



TRAFFICKING IN PERSONS REPORT 2015

The Royal Thai Government's Response
January 1 - December 31, 2015

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Acronyms and Abbreviations

AAPTIP	Australia-Asia Programme to Combat Trafficking in Persons
ACTIP	ASEAN Convention against Trafficking in Persons, Especially Women and Children
AFP	Australian Federal Police
AHTD	Anti-Human Trafficking Division
AMLO	Anti-Money Laundering Office
APA	ASEAN Plan of Action
ARTIP	Asia Regional Trafficking in Persons Project
ATPD	Anti-Trafficking in Persons Division
BCATIP	Border Cooperation on Anti-Trafficking in Persons
CCCIF	Command Center for Combating Illegal Fishing
CMM	Case Management Meeting
CMP Committee	Coordinating and Monitoring on Anti-Trafficking in Persons Performance Committee
COJ	Courts of Justice
CSOs	Civil Society Organizations
DAHTJP, CNP	Department of Anti-Human Trafficking and Juvenile Protection of Cambodia National Police
DATIP	Division of Anti-Trafficking in Persons
DLPW	Department of Labour Protection and Welfare
DSI	Department of Special Investigation
EJF	Environmental Justice Foundation
FBI	United States' Federal Bureau of Investigation
FOSS	Fishing One Stop Service
GLP	Good Labour Practices
GPA	United Nations Plan of Action to Combat Trafficking in Persons

HSI	Homeland Security Investigation
ICAC	Internet Crime against Children Center
ICE	Immigration and Customs Enforcement
ICMPD	International Center for Migration Policy Development
ILEA	International Law Enforcement Academy
ILO	International Labor Organization
ILP	Intelligence-Led Policing
ILR	Intelligence-Led Response
IO	Information Operation
IOM	International Organization for Migration
IUU	Illegal, Unreported and Unregulated
LE/CJ	Criminal Justice and Law Enforcement
LPN	Labor Rights Promotion Network Foundation
MCTD	Marine Catch Transshipment Document
MCPD	Marine Catch Purchasing Document
MDT	Multi-disciplinary Team
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOL	Ministry of Labour
MOPH	Ministry of Public Health
MOT	Ministry of Tourism and Sports
MoU	Memorandum of Understanding
MPF	Myanmar Police Force
MSDHS	Ministry of Social Development and Human Security
NACC	National Anti-Corruption Commission
NCMEC	National Center for Missing and Exploited Children
NCPO	National Council for Peace and Order
NFAT	National Fisheries Association of Thailand

NLA	National Legislative Assembly
OAG	Office of the Attorney General
OSCC	One Stop Crisis Center
OSS	One Stop Service
PACC	Office of Public Sector Anti-Corruption Commission
PAO	Provincial Administration Organization
PIBICS	Personal Identification and Blacklist Immigration Control System
PIPO	Port-In/Port-Out
POLIS	Polis Information System
PPCP	Public-Private-Civil Society Partnership
PRC	People's Republic of China
RTN	Royal Thai Navy
RTP	Royal Thai Police
SAO	Sub-district Administrative Organization
SOP	Bilateral Standard Operating Procedures
TFFA	Thai Frozen Foods Association
TIJ	Thailand Institute of Justice
TOEA	Thailand Overseas Employment Administration
TLS	Thai Labour Standard
UN-ACT	United Nations Action for Cooperation against Trafficking in Persons
UNHCR	United Nations High Commissioner for Refugees
UN-IAP	United Nations Inter-Agency Project on Human Trafficking
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
VMS	Vessel Monitoring System

Executive Summary

The year 2015 has been a pivotal year in the Royal Thai Government's ongoing drive to radically reform Thailand's anti-human trafficking efforts. The government's "zero tolerance for human trafficking" policy, elevated as a top national agenda in 2014, is central to the Thai government's endeavors. Throughout the year 2015, the focus has been to translate this policy directive into **concrete outcomes** by further **equipping all government agencies** - at all levels - with the financial, legal informational and operational tools necessary to effectively combat human trafficking. The aim is not just in terms of delivering immediate results to send a strong signal to the perpetrators but also to create an environment where change is likely to be sustainable through promoting greater public confidence in our national efforts to fight against human trafficking and also through **closer cooperation with our partners**: namely, foreign governments, the private sector, international organizations and civil society organizations both in and outside Thailand.

More budget has been allocated and **more actors** are now involved in order to deliver concrete results in combating human trafficking. The government has, for the first time, instituted a **newly integrated budgeting mechanism** controlled by an interagency Budget Steering Committee that allows resources to be transferred among agencies much more efficiently to respond to real needs according to changes in the trafficking context throughout each fiscal year. In 2015, **the government allocated a 69.33% increase in the total budget for combating human trafficking** (i.e. from 1,529.68 million THB (49.5 million USD) to 2,590.31 million THB (71.95 million USD), reflecting the importance it attaches to eradicating human trafficking. Out of this total budget, 19% or 508,405,700 THB (14 million USD) of this total budget, was allocated to setting up a better system to regulate Thailand's fisheries sector and eradicating labor trafficking in commercial fishing, fishing-related industries and factories.

New policies and mechanisms have been put in place and **new legislation passed in order to fix problems encountered on the ground**. On combating official complicity, this year witnessed an unprecedented push in expediting cases that involved officials who were either complicit in human trafficking or corrupt or both. In particular, 29 officials are facing *both* disciplinary and criminal sanctions for complicity in trafficking. In addition, one former member of the Satun Provincial Administration Organization

was already sentenced on August 25, 2015 by the Songkhla Provincial Court to 22 years and 6 months of imprisonment and ordered to provide indemnity to a Rohingya victim of human trafficking for the amount of 126,900 THB (3,494 USD) for violation of the 2008 Anti-Trafficking in Persons Act and on offences against life, body and liberty under the Thai Penal Code 1955, as well as the 1979 Immigration Act. This case was rendered judgment within 4 months. Other cases, some of which involve senior government officials, such as the Hua Sai-Padung Besar case that was transferred from the Nathawee Court in Songkhla to the Special Human Trafficking Division within the Criminal Court in Bangkok, are still concluding investigation.

Aside from expediting cases that involve officials, the government repeated its a **strong message with the passage of “Administrative Measures to Prevent Public Officials’ Involvement in Human Trafficking,”** to place strict obligations on all officials across the country to constantly monitor and report instances of suspected complicity in their units. Essentially, any official who wishes to use his/her official title to apply for bail either for himself/herself or someone else will need to seek an official permission from his/her immediate boss who will also be liable for any damages caused or in case of the defendant jumping bail.

In 2015, Thailand also became the first country in Southeast Asia to have specialist trafficking agencies in every step of the criminal justice process: namely, the Special Human Trafficking Division within the Criminal Court in Bangkok and the new Department of Anti-Human Trafficking at the Office of the Attorney General (OAG). The Anti-Human Trafficking Center within the Department of Special Investigation (DSI) will also be elevated to the level of a bureau in 2016, meaning more officials with expertise in dealing with human trafficking cases and more budget for special cases, particular those involving ‘big fish’ traffickers and trafficking rings. All this is in addition to having the Anti-Human Trafficking Division under the Royal Thai Police (RTP) who oversees human trafficking cases across Thailand.

Another significant progress in terms of ensuring closer coordination across agencies was the establishment of a new **interagency human trafficking database system**. This is now fully operational and serves as a centralized platform for all related government agencies, namely the Ministry of Social Development and Human Security (MSDHS), the RTP, the DSI and the OAG to share information on all human trafficking cases, monitor progress, and take appropriate action across the anti-trafficking continuum in law enforcement and victim protection.¹

¹ For further details, see the Policy section of this report.

To tackle legal loopholes related to combat human trafficking, a number of pieces of legislation and amended ministerial orders have now been passed with more severe penalties for convicted offenders and also to better protect victims. For instance, the amended Anti-Human Trafficking Act 2015 has imposed stricter 8-20 years imprisonment in the cases where the trafficking results in serious body injured victims and punishments up to life imprisonment or capital punishment where the trafficking results in death, and fine raised from 80,000-200,000 THB to no more than 400,000 THB (11,112 USD) fine. It also empowers authorities to immediately shut down workplaces or suspend operating licenses of factories where evidence of human trafficking are found, as well as guaranteeing the safety of any whistleblowers to reduce the fear of reprisal for reporting suspected cases.

The government also succeeded in passing the new **Royal Ordinance on Fisheries B.E. 2558 (2015)**,² which establishes a comprehensive regulatory and law enforcement system to ensure that anyone who still uses forced labor or trafficking victims in the fishing industry shall face much more severe penalties. Furthermore, the government has amended the **Anti-Money Laundering Act 2015** by inserting specific language on human trafficking offences and clarifying the scope of the act to ensure that it can be easily utilized to cripple the operations of trafficking organizations and arrest those reaping any financial reward. The Anti-Money Laundering Office (AMLO) has, to date, confiscated over 210 million THB (5.8 million USD) worth of assets gained through the trafficking of the Rohingyas case in 2015 alone.

In addition, the Prime Minister specifically appointed an ***ad hoc* Special Legal Committee** to be in charge of drafting new legislations and recommending key policy measures to enhance the efficiency and effectiveness of the judicial process in coping with human trafficking and related issues. Key progress includes drafting a new “**Human Trafficking Criminal Procedure Act**” that will institute a number of key procedural measures to make the adjudication process less burdensome for victims: expediting the judicial process for trafficking cases, allowing video testimony, increasing witness protection³ and providing other support to victims to ensure their rights are fully protected. More importantly, it mandates more stringent consideration of bail for trafficking offenders to decrease their ability to flee. This Draft has now

² For further details, see Annex 1 of this report

³ Including special protection for two victims of the Ambon case and 4 from the Rohingya cases, for further details on the progress of cases in 2015, see the Prosecution section of this report.

been approved by the Cabinet and is awaiting passage by the National Legislative Assembly (NLA) by the first quarter of 2016.

Additionally, this *ad hoc* Special Legal Committee is working on further amending the Anti-Human Trafficking Act to **classify serious forms of child labor under the age of 15 as human trafficking offenses**. This is a significant move by the government, making Thailand the first country in ASEAN to do so. This new provision will specifically state that the “exploitation” of “child labor below the age of 15” in “dangerous occupations” and “under extreme working conditions that pose physical and/or mental threats”, including working in the sea fishing and seafood processing sectors, shall be classified as human trafficking offenses. This provision also aims to help law enforcement to more easily identify victims of child labor and help them understand how to apply the law in difficult borderline cases. It is expected that this new amendment to the definition of the Anti-Human Trafficking Act 2008 will be passed by the NLA before the end of 2016.

Last but not least, the *ad hoc* Special Legal Committee has also worked with the Ministry of Labour to **resolve any disagreements over key legal terms, such as “forced labor” and “bonded labor”** which used to result in some operational problems in the past, such as the difficulty in correctly distinguishing between labor trafficking and other labor offenses. Today, the Ministry of Labour (MOL) has already published two new guidelines, based on these better clarified key legal terms, and begun training officials based on these newly clarified definitions, which are based on ILO indicators, ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), and other international laws.

In the area of **prosecution**, the government has shifted its approach to a proactive, intelligence-led enforcement model and greater coordination with domestic and international partners. As a result, in 2015, the numbers of cases investigated, rescued victims and arrested suspects have all increased. The RTP investigated a total of 317 human trafficking cases, compared to 280 in 2014, **representing a 13% increase from last year. The number of suspects who have been arrested and charged is 547 compared to 412 in 2014, an increase of 33%.** 720 trafficking victims have been identified, compared to 595 in 2014, an increase of 21%.

In 2015, about 65% of the convictions increased to jail sentences of over 5 years, with more than 35% of the convictions resulting in jail sentences of more than 10 years. Out of the total of 317 human trafficking cases, 176 cases were already submitted to the

prosecutor, with the recommendation to prosecute 174 cases (99% of 176 cases) and recommendation not to prosecute 2 cases (1% of 176 cases). Currently, 141 cases are under investigation by police. The prosecutor issued the order to prosecute 107 cases and not to prosecute 7 cases, while 62 cases are still under consideration. The court already convicted 43 cases investigated in 2015, while 64 cases are still under the court proceedings⁴. It is important to note that the increases in these figures manifest our intensified efforts to address human trafficking in a comprehensive manner and should not be mistakenly interpreted as problems of human trafficking in Thailand having worsened.

On top of faster and higher rate of prosecution, our efforts on **protection** as well as **prevention** have intensified. One of the key priorities in **protection** in 2015 was an overhaul of the **victim identification process**, including a **more detailed identification form** (developed with broad participation from stakeholders from a variety of sectors) that provides guidance to officials about the kind of information necessary to make an accurate determination and to serve as a source of data to monitor official performance. Additionally, the government has sought to provide better assistance incentives both to the witnesses and victims in testifying in court. This involves assistance - both financially and in kind - during their shelter stays and also a possibility of allowing them to stay on as legal workers in Thailand, should they wish to, after the verdicts have been reached⁵. Especially, during their shelter stays, the government has increased its efforts in facilitating victims' ability to earn income either by granting more permits for those who wish to - and are able to - work outside shelters or, for those who are unable to go outside the shelters due to security reasons, by helping them to learn to develop products while in shelters and finding markets to sell these products outside.

On **prevention**, several significant changes have been addressed in 2015. First, more fishing vessels and factories, for example, have now been inspected both in order to prosecute those who broke the laws as well as to deter others from becoming involved in human trafficking and other surrogate crimes. The newly established **Command Center for Combating Illegal Fishing (CCCIF)** set up in May 2015, has led interagency inspections consisting of officials from key relevant ministries to inspect 92% of Thai fishing vessels (i.e. 39,129 out of the total of 42,512 vessels). While 8,024 Illegal fishing vessels and unfound vessels had its vessels registrations revoked in November 2015.

⁴ For further details on the progress of cases in 2015, as well as the statistics on conviction timeline, among others, see the Prosecution section of this report.

⁵ For further details, see the Protection section of this report.

Furthermore, with the strict control of PIPO procedure, the vessels with incorrect documentation for the crews will be forbid to leave the port. As of today 5,609 fishing vessels greater than 30GT were reported through PIPO centres, which are accounted for 85% of the total number of 7,188 vessels⁶. This means that not only illegal vessels but also fishing vessels with incorrect documentation and suspicious activities are prevented from committing any wrongdoing with their business in Thailand from now on.

Through the VMS with the monitoring watch floor operating 24/7, together with the stricter port-in/port-out controls, a better regulatory system is now in place, allowing us to constantly monitor all fishing vessels in real time and take appropriate action as needed. It also allows us to monitor and arrest any vessel which might have trafficking victims or child labor on board. According to the CCCIF, 150 factories related to seafood processing have been inspected, including 35,842 workers⁷. It found one factory employing child labor under 15 years old and 5 factories violated the employment of child labor over 15 years old but less than 18 years old. Moreover, **a new Ministerial Regulation of the MOL that effectively bans workers between the age of 15 and 18 to work in the fishery sector and seafood industry** has become effective since January 18, 2016. This is to complement the ban that was already in place on the use of child workers below the age of 15 in fishery sector and seafood industry.

Secondly, the year 2015 also saw intensified efforts in reducing vulnerabilities for a number of groups of people. Starting with eradicating child sexual exploitation, the RTP has now set up a special task force, consisting of police officials who specialize in dealing with child sexual exploitation cases. For the first time in Thailand's history, to provide a comprehensive and specific definition of child pornography and criminally sanction all acts related to child pornography, including possession, **the Penal Code Amendments No. 24 (2015) on Child Pornography Offences** has been effective since 7 December 2015. Two cases have already been prosecuted after its recent passage. In addition, the RTP has established the Internet Crime against Children Center (ICAC) to serve as a specialized inter-agency body to effectively tackle the increasing complexity of online (as well as offline) offenses against children under the Act.

⁶ To date, 5,250 vessels are equipped with vessel monitoring system (VMS), consisting of 2,076 vessels greater than 60GT (62% of 3,329 vessels) and 3,174 vessels between 30 - 60 GT (82% of 3,859 vessels). For further details, see the Prevention section of this report.

⁷ 21,531 Thai, 11,249 Myanmar, 119 Laotian, 2,929 Cambodian and other 14 nationalities, for further details, see the Prevention section of this report.

To reduce the vulnerability of migrant workers to human trafficking and increasing their access to legal rights and social services, the government's continued push to regularize all migrant workers in Thailand has now resulted in over 2.5 million registrations (out of approximately 3.5 million migrant workers⁸) currently residing in Thailand. Additionally, to facilitate migrant workers in Thailand's fishery and seafood processing sector's bargaining power and the ability to walk away from employees who might be paying or controlling them unfairly, **all migrant workers in Thailand's fishery and seafood processing sector are now entitled to change their employers without any restriction.** Since 2 November 2015, according to the MOL, there are 1,412 migrant workers in seafood processing sector and 1,341 in fishery sector having already changed their employers under this policy.

As for protecting the irregular migrants, particularly the Rohingyas, Thailand has also prioritized collaborating with our partner countries to identify solutions to the Rohingya migration crisis, earning the praise of UNHCR for its efforts. In particular, twice in 2015, Thailand played a leading role in convening governments with a stake in the ongoing Rohingya migration crisis to identify a sustainable multilateral strategy for reducing the vulnerability of Rohingya people to trafficking. Last but not least, by recognizing that statelessness can be a key vulnerability factor for human trafficking, the government has increased its efforts to grant Thai nationality to stateless populations in Thailand, granting citizenship to 8,038 stateless persons in 2015 (a 42% increase from 5,667 persons in 2014) though expediting nationalization process⁹.

Finally, recognizing that human trafficking cannot be solved by the Thai government alone, the government has deepened and broadened its partnerships with foreign governments, the private sector, a number of international organizations and civil society organizations both in and outside Thailand¹⁰. The government has finalized and revised a significant number of bilateral MOUs with key strategic countries to better regularize migrant workers coming to work in Thailand and to also significantly reduce the possibility of labor trafficking victims. In addition, as part of an all-out effort of the government to combat IUU fishing and human trafficking in the fishery sector and seafood processing industry, on January 15, 2016 the CCCIF signed an MoU with 36 organizations, including 12 government agencies (such as the Marine Department and

⁸ Thailand Migration Report 2014 by United Nations Thematic Working Group on Migration in Thailand estimated that there are around 3,500,000 migrant workers in Thailand. For further details, see the Prevention section of this report.

⁹ For further details of the citizenship granted to stateless populations in Thailand, see the Prevention part.

¹⁰ This includes the Environmental Justice Foundation (EJF), Labor Rights Promotion Network (LPN), SR Law, and Stella Maris, to name but a few. For further details, see the Partnership section of this report.

the Department of Fisheries), 21 seafood private sectors (such as the Thai Tuna Industry Association and the Thai Frozen Foods Association (TFFA) and 3 organizations, namely the Labor Rights Promotion Network (LPN), the International Labour Organization. Together, they pledged to combat IUU fishing and human trafficking in the fishery sector. In addition, the Chairman of the Joint Standing Committee on Commerce, Industry and Banking announced on the same day that the committee and the Thai Fishery Producers Coalition (TFPC), which consists of 8 associations: the Thai Frozen Food Association, the Thai Food Processors' Association, the Thai Shrimp Association, the Thai Tuna Industry Association, the National Fishery Association of Thailand, the Thai Overseas Fishery Association, the Thai Fishmeal Association and the Thai Fishmeal Producer, pledged to be in strict compliance with the Royal Ordinance on Fisheries B.E. 2558 (2015), along with the international standards, and to also ensure clean supply chain, with no risk of materials derived from IUU fishing contaminating the production chain and no use of child labor, human trafficking or labor exploitation. This MOU serves as a framework for our public, private and civil society partnership (PPCP).

For a brief comparison of Thailand's key measures and progress on combating human trafficking pre-2015 and in 2015, see [Table of Comparison](#) in the last section of the report.

Introduction

Recognizing that human trafficking is a complex crime and a major violation of human rights, the Royal Thai Government has continued to further intensify its efforts in tackling human trafficking throughout the year 2015. The “zero-tolerance” policy on human trafficking as a national priority declared in 2014, has reaped major dividends this year. Since the beginning of 2015, this government has been constantly pushing for concrete and sustainable outcomes, focusing on **9 key objectives**¹¹:

1. To eliminate any legal loopholes that impeded the effectiveness of our operations to combat human trafficking or delayed the adjudication of human trafficking cases;
2. To address official complicity and corruption;
3. To significantly expedite the adjudication of human trafficking cases;
4. To significantly increase the effectiveness of all frontline operations - namely inspections, prosecution, protection and prevention - in order to translate the zero-tolerance policy directive into concrete and, where possible, measurable outcomes;
5. To strikingly reduce the vulnerability of migrant workers - both inland and at sea - and other groups, such as children, stateless persons, ethnic minorities and highland people to human trafficking;
6. To better protect trafficking victims and witnesses during the investigation and prosecution of offences (Described in the Protection section of this report);
7. To work more proactively and closely across agencies to address child exploitation;
8. To deepen and expand effective, transparent partnerships; cooperative arrangements and agreements with civil society organizations, local community groups, private sector entities, international organizations, multilateral as well as regional institutions and agreements, particularly ones that can drive toward expedited, concrete outcomes in combating human trafficking (Relevant partnerships are described in each section of this report); and
9. To promote better understanding and awareness of human trafficking, both among government officials at all levels in particular, as well as

¹¹ Except where otherwise noted, these objectives are explained in more detail in the Policy section of this report.

members of the general public (Relevant training and public awareness initiatives are described in each section of this report).

To achieve these priorities, the zero-tolerance policy must mean exactly what it says, and the government has launched a number of major initiatives to make this the case. Some of the new initiatives in 2015 include:

1. Resolving disagreements on the definitions of key legal terminology that used to create barriers to consistent identification of cases of trafficking and delays in prosecution have now been resolved. The government has also passed a new the Royal Ordinance on Fisheries B.E. 2558 (2015) with specific measures to eradicate human trafficking in the fisheries sector; amendments to the Anti-Human Trafficking Act B.E. 2558 (2015), and the Penal Code Amendments No. 24 (2015) on Child Pornography Offences, to name but a few. The draft “Human Trafficking Criminal Procedure Act” and a new incentive system that will lead to successful prosecution of trafficking cases are now being considered;
2. Beginning a radical reform of the migrant labor registration scheme to reduce legal, financial and logistical barriers to migrants being able to legally register as workers in Thailand so that the number of persons vulnerable to human trafficking is drastically reduced;
3. Intensifying our efforts in inspections and prosecutions to eradicate human trafficking both inland and at sea by using a pro-active, intelligence-led law enforcement approach and the use of better technologies to increase the effectiveness and efficiency of inspections and prosecutions;
4. Revamping the trafficking victim identification form and process to facilitate law enforcement’s ability to separate labor trafficking from other labor offences and correctly identify victims, especially among vulnerable groups;
5. Putting in place a more stringent regulatory regime to crack down on official complicity and corruption;
6. Setting up specialist teams in all key agencies to deal with human trafficking;
7. Increasing protective measures to enable suspected victims and witnesses of human trafficking to remain in Thailand and support the investigation and prosecution of offenses;
8. Ensuring a continuous and comprehensive monitoring system of the government’s efforts, such as a new operational database across key agencies and conducting essential researches, such as a national survey on child labor in Thailand, to better equip policy and lawmakers with the accurate information on the ground;

9. Not only promoting closer coordination and cooperation among agencies, but also deepening and expanding partnerships with the public sector, local community groups, various civil society organizations, international organizations, and other governments to bring about solid progress in tackling human trafficking; and
10. Launching a series of result-oriented training workshops for existing and newly qualified government officials and campaigns to create workforce led to growth of skilled personnel with better awareness of the danger of human trafficking.

Further details of these initiatives and their results will be discussed in the following sections under the 5 central pillars of Thailand's strategy to combat human trafficking (namely the 5 P's strategy): essential **policy** changes to ensure real and sustainable changes on the ground; detection, investigation and **prosecution**; **prevention** and deterrence; victim support and **protection**; and, finally, **partnership** or closer cooperation at the working level with our experienced partners both inside and outside Thailand.

The Policy section that follows next will be set out in terms of **why** (i.e. why the initiatives were launched), **what** (i.e. what specific measures have been taken) and **how** (i.e. how these measures have led to real results). Real statistics and hard comparative data will be provided where possible in order to illustrate the successes as well as the areas in which further work needs to be carried out. The Policy Section will serve as high-level framing device for the detailed data that will follow under Prosecution, Protection Prevention and Partnership Sections respectively.

Policy

The year 2015 saw a number of new policy initiatives being implemented by the government in order to further translate the “zero-tolerance” policy on human trafficking into real, sustainable outcomes. The specific initiatives and measures will be discussed and results highlighted according to the following policy objectives:

Objective 1: To eliminate any legal loopholes that impeded the effectiveness of our operations to combat human trafficking and delayed the adjudication of human trafficking cases

With this goal in mind, the Prime Minister, by issuing the Prime Minister’s Office Order No. 286/2558 dated October 6, 2015, set up an *ad hoc* Special Legal Committee (“Special Committee”) to specifically deal with human trafficking issues. The Special Committee is comprised of experts, including judges, prosecutors, and senior representatives from related government agencies, all of whom have been specially selected and appointed based on their extensive legal and practical experiences in anti-human trafficking. This Committee was tasked with eliminating any unclear working definitions of key legal terminology, drafting legal amendments, and recommending policies directly to the Prime Minister to further expedite the adjudication of human trafficking cases.

To date, there are **3 key measures taken by the “Special Committee”** as follows:

Measure 1: Proposing the draft “Human Trafficking Criminal Procedure Act”

The “Special committee” has already submitted its recommendation and the draft of “Human Trafficking Criminal Procedure Act” to the Prime Minister on December 4, 2015 to further accelerate the adjudication of human trafficking cases and also increase the success rate of reaching verdicts in a timely and transparent manner, with better protection of victims and witnesses while giving evidence in court. Once passed (before the end of 2016), the following new provisions will significantly enhance the effectiveness of the judicial process when it comes to dealing with human trafficking cases:

- a. Trial will use the Inquisitorial System without delay;

- b. Immediate implementation of pre-trial deposition via video-conference out of the courtroom, both within the country and from foreign countries;
- c. There will be more stringent consideration of bail requests in cases of organized crime, influential defendants or officials, or concerns for the safety of the witness. There will be concrete measures to prevent defendants from jumping bail, including the usage of electronic tracking devices. Those who jump bail shall face more severe punishment of no more than 5 years and/or fine of no more than 100,000 THB (2,778USD), regardless of whether charges are dropped or not;
- d. In cases where convicted offenders are not imprisoned (due to fleeing) and file an appeal, it is their duty to be present at court for the submission of an appeal. Otherwise, the court will *reject* this appeal;
- e. In cases concerning the public interest, trial in absentia can be considered;
- f. In cases where the prosecutor does not file an appeal, the victim is entitled to appeal on his or her own, despite the fact that in other types of cases this is not usually permitted;
- g. Where the court of first instance dismisses the case, the victim can appeal within one month or the court decision is final;
- h. To expedite the human trafficking cases, the parties are entitled to file an appeal to the Supreme Court and the court will grant an appeal on a case-by-case basis.

Results of Measure 1: The draft Human Trafficking Criminal Procedure Act was already endorsed by a cabinet resolution on January 12, 2016 and is being submitted to the National Legislative Assembly to have its first reading by February, 2016. This pivotal new piece of legislation should become effective within 2016.

Measure 2: Addressing the problem of some defendants being able to jump bail

Because it was possible for some defendants in the past to jump bail, which rendered those human trafficking cases unable to reach verdicts, the draft Human Trafficking Criminal Procedure Act discussed in Measure 1 will give more stringent consideration of bail requests for human trafficking offenses, especially in cases involving criminal networks/organizations/groups or in which the defendant is, or is connected to, an influential person or government official. The Courts are now to prioritize the safety of the victim, witnesses and evidence, and, when necessary, the Court should take into account the views of the victim in making a determination.

If bail is granted, the Courts can take measures to prevent the defendant from fleeing, such as electronic monitoring (EM) devices and assigning officers to monitor. In the event that a defendant jumps bail, the statute of limitations for trafficking offenses shall be extended indefinitely so long as the defendant has jumped bail. Due to the introduction for the first bail jumping punishment in the Thai legal system made by the draft Act, those who jump bail shall now face more severe punishment of no more than 5 years and/or a fine of no more than 100,000 THB (2,777 USD), regardless of whether charges are dropped.

Results of Measure 2: In 2015, after careful consideration of constitutional and other legal rights, 168 defendants submitting bail requests were denied bail for fear of defendants interfering with the cases (through presenting a flight risk or risk to victims/witnesses), while 142 defendants' bail requests were granted. The passage of the draft Human Trafficking Criminal Procedure Act will further enhance and clarify the standards for the issuance of bail in trafficking cases. Moreover, the Amendment of the Criminal Procedure Act No. 30, effective since December 31, 2015, provides for Electronic Monitoring (EM) devices for suspects released on bail, with an aim to ease the burden on authorities by allowing temporary release of a higher number of suspects while awaiting trial but still closely monitoring the suspect to avoid them being able to jump bail.

At the same time, the Special Committee is considering laws and regulations that would **provide financial incentives - to be taken from the Anti-Trafficking in Persons Fund - for whistleblowers in human trafficking cases.** This includes both persons who report suspected cases and/or provide evidence to officials which then lead to successful arrests of the suspects as well as persons who provide useful information that leads to defendants having jumped bail in human trafficking cases being re-arrested. The Prime Minister assigned the Ministry of Justice (MOJ) and the Ministry of Social Development and Human Security (MSDHS) to finalize the arrangement of such financial incentives and begin implementation **by February 2016.** In the future, there is also a plan to use the **Justice Fund**, which is much larger than the Anti-Human Trafficking Fund, as a source for funding rewards for whistleblowers who provide useful information for re-arresting defendants who have jumped bail in all other types of criminal cases, not just human trafficking.

Measure 3: Dissolving any disagreements among key agencies on the definitions of key legal terminology

In the past, disagreements on the definitions of key legal terminology created barriers to consistent identification of cases of trafficking and impeded a number of aspects of the law enforcement and protection processes. Since a significant percentage of migrants exploited in Thailand face varying versions of debt bondage and forced labor that reside on the borderline between human trafficking and labor exploitation, it is imperative for all agencies to have a shared understanding of what constitutes “exploitation”, “debt bondage”, “forced labor”, “exploitation of child labor”, and/or “dangerous working environment.” Achieving this required clear policy directions and agreements among officials from all relevant agencies, as well as a consideration of the range of possibilities available under both Thai and international laws. It also required certain amendments of some existing laws and ministerial orders as well as passing new legislation, among other policy measures.

Results of Measure 3: The key progress made so far includes:

1. Formal definitions of “forced labor” and “debt bondage” have now been agreed upon

On 13th November 2015, the Ministry of Labor (MOL) held a multi-stakeholder meeting on interpretation. Participants included representatives from concerned government agencies, the private sector (namely, the Federation of Thai Industries and the National Fisheries Association of Thailand (NFAT)), representatives from civil society organizations (namely Alliance Anti-Traffic, Stella Maris, FACE and SR Law) and representatives from UN-ACT and the International Labor Organization (ILO). At the meeting, the ILO indicators of “forced labor”, Supplementary Convention on the Abolition of Slavery 1956 of “debt bondage”, as well as comparative study of American, Australian and Singapore an Anti-Human Trafficking laws were taken into consideration and the meeting finally reached agreement on the following definitions:

- **Forced labor** shall mean work or service received from a person who has been threatened or treated in such a way that he or she is working unwillingly or involuntarily.
- **Debt bondage** shall mean gaining access to the labor of another person by using debt as a way of forcing them to work, whereby the amount of said debt is rendered unjust by being of an unfixed amount or has a servicing period or payment method that is unclear.

As a result, the MOL then formulated the above definitions and added them into their two new handbooks (one for inspectors and one for employers and workers) based on ILO's forced labor indicators. The MOL has also begun to provide training since the final quarter of 2015 for all relevant labor inspectors on how to implement these clarified definitions in practice. These trainings were conducted in collaboration with ILO and involved MOL along with the navy, marine police and Fisheries Department.

Basing on these two definitions, the Special Committee is now also working on revising the definition of "Forced labor or services", as well as "any other means causing such person to be in a state of being unable to resist," in relevant legislation in order to ensure that these improved definitions have the force of legislation before the end of the year 2016.¹²

2. Proposing a clearer provision to classify serious forms of child labor as human trafficking offense

The Special Committee has come up with a new provision that shall, for the first time, classify the "exploitation" of "child labor below the age of 15" in "dangerous occupations" and "under extreme working conditions that pose physical and/or mental threats", including all work in the sea fishing and seafood processing sectors, as human trafficking offenses.

This provision will help law enforcement to more easily identify victims of child labor and also help them understand how to apply the law in difficult borderline cases. It is expected that this new amendment to the definition of the Anti-Human Trafficking Act B.E. 2551 (2008) will be passed by the NLA before the end of 2016.

Other key legislative changes in 2015 include:

Measure 4: The passing of the Royal Ordinance on Fisheries B.E. 2558 (2015) to effectively crack down not only on illegal, unreported and unregulated (IUU) fishing but also human trafficking in the fisheries sector both inland and at sea.

This new Royal Ordinance¹³ came into force on November 14, 2015 as a fundamental and comprehensive reform of the legal framework governing Thai fisheries. One key objective of this Royal Ordinance is to eliminate all forms of forced labor and improve the welfare and working conditions of workers in the fisheries sector both inland and

¹² In this effort the Thai government is welcoming comments from the US embassy, ILO, as well as local NGOs.

¹³ See Annex I for further details on this Royal Ordinance.

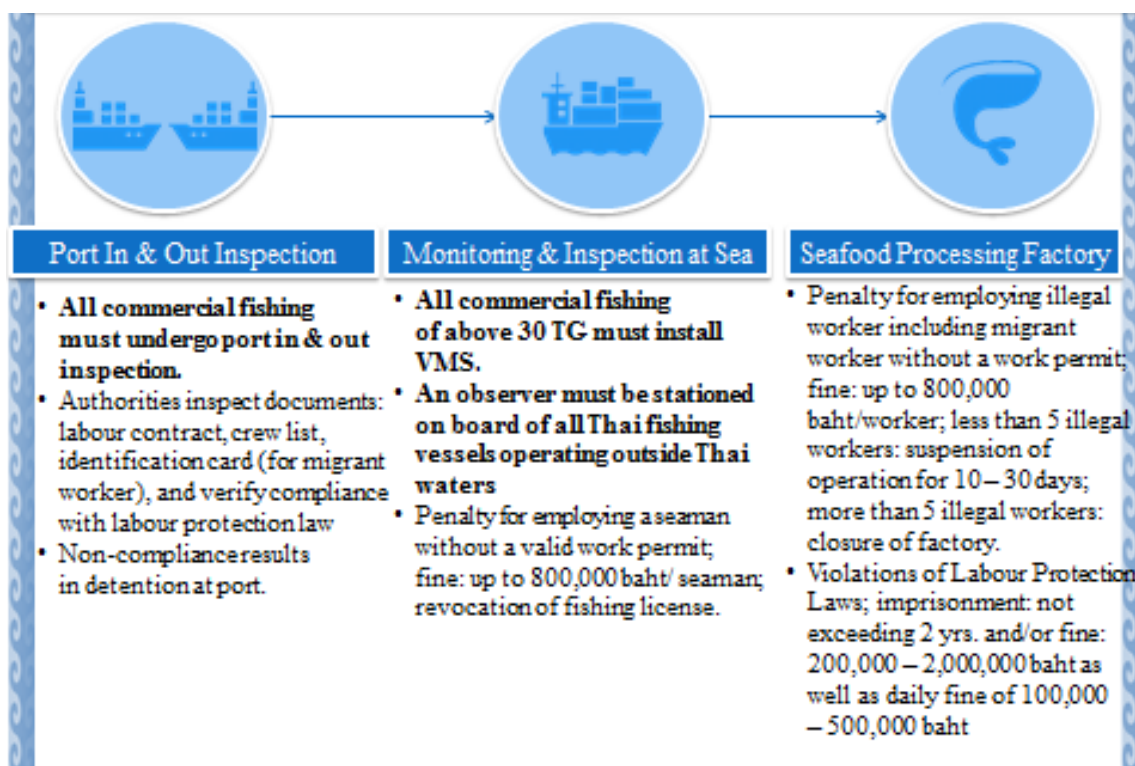
at sea. It institutes a range of new regulatory requirements for fishing vessels that will facilitate officials' ability to monitor labor practices and ensure that all suspicious conduct can be promptly investigated and cases pursued. Penalties for offenders have also been significantly increased and this Royal Ordinance also stipulates even more severe penalties for repeated offenders. For instance, any owner of a fishing vessel who employs the labor of a worker without a valid work permit is now liable to a fine of up to 800,000 THB (22,437 USD) *per worker*. This represents a dramatic increase in deterrence, as previous law provided for maximum fines of only 100,000 THB (2,700 USD) *per violator*, regardless of the number of illegal workers employed.

