specialists

The MSDHS, with financial support from IJM and ASEAN-ACT, held four intensive trainings for 120 officials from relevant agencies, namely RTP, MOL, MOI, DSI, and OAG, to become anti-human trafficking specialists. Law enforcement officers who completed the training will be registered as specialists

and assigned to central agencies in order to provide assistance and consultation to provincial officers and MDTs regarding victim identification and prosecution of human-trafficking cases.

### 8.5 Workshop for Judges on Trauma-Informed Care

The Court of Justice, in cooperation with ASEAN-ACT and IJM, held a training workshop, in February 2022, for judges working on human trafficking cases. The objective of the training was for judges to be mindful and use the traumainformed care approach during the court proceeding to ensure that victims will not be retraumatised.<sup>12</sup>

#### **8.6** The Court of Justice Roundtable Discussion

The Court of Justice, in cooperation with IJM, held a roundtable discussion with related agencies, including the OAG, DSI, MSDHS, RTP, Rights and Liberties Protection Department and Department of Detention, to address the challenges each agency found during prosecution procedure of trafficking cases, and to find solutions to tackle those challenges. The lessons learned and shared solutions from the discussion help ensure better coordination and prosecution procedure without delay, enhancing the efficacy of the prosecution process.

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<sup>&</sup>lt;sup>12</sup> US Recommendation: (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

### **Protection**

The Royal Thai Government continued to enhance an inter-agency cooperation and efforts to provide effective protection and assistance services to victims of trafficking in persons and forced labour or services. The victim-centred approach was used throughout all stages of protection and assistance from screening, victim identification, protection, and successful return to the society or repatriation with inclusive collaboration from the places of origin to the destinations.

### **Key Progress during January-March 2022**

- 1. During January-March 2022, the Government provided protection services to 202 newly identified victims of trafficking in persons, 36 of which chose to stay in shelters, while 166 opted to stay outside. Out of total victims in shelters, 23 victims chose to stay in the government shelters, while 13 victims stayed in private-run shelters. 15 victims participated in the witness protection programme.
- 2. On 23 March 2022, the Committee on Anti-Trafficking in Persons approved the guidelines on the National Referral Mechanism (NRM), which included victim identification Standard Operating Procedures (SOPs) guideline for labour trafficking and forced labour, standards related to victim identification process of the Multidisciplinary Teams (MDTs), and the extension of reflection period for victim identification up to 45 days. The relevant agencies have adopted and implemented the NRM guidelines to provide protection and assistance services across the country.
- 3. The Government provided a total of THB 1,536,063 (USD 46,081.89) financial remedies to victims through the Anti-Trafficking in Person Fund. Most of the compensation was for living expenses and work remuneration. The Ministry of Justice (MOJ) also granted compensation to six victims of criminal cases, amounting to THB 210,000 (USD 6,300) in total.
- 4. The Government provided legal assistance to 56 victims in filing charges for compensation claims from their offenders, with the total amount of THB 21,132,211 (USD 633,966.33) composed of compensation for victims' physical and mental injuries, loss of reputation and freedom, as well as loss of income.
- 5. The Government continued to work closely with NGO partners to ensure that victims staying in shelters and outside were provided with appropriate

victim-centred and victim-friendly services, trauma-informed care, as well as legal assistance from relevant authorities, including public prosecutors, and NGOs for their preparation of court proceedings prior to their hearing. In addition, capacity-building trainings had been continuously provided to shelter officers to enhance their effectiveness. Victims staying in shelters continued to have freedom of movement. Currently, 18 victims also have outside employment.

6. The Government remained committed to developing international cooperation toward systematic protection and assistance services to victims. Bilateral meetings between Thailand and countries of origin were regularly organised in order to jointly provide protection and assistance services for victims in a systematic way.

#### 1. Protection and Assistance for Victims

#### 1.1 Statistics of Victims in Shelters

During January-March 2022, the Government provided protection services to 36 newly admitted victims to the government and private-run shelters. 23 chose to stay at the government shelters while 13 opted to stay at private-run shelters. Of this number, 34 victims were Thai nationals, and were victims of sexual exploitation. These 34 victims were below the age of 18, with 33 girl victims and one boy victim. Two victims were Cambodians, and were victims of other forms of exploitation. Details appear in <u>Table 1</u>.

