

2015/2016

Combating Forced Labor and Trafficking in Persons & Enhancing Supply Chain Transparency in the Fishery Sector:

Thailand's Progress
January 2015 – March 2016

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STRENGTHENING LEGAL FRAMEWORK



Sea Fishing

- Prohibition of employment of sea laborers below 18 years old on fishing vessels (*MOL Regulation to Protect Labour in Sea Fishing Industry 2014*)
- Compulsory rest period and employment contract in the language of the sea laborer (*MOL Regulation to Protect Labour in Sea Fishing Industry 2014*)
- Obligation to bring the crew to report to labour inspector once a year (*MOL Regulation to Protect Labour in Sea Fishing Industry 2014*)
- Obligation to undergo port in/out inspection (*Royal Ordinance on Fisheries 2015*)
- Penalty for employing a laborer without a valid work permit; fine of 22,121 USD/laborer; revocation of fishing license (*Royal Ordinance on Fisheries 2015*)



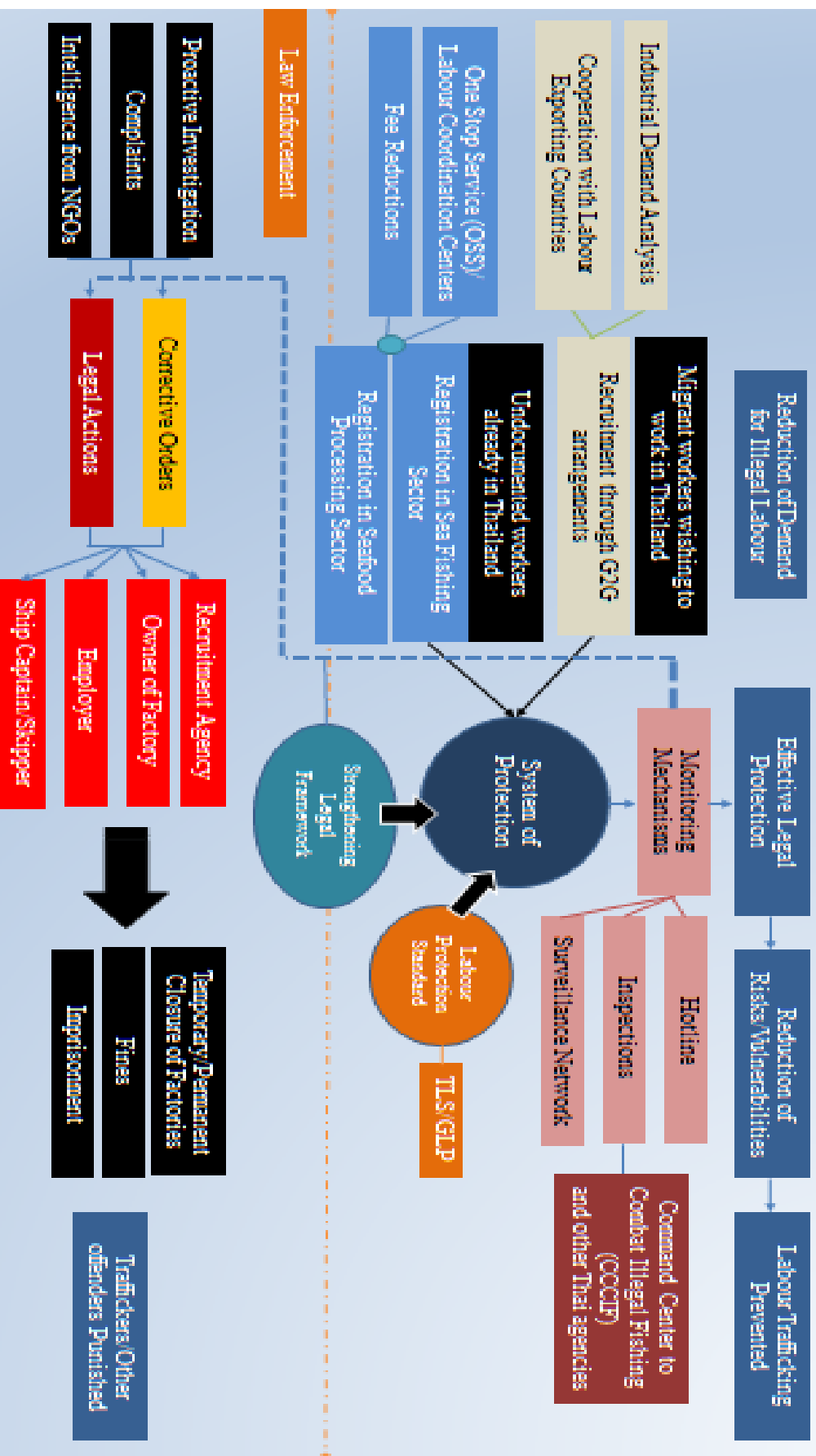
Seafood Processing

- Prohibition of employment of workers below 18 years old in seafood processing factories (*MOL Regulation to Prohibit Employment of Workers below 18 in the Seafood Processing Factories 2015*)
- Penalty for illegally employing workers including migrant workers without a valid work permit; fine of 22,121 USD/worker; illegal employment of 5 workers or less: suspend operations for 10 – 30 days; illegal employment of 5 workers or more: permanent closure of factory (*Royal Ordinance on Fisheries 2015*)
- Penalty for violating labor protection laws; imprisonment: not exceeding 2 yrs. and/or fine: 5,530 – 55,316 USD, or both, as well as a daily fine: 2,765 – 13,826 USD for the entire duration of the violation (*Royal Ordinance on Fisheries 2015*)

LABOR MANAGEMENT IN THE FISHERY SECTOR

Labour Management in the Fishery Sector

Prevention



REGULARIZATION OF UNDOCUMENTED MIGRANT WORKERS IN THE FISHERY SECTOR

3

2015

149,623

Total number of undocumented
migrant workers registered
as of March 2016



Registration

3 March 2015:

The Cabinet approved the bi-annual registration of undocumented migrant workers in sea fisheries for Myanmar, Laos and Cambodia nationals

10 November 2015:

The Cabinet approved registration of undocumented migrant workers in seafood processing for Myanmar, Laos and Cambodia nationals