Factory operators who violate the labor protection law or employ foreign workers illegally are also liable to more severe criminal penalties, including a term of imprisonment not exceeding two years or a fine of 200,000-2,000,000 THB (5,609-56,091 USD) or both, *as well as* a daily fine of 100,000-500,000 THB (2,805-14,023 USD) for the entire duration of the violation. A factory operator who engages in a business relating to aquatic animals is prohibited from employing illegal workers, including foreigners, who do not hold a legal work permit. Violation may result in a fine of up to 800,000 THB (22,437 USD) for each unlawfully employed person.

Moreover, if the number of workers unlawfully employed at the factory is not more than five, then the Director-General of the Fisheries Department has the power to order the suspension of the factory operation for a period of ten to thirty days. If, however, more than five workers are employed illegally at the factory, then the Director-General of the Fisheries Department shall be required to promptly notify the Permanent Secretary of the Ministry of Industry to order the immediate closure of the factory and license revocation pursuant to the Factory Act B.E. 2535 (1992).

Diagram 1 below summarizes how this Royal Ordinance will help address human trafficking in the fishery sector.

Diagram 1: How the Royal Ordinance on Fisheries B.E. 2558 (2015) can help to combat human trafficking in the fishery sector



Results of Measure 4:

This law increases the effectiveness of the inspection of vessels and factories related to the seafood supply chain. It also requires each commercial fishing vessel of above 30 gross tonnages to install a vessel monitoring system (VMS) and all vessels are to be properly and thoroughly inspected at the Port-In/Port-Out (PIPO) centers. This means that Thailand now has a much better regulatory system in place, allowing us to constantly monitor all fishing vessels in real time and take appropriate action as needed.

Because of this new Royal Ordinance, officers from various agencies who now inspect vessels and factories together as a team, have now inspected 92% of Thai fishing vessels (i.e. 39,129 out of the total of 42,512 vessels) and 474,334 fishery workers (90% of the total number of fishery workers in Thailand). Apart from the inspection at PIPO centers, fishing vessels operating in Thai water were also inspected at sea by the multi-disciplinary teams, led by the Command Center for Combating Illegal Fishing (CCCIF). From November 23, 2015 to January 13, 2016 (immediately after the Royal Ordinance

came into effect), CCCIF inspected 507 fishing vessels at sea in Thai water (215% of CCIF's initial target of 220 fishing vessels as stated in Thailand's Marine Fisheries Management Plan 2015-2022 that was drawn up by the Department of Fisheries). In addition, between November 23, 2015 and January 10, 2016, the multi-disciplinary teams, led by the CCCIF, also inspected 50 out of 76, or 66% of the total Thai-flagged fishing vessels operating outside Thai waters in the Indian Ocean.¹⁴ This clearly illustrates how our inspection efforts have been intensified since the Royal Ordinance came into effect. So far, these inspections have led to two ongoing human trafficking cases and many other infringements according to other legislations and Orders. A summary of infringements is provided in [Table 1](#) below.

Table 1: Infringements found during inspections of fishing vessels in Thai water, during 6 May 2015 to 10 January 2016¹⁵

Infringement		Number total	Progress				Note
			Police	Public Prosecutor	Court of Laws	Completion	
1	The Navigation in Thai Waters Act B.E. 2456 (1913)	33	16	1	-	16	
2	Thai Vessels Act, B.E. 2481 (1938)	20	7	2	-	11	
3	Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482 (1939)	39	38	1	-	-	
4	Radio Communications Act, B.E. 2498 (1955)	4	4	-	-	-	

¹⁴ The remaining 26 vessels shall be inspected during their return trips to Thailand. In this regard, the Director-General of the Department of Fisheries has ordered all vessels operating outside Thai waters, which did not previously report to one of the PIPO Centers, to return to Thailand by 30 January 2016. Failure to comply could result in a fine of 2,000,000 baht (about 51,000 euros) (Article 152).

¹⁵ Data compiled by CCCIF.

Infringement		Number total	Progress				Note
			Police	Public Prosecutor	Court of Laws	Completion	
5	Thai Penal Code B.E.2499 (1956) and amendments	2	2	-	-	-	
6	Fisheries Act B.E.2490 (1947)	80	44	-	-	36	
7	Immigration Act B.E.2522 (1979)	6	6	-	-	-	
8	Anti-Trafficking in Persons Act B.E. 2551 (2008)	4	-	4	2	-	2 cases were dismissed by prosecutor
9	Alien Working Act B.E. 2551 (2008)	24	19	5	-	-	
10	NCPO Order No.10/2558 (2015)	79	78	-	-	1	
11	NCPO Order No.24/2558 (2015)	124	124	-	-	-	
12	CCCIF Notification No.15/2558 (2015)	3	3	-	-	-	
13	Fisheries Act B.E.2558 (2015)	63	62	-	-	1	
14	Fisheries Royal Ordinance B.E.2558 (2015)	43	43	-	-	-	

Examples of offences include the absence or expiration of valid overseas fishing license, the failure to record fishing data in the logbook, and the use of illegal migrant workers on board without appropriate work permits and employment contracts. Legal action is being taken against vessel owners found to have violated the laws.

Progress of inspections of vessels and crews *outside Thai water* is summarized in [Table 2](#) below.

Table 2: Progress of Inspections of vessels and crews outside Thai water during November 23, 2015-January 10, 2016¹⁶

Inspections	Number Inspected	Infringement	Details of Infringements	Progress
Inspection of vessels	50 vessels	24 vessels	<ul style="list-style-type: none"> • 34 cases • 28 cases for Thai Vessels Act, B.E.2481 • 6 cases for Fisheries Royal Ordinance B.E.2558 (2015) • Ministerial Regulation on Protection of Labour in Fishing Vessel B.E.2557 (2014) 	<ul style="list-style-type: none"> • All cases were fined by the Marine Department • All 6 cases being prosecuted under Thai court • All cases being issues the order for the employer to mitigate the problems
Inspection of crews	996 persons	494 persons	<ul style="list-style-type: none"> • All illegal migrant workers undergone registration process and exempt from deportation • No suspected human trafficking case or child labor onboard 	<ul style="list-style-type: none"> • All workers are medically checked and registered.

In addition, because of this new Royal Ordinance, 8,024 illegal fishing vessels and unfound vessels had their vessel registrations revoked in November 2015, bringing their operations to a complete stop. This helps to reduce the possibility of some of these vessels using slave workers on board.

Furthermore, with the strict control of PIPO procedure, all vessels with incorrect documentation for the crews will be forbid to leave the port. To date, 5,609 fishing

¹⁶ Data compiled by CCCIF.

vessels greater than 30 gross tonnages already reported through PIPO centers. This accounts for 85% of the total number of 7,188 vessels. What this means is that, today, not only illegal vessels but also fishing vessels with incorrect documentations for the workers - a reason to cause doubts that such vessels may have suspicious activities - are all prevented from committing any wrongdoing.

Regarding inspections of the pre-processing establishments, the CCCIF has, so far, organized 25 multi-disciplinary inspection teams to inspect a total of 150 establishments. Out of this 150, the operations of 3 establishments were suspended through the enforcement of the Royal Ordinance on Fisheries B.E. 2558 (2015) and 12 establishments were suspended through the enforcement of the Factory Act B.E. 2535 (1992).

In addition, the CCCIF is currently drafting a detailed Terms of Reference for the “QR code” project. This project has already been approved, in principle, by the Cabinet and received a budget of 11.9 million THB (330,000 USD) to install software to support the scanning of the fingerprints of fishermen as well as codes of fishing vessels. This will enable the CCCIF to further monitor the vessels at sea and facilitate the inspection of fishing vessels to ensure that all vessels follow their reported timeline and all workers who enter fishing boats also return with those fishing boats. For additional results related to CCCIF, see Objective 4, Measure 5 below.

Measure 5: Eliminating weaknesses in the Anti-Human Trafficking Act B.E. 2551 (2008) through amendments passed in the with the Anti-Human Trafficking Act B.E. 2558 (2015) and corresponding implementation regulations

This new legislation now empowers authorities to immediately shut down work places or suspend operating licenses of factories where evidence of human trafficking is found. The punishment terms have been appropriately increased from 4-10 years imprisonment to 8-20 years imprisonment (or in cases where the trafficking results in death, punishments up to life imprisonment or capital punishment) and fine raised from 80,000-200,000 THB to no more than 400,000 THB fines.

The new anti-human trafficking legislation also ensures whistleblowers who report suspected cases as well as officials who arrest suspects that fear of reprisal is never a barrier to an effective legal response with protection from being prosecuted with civil and criminal liabilities.

Results of Measure 5: The Anti-Human Trafficking Act B.E. 2558 (2015) has been effective since April 28, 2014 and there have been two additional accompanying regulations issued to increase the effective implementation of the new act: namely, the two Notifications issued by the Office of the Prime Minister that became effective on December 19 and 25, 2015 respectively, prescribing additional measures to prevent and combat human trafficking.

These Notifications facilitate the effective implementation of the Anti-Human Trafficking Act B.E. 2551 (2008) and the Anti-Human Trafficking Act B.E. 2558 (2015) by establishing measures and criteria for responsible officers to require owners or operators of factories, entertainment facilities, guest houses, hotels, vessels and vehicles to constantly monitor and ensure that their employees are not subject to forced labor or abuses equivalent to human trafficking. Employers are also required by law to provide training for all employees, at least once a year, on what human trafficking means and what rights trafficking victims are entitled to. They are also required by law to report suspected incidents of human trafficking to relevant authorities. Where it is reasonable to believe that human trafficking is taking place, the owner or operator is obliged to facilitate competent officials' entry into their premises, vessels, and/or vehicles to provide assistance to the victims.

To fully comply with and implement these new notifications, the Ministry of Social Development and Human Security (MSDHS) has, to date, hosted five rounds of trainings for a total of 400 officials to increase their capacity to implement the law. MSDHS has also been distributing several copies of a human trafficking information sheet in five languages to ensure that our target groups fully understand the new legal landscape. Copies of a short information card that shows key indicators of human trafficking and information on hotlines and other channels available to those requiring assistance have also been distributed across Thailand.

Measure 6: The Amendments of the Control of Begging Act B.E. 2484 (1941)

These amendments aim to better protect high-risk groups and reduce vulnerability. For explanation of this Act, see the Prevention section of this report.

Results of Measure 6:

This draft legislation has passed the first reading under the National Legislative Assembly on January 4, 2016 and is expected to be finalized and come into effect by 2016.

Measure 7: The Passing of the Penal Code Amendments No. 24 (2015) on Child Pornography Offences

Civil society activists have been campaigning for the passage of a new child pornography law for many years, and through its ongoing dialogue with these groups, the government acknowledged the need for more comprehensive child pornography provisions that respond to the increasing vulnerability of children to child pornography given the uptick in ICT usage globally.

The passing of the Penal Code Amendments No. 24 (2015) on Child Pornography Offences, effective since December 7, 2015 thus serves to better protect all children under the age of 18. The law provides a clear definition of “child pornography” as anything showing or displaying any sexual activities involving a child under 18 years old, whether through image, text or any other means whatsoever: including any document, painting, printed material, picture, poster, symbol, photograph, film, magnetic sound-recording tape, magnetic picture-recording tape or anything similar, including any representation recorded in computers or electronic devices that can be shown or displayed. Possessing any child pornography for sexual benefits for oneself or another person is now criminalized. Trading, bringing in or out of Thailand or participation in any trade involving child pornography is also criminalized.

Although this measure was just passed on December 7, 2015 there have already been two cases¹⁷ initiated under the Act, both for possession of child pornography in the Chiang Mai region. The first case (794/2558) has already been forwarded to the prosecutor with a recommendation to prosecute. The second case (11/2559) is currently being investigated by the police, who arrested the alleged offender on January 6, 2015.

Measure 8: The Passing of the Anti-Money Laundering Act (No. 5) B.E. 2558 (2015)

Because human trafficking networks are usually linked closely with money laundering, the Anti-Money Laundering Act (No. 5) B.E. 2558 (2015)¹⁸- which came into force on

¹⁷ See Prevention part for further details

¹⁸ The definition of “**predicate offense**” under the new Act includes 1) human trafficking offenses as specified in the law on prevention and suppression of human trafficking, 2) Penal Code offenses of procuring, seducing, transporting or accepting a person for an indecent act for sexual gratification of others, or the offence of transporting a child or a minor for profit seeking or for an indecent act or buying, disposing of or accepting such a child or minor, or 3) offenses under the law on prevention and suppression of prostitution with respect to procuring, seducing or transporting such persons for prostitution, or offenses relating to being an owner, keeper or manager of a prostitution business or establishment or being a controller of prostitutes in a prostitution establishment.

October 9, 2015 - establishes a clearer and more conclusive legal link¹⁹ and increases the legal tools available for the Anti-Money Laundering Office (AMLO) to enforce the act against traffickers.

AMLO is the responsible agency under the Act to handle assets connected with the commission of an offence, either directly or indirectly. The new Act empowers AMLO to use criminal measures and confiscate the civil proceeds of any person who knowingly obtains, possesses or uses assets connected with the commission of a predicate offense of money laundering under this Act. This serves both as a source of intelligence about connections of criminal rings to contribute to law enforcement's intelligence-led approach²⁰, as well provides the government with a powerful tool to cripple the financial operations of trafficking rings.

Results of Measure 8: In 2015, AMLO investigated 40 cases in total under the predicate offense of human trafficking that had been referred from related agencies. 25 of these cases are still at the stage of collecting evidence and witnesses. 11 cases are currently at the stage of examining assets. The remaining cases were terminated as assets could not be traced, but the intelligence gathered was recorded for future cases.

AMLO also played a significant role in investigating the Rohingya cases, using civil measures to seize 210 million THB (5.8 million USD) of proceeds from the trafficking of the Rohingyas, including cash, bank accounts, commercial enterprises, and property. These assets were seized from various members of criminal networks involved in the trafficking of Rohingyas, including government officials. This case is currently being considered by the Civil Court, which is also considering the seizure of additional assets. The intelligence gathered on the financial transactions of these defendants will be used as evidence in related criminal proceedings on human trafficking, money laundering and cross-border conspiracy, resulting in arrest warrants for 79 defendants.

Objective 2: To address official complicity and corruption

Measure 1: Criminal Prosecution of government officials

To date, 29 officials are facing both disciplinary and criminal sanctions for complicity in trafficking. In addition, one former member of the Satun Provincial Administration Organization (PAO) was already sentenced on August 25, 2015 by the Songkhla Provincial Court to 22 years and six months of imprisonment and ordered to provide

¹⁹ It is important to note, however, that the Anti-Human Trafficking 2008 had already established human trafficking offenses a predicate offense under the Anti-Money laundering Act.

²⁰ For further details, see Prosecution part

indemnity to a Rohingya victim of human trafficking for the amount of 126,900 THB (3,494 USD) for violation of the 2008 Anti-Trafficking in Persons Act and on offences against life, body and liberty according to the Penal Code as well as the 1979 Immigration Act. This case was rendered its judgment within 4 months.²¹

Measure 2: Tackling official complicity and corruption involved in human trafficking through more stringent administrative measures

The government recognizes that in the past there were insufficient internal mechanisms to stop government officials from using their power, connections and job titles to protect themselves or those who had committed a crime related to human trafficking. This often led to power abuse, corruption and compounded the problem of official complicity. Therefore, in addition to having filed charges against an unprecedented number of officials complicit in past human trafficking crimes to show that the government's "zero-tolerance to human trafficking" policy is real and that violations will face real consequences²², the Prime Minister sent a strong administrative message to all government officers by issuing a new set of "Administrative Measures to Prevent Public Official's Involvement in Human Trafficking". In addition, the RTP also issued a new administrative order to tackle corruption and complicity in the police force.

The Administrative Measures to Prevent Public Official's Involvement in Human Trafficking that came into effect on 17 October 2015 serves as a new regulatory measure that places direct responsibility on the Heads of all government agencies at all levels to ensure that none of their officers are involved in human trafficking. It also includes the following key measures:

- Establishes, for the first time, a detailed definition of official complicity to help clarify the scope of anti-complicity law. The definition includes any sort of facilitation of trafficking (whether through providing transportation, facilities or other materials), having any financial involvement (including through property), engaging in joint enterprise with traffickers or people whom the official should know are traffickers or using the person's status or securities as an official to interfere with the legal process involving trafficking crimes or aid traffickers in any way;

²¹ For further details, see the Prosecution section of this report

²² see Prosecution section for more details of cases and statistics

- Establishes a clear procedure for dealing with cases of official complicity, including imposing time limits (ten days) for commanding officers to take action, and requiring commanding officers to report progress to the Committee or face disciplinary action. (See Prosecution section for statistics and details of cases initiated against officials this year);
- Creates a policy implementation center to receive and follow up on reports of official complicity in human trafficking. The policy center includes representation from an increased number of important agencies, including the Ministries of Social Development and Human Security (MSDHS), Agriculture, Transportation, Interior, Justice and Labor, as well as the Army, Navy, Air Force, Police, AMLO, Anti-Corruption of Public Officials Office, and the National Anti-Corruption Commission. All of these agencies are required to have a system for monitoring and reporting instances of official corruption and complicity. Every agency must report immediately any suspected instances of official involvement in human trafficking to the Office of the Permanent Secretary of the MSDHS, which has been assigned as the key focal point;
- Assigns MSDHS as the focal point to work with the media and general public in monitoring and reporting instances of official complicity, including by creating a monetary reward for persons who provide actionable reports of official complicity; supporting the assessment of the good character of officials in order to ensure they are rewarded for reporting suspected incidents of official complicity; and working with media to give public recognition of officials who have helped to eliminate complicity of other officials; and
- Establishing a high-level national committee chaired by the Deputy Prime Minister (with membership of Permanent Secretaries and other senior officials from relevant agencies) to coordinate anti-complicity policy in the trafficking domain and to drive progress on active cases of official complicity in accordance with the law.

Results of Measure 2:

The Administrative Measures, in addition to provide legal tools for monitoring and enforcement, particularly have a deterrent effect by sending a strong message to all government officials nationwide that the government now has both the legal tools and political will to crack down on corruption and complicity. The Prime Minister appointed

the committee chaired by Deputy Prime Minister Admiral Narong Pipatanasai as the Chairman of this Administrative Measure. Currently, MSDHS has prepared the draft of criteria, conditions and measures to implement these regulations effectively and expects they will be fully operational by February 2016.

Objective 3: To expedite the adjudication of human trafficking cases

In the past, critics often argued that most human trafficking cases were adjudicated too slowly, resulting in burdens - financial, social and emotional - being imposed on trafficking victims and witnesses. To address this, the following measures were undertaken:

Measure 1: The Office of the Judiciary is now publishing all case statistics on its website in order to ensure transparency and the ability to monitor progress.²³

This measure followed from last year's recommendations by the President of the Supreme Court circulated to all judges across the country to ensure that all human trafficking cases would be completely adjudicated within six months, (with one possible round of extension to a maximum of one year only in special circumstances upon approval by the Chief Judge of each court).²⁴

Results of Measure 1: Of cases prosecuted under the Anti-Trafficking Act B.E. 2551 (2008) from January 2015 to November 2015, there are 169 cases in which verdicts have already been rendered by the court. 113 out of 169 (67%) cases were completed by the court within a year. Cases taking more than a year to resolve were cases begun before Measure 1 was implemented. Once this set of pre-existing cases is completed, the government expects all cases to be completed in accordance with this measure.

In 2015, more than 50% of the convictions increased to jail sentences of over five years, with more than 35% of the convictions resulting in jail sentences of more than 10 years. Out of the total of 317 human trafficking cases in 2015, 176 cases were already sent to the prosecutor, with the recommendation to prosecute 174 cases (99% of 176 cases) and recommendation not to prosecute 2 cases (1% of 176 cases). Currently, 141 cases are under investigation by police. The prosecutor issued the order to prosecute 107 cases and not to prosecute 7 cases, while 62 cases are still under consideration. The

²³See http://www.oppb.coj.go.th/info.php?info=sub_menu_set&cid=53&pm=6

²⁴ For a detailed explanation of these measures, see "Improved Judicial Process and Standards for Implementation" in last year's Thailand's report on Trafficking in Persons.

court already convicted 43 cases investigated in 2015, while 64 cases are still under the court proceedings²⁵.

Measure 2: The government has allocated budget to the Criminal Courts to facilitate the use of advance depositions and video teleconference testimony to ensure a less burdensome legal process for victims and witnesses.

Results of Measure 2: According to the rule of the President of the Supreme Court dated September 19, 2013, the courts have already prepared facilities for the taking of advance depositions and video teleconference in 244 courts in every province of Thailand with the budget of 244 million THB (6.7 million USD). In 2015, the court spent 100 million THB to install deposition rooms to be suitable for video teleconference, especially for child witnesses. Currently, 217 courts have been fully equipped and operational.

In August 2015, the Department of Special Investigation (DSI) convened a meeting among law enforcement officers with participants from both Thailand and Myanmar. The meeting agreed to pilot the use of testimony via video teleconference between Thailand and Myanmar, due to Myanmar being the origin for most Rohingya cases. This will facilitate the coordination of the court proceedings, as well as the depositions of the witnesses, especially those who have already left the country. The decision on the form of the video teleconference system was supposed to be concluded by January 2016; however, this has been delayed largely due to the recent general elections and the political transition that follows in Myanmar. Thailand is still hoping to finalize the process with the Myanmar government and expects this pilot program to be operational before the end of 2016.

Measure 3: Setting up TIP specialist units in every step of the criminal justice process and increasing cooperation among these agencies.

In addition to setting up a Special Human Trafficking Division within the Criminal Court in Bangkok on August 10, 2015, the new Department of Anti-Human Trafficking at the Office of the Attorney General (OAG) was also set up on October 1, 2015. Additional budget has also been set aside to train and thereby increase the number of specialized personnel, which shall, in turn, help to accelerate the processing of human trafficking cases²⁶. In addition, the government is going to upgrade the Anti-Human Trafficking

²⁵ For further details on the progress of cases in 2015, as well as the statistics on conviction timeline, among others, see the Prosecution section of this report.

²⁶ See the Prosecution section for further details

Center to be a bureau in the structure of the Department of Special Investigation (DSI), which is being equipped with additional budget and manpower. This is to complement with the work by the Anti-Human Trafficking Division under the Royal Thai Police, which oversees all human trafficking cases across Thailand.

As a result, **Thailand is now the first country in the Southeast Asia region to have TIP specialist units in every step of the criminal justice process.** The criminal justice agencies are working closely together to expedite cases and end impunity.

Results of Measure 3:

From August 10 - December 31, 2015, the Special Human Trafficking Division within the Criminal Court received 22 cases including the Hua Sai-Padung Besar case transferred from Nathawee court. A verdict in one case was rendered within 4 months, resulting in a conviction and sentence of 22 years of imprisonment. The Department of Anti-Human Trafficking of the OAG has processed and issued prosecution orders for 15 cases received from the law enforcement agencies since October 1, 2015. After preliminary reviews, the public prosecutor filed charges against five alleged offenders²⁷.

Objective 4: To significantly increase the effectiveness of all frontline operations in order to produce concrete and, where possible, measurable outcomes

Measure 1: Adopting a newly integrated budget model

Given the scale and complex nature of human trafficking problems and related crimes, in the past it was found that budgets were not always properly allocated or easily transferable across departments and ministries when contextual changes required budget reallocation. Therefore, the government has adopted an integrated budget model in order to enhance the effective allocation of financial resources to combat human trafficking, increase the cost effectiveness of the government's anti-trafficking efforts and ensure that resource allocation matches the government's priorities. This means there is now a single central anti-trafficking budget that is then allocated to various agencies as appropriate, given the needs of their respective roles and responsibilities.

In order to implement this new budget model, the government has appointed an Integrated Budget Steering Committee, chaired by Deputy Prime Minister General Pravit Wongsuwan. The Committee has issued a comprehensive implementation plan

²⁷ For details of these new TIP specialist units, including case statistics, see the Prosecution section of this report.

covering both human trafficking and migrant labor issues. This method allows for decisions about budget allocation to shift as needed, depending on the changing context of the human trafficking situation, ensuring that the budget is allocated where it is needed most and that identified weaknesses in past efforts can be better addressed. Additionally, it allows for an integrated assessment of the deliverables achieved with the overall human trafficking budget allocated.

For the fiscal year (FY) 2016 (beginning October 1, 2015), the integrated budget plan includes 69 projects in six areas; namely, migrant workers management, improvement of integrated database system, Policy drive and development, Prevention, Protection and Prosecution. Budget disbursement is currently controlled primarily by the Department of Employment under the Ministry of Labour and the Office of the Permanent Secretary of the Ministry of Social Development and Human Security (MSDHS). These two ministries have been assigned as key focal points who must ensure that all relevant initiatives are implemented on schedule and achieve concrete results.

For FY 2016, the total budget allocation for human trafficking and migrant labor issues amounts to 2,590,315,420 THB (71,953,206 USD at the rate of 1 USD = 36 THB). This budget has been allocated as summarized in [Table 3](#) on the next page:

Table 3: Allocation of government budget in the fiscal year 2015 & 2016, in THB

Budget Year	Personnel	Budget for Projects/Activities (Million THB)							Total
		Migrant workers management	Improvement of database of system	Policy drive and development	Prevention	Protection	Prosecution	Total	
FY2015	917.82	123.6	6.0	77.59	217.19	151.60	35.88	611.86	1,529.68
FY2016	1,146.12	156.54	10.026	75.70	515.36	115.81	62.33	935.77	2,081.89
Increase/Decrease	228.3	32.94	4.02	-1.89	298.17	-35.78	26.45	323.91	552.21
%	24.87	26.65	67.11	-2.44	137.28	-23.61	73.71	52.93	36.09

Results of Measure 1: Table 3 shows the comparative budget the Thai government spent on combating human trafficking between FY2015 and 2016 in THB. The 36% increase in budgetary expenditure shows that the government is backing up its stated prioritization of human trafficking with the resources needed to achieve concrete results. Some key highlights from the budget allocation include:

- 156,543,200 THB (4.3 million USD) budget spent on the new area of migrant worker management, proving the seriousness of the government to regularize all migrant workers and create a better system to monitor and decrease the risk of migrant workers becoming victims of trafficking²⁸;
- The government doubled up the prevention budget this year equivalent to an increase of 137% or 298,171,640 THB (8.27 million USD) to reduce vulnerabilities to trafficking the government had put in place stricter inspections both on land and at sea. The inspection of 44,858 establishments, the border control with 37 land ports, 54 seaports and 29 airports of entry. The Royal Thai Police assigned the Immigration Bureau for the implementation of strategies to prevent both regular migrants and undocumented migrants from becoming victims of trafficking and inspections of fishing vessels at PIPO centers, a total number of 96% or 25,476 fishing vessels with 90% or 474,334 fishery workers inspected, consisting of 91,623 Thai fishery workers, 152,516 workers from Myanmar, 228,701 Cambodians, 1,179 Laotians and 315 others. Coordination and management centers for sea fishery workers have also been strategically in 7 coastal provinces²⁹ to expand the project to cover 22 coastal provinces, in addition to the initial 7 provinces.³⁰

²⁸ For statistics on labor registrations, see the Prevention section

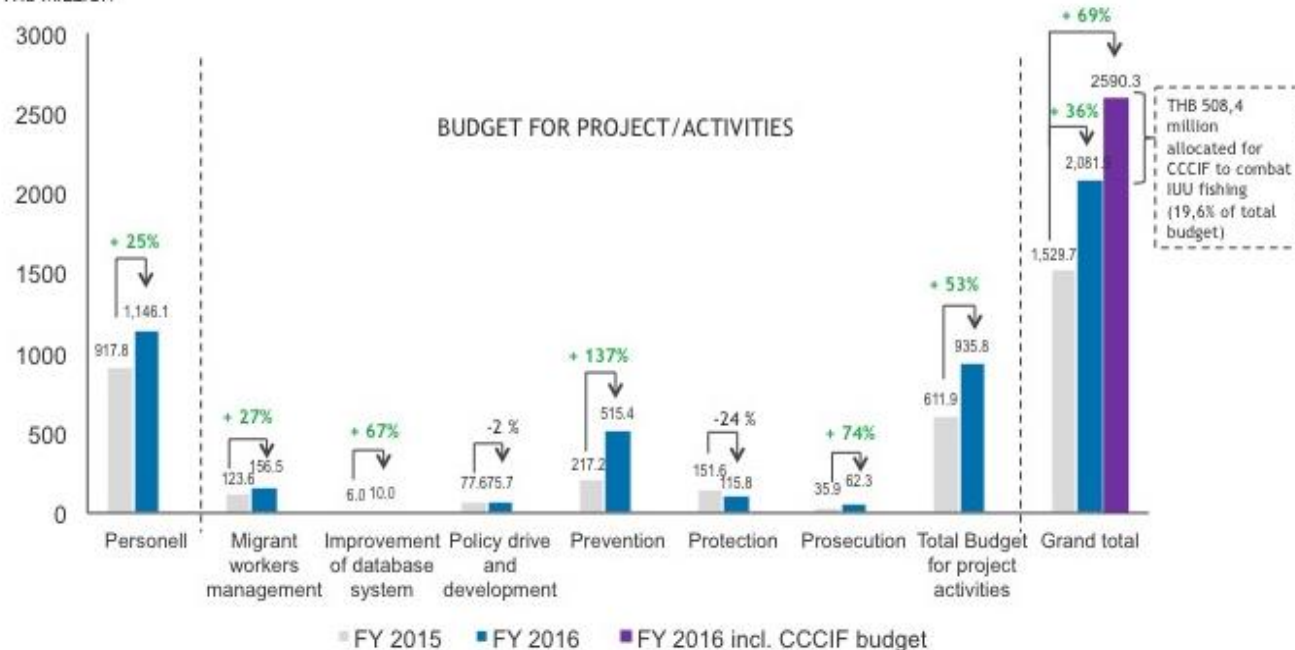
²⁹ Samutsakorn, Rayong, Trad, Chumporn, Songkhla, Ranong, and Satul

³⁰ Chantaburi, Samutprakarn, Samutsongkram, Prachuabkirkhan, Suratthani, Nakornsrihammarat, Pattani, Trang, Phuket, Narathiwat, Choburi, Petchburi, Phanggha, Krabi, and Chachoengsao

Chart 1: The percentage and budget allocated for combating human trafficking

THAI GOVERNMENT BUDGET ALLOCATED FOR COMBATING HUMAN TRAFFICKING 2015-2016

THB MILLION



- An additional budget of 508,405,700 THB (14.1 million USD), contributed to a rise of 35.2% budget in 2015, was specifically provided as an integrated budget to the CCCIF, together with other agencies involved in tackling IUU fishing and human trafficking in the fishery sector. Much of this budget was allocated for law enforcement efforts and inspections at port, at sea, and at pre-processing establishments. The allocation of budget to the CCCIF which is the central agency in dealing with IUU fishing and human trafficking in the fishery sector is summarized in [Table 4](#) below:

Table 4: Allocation of government budget to the CCCIF

Details	Budget (Million Baht)		Comparison
	May 2015 - October 2015 (6 months)	November 2015 - April 2016 (6 months)	
Policy and Planning	28.2	44.76	+16.56
Legislation	13.89	11.34	-2.55
Public relations	56.85	57.42	+0.57
Fishing vessel consensus	9.12	-	-9.12
Laws enforcement at port and at sea	190.51	207.09	+16.58
Labor Inspection at pre- processing establishment & oversea fishing vessels	-	19.83	+19.83
Labor related system development • QR Code system Phase I • QR Code system Phase II	(Studies) 0.98	(Phase I) 11.9	+10.92
Development of • Fishing registration and fishing license system • Vessel monitoring system • Fishing Info.	-	23.56	+23.56
Development of • E-license system	-	5.00	+5.00
Development of • Port state measure • DOF - Custom link • Catch certificate	-	18.00	+18.00
Strengthening DOF, Marine Department, Marine Police	-	109.5	+109.5
Total	299.55	508.40	

- Although the budget for protection appears to have been reduced this year, this reduction is due to a capital expenditure required for facilities maintenance in 2014 that was no longer required in 2015. The budget for core victim protection activities has not been reduced.

Measure 2: Integrating the Interagency Database System

On April 9, 2015, the Office of the Attorney General, the Royal Thai Police (RTP), the Department of Special Investigation (DSI), and the MSDHS signed a Memorandum of Understanding (MoU) to set up an integrated database of all human trafficking cases under the responsibilities of these agencies to allow for closer coordination. Shortly after, the Courts of Justice also joined the database system prior to its establishment of the special human trafficking unit within the Criminal Court in August 2015.³¹

As a result, since July 31, 2015, each and every human trafficking case has been consistently logged into the new database management system. In addition, by the second quarter of 2016, the government will, for the first time, have a complete interagency database of all human trafficking cases from the years 2008-2015.

The government has also allocated a budget of 3.5 million THB (97,223 USD) for FY2016 to undertake a feasibility study during October 1, 2015 and September 30, 2016 on how to effectively develop a new data management system that will, in the near future, connect human trafficking data from all other key agencies' databases, including the civil registration database of the Ministry of the Interior, in order to increase the utility of the human trafficking data management system as a cross-cutting intelligence resource.

In addition, on August 17, 2015, the heads of 7 laws enforcement agencies signed an MOU on information sharing of fishing vessels and workers data between the Royal Thai Navy, Royal Thai Police, Department of Fisheries, Marine Department, the Department of Welfare and Labour Protection, Department of Employment and Department of Provincial Administration. Since then, the Fishing Info System, developed by the Department of Fisheries, serves as a basic integrated database of fishing vessel, fishing license, and crew onboard. Another project, the "QR code", is being developed to enhance the labor inspection process at sea and coastal area as already discussed above.

Results of Measure 2: The new database system is fully operational at the RTP and the OAG. There are 276 cases at the RTP and 176 at OAG. Currently, the Courts of Justice are working on connecting with the database system. This is expected to be completed by the first quarter of 2016.

³¹ See more details in the Prosecution section

The Fishing Info System is already available online for concerned agencies. The QR Code Project will be ready by March 2016. Full-scale inspection tools shall be ready by the third quarter of 2016. These devices will enable inspectors to quickly access essential data in the field, both on land and at sea.

Measure 3: Adopting a more proactive, intelligence-led approach and working with partners to enhance the effectiveness of inspections and prosecutions

In the past, too much emphasis on maximizing the number of inspections and taking a random inspection approach expended many resources in terms of time, manpower and government budget with very little results in terms of actual prosecutions. To respond to this challenge, in 2015 the Thai law enforcement agencies have made a major shift in their approach from a reactive to a pro-active, intelligence-led approach in order to increase their capacity to respond to human trafficking crimes in a way that is more likely to create sustainable progress in the fight against human trafficking rings.

