



# **UPDATE**

# **TRAFFICKING IN PERSONS REPORT 2015**

**The Royal Thai Government Response**  
**1 January-31 March 2016**

# Executive Summary

The Update documents Thailand's efforts to combat human trafficking during the first three months of 2016, which constitute the final quarter of the 2015 assessment year. The measures taken during the final quarter, when combined with progress achieved throughout 2015, provide powerful evidence that Thailand is exceeding the minimum standards for the elimination of trafficking as defined by the United States Department of State.

In **justice and law enforcement**, existing prosecutions against officials involved or complicit in trafficking were advancing rapidly through a specialized new court system. Police made several new arrests, rescued 108 more victims - between January and March 2016 alone - and were launching fresh investigations. In 2012, less than 50 traffickers were convicted and sentenced by Thailand's courts. Since then, Thailand's courts have convicted and sentenced 575 human traffickers, with 241 sentenced during calendar year 2015 alone. More convictions are certain to be made this year. A total of 34 officials involved or complicit in trafficking are among those facing prosecution. One case discussed in the main report submitted in January 2016 has now reached a verdict; i.e. an employee at the Ministry of Social Development and Human Security was sentenced to imprisonment of 16 years. She must also pay compensation to 6 victims, amounting to 60,000 THB (\$1,697) for each victim.

In addition, the largest trial of traffickers in Thai history, with 92 defendants including 22 officials who are accused of trafficking ethnic Rohingya and other migrants, has begun. While the Rohingya case is unlikely to reach a verdict within a year, given the complexity of the case, it will continue make solid progress throughout the rest of this year. Nevertheless, those on trial are facing the prospect of more severe penalties, including the possibility of the death penalty, as a result of amendments passed to the Anti-Human Trafficking Law in 2015. Sentences of 50 years, for instance, have been handed down to some defendants on a single charge in other trafficking trials and a cumulative sentence of 150 years when several charges are combined.

The last known Thais stranded in Indonesia, 57 victims of trafficking, together with over 1,800 crewmembers on fishing vessels, were brought back home, and Thailand and Indonesia are cooperating to bring traffickers to justice in their respective jurisdictions. This has been achieved in partnership with the Labor Rights Promotion Network (LPN) Foundation and Stella Maris, which assisted in bringing the victims of trafficking home and in providing intelligence for successful prosecutions. Both also assisted in providing rehabilitation services to these victims.

Sheltering and **protecting victims** are priorities in the Thai response to trafficking. More resources have been devoted to this aspect of the response. Working with partners in the civil society and the United Nations, victims were receiving increased services and opportunities for education, counseling, financial and legal support, and repatriation home or resettlement in third countries when appropriate.

For victims and witnesses remaining in Thailand, the Cabinet approved additional measures on 15 March 2016 to better protect and support victims and witnesses of trafficking. The measures include extending a period of that that victims and witnesses can stay and work legally in Thailand from six months to one year and can be renewed one year at a time while their cases are ongoing. The process of obtaining the needed permits was streamlined from 45 days to 10 days maximum. For victims of trafficking, the Anti-Human Trafficking Fund now covers the cost of medical examination and health insurance that are necessary for the applications of their work permits.

No response can be truly effective without a sustained emphasis on **prevention**. A new working group, comprising of senior officials from various departments within the Ministry of Labour and several representatives from various civil society organizations, is beginning its dialogue on how to further protect migrant workers in Thailand. In the meantime, work already moved forward on developing a management system for migrant workers, with 149,623 illegal migrants now registered in the fishing and seafood processing industries, compared to just 6,864 in 2014. The rights of workers in those industries were better protected, including the right to change employers, which 7,176 seafood processing and 3,235 fishery workers did from November through March.

Sweeping reforms were being implemented in the fishing and seafood sectors, with new laws and regulations that have resulted in tens of thousands of Port-In/Port-Out inspections of fishing vessels to prevent vessels from using undocumented migrants,

and over 8,000 inspections at sea. The Government and the private sector took significant moves towards establishing an effective catch traceability system to stop illegal, unregulated and unreported (IUU) fishing and also to ensure a clean supply chain. One example of several measures now in place included private companies, such as Thai Union Seafood and CP Foods, having moved all operations in-house, to ensure their supply chains are not tainted by human trafficking or labor abuse.

**Policy** measures to fight trafficking continued to be strengthened. Amendments to the Anti-Human Trafficking Act to bolster protections for victims were proceeding through the legislature. Apart from other legislations approved earlier in the year 2015, a separate Act, the Human Trafficking Criminal Procedure Act, has also just been passed to accelerate the judicial process in trafficking cases. It will prohibit and severely punish officials from taking any action that may aid or abet suspects. In addition, a regulation issued by the Prime Minister which forbids and punishes officials from any action to aid a trafficking suspect is now yielding results. The Government is also in the process of passing a new Ordinance to better control and regulate migrant employment agencies, and is in consultations with the ILO to ensure it conforms to international standards. Thailand also ratified ILO Convention 187 on the Promotional Framework for Occupational Safety and Health, and the supplementary procedures to Convention 29 on Forced Labor. The Government continues to work hard to prepare for the ratification of other ILO Conventions, including C188 which it hopes to ratify within this year.

In the area of **partnerships**, Thailand co-hosted the 10th Bali Process Ad Hoc Group Senior Officials Meeting, together with Australia and Indonesia as the two Co-Chairs of the Bali Process. The Ministry of Labour announced a partnership with the ILO and the European Union for a 42-month joint project called *Combating Unacceptable Forms of Work in the Thai Fishing and Seafood Industry*. Thai officials met several times with their counterparts from Myanmar, Cambodia and the Lao People's Democratic Republic to negotiate and advance agreements on regulating the flow of migrants. To provide services to victims, Thailand partners with groups such as Stella Maris and Save the Children. Dialogue with rights advocates such as Human Rights Watch and Fortify Rights ensures Thailand adheres to a human rights perspective in its efforts. Collaboration with the Environmental Justice Foundation (EFJ) too has led to concrete progress in Thailand's fight against IUU and human trafficking in the fishing sector.

This Government is the first Thai Government that has launched and is implementing a comprehensive cross-sector response to the problem of human trafficking. It is a response that is designed to be sustainable. While Thailand agrees that more must be done to defeat trafficking, it is worth noting that none of the systems and measures introduced in this final quarter and the year 2015 existed when Thailand was ranked as a Tier 2 country by the U.S. Department of State Trafficking in Persons Office.

The Government of Thailand, the people of Thailand, and the partners who are working with Thailand are all pledged to continue improving our capabilities and response to combat human trafficking. In fact, the reforms begun by this Government will set a new standard for the work of future Thai Governments in the fight against human trafficking.

# Update:

## *Trafficking in Persons Report 2015*

### *The Royal Thai Government Response, 1 January - 31 March 2016*

Early 2016 represented a brief but significant chapter in the Royal Thai Government's campaign against human trafficking. The period 1 January - 31 March 2016, comprised assessment year 2015's final quarter. But there was nothing final about Thailand's response to this human tragedy and transnational crime. This is a fight that the Government is committed to winning. Its resolve and new approaches are already producing tangible results. Human trafficking is, however, a complex problem that cannot be solved in three months or a year. Efforts must be sustained to achieve success, and Thailand is committed to doing exactly that.

This Update to Thailand's *Trafficking in Persons Report 2015* will document how Thailand, during the final quarter, built on its substantial gains earlier in the year, and prepared for sustaining the campaign against human trafficking into the future. The measures taken during the final quarter, when combined with progress achieved throughout the entire year 2015, provide powerful evidence that Thailand has met and is in fact exceeding the minimum standards for the elimination of trafficking according to the four criteria set by the United States. The criteria are:

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

To meet the first criterion, Thailand has strengthened its legal prohibitions against severe forms of trafficking with several amendments to existing laws and regulations, passage of new laws and regulations, and ratifications of international conventions or preparations to do so. A tougher version of Thailand's Anti-Human Trafficking Law was passed in 2015 and more amendments are proceeding through the legislature in 2016. They close loopholes, provide for harsher punishments and more support for victims. Examples include amendments that allow courts to take an inquisitorial role in trafficking cases to help protect witnesses and victims from 'influential figures', and more stringent considerations for bail in cases involving organized crime. The Government's Anti-Human Trafficking Fund, overseen by the Ministry of Social Development and Human Security (MSDHS), supports victims in terms of legal aids. Once the cases have reached the verdicts, MSDHS also helps victims by seeking financial compensation for them.

A regulation issued by the Prime Minister's Office in 2015 bars officials from complicity in trafficking and mandates punishment for those violate it. Eight cases involving official complicity are under investigation. Thailand is in the process of passing laws so it can ratify the ILO Work in Fishing Convention 188 by the end of 2016, and has consulted with the ILO on the content of a new law on job brokers, a key link in trafficking, to be in line with the ILO PrivateEmploymentAgenciesConvention 181.

In addition, Thailand's Prime Minister has clearly and publicly stated on several occasions that the Government has a policy of "zero tolerance" for human trafficking. He has instructed every government agency to adopt and adhere to this policy and vowed that anyone involved or complicit in trafficking will be punished, no matter their status, position or connections.

As a result, many more traffickers are already being punished. In 2012, less than 50 traffickers were convicted and sentenced by Thailand's courts. Since then, Thailand's courts have convicted and sentenced 575 human traffickers with 241 sentenced during calendar year 2015 alone. More convictions are certain to be made this year. Among those already convicted and on trial now are 34 officials, some of them high ranking.

Under the second criterion, Thailand treats human trafficking under its laws as an extremely serious crime meriting punishments on a par with those prescribed for murder, rape, kidnapping and other felonies of the most heinous nature. Protection

of children is also paramount. According to Thailand's Anti-Human Trafficking Law passed in 2008, the exploitation of a child, for sexual or other purposes, without having to show that force, deception or any other means were used, will result in a human trafficking charge. Now with the new amendments to Thailand's Anti-Human Trafficking Law being proposed - and expected to be passed in 2016 - anyone who buys, sells, transports, or limits the freedom to travel of a child below the age of 15 and use him/her in an employment or service that might cause extreme danger to his/her physical or mental health, growth and development will be charged with human trafficking.

In other words, Thailand's laws on the exploitation of and trafficking in children are now in conformity with international laws. They are not only in conformity with United Nations Trafficking in Persons Protocol and the ASEAN (Association of Southeast Asian Nations) Convention against Trafficking in Persons, but also making a significant step well ahead of the trafficking laws in several ASEAN member countries because Thailand wants the harsher punishment terms to have a deterrent effect on those who might still consider abusing Thai and non-Thai victims, particularly children. In addition to law enforcement working with civil society groups and United Nations agencies to fight the exploitation and trafficking of children, Thailand has been working and cooperating closely with international agencies such as Interpol and Homeland Securities Investigations of the United States to ensure that those who cross borders to exploit children will be prevented from doing so, or identified, apprehended and punished.

Concerning the third criterion, the amendments to the Anti-Human Trafficking Law passed in 2015 increased penalties for those convicted of human trafficking, allowing for the imposition of the death penalty or life imprisonment on those who cause the deaths of victims, life imprisonment if a victim was seriously injured, and a sentence of 8 to 20 years in prison and a fine, or up to life imprisonment, on those who cause severe danger to victims. It also empowers the authorities to immediately suspend permits or operation of businesses, including factories and vessels, which are found benefitting from or involved in trafficking in persons.