2 February 2016:

The Cabinet extended the period of registration for an additional 6 months



Sea Fisheries to 31 July 2016



Seafood Processing to
22 August 2016

60,551

Seafood
Processing

40%

60%

Sea Fisheries

89,072

EMPOWERING MIGRANT WORKERS

The Thai government recognizes particular vulnerabilities of migrant workers in the fishery sector and therefore, has put in place measures that empower them by reducing the risks of exploitation while also seeking to improve working conditions on par with international standards.



1. Permission to change employer within the fishery sectors:

Previously, migrant workers in the fishery sector could not change their employers and, as a result, they may be stuck with employers that did not respond to their needs or respect their rights. Since 2 November 2015, the Ministry of Labour has unlocked this condition and allowed migrant workers to change their employers within sea fishing and seafood processing sectors with unlimited number of changes of employers and provinces. As of March 2016, 7,176 migrant workers in sea fishing and 3,235 in seafood processing have already changed their employers.



2. Non-deportation Policy:

Undocumented workers who are rescued after raids or inspections will not be deported back to their countries of origin. Instead, they will be given new opportunities with other employers, who will assist them in registration and thereby, bringing them into the formal sector.



3. Renewal of stay & work permit:

To further reduce the costs for migrant workers who were recruited through MOU and entitled to work for 2 years until 31 March 2016, the Cabinet issued a resolution to allow those workers to renew their permits to stay and work for 3 additional 2-year periods for a total of 8 years.



4. Improved interpretation service:

Interpretation service facilitates better communication between migrant workers and authorities and ensures that their voices are heard. In February 2016, the Ministry of Labour signed an MOU with Mae Fah Luang University for the latter to provide interpretation services through LINE and Skype application during labor inspections. The MOL will further expand the partnership with other universities and academic institutions throughout 2016.