The year 2015 also saw law enforcement officers actively building intelligence networks in areas with high trafficking risk. In particular, the RTP is working - through both formal and semi-formal relationships - with various civil society organizations and community groups from relevant areas.³² By asking these partners to look out for signs of human trafficking and maintaining ongoing communication lines, law enforcement agencies are able to access intelligence that they may not get otherwise. This is partly because undocumented migrants and individuals who are connected to those in trafficking networks may feel more comfortable coming to the civil society organizations or community groups with evidence or suspicions rather than informing law enforcement or other government officials directly. Thus, through ongoing collaborations with these groups, our law enforcement agencies have been able to access a much deeper level of intelligence about suspected trafficking offenses. This has resulted in significant progress in various high-profile cases throughout 2015, as will be explained in the Prosecution Section.

Furthermore, rather than arresting lower level offenders, these offenders were approached and asked to serve as witnesses against the “big fish” leaders of trafficking networks. Although the existing Thai law does not provide for plea bargain arrangements as in the US law, Thai law enforcement agencies are able to inform the Courts of the cooperation of suspects serving as witnesses. The Courts then have the discretion to take this information into account during sentencing, and, if they find it

³² (See the Partnership section of this report for further details)

warranted, may give lighter sentences for low-level offenders who cooperate as witnesses.

Finally, because human trafficking networks are usually linked closely with money laundering, the Thai law enforcement agencies have also been actively seizing and/or freezing the assets of those involved in human trafficking offenses. By looking closely at how they have also violated money laundering and other financial laws and their financial movements, it has enabled us to identify and arrest traffickers and force them to cease their operations in Thailand³³.

Results of Measure 3: Due to the intelligence-led approach, as well as working closely with related agencies and NGOs, in 2015 the number of cases investigated, rescued victims and suspects have all increased significantly. The RTP investigated a total of 317 human trafficking cases, compared to 276 in 2014, representing a 15% increase from 2014. In addition, the Royal Thai Police was able to expand its investigations to search for more victims through excellent cooperation from a number of civil society organizations (CSOs) who provided protection for 6 girls under the age of 15 years old³⁴.

The total number of labor trafficking victims becoming human trafficking victims also increased from 47 cases in 2014 to 69 cases in 2015, where there are 39 cases dealing with human trafficking victims in the fishing industry. A major part of this increase was due to the increase in the number of integrated inspections led by the CCCIF since May 6, 2015 (see above).

Furthermore, the number of suspects who have been arrested and charged is 547 persons compared to 412 in 2014, an increase of 33%. To date, 720 trafficking victims have been identified, compared to 595 in 2014, an increase of 21%. Due to better cooperation with NGOs, the RTP and DSI embedded investigators in Samutsakhon to seek intelligence and search for migrant workers who might be potential victims. One recent arrest, for example, illustrated the excellent working relations between the local police officers in Samutsakhon and the provincial governor, the Ministry of Labour's officials and a CSO, namely the Labor Rights Promotion Network (LPN). On this particular case, LPN assisted a male Myanmar worker who fled from a shrimp-peeling shed with his wife to file a complaint against the owner of the shrimp-peeling shed. Together, they were able to rescue almost 100 Myanmar workers.³⁵

³³ For statistics and details of cases, see the Prosecution Section

³⁴ See Prosecution Part: Case 4: Child sexual exploitation in Chiang Mai

³⁵ See the Prosecution section: Forced Labor in shrimp-peeling shed in Samutsakhon

Measure 4: More joint training workshops for government officials dealing with human trafficking both on land and at sea

An understanding among labor inspectors on the subject of forced labor and debt bondage, was strengthened by the new guidelines, recently published by the MOL. The Department of Labor Protection and Welfare (DLPW), in partnership with ILO and CCCIF, recently developed a curriculum called ‘Increasing Capacities for Labor Inspection Focusing on Vulnerable Workers’ to train labor inspectors with specific knowledge required for inspection in at-risk establishments. The training workshops will target officials from MOL, the Royal Thai Navy, Marine Police, Department of Fisheries, Marine Department and Customs Department.

In addition, another training guideline on the “Prevention and Suppression of Human Trafficking, Child Labor, and Forced Labor in Fishing Industry” has been developed with special emphasis on an integrated approach to inspection, labor and human rights law enforcement. The participants of such training workshops included sea law enforcement officials from the Royal Thai Navy, Marine Police, Department of Fisheries, Marine Department, and Customs Department. All were equipped with relevant knowledge in both theory and practice.

Results of Measure 4: These inter-agency training workshops represent a major shift from the past when trainings were often within agencies and did not lead to sufficient coordination. On October 19, 2015, MOL obtained an approval of 172,316,880 THB (4,786,580 USD) to strengthen the human capacity of 256 labor inspectors. Through two training workshops that took place in December 2015, 129 officials were trained with the ‘Increasing Capacities for Labor Inspection Focusing on Vulnerable Workers’ curriculum. What was unique was the fact that the participants included not just 94 officers from MOL but also 35 participants who are active in sea taskforces from the Naval Area Command, Thai Marine Police Division, Marine Department, Department of Fisheries and Customs Department. Two more training sessions will be organized for a total target of 120 participants in 2016 and running these inter-agency training workshops is expected to continue annually.

Another training was in place to train labor inspectors to ensure their access to at-risk establishments in sea fishery sectors. The Department of Labor Protection and Welfare (DLPW), together with ILO, RTN, Marine Police, and the Department of Fisheries, conducted training to build capacity of their labor inspectors. Currently, 57 inspectors have been trained, and an addition of 65 inspectors will be trained by the end of January 2016.

More importantly, the MOL has also significantly increased its labor inspection manpower, with the number of labor inspectors growing from a total of 1,413 to 2,303 officials (256 will be qualified as labor inspectors in 2016 and 634 officers from other agencies will also assist with labor inspection). Further training of 376 officials (256 newly qualified labor inspectors and 120 CCCIF inspectors) will be implemented as soon as possible in 2016.

Measure 5: Setting up a new focal point to take charge of policy, more comprehensive inspections based on intelligence-led approach and eradicating human trafficking in the fisheries sector, both inland and at sea.

The prevalence of illegal, unreported and unregulated (IUU) fishing in Southeast Asia often serves as one of the primary domains in which human trafficking and labor exploitation crimes are perpetrated. This is due to the profitability of the industry and the difficulty of enforcing labor laws on the high seas, allowing traffickers and exploitative employers to hide themselves from law enforcement and take advantage of complicated international legal issues, especially in the area of legal jurisdiction. Clearly, this landscape remains challenging and cannot be solved by any country acting alone. Nevertheless, the Royal Thai Government, this year, took a much needed step in combating human trafficking in the fisheries sector by passing the new Royal Ordinance on Fisheries B.E. 2558 (2015), which became effective on November 14, 2015³⁶, as already mentioned above.

In addition, in April 2015, the government issued Order 10/2015 establishing the Command Center for Combating Illegal Fishing (CCCIF), led by the Chief of Staff of the navy who reports directly to the Prime Minister. The CCCIF now serves as the lead agency in combating IUU fishing and also human trafficking in the fisheries sector as it includes representatives from all relevant agencies, including the Thai Marine Police, DSI, MOL, MSDHS, the Fisheries Department and Marine Department, working together as part of the newly established 25 task forces in all high-risk coastal areas across Thailand. As part of the new Vessel Monitoring System (VMS) and port-in/port-out controls detailed in last year's Thailand's report on Trafficking in Persons, any case of suspected violation with labor laws is immediately reported to CCCIF, whereby all concerned agencies work together to investigate and also provide support to any suspected victims.

³⁶ See Annex 1 of this Report for more details

This new institution does not just pool resources and manpower across relevant government agencies but also serves to change the work culture and increase coordination and cooperation. This is achieved by having focal points from all agencies to work together on each mission and have ongoing informal meetings to ensure alignment and make intelligence-based, case-by-case decisions about how roles and responsibilities should be divided among agencies. For example, if a suspected violation is located on a small boat or fishing vessel close to shore, the Thai Marine Police will take the lead. For larger fishing vessels further offshore, the Navy will take the lead.

Results of Measure 5: After the Royal Ordinance on Fisheries B.E. 2558 (2015) came into effect in November 2015, the CCCIF already suspended the operations of 5 factories related to the fishing industry, and 2 factories were closed under this law. To improve implementation of the Royal Ordinance, there are 3 ministerial regulations and 21 regulations and notifications of the Fisheries Department that will become effective within 2016.

In addition, previously the Ministry of Industry and the Ministry of Labour performed inspections separately with a separate set of standards according to the respective statutes governing their inspections. To respond to this inefficiency, the law entitles the CCCIF, together with the multi-disciplinary team, to lead inspections across every dimension. The number of inspections of fishing vessels and factories in the seafood industry has already been discussed above so it shall not be repeated here.

Objective 5: To significantly reduce the vulnerability of migrant workers - both inland and at sea - and other groups, such as stateless persons, ethnic minorities and highland people, to human trafficking

Measure 1: Continuing a radical reform of the migrant labor registration scheme

The illegal status of a significant number of migrant laborers in Thailand prior to 2015 was a key vulnerability factor that allowed them to be intimidated and threatened into exploitative work by traffickers. Therefore, to reduce vulnerability to labor trafficking, the government continued with further measures to reform the migrant labor registration scheme by taking a number of specific measures including:

- Making it cheaper and easier for both migrant workers and their employers to properly register the workers.
 - First, the cost of each migrant labor registration has now been reduced by half, from 1,800 THB (50 USD) to 900 THB (25 USD), as

well as other several fees reduced for migrant workers in registration, including exemption from migrant worker repatriation fund³⁷;

- Second, the waiting time that each migrant worker must return to his or her home country while having his or her work permit in Thailand renewed has now been reduced from the previous waiting time of four years to only one month. The high cost and length of time required between periods of legal work are the two main reasons cited by migrants for not registering during earlier rounds of migrant labor registration. This less burdensome process and ongoing extensions of the time period in which migrants are eligible to register has contributed to continued success in the registration drive. In 2015, a total of 2,549,530 migrant workers registered at the MOL³⁸; and
- Third, the registration periods for migrant workers in fisheries sector and seafood related sectors have been extended, and it is now easier and more convenient to register due to the OSSC system.³⁹ The second round was extended to 30 January 2016, whereas the registration period for migrant workers in seafood related sectors was extended to 22 February 2016.
- Once each migrant worker is registered, he or she is entitled to full rights within the system, such as:
 - The right to receive the same minimum wage as Thai citizens (i.e. 300 THB per day);
 - Access to medical checks and healthcare services;
 - The right to use the formal banking system to transfer remittances home;
 - The right to have their children registered legally in Thailand and stay in the country during the period of parents' work eligibility. This policy is in stark contrast to many other countries in Southeast Asia;
 - **The right to change employers.** Previously, this right was not allowed in the fisheries and seafood processing sector. However, in 2015, the government made another significant step in reducing vulnerability to labor trafficking in the fisheries sector by allowing,

³⁷For further details, see prevention part of the report

³⁸ See Prevention Section for further details

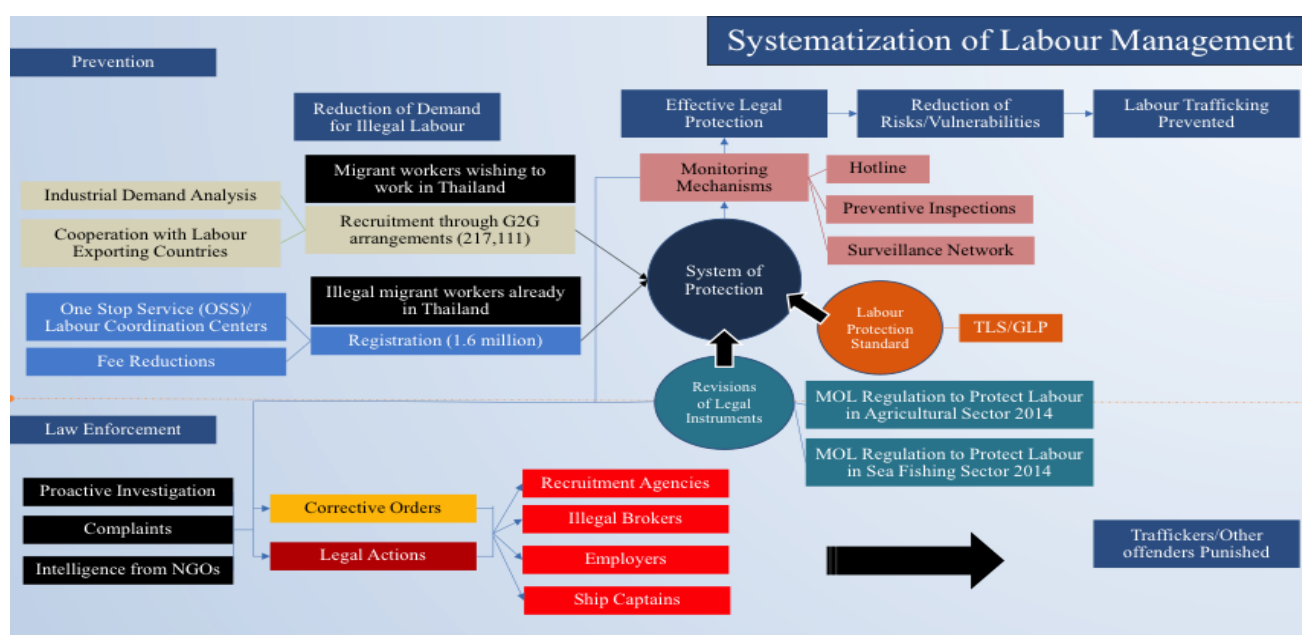
³⁹ For further details, see prevention part of the report

since November 2, 2015, migrant workers in sea fishing and seafood processing sectors to change their employers within these two sectors, with no limit on the number of changes of (i) employers and (ii) provinces. Migrant workers from other sectors can also opt to work in sea fishing and seafood processing sectors, and they are allowed to change employers and the locality of their employment (from one province to another). This significant policy shift aims to give migrant workers more flexibility and eliminate the ability of employers to use their control over a migrant's ability to work legally in Thailand to make unjust demands. More specifically, the Department of Employment issued an order on November 2, 2015 to all of its 10 Provincial Employment Offices to immediately permit employer change requests for migrant laborers of Myanmar, Laos PDR, and Cambodian nationality; and to implement all the new provisions noted above;

- The right to cross borders openly and freely; and
- The right to keep his or her working documents instead of being confiscated by his or her employer as often happened in the past.

The new systematization of Thailand's labor management today has been summarized in [Diagram 2](#) below.

Diagram 2: The New Systematization of Labor Management



The free exercise of these rights dramatically decreases migrants' dependence on smugglers, brokers, and money handlers, as well as removing the ability of would-be traffickers to threaten to have migrants deported if they do not comply with traffickers' demands. The net effect of these measures is to significantly reduce migrant workers' vulnerability to human trafficking.

In addition, on November 10, 2015, the Cabinet approved the MOL's proposal to further register migrant workers in the seafood processing industry as part of the government's efforts to bring previously illegal workers in the seafood processing industry into the system so that they too are entitled to the rights specified above and receive effective legal protection. To expedite the registration process, One Stop Service Centers were set up in all 22 coastal provinces and also in Bangkok to register migrant workers in the seafood processing industry between November 25, 2015 and February 22, 2016 (90 days).

As for the additional registration of migrant sea fishery workers, the MOL organized two rounds of registration:

- The first round between April 1, 2015 and June 29, 2015: 54,402 migrant workers were registered (30,594 from Myanmar, 22,671 from Cambodia and 1,142 from Laos);
- The second round between November 2, 2015 and January 30, 2016: as of January 7, 2016, 13,794 (0.54%) migrant workers were registered; and
- The period of registration for migrant workers in seafood related sector between November 25, 2015 and February 22, 2016: as of January 7, 25,730 were registered.

Results of Measure 1: A total number of 10,777 workers have been facilitated to work overseas in recommended countries with the assistance of the Ministry of Labor, resulting in 2,057,916,696 THB saved in the recruitment process. To reduce the overall costs required for registered migrant workers, the MOL and Ministry of Health have reduced several fees including the exemption from the migrant worker repatriation fund as mentioned above, total costs saved during 2014-2015 is 7,051,336,450 THB or 201,466,756 USD. Since 2 November 2015, according to the MOL, there are 1,412 migrant workers in seafood processing sector and 1,341 in fishery sector having already changed their employers under this policy.

Measure 2: Revamping the trafficking victim identification form and process

The previous victim identification form did not include enough questions to help officers make their determination or serve as a resource for monitoring official performance or reconsidering the basis on which the victim identification was made. Therefore, in 2015, the MSDHS, with the participation from a range of government and civil society stakeholders, came up with a newly revised victim identification form in order to ensure that officers have more tools at their disposal to correctly identify victims and that there is a record of the reasons for such determinations so that officer performance may be monitored.

The more practical and user-friendly form became effective on January 5, 2016.

Front-line officers are now required to use this new form in all interviews and record information about the interviewees in greater detail. In particular, he or she is required to take note of trafficking in persons indicators, such as whether or not the interviewees have the ability to communicate freely with family members and friends, the liberty to travel, any irregularities in wage payment, and confiscation of personal documents. For further details of these amendments.⁴⁰

In addition, throughout 2015, the government also focused on improving victim identification processes across the country and intensifying border control in coastal provinces to reduce the number of illegal migrants as well as ensuring that those who are victims of trafficking are properly identified.⁴¹

Results of Measure 2: The new interview form has now been officially endorsed by the Coordinating and Monitoring on Anti-Trafficking in Persons Performance Committee (CMP Committee) on 5 January 2016 and distributed to related ministries, in particular the RTP, MSDHS and MOL, as well as NGOs/IO partners for further nationwide to use this form for consistent victim identification occasion.

Measure 3: Reducing vulnerability of members of stateless persons, ethnic minorities and highland people to human trafficking

To improve these vulnerable groups' legal status, the Ministry of Interior granted Thai nationality to 8,038 people through November 2015. To expedite this process, the Ministry empowered district chiefs to grant nationality without having to seek approval

⁴⁰ See the Prevention section

⁴¹ See Prosecution and Prevention sections for further details

from the Ministry Headquarters, and as a result, 5,000 people were granted citizenship through this expedited procedure.

Regarding the Rohingya migration crisis, the Royal Thai Government took the lead in convening two important meetings among all key concerned states, key donor countries and key international organizations on 29 May 2015 and 4 December 2015 to identify concrete solutions to the plight of the Rohingya people and to actively work with key stakeholders in the region to push for a more sustainable solution that protects their human rights and reduces their risk of trafficking.⁴² In addition, the crackdown of the labor trafficking rings (and kidnappers) in *Hua-Sai* district in *Nakhonsrithammarat* in the South of Thailand that took place towards the end of 2015 has effectively deterred Rohingya migrants from illegally entering Thailand.⁴³

Thailand also signed onto the ASEAN Convention against Trafficking in Persons, especially women and children (ACTIP) on 21 November 2015 during the 27th ASEAN Summit in Kuala Lumpur, Malaysia, along with other fellow ASEAN member countries. The Convention has established a legal framework for the region in accordance with several key international instruments, including the United Nations Convention against Transnational Organized Crime (UNTOC), the United Nations Trafficking in Persons Protocol (UN TIP Protocol) and the United Nations Plan of Action to Combat Trafficking in Persons (GPA). It aims to foster closer cooperation across ASEAN on prevention, protection and prosecution of traffickers.

Results of Measure 3: The Special Committee considered the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, together with newly signed in November, the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP). Together with the provision on exploitation of child labor below the age of 15, the Special Committee proposed to include practices similar to slavery, servitude, or the removal of organs, regardless of consent, as well as including the abuse of power or of a position of vulnerability to the definition of the Anti-Human Trafficking Act B.E. 2551 (2008) to be passed by the NLA before the end of 2016.

⁴² For details, see the Partnership Section

⁴³ For details of this case, see the Prosecution Section

Measure 4: To put in place a better system to constantly monitor immigration and emigration for evidence of severe forms of trafficking in persons

As discussed in results of Measure 1 of Objective 4 above, the Royal Thai Police has assigned the Immigration Bureau to implement a number of specific strategies to prevent both regular migrants and undocumented migrants from becoming victims of trafficking. It is also increasing efforts to blacklist suspected offenders⁴⁴.

In addition, the Immigration Bureau has been cooperating much more closely with the Office of Judiciary to prevent absconding by persons released on bail. The Bureau has assigned a focal division with the courts. When notified by the court, the Bureau will update the immigration online system immediately.

Results of Measure 4: The Bureau is responsible for 120 ports of entry consisting of 37 land ports, 54 seaports and 29 airports of entry. The Royal Thai Police have assigned the Immigration Bureau to implement strategies to prevent both regular migrants and undocumented migrants from becoming victims of trafficking. Much stricter actions have been taken against foreigners suspected of being sex offenders based on information in the database. The number of suspects has increased from 192 to 617. Of these, 64 had their temporary stay revoked (up from 12 in 2014), and 511 were denied entry into Thailand (up from 98 in 2014)⁴⁵.

Objective 6: To work more proactively and closely across agencies to address child exploitation

Measure 1: Setting up a dedicated unit to combat child sex offenses online

As child sex offenses continue to grow in complexity, the government has become increasingly aware of the need for a specialized unit, equipped with world-class technologies, to combat these crimes.

Thus, in 2015 the RTP has created a new taskforce and allocated a budget that will pave the way for setting up a new Internet Crime Against Children Center (ICAC), effective on January 8, 2016 under the Order of the RTP No. 7/2558, to serve as the focal agency for monitoring online activity and coordinating among all concerned agencies in combating this severe form of crime. The taskforce is composed of 34 national officers equipped with international trainings and experience. It serves as the focal agency for working with counterparts in foreign countries, such as the US Federal

⁴⁴ See Prevention section for details

⁴⁵ See Prevention section for details

Bureau of Investigation (FBI), the Homeland Security Investigations (HSI) and the Australian Government through the Australia-Asia Programme to Combat Trafficking in Persons (AATPTIP), as many of these crimes are transnational in nature.

Results of Measure 1: Since the Penal Code Amendments No. 24 (2015) on Child Pornography Offences became effective on December 7, 2015, two cases are already being charged under the Act⁴⁶.

Measure 2: Ministry of Tourism's measures on eliminating child sex tourism

The Ministry of Tourism organized a number of trainings to strengthen prevention and protection against sexual exploitation of children in its tourism networks consisting of local government officials, private sectors, and CSOs in 2015. The Ministry is also responsible for inspecting and monitoring unregistered guides to reduce chances of sexual exploitation in the tourism industry. There are also several programs initiated by/for the Tourism Police to raise awareness of trafficking in the tourism industry to facilitate the prosecution of human trafficking cases related to sex tourism.

Results of Measure 2: In 2015, 4 trainings were organized for 647 participants in total. At the same time, the MSDHS hosted a seminar on 'Issues of Human Trafficking,' which 200 participants attended, to raise awareness and focus on safe tourism and sexual exploitation in the tourism industry. Also, in 2015, Tourist Police reported 18 cases of suspected sexual exploitation to the RTP for further investigations.

Measure 3: MOL's measures on child labor exploitation, as well as national survey on child labor

In 2015, according to the Findings on the Worst Forms of Child Labor by the U.S. Department of Labor, Thailand was evaluated as one of the top 13 countries (of 140 countries assessed globally) with significant advancement in eradicating the worst forms of child labor. Aside from the revision of relevant law, particularly the Ministerial Regulation of the MOL prohibiting workers under the age of 18 from working in the seafood and fishery sectors (as discussed above), the government, in partnership with relevant agencies, has designed a survey on child labor to collect data on the status of working children nationwide.

Results of Measure 3: The Ministerial Regulation of the MOL on the absolute prohibition of children under the age of 18 working in the seafood or fishery sectors obtained the cabinet endorsement on January 12, 2016 and already became effective on January 18, 2016. This is a significant move by the government in its attempt to put a stop to

⁴⁶ See the Prosecution section for further details

employers in the seafood industry abusing child workers and cleanse the overall seafood supply chain.

The process of data collection for the national child survey began in December 2015, expected to be complete by March 2016. Additionally, the next national child labor survey will start at the beginning of April 2016, in cooperation with the ILO, while the pilot survey for child labor in the sugar cane sector is expected to begin in the four regions of Thailand within January 2016. The survey will target children working in the sugar cane sector and be completed in March 2016. The evaluation and processing of data collected will be in April-May 2016 with technical support from ILO.

Prosecution

In the previous section, this report detailed a number of key new policy and law initiatives that have been implemented to respond to the operational challenges identified by officials and civil society stakeholders working on the ground. In particular, the Zero-tolerance on human trafficking policy has been implemented with increasing seriousness in the prosecution realm. Front line officials focused more on a proactive, intelligence-led enforcement model. Greater coordination with domestic and international partners has helped law enforcement become more effective at reaching their top priorities: “big fish” traffickers, busting up trafficking rings, and prosecuting government officials.

The year 2015 also saw closer coordination and cooperation among criminal justice agencies not only in terms of pursuing trafficking cases but also through a newly set-up computerized human trafficking database, which now links data from the police, prosecutors and courts. In addition, this past year alone, two specialist units have been set up to expedite human trafficking cases; 1) the Human Trafficking Case Division within the Criminal Court began operation on August 10, 2015 where the cases involving safety of vulnerable victims and witnesses from influential defendants can be transferred into; and 2) a Department of the Anti-Human Trafficking within the OAG has begun its operation since October 1, 2015. This has made Thailand the first country in the region to have TIP (Trafficking In Persons) specialist units for the whole criminal justice process.

Key measures taken and results under prosecution in 2015 include:

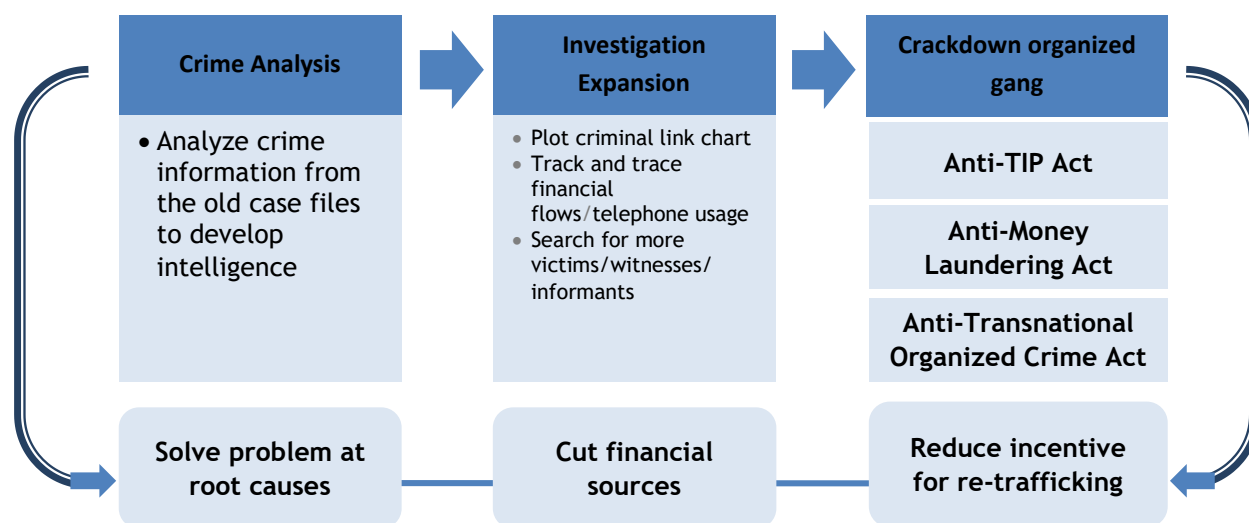
1. Adopting Intelligence-Led Response

This year’s law enforcement methodology marked a paradigm shift from a case-by-case operation, targeting the big fish, in 2014 to the elimination of Trafficking in Persons in 2015 by using Intelligence-Led Response (ILR) model. The concept of Intelligence-Led Policing (ILP) originated in the UK before spreading to the United States, especially after the 9/11 attacks. The ILP or ILR focus is using the intelligence to plan for the operation

As detailed in the Policy section, Thai officials are now using intelligence to guide their proactive-investigation method to deal with TIP issues at their root causes to lead to a sustainable reduction in TIP crimes. For instance, in cracking down on the transnational organized crime group in the Hua Sai - Padung Besar case, officials analyzed related known crimes of the group to develop the intelligence. From the intelligence, both criminal and financial investigations were conducted in parallel to mapping the criminal link chart, tracing financial flows and telephone usage of the suspect networks and searching for TIP victims, witnesses and informants.

Thailand ratified the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2013 where Thailand has enacted implementing legislation to ensure effective compliance and cooperation under the Convention and its Protocol, the Anti-Transnational Organized Crime Act B.E. 2556 (2013) and the Anti-Trafficking In Persons Act B.E. 2551 (2008) and B.E. 2558 (2015) (Anti-TIP Act). Hence the suspects will be charged on the possible three acts; Anti-TIP act, Anti-Participation in Transnational Organized Crime Act 2013 and Anti-Money Laundering Act B.E. 2542 (1990) and 2558 (2015) (Anti-Money Laundering Act) where all offences under Anti-TIP Act are predicate offences. While police conduct criminal investigations, financial investigations are performed by AMLO in parallel.

Chart 2: Intelligence-Led Response Model



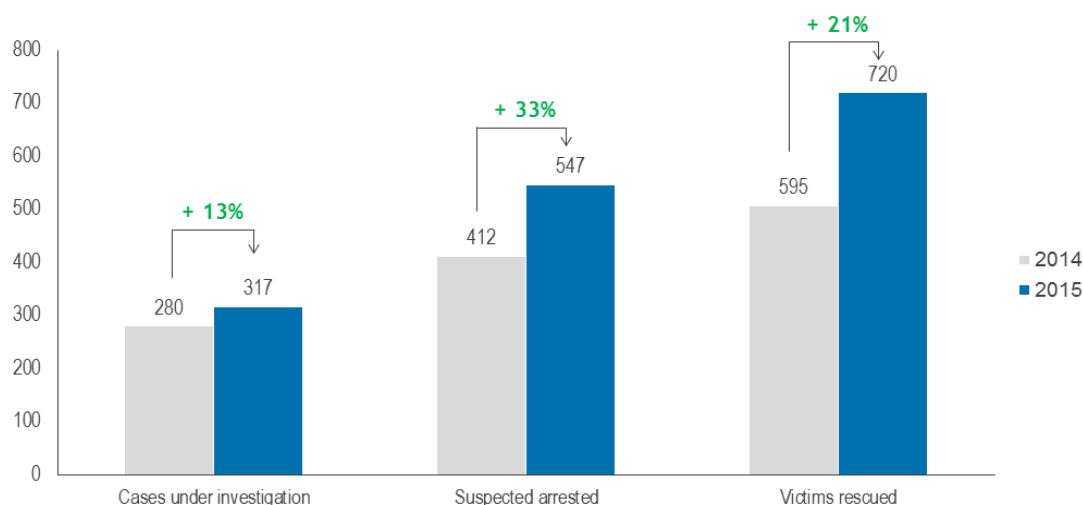
As a result of the ILR approach, Thailand has been able to crack down a higher number of transnational organized networks in 2015 than in the past. We have also been able to cut more of these transnational organized networks' financial flows to reduce both their capacity and incentive to commit crimes. The model of ILR is shown on [Chart 2](#) above.

2. TIP Criminal Justice Process

2.1 Investigation

As noted in the Policy section, due to the improved efficacy of the ILR and pro-active law enforcement approach, in 2015 the numbers of cases investigated, rescued victims and arrested suspects have all increased. **RTP and DSI investigated a total of 317 human trafficking cases, compared to 280 in 2014, representing a 13% increase from last year. The number of suspects who have been arrested and charged is 547 compared to 412 in 2014, an increase of 33%. 720 trafficking victims have been identified, compared to 595 in 2014, an increase of 21%.** A big case of the year is Hua Sai-Padung Besar, which involved large numbers of victims and perpetrators. A comparison of 2015 and 2014 are shown in [Chart 3](#)⁴⁷: statistics of TIP cases under investigation, arrested defendants and rescued victims for 2014 and 2015.

Chart 3: Statistics of Cases Under Investigation, Arrested Defendants and Victims for 2014 and 2015



⁴⁷ Chart 3 shown figures from January 1, 2015 to December 31, 2015

*Table 5*⁴⁸ below provides a breakdown of the numbers of each type of trafficking cases investigated by law enforcement from 2010 to 2015. As detailed in the Policy section and last year's TIP report, the government has completely revamped law and policy governing the fishing industry, increased the role of the Royal Thai Navy and other concerned agencies in enforcing this law, created a new mechanism for coordination and cooperation and devoted increased resources to this area. *Table 1* reveals the concrete result of this prioritization: **47% of labor cases increased from 47 cases in 2014 to 69 in 2015. 39 cases of 69 cases in labor exploitation in 2015 are involved with workers in fishing sector. Sex exploitation cases increased from 222 to 245 cases, and begging exploitation⁴⁹ reduced from 11 to 3 cases.**

Table 5: TIP Cases under Investigation by Exploitation Type for 2014 and 2015

Year	Cases under Investigation			
	Cases	Exploitation Type		
		Sex	Labor	Begging
2010	81	65	12	4
2011	97	74	19	4
2012	306	226	44	36
2013	674	520	80	74
2014	280	222	47	11
2015	317	245	69	3

2.2 Prosecution

As discussed in the Policy section of this report, on **October 1, 2015, the Office of the Attorney General set up the Department of Anti-Human Trafficking**. The jurisdiction of the department covers investigation and prosecution as follows:

- All the tasks related to TIP cases performed by several departments within OAG are now under the authority of this new department. The Department of Anti-Human Trafficking leads the investigation on TIP cases committed outside of Thailand as stipulated by the section 20 of the Criminal Procedure Code B.E. 2477 (1934) that OAG will be a responsible inquiry official. The department will also collaborate on investigation with DSI according to the Special Case Investigation Act

⁴⁸ *Table 1* shown figures from January 1, 2015 to December 31, 2015

⁴⁹ See the Prevention section for further details of measures to address forced begging.

B.E. 2547 (2004). The department will cooperate with foreign countries to deal with mutual legal assistance and extradition, while serving as a database contact point for other criminal justice agencies.

- Prosecutes TIP cases within the jurisdiction of the criminal court while the cases investigated by local police will be prosecuted by the public prosecutor in each province. However, if the case is complex or involves influential people in the area, the police might ask permission from the court to transfer the case to the human trafficking division of the criminal court. Hence, the prosecutor of this department will prosecute the case.