Table 1: Number of victims admitted to shelters during January-March 2022

	Sexual	Labour	Other Forms of
	Exploitation	Trafficking	Exploitation
Male	0	0	0
Female	0	0	0
Boy (below the age of 18)	1	0	2
Girl (below the age of 18)	33	0	0
LGBTQI	0	0	0
Foreign Nationals	0	0	2
Thai Nationals subjected to trafficking	34	0	0
in Thailand			
Thai National subjected to trafficking	0	0	0
abroad			

### 1.2 Witness Protection Programme

The Rights and Liberties Protection Department, MOJ, continued its witness protection programme for victims of human trafficking. Relevant public agencies and non-governmental organizations, including the Police's Anti-

Trafficking in Persons Division (ATPD), MSDHS, Office of the Attorney-General (OAG), HUG Project, A21 Foundation, Alliance Anti-Trafic (AAT), worked in close coordination with the Rights and Liberties Protection Department to help introduce victims into the witness protection programme.

As of March 2022, there are 15 victims participating in the programme, 11 of whom had been in the programme since the previous year, and four entered the programme in 2022. During January-March 2022, the Rights and Liberties Protection Department, MOJ provided THB 1,375,543 (USD 41,266.29) funding to support the 15 victims under the programme.

### Case study:

A Thai woman was deceived by a trafficking network to go to work in the Republic of Korea and was forced to work as a prostitute. Upon rescue and repatriation back to Thailand, the victim joined the witness protection programme with victim-centred and trauma-informed care services provided by government agencies in collaboration with the HUG PROJECT, including safe accommodation with 24-hour female security guards, financial support for food and compensation for loss of income, psychiatrist and medical care for mental trauma and physical health. The victim was also provided vocational training for future employment opportunities, for which she chose a baking class and English language training.

The multi-dimensional victim-centred and trauma-informed care enabled her to have self-esteem and trust government authorities, leading to the successful and effective prosecution process. On 8-9 February 2022, the victim testified in Court. The witness protection programme helped the victim to effectively give strong testimony without interference from any party. She was the first to give testimony at the Court and did so in a well-organised manner, providing comprehensive information and expressing her feelings, including her suffering from trauma. Coupled with sufficient evidence presented in the case, the court was convinced. The defendant and the lawyer flipped their testimony from rejection of all charges to pleading guilty to all charges. The court is scheduled to deliver the judgment in May 2022, pending the calculation of the amount of compensation for the witness.

### 2. Financial Assistance for Victims

The Government continued to provide financial remedies to victims of trafficking in persons and victims of forced labour or services. The financial remedies came from sources including; (1) Anti-Trafficking in Person Fund as a

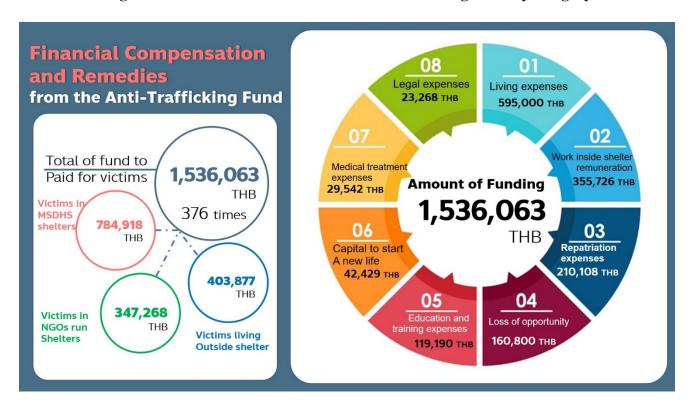
primary source; and (2) Ministry of Justice (MOJ)'s compensation for victims of criminal cases who suffered from physical or mental trauma, and (3) compensation claims from offenders through legal assistance from government agencies.

### 2.1 Compensation from the Anti-Trafficking in Persons Fund

During January-March 2022, victims received THB 1,536,063 (USD 46,081.89) of financial assistance from the Anti-Trafficking in Persons Fund. Of this amount, THB 784,918 (USD 23,547.54) or 51.1 percent was provided to victims staying in government shelters, THB 347,268 (USD 10,418.04) or 22.61 percent was provided to victims staying in registered private-run shelters, and THB 403,877 (USD 12,116.31) or 26.29 percent was provided to victims living outside shelters.