5. Regulation of employment services for migrant workers:

The Cabinet approved in principle the draft Royal Ordinance on the Brining of Migrant Workers to Work in Thailand on 29 March 2016. This draft intends to regulate brokers that have contributed to the risk of forced labor, debt bondage and human trafficking.



6. Ratification of ILO Conventions:

To further enhance Thailand's compliance with international standards, the Ministry of Labour is working towards ratification of several ILO Conventions. In 23 March 2016, Thailand ratified the ILO Convention No. 187 on Promotional Framework for Occupational Safety and Health, which will cover all sectors including the fishery sectors. In addition, a working group was set up to consider the ratification of the ILO Convention No.188 on Work in Fishing and the ILO, through a project sponsored by the EU, will conduct a gap analysis on existing laws and provide technical assistance.

ENHANCING MONITORING MECHANISM

CCCIF

Command Center for Combatting Illegal Fishing (CCCIF) was established on **1 May 2015** to coordinate interagency efforts to combat IUU, forced labor and trafficking in persons in the fishery sector.

Royal
Thai Navy

Dept.
Fisheries

Marine
Dept.

Min.
Labour

Royal Thai
Police/DSI

Office of
Attorney
General



Port In & Out Inspection

PIPO

28 Port in – Port out Centers (PIPO) were established in 22 coastal provinces to record information and inspect vessels and sea laborers.



Fishing vessels from 30 GT are required to report through PIPO Centers.



Inspection of Vessel Registration, CrewList, Employment Contract, Registration Document, Seaman Book, Permission to Work on Board.



VMS

A Fisheries Monitoring Operation Center (FMOC) is equipped with Vessel Monitoring System (VMS) to monitor movement of vessels and sea laborers on 24/7 basis.



As of February 2016, 4,562 vessels are equipped with VMS.



Monitoring & Inspection at Sea



Multi-disciplinary taskforces are set up and supervised by Thailand Maritime Enforcement Coordinating Center (THAI-MECC)

Inspection covers both Thai vessels operating in and outside Thai waters.



Inspection at Seafood Processing Factories

25 multi-disciplinary inspection teams are set up to inspect seafood processing establishments.

Verification of the legality of employment, inspection of working conditions and workplace safety

Use of child labor, force labor or labor trafficking will incur both criminal and administrative penalties including revocation of factory license



ENFORCEMENT : KEY RESULTS

From October 2015 - March 2016:

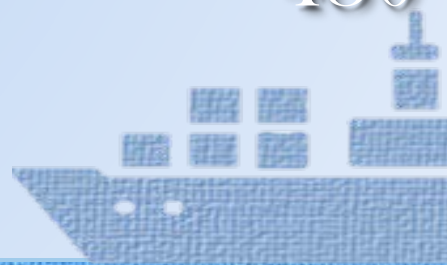
TOTAL NO. OF
SEAFOOD PROCESSING
PLANTS INSPECTED : 152

TOTAL NO. OF
PLANTS SUSPENDED : 19

TOTAL NO. OF
PLANTS PROSECUTED : 27

TOTAL NO. OF
VESSELS INSPECTED AT SEA:
8,398

TOTAL NO. OF
VIOLATIONS:
430



CAPTAIN/SKIPPER:

15

CREW MASTER:

21

BOAT OWNER:

7

BROKER:

35

TOTAL NO. OF SUSPECTS: 78

From January - December 2015

TOTAL NO. OF
LABOR TRAFFICKING CASES
IN THE FISHERY SECTOR: 41

TOTAL NO. OF
VESSELS SEIZED: 31



PROMINENT CASES

CASE 1: AMBON/BENJINA CASE: LABOR TRAFFICKING AND FORCED LABOR ON FISHING VESSELS



Thai authorities began their mission late 2014 to rescue sea laborers; some of which were stranded in Ambon, Benjina and nearby islands, while others were forced to work on fishing vessels.