The key steps taken this year to ensure that this new unit at the OAG is prepared for maximum effectiveness include:

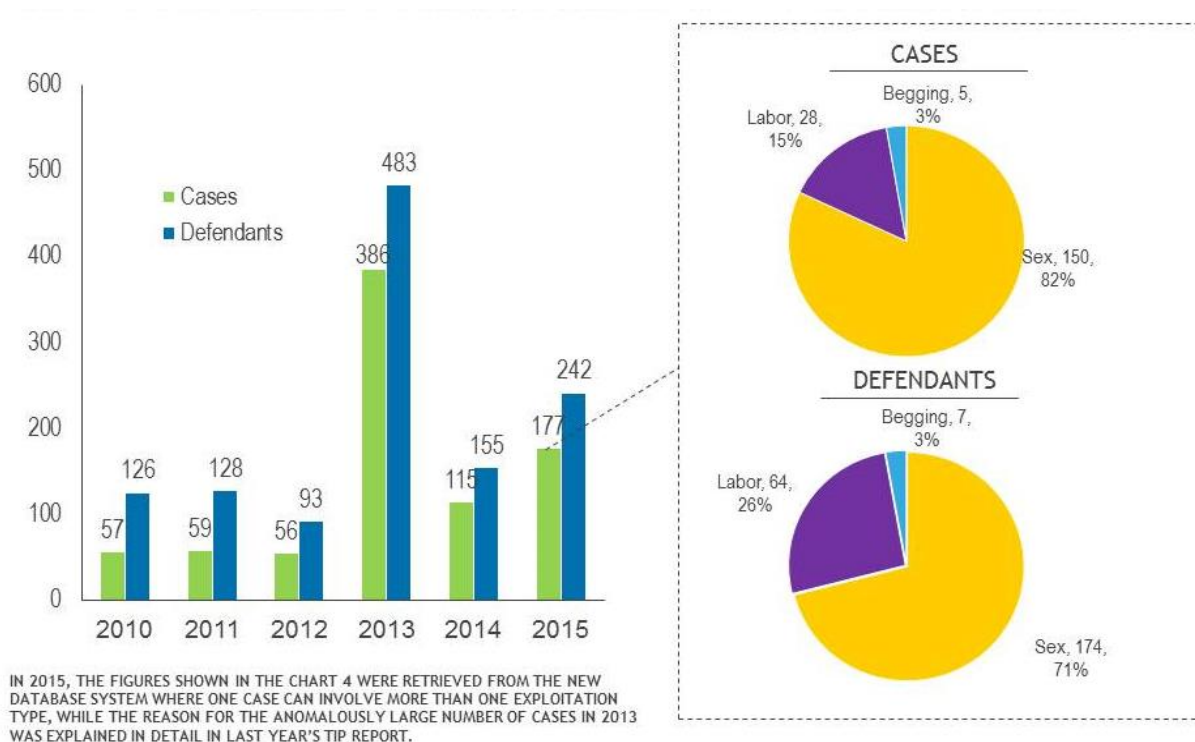
- The department has been recruiting experienced public prosecutors from across the country to be trained on TIP regularly.
- While provincial prosecutors can still prosecute TIP cases, the department will perform coaching and mentoring for public prosecutors nationwide to ensure uniform standards. The department is preparing a training manual on the techniques to prosecute TIP cases and will deliver the trainings to the public prosecutors across the country. The first training will be conducted in February 2016.

Since its founding in October 2015, the department has processed and issued prosecution orders for 15 cases received from the law enforcement agencies. In addition, after preliminary review of the file, the public prosecutor agreed to file charges against five alleged offenders in accordance with the charge listed on the arrest warrant. The department also finished investigation for crimes committed outside of the kingdom in all 4 cases it has received, as well as conducting pre-trial deposition in three cases, in accordance with the Recommendations of the President of the Supreme Court discussed in detail in last year's TIP Report and the Policy section of this year's report.

In 2015, public prosecutors prosecuted a total of 177 cases, an increase from 115 cases in 2014. Among 177 cases, 150 are related to sexual exploitation, 28 are related to forced labor, and 5 are forced begging. One case can involve more than one exploitation type. Statistics for prosecuted cases and defendants by exploitation type from 2010 to 2015 are shown in [Chart 4](#)⁵⁰.

⁵⁰ For 2015, the figures shown in the chart 3 were retrieved from the new database system where one case can involve more than one exploitation type from January 1, 2015 to December 31, 2015, while the reason for the anomalously large number of cases in 2013 was explained in detail in last year's TIP report.

Chart 4 : Prosecution of Cases and Defendants by Exploitation Types



2.3 Conviction

The Human Trafficking Case Division within the Criminal Court began operation on August 10, 2015. The cases investigated by local police and prosecuted in the provinces still proceed at the provincial court. At the same time, the Chief of the Supreme Court can transfer cases from any provincial court to the Human Trafficking Case Division within the Criminal Court in Bangkok, provided that those specific cases involve safety of vulnerable victims and/or witnesses being at great risk from influential defendants. This division now has judges specialized in human trafficking, with separate trial schedules from the other cases. **From August 10 2015 to December 31, 2015, the Human Trafficking Case Division of the Criminal Court received 22 cases** including the Hua Sai-Padung Besar case transferred from Nathawee court; one case has resulted in conviction so far.

Table 6 below shows the statistics from courts of first instance (The Criminal Courts, Provincial Courts and Municipal Courts - Kwaeng Courts and the Juvenile and Family Courts) from December 31, 2014 until November 30, 2015

The comparative disaggregated conviction time line of the courts of first instance is shown below in [Table 6](#). In 2015, 43% (73 out of 169) of cases convicted within six months; compared to 39% (80 out of 206) in 2014; increasing by 4% (43% - 39%). Cases completed in more than one year were begun before the new judicial recommendations were issued. Once this backlog is completed, the government expects nearly all cases to be completed within one year as discussed in the Policy Section.

Table 6 : Statistics of Conviction Timeline

Courts of First Instance - TIP Convicted Cases by Duration								
Year	Months				Years			Total
	< 1	>1 - =3	>3 - =6	>6 - =12	>1 - <=2	>2 - <=3	>3 - <=4	
2014 (Jan 1 - Dec 31, 14)	7	23	50	65	49	9	3	206
2015 (Jan 1 - Nov 30, 15)	13	23	37	40	43	12	1	169

Note: “<=” in means less than or equal to

TIP is a serious crime that warrants severe punishment. From [Table 7](#)⁵¹, during 2011-2014 on average, more than 50 % convictions have resulted in jail sentences of more than three years. In 2015, about 65% of the convictions resulted in jail sentences of over five years, with more than 35% of the convictions resulting in jail sentences of more than 10 years.

Table 7 : Sentencing Statistics

Sentences (jail term)	2011	2012	2013	2014	2015	2011	2012	2013	2014	2015
	Defendants Convicted					%				
<6 months		3	18	5	4		6%	8%	5%	2%
>6 - <=12 months			18	4	3			8%	4%	1%
>1 - <= 2 years	5	2	23	6	6	9%	4%	10%	6%	3%
>2 - <= 3 years	12		35	18	20	22%		15%	17%	10%
>3 - <= 5 years	9	12	77	40	39	16%	24%	33%	38%	19%
>5 - <= 10 years	16	18	42	20	60	29%	37%	18%	19%	29%
>10 years	13	14	17	11	73	24%	29%	7%	11%	36%
Total	55	49	230	104	205	100%	100%	100%	100%	100%

Note: “<=” means less than or equal to

⁵¹ Figures from 2011 to 2014 cover from January 1 to December 31 each year, while 2015, figures cover from January 1, 2015 to November 31, 2015.

2.4 Progress of TIP cases in Criminal Justice Process

Table 8 below shows the status of cases in the criminal justice process from January 1, 2014 to December 31, 2015.

Table 8 : Progress of TIP Cases in Criminal Justice Process

Year	cases	Interrogator			Prosecutor			Court	
		Under investigation	Recommended not to prosecute	Recommended to prosecute	Under Consideration	Decided not to prosecute	Decided to prosecute	On Trial	Convicted
2014	280	7	8	265	43	17	213	53	160
2015	317	141	2	174	62	7	107	64	43

In 2014, there were 280 TIP cases being reported and investigated by law enforcement. The law enforcement filed 273 cases to the prosecutor with recommendation to prosecute 265 cases (97% of 273 cases) and recommendation not to prosecute 8 cases (3% of 273 cases). The outstanding 7 cases occurred outside of the kingdom, and officials have been making efforts to arrest the fugitives. From 273 cases, the prosecutor prosecuted 213 cases, decided not to prosecute 17 cases and is still considering 43 cases received in 2014. Of 213 cases, the courts convicted 160 cases, while 53 cases are still being processed.

In 2015, law enforcement investigated 317 cases. **176 cases were sent to the prosecutor**, with the recommendation to prosecute 174 cases (99% of 176 cases) and recommendation not to prosecute 2 cases (1% of 176 cases). **141 cases are still under investigation by police**. The prosecutor issued the order to prosecute 107 cases and not to prosecute 7 cases, while 62 cases are still under consideration. **The court convicted 43 cases investigated in 2015, while 64 cases are still being processed.**

3. Victim Witness Protection

The victims and witnesses are entitled to the right to access victim assistance and witness protection in Thailand under the Act on Witness Protection in Criminal Cases B.E. 2546 (2003). If the victims or witnesses need assistance or protection, they can submit their request to be in the protection program to the Witness Protection Bureau in the Rights and Liberties Protection Department under the Ministry of Justice (MOJ), or to the RTP.

In 2015, the government initiated a major TIP case involving influential perpetrators, resulting in a historically high number of requests for protection. **The officials granted all of the 24 requests from witnesses from the Rohingya (Hua Sai - Padung Besar), Ambon/Benjina and Trang cases. The assistance and protection requests were processed within 1-13 days; however, the police were notified to provide the protection promptly while the requests were being officially approved.**

The Thai government worked with SR Law, an experienced human rights and human trafficking law firm to help coordinate with a victim of the Rohingya (Hua Sai - Padung Besar) case to prepare them to enter the criminal justice proceedings. SR Law is working closely with the Anti-Human Trafficking Department of OAG to study the details and will work closely with Multi-Disciplinary Team composed of MSDHS, OAG, RTP, DSI and Rights and Liberties Protection Department under the MOJ.

FBI offered the Victim/Witness Coordinator and Assistance training for the RTP. Two courses will be for two target groups: one for commanders and one for practitioners. The commander course is expected in the first quarter of 2016 for two trainings: one conducted in Bangkok and one in the North. It is a five day course for 50 participants: 20 from RTP, with the rest from DSI and MSDHS. On the implementation phase, the FBI will send some of their coordinators to work in the field with the newly trained RTP coordinators.

The Anti-Human Trafficking Department at the OAG is working with AAPTIP to pilot the victim/witness coordinator project. The coordinator will sit with the Department at the OAG to liaise between prosecutor and the victim/witness to keep the prosecutors apprised of any problems, especially if it appears that the victim is vulnerable to interference from the traffickers, or is otherwise likely to withdraw his or her cooperation and to accompany witnesses throughout the legal proceedings.

4. Government Official Complicity: Corrective Action

The Policy section of this year's report discusses in detail the law and policy measures implemented by the government to combat official complicity. **This year, there were 29 officials showing that they are guilty of criminal and disciplinary infractions.**

- Out of 29 officials, 21 officials were involved in Rohingya (Hua Sai - Padung Besar) case to be discussed in details in [Table 10](#).

- In 2013, a non-commissioned police officer demanded money from Myanmar detainees and helped them out of the detention center in Phang Nga province.

- After disciplinary proceedings, the officer was expelled from the police force; his case was also passed to the public prosecutor by the PACC for criminal proceedings for consideration on July 6, 2015. Now the case is under consideration of Director General for Region Public Prosecution 8.

- In 2014, in Nong Khai, a Petty Officer-First Class, Royal Thai Navy conspired with the manager of a karaoke bar to detain and force 6 under aged Laotian girls to work as prostitutes.

- The Official is currently facing criminal charges in the courts.

- In 2014, in Satun, a member of the Provincial Administrative Organization (PAO) and the Chief Executive of Sub-district Administrative Organization (SAO) detained, kidnapped, provided accommodation and committed forced labor of migrant workers. The two officials were charged with TIP offenses.

- The PAO member was sentenced to imprisonment for 22 years and 6 months. The case of the Chief of SAO is still with the court.

- In 2014, in Pattani, three Non-Commissioned Police in Pattani were arrested for detaining three migrants and demanding 8,000 - 24,000 THB per person in exchange for not being arrested or prosecuted.

- PACC has forwarded the case to the prosecutor to consider issuing a prosecution order on October 6, 2015.

- In 2014, due to further expansion of investigating of a case involving sexual exploitation in Nakhon Pathom, a contract officer of MSDHS in Nongkhai was arrested for acting as the broker for a criminal organized gang to receive Lao girls from Laos to stay in the shelter in Nongkhai before transferring them to Nakhon Pathom.

- The case is currently under the court proceeding.

- In the prominent case of Hua Sai - Padung Besar, there are many government officials involved. They have been charged under Thai Criminal Code 1956, the Anti-Money Laundry Act 1999, the Anti-Participation in Transnational Organized Crime Act 2013, as well as the Anti-TIP Act 2008 where facing punishments at *twice* the level of ordinary offenders.

- The inquiry officers proposed to prosecute all the cases. The prosecutor agreed and issued the prosecution orders to Nathawee court. On October 10, 2015, the Chief of the Supreme Court ordered to transfer the case to the Special Human Trafficking Division within the Criminal Court in Bangkok. The court conducted the first trial in November 2015.

The summary of official complicity is shown below in *Table 9*.

Table 9: Summary of Official Complicity

Year	Numbers of Officials	Status of Cases as of 31 December 2015
2013	1 official	The case is under consideration by the OAG
2014	7 officials	1 case (1 official) was sentenced, 3 cases (3 officials) are on trial, 1 case (3 officials) is under consideration by the OAG
2015	21 officials* discussed in details in <i>Table 10</i>	The case is on trial

5. Cooperation

Given the complex nature of human trafficking cases, coordination and partnership is the key to ensuring effective law enforcement. The government has prioritized increasing cooperation among government agencies as well as with civil society organizations and international organizations to ensure a comprehensive, effective response that efficiently convicts offenders while also protecting the human rights and well-being of victims.

Internal Cooperation

- In addition to interagency MOUs, there is increasing cooperation among all criminal justice agencies; for example, RTP, DSI, CCCIF, AMLO, NACC, PACC, OAG, Court, Thailand Institute of Justice (TIJ) and MOJ; and MSDHS and Revenue Department. The agencies work in the form of a task force to enforce the Anti-TIP Act 2008 and 2015, Anti-Money Laundering Act 1999 and the Anti-Participation in Transnational Organized Crime Act 2013 leading to an increasing number of the offenders being prosecuted and asset proceeding being pursued against offenders.

- In parallel with the criminal investigation, the AMLO investigated 40 cases in total under the predicate offense of human trafficking that had been referred from related agencies. 25 of these cases are still in the stage of collecting evidence and witnesses. 11 cases are currently at the stage of examining assets. The remaining

cases were terminated as asset proceeding could not be pursued in these case but the intelligence gathered was recorded for future cases.

- AMLO has been working closely with financial institutions in acquiring financial transaction information leading to more effective financial investigation and action against criminal. In summary, AMLO seized 210 million THB (5,787,761 USD) mainly from Hua Sai - Padang Besar case, which will be explained in detail in the prominent case section.

- The MOJ chaired a meeting of all these agencies to enhance efficacy in combating TIP. The meeting discussed 1) setting up a criminal justice TIP taskforce or a fast lane for TIP cases; 2) creating standardized practices on provision for release, involvement of prosecutor in investigations, depositions, using technology in testimony, and asset confiscation; 3) case management and 4) linkage and sharing of TIP data base among criminal justice agencies.

- During the opening ceremony at the Criminal Court on August 10, 2015, five agencies (Criminal Court, the OAG, the RTP, MOJ and MSDHS) signed a memorandum of understanding on sharing information on human-trafficking cases. The MOU focuses on two key points: **coordination among agencies involved in prosecution and witness protection**. For prosecution coordination, a center for human-trafficking cases will be set up at each agency to tackle obstacles as already mentioned above, while the protection aspect would focus on the rehabilitation and protection of witnesses, victims, as well as their families. In addition to the MOU, the agencies have agreed to cooperate on information sharing, training of officials and developing law/policy in line with international standards, Thailand's obligations to the international community, and its cooperation with neighboring countries.

- **Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)** and the Courts of Justice co-hosted the workshop to enhance cooperation in the criminal justice sector response to human trafficking in Phuket on September 4-6 2015 where almost 30 key actors from RTP, ATPD, DSI, OAG, COJ, TIJ, MSDHS, and Office of Prime Minister participated to discuss challenges and cooperation on TIP. The agencies welcomed the courts' initiative and agreed to have the meeting every 3-4 months and offered to host the workshop on rotation basis.

Cooperation with Civil Society Organizations (CSOs) The law enforcement officials have been working closely with several CSOs on intelligence sharing and assisting with ongoing investigations in a number of human trafficking cases including in the fisheries sector. To name a few examples:

- DSI acted on information and analysis from **Freeland Foundation** to rescue six women and arrested three Thai and Malaysian nationals for running a human

trafficking network that used Facebook and other social media sites to recruit, dupe and intimidate victims to work at a disguised brothel in Malaysia for over two years. The case was sent to the new Department of Anti-Human Trafficking, OAG (the first case of their department). Now the case is with the court; the proceedings will begin in early 2016.

- **Command Center to Combat Illegal Fishing (CCCIF)**, in cooperation with **LPN and Stella Maris and IOM Indonesia**, led the multi-disciplinary team of 20 officials who visited Indonesia during December 2015 for fishing labor fact finding and to explore the needs of stranded laborers who wanted to return to Thailand. 43 crew members were facilitated to return to Thailand within December while the remaining 76 workers will return in January 2016.

- **LPN** is serving as a facilitator between the representatives of small and medium-sized pre-processing seafood companies, the Thai Frozen Foods Association (TFFA) and the CCCIF in bringing solutions to problems, such as the unemployment of approximately 4,000-5,000 migrant workers, which occurred as a result of the latest policy shift by the TFFA to eradicate third party pre-processing operations from the Thai shrimp supply chain of its members in order to ensure full control over the work conditions of employees by bringing all shrimp pre-processing operations in-house in all member companies of the TFFA.

- CCCIF is working closely with the **Environmental Justice Foundation (EJF)** on developing a training-the-trainer program to help improve the use of Thailand's VMS. EJF has also assisted CCCIF with providing crucial information that led to one major arrest as part of our joint effort in eradicating human trafficking in the fishery sector.

International partnership

- **RTP Attaché in Yangon, Myanmar.** RTP first sent a Police Attaché' to station in Myanmar on September 29, 2014 in order to liaise closely with the Myanmar Police Force (MPF) in combating transnational crime, including human trafficking.

- The roles of the Police Attaché' attached to Royal Thai Embassy in Yangon are to establish a network with local law enforcement authorities in sharing information, intelligence and experience in crime suppression and prevention. Furthermore, his duties are to include gathering of criminal activities, which linked between Thailand and Myanmar, providing information to the counterparts in apprehending fugitives who abscond to Myanmar. The Thai Police Attaché' also coordinates with police units in Thailand to acquire information requested by Myanmar law enforcement authorities through the police-to-police channel. The work of the

Police Attaché has strengthened the close cooperation between the DSI/RTP and the Myanmar Police Force.

- An example of this successful cooperation is the arrest of the key suspect of a large human trafficking network by the Myanmar Police Force in the outskirt area of Yangon on May 30, 2015. A Thai citizen broker wanted by Thai arrest warrant for Rohingya (Hua Sai-Padung Besar) related cases. He fled to Myanmar in early May and was finally arrested in Yangon. A request to arrest this fugitive from Thailand via Police Attaché was submitted to MPF and got an approval from the Ministry of Home Affairs to arrest him. Presently, he is being detained at Sittwe Prison in the Rakhine State for another charge pending an extradition to face trial in Thailand. The investigation team in Thailand will work closely with Myanmar investigators to share information and intelligence on this human trafficking network. Thailand and Myanmar are also discussing this matter in operational level and policy level meetings.

- **MOUs.** Thailand is negotiating and concluding MOUs on cooperation against TIP with Malaysia, Brunei, UAE, PRC, and Russia. The MOUs will have a focus on preventative measures and aim to raise awareness and facilitate better information sharing between the law enforcement agencies of the two countries. Thailand has MOUs on cooperation against TIP with CLMV; an updated MOU with Cambodia and is in the process of revising the MOUs with Laos and Myanmar and developing the work plan with Vietnam for the next phase.

- **Regular Bilateral meetings with Myanmar.** The tragic death of 54 illegal Myanmar migrants from suffocation in a seafood container in Ranong province in 2008 before the TIP Act came into force set the alarm for the need for close cooperation between Thailand and Myanmar. Since then DSI and Myanmar agreed to have bilateral meeting. Since that date, the meetings have been held regularly.

- During the 12th bilateral meeting between the Myanmar Police Force and DSI in Kanchanaburi, Thailand on July 21-22, 2015, the Myanmar Authority requested DSI to arrest a Myanmar broker residing in Thailand. In this case, Myanmar victims were deceived by Myanmar and Thai brokers to work on fishing boats in Indonesia. DSI has been using the intelligence-led approach to conduct the investigation in Ranong. Finally, in November, DSI found the Myanmar restaurant serving as the venue to facilitate the recruitment of deceived Myanmar victims to work on the ships in Indonesia. DSI cooperated with local police to search the establishment and worked with the Ranong Immigration Bureau to deport the suspects to the Myanmar Police Force via Border Cooperation on Anti-Trafficking in Persons (BCATIP) office.

- RTP hosted the 4th LE/CJ (Criminal Justice and Law Enforcement Cooperation Meeting) meeting on July 23, 2015 in Bangkok back to back with the 12th MPF/DSI meeting. The meeting was attended by RTP, Police Attaché in Yangon, DSI,

OAG, courts and BCATIP officials where MPF and General Attorney attended from Myanmar side. The LE/CJ meeting had agreed in principle to allow testimony of Myanmar victims via VDO conference from the Royal Thai Embassy in Yangon.

- **Australia - Asia Program to Combat Trafficking in Persons (AAPTIP)**

Australia and Thailand signed the agreement early this year for the collaboration on the Australia -Asia program to combat trafficking in persons (2013-2018)⁵².

- AAPTIP Thailand hosted the first trilateral meeting between Indonesia, Myanmar and Thailand law enforcement officials and prosecutor to discuss TIP in the fishing industry, particularly the recent cases of Benjina/Ambon in Indonesia. The meeting agreed to meet every three months and to invite Cambodia to join.⁵³

- AAPTIP conducted trainings on Transnational Investigation Cooperation between Thailand and Myanmar and Thailand and Cambodia for 10 police and 4 prosecutors from each country.

- AAPTIP and OAG facilitated the prosecutor workshop to develop training curriculum to be used for the new TIP specialist unit.

- AAPTIP and the Courts of Justice hosted a judge round table discussion in July to discuss the challenges and how to overcome TIP issues⁵⁴.

- Thailand-Australia Regional Workshop on Trafficking in Persons was hosted by Thailand regarding victims in the Criminal Justice System on April 7-9, 2015 in Bangkok, where investigator, prosecutor and victim support agencies from ten ASEAN member countries attended to discuss about recommendations from the last meeting in Malaysia in April in 2014 and to exchange their practice with international and regional speakers.

- **Cooperation with the United States.** Thailand and the United States have longstanding cooperation in international law enforcement efforts. The United States and Thailand work closely on a broad range of programs to halt illicit trafficking activity.

- Cooperation between Thai police and the United States' Federal Bureau of Investigation (FBI) led to the arrest of a suspect for procuring more than 100 boys over the past three years for an alleged American pedophile in Chiang Mai early this year.

⁵² AAPTIP provides financial and technical support to Thai criminal justice counterparts in implementing agreed AAPTIP-Thailand work-plans with a focus of bilateral and sub-regional cooperation between Thailand and other AAPTIP countries.

⁵³ Indonesia hosted the second meeting in Bali in October 2015 where the four countries updated progress of the cases. There were also bilateral sessions to discuss in detail the assistance needed and available for the success of the cases. Each country nominated focal points of contact.

⁵⁴ They are working on the TIP training programs to deliver in the first quarter of 2016 to reach the courts nationwide for the uniform understanding of TIP.

- Project between the RTP, the Department of Special Investigation and the Homeland Security Investigation (HSI) on the development of a taskforce to combat internet crime against children (ICAC), effective on January 8, 2016.
- Regional training courses on human trafficking by International Law Enforcement Academy (ILEA) for law enforcement officers.
- Exchange of best practices between the RTP and the Immigration and Customs Enforcement (ICE) under the Department of Homeland Security.
- From August 1 until September 12, 2015, two HSI Special Agents were assigned to a temporary detail with RTP to serve as Technical Advisors for Thai law enforcement officials working TIP and smuggling investigations. The adviser came up with a detailed assessment, challenges and recommendations and offers for further collaborations.

6. Prominent cases on ILR (CASE 1-4) and International Cooperation (CASE 5)

CASE 1: The crackdown of the labor trafficking transnational organized crime group: The Hua Sai - Padung Besar

Description:

A. Five vehicles carrying 97 Rohingya illegal migrants were stopped by the police, who arrested two out of the five drivers in Hua Sai district, Nakhonsrithammarat province in the south of Thailand, on January 11, 2015. This case appeared to be a smuggling case, but based on the Intelligence-Led Response (ILR) conducted by the Investigation Division of Provincial Police Region 8 specialist team, the investigation discovered several big Rohingya migrant camps being used to detain smuggled subjects in Khao Kaew, Padung Besar district of Songkhla Province along the Thai-Malaysian border, which lead to the biggest historical crackdown on smuggling ring.

B. The police applied the ILR model on their proactive investigation: 1. Analysis of the modus operandi from the previous case files in the region; 2. Further investigation and mapping of the incidents and 3. Discovery of the mass graves, evaluation of the evidences and the smuggling ring charge.

C. The case is complex by nature, involving vulnerable stateless people and a large number of defendants who are influential. Nevertheless, the law enforcement officials, the prosecutors and the courts are working closely to handle the case ethically and expedite the case in order to protect victims.

ILR Investigation:

A. Since 2014, case files show that 1) 18 smugglers and 104 illegal migrants were arrested; 2) The police received report of the murder of Malaysian and Thai businessman involved in the smuggling business; 3) The police received report of the ransom (of Rohingya victims) and; 4) The police shot the fishing boat. The police then synthesized the information gathered and surmised that the smuggler changed the smuggling route to the road alongside the Thai gulf and were able to capture 5 vehicles of 97 Rohingyas.

B. The police identified victims, of whom five cooperated as the key witnesses. With intelligence data and every piece of collected evidence from previous case files being thoroughly analyzed, particularly financial transaction and telephone link analysis, police were working to identify the “big fish” leaders of this criminal scheme.

C. The witnesses led the police to discover the mass graves alongside Thailand-Malaysia border where the trafficked victims were beaten to death. The RTP then set up the special taskforce headed by a Deputy Commissioner General to conduct investigation and interrogation, and cooperated with the public prosecutors. The team evaluated the evidences, conducted further investigation and charged the smuggling ring.

Modus Operandi:

A. The key defendants are 1) Rohingya, the owner of Rohingya-Bangladesh detention camp, who performed the role to contact the broker in foreign countries; 2) Thai broker, the owner of the boat, who transported Rohingya from Myanmar to Thai shore; 3) Smugglers who transported the Rohingya on land from the temporary camp to the camp along the Malaysia-Thailand border.

B. Components of TIP: The victims were deceived by the brokers that they will get a job and be paid; so, they escaped from the UN camp in Rakhine state. During the smuggling, the victims were forced to hide under the boat in crowded conditions with limited food and water supplies. They needed to ask for the permission to go to the toilet and were beaten by tire rope if they violated instructions. On land, the guards used guns to control the victims. Some victims were beaten and shot to death.

Progress:

A. Hua Sai case. Right away in January 2015, 9 suspects including brokers, vehicles and boat owners were charged with trafficking, smuggling, money laundering, extortion and coercion offences. Seven suspects were arrested and prosecuted promptly.

B. With support from special investigative teams, as well as cooperative public prosecutors, police interrogators submitted the case with recommendation to prosecute all suspects to the prosecutorial office on June 5, 2015, on the same day the public prosecutor in charge of the case decided to prosecute all offenders and brought the case to the court.

C. In June, the 70 suspects of the case and others involved in this organized crime group have also been charged with offenses based on the Anti-Participation in Transnational Organized Crime Act. The 70 suspects composed of 3 Thai local politicians and village headmen; 56 Thai and 11 Myanmar nationals. 30 suspects have been arrested. The case is being submitted to the OAG.

D. Padung Besar case. The TIP case was processed quickly: the police filed the case to the public prosecutor on June 22, 2015 and prosecutor issued the prosecution order on July 24, 2015. As the specialist TIP division was set up in the criminal court on October 10, 2015, the President of the Supreme Court ordered to transfer the case from the Nathawee court to prevent the defendants, who are powerful in that area, from influencing the proceedings and in order to speed up the court trial. Due to the large number of evidences and defendants. The court scheduled for pre-trial depositions on December 24-25, 2015, January 7-8, 2016 and January 12-15, 2016 and will take defendants testimony continuously from March to December 2016, with a special examination room being prepared so that the victims do not need to confront the defendants. The interpreters will also be provided as needed.

E. So far, the inquiry officials charged the suspects under the Thai Criminal Code 1956, the Anti-Money Laundry Act 1999, the Anti-Participation in Transnational Organized Crime Act 2013, as well as the Anti-TIP Act 2008. The details on number of suspects and status of arrest are shown in [Table 10](#).

Table 10: Officials involved in Hua Sai - Padung Besar Case by Organization and Rank of Officials

• Total number of suspects	155
• Suspects arrested	91
• Warrants of arrest issued	62
Officials involved in Hua Sai - Padung Besar case	
Organization	Numbers
Military	5
Lieutenant General	1
Colonel	1
Commander	1
Captain	2
Police	4
Police Lieutenant Colonel	1
Police Captain	1
Police Lieutenant	1
Police Senior Sergeant Major	1
Administrative Officers	4
Local Politician	7
Nurse - local health center	1
Total	21

Financial Investigation and Asset Confiscation

A. Hua Sai case TIP is the predicate offence of money laundering. The financial investigation is run parallel with crime investigation. The assets connected with the commission of this human trafficking case were frozen since the beginning of the case, consisting of 163 bank accounts amounting to 68 million THB and houses, business premises, land and vehicles totaling 11 items worth 150 million THB.

B. Padung Besar case The investigation of this trafficking syndicate has been conducted by special unit's police investigators and AMLO officials, leading to the forfeiture of assets including 303 items including bank accounts, land, houses, vessels, cars, and business establishments valued around 210 million THB in total. Now the case is with the civil court while AMLO is working to freeze and confiscate more assets.

CASE 2: Forced Labor in Fishing Vessels: The crackdown of big fish in Kantang District, Trang Province

Description:

A. In March 2013, the Immigration Bureau, DSI and local police were notified by UNIAP that a Myanmar trafficking syndicate recruited Myanmar victims for employment in Thailand. Right after their arrival, the victims were detained in the piers and the vicinity and were later coerced to work in fishing boats in Kantang District, Trang Province, leading to the raid and rescue of 14 victims. A Myanmar suspect was charged with the offence of human trafficking and was later convicted and sentenced to 3 years and 6 months imprisonment. In addition, the court imposed a jail term of 3 months on a Thai defendant who provided places to harbor such victims. After receiving additional information in relation to this case from the Environmental Justice Foundation (EJF), DSI worked with Anti-Trafficking in Person Division of RTP to conduct further investigation and identified and arrested 5 additional accomplices in August 2013.

B. However, there was not enough evidence to arrest the boat owner, as he used a nominee to rent the premise and was influential in the area.

C. This case signified the importance of information sharing between the non-government organizations and inter-governmental agencies, including the use of ILR investigation in order to arrest all culprits of the major trafficking ring.

ILR investigation:

A. In September 2015, Provincial Police Region 9, the third Naval Area Command, DSI, Trang Province and the AMLO, after being notified by the Environmental Justice Foundation (EJF) and further to the prior rescue mission of 11 trafficked Victims from Myanmar, conducted a joint operation to raid onshore and offshore targets.

B. The rescue team evaluated the risk and safety of the victims on the boat. The team used proactive intelligence to locate the vessel and knew that it was related to the fishing pier in 2013. All concerned agencies (police region 9, marine police, DSI and CCCIF) worked together to trace the vessel using VMS from Port In/Port Out of the CCCIF to search the vessels for two days till found.

C. The Myanmar workers were moved from the scene and interviewed by multi-disciplinary team composed of inquiry officers, Trang police, region 9 police who was well experienced from the Padung Besar case. From victim identification, 11 of 18 were the victims; the rest were witnesses.

Progress:

A. During October 20 - November 2, 2015, 10 arrest warrants were issued, and one suspect was arrested

B. On November 7, 2015, joint forces from the Provincial Police Region 9, Third Naval Area Command and the Department of Special Investigation launched an operation to raid 11 onshore and offshore targets in Kantang district after arrest warrants were issued by the Trang Provincial Court.

C. The law enforcement officials arrested owner of the business, who also operates the fishing pier, the real owner of the vessels; 4 skippers, 1 guard and 3 brokers for the offences of conspiring to commit TIP and forced labor, as well as detention of victims. The officers seized 1 gun and four vessels.

D. The Trang court provided for pre-trial deposition for 18 Myanmar victims on December 16 - 18, 2015.

E. Financial Investigation: The AMLO has also been involved since November 27, 2015 to trace and forfeit the assets derived from this illicit activity.

CASE 3: Forced Labor in shrimp-peeling shed in Samutsakhon: Rescue almost hundred Myanmar workers

Description:

A. RTP and DSI embedded investigators in Samutsakhon to seek intelligence and search for migrant workers who might be potential victims. The officers received cooperation from the provincial governor, MOL and local NGOs, who assisted a male Myanmar worker who fled from the shed with his wife to file the complaints.

ILR investigation:

A. The investigation team conducted the investigation, evaluated the risk and planned for the searching of the premises as the raid has to be done quickly in confidentiality to avoid the plan leak to the target.

B. On November 9, 2015; CCCIF led the police and DSI to raid the shrimp-peeling shed and gathered the key documents.

C. The team rescued 78 Myanmar persons; 42 of them have legal documents, 19 do not, and 17 are underage (15 - 18 years old). They all stayed in the shed.

D. The multi-disciplinary team composed of a local inquiry officer, DSI and MSDHS interviewed all rescued persons. According to victim identification, 31 of them are victims; 21 them are illegal migrants and 10 of them are underage (15 - 18 years old).

E. NGOs supported for the interpreters during the interview. MSDHS is taking care of the protection according to the law. The victims were not charged for illegal migration.

Modus Operandi:

A. The owner of the factory contacted a Myanmar broker to supply workers. The broker charged 10,000 - 15,000 THB per head from the owner who deducted 100 - 150 THB from the workers for the lump sum wage subject to the weight of peeled shrimp.

B. The work starts at 02.00 A.M. and continues until 06.00 P.M. or 16 hours per day; 7 days a week with average 100 - 250 THB daily wage. Workers who did not want to continue the work fled the shed and, when found, were beaten.

Progress:

A. The RTP has, so far, investigated five suspects: 1) The owner is high-level according to financial investigation; 2) Two Thai staff who brought the worker with a witness that they threatened and beat the workers who fled from the factory and 3) Two Myanmar brokers who procured the labor and received a commission. Three suspects were arrested by the police and two suspects were issued arrest warrants by the court.

CASE 4: Child sexual exploitation in Chiang Mai

Description:

A. Women and Children Protection Police Region 5 and Chiang Mai police have been aware of child sexual exploitation in the region and conducted intelligence-led response from the previous case files after the authorities rescued a 16-year old Hill Tribe girl who was pressured to sell sex. The girl was protected in the shelter and shared that there are many girls under 15 years old pressured to sell sex where a girl will get 1,000 - 8,000 THB when she sleeps with a man. The police expanded the investigation to search for more victims and get good cooperation from the NGOs who protected 6 girls who are under 15 years old. Two of them are from Hill Tribe backgrounds. According to the victim interviews done by multi-disciplinary team, the girls are groomed via Facebook and Line chat application. The police set up the investigation team in August to search for more brokers who benefit from the exploitation and also for the buyers.

ILR investigation:

A. Starting from one suspect and then working based on the intelligence-led approach, the police was able to issue the arrest warrants for an additional 32 suspects.

B. 15 suspects were charged for TIP offences; most of them are under 18 years old. Ten have been arrested.

C. The buyers are charged under penal code section 277-sexual intercourse with a girl not yet over fifteen years of age and not being his own wife, whether such girl shall consent or not, is criminalized. Fifteen out of 17 suspects have been arrested.

Progress:

A. The police are still working to gather evidence to request for more arrest warrants.

B. The success of the intelligence-led investigation is because of close collaboration from concerned agencies, such as police region 5, local police, MSDHS together with local NGOs and also FBI.