Those on trial for trafficking are now facing the prospect of these more severe penalties, including the death penalty. Thailand's justice system, however, has already been handing down some very harsh penalties, with 80 traffickers sentenced to more than 10 years in prison, and 73 sentenced to more than five years in prison in



2015. Sentences of 50 years have been handed down to some defendants on a single charge, and cumulative sentences of 150 years on several charges.

The final criterion requires governments to make serious and sustained efforts. Thailand takes trafficking so seriously that in 2015 it became the only country in the region with specialized divisions and units dedicated solely to combating trafficking throughout its entire justice system. Trainings have been conducted - some with partners such as the U.S. Federal Bureau of Investigation - for law enforcement, labor inspectors, interpreters, counselors and other specialists, and more are already scheduled throughout the coming year. Resources have consistently and steadily increased, with the overall budget relating to anti-trafficking activities rising 36 percent to 552.2 million THB or \$15.6 million in 2015. New programs and partnerships were launched with the International Labor Organization, Save the Children and a host of others. The ongoing registrations of migrant workers and negotiations and implementation of bilateral agreements on labor and trafficking with neighboring countries all provide evidence that Thailand's serious efforts against trafficking are sustainable.

More evidence of the seriousness and sustainability of Thailand's response to trafficking and labor abuse can be found in the positive trends and developments of the final quarter. These are presented in detail throughout this Update, and several highlights are listed below.

### *Highlights of the Final Quarter*

In the realm of justice and law enforcement, existing prosecutions against officials involved or complicit in trafficking were advancing rapidly through a streamlined and specialized new court system. Police made several new arrests, rescued 108 more victims and were launching fresh investigations. A total of 34 officials involved or complicit in trafficking are among those facing prosecution. To strengthen efforts to combat official complicity, the Public Anti-Corruption Commission (PACC), the lead agency in combating corruption in the public sector, having recognized its lengthy internal process, has set up a high-level working group to come up with a plan - in 3 months - to shorten the inquiry process so that it will last no more than 6 months and also to submit a list of proposed measures to the Prime Minister on how the PACC might be able to improve its overall effectiveness in prosecuting the cases involving government officials.

Many of those arrested and currently facing prosecution, including officials, are accused of being members in a major transnational syndicate that trafficked ethnic Rohingya and other migrants from Myanmar and Bangladesh. The trial of 92 suspected members of that syndicate, including army and police officers and politicians, began at a special court in Bangkok in mid-March 2016, as the court began hearing the prosecution's opening arguments. The severe blow Thai authorities dealt to that powerful trafficking organization has proven to be a major factor in a package of actions that have produced one of the most positive and tangible results of Thailand's response to the human trafficking problem: the easing of the boat people crisis on the Indian Ocean.

The number of migrants attempting the journey on the Indian Ocean has dropped by an estimated 96 percent during the second half 2015 compared to the same period the previous year, according to the United Nations High Commissioner on Refugees (UNHCR) and a Bangkok-based representative of the International Organization for Migration (IOM). Furthermore, the UNHCR told Thai Government representatives that there have been few reports of boats having left Rakhine State in Myanmar, and they are unable to confirm that there have been any arrivals of boats so far this year. Thailand recognizes and concurs with the UNHCR that several root causes of the crisis have not been sufficiently addressed, and more needs to be done to prevent it from reoccurring. However, fewer Rohingya and other migrants taking to the seas, translates into fewer falling into the hands of traffickers in Thailand, Malaysia and other countries.

In another victory for law enforcement and the justice system, the Thai captain of an Indonesian-flagged fishing vessel operating around Ambon and Benjina Islands in Indonesia, was convicted of trafficking charges by Thailand's Criminal Court and sentenced to 12 years in prison. Others involved in that case are also facing prosecution. In addition, the Thai Government and law enforcement agencies have also been cooperating with and assisting Indonesia's justice system as it prosecutes Thai ship captains and other Thai nationals who have committed trafficking or labor abuse crimes in Indonesian territory.

The Ambon and Benjina cases illustrate the problems of trafficking and abuse in the fishing and seafood industries. In early 2016, the Thai Government remained resolute in implementing a series of sweeping reforms in these long-neglected industries. The reforms include more effective monitoring for illegal, unregulated and unreported (IUU) fishing, labor abuse, human trafficking, environmental destruction, and have

led to the grounding of 8,024 fishing vessels as of the end of 2015. Despite ongoing pleas, protests and threats from ship owners and crews, the Government stood its ground.

The Government also took the first steps towards implementing a traceability system for all fish catches as one of several measures to ensure a clean supply chain. The private sector was also playing a constructive and responsible role, with several major firms in the fishing and seafood sectors moving all operations in-house, including two of the largest seafood processors: Thai Union Seafood and CP Foods. This will guarantee they are not producing their goods by using victims of human trafficking, child labor or other abusive practices found among some third-party suppliers. Thai Union and CP are just two of several Thai seafood companies have joined and are working with the Shrimp Sustainable Supply Chain Task Force, a group that works with industry, government, key international agencies and various civil society groups and environmental groups around the world to achieve clean supply chains.

Thailand welcomed the March signing of the Trade Facilitation and Trade Enforcement Act by President Obama, which bars imports of products made with forced labor or by trafficking victims. The Act would be good for Thailand because we believe that the vast majority of Thai products were already manufactured free from abuse of workers so the Trade Facilitation and Trade Enforcement Act will help to ensure that we can weed out any wrongdoers so that all of Thailand's products are free from such abuse.

Workers were also receiving greater protections and justice in early 2016. With government officials from the Command Center for Combating IUU Fishing (CCCIF), the Ministry of Labour and the provincial governor overseeing negotiations, Golden Prize Canning, a Thai tuna-processing company, agreed in March to pay over \$1.3 million in compensation to more than 1,100 migrant workers from Myanmar who had voted to go on strike to protest a variety of labor violations. The negotiations ended peacefully within one day.

Victims and witnesses of trafficking were benefiting from increased support and services. On 15 March 2016, the Cabinet approved additional measures to better protect and support victims and witnesses of trafficking. The measures include extending a period of stay that victims and witnesses are allowed to stay in Thailand from six months to one year. In addition, they are entitled to apply for a work permit

and can renew their stay and work permit for one year at a time. The process of obtaining the needed permits was streamlined from 45 days to 10 days maximum. For victims of trafficking, the Anti-Human Trafficking Fund now covers the cost of medical examination and health insurance that are necessary for the applications of their work permits.

Whistleblowers and witnesses also received stronger safeguards through improved laws and regulations, and actions and services by the Ministry of Justice and the Royal Thai Police. The Ministry of Justice is providing witness protection to all 82 victims who are witnesses and who requested it. Now with the Cabinet decision on 15 March 2016, all witnesses of human trafficking cases are automatically entitled to witness protection program whether they request it or not. They were being offered more support to provide information and testify in court, including financial support of a daily stipend that is 33 percent higher than the daily minimum wage for Thai workers, and the ability to stay and work legally in Thailand.

These protections and support were necessitated by a new approach adopted by the police to fighting trafficking. This intelligence-led approach is proving to be more effective than hit-or-miss, broad and massive sweeps. From January through mid-March 2016, the Royal Thai Police and the Department of Special Investigations reported that they were investigating 54 new human trafficking cases based on the intelligence-led approach.

Intelligence-led investigations were aided by the development and implementation of a database on human trafficking cases, suspects and victims that became available to several law enforcement and government agencies. The organization and harmonization of this information has now enabled police, prosecutors and judges to share information on all trafficking cases. It has also begun to assist investigations and prevent traffickers from slipping through the cracks.

Services became more accessible to migrants largely because migrants were increasingly becoming legalized. At least 84,642 illegal migrant workers were registered and regularized in the fishing and seafood industries in the period of 2 November 2015 through 11 March 2016, bringing the total now registered in these industries to 149,623. Significant efforts have also been made to reduce fees that placed financial burdens on migrants, ensure a simplified process, and amend some previous regulations in order to prevent officials extorting money from migrants.

All this is aimed at encouraging more migrants to take the legal route to working in the Kingdom.

Illegal job brokers are a key link in the supply of victims to human trafficking gangs. On 29 March 2016, the Cabinet approved in principle a draft royal decree in line with ILO Convention 181 (Private Employment Agencies Convention) that will close loopholes exploited by illegal and unscrupulous job brokers, allowing them to prey on migrant workers. The law will now be forwarded to the legislature where passage is expected.

The rights of those migrant workers were also enhanced. Key among them is the freedom to change employers, without which migrants were essentially held in bondage. From November through 11 March 2016, a total of 7,176 migrant workers in the fishing industry and 3,235 in the seafood industry exercised their right to leave their employers and find better opportunities elsewhere.

Further amendments to laws and regulations were proceeding through the legislature to close loopholes, increase their effectiveness and strengthen the new enabling environment for those involved in the fight against trafficking. This includes a new draft Human Trafficking Criminal Procedure Act that increase the success rate of reaching verdicts in a timely and transparent manner, with better protection of victims and witnesses while giving evidence in. Relevant laws were being drafted - with a specific timeframe - to prepare Thailand for ratifying ILO Convention 188 on work in the fishing industry by September 2016 Thailand is also preparing to accede to the ILO Forced Labor Protocol of 2014 that supplements ILO Convention 29 on Forced Labor, which Thailand ratified in 1969.

Partnerships and agreements with neighboring source countries, international agencies and civil society groups were expanding and deepening. Thai officials met several times in early 2016 with their counterparts from neighboring countries to accelerate implementation of memoranda of understanding on labor, migration and anti-trafficking measures. The Ministry of Labour confirmed in writing to the International Labour Organization (ILO) that it will conduct a national survey on working children to be included in its Labor Force Survey and the Ministry would like the ILO to be involved in all facets of the endeavor. A Government budget of \$231,450 was approved in January for one phase of that project, an indication that the Government is still committing more resources where needed and requested for anti-trafficking and labor initiatives.

Advances have been made. The new systems and programs the Thai Government has put in place are in their early stages. Monitoring and evaluation will reveal how well they are working, if any gaps exist, and how to make the measures more effective. Activist groups, in their roles as civil society watchdogs and as our partners against human trafficking, help detect and expose every gap, inefficiency and failure in the new programs. The Thai authorities are listening. A new working group comprised of senior officials from the Ministry of Labour and representatives of several civil society and human rights organizations are now beginning a dialogue on how to further and better protect migrant workers in Thailand.

The measures detailed in this update clearly show that Thailand has not relaxed its commitment or eased up on its comprehensive program to combat human trafficking. Instead, Thailand is continually striving to strengthen and improve its response in ways that are effective and sustainable.