The compensation was divided into THB 595,000 (USD 17,850) for living expenses, THB 355,726 (USD 10,671.78) for work remuneration, THB 160,800 (USD 4,824) for indemnities, THB 119,190 (USD 3,575.7) for education and training, THB 78,028 (USD 2,340.84) for repatriation, THB 42,429 (USD 1,272.87) for reintegration support, THB 29,542 (USD 886.26) for legal assistance, THB 23,268 (USD 698.04), and for medical treatment (Diagram 1).

Diagram 1: Financial assistance from Anti-Trafficking Fund by category



#### 2.2 Assistance on Compensation Claims from Offenders

The MSDHS, in collaboration with MOL, RTP, DSI, OAG and NGOs, provided assistance in filing charges for compensation for victims. These agencies worked with victims to help determine the amount of compensation that they should receive based on the offence.

During January-March 2022, MSDHS provided assistance in filing charges for compensation claims for 56 victims in 18 cases, with a total of THB 21,132,211 (USD 633,966.33). Furthermore, The MOJ also granted compensation to 6 victims of criminal cases, amounting to THB 210,000 (USD 6,300) in total.

# 3. Implementation of the National Referral Mechanism (NRM) and Reflection Period

Further progress has been actively made to ensure early implementation of NRM to enhance effectiveness in victim screening and identification, extend reflection period before victim identification, and elevate integration of work between MDTs and relevant agencies in providing appropriate services for victims and potential victims with victim-centred and trauma-informed care approaches.

In January 2022, the NRM working group, in collaboration with the International Organization for Migration (IOM), drafted and concluded a 4-step implementation flowchart for guidelines on NRM, including front-line notification, screening process, victim identification, and protection process. The extension of reflection period was incorporated into victim identification process in order to allow sufficient time for potential victims to receive appropriate primary services.

On 11 March 2022, a hearing on the draft guidelines on NRM developed by the Working Group was organised for relevant stakeholders, including government and non-governmental agencies, international organizations, law enforcement agencies, agencies working on victim protection and assistance and human rights issues as well as other supporting agencies. The working group received constructive recommendations, which were incorporated into the subsequent draft.

On 23 March 2022, the Committee on Anti-Trafficking in Persons approved the NRM guidelines, which include the extension of reflection period for victim identification to 45 days. The Committee also instructed the NRM working group and MSDHS to proceed with the implementation of the NRM

guidelines by all agencies in order to effectively provide protection and assistance services to the victims as well as to combat human trafficking.

#### 4. Protection and Assistance Services in Shelters

### 4.1 Ability of Victims to Move Freely in and out of Shelters

The Royal Thai Government continued to ensure that victims in shelters have freedom to move freely in and out of shelter to work, study, receive medical treatment, and participate in religious and community activities, as well as freedom to use communication devices according to their needs.

As of March 2022, 18 victims voluntarily sought outside employment, with six residing with their employers outside the shelters, and 12 staying in the shelters.

# 4.2 Trauma-Informed Care and Culturally Sensitive Services for Victims Migrated through Irregular Channels (Rohingya)

The MHDHS, in collaboration with IOM and the United Nations High Commissioner for Refugees (UNHCR), organised two capacity-building training courses for 100 shelter officers on Rohingya's migration, cultural and historical background, and language training, with the goal to promote better understanding about Rohingya victims. The courses increase officers' effectiveness in providing in-shelter protection services for Rohingya victims who require special attention and trauma-informed care, given the language barrier and their cultural and historical sensitivities.

### **4.3** Preparation for Court Proceedings

The MHDHS continued to work closely with OAG and NGO partners to ensure that victims were adequately prepared for court proceedings.



In each case, shelters would coordinate with public prosecutors to prepare the victims before their trial by providing advices on appropriate preparation, dress code, court manner, as well as how to seek assistance from court officers if they wished to do so. Public prosecutors also gave a briefing and walk-through of all relevant procedures and facts of the cases in order to reduce the victims' anxiety. NGO partners also took part in victims' preparation to help increase victims' confidence in the court proceedings.

## 5. Cooperation with Countries of Origin and Destination on Victim Protection

The Thai Government continued to work closely with countries of origin and destination on providing protection and assistance services to victims of Thai and foreign nationals.