CASE 5 : Labor trafficking on fishing boats: case of Ambon/Benjina, Indonesia**Description:**

A. In late 2014, Thai government agencies received reports that groups of Thai fishermen were forced to work on fishing boats in Indonesia. MSDHS and related agencies went to Ambon and helped the first group of Thai fishermen return to Thailand on October 1, 2014.

B. A special task force was deployed to Ambon and Benjina, Indonesia from March 17, 2015 to April 9, 2015 to investigate the situation, verify nationalities and separate Thai victims and stranded fishermen to return to Thailand. The team led by Pol.Lt.Gen. Saritchai Anekwiang, Assistant General Commissioner, RTP and advisor to the Minister of MSDHS, in cooperation with MFA, is composed of 13 officials from MFA, MSDHS, MOI, MOJ, MOT, MOPH, RTP; Police Hospital, Office of Forensic Science and Inquiry Officials from ATPD for example and the anti-human trafficking center of DSI.

C. Meanwhile, the investigation reports on slavery in seafood supply chains issued by the Associated Press (AP) coincided with Thai media and NGOs report on possible victims of trafficking in persons; some were locked up in prisons or detention facilities as the criminal. The Benjina cemetery divided into three separate areas for Muslims, Christians and Buddhists is found.

D. The Multi-Disciplinary Team has conducted victim screening and found that there were 4 groups of stranded laborers on the islands:

- 1) Those who could not bear the hardship of fishing work and then escaped with the intention of staying on the island.
- 2) Those who did not arrive on time for the departure of the fishing boats and, hence, were left on the island.
- 3) Those who stayed on board awaiting the Indonesian authority to renew the fishing licenses.
- 4) Those who worked in the illegal fishing boats and were arrested by the Indonesian authority.

E. Thai authorities coordinated with their Indonesian counterparts to obtain the release of detained workers and to repatriate stranded workers to Thailand. Air force C-130 was sent to pick up 68 fishermen who were referred to the male protection shelter in Patumthani.

F. As of December 29, 2015, 1,263 Thai labor were assisted by the government to return to Thailand.

G. The victims were protected and treated according to the Anti-TIP Act 2008. For the workers, the Department of Labor and Welfare informed their welfare rights according to the Labor Protection Act B.E. 2541 (1998). The Department received requests from 213 workers; 150 of them received 12.7 million THB (352,778 USD); 11 of them were not entitled and 52 requests are under consideration. 296 workers did not submit the requests but paid by the employers amounting 21.1 million THB (583,334 USD).

Investigation:

A. Both RTP and DSI investigated the cases related to forced labor in the fishing boat in Indonesia. For the cases where the crime was committed outside of Thailand, the OAG is responsible for the investigation. However, the OAG appointed the public prosecutor to join the investigation with Anti-Trafficking in Persons Division of Royal Thai Police and Anti-Human Trafficking Center of Department of Special Investigation.

ATPD

- ATPD investigated 19 cases; identified 39 victims; issued arrest warrants for 39 suspects while 19 suspects are already arrested.
- Among 19 cases, 5 cases involve networks of the Sor Thongma family. 16 victims were deceived and forced to work in IUU fishing on the five boats. Indonesian authorities sunk the boat and arrested the skippers. 5 of the 13 suspects were arrested.

The police forwarded the case to the prosecutor who agreed to prosecute. Now the case is under the court proceeding.

DSI

- DSI began its official investigations into the Indonesian island of Benjina incident long before the publication of the AP report in March 2015. The investigations by DSI revealed a connection among human trafficking cases found in the waters off Ambon and Benjina islands. An example of a successful investigation was the case of the ‘Mahachai Navy 24’ boat in which there are currently four suspects, including the owner and skipper of the “Mahachai Navy 24’ boat and the Silver Sea Line ship, the boat the AP reported has transferred Myanmar victims to the fishing boats in Indonesia. All four suspects have been arrested, and DSI has submitted the case to the prosecutor, where it is currently awaiting proceedings in the courts.

- According to the DSI investigation, the victims informed officials that they boarded the Silver Sea Line vessel and were later transferred to the fishing boat named Mahachai Navi 24 to do the IUU fishing. However, the skippers of Silver Sea Line and Silver Sea Line 2 insisted that they had never seen the victims on board. (It is the duty of the skippers to check who are on the vessel before going offshore). Moreover, the immigration officers in Samusakhon Province confirmed that they did not receive the report of the onshore and offshore movements of the Silver Sea Line and Silver Sea Line2. The owner of Mahachai Navi 24 boat who is one of the stakeholders of Silver Sea Line Group has been prosecuted for the offense of human trafficking. However there is no evidence to prove the guilt of Silver Sea Line as a juristic person.

- DSI investigated 4 cases: identified 19 victims; issued arrest warrants for 21 suspects while 10 suspects have already been arrested.

- All owners of the boats are issued arrest warrants. All 4 suspects in the first case were arrested: an influential man in Samutsakhon, Skipper, the Boat technician who beat the victims and owner of the ship. Now the case is with the court. The owner of the second case has also been arrested.

B. In addition to TIP charges, all related laws that govern the fishing industry namely, marine law, employment law, fishery law, immigration law and penal code, will be also strictly enforced to the boat owners, skippers, boat operators or brokers.

C. Both RTP and DSI used intelligence-led approach for their proactive investigation expanding the results to cover the whole process: from recruitment, deception to exploitation. Hence, the company, the owner of the ship, the broker, the skippers and the crews involving in the crime will be targeted.

International Cooperation:

A. Forced labor in the fishing industry is a transnational phenomenon. It involves both Thai and neighboring countries; Cambodia, Myanmar and Laos workers. The recruitment and the deception was conducted by Thai and/or foreign brokers in Thailand and/or foreign countries to Thai and/or Indonesian boats owned by Thai and/or joint venture company to do fishing illegally in Indonesian seas.

B. Lack of access to sufficient evidence and missing witnesses have made the probe difficult and slow.

C. Thai law enforcement agencies acknowledge the importance of this phenomenon and saw the importance of international cooperation so received financial and technical support from AAPTIP to conduct the law enforcement sub-regional meetings on forced labor trafficking in the fishing industry.

- The first meeting in June was hosted by Thailand and joined by Indonesia and Myanmar. The delegates were composed of law enforcement, prosecutors and financial investigators. The meeting appointed the focal points of contact and reached the agreed points of assistance and support for formal and informal cooperation. After the meetings, the countries contacted to assist on the evidences as needed.

- The second meeting in Indonesia welcomed a Cambodian delegation. The meeting updated on progress and had separate bi-lateral sessions to discuss particular issues in more detail.

- The third meeting will be held in Cambodia early next year.

- Both DSI and ATPD have bilateral meetings with Myanmar and Cambodia so there are the channels to facilitate exchanging of intelligence and information.

7. Phuket Wan Criminal Defamation Case

In relation to the Thai Navy's 2013 lawsuit against two journalists for defamation charges under section 326 (defamation) and 328 (libel) of Thai Criminal Code B.E. 2499 (1956) in conjunction with article 14(1) of the Computer Crime Act B.E. 2550 (2007), the Phuket Provincial court dismissed the charges on September 3, 2015. On the criminal defamation charges, the Phuket Provincial Court found that the information republished by the two journalists was not defamatory or libelous as it was taken from a reliable news source. The Court also dismissed charges under the Computer Crime Act since the information was proved not to constitute false computer data that may cause harm or damage to national security and the public.

The Royal Thai Navy accepted the court decision and on October 30, 2015 sent a letter to the Phuket Provincial Office of State Attorney, stating its intention not to pursue the case. The Phuket Provincial Office of State Attorney then sent a letter to the Provincial Police Bureau Region 8 for their second opinion as part of a normal procedure as the case was initiated by the police. The Provincial Police Bureau Region 8 responded with letter, dated January 11, 2016, agreeing with the prosecutor not to proceed with the appeal. Hence, the decision not to appeal was final and the case was brought to a close.

Protection

Human trafficking victims who are residing in Thailand come from a variety of language and cultural backgrounds. It has been MSDHS's continual priority to provide services to all human trafficking victims equally, without any discrimination. This section will highlight key measures and data for 2015.

Key Initiatives in 2015 include:

1. Victim Identification System

1.1 Improved preliminary interview form

As detailed in the Policy section, this year the government undertook an extensive participatory process to improve the preliminary victim identification form and broader victim identification process.⁵⁵ The form became effective since January 5, 2016. It is more practical and user-friendly.

Front-line officers are now required to use this new form in all interviews and record information about the interviewees in greater detail. In particular, he or she is required to take note of trafficking in persons indicators, such as whether or not the interviewees have the ability to communicate freely with family members and friends, the liberty to travel, any irregularities in wage payment, and confiscation of personal documents.

1.2 Improved capacity of officials:

1.2.1 Increased manpower

1.2.1.1 Currently, there are **2,490 trained competent officials** (within the RTP, MSDHS, MOL, Ministry of Interior, DSI and CCCIF) dealing with trafficking in persons offenses under the Anti-Human Trafficking Act B.E. 2551 (2008) and Anti-Human Trafficking Act B.E. 2558 (2015). These officials are stationed in every province of Thailand. Out of the total of 2,490 officials, 549 were trained in 2015. Also, 627 of 2,490 are female officials, to ensure sufficient capacity to respond to the sensitivities of dealing with victims who are women and children.

⁵⁵ See the Policy section for rationale and further details about the key new improvements.

To support the work of **multi-disciplinary teams (MDT)** in victim identification and victim protection, since 2013 a total of 588 government officers have been trained on human trafficking, victim-sensitive interviewing and procedures, special measures of identification of trafficked children, and referral networks. An additional 300 government officers from various ministries have been trained in 2015.

1.2.1.2 In 2015, 910 police officers from every province in Thailand who have been trained on human trafficking, victim identification, child friendly investigation procedure and the referral system. **172 inquiry officers are female officials trained** to address the issue of gender and age sensitivities during the victim identification and fact-finding interviews.

1.2.1.3 To ensure all at-risk populations are accessed and receive proper identification and assistance, the 3,988 trained officers (2,490 competent officials, 588 MDT and 910 police officers) as mentioned above, are located nationwide and dispatched to support activities of **other ministries, including the Integrated task force team led by CCCIF** and victim screening interview of Thai persons suspected to have been victims of human trafficking abroad (See Prosecution and Prevention sections for further details).

2. Interpreters

To work with migrants from different countries, clear communication is very important at every stage of interaction in order to ensure information is effectively exchanged between Thai officials and vulnerable migrants during the process of victim identification interviews, delivering services in shelters, and throughout the legal process. With these goals in mind, in 2015, MSDHS organized 2 training sessions for 89 freelance and volunteer interpreters. MSDHS also registered 75 qualified interpreters who passed an intensive selection process and background check, and are now working as **on-call interpreters, serving all ministries nationwide**. Languages available are: Myanmar (35), Cambodian (31), Lahu (1), Rohingya (6) and Bangladeshi (2).

To ensure a sufficient number of interpreters to assist trafficking victims and further assist various agencies throughout the legal process (given the increase in number of ongoing trafficking cases), in 2016 MSDHS will continue to organize more interpreter trainings: both for a new batch of interpreters as well as refresher courses for those who attended in previous years. The goal is to have 140 interpreters in 5 languages: Myanmar, Cambodian, Chinese, Vietnamese and Bangladeshi.

3. Hotline 1300

Due to expanded outreach of advertising campaigns for hotline 1300, the number of calls significantly increased from 15,029 to 43,345 calls in 2015, which represents a 188.4% increase from the year 2014.

A total of 171 calls in (39.02% increase from 123 calls in 2014) were presumably related to human trafficking cases and were immediately referred to related authorities, such as the Anti-Trafficking in Person Division (ATPD) of the RTP or provincial MSDHS offices for further investigations. 46 cases were finally confirmed as trafficking in persons cases, assisted 224 trafficking victims (Thai 44 and non-Thai 180).

In cooperation with the **Polaris Project**, 40 Hotline operators from various ministries and Thai NGOs have been trained on how to respond effectively to calls, basic counseling, and skills in gathering necessary information and also appropriate referrals. After the training, a standardized practice and procedure have been created and disseminated internally within relevant organizations.

4. Providing care and assistance at 8 main government-run shelters

Trafficking victims can receive appropriate assistance and support from MSDHS and NGO partners. These shelters conduct to check the evidence that has come with the victim of trafficking. The orientation will be provided to the victims so that they can adjust and understand the services provided at the shelters. There are shelter staff in each shelter to explain the steps to be taken to protect the victims, both legally and in contacting with families of the victims before their return. The orientation is an important step to create understanding, awareness and trust of the victims to make their life plans. This will help reduce stress and anxiety so as to better adapt themselves to the new environment. Care and services available in 8 main shelters include: safety and security, accommodation, food, clothing, vocational training, recreational activities, legal aid, medical care, psychosocial assistance, language training and education.

The 8 main shelters are Nonthaburi Welfare Protection of Victims Trafficking Center (Ban Kredtrakarn), Surat Thani Welfare Protection of Victims Trafficking Center (Ban Srisurat), Nakhon Ratchasima Welfare Protection of Victims Trafficking Center (Ban Narisawat), Kanchanaburee Welfare Protection of Victims Trafficking Center (Ban Songkua) and other 4 main shelters in Patumthani, Chiangrai, Songkla and Ranong province. *The Map* below shows the locations of shelters in the map below:

Map of the locations of 8 Trafficking Victim Protection Centers

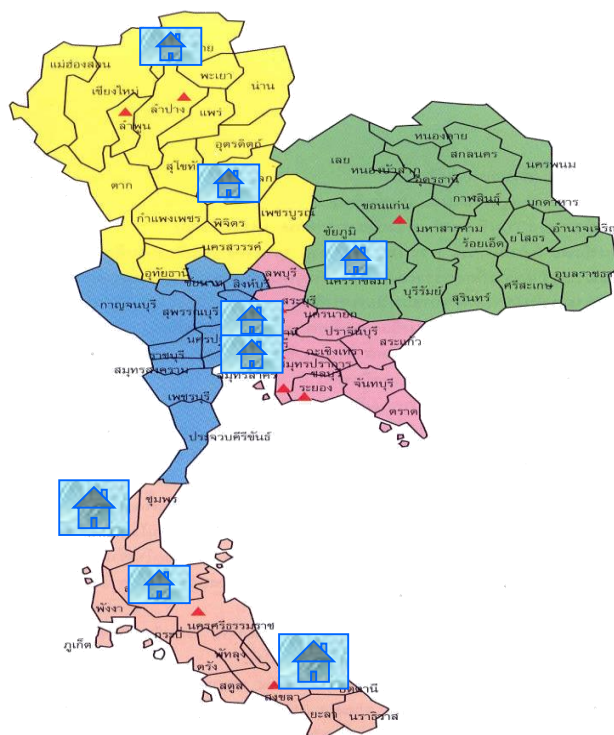


Chart 5: Number of victims assisted in MSDHS's shelters by age of the victims

NUMBER OF TRAFFICKED PERSONS ASSISTED IN MSDHS'S SHELTERS JAN-NOV 2015

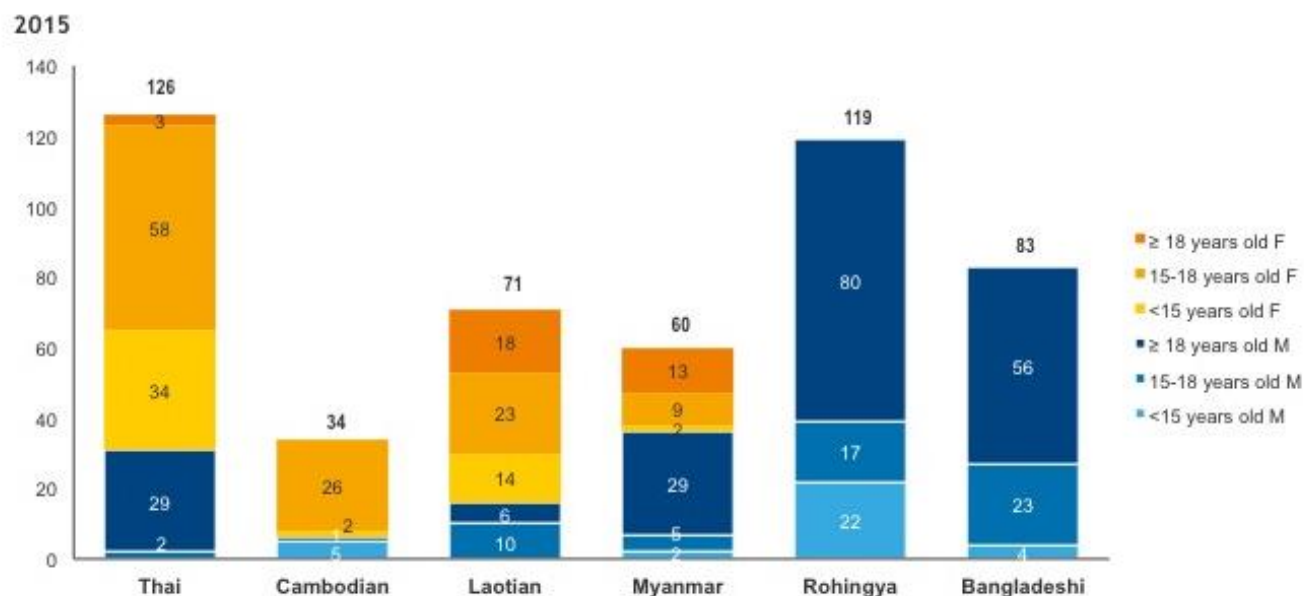


Chart 6: Number of victims assisted in MSDHS's shelters by nationalities of the victims in comparison with 2014 and 2015

NUMBER OF TRAFFICKED PERSONS ASSISTED IN MSDHS'S SHELTERS (2014-2015)

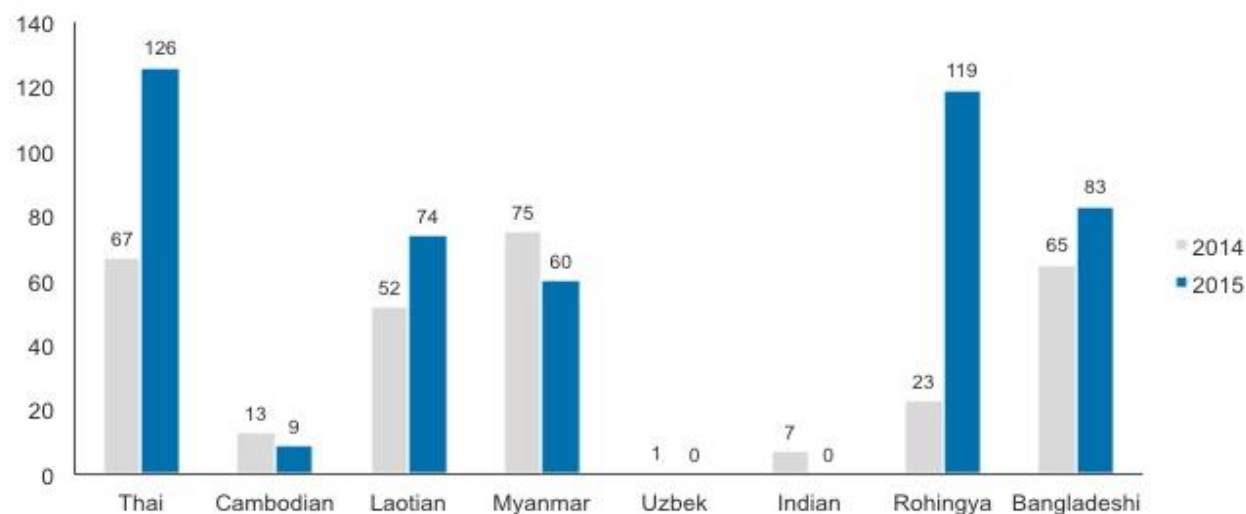
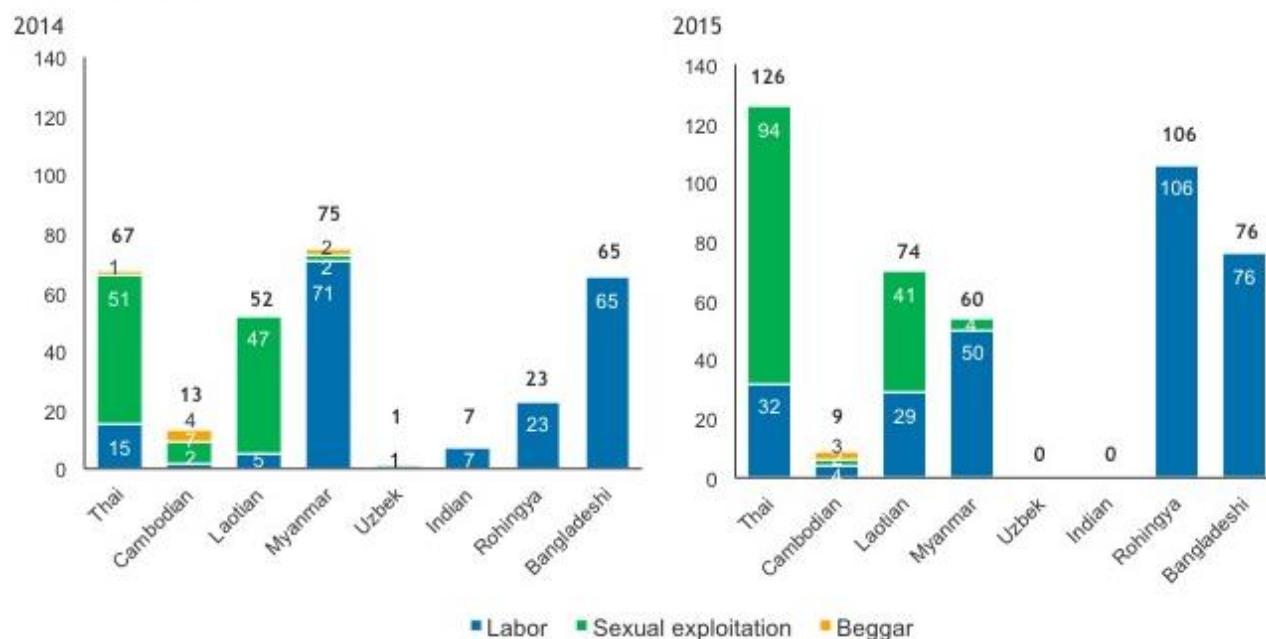


Chart 7: Number of victims assisted in MSDHS's shelters by nationalities and exploitation types of the victims in comparison with 2014 and 2015

NUMBER OF TRAFFICKED PERSONS ASSISTED AND STAYED IN MSDHS'S SHELTERS (BY TYPE OF EXPLOITATION)



5. Quality of services at Government-run shelters

Department of Anti-Trafficking in Persons (DATIP) serves as the main focal point to provide protection to trafficking victims. This year it has focused on improving service quality to ensure that assisted victims of trafficking, both Thais and non-Thais, receive the care needed to ensure that they can live their lives with human dignity and eventually become financially self-reliant. The key improvements in 2015 are:

5.1 Implementing Child Protection Policy and Procedure: After the principle was introduced to shelter staff, the principle was directly applied to the shelter's daily activities to ensure all services are responsive to their special vulnerabilities, rights, and needs in compliance with section 23 (Guardian of Children) and 61 (Punishment of Children) of the Child Protection Act 2003 respectively. In 2015, the number of children in shelters increased 67.6% compared with 2014, and educational opportunities were made available for all child victims both in-house and outside shelters, depending on the risks and results of needs assessment.

5.2 In some shelters where trafficking persons have particular **cultural and religious sensitivities**, particularly those shelters that have Rohingya populations, special arrangements in coordination with partners have been made, including: allocated space for Muslim praying; provision of halal food; on-going health screening services by the professional medical team from International Organization for Migration (IOM) to the Rohingya groups, psychosocial activities, and Rohingya interpreters provided by UN Women and Save the Children.

5.3 In order to empower victims and facilitate an effective prosecution process, shelters, in collaboration with partners, have created a **victim/witness support program** (involving witness preparation sessions and mock trial) to make victims feel less anxious about the criminal justice system, actors and processes. The on-going witness preparation and mock trial in Ranong Welfare Protection of Victims Trafficking Center (Baan Ranong) received a very good feedback from Myanmar and Rohingya trafficking victims.

5.4 On-call interpreters and increased language proficiency of shelter staff and victims have helped to improve communication. Languages available by on-call interpreters include: Myanmar, Cambodian, Rohingya and Bangladeshi. To promote mutual understanding on a daily basis, particularly in Rohingya language, a basic Rohingya language lesson was provided to staff in every shelter housing

Rohingyad, and basic Thai lessons were also provided to victims in every shelter. In 2016, MSDHS is exploring the possibility to hire qualified interpreters, especially Rohingya, to conduct regular visits to each shelter to follow up with victims in their own language about their experience at the shelter.

5.5 For the **existing vocational training courses**, there is an effort to **improve the quality** of each course. New training courses were introduced in 2015 to equip victims with practical skills that will expand their employment opportunities. These courses now include how to do facial massage, ice-cream making, coffee making, laundry, bicycle fixing and welding. In summary, available training courses in shelters are: wickerwork, traditional massage, traditional weaving, beauty salon, cooking, baking, vegetable planting, handicraft, barbering and the 6 new courses mentioned earlier. These courses are available for victims who would like to learn some skills for their future career.

5.6 Improved employment and earning opportunities for non-Thai trafficking victims while staying in shelters, accordance to section 37 of the Anti-TIP Act 2008 and 2015.

- In 2015, through cooperation with provincial employment offices and local networks, the shelters succeeded in providing **job placement** to 47 non-Thai trafficking victims who wanted to work outside the shelter. They obtained jobs as construction workers, gardeners, flower shop workers, domestic workers, coffee shop workers, and mechanics.
- In working outside the shelters, each victim will receive an average wage of 200-300 THB/day, depending on his/her type of work and the term of employment. MSDHS's shelter staff are monitoring the employment conditions to ensure all their rights are respected, and so far this year no violations have been reported. However, there are some victims who are unable or unwilling to work outside the shelter due to a variety of reasons listed in the [Table 11](#). In 2016, more coordination with relevant authorities (MoL, MoPH, and Mol) and private sector will be strengthened in order to seek additional job opportunities.

Table 11: Comparison table of Number of trafficking victims in MSDHS's shelters and their employment outside shelters, between 2014 and 2015

Descriptions	2014	2015
1. Number of victims employed outside shelters (persons)	57	47
2. Number of victims NOT working outside shelters (persons)		
2.1 Underage (<15 yrs old)	23	71
2.2 Unwilling to leave the shelters	140	90
2.3 Disabled / health problem	7	11
2.4 Repatriated	12	108
2.5 Communication problems	8	84
2.6 Reception period	56	60
TOTAL	303	471

From [Table 11](#) above, In 2015, Thailand identified 471 victims of trafficking, a 55.4 % increase from 2014 (303 victims); however, the number of victims working outside the shelters decreased from 57 to 47 (a fall of 17.5%) in 2015, compared with the number in 2014 because of different factors, and can be divided into 6 main reasons:

- *Firstly*, this is due to victims are underage and not allow to work by law but will be provided other appropriate services as mentioned earlier in this section;
- *Second* are those who want to earn but are unwilling to leave the shelter due to various factors—e.g., those with safety concerns; those who find that the job available does not match their interests/skills; those who do not want to leave young children while they go out to work;
- *Thirdly*, victims who are disable or have health problems;
- *Fourthly*, accelerated repatriation to origin countries during the reporting period (details in [Table 7](#): Duration of stay in Thai shelters) due to improvements in the legal process⁵⁶ and better coordination with origin countries⁵⁷, is also be a factor since period of staying shelter is too short for job placement outside

⁵⁶ For further details, see the policy and prosecution sections

⁵⁷ See more in Partnership section

shelter, another services as described below of this section will be applied.

- *Next*, groups of victims who want to work but are unable due to their limited ability to communicate in Thai⁵⁸; and
- Lastly, victims who newly arrived or who were in reception period, under the process of adjusting and recovering, and not ready to work.

However, for both male and female victims not working outside shelters, the MSDHS's shelters have created earning opportunities for them while residing in the shelters:

1. Providing shorts skills training courses in the shelter that victims can choose to attend as they wish, as mentioned above. Products that victims produce during their training courses will be sold through different channels, and the earnings will be shared with victims. Advertisement of products could be found online through facebook (<https://www.facebook.com/MyServiceServiceMind-921426514611458/>) and shelters' websites. Additional selling channels are MSDHS's souvenir shop (Vang Saphan Khao); shelter souvenir shops, and trade fairs.
2. Accepting work assignments to be completed within the shelter as part of earnings groups, e.g., handicrafts, artificial flowers, small construction work within the shelter.
3. Average earning per person is 200-300 THB (6-8 USD) per day per piece of group work; however, these jobs are not available every day.

6. Continuing to provide assistance to Thai victims of trafficking abroad

In 2015, the Ministry of Foreign Affairs of Thailand was able to rescue 74 Thai victims trafficked abroad and provided them with a range of services, including transportation costs, legal aid, medical care, psychosocial support, reintegration grants, and counseling. For those returnees who are underage, the Thailand Child Protection Act 2003 has been applied in designing appropriate services, e.g.: return to education, appointment of legal guardian, etc. The provided services are based on the best interest of the child determination.

⁵⁸ However, the MSDHS shelters have provided language classes for victims to take to improve their ability before working outside the shelter

Out of the total of 74 trafficking victims who have now returned to Thailand, 38 were fishermen who were lured to Indonesia and exploited, and 36 were sexually exploited in Bahrain, China and Malaysia. Details of assistance described in ‘reintegration assistant/grant’ of this section.

In 2015, the Thai government also facilitated the request of legal documents for one un-documented Thai victim returning from Indonesia. The process is now with Ministry of Interior and is expected to be granted by January 2016.

7. Remedy and compensation

The amount of compensation awarded to victims of trafficking in 2015 from the Anti-Human Trafficking Fund and labor compensation are both increased to 6,013,691 THB or 133.44% from 2014. The total compensation can be categorized into 2 types, firstly, the compensation under the **Anti-Human Trafficking Fund** increased from 3,748,031 THB (384 persons) in 2014 to 7,171,513 THB (472 persons) in 2015, or **91.34% or 3,423,482 THB increase compared with 2014**. Secondly, the victims who benefited from the assistance from **labor compensation** also increased from 758,527 THB (38 persons) in 2014 to 3,348,736 THB (77 persons) in 2015 (**341.47% or 2,590,209 THB increase**). [Table 12](#) shows the allocated amount of remedy and compensation for victims from January to December 2015.

Table 12: Allocated amount of remedy and compensation for trafficking victims

Type of remedy and compensation	2014	2015	Increased by
Anti-Human Trafficking Fund	3,748,031 THB (384 persons)	7,171,513 THB (472 persons)	3,423,482 THB
Labor Compensation	758,527 THB (38 persons)	3,348,736 THB (77 persons)	2,590,209 THB
TOTAL	4,506,558 THB	10,520,249 THB	6,013,691 THB

More importantly, to provide effective victim compensation to victims of trafficking, the amendment of the Anti-trafficking Act 2015 allows for the transfer of all fines collected from traffickers to be transferred to the Anti-Human Trafficking Fund which could be later serve as another source to assist trafficking victims, as needed, which include medical assistance, education assistance, reintegration assistance and return assistance. The fund is accessible to all victims of trafficking regardless of whether

they are Thai or non-Thai. Moreover, the fund will also be used to support counter human trafficking activities of government agencies and NGOs. The practice will be applied beginning in 2016.

8. Repatriation of foreign victims

In the area of repatriation, the government this year has endeavored both to expedite repatriation for victims who wish to return home as well as develop a plan to create legal mechanisms that will allow victims to stay and work legally in Thailand, should they wish to, in the future.

In 2015, the safe repatriation of 401 victims has been conducted in close coordination with origin countries and families in Thailand: 211 Thai, 47 Cambodian, 40 Myanmar, 78 Laos, 1 Chinese, and 24 Bangladeshi. In coordination with UNHCR and IOM, **resettlement in a third country** has been completed for 49 Rohingya cases, and the UNHCR determination processes are ongoing for another 147 cases.

Table 13⁵⁹: Number of victims of trafficking returned to their countries

Nationality	Number of returned victims
Thai	211
Cambodian	47
Laotian	78
Myanmar	40
Chinese	1
Bangladeshi	24
TOTAL	401*

Alternatives to repatriation for trafficking victims are also being explored for those who have gone through the legal process and expressed their wishes to stay on and work in Thailand. To support the victims those who wishes to stay on and work in Thailand, the MSDHS is now in consultation with the MOL and the MOI to come up with practical measure for trafficking victims in obtaining the necessary documentation for their stay and work in Thailand through government's migrants regulating policies.

⁵⁹ Data retrieved from 1 January to 31 December 2015

Table 14 : Duration of stay in Thai shelters of trafficking victims

Duration of stay (month)	Number of victim(persons)	
	2014	2015
< 3	93	92
3 to ≤ 6	78	40
6 to ≤ 12	53	172
more than 12	173	97
TOTAL	397	401

Table 14 shows that the duration of stay in shelters has been shortened; **the number of victims in the care of shelters for more than 1 year has dropped from 173 persons to 97 persons (a 43.9% reduction compared with 2014)**. This reduction is a key outcome of the improved standards and cooperation among agencies to expedite human trafficking cases in order to create as few burdens as possible for victims and allow them to return home as soon as possible. It should be remarked that **out of the number 401, 304 persons entered the service at shelters, representing a much shorter stay in shelters compared to earlier years.**

9. Providing reintegration assistance / grant

To help victims in their recovery so they can go on to enjoy full productive lives, reintegration assistance to both Thai and non-Thai victims of trafficking has been provided by the Thai government. The type of assistance depends on individual needs. To be able to meet the needs of trafficking persons in cooperation with partners, the following forms of assistance have been granted:

- In 2015, 74 Thai nationals who were identified as victims of human trafficking received financial assistance from MSDHS to cover transportation cost to their hometown and family support grant upon arrival in Thailand.
- Continual support and return monitoring have been performed by provincial MSDHS offices to periodically assess all Thai returnees' needs and concerns and provide a timely response.
- For **foreign victims**, the social workers in each shelter assess the needs of all victims while staying in a Thai shelter and share it with social workers in origin countries in order to continue their care upon return. The information of victims, including their needs, will be recorded in the national database for further reference.

Data sharing will be on a ‘need-to-know’ basis. The regular forum to discuss individual return and reintegration concerns is the “bilateral case management meeting (CMM) between Thailand and Myanmar, and Thailand and Lao PDR, which meet at least twice a year. The usefulness of basic career training courses provided in Thai shelters has been a major topic of discussion for several years, with progress in 2015 noted in the cooperation part of this section.

10. Cooperation

10.1 To ensure the coordination between Thailand and neighboring countries in combating trafficking in persons is up-to-date and efficient, there are ongoing processes of **reviewing signed Memoranda of Understanding (MOU)**, as detailed below:

- **Thailand - Laos-** reviewing the bilateral MOU on cooperation to combat trafficking in persons, signed in 2006. One bilateral meeting to review the MOU has been conducted in Lao PDR, and both sides have reviewed three sections: prevention, protection and prosecution. The remaining sessions for further review are return and reintegration, which is scheduled to be completed by mid-2016 in Thailand. The review meetings have led to greater understanding of the trafficking situation in both countries and stronger measures in preventing and suppressing trafficking in persons—e.g., increasing immigration control along the border of Thailand and Lao PDR.
- Moreover, there is also an ongoing process of reviewing the MOU between **Thailand and Myanmar**, signed on April 24, 2009. Thailand conducted an internal review process and shared the draft revision with Myanmar. The bilateral meeting to review the MOU is scheduled to be conducted by mid-2016 in Thailand. The revision aims to have a better operational procedure to prevent and suppress trafficking in person including comprehensive protection guidelines in providing services to children, women and men. Measures to prevent irregular migration by increasing the efficiency of border controls will also be included.
- The amended MOU between **Thailand and Cambodia** was signed on October 30, 2014 and now both countries are in the process of developing a joint plan of action, which will consist of 6 operational areas: implementation mechanism, situation analysis, prevention, protection, return & reintegration, and prosecution.