### **Justice, Prosecutions and Law Enforcement: Progress on prosecuting officials, existing cases and new arrests**

Law enforcement and the justice system spearhead Thailand's response to human trafficking and human trafficking syndicates. Thailand is now the only nation in Southeast Asia with specialized divisions or units devoted to defeating human trafficking in its police department, prosecutors' office and its criminal court system. This specialization and the increasing experience of those involved are steadily bolstering the effectiveness of the government's forces in the war against trafficking. Separate and specialized units and divisions also help shield police and prosecutors from attempts at bribery and intimidation from criminals and from officials involved or complicit in trafficking. Exposing and prosecuting officials is among the highest priorities of Thailand's law enforcement and justice systems.

#### ***Existing Cases are Advancing***

Several cases under investigation or with prosecutors involve government officials as suspects or defendants. A total of 34 officials stand accused by police investigators of complicity in human trafficking. Of those, 22 are involved in the cases concerning trafficking of ethnic Rohingya and others from Myanmar and Bangladesh. The trial of those suspects had begun and was underway as this Update was being written. Police and prosecutors continue to search for the possibility of official complicity in virtually every case of trafficking and labor abuse.

### ***The Rohingya Case***

The highest-profile case concerning official complicity in human trafficking detailed in our main report earlier this year involved a transnational syndicate smuggling thousands of ethnic Rohingya and other migrants from Myanmar and Bangladesh who left their respective lands as ‘boat people’. Referred to as the HuaSai - PadungBesar case, it is actually two cases rolled into one: a case directly involving trafficking and a case involving money laundering and financial transactions by and for traffickers. Evidence was submitted and pre-trial depositions taken in court proceedings during December and January. The 92 defendants who appeared in court on the opening day of the trial on March 15 include a three-star Army general; a colonel, commander and captain attached to the Internal Security Operations Command; a police lieutenant general, captain, lieutenant and senior sergeant major; several provincial and local politicians, and career criminals.

A total of 22 officials are currently being prosecuted in this case. None of the defendants have been granted bail. The defendants in the trafficking aspect of the trial include seven Myanmar nationals, and four from Bangladesh. Some defendants are facing both trafficking and money laundering charges. Police are still seeking the remaining 62 suspects who are on the run. Some are foreign nationals who have fled to neighboring countries. Of the total of 81 defendants in the money laundering aspect of the trial, one is a Myanmar national and one is an ethnic Mon.

On 16 February 2016, the Civil Court ordered the seizure of 25 million THB (\$716,569) in assets from the suspects and that the funds be vested with the State. Investigators are continuing to search for, and expect to find more trafficking-generated assets from the syndicate members. Following the money trail could also lead to identifying and indicting more members of the syndicate, including the possibility that some may be high-ranking officials.

Although media reports had quoted a police official as saying the investigation into this syndicate was closed, that was not an accurate statement. While police have completed investigating the crimes of those currently on trial, they continue to hunt for suspects who have evaded arrest and who if apprehended may provide more leads for even more arrests. As mentioned in the previous paragraph, the continuing investigation into the syndicate’s financial dealings may also lead to the exposure of more suspects and more arrests.



This case is an enormous challenge because of its size and complexity, but the Office of the Attorney General and the Department of Special Investigations have begun using a newly designed computer program to link all information pertaining to the case in an efficient and effective manner to help ensure the prosecution will be successful. So far, the prosecution has submitted 903 pieces of evidence to the court.

Over an eight-day period in January 2016, the Human Trafficking Division of the Criminal Court examined evidence and accepted pre-trial depositions. The actual trial began on 15 March 2016 and prosecutors expect proceedings to be completed by December.

Total defendants: 92. Total victims of trafficking rescued: 80.

### ***The Shrimp Peeling Shed Case***

The trial for this case also began 15 March 2016. It involves forced labor and other labor abuses against nearly 100 migrants from Myanmar by operators of an independent shrimp-peeling factory, or 'shed', named Gig Shrimp Peeling. One defendant appeared in court, while police are still searching for two other suspects who remain at large. The factory was inspected by the Ministry of Labour and police on 9 November 2015 and shut down, prior to media reports on its abuses.

Total arrests: 1 Additional warrants: 2. Total victims of trafficking rescued: 31.

### ***Ambon and Benjina Island Cases***

The cases involving forced labor on fishing vessels operating from the Indonesian Islands of Ambon and Benjina are complex. In total, Thai law enforcement has now investigated 24 cases involving 98 suspects and 57 victims. Because the crimes were in large part taking place in the jurisdiction of Indonesia, Thai law enforcement and its justice system are constrained to some degree in the actions it can take and which cases it can pursue in court. Nonetheless, Thai officials are pursuing these crimes with vigor. They are also cooperating with officials in Indonesia, Cambodia and Myanmar to ensure that justice is done in cases they are bringing in their jurisdictions.

In Thailand, the Department of Special Investigations (DSI) has sent four cases to prosecutors, and the Royal Thai Police (RTP) has sent two. The Human Trafficking Division of the Criminal Court has already tried one DSI case and sentenced a job broker to 12 years and six months in prison. The court has scheduled a second DSI



case for trial in April, and the remaining two are under consideration by the Office of the Attorney General. The court has scheduled taking of evidence in five cases investigated by the Police, and all involving one family of vessel owners, for the end of March 2016. The Attorney General is considering police recommendations to prosecute the remaining 10 cases. Following is a brief synopsis of the cases:

***DSI case 1***

- Crime committed November 2011 - November 2014 in Thailand and continuing to Ambon Island, Indonesia and Indonesian waters,
- On 3 April 2015, the DSI recommended prosecution of all suspects
- Attorney General agreed and issued orders to prosecute four suspects (broker, skipper, technician and owner of the ship).
- The Court sentenced the broker to 12 years and 6 months imprisonment for deception and detention of victims. The skipper was acquitted. The Court is considering the Attorney General's request to prosecute the technician. The Attorney General approved the release on bail of the vessel owner because he is suffering from cancer.
- The DSI has also notified the Anti-Money Laundering Office (AMLO) to pursue the case under the Anti-Money Laundry Act.

***DSI case 2***

- Crime committed June 2011 - April 2014 in Thailand continuing to Ambon Island, Indonesia and Indonesian waters.
- The Attorney General has agreed with the DSI to prosecute four of 10 suspects.
- Court has scheduled the trials for 20 and 24 April 2016.
- DSI has notified AMLO to pursue the cases under the Anti-Money Laundry Act.

***DSI case 3***

- Crime committed September 2014 - February 2015 in Thailand continuing to Ambon Island, Indonesia and Indonesian waters.
- Five suspects (1 broker, 1 broker/skipper, 1 helmsman, 1 assistant helmsman and 1 owner of the ship)
- On 12 January 2016, the DSI submitted an opinion to prosecute all suspects, and asked for approval for arrest warrants. The DSI has arrested a broker/skipper.
- The case is under consideration by prosecutors.
- The DSI notified AMLO to pursue the case under the Anti-Money Laundry Act.

***DSI case 4***

- Crime committed during 2008 - February 2011 in Thailand continuing to Ambon Island, Indonesia and Indonesia waters.
- Two suspects (owner and skipper)
- The DSI had arrest warrants approved and is pursuing the suspects who are still at large. The DSI has submitted an opinion to prosecute the two suspects on 29 February 2016.
- The case is under consideration by the prosecutor.
- The DSI asked AMLO to pursue the case under the Anti-Money Laundry Act.

***Royal Thai Police cases***

- Five cases involving one family of owners named S.Thongma.
- Twenty suspects; 13 arrested, 1 detained at the prison, six arrest warrants outstanding.
- Anti-Trafficking in Persons Division, Royal Thai Police has submitted opinions to prosecute all the cases.
- Prosecutor issued prosecution orders for all the cases in October 2015.
- The cases are under consideration by the Anti-Human Trafficking Division, Criminal Court.
- The Court has scheduled taking of evidence in March 2016.

***Other Cases under the RTP***

- 15 cases. 17 victims, 57 suspects; 1 arrested, 18 warrant arrests, 2 died. RTP has submitted opinions to prosecute all the cases.

It is important to note that both Thais and Indonesians jointly owned several of the vessels involved in the trafficking and labor abuse. Thailand has sent a multidisciplinary task force to Indonesia several times to meet Indonesian officials and will continue to meet with Indonesian officials for the purpose of exchanging information and evidence to assist each country's respective prosecutions. Thailand has also been cooperating and seeking cooperation from Cambodia and Myanmar for similar purposes. Following are some of the details of these cooperative efforts:

- With technical and financial support from Australia-Asia Program to Combat Trafficking in Persons (AAPTIP), Thailand launched an initiative to exchange information and intelligence with Myanmar and Indonesia for stronger case evidence.

- The first meeting was hosted by Thailand in Pattaya in June 2015. Myanmar and Indonesia joined the meeting. After the meeting, Indonesia sent officials from its Witness and Victim Protection Agency to Myanmar to meet the victims/witnesses who will give testimony in court in Indonesia. In March 2016, an Indonesian court sentenced five Thais and one Indonesia to 4 1/2 years in prison and two Indonesians 3 1/2-year sentences. The three-judge panel also ordered the defendants to pay fines of about \$12,250 each or serve two more months in jail. In addition, the Thai captains have to pay a total of \$67,800 in compensation to their crewmembers.
- In October 2015, a second meeting was held in Bali, Indonesia and welcomed Cambodia as the fourth country. The meeting updated progress and future actions. The agenda included bilateral meetings so countries could discuss cases in more detail.
- The third meeting of the four countries was held in Siem Reap recently in March 2016.
  - Out of its 20 cases, the RTP has sent information on 16 cases to Indonesia asking for each case; 1) information on victims' employment if the records are with joint ventures in Indonesia; 2) photos and related documents of vessels seized by Indonesia; 3) photos of owners of the ships, skippers and crew lists; 4) to check particular vessels for joint venture information and related documents.
  - The RTP raised the five cases involving the S. Thongma family sent to the prosecutor at the 2<sup>nd</sup> sub-regional meeting in Bali, Indonesia last October. The RTP asked for support from Indonesia to send information and related documents on eight boats that were seized with their crews to submit to Thailand's court. The RTP also would like to know when the Thai skipper arrested in Indonesia will be released so that they can take further action.
  - Following the discussion between DSI and the Anti-Trafficking Police of Cambodia, a bilateral meeting was with support by AAPTIP where DSI delegates gave a list of Cambodian crews they interviewed during their third mission to Ambon for Cambodian police to verify. Among 17 names, Cambodian police located one victim and shared the information with DSI so that the DSI would be able to trace to the owner of the ship.

- The sub-regional meeting between law enforcement from Cambodia, Indonesia, Myanmar and Thailand used a shared-intelligence template and focal-point mechanism linking the information of victims, brokers and traffickers in source and destination countries and the evidence in the country where exploitation occurred.
- The parties agreed to meet again next time in Myanmar, although the date has not yet been finalized.

In addition, the Command Center for the Control of Illegal Fishing (CCCIF), established by the current government to deal with Illegal, Unregulated and Unreported (IUU) fishing and to right trafficking in persons in the fishing industry, led a law enforcement team to Indonesia in 2015 and a second mission from 15 - 22 March 2016 to Ambon, Tual, Benjina, Yamdena, Aru, and Saumlaki Islands.

Lastly, since October 2014 when the DSI first began investigating reports of Thais and others being trafficked on fishing vessels in Indonesia, Thailand has rescued and brought home 1,476 of its nationals stranded on these islands, the details of which can be found in the section on Protection in this Update.