In February 2022, the 26<sup>th</sup> Thai-Myanmar Case Management Meeting on Return and Reintegration of Victims of Trafficking was held to coordinate the management of assistance for victims. The meeting discussed the development of victim protection services, including victims' compensation claim tracking, judicial process follow-up, tools and mechanisms to enhance effectiveness of assistance, such as translation of documents into Myanmar language. Since the beginning of 2022, both countries have been coordinating the repatriation of 18 Myanmar nationals, three of whom have already been repatriated back to Myanmar.

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## **Prevention**

The Royal Thai Government continued to advance preventive measures against human trafficking and forced labour and to ensure that all workers receive equal treatment and access to services in accordance with their rights, regardless of nationality, gender, and social status.

### **Key Progress in 2021**

- 1. The draft of Standard Operating Procedures (SOP) for the initial victim identification of labour trafficking and Section 6/1 offences was approved by the Anti-Human Trafficking Committee on 23 March 2022. The SOP has been distributed to law enforcement officers to use as a victim identification guideline for labour trafficking and Section 6/1 offences.<sup>1</sup>
- 2. The effectiveness of labour inspection was improved, through capacity-building trainings, workshops, and seminars for 750 labour inspectors, provincial labour officers, and other relevant officers to enhance their knowledge and inspection skills on anti-human trafficking, labour trafficking and forced labour as well as women and domestic workers. The capacity-building activities received THB 7,024,800 (USD 209,573.53) in funding from the Anti-Human Trafficking Fund.

A mandatory training course on prevention and suppression of human trafficking and forced labour or services for labour officers is also being developed by the Ministry of Labour (MOL) in collaboration with the Ministry of Social Development and Human Security (MSDHS). The MOL regulation requires that officers complete this training course before being appointed as labour officers.

3. The MOL has developed a new complaint mechanism dedicated exclusively for labour trafficking victims to increase the efficiency of the preventive and protection system as well as to encourage victims and witnesses to submit reports of potential labour trafficking activities.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

<sup>&</sup>lt;sup>2</sup> US Recommendation: (5) Ensure experienced officers respond to trafficking case, including by increasing the capacity of the police anti-trafficking unit to assist local districts that do not have experience with investigating trafficking.

<sup>&</sup>lt;sup>3</sup> US Recommendation: (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

- 4. The MOL's Command Centre of Prevention of Labour Trafficking (CCPL), which was upgraded from a taskforce to a permanent unit in August 2021 with more officers, proactively contributed to anti-human trafficking efforts through conducting inspections and investigations, together with other law enforcement agencies, on employers and establishments that may be linked to human trafficking.
- 5. The Ministry of Tourism and Sports (MOTS) signed a Memorandum of Understanding (MOU) to initiate a Child Safe Friendly Tourism Project with MSDHS, Tourist Police, Foundation of Child Understanding (FOCUS), hotels and service providers in the tourism industry. The project's objective is to look out for potential child sexual exploitation in tourism sector and encourage hotels as well as service providers to report potential cases to law enforcement officers.

### 1. Legal Amendments and Improvements

In 2022, the Ministerial Regulations on the Protection of Labour in the Marine Fisheries, B.E. 2565 (2022) came into force with four key amendments:<sup>4</sup>

- 1) The employment contract must consist of two languages comprising Thai and a language that the migrant worker understands.
- 2) The employer or business establishment with ten or more employees must maintain a record of list of employees at the workplace of the employer and employees.
- 3) The employer must maintain a record of wage and overtime payments in Thai and a language that the migrant worker understands, which must be provided for the workers' signature at the time of wage and overtime payment as evidence.
- 4) The employer must provide sanitary and sufficient meals and drinking water for fishery workers during their stay on the vessel.

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<sup>&</sup>lt;sup>4</sup> US Recommendation: (13) Enforce regular payment of wages, requirements that employers pay recruitment fees of migrant workers, and the rights of employees to retain possession of their own identity and financial documents. And (14) Increase efforts to ensure employers provide workers copies of contracts in a language they understand.