Both countries are also undergoing internal preparation meetings for developing a joint Plan of Action (PoA), with a bilateral meeting to be held by September 2016. The joint PoA will lead to parallel implementation in both countries in prevention, prosecution, protection and return & reintegration.

10.2 There are regular bi-annual, bilateral **Case Management Meetings (CMM)** and case worker visits between Thailand-Myanmar, and Thailand-Lao PDR, with the following results:

- The process of repatriation of trafficking victims has been accelerated due to the successful regular case worker visits and using alternative communication channel (mobile application - LINE), leading to faster family tracing and nationality verification and leading to fast repatriation;
- The prosecution process receives more cooperation from victims who feel more comfortable and less anxious about the legal process through case worker visits and close case discussion between social workers and law enforcement of the two countries;
- Reintegration for victims is more coordinated between Thailand and origin countries. The CMM provides better discussion for cross-border case referral on health, security concerns, future economic plan, including services provided in Thailand shelters;
- Development of well documented working procedures between Thailand and Myanmar through agreed Bilateral Standard Operating Procedures (SOP) on Repatriation and Reintegration of Victims of Trafficking. The precise details of the standard operating procedures have been discussed throughout 2015, and the document is scheduled to be finalized in the second quarter of 2016.

10.3 Thailand is working to **expand bilateral cooperation combating trafficking in persons** with other relevant countries, as follows:

- **Thailand and the United Arab Emirates (UAE):** both countries have agreed on the final draft of a bilateral MOU, expected to be signed by 2016. This MOU will provide assistance and protection to Thai victims of trafficking in UAE. The government-to-government repatriation mechanism will also be included.

- **Thailand - South Africa:** key target groups of this MOU include Thai women working in South Africa. The draft MOU has been developed and will be shared with South Africa in early 2016.
- **Thailand-China:** Thailand has been trying to establish a bilateral mechanism to assist and protect trafficking victims for many years. Until 2015, the bilateral meeting was conducted and mutual agreement has been achieved to develop a bilateral MoU covering prevention, investigation, protection and capacity building for government staff. The next meeting is scheduled to be held in Thailand in 2016. The MOU will lead to better protection of trafficking victims from both nationalities in both territories, including the information sharing of law enforcement to better prosecute traffickers in both countries.

10.4 The agreement for a 4-year project on Capacity Development on Assisting Victims of Trafficking in the GMS countries (JICA-CM4TIP) has been signed between Japan International Cooperation Agency (JICA) and MSDHS in 2015. The project aims to strengthen the MDTs in national and cross-border referral (Ubon Ratchathnai-Champasak, Chiang Rai-Bokeo/Thichilek) for repatriation and social reintegration. A joint workshop to strengthen MDTs on the Thailand - Laos, Thailand - Myanmar Borders has been conducted and stakeholders identified on both sides of the borders. In 2016, gaps and challenges in repatriation and social reintegration between participating countries will be identified for further action.

10.5 A short-term cooperation between MSDHS and the International Center for Migration Policy Development (ICMPD), European Union, to enhance the capacity of MSDHS in providing protection to victims of trafficking and homeless migrants has been established in order to enhance the capacity of MSDHS in providing protection to victims of trafficking and the homeless.

10.6 Continual cooperation with IOM includes direct assistance to 10 Thai trafficking victims abroad, jointly organized interpreter trainings, direct assistance to foreign trafficking victims in selected shelters, and designing trainings for providers of health and mental health care for trafficking victims, which is expected to commence in 2016.

10.7 Continual cooperation with IOM, UN Women and Save the Children in providing services to Rohingya populations in selected shelters. The assistance includes a health screening by medical teams, psychosocial activities, interpreter service and staff capacity building.

Prevention

Throughout 2015 the Royal Thai Government has taken a significant number of preventative measures to reduce the vulnerabilities of persons at risk of trafficking. As detailed in the Policy section of this report, the government's response this year focused on implementing new policies to ensure stricter border control, better labor management and better recruitment process for foreign workers. The government has also been working in close partnership with our neighboring countries through government to government cooperation; private sector partners such as the Thai Frozen Foods Association (TFFA), National Fisheries Association of Thailand (NFAT), State Enterprises Worker Association of Thailand, Thai Labour Organization; international agencies, such as International Labour Organization (ILO) and International Organization of Migration (IOM), and other NGOs such as the Labour Rights Promotion Network Foundation (LPN), to name but a few.

1. To reduce vulnerabilities of migrant workers to trafficking, the government has put in place the following measures:

1.1 Migrant Labor Management

The Thailand Migration Report 2014 by the United Nations Thematic Working Group on Migration in Thailand estimated that there are around 3,500,000 migrant workers in Thailand. While data from the Department of Employment (DOE) shows that in 2014 there are 2,873,509 migrant workers with work permits, which would constitute 82.10% of total migrant workers according to the estimate above. DOE data consists of 1,339,834 documented migrant workers and 1,533,675 workers registered at One Stop Service Centers (OSS Centers), as well as 626,491 undocumented migrants.⁶⁰

Data retrieved on 28 December 2015 on *Table 1* shows the total number of 2,549,530 legal migrant workers. There are 1,443,474 Migrant workers with work permit, both skilled and unskilled, 1,010,391 registered workers with temporary stay permit in the Kingdom (Pink Card), 68,196 fishery workers registered through bi-annual registrations

⁶⁰ In the case of 626,491 undocumented migrants, 378,954 persons were deported back to origin country, leaving 247,537 persons remaining in the Kingdom waiting for regularization process (7.07% of the total number).

at OSS Centers, 26,063 migrant workers registered in Seafood processing sector, and 1,406 Vietnamese migrant workers.

Table 15: Legal Migrant workers in Thailand (excluding MOU migrant workers)

Types of document	Number of Persons	Percentage
1. Migrant Workers with Work Permit, both skilled and unskilled.	1,443,474	56.62%
2. Registered Worker with temporary stay permit in Thailand (Pink Card)	1,010,391	39.63%
3. Fishery Workers Registered through bi-annual registrations at OSS Centers	1 st registration (1 April - 29 June 2015) 54,402 (2.13%)	2.67%
	2 nd registration (2 November 2015 - 7 January 2016) 13,794 (0.54%)	
4. Migrant Workers registered in Seafood Processing sector	26,063	1.02%
5. Vietnamese Migrant Workers ⁶¹	1,406	0.06%

The Royal Thai Government recognizes the significant role of migrant workers in the business sector and the growing demand. Several actions have been taken to prevent illegal smuggling and labor brokers. These include measures to promote legalization of workers to ensure that their rights are protected under the law and international standards. The following measures represent key successes:

1.1.1 Reduction in fees and charges required for migrant workers

Based on feedback from a number of partner agencies, particularly from the private sector, it was acknowledged that the repatriation fee required by the MOL was part of the reasons that irregular migrants chose not to register. Therefore, on 30 April 2015, the Ministerial Regulation on Timeframe Extension and Fee Reduction for Migrant Worker Repatriation Fund 2015 was issued and will be effective until June 24, 2016. This new regulation exempts migrant workers from these repatriation fees.

⁶¹ Through cabinet resolution issued on November 10, 2015 to renew visa and extend the period of stay and work in the Kingdom for a duration of one year.

Moreover, to reduce the overall costs required for registered migrant workers, the Royal Thai Government, namely MOL and Ministry of Health (MOH), reduced several fees for migrant workers in registration. Including exemption from the migrant worker repatriation fund as mentioned above, total costs saved during 2014-2015 is 7,051,336,450 THB (201,466,756 USD) in the [Table 16](#) below. Though the reduction in fee applies to all migrant workers, [Table 16](#) only includes the costs reduced for registered migrant workers through OSS Centers does not include MOU migrant workers.

Table 16 : Reduction in fees and charges required for migrant workers.

Reduction in fees and charges required for migrant workers							COST SAVING DUE TO REDUCTION IN FEES FOR MIGRANT WORKERS (2014 + 2015) THB MILLION
Details	Previous cost (THB)	Revised cost (THB)	2014 Persons (million)	costs saved (THB million)	2015 Persons (million)	costs saved (THB million)	
Work Permit	1 800	900	1,53	1463,61	1,01	1010,39	Work permit 2474
Medical Checkup	600	500					Medical checkup 274
Health Insurance	2 200	(minor below 7 not required)	1,62	161,70	1,05	104,54	Health insurance 1667
		(minor below 7 365)	0,01	5,55	0,00	2,34	
Migrant Worker Repatriation Fund	1 000	exempt	1,62	970,19	1,05	672,26	Migrant worker repatriation fund 2637
Total Cost Saved				4244,27		2807,07	Total cost saved 7051

1.1.2 Employing MOU migrant workers from neighboring countries

As detailed in the Policy section of this report and last year's TIP report, the attempt to issue work permits and nationality identification has increased accessibility to the protection and welfare provided by Thailand. It also prevented undocumented migrants from falling victim to various forms of exploitation and abuse. 2014 was already a year of relative success in migrant labor registration following the policy changes detailed in last year's report. However, 2015 has been even more successful than 2014, reflecting the government's ongoing commitments to integrate all migrant laborers into the legal system thereby dramatically reduce their vulnerability to human trafficking. [Table 17](#) shows comparison figures from 2014 and 2015 for the three major

source countries with which Thailand has an MOU and has opened up the unskilled migrant labor registration system

Table 17: Migrant Workers Employed Through MOUs

Duration	Total	Myanmar	Laos	Cambodia
2014	217,111	123,156	15,179	78,776
2015	279,311	136,314	28,561	114,436

In [Table 17](#) above retrieved on January 10, 2016, it shows that, in comparison to 2014, the number of MOU migrant workers increased significantly by 28.65%, or 62,200 persons in 2015. The increase in the number of MOU migrant workers reflects the Royal Thai Government's efforts to simultaneously respond to the demand for more migrant workers while also ensuring all these migrant workers are fully protected from the risk of trafficking and exploitation and enjoy an improved quality of life.

Despite the Thai government's efforts in this area, a number of barriers remain. Thailand is thus working continuously and closely with neighboring countries to respond to current limitations in the cross-border MOU process, e.g., nationality verification, high costs of passport registration in the origin countries, overcharging of fees by labor brokers and recruiting agencies, and lengthy procedures at the origin country. Negotiations on Enhancing Labor Cooperation on Migration for Employment in Cambodia, Laos, Myanmar, Vietnam (CLMV) took place during September 2-4, 2015 among labor ministers from respective countries. The meeting consultations concluded that the CLMV countries would increase skill capacities of workers, increase the number of international centers for skill development, and add additional measures to import MOU migrant workers through G-to-G partnerships.

The government is also working to improve or finalize MOUs with relevant countries. In December 2015, Thailand and Cambodia signed an MOU and issued a draft agreement on the employment of migrant workers. Thailand also met with Vietnam government to develop an agreement in July 2015, which is expected to be finalized in February 2016. To combat the issue of overcharging migrant worker recruitment fees, the representatives from the MOL met with the government of Myanmar to sign an MOU to strengthen the regulation of recruitment agencies and charges related to migrant workers in early January 2016. The countries also plan to establish a joint hotline. For Laos, a meeting will be held in Thailand in late January 2016 to further discuss details of the MOU that has been in progress since December 2015. With Myanmar, the bilateral

meeting during January 7-9, 2016 was held to discuss the revised MOU where both countries agreed to reduce expenditure in hiring workers from Myanmar to work in Thailand in a transparent manner, as well as improving a hotline services to help Myanmar workers.

1.1.3 Regularization of undocumented migrants

On 3 March 2015, the cabinet approved a migrant worker management policy that allows migrant workers of 3 nationalities who had registered at any of the OSS centers up until October 31, 2014 to extend their stay within the country, receive a visa stamp, nationality identification and been able to request a new ID card for Non-Thai citizens from April 1, 2015 to June 30, 2015. This new policy led to a registration of migrant workers and dependents at the OSS centers, the total of which was 1,049,326 persons (consisting of 1,010,391 migrants and 38,935 dependents with details below.

Table 18⁶²: Regularization of Undocumented Migrants and Dependents

Employer (persons)	Migrant Workers (persons)							
	Migrant Workers				Dependents			
	Total	Myanmar	Laos	Cambodia	Total	Myanmar	Laos	Cambodia
177,569	1,010,391	436,154	135,150	439,087	38,935	18,114	3,961	16,860

This year, 77 OSS Centers were in operation for a period of 90 days during each registration period to renew working and temporary stay (pink card) permits of the previously registered migrant workers and dependents (children under 15 years old) while awaiting nationality verification.

1.1.4 Nationality Verification Process

From October 1, 2014 to January 10, 2016, Provincial Employment Offices nationwide received a total of 675,042 application forms for nationality verification of migrant workers submitted by their employers. [Table 19](#) retrieved on January 10, 2016 shows the number of documents submitted to the countries of origin from Thailand.

⁶² Data retrieved on January 10, 2016

Table 19: Nationality Verification Requested by Employers

Nationality Verification Requested by Employers								Total
Migrant Workers				Dependents				
Total	Myanmar	Laos	Cambodia	Total	Myanmar	Laos	Cambodia	
656,655	236,405	106,393	313,857	18,387	5,610	4,418	8,359	675,042

As of December 28, 2015, 109,560 migrant workers have obtained their passport/CI from their countries of origin as shown in [Table 20](#).

Table 20: Passports and Certificate of Identifications Authorized to Migrant Workers

Passport and Certificate of Identification (C.I.) Issued			
Total	Myanmar	Laos	Cambodia
109,560	12,449	70,714	26,397

With the realization that the registration and nationality verification process provide protection and access to basic welfare provisions and protection from exploitation, the DOE had consultation meetings as discussed earlier in this section on the issue of persons waiting for their nationality verification to the government of the origin countries, Myanmar, Laos, and Cambodia expedite that the process is to be completed by March 31, 2016.

1.1.5 Regulation and Monitoring of Employment Agencies

In order to control and manage licensed recruitment agencies with permits to facilitate the employment of both Thai and migrant workers and to ensure compliance with the law and regulations governing employment agencies, particularly with regard to remedies for victims, a stricter monitoring system has been put in place, which will be explained in further detail below. The recruitment agencies are now required to pay the DOE 100,000 THB (2,778 USD) security deposit for the benefits of migrant workers. Information retrieved on 30 December 2015 shows 342 licensed recruitment agencies as service providers for employment of migrant workers from origin countries. During the period of February-March 2015, the DOE inspected 119 employment licensees in Bangkok who were involved in migrant recruitment. No offenses related to the exploitation of migrant workers were found, reflecting the increased deterrence effect created by the new scheme.

To further address the issue of exploitation of migrants through service providers, on January 4, 2016, the DOE set up a working committee to revise the law on employment and labor protection. As a result of that meeting, a new Royal Ordinance is being drafted to focus on protection of migrant workers to control and manage the migrant worker recruitment agencies and expected to be submitted for consideration by April 2016. The passage of the draft Royal Ordinance will significantly increase the amount of security deposit required by recruitment agencies to guarantee a more effective remedy to migrant workers. Moreover, this ordinance will ensure that the migrant worker recruitment agencies must apply for license and comply with labor protection laws. This draft Ordinance will fill a gap in legislation and specifically regulate required fees from the Thai employers who wish to employ migrant workers through the agency recruitment process.

1.2 Reducing vulnerabilities of migrant workers in fishing industry

1.2.1 Strengthened law to increase labor protection to comply with relevant international standards

As detailed in the policy section of this report, in order to prevent and eradicate forced labor, debt bondage, and child labor in the supply chain of the seafood processing sector, several actions were taken by the MOL. Please see the Policy section of this report for details about relevant laws and policies, as well as the new MOU on clean supply chains completed with the Public-Private-Civil Society Partnership (PPCP) in the Partnership section.

1.2.2 Raising awareness of labor protection standards under the Royal Ordinance on Fisheries, B.E. 2558

Awareness raising activities on labor protection standards under the Royal Ordinance on Fisheries Act, B.E. 2557 (2015) were conducted with employers and workers in fishery establishments in 22 coastal provinces, with a total of 10,736 sea fishery workers trained in 1,802 establishments. Also, training on labor protection for sea fishery workers in fishing vessels was provided to 86 participants to equip them with knowledge on recent legal changes. 150 frontline workers had been updated with the information of the Royal Ordinance and 117 participants from associations related to sea fisheries.

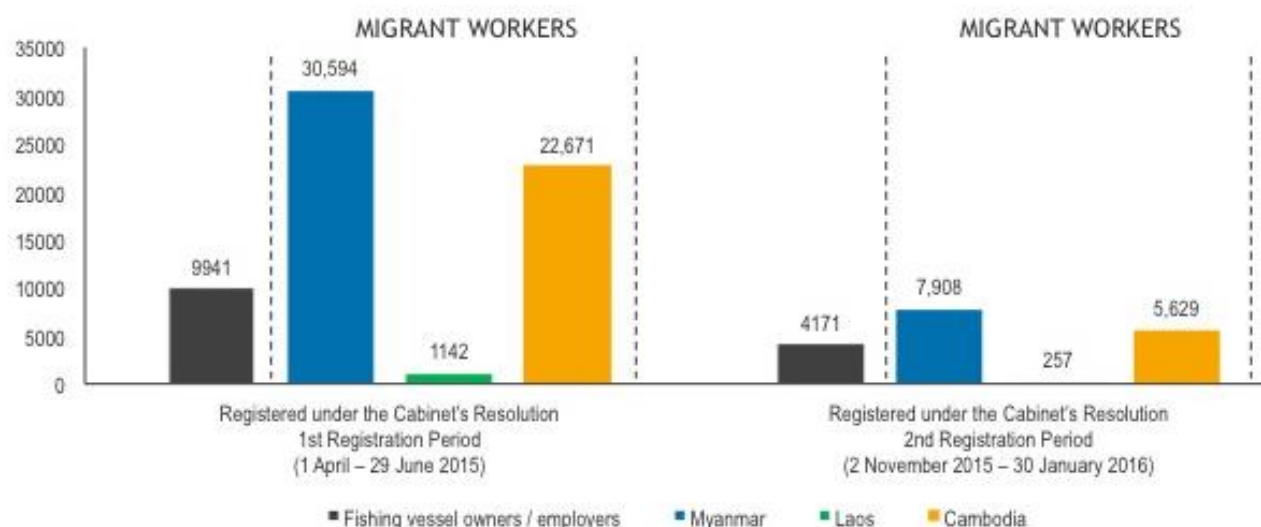
To tackle the issue of maltreatment and unfair working conditions to fishery workers, the employment contract form has been revised to contain three languages in one document so that migrant workers are aware of their rights, including the rest time as

agreed with the employer prior to the recruitment (Thai-Laotian-English, Thai-Burmese-English, Thai-Cambodian-English). The contract must be present at all times when the fishery worker is active at sea and will be subject to inspection by law enforcement officials to ensure that their rest time is clearly agreed in writing and respected in practice.

Furthermore, in order to ensure that the Ministerial Regulation concerning Labour Protection in Sea Fishery Work B.E. 2557 (2014) regarding the rest time of fishery workers is applied, employers must have at all times the written contract of fishery workers at the employment location, in fishing vessels at sea, and in seafood processing businesses. Law enforcement officers are authorized to initiate proceedings against any employer found neglecting the regulation of rest time for sea fishery workers. In cases of violation, workers can also file complaint against their employers.

1.2.3 Registration of undocumented migrant workers in sea fisheries

Migrant workers in sea fishing were also employed through MOUs from source countries. Registration of irregular migrants is available at OSS Centers nationwide. The Cabinet resolution on March 3, 2015 approved bi-annual registration for undocumented migrant workers in sea fisheries for nationals of Myanmar, Laos, and Cambodia. The first registration from April to June 2015, there are 30,594 Myanmar, 1,142 Laotian, and 22,671 Cambodian, together with the total number of 9,941 fishing vessels owners/employers. From November 2, 2015 to January 30, 2016, the second registration of undocumented fishery workers is open. Currently, there are 7,908 Myanmar, 257 Laotian, and 5,629 Cambodia, together with the total number of 4,171 fishing vessels owners/employers.

Table 21⁶³: Registration of undocumented fishery workers**REGISTRATION OF UNDOCUMENTED FISHERY WORKERS****1.2.4 Registration of undocumented migrant workers in the seafood processing industry**

The registration drive mentioned above has also focused on migrant workers in the seafood processing industry. The registration took place in 22 coastal provinces and in Bangkok from November 25, 2015 to February 22, 2016. As of January 7, 2016, 25,730 migrant workers were registered, consisting of 21,135 persons from Myanmar, 469 Laotians, and 4,126 Cambodians.

Table 22⁶⁴: Registration of Undocumented Migrant Workers in Seafood Processing Industry including Shrimp Peeling Sheds

Migrant Workers in Seafood Processing Industry Registered Through OSS								Employers
Migrant Workers				Dependents				
Total	Myanmar	Laos	Cambodia	Total	Myanmar	Laos	Cambodia	
25,730	21,135	469	4,126	333	186	14	133	2,521

⁶³ Information retrieved on January 12, 2016

⁶⁴ Data retrieved on January 10, 2016

1.2.5 Solving Labor Shortages in the Sea Fishery and Seafood Processing Industries by Allowing Flexibility for Workers in those Fields to Change Employers without restriction(s)

As detailed in the Policy section of this report, to encourage more undocumented migrants to enter the registrar by providing alternatives and flexibility, the Department of Employment issued an order on November 2, 2015 and circulated new instructions to all its offices to immediately permit the following changes for the migrant workers of 3 nationalities - Myanmar, Laos PDR, Cambodia (See Policy section for further details about this initiative). The total number of requests⁶⁵ for change of employer in the seafood processing industry was 1,412 persons and 1,341 in fishery sector having already changed their employers under this policy.

1.2.6 Monitoring, control and management of commercial fishing vessels and fishery workers

As the issue of exploitation of migrant fishermen persists, multi-ministry efforts were made to control and monitor labor movement at sea. As discussed in the Policy section of this report, the most prominent efforts made to tackle IUU (Illegal, Unreported, and Unregulated) fishing was the establishment of Command Centers for Combating Illegal Fishing (CCCIF).

1.2.6.1 Command Center for Combating Illegal Fishing (CCCIF)

As mentioned previously in the policy section of this report, the CCCIF led by the Royal Thai Navy) were established and have been active since May 1, 2015. Their mandate is to monitor and eradicate IUU fishing and the use of forced labor, child labor and trafficking in fisheries. Their strategic plans refer to the TIP Action Plan for fisheries sector as a guideline for implementation. Furthermore, 28 Port in-Port Out Control Centers (PI-PO Centers) were also established to record and monitor the movement of fishing vessels and all of their crew in 22 coastal provinces. To respond to concerns that the new regulatory framework would be overly burdensome, complicated and confusing for vessel owners and operators, the CCCIF also established Fishing One Stop Service (FOSS) to provide information and services to fishing vessels and owners of fishing businesses related to the permits and necessary registrations. Inspections are performed on shore, at port, and at sea.

In the process of inspection, established partnership plays a vital role since the operations team would include several agencies. The Royal Thai Navy provides

⁶⁵ Data retrieved on January 10, 2016

resources and tools for implementation, and the DLPW inspects the employment contracts and crew lists. The DOE will verify the registration of migrant workers, and the Marine Department inspects seaman books and fishermen's permission to work on board. Most importantly, these coordinated inspections aim to ensure the well-being of the fishery workers and that no child labor or forced labor are being exploited on land, on shore in shrimp peeling sheds and seafood processing factories, and at sea in commercial fishing vessels in Thai territorial waters.

1.2.6.2 On shore: Inspection of fishing vessels at PIPO centers

In 2015, CCCIF led an inter-agency effort to conduct a nationwide fishing vessel survey during July 2015. As a result, up to 92% of Thai fishing vessels (i.e. 39,129 out of the total of 42,512 vessels) were recorded, and 8,024 Illegal fishing vessels had their registrations revoked in November 2015. In addition, the cabinet has approved the budget of 228 Million THB (6.3 Million USD) for a buy-back scheme in December 2015 as remedies to those affected from this policy. To date, 5,250 vessels are equipped with vessel monitoring systems (VMS), consisting of 2,076 vessels greater than 60 gross tonnage (GT) (62% of 3,329 vessels) and 3,174 vessels between 30-60 GT (82% of 3,859 vessels). As of today 5,609 fishing vessels greater than 30GT were reported through PIPO centres, which account for 85% of the total number of 7,188 vessels. This serves both as a deterrent effect as well as a powerful tool for increased law enforcement monitoring of vessel operations.

Through the vessel monitoring system operating 24/7, together with the stricter port-in/port-out controls, a better regulatory system is now in place, allowing officials to constantly monitor all fishing vessels in real time and take appropriate action as needed. With the strict control of PIPO procedure, vessels with incomplete or incorrect documentation for crew are prohibited to leave the port. It also allows officials to monitor and arrest any vessel that might have trafficking victims or child labor on board. The inspections at PIPO centers covered inspections of 474,334 fishery workers. This number includes 91,623 Thai fish workers, 152,516 persons from Myanmar, 228,701 Cambodians, 1,179 Laotians and 315 others. The inspections found no misconduct on child labor or forced labor⁶⁶. The random inspections conducted with 2,547 fishing vessels found no violation of child labor or forced labor.

⁶⁶ 114 cases (10 employers and 104 employees) were found violating the Alien Working Act, B.E. 2551 (2008) and were prosecuted accordingly.

1.2.6.3 At Sea: fishery worker inspection in Thai waters

Apart from the inspection at PIPO centers, fishing vessels operating in Thai waters were inspected at sea by the multi-disciplinary team of CCCIF. The taskforces are under the supervision of Thailand Maritime Enforcement Coordinating Center (THAI-MECC). From October to November 2015, CCCIF in partnership with the Department of Fisheries, MOL, MSDHS and other relevant agencies, total inspection as multi-disciplinary team in fishing vessels at sea in the total number of 22 times, resulting in inspections of 460 fishing vessels. A total of 6,578 migrant workers were inspected, consisting of 1,406 Thais, 2,678 Persons from Myanmar, 2,435 Cambodian, 48 Laotians, and 11 Displaced Persons of Thailand.

The inspections led to 8 cases of 9 undocumented migrant workers, and 4 cases of child labor (under 18). In the area of vessels registration and fishing permits, CCCIF had inspected vessel registration data and required all vessels to have fishing licenses and vessel registration documents readily available for pro-active inspections further out at sea. The inspections uncovered 8,042 vessels carrying unauthorized registrations documents, and the government therefore revoked their fishing vessel registrations⁶⁷.

1.2.6.4 At Sea: Inspection of Thai fishing vessels that operate outside Thai waters

In addition to inspecting vessels in Thai waters, CCCIF's multi-disciplinary teams also inspect fishing vessels that are returning from active duties in waters outside of Thai territory, such as the high seas or foreign territorial waters. Examples of offences found in violation include the absence or expiration of valid overseas fishing license, the failure to record fishing data in the logbook, and the use of illegal migrant workers on board without appropriate work permits and employment contracts. Legal actions are seriously being taken against vessel owners found to have violated the laws⁶⁸.

Currently, there are 76 fishing vessels have permits to fish in foreign waters and the high seas. From November 23, 2015 to January 10, 2016, the task forces have inspected 50 of these vessels. The remaining 26 vessels still in the Indian Ocean will be inspected during their return trips to Thailand. In this regard, the Director-General of the Department of Fisheries has ordered all vessels operating outside Thai waters that did

⁶⁷ See more about the actions taken by the CCCIF in the Policy part

⁶⁸ The inspection scheme has so far found cases of violations against related fisheries and labor protection laws, namely the Thai Vessels Act, the Immigration Act and the recently enacted Royal Ordinance on Fisheries B.E. 2558.

not previously report to one of the PIPO Centers to return to Thai waters by January 30, 2016. Failure to comply could result in a fine of 2,000,000 baht (55,000 USD).

1.2.6.5 On Land: CCCIF-led inspection at seafood processing factories and shrimp peeling sheds

The CCCIF organized 25 multi-disciplinary inspection teams to inspect seafood processing establishments. Each of the teams consists of ten members led by the Royal Thai Navy, four labor inspectors, an MSDHS officer, a fishing inspector, a factory inspector, a social security inspector, and a police officer. The inspection aims to strengthen compliance with laws related to fisheries, labor protection (including working conditions), forced labor, workplace sanitation and trafficking in persons including the use of child labor. To ensure that migrant workers who were rescued as part of the inspection are not mistreated during the law enforcement process, the employers will face maximum penalties and undocumented workers will be treated as witnesses and will enter the registration schemes for fishing and seafood processing workers as discussed above, in accordance with the cabinet approval of November 10, 2015. **From data received on January 17, 2016, 150 establishments had been inspected. The operations of 3 establishments were suspended under the Royal Ordinance on Fisheries, B.E.2558 (2015), while 12 establishments were suspended under the Factory Act, B.E.2535 (1992).**

Another significant case by CCCIF includes the crack down on 9 November 2015, in which CCCIF worked with DSI and LPN (a civil society organization) to inspect fishing processing companies in Samutsakorn. A shrimp peeling shed (Longkung) in Samutsakorn Province was found to violate the Royal Ordinance on Fisheries 2015. Charges were filed against four suspects for migrant child labor exploitation, coercion, operating a business without a permit, providing accommodation for irregular migrants, acting as an illegal migrant recruitment agency without a license, and violation of the Labor Protection Act 1998. The case is currently under investigation by the Muang Samutsakorn Police Station.

Moreover, a second notable case was the arrest of the owner of a seafood processing factory in Rayong Province. Charges filed against the owner were for providing accommodation for irregular migrants under the Immigration Act 1979, for employing undocumented migrant workers under the Alien Working Act 2008, for employing migrant workers in the seafood industry without a permit under the Royal Ordinance on Fisheries 2015, The suspect also filed charges for violation of the Labor Protection

Act 1998 and the Factory Act 1992. As of December 4, 2015, the case is currently being reviewed by the OAG.

Last but not least, the Royal Thai Navy-led CCCIF partnership with DSI and EJF was involved in an investigation that led to the arrests of more employers and brokers after the arrest of fishing vessels Phokasataporn 19, Phokasataporn 6, Phokasataporn 34, and Vanit Pramong during October 20 - November 2, 2015, where 10 arrest warrants were issued, and one suspect was arrested⁶⁹.

1.2.7 Capacity building to enhance the implementation of Thai officers

1.2.7.1 CCCIF frontline workers to be equipped with legal knowledge related to trafficking, child labor and the use of forced labor in the fishing industry

To enhance the capacity of CCCIF, related governmental agencies, private sector, ILO and over 20 related organizations conducted a pilot training took place between October 18-23, 2015 where CCCIF (Navy-led), MSDHS, MOL and ILO are the 4 main agencies who co-hosted the event. Total number of 35 participants who are active taskforce at sea from Naval Area Command, Marine Police Division, Marine Department, Department of Fisheries and Customs Department participated in the training. Other agencies with responsibilities related to the prevention and suppression of human trafficking and labor also had joined the training from Anti Human Trafficking Division, DOE and DLPW.

Notably, a curriculum “Prevention and Suppression of Human Trafficking, Child Labor, and Forced Labor in the Fishing Industry” has been developed with special emphasis on an integrated approach to fact-finding, data collection, evidence gathering in cases of child labor, forced labor, and exploitation, as well as indicators and checklists to watch out for potential victims of trafficking and exploitation for screening process. All were equipped with relevant knowledge in both theory and practice, including the methodology of conducting a situational analysis of human trafficking offense, forced labor and other related issues under the Labor Protection Act 1998 and Anti-TIP Act 2008 and 2015, as well as international human rights standards.

⁶⁹ See more in CASE 2 of the Prosecution part

1.2.7.2 National Curriculum on Trafficking in Persons, Child Labor, and Forced Labor at Sea is in place and ready to use

As a result of pilot training mentioned above, a national curriculum on ‘Suppression and Prevention of Trafficking in Persons, Child Labor, and Forced Labor at Sea’, approved by the CMP Committee was designed with the collaboration of the MSDHS and MOL. The aim is to create a better curriculum for Thai government officials to better understand and effectively deal with human trafficking. The curriculum covers knowledge in the area of law related to trafficking and labor protection. Participants includes law enforcement officials, such as officers from the Royal Thai Navy, RTP, Thai Marine Police, MSDHS, MOL, OAG, and other agencies responsible for law enforcement at shore and in Thai territorial waters. Government officials who complete the training will be designated as competent officials with power and duties to operate under Labor Protection Act 1998, and Anti-TIP Act 2008 and 2015. The first training takes place from January 11-18, 2016, for a total duration of 8 days. Two more trainings sessions will be organized in February and March for an approximate number of 120 participants in 2016 and will be continued annually.

1.2.8 Eradicating child labor from seafood supply chains

With the aim of completely eradicating child labor from seafood supply chains, the government issued a **new Ministerial Regulation becoming effective since January 18 2016 specifying establishments in which employers are prohibited from employing children under the age of 18**, including all establishments related to the seafood processing industry as specified in the Royal Ordinance on Fisheries, B.E.2558, and the Factories Act, B.E.2535. This is to complement the ban that was already in place on the use of child workers below the age of 18 in fishery vessels in the Ministerial Regulation concerning labor protection in sea fishery work B.E. 2557(2015), previously discussed in 2014 report.

1.3 Labor Inspection

In order to ensure all workers are protected and have access to social welfare as provided by the law and international standards, the DOE has inspected the following establishments.

1.3.1 Inspection under Alien Working Act, B.E. 2551

In 2015 the DOE inspected 4,939 establishments and 984 employers were found violating the labor related laws, such as providing shelter or employing unregistered migrant workers. 555 employers out of 984 were fined under Alien Working Act B.E.

2551, in the total amount of 6,422,600 THB (178,000 USD). 428 employers are currently being prosecuted.

1.3.2 Labor inspection in establishments

In 2015, the DLPW had estimated a total number of 351,058 establishments in Thailand. They aimed to inspect 40,000, or 11.4% of all registered establishments. The inspections cover businesses of all sizes and all sectors nationwide. They prioritized businesses that are at risk of using child labor and forced labor, debt bondage, and human trafficking, such as sea fishery and fish processing industry, sugar cane sector, textile and garment businesses, pineapple factories, construction sites, and others where migrant workers are common.

From the duration of January-December 2015, the inspections covered 44,858 establishments, which exceeded the expected target outcome (of 40,000) by 12.15%. The labor inspectors issued 5,506 orders for corrective measures. 4,843 establishments followed the orders issued, but 663 establishments were found still violating the orders, which resulted in criminal charges being filed. Regarding the complaints of migrant workers regarding mistreatment by employers filed to the DLPW, a total of 7,078 orders were issued resulting in 15,237 employees being compensated for their wages and compensation of 325,807,521 THB (9 million USD).

Of these 663 cases mentioned in the above paragraph, 33 cases were for misconduct involving child labor, 126 unpaid wage violations, 30 related to compensation, and 485 other minor charges such as a lack of clear work rules, unreported working condition and environment. The total amount of penalties fined was 8,399,150 THB. Moreover, of the 33 cases of child labor, 22 cases occurred in factories and were fined under the Labour Protection Act, B.E. in the total amount of 240,700 THB (6,600 USD): 11 cases involving children under 18 occurred in fishing vessels and were fined 21,500 THB. The government recognized that these punishments for child labor are insufficient and thus issued a new regulation effective on 25 November 2015 to require the maximum punishment (fine of 100,000THB per violation by the employer) as applicable under the Labour Protection Act 1998.