KEY FACTS ON SEA LABOURERS

- The Thai Government has sent 4 missions to survey and rescue victims of trafficking and stranded crew members. As of March 2016, **1,476 laborers** were repatriated back to Thailand.
- For nationals of other countries who were victimized on ships jointly owned by Thais and Indonesians and others, Thailand is working with the **IOM**, which agreed to handle the repatriation of those nationals to their home countries.
- After victim screening, **57 were identified as victims of trafficking**. **296 laborers** received compensation of **583,334 USD** from their employers.
- The Ministry of Labour assisted **150 laborers** in claiming compensation of **352,778 USD** from their employers.

ACTIONS TAKEN

- Key agencies include **Royal Thai Police**, **DSI** and **Office of the Attorney General** (for crimes committed outside Thailand)
- Total number of cases investigated: **24 cases** with **30 arrests**
 - Royal Thai Police investigated **20 cases**; 5 cases involving one family of boat owners are currently under the consideration of the Anti-Human Trafficking Division, Criminal Court; For the rest 15 cases, the Royal Thai Police submitted opinions to prosecute all the cases.
 - DSI investigated **4 cases**; 2 cases are under the consideration of the Anti-Human Trafficking Division, Criminal Court; 2 cases are under the consideration of the prosecutors.
- In one of DSI cases, the Court sentenced a broker to **12 years and 6 months imprisonment** for deception and detention of victims.

PARTNERSHIP & COOPERATION

- **Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)** provides technical and financial support for law enforcement agencies from Thailand, Indonesia, Myanmar and Cambodia. Information on law enforcement were exchanged in the previous 3 meetings and 4th meeting will be held in Myanmar.
- Thailand and Indonesia are working closely to set up a **Working Group on Fisheries Cooperation**.
- Thai authorities have been working closely with civil society groups;
 - **Stella Maris** has been active in prevention efforts as well as in assisting victims to reintegrate into the society.
 - **Labor Rights Promotion Network (LPN)** has been working closely with the government on the rescue mission and providing intelligence necessary for the successful prosecutions.

PROMINENT CASES

CASE 2: KANTANG CASE: LABOR TRAFFICKING IN TRANG



In September 2015, Provincial Police Region 9, the third Naval Area Command, DSI, Trang Police and the Anti-Money Laundering Office (AMLO), after being notified by the Environmental Justice Foundation (EJF) and further to prior rescue mission of trafficked victims from Myanmar, conduct a joint operation in Trang.

RESCUE OPERATION OF WORKERS

- The operation led to the rescue of **18 Myanmar workers**.
- After victim screening, **15 were identified as victims of trafficking**. The rest were witnesses.
- All 18 workers are receiving protection under the Ministry of Justice's **witness protection scheme**.
- The Trang Court provided for **pre-trial disposition** for all workers in December 2015.

ACTIONS TAKEN

- On 7 November 2015, a joint operation was conducted to raid **11 onshore and offshore targets** after arrest warrants has been issued by the Trang Provincial Court.
- For offshore targets, the authorities used **VMS** from port in/port out of the CCCIF to search the vessels.
- Police have arrested and charged a total of **11 suspects** with conspiring to commit trafficking in persons and forced labor offenses: an influential figure who owns the fishing pier and fishing vessels, 4 boat captains, 1 guard and 3 brokers. The most recent arrest took place on 1 February 2016.
- The AMLO ran a **financial investigation** in order to trace and seize assets derived from the illicit activities.

PARTNERSHIP & COOPERATION

- Thai authorities received intelligence from **EJF** and, prior to this operation, had also teamed up with **EJF** and **Project Issara** to rescue 11 trafficked victims from Myanmar.
- **The Department of Rights and Civil Liberties Protection** under the Ministry of Justice is working closely with **Stella Maris** on victim and witness protection.
- Thai authorities are also working with Human Rights and Development Foundation (HRDF) to build strong cases against the perpetrators.

PROMINENT CASES

CASE 3: SAMUTSAKHON: FORCED LABOR AND LABOR TRAFFICKING IN SHRIMP PEELING SHED



On 9 November 2015, Thai authorities consisting of the Royal Thai Police, CCCIF, DSI, Ministry of Labour, Provincial authority and local NGOs partnered to raid a shrimp peeling shed in Samutsakhon and rescue Myanmar workers.