### 2. Standard Operating Procedures for Labour Trafficking and Section 6/15

The draft of Standard Operating Procedures (SOPs) for the initial victim identification of labour trafficking and section 6/1 offences was approved by the Anti-Human Trafficking Committee on 23 March 2022. The SOPs has been distributed to law enforcement officers to use as a victim identification guidelines for labour trafficking and Section 6/1 offences. The SOPs also includes guidelines on potential victim referral to the Multidisciplinary Teams (MDTs), which has been integrated into the National Referral Mechanism (NRM). After six months the MOL will re-evaluate the implementation of the SOPs and make amendments in areas that can be improved.

Start Labour inspectors/law enforcement officers Receive reports from workers Psychology test
 Forced labour Fact-finding Implement MOL's SOP National Referral Mechanism (NRM) Investigate signs of trafficking and forced labour offences Potential victims of Violation of labour law Immediate psychological care trafficking and forced lab Report to Multidisciplinary Tear (MDTs) Formulate a joint action plan Implement the joint action arrest suspects Step 4 Victim identification process Victims Information exchange Enter prosecution process Implement OAG's SOF Monitoring and follow up at every step to further improve SOP and its implementation against labour trafficking and

Diagram 1: The draft SOPs for victim identification of labour trafficking and section 6/1 offences

<sup>&</sup>lt;sup>5</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law. And (8) Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes, including by establishing standard procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement.

### 3. Anti-Labour Trafficking Ad Hoc Working Group

The Anti-Labour Trafficking Ad Hoc Working Group, established on 18 November 2021 with specialist officers dedicated to working on labour trafficking, has been conducting inspections and investigations, together with other law enforcement agencies, on employers and establishments that may be linked to human trafficking.

The Working Group played a proactive role in labour inspection of business establishments that were reported to be involved in labour trafficking and forced labour activities, especially with underserved workers, migrant workers, and fishery workers. In December 2021, the Working Group conducted inspections at five business establishments in Bangkok, Sing Buri, Samut Sakhon, and Chon Buri. The Sing Buri case was identified and prosecuted as human-trafficking case.

In March 2022, the Working Group conducted two inspections in Phuket and Ayutthaya upon receiving complaints. In the Phuket case, the Working Group inspected a fishery vessel with 18 workers (17 males and one female) and found that the employment contracts of 16 workers had already expired in November 2021. Five workers did not wish to renew their contract. Further investigation is being carried out in more details. In Ayudhya, the Working Group inspected a local market and found that the establishment employed 34 workers, including 11 Myanmar migrant workers. No evidence of human trafficking or forced labour was found.

### 4. Prevention of Trafficking in Migrant Workers in Thailand

The Royal Thai Government continued its vigorous efforts in addressing the situation of migrant workers, particularly given the restrictions during the COVID-19 pandemic. Migrant workers management measures continued to be carried out to facilitate the extension of stay in the Kingdom and provide assistance for migrant workers.

### 4.1 Certificate of Identity Centre

In July 2020, the Cabinet approved the establishment of five Certificate of Identity (CI) Centres in Chonburi, Chiang Mai, Ranong, Samut Prakan, and Samut Sakhon provinces. The CI Centres operate during 10 January – 1 August 2022 to provide CI documentation service for about 800,000 - 900,000 Myanmar migrant workers to allow them to legally work and remain in Thailand without having to return to their country. This documentation service helps reduce the cost of traveling and travel-related COVID-19 health measures for the migrant workers. At the same time, it ensures that migrant workers are protected under the law and continue to receive benefits and services accordingly.

During the first week of the opening of the CI Centres, 6,688 migrant workers submitted application for CI at the Centres, while 17,428 migrant workers made appointments for future visits. The fee is THB 310 (USD 10) for CI issuance, THB 1,000 (USD 30) for work permit extension (if needed), and THB 1,900 (USD 60) for stay permit extension. The Centres also provide supporting services for migrant workers who wish to change employers or change their address.

### 4.2 Migrant Workers' Rights

Migrant workers continued to be provided with assistance and protection in accordance with their rights, without discrimination on grounds such as nationality, gender, or social status, in line with international standards.

From January-March 2022, a total of THB 158.84 million (USD 4.77 million) from Social Security Fund was provided to 69,884 workers consisting of 52,846 Myanmar nationals, 5,626 Lao PDR nationals, and 11,442 Cambodian nationals for reasons such as illness, childbirth, deaths, and unemployment, under the Social Protection Act (<u>Diagram 2</u>).