1.4 Thai Workers in Both Domestic and Overseas Employment

1.4.1 Recruitment of overseas employment workers through G-to-G agreements

In order to reduce the risks of Thai workers becoming victims of trafficking through illicit recruitment agencies, the MOL increased Government to Government (G-to-G)

agreements that replaced the work of illegal labor brokers by providing a legitimate option of overseas employment with cheaper and more efficient alternatives and thereby reducing the risk of exploitation for Thai migrant workers. Countries that are part of the G-to-G agreement include selected countries with reputations for fair labor practices and good labor protection mechanisms, such as South Korea, Japan, Israel, etc.

A total number of 10,777 workers have been facilitated to work overseas in recommended countries with the assistance of the MOL, resulting in 2,057,916,696 THB (5.7 million USD) saved in the recruitment process.

Table 23: Total numbers of oversea employment workers that are part of the G-to-G agreement retrieved on 30 December 2016

	Destination Country	Persons	Expense by government agency ⁷⁰	Expense by broker ⁷¹ (THB)	Total saved (THB)	Total expenses saved (THB)
1	Israel	4,971	75,000	300,000	225,000	1,118,475,000
2	South Korea	5,116	20,244	180,000	159,756	817,311,696
3	Japan	276	15,000	300,000	285,000	78,660,000
4	Taiwan	414	15,000	120,000	105,000	43,470,000
Total Persons		10,777	Total Expenses Saved			2,057,916,696 (56,536,173USD)

1.4.2 Thailand Overseas Employment Administration (TOEA) established

10 TOEA centers are located in Nakornratchasima, Buriram, Udonthani, Khonkaen, Chayaphum, Chiangrai, Lampang, Sakolnakorn, Sukhothai, Nongkhai. The TOEA act as a One Stop Service Center; these integrated service providers reduce the risks of being migrant workers being lured by traffickers, as all needs (such as banking, health service, recruitment, and all necessary procedures for working abroad) can be accessed through this center. They also ensure easy access to the basic requirements for working overseas. This system prevents trafficking by removing the unnecessary need to seek assistance from labor brokers.

⁷⁰ Per person if recruited by government agencies

⁷¹ Per person if recruited by brokers

Activities to support overseas employment:

- Accept applications and facilitate overseas employment/internships
- Database and registration of workers who seeks overseas employment
- Overseas recruitment by the state
- Coordinate with other relevant government agencies in passport application, medical check-ups and background checks
- Pre-departure training for the overseas workers on safe migration

Publications and advocacy campaigns:

- Promoting the regional TOEA centers' accessibility
- Advocating safe overseas employment
- Providing information for workers seeking overseas employment, labor brokers, employers and the public

From January to October 2015, a total number of 52,264 persons visited the center. 22,371 persons have been employed overseas.

1.4.3 Inspection of recruitment agencies

1.4.3.1 Thai overseas recruitment licensee

In an attempt to provide better protection to workers through strengthening regulations of recruitment agencies, the registrar has granted licenses to a total number of 145 recruitment agencies to facilitate overseas employment under the Employment and Job-Seeker Protection Act, B.E. 2528 (2015). Furthermore, the Act required recruitment licensees to place 5,000,000 THB as security deposit to ensure remedy is provided in case of emergency.

The DOE also increased efficiency of reporting mechanisms such as incorporating procedures to receive complaints from job-seekers, investigating and fact finding processes with the workers and relevant persons, gathering evidence and writing reports to file charges against the violators. The data below show the number of agencies who failed to comply with the Act and received penalties.

Table 24⁷²: Comparison of Employment Agencies Prosecuted Between 2014 and 2015

Penalties	No. Of Employment Agency Prosecuted in 2014	No. Of Employment Agency Prosecuted in 2015
License Suspended	1	3
License Revoked	1	-
Prosecuted for Criminal Offense	3	7

1.4.3.2 Prosecution of labor broker and illegal employment agencies

Grievances from workers, inspection of labor brokers and unregistered employment agencies that had been conducted from January 2015 - December 2015, resulted in the prosecution of seventy-three cases of illegal brokers.

Table 25⁷³: Labor Brokers Prosecuted in 2015

Labor Broker Prosecuted	Cases	Victims (Thai Labor working overseas)
68	73	287

In partnership with the Royal Thai Police, forty-six cases are being prosecuted by the Anti-Human Trafficking Division, 25 cases are being prosecuted by Crime Suppression Division, Two cases were prosecuted by the Metropolitan Police Stations under the charges of “deceived others into believing that they can find overseas employment opportunities, in exchange for money or goods from victim.” Current penalty under Employment and Job-Seeker Protection Act, B.E.2528, and 3-10 years of imprisonment, with liability for fines of 60,000-200,000 THB (1,600-5,600 USD) or both.

1.4.4 Increase number in labor inspectors

1.4.4.1 Request for additional human resources in labor inspection

In order to ensure that no worker falls victim to forced labor, debt bondage, and that their rights are protected under the Labour Protection Act 1988 and Ministerial

⁷² Data retrieved on December 30, 2015

⁷³ Data retrieved on December 30, 2015

Regulation on Labour Protection in Sea Fishery Work 2015, an adequate number of labor inspectors must be put in place to ensure that the legal standards are complied with. One of the biggest gaps was the number of inspectors, which was not enough to closely monitor that the rights of workers are protected.

The MOL is working to increase the number of inspectors with the capacity to identify and refer trafficking and forced labor cases in line with ILO's international standards through two major initiatives: adding new labor inspectors and increasing the capacity of inspectors (under the DOE within MOL) to identify suspected cases of trafficking and refer them to the appropriate agencies.⁷⁴

The DLPW had 821 labor inspectors responsible for all labor inspections. ILO principle requires one labor inspector per 15,000 employees, that means Thailand would require 1,486 labor inspectors. Currently, the MOL requires 894 labor inspectors to meet the requirement of ILO standards, where the DLPW had already requested 419 additional labor inspectors.

As for the DOE, there are 471 inspectors with duties and power under the Alien Working Act 2008.

Currently, the MOL had requested 419 inspectors where the Cabinet approved in principle an additional 286 labor inspectors, consisting of 128 inspectors in the DOE and 128 in the DLPW, and 30 inspectors for the Office of Permanent Secretary of MOL.

Also, as the strength in roles and duties of each governmental agency are different, a partnership was formed to inspect labor, including delegated government officials from other relevant ministries such as the CCCIF, the RTP, the Department of Provincial Administration, and the Department of Fisheries. The delegated officials received trainings and manuals in labor inspection as required by the Labour Protection Act 1998. **A total number of 316 government officials were granted power as a special taskforce to conduct duties under the Labour Protection Act 1998 and 253 inspectors to work under the Alien Working Act 2008.**

⁷⁴ Previously, it was primarily the DLPW that was equipped to respond to trafficking and forced labor cases. By also building the capacity of inspectors under the DOE, the government is able to dramatically increase the number of competent officials performing this function.

Table 26: The Number of DLPW and DOE Inspectors

Number of DLPW Inspectors		Total
DLPW	Inspectors from Other Agencies	
821	324	1,145

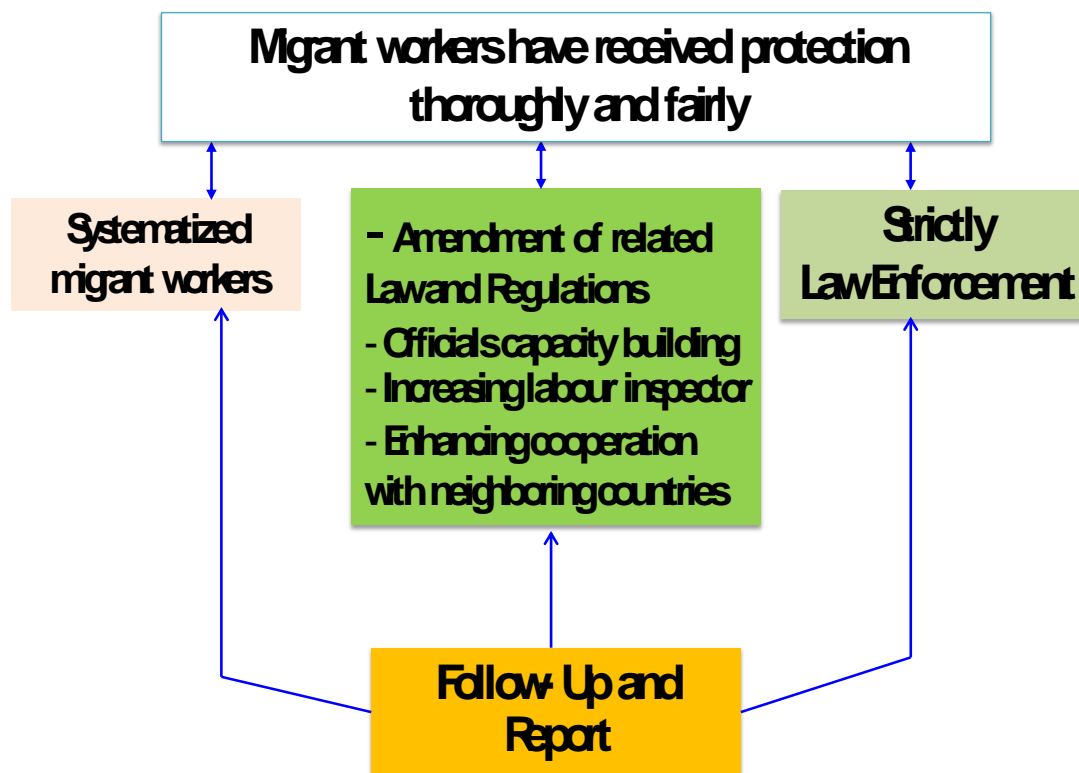
Number of DOE Inspectors		Total
DOE	Inspectors from Other Agencies	
471	253	724

1.4.4.2 Capacity building for the labor inspectors

An understanding among labor inspectors in the subject of forced labor and debt bondage were strengthened. The DLPW in partnership with ILO and CCCIF developed a curriculum called ‘Increasing Capacities for Labour Inspection Focusing on Vulnerable Workers’ to train labor inspectors with specific knowledge required for inspection in at-risk establishments. The training will provide knowledge to officials from MOL, CCCIF, Marine Police, Department of Fisheries, Marine Department, and Customs Department. The curriculum had provided training to 94 participants, with future plans for four more sessions to take place to provide training to a total of 185 officers.

In addition, the MOL in collaboration with ILO has established the project ‘Combating Unacceptable Forms of Work in the Thai Fishing and Seafood Industry’ to strengthen law enforcement mechanisms and improve policy standards for migrant workers in fisheries and seafood processing establishments. The project also aims to increase the capacity of government officials and labor inspectors to identify and combat issues of human trafficking and labor rights violations in fisheries and the seafood industry. The project at the draft planning stage and would also include access to social welfare services and rescue of victims of labor rights violations. The DPLW together with ILO, CCCIF, Marine Police, Department of Fisheries, conducted training to build capacity of labor inspectors. Currently, 57 inspectors were trained, and in the future work another 65 would be trained in the end of January 2016. [Chart 8](#) shows the problem-solving framework that the MOL has tried to tackle the issues of migrant workers in Thailand.

Chart 8: the problem-solving framework of the MOL



1.5 Border control

As the authority of all ports of entry to the Kingdom, the Immigration Bureau plays an indispensable role in combating trafficking. The Bureau holds responsibilities for 120 ports of entry consisting of 37 land ports, 54 seaports and 29 airports of entry. The Royal Thai Police assigned the Immigration Bureau for the implementation of strategies to prevent both regular migrants and undocumented migrants from becoming victims of trafficking.

In partnership with the Office of Judiciary, the MFA, MSDHS, Anti-Human Trafficking Center, DSI, UN Agencies (particularly UNODC), and various civil society organizations, the Bureau aims to strengthen the border control in order to prevent the crossing of suspects and traffickers, as well as vulnerable persons who are at-risk.

Their prevention strategies include raising awareness for migrant workers, both through publications and trainings. Other roles include inspection, screening and/or interviewing non-Thais crossing the border who they have a reasonable suspicion to be involved with trafficking, or vulnerable persons who may fall victim to trafficking. The number of persons interviewed at the ports of entry has increased significantly compared to previous year.

Table 27: Numbers of Persons Interviewed at Ports of Entry by Nationality⁷⁵

Year	Myanmese	Laotian	Cambodian	Vietnamese	Others	Total
2014 (April-December 2014)	865	4,559	17,657	1,145	1,110	25,336
2015 (January-December 2015)	16,481	21,010	30,351	1,294	6,521	108,093

Preventative measures were taken to ensure that no underage children from neighboring countries are at the risk of falling victim to trafficking. Most of the at-risk visitors are underage, and have been denied entry to the Kingdom through ports of entry; thus, they are screened through interviewing process at the border by the Immigration Police.

In collaboration with law enforcement from neighboring countries, Centers to Identify Victims of Trafficking (to identify cases of women and children) were established at 16 Provincial Immigration Centers.⁷⁶ The Centers enforced stricter screening through victim identification tools for deportees and visitors. The total numbers of at-risk visitors denied entry in 2015 are displayed in [Table 28](#).

⁷⁵ Information retrieved on January 8, 2016.

⁷⁶ Nongkhai, Mukdaharn, Ubolratchathani, Nakornpanom, Bungkarn, Loei, Srisaket, Tak, Chiangrai, Srakaew, Kanchanaburi, Chantaburi, Ranong, Songkhla, Satul, and 3 Immigration Centers Kabchoeng, Chiangsaen, Padang Besar.

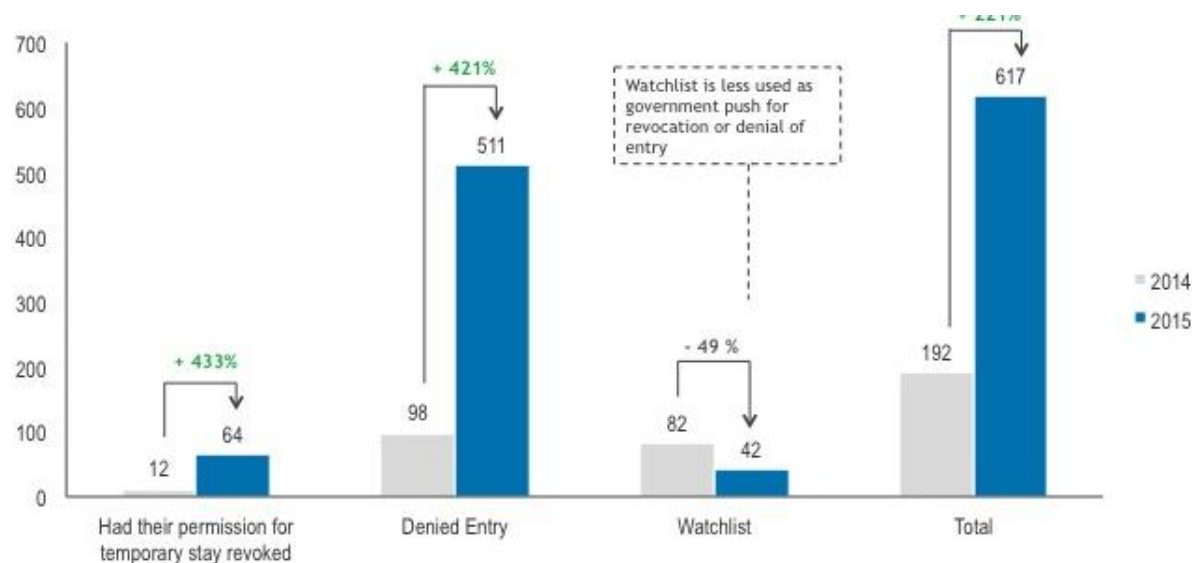
Table 28⁷⁷: At risk visitors denied entry in 2015

Month	Country of Origins					Total
	Myanmar	Laos	Cambodia	Vietnam	Others	
January	2	35	1	4	-	42
February	-	114	-	6	1	121
March	6	79	-	43	1	129
April	-	81	-	77	-	158
May	5	115	-	3	-	123
June	18	91	-	-	-	109
July	7	52	1	40	63	109
August	--	68	1	17	69	155
September	15	218	--	4	42	279
October	-	101	1	7	50	159
November	10	119	2	14	34	179
December	5	220	-	17	44	286
Total	68	1,293	6	232	304	1,903

The Details of warrants, watchlists, and blacklisted persons are given to the Immigration Bureau. This information is a necessary tool for the competent official to screen foreigners who enter and depart the Kingdom of Thailand. Total cases of suspects who were denied entry, revoked permission to stay, and on the Government's watchlist improved dramatically over the period of a year as shown through the data in the table below. The number of people on the watchlist was the only category with decreasing numbers, which reflects the government's increased capacity and efficiency in determining which suspects should be denied entry rather than merely placed on the watchlist.

⁷⁷ Data retrieved on January 8, 2016.

Chart 9⁷⁸: Actions taken against foreigners suspected of/are sex offenders through the database



2. Significant measures taken to reduce vulnerabilities of risk groups especially children and women.

2.1 Prevention measures to eradicate child labor

As mentioned in the Policy section of this report, in the 2015 Finding on the Worst Forms of Child Labor, from U.S. Department of Labor, Thailand was estimated as 1 out of 13 countries compared to the overall 140 countries with significant advancement in the progress of eradicating worst-form of child labor. Besides the revision of relevant law, particularly the Ministerial Regulation on the prohibition on allowing workers under the age of 18 to work in fishery sector and fish processing industry as mentioned in the policy section of this report, the government in partnership with relevant agencies designed a survey on child labor to collect data on the status of working children nationwide.

2.1.1 The National Child Labor Survey

The survey, which will bring light to the current status of working children in various sectors, had been drafted in 2015 in partnership between MOL and National Statistical Office of Thailand. The process of data collection was begun in December 2015, and is expected to be complete by March 2016.

⁷⁸ Data retrieved on January 8, 2016

The child labor survey is divided into three phrases:

1. Design of survey questionnaire targeting children involved in sugar cane sector, the pilot survey would be conducted in the four regions of Thailand within January 2016.
2. The survey would be carried out in the target of children working in sugar cane sector by end of February to March 2016. The evaluation and processing of data collected will be in April-May 2016 with the technical support from ILO.
3. In partnership with ILO in set up of system for child labor survey nationwide, to begin in April 2016.

2.1.2 Ensuring that no child labor is involved in sugar cane sector

The Thai government has designed a survey to collect data in sugar cane factories and establishments to ensure that children are not involved in labor. The MOL in partnership with the National Statistical Office of Thailand has a national plan of action to survey children working in the sugar cane sector in 47 provinces. The survey would take place from February until March 2016. The data will feed into the national report to submit to US Department of Labor to request the withdraw of Thai sugar cane sector from the TVPRA list.

2.1.3 Hotline with interpreters readily available for migrant workers

The MOL had established two Hotline services to support the Ministry's complaint mechanisms. Hotline 1546 was set up particularly for migrant workers who can speak English and those from Myanmar. The Hotline provides legal advice with 3 interpreters in the following languages - 1 English, 1 Burmese, 1 Cambodian. Thirty complaints were received through the hotline with the following cases;

- 1 case of no annual vacation permitted.
- 1 case of working exceeding working hours
- 2 cases of employers refused to pay overtime working fees
- 3 cases of lack of national holiday
- 4 cases of payment below minimum wage
- 5 cases of overdue monthly payments
- 1 case of lack of regulation regarding workplace
- 13 cases of more than one complaints (sick leave, pay reduction, no safety appliances installed)

Moreover, the 1546 Hotline also provided 21 interpreters in 18 provinces with a large number of migrant employment, including Bangkok, Tak, Pattani, Phuket, Ranong, Rayong, Songkhla, Samutsakorn, Suratthani, Chumporn, Kanchanaburi, Chiangrai, Trad, Nakornpanom, Narathiwat, Mukdaharn, Srakaew, Nongkhai.

While the 1694 Hotline center was established by the DOE in 2014, significant improvements had been made in July 2015. This is because the hotline targets migrant workers from four neighboring countries Myanmar, Laos, Cambodia, and Vietnam, in addition to responding to calls from Thai workers and employers. Its mission is to answer questions regarding employment in the country, international employment, job seeker protection, professional advice, self-employment services and foreign workers. It also receives complaints/grievances 6 Interpreters were provided consisting of 2 English interpreters, 2 Cambodian, 2 Myanmar. **The 1694 Hotline received 42 cases of complaints, which were transferred to relevant agencies such as the RTP, MSDHS and DLPW.**

Table 29: Number of Hotline Users by Nationality

	1546 Hotline for the Protection of Labor 1694 Hotline (beginning July 2015)
Persons from Myanmar	9,967
Laotians	4,381
Cambodian	10,711
Vietnamese	2
Unidentified English-Speaking Foreigner	950
Thais	79,494
Total	105,505

2.2 Establishment of Command Center to Protect Children and Women Against Trafficking

The center was established in February 2015 by MSDHS to strengthen and reduce vulnerabilities of children and women against trafficking. The headquarters is located in the MSDHS office in Bangkok with regional centers established in all Provincial Offices of the MSDHS. The centers act as a coordinator to collect data of cases of children and women who are victims of trafficking. In the future, the center will facilitate the management of all cases of children and women under the protection of MSDHS.

The center's implementation requires integrated collaboration from other partner agencies and relevant organizations, both in the headquarters of the MSDHS's headquarters in Bangkok), and in the regions. Concrete results of the center are exemplified by several activities, such as revision and improvement of the interview form for trafficking victim identification, an increase in the number of interpreters, increase in the number of female investigative officers, the revision of MOUs, strengthened partnership with neighboring countries and the overall improvement of the standards of the shelters for victims of trafficking, and prevention of entry of at-risk persons to trafficking into the country. See the Protection section of this report for further details.

2.2.1 Raising awareness for press and media

The center organized a seminar to raise awareness for the press in issues related to trafficking and various forms of exploitation such as child beggars, sex trafficking, and migrant workers who are trafficking victims. The objectives of the seminar were two fold: firstly so that the public can be more aware of the issue and have better understanding through representation by the media, and second, so that the press can take part in the prevention of trafficking by monitoring to detect signs of trafficking. A total of 110 participants had received training in December 23, 2015.

2.3 Preventative Measures to Eradicate Child Pornography

2.3.1 Amendments in the Penal Code on Child Pornography Offences

The government passed the Penal Code Amendments No. 24 (2015) on Child Pornography Offences to provide a comprehensive and specific definition of child pornography and criminally sanction all acts related to child pornography, including possession. Since the Act became effective on 7 December 2015 and two cases having already been charged under the Act, this taskforce under Thailand ICAC has been assigned responsibility to enforce the Act comprehensively.

2.3.2 International Cooperation on Investigation of Child Pornography

The first case Australian Federal Police: AFP has requested DSI to investigate an Australian child abuser who was jailed in Indonesia before being deported from Indonesia to Australia last year, after which he came to Thailand to teach in the a province in the Northeast. DSI, Internet Crime against Children (ICAC), RTP, Central Institute of Forensic Science Thailand and Technology Crime Suppression Division kept him under surveillance for days until arrested him. He will be extradited back to Australia to face charges, as requested by the Australian government.

In another case, Homeland Security Investigation: HSI, USA collaborating with DSI, ICAC, RTP, and police region 5 arrested a 67-year-old American in Chiang Mai on charges of possessing child pornography after they were tipped off that the suspect allegedly Molested young boys and shared nude photos of them on Facebook. Authorities found photos of the victims on his computer. The Police are now interviewing the victims in order to build a case for further charges. The suspect might be charged with child pornography and Computer Crimes Act

In November 2015, HSI, coordinated with DSI for a case also involving National Center for Missing and Exploited Children: NCMEC, a US-based group that campaigns against child sex abuse and trafficking. NCMEC traced child pornography and found IP address of a known Buddhist scholar who was believed to stay in Thailand; so, DSI, ICAC, and RTP police region 5 investigated and found the suspect in Chiang Mai. After asking for a warrant from the court, they cooperated with the Technology Crime Suppression Division, Immigration and Office of Police Forensic Science in a raid and allegedly recovered indecent images of children from his computer. The images were shot by him and uploaded from other sources. Some of the children in the images stay near his area. He has been charged with child pornography possession and distribution according to the Penal Code Amendments No. 24 (2015) on Child Pornography Offences and Computer Crimes Act, where UK police joined as observers.

2.4 Preventive measures for child sex trafficking victims

Ministry of Interior has established special taskforces to combat the issue of trafficking. At the provincial level there are 76 taskforces, and at the District level there are 878 taskforces. The special taskforce arrested cases of trafficking in the form of child sexual exploitation. Cases of forced sexual exploitation were found in restaurants and Karaoke stalls. In 2015, 18 cases were arrested in 12 provinces⁷⁹. Charges were filed and cases are being prosecuted with 30 persons including business owners, managers, and brokers involved in the recruitment of child sex workers. 3 cases are under prosecution and 15 cases are being investigated. As a result of the taskforce operations, Provincial Governors ordered 18 at-risk businesses to shut down and terminated, whereas rescue and protection was provided to 32 child victims of trafficking, with nationalities as follows:

⁷⁹ Phanggha, Udonthani, Pathumthani, Bangkok, Nakornpathom, Suparnburi, Nongkai, Chumporn, Songkhla, Kanchanaburi, Suri, and Ubonratchthani

Table 30: Cases of child sex trafficking victims rescued as a result of the operation

Nationality	Number of cases
Laotian	14
Shan Ethnicity	5
Myanmar	6
Thai	7
Total	32

2.4.1 Complaint Mechanism to Dumrongdhama Center

The Dumrongdhama Center of Ministry of Interior was established 2004, but in 2014 the National Council for Peace and Order (NCPO) had increased the center's capacities and resources. The center acts as a coordinator to help solve and combat problems that occurred in the community, including but not limited to corruption of government officials, child protection, various forms of exploitation and human trafficking. Members of the Provincial Dumrongdhama centers include government officials under the Ministry of Interior such as the Governor, Deputy Governor. In District Dumrongdhama Center includes District Chief Officer, Minor District Chief Officer, Assistant District Chief Officer, etc. Once a complaint had been filed to the Dumrongdhama centers, the competent officials would identify the case and refer to relevant governmental agencies such as MSDHS and MOL.

2.4.2 Inspection of at-risk businesses of sexual trafficking

In the year 2015, total budget of 6,000,000 THB (166,000 USD) was allocated for FY2015 by the Ministry of Interior for prevention and suppression of trafficking in persons with emphasis on the capacity building of Provincial and District level officials such as Chief District, etc. In 2016 (beginning 1 October 2015) the budget allocation was increased to the total of 19,103,900 (530,000 USD). From the 218% increase (13,103,900 THB) of the budget, 8,043,900 THB was allocated for the establishment and implementation of the special taskforce, and an additional 11,060,000 THB was allocated to the capacity building for local government officials. As a lot of trafficking in the form of sexual exploitation remains undetected in the unregulated businesses such as Karaoke stalls, bars, entertainment spots, etc., the Ministry of Interior ordered a thorough inspection of at-risk businesses which may be involved with trafficking nationwide. In cases of violation, the business would be ordered to shut down and their permit revoked.

Table 31: Results of at-risk businesses inspection in 2015 by the Ministry of Interior

Actions taken	Entertainment Business	Liquor Store	Other at-risk businesses	Total
Total number of at-risk businesses inspected	18,254	77,363	47,128	142,745
Total number of legitimate businesses	18,240	76,829	46,918	141,987
Ordered shut down with power under the order of NCPO	-	140	-	140
Under prosecution	-	391	210	601
Permit Suspended	12	1	-	13
Permit Revoked	2	2	-	4

2.5 Prevention measures to eradicate child sex tourism

Ministry of Tourism and Sports in partnership with Ministry of Social Development and Human Security, Ministry of Interior, MFA, MOL came together to eradicate sex tourism in 30 provinces that are tourist destination. The Ministry of Tourism had organized trainings to strengthen prevention and protection against sexual exploitation in tourism networks consisting of local government officials, private sectors, NGOs.

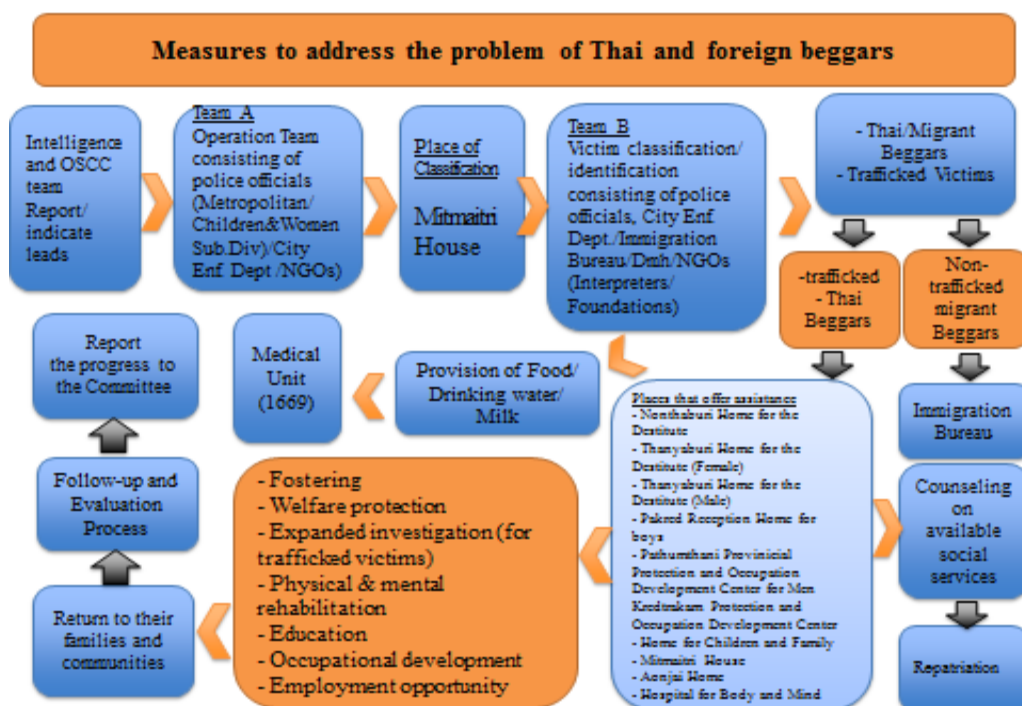
In 2015, 4 trainings had been organized for 647 participants. There are also development and campaigning of anti-sex tourism with more than 1,000 children who participated at each activity. Moreover, the MSDHS had a seminar 'Issues of Human Trafficking' which two hundred participants attended, to raise awareness and focus on safe tourism and sexual exploitation in tourism industry. The provinces that were involved are Samutsakorn, Naan, Buriram, Chumporn. The network distributed awareness raising materials for tourists and private sectors in the province.

The Tourist Police had reported 18 cases to the Royal Thai Police that may be related to the issue of sexual exploitation. Ministry of Tourism and Sports are also responsible to inspect and monitor unregistered guides to reduce chances of sexual exploitation in the tourism industry.

3. Integrated efforts to eradicate the issue of beggars

3.1 Beggars control and management

The MSDHS established a taskforce to address the problem of begging. The special taskforce consists of three operation teams: first, an intelligence team tasked with the data survey collection on cases of forced begging, second, an operation team which operates in specific geographical location areas, third, an operation team consists of victim identification officers from the MSDHS and RTP to identify victims of forced begging and case referral in coordination with other relevant agencies to provide assistance to victims and non-victims as necessary.



Since October 2014, a total of 3,648 beggars were part of the management scheme, including 2,410 beggars of Thai nationality and 1,238 foreigners. No case of trafficking in person was found as a result of the management scheme. After the cases had been identified and rescued, the beggar would be transferred to the 11 Homeless Protection Centers across the country. A multi-disciplinary team would then later interview and analyze each case and design a unique Individualized Rehabilitation Program (IRP) to suit the specific needs of each case for rehabilitation. A prominent example of an IRP program is 'Thanyaburi Model' which has been developed to focus on the mental health rehabilitation, social, physical health, and providing necessary skills for job opportunities. The objective of the process is to ensure self-reliance, employment skills, and prevention of return to begging.

Furthermore, to solve the issue of forced begging and begging in the long term, the Royal Thai Government is in the process of amendment of the Control of Begging Act B.E. 2484 (1941) which is being considered by the National Legislative Assembly and is expected to be in effect around February 2016. These amendments aim to better protect high-risk groups and reduce vulnerability. They aim to ensure that the individuals who force, employ or encourage begging will be punished with a higher punishment if it involves children, the elderly, ill, handicapped or pregnant people; if it is organized by two or more people; or if the people are brought from outside the kingdom into Thailand. In addition, beggars shall be provided rehabilitation services.

4. Granting Thai Citizenship to Members of Ethnic Minorities, Stateless Persons and Highland People

In recognizing that stateless persons remain one of the most vulnerable groups to the risk of trafficking in person, as a prevention measure to reduce vulnerabilities of members of ethnic minorities, stateless persons, and highland people, the Ministry of Interior (MOI) granted its authority to the District Chiefs to expedite the nationalization process without having to seek an approval from the MOI. See [Table 32](#).

Table 32: Numbers of stateless persons granted of citizenship by the Ministry of Interior from 2013-2015

Year	2013	2014	2015 (January- November)	Total
Stateless persons granted citizenship	6,983	5,667	8,038	20,688

In 2015, 8,038 persons were granted citizenship between the period of January 2015 - November 2015, in comparison of 5,667 persons in 2014, with an increase of 42% or 2,371 persons. Thus, this will help members of ethnic minorities, stateless persons, and highland people to access to rights and legal status faster and more effectively through their nationalization process.

Partnership

Partnership, as specified in the TVPRA minimum standards and related indicators, is one of the key elements in Thailand's efforts to address the problem of human trafficking more effectively. While continuing to strengthen existing cooperation, in 2015 the Royal Thai Government has focused on forging ***strategic partnerships*** with stakeholders, including the private sector, civil society, concerned and affected countries and international organizations, to produce ***tangible and sustainable results***. Examples of these strategic partnerships and how they improve policy implementation, prevention, protection and prosecution throughout 2015 are illustrated in the preceding chapters.

The objective of this chapter is to discuss Thailand's strategic partnership initiatives that transcend all 5 Ps areas and deliver real results that help mitigate the problem of human trafficking through the tackling of structural conditions. These partnerships provide both a forum and framework to address the root causes of human trafficking and related issues. They are: (1) the Public-Private-Civil Society Partnership (PPCP), (2) Partnership to address the structural conditions of maritime irregular migration, (3) Partnership under the Bali Process and (4) Partnership under the ASEAN Framework.

1. Public-Private-Civil Society Partnership (PPCP)

The evolving nature of human trafficking requires Thailand to explore and adopt a more integrated approach to deal with the problem more effectively. Collaboration across all concerned sectors and with relevant organizations is necessary to enhance Thailand's capacity in handling the complexity of the problem. The year 2015 witnessed the new dynamics of public, private and civil society collaboration as follows:

1.1 Engaging the private sector in tackling human trafficking in the fishery sector (TFFA measures)

As the employers of labor and owners of venue where human trafficking and forced labor in the fishery sector sometimes reported, the private sector has a responsible role to play in solving the problems. In 2015, Government agencies, including the Ministry of Foreign Affairs, have engaged more closely business associations and companies in the fishery and seafood processing industries to raise their awareness and

consequently take greater responsibility together with concrete measures to curb human trafficking and forced labor.

As a result of this enhanced engagement, for instance, the Thai Frozen Foods Association (TFFA) and Thai Union Plc. announced their new initiatives to be taken effect after December 31, 2015. From the beginning of 2016 onwards, TFFA and Thai Union Plc. will bring all shrimp pre-processing operations in house to provide oversight and ensure transparency throughout its supply-chain. By implementing this measure, TFFA can assure that the supply-chain of all its pre-processing operations will be free of IUU, human trafficking, child labor and forced labor. Members of TFFA who do not comply and continue to source from external pre-processors will lose their membership, and thus their ability to export shrimp products overseas.⁸⁰ The same effect is also the case for Thai Union Plc.

Moreover, TFFA and Thai Union Plc. are working in partnership with the MOL and an internationally recognized, local NGO, the Labor Rights Promotion Network (LPN), to find appropriate remedial options for the owners of these pre-processing factories as well as their Thai and migrant workers.