Total Arrests: 30. Total victims of trafficking rescued: 57 out of the total number of Thais crewmembers returned home: 1,476.

### ***The Kantang Case***

Police have arrested and charged a total of 11 people involved in human trafficking and forced labor of Myanmar migrants aboard fishing vessels working out of the Kantang district of the southern province of Trang. The most recent arrest of a suspect took place on 1 February 2016. Among those arrested was the President of the Kantang Fishing Association, who is also the owner of the boats and piers, and who has been described as an influential figure in the area. Others arrested include four boat captains, one guard and three brokers. All have been charged with conspiring to commit trafficking in persons and with forced labor offenses. Prosecutors are currently preparing their case and the trial will begin this year. Witnesses in this case are receiving protection under the Ministry of Justice's witness protection program.

Total arrests: 11. Total victims of trafficking rescued: 15.

### ***Forced Labor on Pig Farm Case***

The trial for this case began in late March 2016. Prosecutors say that 13 Lao migrants, including nine between the ages of 15 and 18 years, were illegally trafficked into Thailand and forced to work without pay on a pig farm in NakhonPathom province just west of Bangkok. The victims said they were also subjected to beatings, threatened with guns and kept in cages. Police and soldiers raided the farm in August after two Lao migrants escaped and went to the police. The owner of the farm is also a branch manager of Krung Thai Bank, which is a state-owned bank. Police issued seven arrest warrants, including one for the owner, one for the farm supervisor and two for brokers. Three suspects, all brokers or facilitators, escaped. All the victims are receiving care and witness protection at Government-run shelters.

Total warrants: 9. Total arrests: 6. Total victims of trafficking rescued: 13.

### ***Chiang Mai Child Prostitution Case***

Four additional arrests were made in 2016 in this case that originated last year after authorities in the northern province of Chiang Mai rescued a 16-year-old hill tribe girl who said adults were forcing her to sell sex. After placing the girl in a shelter, civil society groups assisted the police in obtaining information from the victim that led them to rescue six other underage girls forced to engage in commercial sex by adult brokers. Police issued arrest warrants for 32 suspects, including brokers on trafficking charges and customers for engaging in sex with a minor. A total of 15 suspects have now been arrested and charged with a total of 44 offenses. Two are foreigners. The rest remain at large.

Total arrests: 15. Total victims of trafficking rescued: 7.

### ***Pattani Migrant Shakedown Case***

In a case of official complicity in trafficking, the trial of three police officers began on 29 February 2016 for illegally detaining three migrants and demanding bribes for not arresting and charging them.

Total arrests: 3. Total victims of trafficking rescued: 3

### ***Lao Girls Broker Case***

In 2014, in northeastern NongKhai province, a Petty Officer-First Class, Royal Thai Navy conspired with the manager of a karaoke bar to detain and force six underage Lao girls to sell sex. The Public Sector Anti-Corruption Commission (PACC) is

coordinating with the Navy for further disciplinary action following the allegations, and with AMLO regarding tracing the financial assets. He has been charged with trafficking in persons offenses, as is automatic in cases of underage sexual exploitation, and is currently facing charges in the Criminal Court. His trial began on 28 March 2016.

Total arrests: 1. Total victims of trafficking rescued: 6.

### ***New Arrests***

Several new arrests were made during the first three months of 2016, none of which have yet provided evidence of official complicity, but investigators are still searching for that possibility. Prominent cases include the following:

#### ***Myanmar Woman Trafficking Fishing Crews***

In a case that exemplified the benefits and effectiveness of partnerships, and also the transnational nature of human trafficking gangs, police in Phuket arrested a Myanmar woman and two Myanmar men on January 28 on Siray Island for holding 32 migrants from Myanmar against their will. The migrants said they had been sent out as forced labor on fishing vessels several times by the traffickers and their accomplices, and when they were returned to the island they were kept in cells. They said they had been beaten.

Thai police first received information on the case during a bilateral meeting between anti-trafficking police in Myanmar on 25-27 January, held with financial and technical support from the Australia Asia Program to Combat Trafficking in Persons (AAPTIP) in Myanmar. Myanmar anti-human trafficking police notified Thai police that four Myanmar workers were being held as forced labor on a fishing boat heading back to Phuket. Thai police found one Myanmar crewmember who escaped while the boat was arriving in port and obtained more information from him. The police expanded their investigation and found there were many more Myanmar men being held against their will. Anti-Trafficking in Persons police coordinated with Navy, Marine Police, Tourist Police, Immigration Police and local police to search and raid the detention cells on the island.

Prosecutors are gathering evidence to take the case to court, and the 32 victims are receiving protections and social services. In addition to three defendants facing trafficking charges, police have also been able to issue sketches of five Myanmar

brokers and a boat captain. Warrants have been issued for their arrests, and the information shared with Myanmar.

Total arrests: 3. Total victims of trafficking rescued: 32.

### ***Underage Sex and Drug Mule Case***

A married couple was arrested in January and charged with human trafficking offenses for using under-age girls in Bangkok to allegedly deliver amphetamines, with some forced or procured for commercial sex, and some were beaten. A customer who paid for sex with one of the girls and then procured her for other men was also charged with criminal offenses. Prosecutors are currently gathering evidence to take the case to trial.

Total arrests: 3. Total victims of trafficking rescued: 3.

### ***The ‘Doctor’ Master Forger of Passports***

While not considered a trafficking-in-persons crime by legal definition, passport and document forging are widely acknowledged as important components in the machinery and infrastructure of human trafficking, as well as people smuggling, terrorism and other crimes. In early 2016, Thai police apprehended an Iranian national living in Thailand for 25 years that they contend is the leader of a passport-forging and document-forging ring. Police said the forger admitted to providing passports to human trafficking gangs mainly moving people from the Middle East to Europe, but also to other human trafficking and people smuggling syndicates.

The arrest on 9 February of Hamid Reza Jafary of Iran was the culmination of a five-year investigation. Known in the underworld simply as “The Doctor,” police had been unable to ascertain the forger’s identity until a few days before they arrested him at his apartment in a Bangkok suburb with 173 fake passports in his possession. Police also found equipment such as stamping machines, watermark blocks, screen-printing devices, fake Thai visa stickers, punching, sewing and engraving machines.

Police said this was the largest passport-forging operation they have uncovered in recent years. Police also arrested five Pakistani nationals allegedly working with Jafary. Australian police assisted with intelligence in this case.

Total Arrests: 6. Total victims of trafficking rescued: not applicable.



### ***Ship Owners and Captains Case***

Thai authorities arrested three owners of six Thai-flagged fishing trawlers and four of the trawlers' captains in late January and early February after detecting they were fishing illegally in foreign waters in the Indian Ocean. The suspects are facing the possibility of one year in prison and a maximum fine of \$833,000. At last report, investigators were interviewing crewmembers to determine if the suspects can also be charged with human trafficking offenses.

On 30 January, the Royal Thai Navy intercepted trawlers *Mook Andaman 018* and *Mook Andaman 028*. Later on 14 February, two more vessels, *Yu Long 6* and *Yu Long 125*, were seized. *Hung Chi Fu 68* and *Ceribu* were subsequently also seized. All six vessels are now detained at the Phuket port and their licenses and registrations have been revoked. The catch from the vessels was confiscated.

Total arrests: 7. Total victims of trafficking rescued: Currently undetermined.

### ***Thailand Internet Crimes Against Children (TICAC)***

As referenced on page 125 of the main report, the Thai police have established the Thailand chapter of the Internet Crimes Against Children Center. This type of crime is automatically considered a trafficking in persons crime. From December 2015 through February 2016, TICAC officers made six separate arrests relating to child pornography and/or abuse: One suspect was deported and police and prosecutors are preparing cases against the other five. Details of those cases can be found in the Prevention section of this Update.

### ***Other Cases Involving Official Complicity***

The Ministry of Interior regulates and inspects entertainment venues, such as karaoke bars and other premises where trafficking victims may be held. Government Order no. 68/2014 dated 17 June 2014 stipulates urgent measures for the prevention and suppression of trafficking in persons and the solution of migrant workers. Following a directive from the Government in July 2015, the Ministry of Interior instructed all Provincial Governors to take serious action against human trafficking. Provincial Governors and other local administrative bodies down to the level of Village Headmen come under the supervision of the Ministry of Interior.



From July 2015 through March 2016, provincial officials have intensified inspections and closed down 237 businesses for violating the Government Order. The businesses were shut down for one or more violations of laws on serving alcohol to underage persons, operating or selling alcohol outside of permitted hours, and weapons and illegal drug violations. In addition, 31 businesses were shut down for violating trafficking in persons laws, and 31 suspects arrested on trafficking in persons charges, during the same period.

The Ministry of Interior has set up its own TIP taskforce and a center, Damrongtham Center, to receive complaints. Five of the complaints led to cases involving official complicity. The taskforce reported five cases of entertainment venues where it had found victims of trafficking and also financial records on the premises that indicated owners had paid bribes to officials, such as police or inspectors. These cases have been reported to the Office of the Prime Minister, and the Public Sector Anti-Corruption Commission (PACC) is investigating these cases for possible disciplinary action and/or criminal charges. The suspected bribe takers have not been charged under TIP laws, but are expected to be charged with a range of other offenses including and related to bribery. While three of the cases took place in 2015, they were not included in the original report. The cases were as follows

On 30 January 2015, Counter Human Trafficking Unit, a civil society group, contacted the Ministry hotline with information that led to the rescue of five Lao girl victims from a karaoke bar in PathumThani province and the arrest the owner on charges of sexual exploitation. Ministry officials found records of bribe payments to government officials and submitted a report to the Governor for further action. This raid took place even before the July 2015 directive from the Government.

On 14 October 2015, (a Registered Charitable Trust and Non-Government Organization with offices in New Zealand and South East Asia) and its partner, the Family Connection Foundation, contacted the hotline with information that led to the rescue of one Myanmar girl victim, believed to be underage, from a karaoke brothel in Kanchanaburi province and arrested two suspects on sexual exploitation charges. Ministry official found records of bribe payments to officials and submitted a report to the PACC and AMLO for further proceedings.

On 16 December 2015, Alliance Anti Traffic, or AAT, a civil society group, contacted the Ministry hotline and provided information that led to the rescue of three Lao girl victims and the arrest of three owners/managers in two karaoke bars in

UbonRatchathani province. The suspects were charged with procuring a person for prostitution and lacking business licenses. Records of bribe payments were found and the Ministry has submitted the evidence to PACC and AMLO for further investigation.

On 5 January 2016, NVADER and its partner, the Family Connection Foundation, contacted the hotline with information that led to raids on two more karaoke bars in the same province. The officials arrested the owner and manager of the first bar on trafficking and child sexual exploitation charges and rescued three Lao girls. They also arrested the owner of the second bar on trafficking and child sexual exploitation charges and rescued one Lao girl. Ministry of Interior's officers found, in the bar, a record of bribes paid to some government officials and this has now been submitted as key evidence to the PACC and AMLO.