Number of Migrant Workers Receiving Benefits from Social Insurance Funds Myanmar Types of Benefits **Nationals** 52,816 persons Medical Services Total: THB 125,217,571.03 Childbirth From Laotians Disabilities Jan - Mar 2022 5,626 persons Death Total: THB 10,835,185.53 **Child Support Cambodians** Unemployment 11,442 persons Retirement Total: THB 22,793391.81

Diagram 2: Number of migrant workers receiving benefits from the Social Security Fund

### 4.3 Migrant Workers Inspections

During January-March 2022, the Department of Employment (DOE) carried out labour inspections on 10,041 employers and business establishments, covering 159,546 migrant workers.

Total: 69,884 persons THB 158.84 million

The DOE found 314 employers and business establishments in violation of the labour law and filed charges against all 314 of them. 145 cases were related to violation of Section 9 of the Labour Protection Act, B.E. 2541 (1998) on hiring migrant workers without work permit, 167 cases involved failure to record the migrant workers' working hours within 15-day period and two cases confiscated migrant workers' identification documents. In 80 cases, the offenders were ordered to pay fines, with a total sum of THB 265,750 (USD 7,972.5), and 234 cases were submitted to inquiry officers for further investigation and prosecution.

### 5. Prevention of Trafficking in Thai Labours Seeking Overseas Employment

#### 5.1 Thai Labours Overseas

The MOL's CCPL received 56 complaints of potential forced labour offences from Thai workers in five countries, namely Lao PDR, Myanmar, Cambodia, Russia, and the United Arab Emirates, through the 1506 Hotline and CCPL's office phone numbers. All 56 victims who made complaints were rescued by CCPL. Initial screenings identified nine potential victims of trafficking (<u>Diagram 3</u>). The potential victims of trafficking will be referred by the newly developed NRM to MDTs for official victim identification.

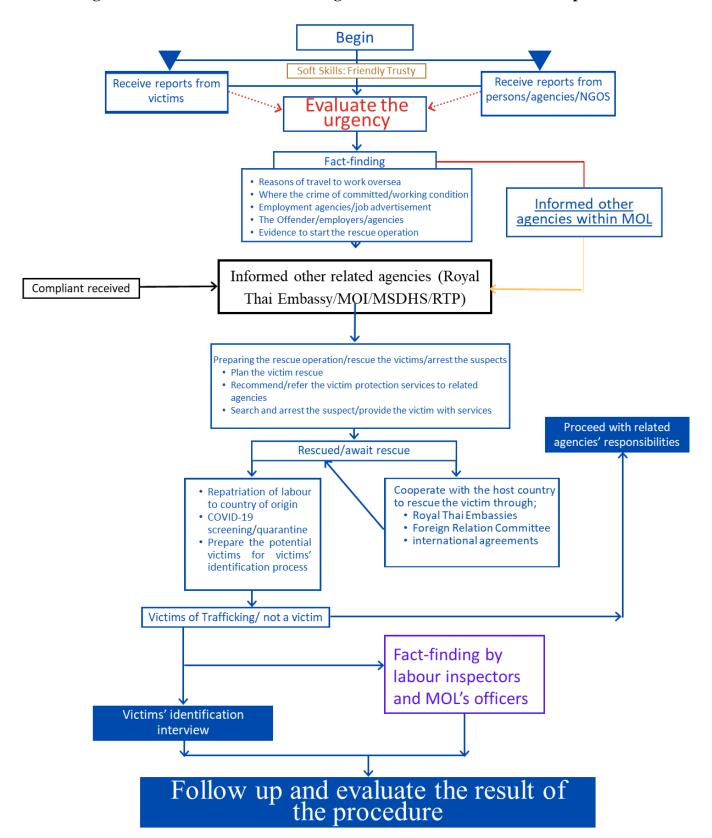
Diagram 3: Complaint mechanism for labour trafficking victims



# 5.2 Overseas Human Trafficking and Forced Labour Victims Rescue Procedure

In 2022, CCPL published a guideline on rescue procedure and referral mechanism for potential overseas human trafficking and forced labour victims. Details appear in <u>Diagram 4</u>.