1.2 Public-Private-Civil Society Partnership Working Group (PPCP-WG)

Business owners and labor rights promotion NGOs generally yet naturally hold different views about where to strike a balance between employment and labor welfare. The sustainable solution to this balance requires the dialogue which in many cases is difficult to come by due to lack of trust and good mediation. Nonetheless, such a dialogue is so crucial and has significant implications not only to labor rights promotion and protection as well as business sustainability but also to better prevention and oversight of human trafficking and forced labor in concerned industries.

The Ministry of Foreign Affairs has continuously attempted to foster such a dialogue of tripartite nature and to build greater trust between business and civil society sectors having to do with human trafficking and forced labor problems.

On December 24, 2015, the Minister of Foreign Affairs as the Chairman of the National Subcommittee on Public Relations and Legal Affairs under the Policy Committee on combating Human Trafficking and IUU Fishing presided over the meeting that

⁸⁰ In accordance with Article 5 of the Ministry of Commerce Notification on The Export and Import of Goods from and to the Kingdom (Number 43) 1987, companies wishing to export frozen shrimps and squids to the United States and the European Union must be member of the TFFA.

comprised 12 private sector agencies and 7 domestic NGOs. The objectives were to: (1) encourage participants from the public, private, and civil society sectors to review Thailand's recent developments and challenges in combating IUU and human trafficking in Thailand's fishing and related industries; (2) candidly exchange views and expectations of one another's roles; and (3) discuss possible cooperation activities to address existing hurdles and better tackle human trafficking and its related problems in a holistic manner.

Some of the proposals agreed by the participants from all sectors include:

- Creating a working group, namely the **Public-Private-Civil Society Partnership (PPCP) Working Group** in order for the public, private, and civil society sectors to collaboratively work together to address issues in such areas as labor problems in the fishery sector, trafficked women and children, as well as victim protection and welfare. A designated contact person from each of the participant will be in charge of further coordination and exchanging necessary information, including updates and progress made by each;

- The Stella Maris Foundation⁸¹ suggested developing a **Drop-In Center** by fish markets that can provide workers with information about working conditions and their fundamental legal rights, give workers access to basic healthcare services, and offer a space where they can voice their concerns and discuss with their employers about employment or labor related issues. A prototype of this Drop-In Center already exists in Songkhla, as a result of collaborative efforts between Stella Maris, Charoen Pokaphand Foods Company (CP), and Songkhla Fish Marketing Organization (under the Ministry of Agriculture and Cooperatives); and

- All relevant agencies are in the process of considering the proposals initiated at this meeting and are in full support of pushing forward the ideas of creating a PPCP Working Group and developing a Drop-In Center initiative to achieve its concrete manifestation.

What is more, on January 15, 2016, as part of an all-out effort of the government to combat IUU fishing and human trafficking in the fishery sector and seafood processing industry, the CCCIF signed an MoU with 36 organizations, including 12 government

⁸¹ The Stella Maris Foundation is an NGO working on Rohingya and forced labor issues in the fishing industry. The Thai government is continuing to deepen its partnership with this organization. From 2013 to 2015, Stella Maris Foundation has been working closely to combat human trafficking, in cooperation with Catholic Network Against Trafficking Thailand (CNATT) and Talitha Kum have trained more than 35,000 migrant workers, as well as fishermen throughout Thailand to prevent them from being victims of human trafficking, 2,967 migrant workers were assisted in their protection program, and 466 migrant workers and fishermen were assisted in prosecution processes.

agencies (such as the Marine Department and the Department of Fisheries), 21 seafood private sectors (such as the Thai Tuna Industry Association and the Thai Frozen Foods Association (TFFA) and 3 organizations, namely the Labor Rights Promotion Network (LPN), the International Labour Organization. Together, they pledged to be in strict compliance with the Royal Ordinance on Fisheries B.E. 2558 (2015), the international standards and to join hands in combating IUU fishing and human trafficking in the fishery and seafood processing sectors. Also, as part of the pledge to ensure clean supply chain with no risk of materials derived from IUU fishing contaminating the production chain and no use of child labor, human trafficking or labor exploitation, the Joint Standing Committee on Commerce, Industry and Banking and the Thai Fishery Producers Coalition (TFPC), which consists of 8 associations: the Thai Frozen Food Association, the Thai Food Processors' Association, the Thai Shrimp Association, the Thai Tuna Industry Association, the National Fishery Association of Thailand, the Thai Overseas Fishery Association, the Thai Fishmeal Association and the Thai Fishmeal Producer, made an announcement, on the same day, of their determination and commitment to work with both the government and CSOs to end IUU fishing and human trafficking in the fishery and seafood processing industries as soon as possible.

2. Partnership to Address Maritime Irregular Migration

As a transit country in the migration route in the Indian Ocean, Thailand has taken a leading role in promoting partnership with other affected and interested countries in order to address maritime irregular migration in the region more effectively, comprehensively and sustainably. Thailand's leadership on this front can be summarized as follows.

Firstly, Thailand initiated and hosted the 1st and 2nd Special Meetings on Irregular Migration in the Indian Ocean (May 29, and December 3 - 4, 2015). The Meetings were the first of their kind, which successfully brought together government representatives from all affected and relevant parties as well as related international organizations, namely UNHCR, IOM, UNODC, and ASEAN to openly discuss comprehensive measures to address this regional problem, from the root causes at the sources to smuggling and trafficking rings at the origin, transit and destination countries. The Meetings were also able to mobilize stronger political will and commitment to tackling the complexity of the problems. As a result of concrete measures taken after the First Meeting in May 2015, especially stringent law enforcement measures including the cracking down of people smugglers and traffickers, the region witnessed a sharp decline in the number of irregular migrants in the last quarter of 2015, which is recognized by UNHCR and quoted by media, such as Reuters.

At the Second Meeting, one of the emphases was placed on prevention at the very sources. In this regard, Thailand initiated and launched a regional multi-media information campaign to raise awareness of the risks and danger of irregular migration, which Thailand already pledged 100,000 USD for its implementation. The campaign will also send a strong message to criminal networks in the region of the seriousness the countries involved have taken to combat people smuggling and trafficking in persons. Other emphases at this Second Meeting include the promotion of economic and social security through development assistance in order to alleviate factors that push potential migrants to leave home.

During the First and Second Special Meetings as above mentioned, Thailand took initiative to organize a small group discussion among the five most affected countries, namely, Thailand, Bangladesh, Myanmar, Indonesia and Malaysia. The discussion focused on exploring concrete measures that the five most affected countries could agree to take together to tackle the problem. On February 1, 2016, Thailand will host again a Special Retreat on Irregular Migration in the Indian Ocean for the five countries. The Retreat will discuss a draft Action Agenda, which includes a set of possible action points that the five countries can start implementing immediately. It is hoped that the meeting will be able to set up an appropriate mechanism to follow up such implementation. The supportive roles of international partners, including the United States, are welcome in this process.

3. The Bali Process

Thailand is one of the founding members of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime since 2002 and has continued to play an active role especially on the topic of trafficking in persons. Since 2009, Thailand has been a Coordinator of the Bali Process Activities on Policy and Law Enforcement Response. Thailand had actively engaged in the activities of the Bali Process Working Group on Trafficking in Persons and the Bali Process Working Group on the Disruption of Criminal Networks Engaged in Trafficking in Persons and People Smuggling as well as co-chaired the Drafting Committee of the Bali Process Policy Guides on Criminalizing Trafficking in Persons and Smuggling of Migrants, which was published in 2014. In 2015, Thailand organized several symposiums and meetings on anti-human trafficking, such as the Bali Process Regional Symposium on Trafficking in Persons for the Purpose of Labour Exploitation, the Bali Process Policy Guides on Identifying and Protecting Victims of Trafficking and the Bali Process Working Group on Trafficking in Persons. Thailand is also co-hosting, together with co-chairs Indonesia

and Australia, the 10th Ad Hoc Group (AHG) Senior Officials Meeting (SOM) during February 1-2, 2016 in Bangkok.

Thailand's leadership and active contribution, especially in legal matters and standardization of ways to criminalize trafficking in persons criminals, and victim identification and assistance, illustrates Thailand's efforts in combating human trafficking not only at the national level, but also at the regional level. Vice-versa, the Bali Process and the international cooperation through the Process has helped combat human trafficking in Thailand.

4. ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP)

On November 21, 2015, the ten ASEAN leaders signed the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) at the 27th ASEAN Summit in Kuala Lumpur, Malaysia. This Convention is indicative of the firm commitment of ASEAN Member Countries, including Thailand, to combating trafficking in persons and protecting victims in accordance with their rights. The legal elements of ACTIP were developed on the basis of key international instruments, such as the United Nations Convention against Transnational Organized Crime (UNTOC), the United Nations Trafficking in Persons Protocol (UN TIP Protocol), and the United Nations Global Plan of Action to Combat Trafficking in Persons (GPA). ACTIP's key substance covers cooperation on prevention, protection and prosecution aspects, plus a step beyond the UN TIP Protocol in its emphasis on addressing the root causes of human trafficking, such as poverty, other push and risk factors, as well as measures to reduce the possibility of re-trafficking. ACTIP also identifies instances in which severe penalties should be leveled against traffickers, including complicit government officials in human trafficking.

In tandem with ACTIP, the ASEAN Plan of Action against Trafficking in Persons (APA) has also been developed to curb human trafficking at both demand and supply sides. By adopting APA, ASEAN will be able to strengthen the **rule of law** and improve **border control** among ASEAN member states, as well as intensify combined efforts to prosecute wrong doers in cases related to trafficking in persons. Currently, concerned Thai agencies are working towards the accession of ACTIP. For example, the Ad Hoc Special Legal Committee proposed to include practices similar to slavery, servitude, or the removal of organs, regardless of consent, as well as including the abuse of power or of a position of vulnerability to the definition of the Anti-Human Trafficking Act B.E. 2551 (2008) to be passed by the NLA Assembly before the end of 2016.

Table of Comparison:

Key progress pre-2015 and in 2015

Issues	Pre-2015	In 2015
1. Policy & Legislative Changes 1.1 Budget on combating human trafficking	<ul style="list-style-type: none"> • 1,529,680,000 THB (42,491,111 USD) in the Fiscal Year 2015 (October 1, 2014 - September 30, 2015) 	<ul style="list-style-type: none"> • 2,081,890,000 THB (57,830,277 USD) in the Fiscal Year 2016 (October 1, 2015 - September 30, 2016) • In addition, the CCCIF (together with other concerned agencies) was allocated a total of 508,400,000 THB (14,122,222 USD) to address IUU fishing <i>and</i> human trafficking in the fishery sector
1.2 Official complicity	<ul style="list-style-type: none"> • One case of official complicity in 2013 and 5 cases involving 7 officials in 2014 	<ul style="list-style-type: none"> • 29 officials are facing <i>both</i> disciplinary and criminal sanctions for complicity in trafficking. In addition, one former member of the Satun Provincial Administration Organization (PAO) was already sentenced to 22 years and six months of imprisonment and ordered to provide indemnity to a Rohingya victim of human trafficking

	<ul style="list-style-type: none"> • Officials were easily able to use their connections and job titles to help themselves/others involved in trafficking 	<ul style="list-style-type: none"> • The Prime Minister's Office issued the Administrative Measures to Prevent Public Officials' Involvement in Human Trafficking are now in place (effective since October 17, 2015)
1.3 Integrated interagency trafficking database system	<ul style="list-style-type: none"> • Not available 	<ul style="list-style-type: none"> • Operational, linking data on trafficking cases throughout the entire judicial process
1.4 The Royal Ordinance on Fisheries B.E. 2558 (2015)	<ul style="list-style-type: none"> • The previous Fisheries Acts in Thailand did not deal with IUU fishing and human trafficking in the fishery sector 	<ul style="list-style-type: none"> • The Royal Ordinance on Fisheries B.E. 2558 (2015) that came into force on November 2015 does not just address the IUU fishing problem but also aims to eliminate all forms of forced labor and improve the welfare and working conditions of fishery workers both inland and at sea
1.5 The newly amended Anti-Human Trafficking Act B.E. 2558 (2015)	<ul style="list-style-type: none"> • Lack some key legal definitions, weak punishment terms, and did not fully empower officials to do their jobs properly 	<ul style="list-style-type: none"> • The new Anti-Human Trafficking Act B.E. 2558 (2015) and corresponding implementation regulations now empowers authorities to immediately shut down work places or suspend operating licenses of factories where evidence of human trafficking is found • Punishment terms now increased from 4-10 years of imprisonment to 8-20 years of imprisonment and fine raised

		<p>from 80,000-200,000 THB to no more than 400,000 THB. In cases where the trafficking results in death of victim, punishments are now up to life imprisonment or capital punishment.</p> <ul style="list-style-type: none"> • The <i>ad hoc</i> Special Legal Committee, specially appointed by PM, is now working on the clarification of key legal terms, such as “exploitation”, “debt bondage”, “forced labor”, “exploitation of child labor” and/or “dangerous working environment”. The Committee is also drafting a new provision to classify the exploitation of child labor below the age of 15 in dangerous occupations and under extreme working conditions that pose physical and/or mental threats, including all work in the sea fishing and seafood processing sectors, as human trafficking offenses
1.6 The Human Trafficking Criminal Procedure Act	<ul style="list-style-type: none"> • Never existed 	<ul style="list-style-type: none"> • A draft has been approved in principle by the Cabinet and is soon to be considered by the National Legislative Assembly beginning in February 2016 • This Act aims to further accelerate the adjudication of human trafficking cases and also increase the success rate of reaching verdicts in a timely and

		transparent manner, with better protection of victims and witnesses while giving evidence in court. It will also specifically reduce, if not eliminate, the possibility of defendants jumping bail
1.7 Financial incentives for whistleblowers in human trafficking cases and also for those who can provide information that leads to the police being able to re-arrest a defendant who has jumped bail	<ul style="list-style-type: none"> • Never existed 	<ul style="list-style-type: none"> • Financial incentives - to be taken from the Anti-Trafficking in Persons Fund - shall be provided from February 2016 onwards.
1.8 Amendments in Penal Code on child pornography offences	<ul style="list-style-type: none"> • Lacked clear penalty and definition of child pornography under the Penal Code, which led to exploiters being able to advantage of the gap in legislation to further exploit child victims in Thailand 	<ul style="list-style-type: none"> • The Amendments of the Penal Code on child pornography offences Number 24 became effective on December 7, 2015 and can now better protect all children under the age of 18. Since December 7, 2015, 2 cases have been charged under the Code.
1.9 The Anti-Money Laundering Act to enhance the effectiveness of prosecuting human trafficking cases	<ul style="list-style-type: none"> • Weak legal tools for the Anti-Money Laundering Office (AMLO) to enforce the previous Anti-Money Laundering Act against human traffickers 	<ul style="list-style-type: none"> • The new Act empowers AMLO to use criminal measures and confiscate the civil proceeds of any person who knowingly obtains, possesses or uses assets connected with the commission of a predicate offense of money laundering under this Act.

		<ul style="list-style-type: none"> • This serves both as a source of intelligence about connections of criminal rings to contribute to law enforcement's intelligence gathering, as well as provides the government with a much more powerful legal tool to cripple the financial operations of trafficking rings
2. Prosecution 2.1 Intelligence-Led Response and greater cooperation to curb human trafficking	<ul style="list-style-type: none"> • Law enforcement agencies tried to engage with local community groups, a small number of Civil Society Organizations (CSOs) and their counterparts in other countries to combat trafficking in persons but mainly relied on the work done by the police force 	<ul style="list-style-type: none"> • Law enforcement agencies intensified their cooperation both among themselves and with many more CSOs (both in and outside Thailand) to use intelligence gathered to guide the operations to crack down the organized trafficking rings and not only the 'big fish' • Law enforcement agencies also worked hand in hand with the Anti-Money Laundering Office for criminal and financial investigations. • Law enforcement agencies now collaborated even more actively with other countries to exchange information and intelligence for stronger evidence • Criminal Justice Agencies adopted a victim-centered approach to better protect victims as well as witnesses,

		<p>which also helped to expedite the trafficking cases</p> <ul style="list-style-type: none"> • As a result, Thailand investigated 317 cases, arrested 547 defendants and helped 720 victims (compared to 280,412 and 595 respectively in 2014) • Example: The assets connected with the commission of Hua Sai case were frozen since the beginning of the case, consisting of 163 bank accounts amounting to 68 million THB (1,872,274 USD) and houses, business premises, land and vehicles totaling 11 items worth 150 million THB (4,131,609 USD). The forfeiture of assets relating to the Padung Besar case included 303 items of bank accounts, land, houses, vessels, cars, and business establishments valued around 210 million THB (5,785,049 USD)
2.2 Setting-up of a Special Human Trafficking Division within the Criminal Court in Bangkok	<ul style="list-style-type: none"> • Never existed so all cases, trafficking and others, go through the same channel 	<ul style="list-style-type: none"> • The Special Human Trafficking Division within the Criminal Court in Bangkok began its operation on August 10, 2015 because the Court saw the importance of having a unit equipped with judges who specialize in human trafficking cases in order to expedite the human trafficking cases so that it means less time

		<p>of suffering on the part of the victims (and often the witnesses)</p> <ul style="list-style-type: none"> • From August 10 until December 31, 2015, the Special Human Trafficking Division within the Criminal Court received a total of 22 cases, including the Hua Sai-Padung Besar case; one case has already been convicted • The Chief of the Supreme Court transferred the Padung Besar case from the Nathawee court to this Division at the Criminal Court in Bangkok in order to prevent interference from defendants who are powerful in the South and also to speed up the court trial, given more manpower with expertise in human trafficking • The Court will continue its hearings on the Padung Besar case continuously from March to December 2016 (initial hearings took place in December 2015 and January 2016). A special examination room is being prepared so that the victims do not need to confront the defendants. One interpreter or more will also be provided as needed
2.3 Setting-up of TIP Specialist Department within the Office of	<ul style="list-style-type: none"> • In 2004, OAG set up its "Center Against International Human 	<ul style="list-style-type: none"> • The OAG saw the importance of having a specialist unit to work with its counterparts in the Royal

Attorney General (OAG).	Trafficking” (CAHT) within the International Affairs Department to voluntarily perform the TIP related work but it had limited human resources and budget	Thai Police, Department of Special Investigation and the Court so it set up a new Department of Anti-Human Trafficking. This new Department began operating on October 1, 2015 <ul style="list-style-type: none"> • Since then, the Department has processed and issued prosecution orders for 15 cases received from the police
3. Protection		
3.1 An overhaul of the victim identification process, including a more detailed identification form	<ul style="list-style-type: none"> • The previous form did not include enough questions to help officers make their determination so some essential details might still be left out 	<ul style="list-style-type: none"> • More guiding questions were added to the form to further assist the interviewing in gathering necessary information so they can quickly and correctly identify victims; more clarification on definition of key legal terminology; required officer to provide the reasons for their final determination; and added officer’s suggestions on protection and assistance of the interviewee according to other related laws
3.2 Improved employment and earning opportunities for non-Thai trafficked persons while staying in shelters	<ul style="list-style-type: none"> • Focused more on meeting basic needs and providing some vocational training courses. Some employment and earning opportunities were given. 	<ul style="list-style-type: none"> • Improved and diversified training courses; increased earning opportunities inside the shelters to those who cannot go outside due to safety reasons; improved channels to sell victims’ products

<p>3.3 Possibility of non-Thai victims who cooperated in providing evidence in the court to stay on and work in Thailand legally</p>	<ul style="list-style-type: none"> • Usually they were repatriated to their countries of origin 	<ul style="list-style-type: none"> • MSDHS is under discussion with the Ministry of Interior and Ministry of Labour to explore the possibility of allowing victims who cooperated in providing evidence in the court to stay on and work in Thailand temporarily but on a longer basis (previously 6 months, now might be 1-2 years). MSDHS will submit this new proposal to the Cabinet by March 2016.
<p>4. Prevention 4.1 An overhaul of the migrant workers registration system (overall)</p>	<ul style="list-style-type: none"> • Previous challenges lied in the high costs involved in the registration. This was one of the factors which contributed to migrant workers preferring to not be registered. • Weak cooperation among neighboring countries in the prevention of illegal migrant workers. 	<ul style="list-style-type: none"> • The registration process has been streamlined to make it much cheaper, quicker and more convenient for registering a migrant worker • More effective MOUs in place to increase the number of migrant workers coming to work in Thailand through the MOU channel in order to avoid risks of illegal migrants falling victims to trafficking. The future plan is to recruit <i>all</i> migrant workers through MOU for maximum protection and to ensure illegal labor brokers have no or very minimum involvement in the across-border recruitments.

<p>4.2 An overhaul of the migrant worker registration system (in the fisheries sector)</p>	<ul style="list-style-type: none"> • Lack of supply in fishery workers and increase in demand from the private sectors, thus resulting in a significant number of illegal migrant workers including forced labor, trafficking and child labor in fishing and the seafood processing establishments. • Unregistered and undocumented fishery workers at sea and on shore made them vulnerable to the exploitation from employers and lack of protection under the labor protection laws and other relevant legislations. 	<ul style="list-style-type: none"> • Working more closely with other foreign governments to recruit fishery workers through MOUs and solving labor shortage in Fishery and allowing flexibility for workers in sea fishing and seafood processing industry to change employers freely to increase the workers' bargaining power. Between November 2, 2015 and January 10, 2016, 1,412 migrant workers in the seafood processing industry exercised this right and changed their employers; 1,341 migrant workers in the sea fishing industry. • More migrant workers in sea fishing are being employed through MOUs from source countries. Extended period of registration for all undocumented migrant workers at OSS centers nationwide. The Cabinet resolution on March 3, 2015 approved bi-annual registration for undocumented migrant workers in sea fishery from Myanmar, Laos, and Cambodia (in 2015 and 2016).
<p>4.3 Increased in number of labor inspectors, given the number of establishments to be</p>	<ul style="list-style-type: none"> • Previously inadequate number of labor inspectors to conduct careful inspection of 	<ul style="list-style-type: none"> • A significant improvement in the number of labor inspectors to inspect Thai workers and its employers. The DLPW had increased total of 1,145

regularly inspected in Thailand	employers and the condition of working of workers across the country. There were 599 inspectors under the DLPW.	inspectors including competent officials as delegated from other agencies, while DoE had increased 724 inspectors from within the department and delegated competent officials from other ministries. 286 inspectors approved by the cabinet to be inspectors of the MOL.
4.4 Preventative measures to address the problem of child labor exploitation	<ul style="list-style-type: none"> • Lack of clear definitions for some key legal terminology in the relevant laws 	<ul style="list-style-type: none"> • The <i>ad hoc</i> Special Legal Committee is amending relevant legislations to clarify key legal terms. Expect to be passed by the National Legislative Assembly by the end of 2016. • MOL, together with the National Statistics Office, is currently conducting a National Child Labor Survey • MOL is also undertaking a survey on child labor in sugar cane factory through out the country to ensure that all sugar cane factories are free of child labor
4.5 Strengthened legal mechanism to combat child labor in fishery and seafood processing industry	<ul style="list-style-type: none"> • Lacked thorough inspections, and legal mechanism including law enforcements to efficiently combat child labor exploitation in the 	<ul style="list-style-type: none"> • More stringent and intensified inspections led by the CCCIF at the Port-In/Port-Out centers across the country; in Thai waters; at sea outside Thai waters; and inspections of seafood processing and shrimp peeling sheds

	fishery and seafood processing industry	<ul style="list-style-type: none"> The Ministerial Regulation of MOL to prohibit the use of child workers under the age of 18 in the fishery sector and seafood processing establishments and factories became effective on January 18, 2016.
4.6 National Training Curriculum in place to enhance capacity of CCCIF officers and relevant maritime, fisheries, and labor law enforcement officers of issues of trafficking in persons, and to equip them with the duty and power to expedite as a competent officer under relevant laws	<ul style="list-style-type: none"> Law enforcement officials at sea lacked capacity and authority to conduct inspection and to enforce the law against violators. Each agency worked separately. 	<ul style="list-style-type: none"> Jointly, MSDHS, MoL, RTP, and international organizations such as ILO, designed a National Curriculum on 'the Suppression and Prevention of Trafficking in Persons, Child Labor, Forced Labor at Sea'. This new curriculum was already approved by the Anti-Trafficking in Persons Performance Committee (CMP Committee). The first training session took place during January 11-18, 2016), and two more will be organized in February and March for the total target of 120 participants. The participants who completed the training are authorized with the power and duties under several necessary Acts, such as Anti-Trafficking in Persons Act, B.E.2551, Labor Protection Act, B.E.2551, etc.
4.7 Establishment of Command Center to Protect Children and	<ul style="list-style-type: none"> Weak coordination across governmental agencies on cases of 	<ul style="list-style-type: none"> In February 2015, a new Command Center to Protect Children and Women Against

Women Against Trafficking	women and children who were trafficking victims.	Trafficking was established within the MSDHS compound to ensure better coordination and closer collaborations in this area among all concerned government agencies as well as with their partners. In the future, the Center will collect all data regarding cases of women and children who are victims of trafficking nationwide.
4.8 Better border control using a thorough victim identification tool	<ul style="list-style-type: none"> • Persons at-risk of trafficking, including unaccompanied children were able to cross the border and became victims of sex trafficking and various forms of exploitations 	<ul style="list-style-type: none"> • Immigration Bureau implemented the use of MSDHS's revised victim identification tool to conduct assessments and interviews for persons at-risk of trafficking (unaccompanied minor, etc.) entering the Kingdom through official borders.
4.9 Prevention of sex offenders or suspects from committing assaults in Thailand	<ul style="list-style-type: none"> • A number of offenders and suspects could enter the country and abused/exploited children and women due to previously existing legal loopholes 	<ul style="list-style-type: none"> • The Immigration Bureau, in partnership with foreign governments, Interpol, RTP, revoked the permissions to stay for a higher number of foreigners who are suspected of/or are sex offenders. This number increased by more than threefold (192 cases in 2014 and 617 in 2015. Out of the 617, 64 people had their permission to stay in Thailand revoked, 511 were denied entry and 42 were kept on an active watch list.

4.10 Eradication of Sex Trafficking	<ul style="list-style-type: none"> • A number of at-risk businesses remained uninspected partly as a result of corruption of officials at the local level 	<ul style="list-style-type: none"> • The Ministry of Interior set up 76 taskforces at the provincial level and 878 at the District level. These taskforces already inspected and arrested several cases of child sexual exploitation. More specifically, a total of 18 cases were arrested in 12 provinces with 30 persons with business owners, managers, and brokers being filed charges and currently under investigation and prosecution. A total of 32 child victims of sexual exploitation were rescued.
4.11 Eradication of at-risk establishments that are involved with sexual exploitation.	<ul style="list-style-type: none"> • Many at-risk establishments remained uninspected 	<ul style="list-style-type: none"> • The special taskforces set up by the Ministry of Interior also inspected both registered and unregistered at-risk establishments, such as Karaoke bars, entertainment spots, liquor stores, and others, and ordered 140 establishments to be shut down with the power of Revolution Council 50, B.E.2502. 601 cases are under prosecution, 13 had their permit suspended, and 4 had their permits permanently revoked.
4.12 Integrated efforts to eradicate the issue of beggars	<ul style="list-style-type: none"> • Measures taken to solve the issue of beggar were not up to date. Nor could they solve the problem in 	<ul style="list-style-type: none"> • MSDHS has used the newly Individualized Rehabilitation Program (IRP) 'Thanyaburi Model' to provide a holistic approach to address the issue of beggars. The IRP integration program

	the long term. Beggars who were rehabilitated kept returning to the streets.	would be uniquely individualized to fit the needs of each specific person. The rehabilitation would include all aspects from mental and physical health, social, and useful skills for further job opportunities.
4.13 Amendments of the Control of Begging Act, B.E.2484 (1941)	<ul style="list-style-type: none"> • The Control of Begging Act, B.E.2484 (1941) was outdated and did not quite recognize begging as an issue that requires an integrated approach in order to handle the issue with efficiency 	<ul style="list-style-type: none"> • The new Amendments can now better protect high-risk groups and reduce their vulnerability to trafficking. The aim is to ensure that the individuals who force, employ or encourage begging will be punished with more severe punishment, especially if it involves children, the elderly, ill, handicapped or pregnant people; if it is organized by two or more people; or if the people are brought from outside the kingdom into Thailand. In addition, beggars shall be provided with rehabilitation services.
4.14 Improved access to rights and legal status through citizenships for stateless persons	<ul style="list-style-type: none"> • Lengthy procedure due to bureaucratic red tape 	<ul style="list-style-type: none"> • Recognizing that the bureaucratic red tape could contribute to stateless persons being vulnerable to human trafficking, the Ministry of Interior expedited its procedure and granted citizenships to 6,690 persons between the period of January 2015-November 2015

Annex :

Highlights of the Royal Ordinance on Fisheries B.E. 2558 (2015)

Key principles and objectives

- To establish good governance in the management of the fisheries sector and the conservation of aquatic resources, based on the best available scientific evidence, precautionary principle, internationally accepted standards, and Thailand's international obligations.
- To combat illegal, unreported and unregulated (IUU) fishing, as well as prevent overfishing and overcapacity of the fishing fleet, in order to achieve sustainability of fisheries resources.
- To ensure effective monitoring, control and surveillance of fishing activities.
- To bolster the traceability system of fisheries products along the whole value chain, from fishing vessels to end consumers.
- To eliminate all forms of forced labor and improve welfare and working conditions of workers in the fisheries sector, both in fishing vessels and in seafood processing factories.
- To introduce proportional and deterrent administrative and criminal sanctions.

More effective fisheries management and increase stakeholder participation

- A National Fisheries Committee, chaired by the Prime Minister and comprising relevant public officials, private sector representatives and fisheries experts, is established to formulate policies and control measures concerning fisheries, both inside and outside Thai waters, and fisheries related industries. Such policies are to be approved by the Council of Ministers.
- A Provincial Fisheries Committee, comprising provincial government officials and experts from local fishing community organizations, is established in each designated province. Its main task is to propose to the National Fisheries Committee policy recommendations concerning fisheries development and resolution of fisheries problems in the province.

Improved oversight of fishing operations and transshipments at sea

- All commercial fishing vessels, which are of 10 gross tonnage or above or fitted with an engine of a certain horse power prescribed by the Minister, are required to have valid fishing licenses. The issuance of fishing licenses is subject to fishing capacity and maximum sustainable yield as stipulated in the Marine Fisheries Management Plan.

- All commercial fishing vessels must record their fishing operations in the fishing logbook and report every port-in and port-out operation to the Port In-Port Out Control Center. Commercial fishing vessels of above 30 gross tonnage must install a VMS on board. They are not allowed to fish in coastal seas.

- Every Thai fishing vessel operating outside Thai waters must obtain a specific license for this purpose. An observer must be stationed on board the vessel in accordance with international rules and regulations, as well as the rules prescribed by the coastal state or the state having jurisdiction over the intended fishing area, or as prescribed by the Director-General of the Department of Fisheries.

- Oversight on trans-shipments at sea is strengthened. Trans-shipments of aquatic animals at sea may only be made onto a fishing vessel specifically registered for transshipment or storage purpose. VMS is mandatory on all transshipment and storage vessels. Pre-authorization for trans-shipments at sea is required. The master of the fishing vessel must also submit a marine catch transshipment document (MCTD) after completion of trans-shipments. The Director-General may prohibit trans-shipments at sea for certain or all vessels in a specified area and time period, for the purposes of preventing and combating IUU fishing.

Enhanced traceability system

- The mandatory submission of fishing logbook and marine catch transshipment document by fishing operators is designed to enhance traceability of the catch.

- Fishing ports and fish markets are required to record data on every fishing vessel berthed at port, as well as prepare a marine catch purchasing document (MCPD) for a buyer and submit a copy to the Department of Fisheries. The MCPD is also required for every subsequent transaction involving the catch. In addition, the producer or processor of aquatic animals must prepare evidence for traceability purposes.

- Importers and exporters of aquatic animals and aquatic animal products must present a catch certificate or similar document to prove that the catch or the products have been obtained from lawful fishing operations.

Preventing IUU vessels and products from entering port

- The Director-General may publicly declare a list of non-Thai “IUU” fishing vessels, based on the lists published by foreign states and international organizations. These IUU fishing vessels are prohibited from entering Thailand. Likewise, no stateless vessel is allowed to enter Thailand.

- Every non-Thai fishing vessel wishing to bring in aquatic animals into Thailand must notify the competent official at least 48 hours prior to its arrival at the port of entry. Permission to berth may be denied if the vessel in question is on the IUU list or if there is a cause for suspicion that the vessel has been involved in IUU fishing.

- After berthing at port, the aquatic animals in the vessel may not be unloaded and imported into Thailand, unless permission has been granted by the competent official. The master or owner of that vessel is required to provide a valid license and other required documents to prove that it has not engaged in IUU fishing activity.

Deterrent sanctions

- The law introduces proportional and deterrent administrative and criminal sanctions. The issuing authorities may suspend a vessel’s fishing license or permit for a period of up to 90 days, if the licensee or permit holder fails to comply with the Royal Ordinance and subordinate laws. If the licensee or permit holder re-commits a violation of the law, his or her license or permit may be revoked. Transshipment registration may also be cancelled in case of non-compliance with the requirements specified by the Royal Ordinance and subordinate laws.

- A number of “serious infringements” are defined in the Royal Ordinance, such as the use of a stateless vessel and a prohibited fishing gear, fishing without a fishing license, failure to prepare a fishing logbook, use of false documents and violation of transshipment at sea rules.

- Deterrent administrative sanctions are applicable to these serious infringements. The Director-General may, *inter alia*, order a seizure of the catch or fishing gear, prohibition of fishing activity until full compliance is achieved, suspension of fishing license, revocation of fishing license, inclusion of the vessel into the IUU list, and detention of the vessel.

- Criminal sanctions are designed to be deterrent and proportional for different sizes of fishing vessels, with a maximum fine of 30 million THB (approx. 29,544 USD) or five times the value of the catch obtained from the fishing operation, whichever case is higher. If a serious infringement is re-committed within a period of five years, the penalty prescribed shall be doubled.

Improving welfare and working conditions of seamen, and eliminating unlawful labor practices in the fisheries sector

- A seaman must hold a seaman document issued under the law on navigation in Thai waters. A seaman who is not a Thai national must obtain permit to remain in Thailand under the law on immigration and a work license under the law on working of aliens.

- When porting-out, the owner or the master of a fishing vessel must submit to the PIPO Control Center a list of outgoing seamen on board and evidence related to the provision of appropriate systems for ensuring occupational safety, hygiene and well-being of seamen. Non-compliance will result in the detention of the fishing vessel at port.

- The owner of any fishing vessel making use of a seaman without a valid work license or permit is subject to a fine of up to 800,000 THB (approx. 22,121 USD) per seaman. In addition, the Director-General shall order the revocation of the owner's fishing license, and the Director-General of the Marine Department shall also revoke the seaman document of the master of the vessel pursuant to the law on navigation in Thai waters.

- A factory operator who engages in a business relating to aquatic animals is prohibited from employing illegal workers, including aliens who do not hold a legal work permit. Violation may result in a fine of up to 800,000 THB per each unlawfully employed person. Moreover, if the number of workers unlawfully employed at the factory is not more than five, then the Director-General shall order the suspension of the factory operation for a period of ten to thirty days. If more than five workers are employed illegally at the factory, then the Director-General shall notify the Permanent Secretary of the Ministry of Industry to order the closure of the factory pursuant to the law on factories. Such an order shall also have the effect of license revocation under the law on factories.

- The factory operator who violates the labor protection law or employs illegal alien workers is also liable to criminal penalties, including a term of imprisonment not exceeding two years or a fine of 200,000-2,000,000 THB (approx. 5,530 -55,316USD), or both, as well as a daily fine of 100,000-500,000 THB (approx. 2,765-13,826USD) for the entire duration of the violation.