RESCUE OPERATION OF WORKERS

- The operation led to the rescue of **78 Myanmar workers**.
- After victim screening, **31 were identified as victims of trafficking**. The rest were witnesses.
- The victims are currently in the Ministry of Social Development and Human Security's shelters:
 - **20 victims** are in **Pathumthani shelter** (shelter for male victims and their families) including Mr. Tin Nyo Win and his wife who were mentioned in the AP article.
 - **11 victims** are in **Kretakarn shelter** (shelter for female and child victims).
- The victims have received care and services under the Thai Anti-TIP law and several of them are working outside shelters.

ACTIONS TAKEN

- On 9 November 2015, the authorities investigated **5 suspects**: (1) the owner (2) 2 Thai staff (3) 2 Myanmar brokers. **3 suspects arrested** including the owner of the peeling shed and the staff, while the Court issued additional arrest warrants for **2 suspects**.
- The owner and his staff were charged with: (1) Conspiring to commit human trafficking (2) Bringing illegal aliens into the Kingdom and (3) Violating labor protection laws (13 offenses)
- The peeling shed **was shut down** and the owner was charged with operating factory without permission in contravention with the Factory Law.
- AMLO ran a **financial investigation** in order to trace and seize the assets derived from the illicit activity. The trial began on 15 March 2016.

PARTNERSHIP & COOPERATION

- The authorities worked closely with **LPN** in this case and continue to expand their partnership in various areas.
- LPN and other local NGOs supported the authorities with interpreters, which allowed the authorities to gain insight from the rescued workers and build a stronger case against the suspects.

PROMINENT CASES

CASE 4: PHUKET CASE: FORCED LABOR AND LABOR TRAFFICKING ON FISHING VESSELS



On 28 January 2016, based on the information from the Myanmar authority, a joint operation was conducted to raid a shelter in Siray Island in Phuket to rescue Myanmar workers who were detained before sent off to work on fishing vessels.

RESCUE OPERATION OF WORKERS

- The authorities rescued **32 Myanmar workers** who were detained, with some workers abused and assaulted.
- After victim screening, **all 32 workers were identified as victims of trafficking.**
- The victims are currently in the Ministry of Social Development and Human Security's shelter in **Ranong.**

ACTIONS TAKEN

- Myanmar Anti-Human Trafficking Police notified Thai Police that 4 Myanmar workers were being held as forced labor on a fishing boat heading back to Phuket.
- Thai Police found 1 Myanmar crew member who escaped while the boat was arriving in port and obtained more information.
- The Anti-Human Trafficking Division coordinated with the Royal Thai Navy, the Marine Police, the Tourist Police Division, the Immigration Bureau and local police to raid the shelter used as a detention cell on the island.
- The authorities arrested and charged **3 suspects** with human trafficking. Arrest warrants were issued against 5 Myanmar brokers and a boat captain.
- Prosecutors are gathering evidence to take the case to court.