Diagram 4: Overseas human trafficking and forced labour victims rescue procedure



#### 6. Labour Inspection and Protection

### 6.1 Fishery Workers Labour Protection<sup>6</sup>

The Department of Labour Protection and Welfare (DLPW) provided protection to 19,870 fishery workers through various activities to prevent fishery workers from becoming victims of human trafficking. The DLPW is also responsible for ensuring that no underage children are working in fishing vessels and that workers received labour rights as stated in the Labour Protection Act B.E. 2541 (1998). Additionally, DLPW hired 125 interpreters to help communicate with migrant fishery workers.

- 1) During January-March 2022, The DLPW in cooperation with related agencies carried out 14 labour inspections at seafood processing factories, covering 3,842 workers. Five factories were found to be in violation of the law, four of which were issued MOL rectification orders and one remained under investigation by inquiry officers.
- 2) The Port-in Port-out Control Centers (PIPO) continued to regularly carry out vessel inspections. From January-March 2022, PIPO conducted inspections on 2,096 vessels covering 29,752 workers. 38 vessels' owners were found to be in violation of the law and regulations. The labour inspectors issued 15 ratification orders and submitted 23 cases for prosecution.
- 3) During January-March 2022, the Marine Fisheries Protection and Suppression Centre conducted labour inspections at sea on 84 vessels, covering 1,255 workers. Five fishing vessels were found to be in violation of the law and were issued ratification orders.

# 6.2 Frequent Inspections of Employers and Business Establishments<sup>7</sup>

During January-March 2022, MOL conducted labour and welfare inspections at 5,632 workplaces, covering 180,075 workers to ensure workers' rights and compliance with laws and regulations, preventing migrant workers from becoming victims of human trafficking or forced labour. Details are as follows:

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<sup>&</sup>lt;sup>6</sup> US Recommendation: (13) Enforce regular payment of wages, requirements that employers pay recruitment fees of migrant workers, and the rights of employees to retain possession of their own identity and financial documents.

<sup>&</sup>lt;sup>7</sup> US Recommendation: (13) Enforce regular payment of wages, requirements that employers pay recruitment fees of migrant workers, and the rights of employees to retain possession of their own identity and financial documents.

- 1) The DLPW inspected 5,297 business establishments, covering 168,922 workers. Of this number, 1,277 business establishments were found in violation of labour law. The DLPW already issued 1,253 MOL rectification orders, of which two business establishments were already prosecuted.
- 2) The DLPW conducted welfare inspections of 335 employers and business establishments at risk of child labour and forced labour, covering 11,153 workers. Of this number, 263 workplaces were found in violation of labour law. The DLPW issued 259 MOL rectification orders. One case was prosecuted (<u>Table 1</u>).

Table 1: Labour inspections conducted across sectors of business establishments

	Number						Completed cases	
Places	Establishments/ Workers Inspected		Labour Related Violation		Prosecution P	rocess	Rectification order	Prosecution
	Establishments	Workers	Establishments	Workers	Establishments	Cases	Cases	Cases
Registered labour	5,297	168,922	1,277	45,017	-	-	1,253	2
Risk group	335	11,153	263	9,147	1	ı	259	1
Fishing Vessels (PIPO)	2,096	29,752	38	284	-	1	15	23
Seafood processing factories	14	3,842	4	157	-	1	3	1
Vessels at sea	84	1,255	5	26	-	-	5	0
Remarks: A	business establish	ment may fac	ce both ratification	order and pro	osecution.			

### 7. Initial Screening of Victims of Human Trafficking

In 2021, DPLW conducted six initial screenings for potential trafficking victims on 137 employees and were able to identify three cases of potential labour and human trafficking offences and one case of potential forced labour offence under Section 6/1, with a total of 34 potential victims. The initial screening of victims of human trafficking was also conducted in collaboration with NGO partners, such as Labour Protection Network Foundation (LPN) and Stella Maris Foundation in the Dole Thailand and Malaysia Fishery Worker cases respectively. Details appeared in the <u>Table 2</u>. The potential trafficking cases will be referred to MDTs for official victim identification.