On 25 March 2016, after hotline calls from NVADER and the Family Connection Foundation, the Ministry of the Interior's TIP taskforce raided a karaoke bar in NakhonPhanom province, which borders Laos, and rescued eight Lao girls. The manager was arrested on child exploitation and forced labor charges. Officers found records of bribe payments and submitted that evidence to the PACC and AMLO.

To Ministry of the Interior has also had joined forces with the police and military for patrol routes from the border to the inner cities in search for traffickers and victims. From January 2016 through mid-March, the Ministry taskforce had inspected hundreds of entertainment businesses in 30 provinces. Of those inspected 150 establishments had violations involving illegal migrants or human trafficking, with 116 were ordered to shut down for five years.

### ***Ongoing Investigations***

The Royal Thai Police and the Department of Special Investigations report that from January through mid-March 2016 they have investigated or are investigating 54 new cases in January involving human trafficking and/or labor abuse, and have charged a total of 74 suspects. Of these, 52 cases involve trafficking for sexual exploitation, three concern labor exploitation and three relate to labor exploitation in the fishing industry.

### ***Cases in the Fishing Industry***

Several of the prominent cases already listed involve trafficking or labor abuse in the fishing or seafood processing industries. According to recently released statistics from

the Command Center to Control Illegal Fishing (CCCIF), 41 cases of human trafficking in the fishing industry were taken up by law enforcement in 2015. Of these, 12 are currently being tried in courts and one person has already been convicted and sentenced to eight years in prison, as detailed in our main report submitted in January 2016.

Law enforcement and labor inspectors have inspected over 150 seafood-processing plants in recent months, resulting in 46 criminal cases of trafficking or labor abuse and the closure or suspension of 17 factories.

### ***Golden Prize Canning Factory Case***

The Golden Prize Canning Factory case was an important victory for migrant workers against labor abuse, but one that was achieved outside the criminal justice system with the timely intervention of the CCCIF, the Ministry of Labour and the provincial governor. At the end of February 2016, owners of the Golden Prize tuna-canning factory in SamutSakhon province near Bangkok agreed to pay 48 million THB (\$1.3 million) to 1,100 migrant workers, mostly from Myanmar and many of who were previously unregistered, for a variety of labor abuses that had led to the workers voting to strike.

### ***Punishing the Guilty***

Severe punishment is not only just but serves as a deterrent. For Thailand, the figures for five years show that 50 percent of convictions have resulted in imprisonment of over three years. Some sentences have been very harsh, as much as 150 years, in accordance with the seriousness of the crimes. Following are some examples of harsh sentences handed down by Thai courts, noting that while some cases began in 2014, sentences were handed down in 2015-16:

### ***Forced Labor***

In 2014, four perpetrators forced seven Thai children to work in a small factory in PathumThani province. Each was sentenced for 43 years imprisonment, fined for 9,000 baht and asked to provide compensation in civil case amounting to a total of 1,058,600 baht to the victims.

In Chumphon province, the court sentenced two Myanmar perpetrators to 50 years imprisonment each in a forced labor case involving 12 underage Myanmar child victims.

### ***Sexual Exploitation***

In 2014 in Rayong, police arrested two perpetrators for procuring four women for the sex trade. In 2015, the Court sentenced the two perpetrators to 35 years and 3 months imprisonment each for TIP offenses of procuring girls older than 15 but younger than 18 years for the sex trade.

A former monk in Chiang Mai province was prosecuted for deceiving three boys to have sex with another monk. The Court sentenced the perpetrator to 50 years imprisonment.

In 2015 in Ratchaburi province, a Thai woman was prosecuted on TIP offenses for procuring a 12-year-old girl to sell sex. The Court sentenced her to 18 years and 4 months imprisonment (reduced by half following the confession).

### ***Begging Exploitation***

In 2014, a Myanmar perpetrator procured three girls under 13 years old, to be beggars in Khaosan Road in Bangkok. The court sentenced him to 11 years and 3 months imprisonment.

### ***Forced extortion***

In 2014, nine Thai perpetrators were prosecuted for seeking benefits from a Myanmar victim in a Had Yai city bus terminal. The Court sentenced each to 22 years and 6 months imprisonment.

### ***Cooperating with Neighbors***

On 24-25 March in Chiang Mai, Thailand hosted the first bilateral meeting between the Lao Anti-Trafficking Division and Royal Police Anti-Trafficking in Persons Division and the Department of Special Investigation. Thai Law Enforcement now has regular bi-lateral meetings with Cambodia, Laos and Myanmar bi-annually with technical and financial support from AAPTIP.

### ***Summary***

Thailand's law enforcement and justice system has been steadily rising to the challenge of effectively combating trafficking in persons. The 2015-2016 assessment period saw an unprecedented number of arrests and cases filed. Every arm of law enforcement is taking part in this campaign as evidenced by the range of trafficking arrests involving forced labor, forced labor in the fishing and seafood industries as well as other industries, sexual exploitation, child labor, child sexual exploitation and

other offenses. The number of arrests by Thai authorities dwarfs those of other countries in the region that also have very serious trafficking problems. Although the nature and extent of the trafficking problem in other countries in the region strongly suggests official complicity, Thailand is the only one that has arrested and is trying several high-ranking officials for involvement and complicity in human trafficking.

At this time last year, the Royal Thai Police were being criticized for only arresting low-level traffickers and no “big fish.” However, behind the scenes, police were quietly and painstakingly building an investigation that eventually led to the arrest of 92 traffickers including government officials and members of the security forces. For obvious reasons, police tend not to reveal many details about ongoing investigations. More arrests of traffickers and ringleaders cannot simply be ordered up on a schedule. It takes hard work and perseverance on the part of law enforcement to construct cases that will be solid enough to stand up in court.

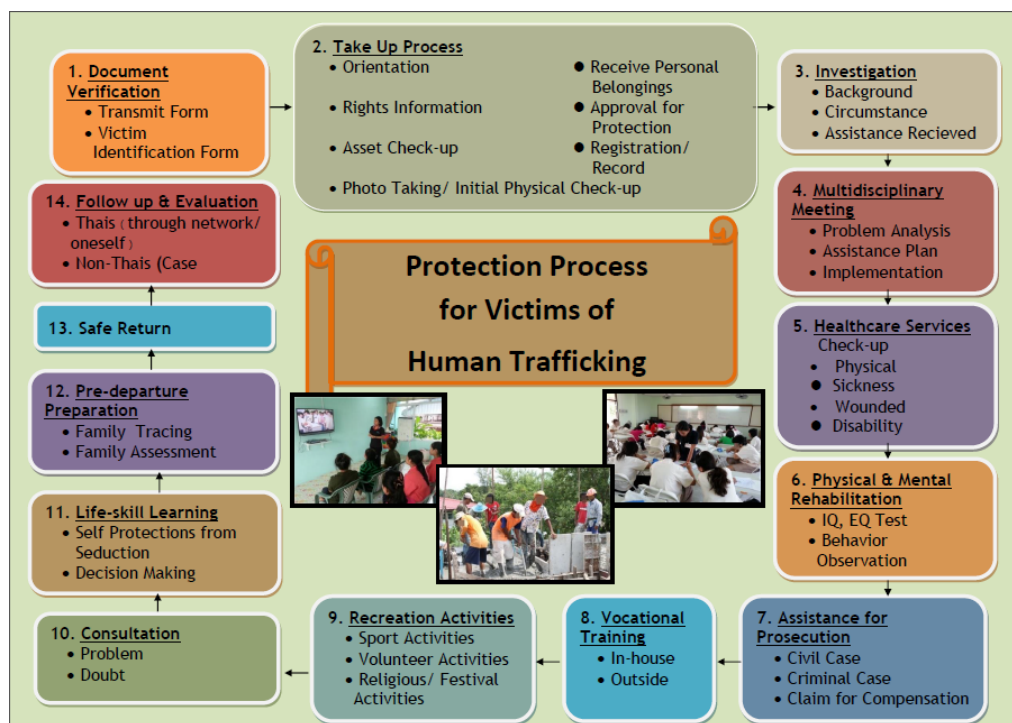
Investigations are still taking place as this Update was being written. The Royal Thai Police, with backing and support from the highest levels of the Thai Government are committed and determined to bring more traffickers, no matter their status or connections, to justice.

### **Protecting the Vulnerable**

#### **Actions to Safeguard and Provide Services to Victims of Trafficking**

Sheltering and protecting victims of trafficking and providing them with services are priorities in the Thai response to trafficking. The stepped up enforcement of laws and the breaking up of criminal syndicates has produced more victims rescued and in need of assistance from the Thai authorities than ever before. More resources have been devoted to this aspect of the response, and the performances of Thai government staff and their civil society partners are continually being optimized to do better on behalf of those in need. The Ministry of Social Development and Human Security (MSDHS) is the lead ministry on this aspect of the response.

Diagram 1: Protection Process for Victims of Trafficking in Persons



### By the Numbers

From January 1 through March 4, 2016, the authorities assisted 108 victims of trafficking. All 108 were referred to eight government-run shelters where they were receiving care from staff of the Ministry of Social Development and Human Security and nongovernmental organizations that specialize in helping victims in various aspects of recovery and rehabilitation.

The services provided include safe and secure accommodation, food, clothing, vocational training, recreation activities, legal aid, medical care, psychosocial counseling and education, and eventually repatriation and reintegration into society.

Among the trafficking victims, 36 were rescued from sexual exploitation, and 72 from labor exploitation. The majority of victims receiving assistance were young Thai women between 15 and 18 years old. Many were Myanmar males age 18 and older.

**TABLE 1: Number of Victims of Trafficking between January 1 - March 4, 2016**

Nationality	Sexual Exploitation						Labour Exploitation						TOTAL
	<15 years old		15-18 years old		>18 years old		<15 years old		15-18 years old		>18 years old		
	M	F	M	F	M	F	M	F	M	F	M	F	
Thai	-	5	-	2 3	-	-	-	-	-	1	3	-	32
Myanmar	-	-	-	-	-	-	-	-	-	-	39	-	39
Laotian	-	2	-	6	-	-	-	1	3	2	23	-	37
Cambodian	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	-	7	-	2 9	-	-	-	1	3	3	65	-	108
	36						72						

***Language Barriers Overcome***

Thai Ministry of Social Development and Human Security has a roster of 138 interpreters it can call upon to facilitate communications with foreign victims of trafficking and labor abuse. Most of these interpreters speak at least one of the mother tongues spoken by the vast majority of foreign trafficking victims: Khmer (Cambodian), Myanmar and Rohingya.

The Ministry recently hired six Rohingya-speaking interpreters to assist communications between Rohingya victims and shelter staff, the police and lawyers preparing them as witnesses in trials of traffickers. Save the Children provided the funding to hire the interpreters, but their expenses are covered by MSDHS. These interpreters visit each shelter with Rohingya occupants once a week, but can be called upon more frequently if needed. Interpreters working directly for partner organizations such as Save the Children can also be called upon if needed. The total number of Rohingya interpreters in Thailand that the Ministry has on call is now 22. Most are in the Bangkok area, but six are in the southern provinces. Three are in Ranong, one is in Nakhon Sri Thammarat, one in Pattani and one in Songkhla. These interpreters work in shelters help prepare witnesses for the court trials and inquisitorial system. All expenses involved are paid for by MSDHS.