PARTNERSHIP & COOPERATION



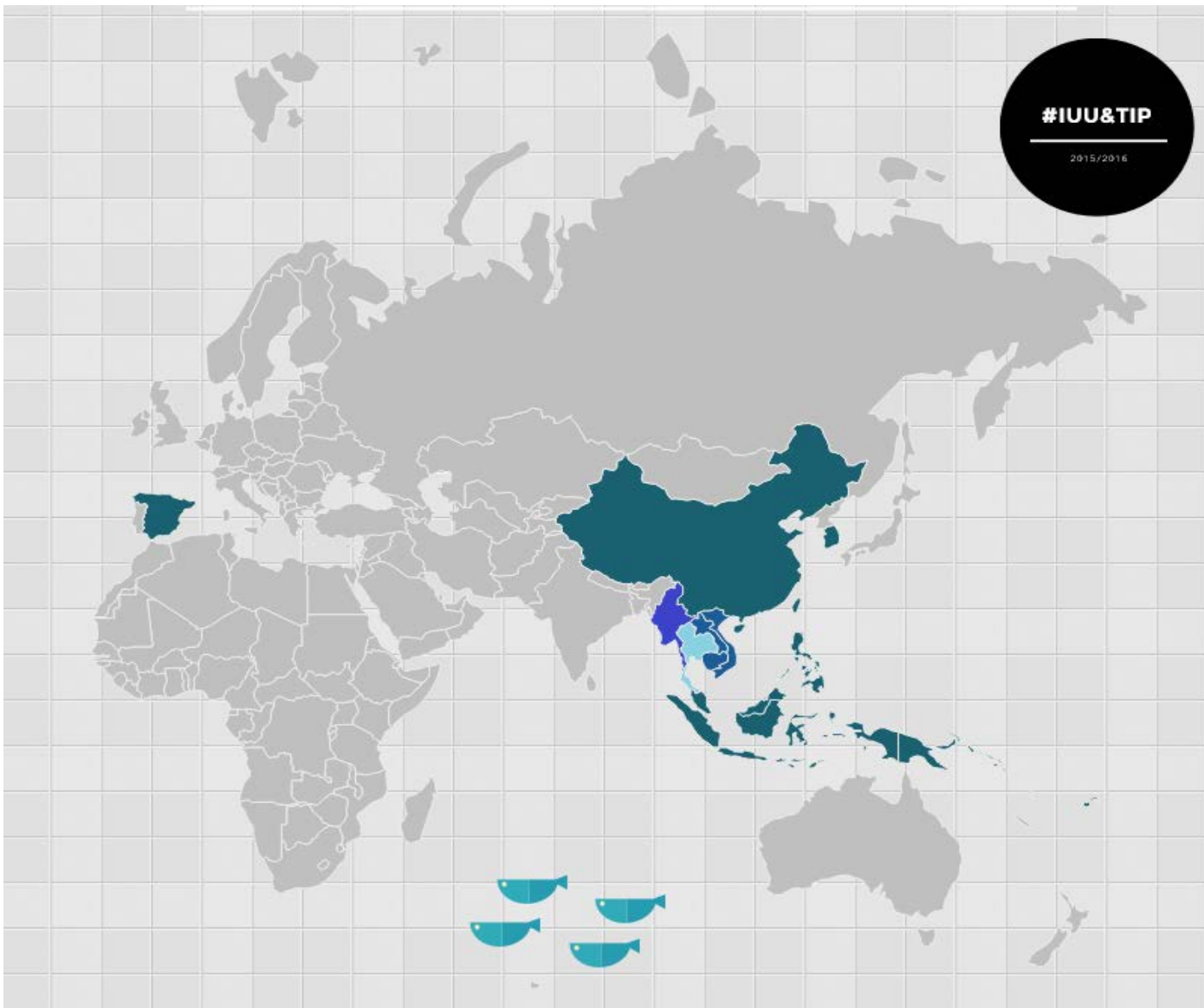
- This case highlights close cooperation between Thailand and Myanmar law enforcement agencies of.
- The issue was brought up during **the bilateral meeting between Thailand's Anti-Human Trafficking Division (AHTD) and its Myanmar counterpart between 25 - 28 January 2016, funded by AAPTIP.**
- The AHTD continues to work closely with the Myanmar authority to arrest the rest of the suspects.

INTERNATIONAL COOPERATION

In recognition of the need to address forced labor, trafficking in person as well as IUU fishing with concerted efforts, Thailand has expanded and strengthened cooperation with neighboring countries and beyond:

Cooperation on Labor: Vietnam, Myanmar, Lao PDR, and Cambodia

Cooperation on Fisheries: Fiji, Malaysia, Myanmar, Indonesia, Philippines, Papua New Guinea, South Korea, Pacific Island Countries (Kiribati, Solomon Island, Marshall Island, Micronesia), Taiwan, Spain and China



PUBLIC-PRIVATE-CIVIL SOCIETY PARTNERSHIP (PPCP)

Collaboration across all sectors and constructive partnership are necessary to drive real changes on the ground and contribute to sustainable and meaningful improvement of the working conditions for the workers in the fishery sectors.

On this basis, the Thai government has advocated the concept of 'Public-Private-Civil Society Partnership (PPCP)' as a dynamic model for cooperation between governmental agencies, private sector and civil society.