Table 2: Results of DLPW initial victim identifications for potential human trafficking offences

No.	Establishment	Potential Victims	Thai	Laotian	Myanmar Nationals	Identified Victims	Offence	Screening result	Prosecution status	Remedies (THB)
1	M.V. Wan Shun/ M.V. Ocean Prince	18	18	0	0	0	Wage	Not human trafficking victims	Under the related agencies procedure	13,500
2	Rubber Glove Factory	16	15	1	0	16	Wage/Overtime wage/Holiday wage	Forced labour under the section 6/1	Under the public prosecutors' consideration	2,583,475
3	Jelly Factory	18	0	0	18	13	Wage/ 2 child labour	Labour trafficking	Complaint submitted to labour inspector	Under investigation
4	Dole Thailand	80	0	0	80	0	Lay off/ Compensation/ advance notification	Not human trafficking victims	Victims do not wish to file charges	-
5	Oversea Prostitution in U.A.E.	1	1	0	0	1	Sexual exploitation/ Deceived to be a prostitute at UAE	Human trafficking	Offenses related to employment law	-
6	Malaysian Fishery Workers	4	4	0	0	4	Wage/ No annual leaves/ No wage payment documents	Labour trafficking	Under the inquiry officers' investigation	Under investigation
Total 137 38 1 98 34										

### 8. Awareness Raising Campaigns on Human Trafficking

# 8.1 The Department of Trafficking in Persons Litigation, Office of the Attorney General (OAG)

The Department of Trafficking in Persons Litigation, OAG published videos to promote awareness to the public of the dangers of human trafficking (<a href="https://www.youtube.com/watch?v=rk\_M7 eppNN0">https://www.youtube.com/watch?v=rk\_M7 eppNN0</a>), potential signs of human trafficking (<a href="https://www.youtube.com/watch?v=2tKwhB2h7jI">https://www.youtube.com/watch?v=2tKwhB2h7jI</a>) and how to report potential human trafficking offences to the Department of Trafficking in Persons Litigation, OAG (<a href="https://youtu.be/A62Q0tcKfAA">https://youtu.be/A62Q0tcKfAA</a>) on the Department's website, Facebook and Line Official Account (@205fynfn). The videos were also released on other platforms including television, YouTube, Facebook, and other social media platforms. The videos are available in Thai and English with subtitles.

# **8.2** The Child Women Protection and Anti-Human Trafficking Centre (CWP)

The CWP published a video on how to report potential human trafficking offences to the CWP and Thailand Internet Crimes Against Children (TICAC) and preventive measures to protect potential victims from child sexual exploitation. The videos were also released on YouTube, Facebook, Twitter and schools across the country. The videos are available in Thai and English with subtitles.

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### List of Acronyms and Abbreviations

AAT Alliance Anti-Trafic

AMLO Anti-Money Laundering Office

ASEAN-ACT ASEAN-Australia Counter-Trafficking

ATPD Anti-Trafficking in Persons Division

CCPL The Command Centre of Prevention of Labour Trafficking

CI Certificate of Identity

CIB Central Investigation Bureau

COVID-19 Coronavirus Disease 2019

CWP The Child Woman Protection and Anti-Human Trafficking Centre

DLPW The Department of Labour Protection and Welfare

DOE The Department of Employment

DSI The Department of Special Investigation

E-AHT The Electronic Database System for Anti-Human Trafficking of

Thailand

FOCUS Foundation of Child Understanding

HRDF Human Rights and Development Foundation

IJM The International Justice Mission

INTERPOL International Criminal Police Organisation

IOM International Organisation for Migration

Lao PDR Lao People's Democratic Republic

LPN Labor Protection Network

LGBTQI+ Lesbian, Gay, Bisexual, Transgender, Queer and Intersex

MDTs Multidisciplinary Teams

MFA Ministry of Foreign Affairs

MOI Ministry of Interior

MOJ Ministry of Justice

MOL Ministry of Labour

MOTS Ministry of Tourism and Sports

MSDHS Ministry of Social Development and Human Security

NGOs Non-Governmental Organisations

NRM National Referral Mechanism

OAG Office of the Attorney General

O.U.R. Operation Underground Railroad

PAMLC Police Anti-Money Laundering Center

PIPO Port-In Port-Out Control Centers

RTG Royal Thai Government

RTP Royal Thai Police

SOPs Standard Operating Procedures

TATIP Thailand Anti-Trafficking in Person Taskforce

THB Thai Baht

TICAC Thailand Internet Crimes Against Children Taskforce

UNHCR United Nations High Commissioner for Refugees

USD US Dollar

WPCVOT The Welfare Protection Centre for Victims of Trafficking in Person

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