More interpreters in the various languages are being added and will be trained during 2016. From March 30 - April 1, the Ministry conducted a training seminar for 49 Myanmar-language interpreters. Three additional trainings are planned for later in the year. In May, a workshop will be held for Khmer interpreters, followed by a refresher workshop in June. In August, there will be another workshop for more Rohingya interpreters. The Ministry is aiming to train 120 interpreters in 2016.

These trainings are held in cooperation with Save the Children, Chulalongkorn University and Kasetsart University. The trainings are designed to sensitize the interpreters in dealing with victims of trafficking, and provide them with skills, strategies, techniques and specialized terms to make them more effective in assisting the victims in communicating their needs, and investigators and lawyers in obtaining evidence and preparing victims who are witnesses for court appearances to provide testimony.

### ***Educating Victims, Particularly Children and Women***

Save the Children in conjunction with the Ministry has also organized education in a safe learning environment in shelters for victims who are children and also for females. They are mixed in with other children and women in need of shelter for various reasons, not just trafficking victims. Learning includes life skills, as well as instruction in Rohingya and English languages.

At the Songkhla Center for the Protection of Victims of Trafficking, a government shelter in the south, child victims are receiving education, contrary to a recent report by Fortify Rights, a nongovernmental organization. Classes for learning basic Thai language skills were launched on 18 February 2016 and 34 victims enrolled. This can help them communicate in Thai so they can work outside the shelter if they so desire and it is appropriate. Basic English is also taught. The classes learn through games, songs, and technology such as audio, videos, computer programs and through programs on the Internet. The goal is to make learning enjoyable and positive in order to assist and speed their psychological and emotional recovery. Two additional shelters are now providing Thai languages classes for victims. The Ministry intends to expand these classes to all eight Government shelters before the end of 2016.





The Ministry was continuing to cooperate with Save the Children in improving services for victims of trafficking in shelters under the *Andaman Sea Crisis Humanitarian Response Program*. The program gives particular attention to the most vulnerable children and families, with unaccompanied and separated children being the first priority. It also provides knowledge, tools and support to the primary caregivers in shelter, so that they deliver quality services at an international standard.

The program is being implemented in five MSDHS facilities: the SuratThani Center for the Protection of Victims of Human trafficking, the Ranong Center for the Protection of Victims of Human trafficking, the Songkhla Center for the Protection of Victims of Human trafficking, PhangNga Home for Children and Families, and the Ranong Home for Children and Families.

Activities in the program include a Rohingya language and script development and reading program, reading clubs and story time (in mother tongue and languages spoken by the community), second language learning programs (English and Thai), math, life skills, and the Healing and Education Through the Arts Program (HEART).

From 1-4 March 2016, a needs assessment and information gathering was conducted at the three locations to further develop the approach, curriculum framework and schedule for the education program. Those involved expect the new program design to be completed by March 2016.

In addition to learning, children have ample space and time for play. The Songkhla Home for Children and Families has a playroom stocked with books (including many picture books), toys and games. There is a small outdoor garden and playground with swings and a slide.

### ***Protection of informants, witnesses and victims***

Many victims are also witnesses in cases against the traffickers who enslaved and otherwise abused them. Their testimony is essential to successfully prosecute and put traffickers behind bars. Victims who are potential witnesses, however, are often fearful of testifying and can still face threats and dangers unless they are adequately protected. Thailand has developed several measures to induce witnesses to testify, and to protect and care for them.

Protecting witnesses is a challenge for any law enforcement agency in any country. Thailand's Ministry of Justice has a witness protection program under the Department of Rights and Liberties Protection. The program involves multidisciplinary teams with other ministries such as MSDHS and consists of pre- and post-trial protection. Members of the Royal Thai Police are recruited to serve in the program and provide physical protection.

At the present time, witness protection is being provided to 82 people, and almost all of them are trafficking victims. Of those 82 under protection, 60 are witnesses in the Rohingya trafficking trial, one is from the Ambon/Benjina trials (another nine who testified in that case and have gone home are no longer asking for post-trial protection), and 18 are witnesses in the Kantang trafficking trial.

Children under witness protection are provided with counseling as needed, and MSDHS staff work to ensure that all facets of dealing with child witnesses conform with the United Nations Convention on the Rights of the Child, to which Thailand is a signatory. For example, Save the children has supported the MSDHS to develop "Child Witness Protection Program" in order for preparing children in the shelter who are witnesses for the court trial.

The shelter in Songkhla is part of the Ministry of Justice's witness protection program. The Ministry of Justice said it has stationed five police officers from its witness protection program at the shelter, in addition to police officers who guard all entrances and exits. They are providing 24-hour protection to the children and other witnesses at the Songkhla shelter because of threats that had been made in the past by traffickers. A total of 74 trafficking witnesses had been at the shelter, but several have been moved to a Bangkok-area shelter to prepare for trial.

### ***Protecting Those Fighting Trafficking***

Protection is also extended to those involved in the fight against trafficking. The Government of Thailand regrets the chain of events that led to the resignation and emigration of a senior police officer who was once part of the investigating team on the Rohingya cases.

However, many other officers in the Royal Thai Police, together with a special team of prosecutors from the Office of Attorney General who were sent to work with the police since the beginning of the investigation, are collectively responsible for what we have achieved so far. The cases involve several separate but related investigations. Although

during his less than two months working on one of those investigations, the general made contributions, the investigation does not depend upon any one man.

A total of 213 officers, interrogators and prosecutors, including many of the most able and competent in their fields, are working on the cases involving trafficking of Rohingya. Other members of the investigating teams who had not spoken with the media made exceptionally strong contributions and were responsible for breaking the case in the first place.

A police investigation did not uncover evidence to substantiate allegations that threats had been made against the general, and no other members of the police or prosecutorial team have reported receiving any threats. They are continuing to work with the confidence that they have full support from the highest levels of the Government. Nonetheless, that should not be interpreted to mean that the Thai Government questions the general's credibility on this matter. In fact, the Government continues to welcome any solid evidence from anyone, including the senior police officer that might be able to assist the prosecution of the Rohingya cases, as well as any other related charges. The safety and protection of any whistleblowers or witnesses will be guaranteed.

A threat against one witness was reported. The culprit was a general in the Royal Thai Army. He was charged with obstruction of justice under the Anti-Trafficking in Persons Act, along with three other non-official individuals, on 14 June 2015. The Ministry of Justice and the Royal Thai Police are providing round-the-clock witness protection to all the witness in the trials and none, except for the case already cited, have reported receiving any threats or intimidation.

Another allegation was also made by the senior police officer that he had been prevented from continuing his investigation into the financial dealings of the trafficking syndicate that might have led to uncovering even more high-ranking officials complicit in the crimes does not conform to the facts. That aspect of the investigation is the responsibility of the AMLO, and that investigation is continuing. AMLO is the specialist agency with the most experienced and qualified investigators to pursue this aspect of the investigation most effectively.

Furthermore, the trafficking case is now with the Office of the Attorney General who is still pursuing the investigation as the case moves through the court system. Police are also still pursuing leads. More than ten additional suspects have now been

arrested (on top of over 100 suspects already arrested for enslaving ethnic Rohingya and other migrants from Myanmar and Bangladesh), leaving 50 suspects still at large and the police remained fully committed to pursuing them. The Royal Thai Police is therefore working closely with their counterparts in Malaysia and Myanmar. The latter already resulted in one Thai suspect having been arrested in Rakhine State in Myanmar and is incarcerated there. The Royal Thai Police have not closed the case on this trafficking syndicate. They believe they will eventually apprehend most of those suspects and may obtain more information leading to even more arrests related to this trafficking syndicate, and possibly others. In short, this case is far from over.

### ***Improvements in Case Management***

The United States Federal Bureau of Investigation has offered a training on Victim/Witness Coordinator and Assistance for the Royal Thai Police. A course will be for two target groups: one for commanders and one for practitioners. The training was recently scheduled to take place on 26-28 April 2016. It will have 50 participants: 20 from the police, with the rest from the Department of Special Investigations and MSDHS. On the implementation phase, the FBI will send some of their coordinators to work in the field with the newly trained police coordinators.

The objective is to provide information on responding to victims of human trafficking and setting up victim specialist programs in each region. During this training, participants will learn about the structure of victim services, the training necessary for victim specialists and the benefits to integrating victim assistance into investigations. Multiple case studies involving the successful implementation of victim assistance services in law enforcement operations will be presented. Commanders of nine police regions who are directly responsible for forming and implementing a victim assistance program in their regions will take part in the course.

In addition, the 17<sup>th</sup> bilateral case management meeting between multidisciplinary teams from Thailand and Myanmar was held from 8-11 February in Yangon, Myanmar. It dealt with the issues regarding the progress of victim assistance such as legal status, compensation, return and reintegration, and finalizing the manual of bilateral standard operating procedures on management of cases and the repatriation and (re)integration of victims of trafficking.

### *Working for a New Life*

According to the 2015 Thailand Trafficking in Persons Annual Report, there are 471 trafficked victims in the shelters assisted by the MSDHS. As of March 29, 2016, the number has increased to 479. Among these, 58 victims are employed outside the shelters and 439 victims are not willing to work outside. The reasons for not willing to work outside as shown in Table 2 below.

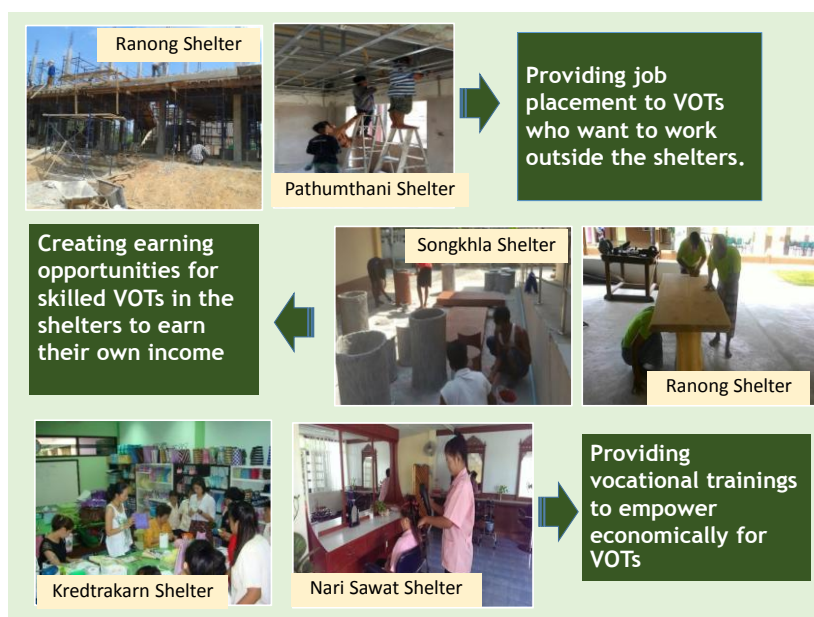
**TABLE 2: Number of Victims of Trafficking in MSDHS' Shelters and Their Employment**

Gender	Number of victims in shelters (persons)	Number of victims employed outside shelters (persons)	Number of victims NOT working outside shelters (persons)						
			Unwilling to work / still considering	Willing to work but limitation(s)					TOTAL
				Underage (<15 yrs old)	Disabled / health problem	Communication problems	In process of repatriation	Still in reception period	
Male	215	48	-	22	2	88	-	55	167
Female	282	10	163	35	10	43	20	1	272
Total	497	58	163	57	12	131	20	56	439

On 12 March 2016, a pilot project for vocational skills development for victims of trafficking was launched at the PathumThani Center for the Protection of Victims of Human Trafficking, in cooperation with the Thanyaburi Vocational Training Center called Thanyaburi's Model. This project provides classes for victims in a variety of subjects and skills depending upon their interests. Some classes that are available include crop farming, animal husbandry, repairing household appliances and computers, and recycling.

**TABLE 3: Description of work and services providing for victims of trafficking classified by groups and challenges**

Groups / Challenges	Description / solutions
Victims employed outside shelters	<ul style="list-style-type: none"> <li>- Working in beauty salons, traditional Thai massage shops, construction sites, painting, welding, wiring, domestic helpers and worker in noodle shops.</li> <li>- Wages received according to minimum wage.</li> </ul>
Victims who willing to work but doesn't want to go outside shelter	Working in shelters: catering services for nearby government offices, furniture, rubber gloves, artificial flowers, and premium gifts/souvenir to be sold in each center's shop and /or partner's shops.
Unwilling to work / still considering	Provide vocational training: construction skills (welding, wiring, concrete, etc) , agricultural (growing different vegetable, making organic fertilizer, etc), carpenter, clay/plaster moulding, barbering, beauty salon, sewing, cooking, baking, handicraft, basketwork, traditional Thai massage, etc.
Underage (<15 yrs old)	
Disabled / health problem	
In process of repatriation	
Communication problems	Provide Thai communication class for all who interest.
Still in reception period	Attending all reception course for their physically and mentally recovery, and then later vocational training as desired.



### ***Telephone Hotline***

Between January and March, the hotline received 24 calls about trafficking in persons. Of those, 15 were confirmed and they were referred to the concerned authorities such as the Anti-Trafficking Police Division (2), the Department of Provincial Administration (1), the provincial police (2) and the Bangkok Metropolitan Police (10). Respective authorities succeeded in rescuing 50 victims of trafficking and providing them with protection: Thai (16), Myanmar (30), Laos (3) and Cambodian (1).

### ***Improving Victim Identification***

The Ministry is planning to organize a total of eight training sessions this year on victim identification. The objective is to improve the effectiveness of victim identification for multidisciplinary teams. Two trainings were already organized, one in Bangkok and one in KhonKaen. The trainings are for 800 officers/staff from MSDHS, the Royal Thai Police, the Ministry of Interior, the Ministry of Public Health, the Ministry of Labour and relevant NGOs.

### ***Going Home and Resettlement***

For the victims' best interests, the Thai Government continues to cooperate with countries of origin, UNHCR and IOM to repatriate or resettle victims in third countries.

The safe repatriation of Bangladeshi victims was conducted in close coordination with officials in Bangladesh in February 2016. Another case is safe repatriation of 1 Lao victim of trafficking. Nineteen Rohingya victims have been resettled in the U.S. from January - March 2016. Two groups of Rohingya still remain in government shelters waiting for resettlement; 117 Rohingya victims of trafficking (they have a choice to stay on to work in Thailand for a year after their cases have ended) and 85 women and children who are not victims.

So far the U.S. is the primary country that has been willing to accept any for resettlement, and has now taken a total of 68 since January 2015. The IOM provided support for the cost of repatriating.

### ***Coming Home- Reintegrating into Thai Society***

The Government of Thailand has made a robust effort to rescue and repatriate those fishing crewmembers and others who were stranded in Indonesia as a result of the Ambon and Benjina Island cases detailed in the section on Prosecutions. Thailand is also concerned about nationals of other countries, such as Myanmar and Cambodia,



who were victimized on ships jointly owned by Thais and Indonesians and others. Thailand is working with the IOM, which has agreed to handle the repatriations of those nationals to their home countries.

The Thai Government has sent four missions Ambon, Benjina and nearby islands consisting of multidisciplinary teams to survey and rescue victims of trafficking and stranded crewmembers. The missions took place in:

1. October 2014
2. March - April 2015
3. December 2015
4. March 2016

Since October 2014, Thailand has transported 1,476 Thai crewmembers, including 57 victims of trafficking found to date, back to Thailand and liaised between the Ministry of Marine Affairs and Fisheries of Indonesia and Thai companies to take their vessels back. In case the company did not bear the costs to send the crew back, the government advanced their money so that the crew can go home the sooner. The task force also negotiated with Indonesian companies to pay unpaid wages to the workers, as many of these boats were owned or jointly owned by Indonesians.

The Thai Government also sponsored the Labour Rights Promotion Network Foundation (LPN), a civil society group, to visit Indonesia with the CCCIF team in March 2016 to facilitate repatriation of the group of 45 stranded crewmembers.

The March mission made serious efforts to determine whether there may be more stranded people in addition those on a 2015 survey list, as there are scattered and remote communities on islands in the area.

- *Details of the missions.*

Mission to Yamdena Island: The team went to the communities; met local authorities, visited churches and schools and talked to stranded Thais and a few stranded Myanmar crewmembers. Some had been on the islands for decades and were adopted by the communities, married locals, had new families, started new lives and had settled there. Some do not want to go back to their countries. Some of them said they are fine and have legal documents from local authorities, while others said they wanted legal documents and their unpaid wages. The team has confirmed that there were no reports of deaths of Thai fishermen in the area.



Mission to Ambon Island: The team met with local authorities that informed them that there were no Thai fishermen in Ambon since the beginning of this year. The team visited two Thai and one Laotian crewmembers detained at Ambon Immigration. One Thai wanted to go home but was not able to because the company did not support the expenses, so the Thai Government helped him to return to Thailand on 23 March 2016. One Thai could not establish his Thai citizenship through the family information he gave, and so the DSI took some of his hair samples back for examination in its forensic laboratory in Thailand. The Lao crew established their citizenship and were waiting for repatriation by IOM. The team was informed by an Indonesian helmsman that there are five Thai fishermen staying on boats that were seized in Ambon Bay. The team then surveyed the five groups from 13 boats and checked the living conditions of Thai fisherman. The team was informed by a teacher there that there is one Thai fisherman who married a local and is not part of the community. The team reached remote communities on the island to search for Thai stranded fishermen and met with two companies to check the status of Thai employees.

Mission in Tual Island: The team interviewed 16 Thai fishermen to get information and for further proceedings.

The Government has been continuing to assist all Thai victims of trafficking who were rescued and returned from Indonesia in the Ambon and Benjina Islands cases, and who want assistance. The Government has assigned caseworkers from the Ministry of Social Development and Human Security for each of these returnees. They have not been working alone on this, but in partnership with civil society groups and international organizations. Stella Maris is an active partner in working with the Government both in prevention of labor trafficking activities and also in assisting in, and providing rehabilitation for some of victims of trafficking before reintegrating them back into society.

The Labor Rights Promotion Network (LPN) Foundation too works with the Government, represented in this mission by the Command Center to Combat Illegal Fishing (CCIF), both in rescuing victims of trafficking brought to Indonesia by Thai and Indonesian co-owned fishing companies and also in providing the Royal Thai Police with intelligence necessary for successful prosecutions of those who used victims of trafficking onboard of fishing vessels. The cooperation between the LPN team and the Royal Thai Police that began effectively in December 2015 has now led to 9 trafficking cases and likely to be more in the months to come.

Among the returnees from Indonesia was one Thai victim who had no identity documents. His return was assisted by the LPN Foundation and the CCCIF, together with its multidisciplinary task force. In January 2016, he received a new ID card with the help of the MSDHS caseworker who also connected him with services from government agencies and civil society groups. TalithaKum Thailand, a Christian organization, helped him build a new house. He is still suffering, however, from the trauma of his experiences and has lapsed into alcoholism. He is now in the care of the government shelter in PathumThani where he is receiving treatment for his alcoholism, and counseling to help him cope with his experiences so he can successfully readjust to life back home.

### ***Anti-Human Trafficking Fund***

During the first three months of 2016, the Thai Government provided grants from the Anti-Human Trafficking Fund to 143 Thai and non-Thai victims of human trafficking. The total amounted to 1,126,197 THB (\$31,858). The funds were given in the form of grants for living allowance, compensation for inability to work and covered personal costs and the costs of returning to country of origin if necessary or desired.

### ***Caring for the Caregivers***

An aspect of the response that receives little attention is the needs and stresses of caregivers. Burn out and exhaustion are common problems for those who work in social services, such as shelters. To counter this, the Ministry of Social Development and Human Security working with Save the Children, organized a professional development program for shelter staff. The first workshop in the program was held from 30 March to 2 April 2016.

### ***Sharpening the Response on Protection***

To improve the response on protection and harmonize efforts as much as possible, Thailand and the Japan International Cooperation Agency organized the Sixth Mekong Regional workshop on Assisting Victims of Trafficking on 16-18 February 2016 in Bangkok. Over 100 practitioners from all five countries: Cambodia, Laos, Myanmar, Thailand and Vietnam shared their experiences and engaged in developing a sub-regional network in assisting victims of trafficking to build new lives after being rescued.

### ***Working with partners:***

Apart from our partnerships with the LPN Foundation and Stella Maris as mentioned earlier, the MSDHS is working closely with a newly established Thai NGO in Chiang Mai province called the Children's Advocacy Center Thailand (ACT) in different

dimensions. These include providing financial support to train Government and NGO staff on how to gather information from victims of trafficking and abused children for successful investigations, and also a campaign to raise awareness about child sex tourism and child trafficking among at-risk groups.

The Ministry is also cooperating with the SR Law, a renowned Thai NGO with special expertise in bringing traffickers to justice and ensuring that poor and disadvantaged groups in Thailand have access to the legal system. SR Law is assisting victims by walking them through the whole legal process so that they will be confident and well prepared during the trial and legal processes in the ongoing cases, including the Rohingya case.

## **Prevention is the Key**

### **Steps to Reduce the Flows of Migrants and Victims**

No response can be truly effective without a sustained emphasis on prevention. Without prevention, the battle never wanes and the fire is never extinguished. Thailand has taken several steps to prevent people falling into the hands of traffickers. Some of these steps have been unilateral, while others have been in partnership with international organizations and neighboring countries that are the chief sources of migrants.

#### ***Understanding the Problem***

Solving a problem is impossible unless that problem is clearly understood. To better inform the drafting of policies, laws and international agreements aimed at preventing human trafficking, Thailand has undertaken several studies to gain a more accurate understanding of the complex situations and factors that are driving human trafficking and labor abuse, with the goal of making the national response more effective.

To begin the information gathering process as quickly as possible, the Government is in the process of conducting a study on the current employment of foreign workers in Thailand, the restrictions they face and recommendations to improve the situation. The Ministry of Interior (Mol) has ordered Sub-district Headmen and Village Headmen to gather data on the actual number of migrant workers in the areas under their jurisdictions to compare differences between the actual numbers of migrant workers and the demands for workers from employers. This should help inform future policies on regulating the flow and numbers of workers migrating to Thailand.

On 29 March 2016, the Ministry of Labour met with the ILO to discuss a joint project they will be launching in April that involves surveys and studies called *Assessing and Forecasting Labor Demand in Thailand*. The project aims to analyze the demand for labor workers in each business sector and in each province. This will include assessments of the skills sought and required by employers, means of developing those skills during employment, the skills possessed by the labor pool and estimates and forecasts of numbers, types and skill levels of workers needed by each sector in each province.

On 17 March, the Ministry of Labour announced a partnership with the ILO and the European Union for a 42-month joint project called *Combating Unacceptable Forms of Work in the Thai Fishing and Seafood Industry*. This project, funded by the ILO and EU, actually began on 1 February. It aims to address working conditions that deny fundamental principles and rights at work in the Thai fishing and seafood processing industry. A key part of this project is to improve inspection systems and the capabilities of the inspectors. The presence of an effective inspection system and regime is a preventive measure in itself as it serves to deter traffickers and abusive employers.



The project's stated objectives are:

- To strengthen the legal, policy and regulatory framework in the fishing and seafood sectors by raising labor standards and facilitating more legal migration into the seafood and fishing sectors.
- To enhance the capacity of Government officers, including labor inspectors, to more effectively identify and take action against human trafficking and other labor rights abuses in the fishing and seafood processing sectors.
- To improve compliance with the fundamental principles and rights at work (core labor standards) in the seafood and fishing industries through the implementation of the Good Labor Practices (GLP) Program, an effective complaints mechanism with increased awareness and ownership across the supply chain.

- To enhance access to support services to workers and victims of labor abuses, including children, through engagement and empowerment of civil society organizations and trade unions.

Among the project's expected outcomes are:

- A strengthened national legal and policy framework and improved social dialogue in the industry
- An improved knowledge base on conditions in the industry and on the effectiveness of different types of responses
- Increased number of labor inspections of vessels and subsequent orders observed by employers
- Enhanced access of workers to an effective conciliation and complaints mechanism, and timely and fair responses to those grievances
- Workers associations in the industry strengthened, and links strengthened with trade unions
- Effective voluntary compliance tools and processes developed by industry associations in collaboration with workers' organizations
- Increased number of workers withdrawn from forced labor and the worst forms of child labor
- Workers and children in the sector have greater access to a range of quality support services provided by NGOs, trade unions and government.

The ILO will work with staff from the Department of Labour Protection and Welfare and the Department of Employment in the Ministry of Labour, the Department of Fisheries in the Ministry of Agriculture and Cooperatives, the Ministry of Social Development and Human Security, and the Command Center to Combat Illegal Fishing (CCCIF); trade unions, workers associations and civil society organizations; employers' organizations, industry associations and buyers and retailers groups.

Results from this project and other studies will also be used to prepare Thailand for ratifying the ILO Work in Fishing Convention 188. The Ministry of Labour is working with other ministries and the legislature to determine and prepare amendments to existing laws and regulations in preparation for ratifying the Convention 188. A task force is being formed to facilitate multi-ministry consultations. The Thai Government expects it will be ready to ratify Convention 188 by September 2018.

In the meantime, On 23 March 2016, PuntrikSmiti, the Permanent Secretary of Ministry of Labour, deposited the instrument of ratification of ILO Convention 187 concerning the Promotional Framework for Occupational Safety and Health, 2006 with the Director-General of the ILO Guy Ryder. The Convention will enter into force for Thailand on 23 March 2017.

The Thai Government realizes that Child labor is also a serious problem, and the Ministry of Labour is in the process of improving its response by gathering accurate information to inform solutions. Nonetheless, it is important to note once again that the U.S. Department of Labor has recognized Thailand's progress in this area by placing the Kingdom in its "significant advancement" category in its latest report on the issue "Findings on the Worst Forms of Child Labor 2014".

The Thai Government has undertaken a national survey on working children, which was integrated into its Labor Force Survey through the National Statistical Office in December 2015. The Government intends for it to become a regular feature of its Labor Force Surveys, with some technical advice and support from the ILO. The Ministry and the ILO are negotiating Terms of Reference for this endeavor and the terms are expected to be ready in March 2016. The Ministry of Labour has said it will allocate resources to conduct research for this aspect of the Labor Force Survey in next fiscal year budget, which will be approved in September 2016. The Government has approved a budget of \$48,604 for the National Statistical Office to conduct the national baseline survey on working children. The Ministry has said it intends to permanently integrate the child labor survey into its annual Labor Force Survey exercises.

The Ministry is also conducting another two-phase survey project on Situational Analysis of Children Working in Sugarcane Sector that has already been launched.

The first phase of the survey project is to conduct a situational analysis of children working in sugarcane factories nationwide. Agriculture is a sector in which child labor is prevalent globally. The objective of this survey and analysis is to collect baseline information and screenings.

This first part of the first phase of a survey of children working in sugarcane process factories was carried out in January 2016. The household survey covered 47 provinces and looked at 102 workplaces employing a total of 752 workers. A subcommittee consisting of 14 representatives from various agencies such as the National Statistical



Office, ILO and technical specialists from universities has already been set up to select and monitor the situation of factories using child labor for the purposes of this study.

A budget of \$38,000 for designing the survey and questionnaire, pre-testing, manual production, assessment, and organizing a workshop to share findings with relevant agencies was already approved. The first report on the results of these activities was submitted to the Ministry of Labour on 1 February 2016 and is being reviewed to help inform and design elements of the second phase.

The Ministry of Labour has said, however, that no children working were found in any of these establishments during this survey. All workplaces inspected were registered with the Provincial Committee of the Office of the Cane and Sugar Board. Officials are trying to determine if there may have been unregistered workplaces the survey may have missed.

The Ministry also partnered with local civil society groups to gather information in the field, recognizing that such groups often have better access to the marginalized, such as child laborers, than Government officials or inspectors.

Nonetheless, Thailand and the U.S. Department of Labor believe this situation is improving, and the Thai side will continue to gather information nationwide for an assessment. A goal of this survey will be to document Thailand's case that its products should be removed from the list of products allegedly made with child labor and forced labor under the **Trafficking Victims Protection Reauthorization Act of 2003**.

A budget was approved for January through September for the second phase of the project, which involves a partnership with the National Statistical Office. This includes two training workshops organized for field researchers. A representative from the U.S. embassy has been invited to join the data collecting survey process in KhonKaen province.

### ***Addressing the Problem at the Source***

Human trafficking is a transnational crime, and most migrants and victims of trafficking in Thailand are from neighboring countries. In order of the size of their populations in Thailand, most migrants come from Myanmar, Cambodia, the Lao People's Democratic Republic and Viet Nam. Traffickers operate on both sides of



Thailand's borders, and some traffickers in Thailand are nationals of neighboring countries. Several arrested in the massive case involving Rohingya trafficking were from Myanmar. Traffickers from Cambodia have also been arrested in Thailand.

Joint efforts and cooperation with these countries are, therefore, crucial to solving the problems of human trafficking and labor abuse. These cooperative efforts span law enforcement, labor regulation, awareness raising, economic assistance and other measures aimed at addressing root causes.

The Thai Government has become proactive in this regard and taken a leading role in pushing for bilateral and regional solutions. Spurred into action by the boat people crisis on the Indian Ocean, Thailand organized and hosted two regional special meetings on irregular migration in the Indian Ocean in May and December 2015. Those meetings produced agreements on measures to help people stranded at sea, with Thailand pledging to provide humanitarian assistance and allow safe landings of vessels. Thailand is pushing for the problem to be solved in the source countries.

Cooperation with Myanmar, the largest source of migrants and trafficked people, was also moving forward in early 2016. On 7-9 January 2016, official representatives from Myanmar and Thailand held a technical consultation. The two sides agreed to an MoU and another Agreement that would regulate and monitor expenses and fees related to recruitment. The consultation meeting also agreed to establish a hotline to continue consultations. The Ministry of Labour has submitted a draft of this MoU to the Ministry of Foreign Affairs for review before it will be sent to the Cabinet for approval.

The MoU and Agreement addressed the fees required to obtain visas, work permits, medical certificates and other documents and services, and the procedures and employment agencies can use and charge for these. Domestic laws are needed to regulate service charges, and design, and officials from both countries are currently discussing progress on those laws. The two sides also agreed to establish a hotline in both countries so that migrants can obtain accurate information, receive advice and report problems.

On 12-13 February 2016, officials from Myanmar and Thailand held another consultation in Chonburi province to work on mutual agreements, mainly focusing on the prevention of exploitation by employment agencies by regulating the fees limits between Thailand and Myanmar. The agreements worked on during this consultation are still at an informal stage and are being developed.

Thai officials were also in touch with their counterparts in Cambodia to schedule a meeting to develop an Action Plan from the MoU that was signed in December 2015, also to regulate and monitor the flow of workers to Thailand.

On 4 January 2016, the Lao Peoples Democratic Republic informed Thailand that it agrees with the details of an MoU and Agreement both sides considered in December 2015. Lao PDR has requested two more meetings to work out final details. Lao law requires three meetings before the MoU or Agreement can be signed.

On 17-18 March 2016, a consultation meeting was held in Laos between officials of both countries to discuss preventive measures in the management of labor and expanded collaboration within the MoU. The MoU would include partnerships on technical support, skills development for migrant workers, and regulations on overseas employment.

Regulating employment agencies is an essential component in preventing human trafficking. Excessive fees charged by employment agencies place financial burdens on migrants that make them vulnerable to debt bondage and by extension labor abuse. The high cost of finding work through some such agencies can drive migrants into the arms of traffickers who are willing to loan them money at usurious rates, also resulting in debt bondage.

During March, Thailand and Viet Nam were in the process of drafting an Action Plan covering the flow of migrant labor between the two countries. Negotiations are ongoing. Viet Nam is seeking to export workers in service industries, while Thailand has expressed a need for workers in its construction and fishery industries.

### ***A Management System for Migrants***

Thailand is currently working to develop a management system for migrant workers in partnership and with technical assistance from civil society organizations and international agencies such as the International Organization for Migration and the ILO.

A management system for migrant workers reduces the risk of human trafficking by offering them safer and legal routes to working in the Kingdom. This reduces their need to turn to illegal brokers who might be part of human trafficking rings, shields them from extortion attempts by corrupt officials, makes it easier for them to exercise their rights, and makes them eligible to receive social services.

The Thai authorities allow migrant registration during particular periods in order to properly manage the flow of migrants into the Thai labor market, as labor shortages in the fishing and seafood processing industries have contributed to the sourcing of illegal migrant workers. On 2 February 2016, the Cabinet extended this period for workers in the fishing and seafood industries for another six months - until 31 July 2016 for workers in fisheries and until 22 August 2016 for workers in the seafood processing sector.

During the registration period, surveys estimate that there are 60,551 registered migrant workers in the seafood processing industry and a combined total of 149,623 migrant workers in the fishing and seafood processing industries registered in the Kingdom, up from just 6,864 at the end of 2014.

The Cabinet resolution on 2 February 2016 increased the period for registration for migrant workers in the fishing and fishery sectors for another six months, ending in 31 July 2016. Also the period for the exemption for temporary stay permit ends in 31 January 2017.

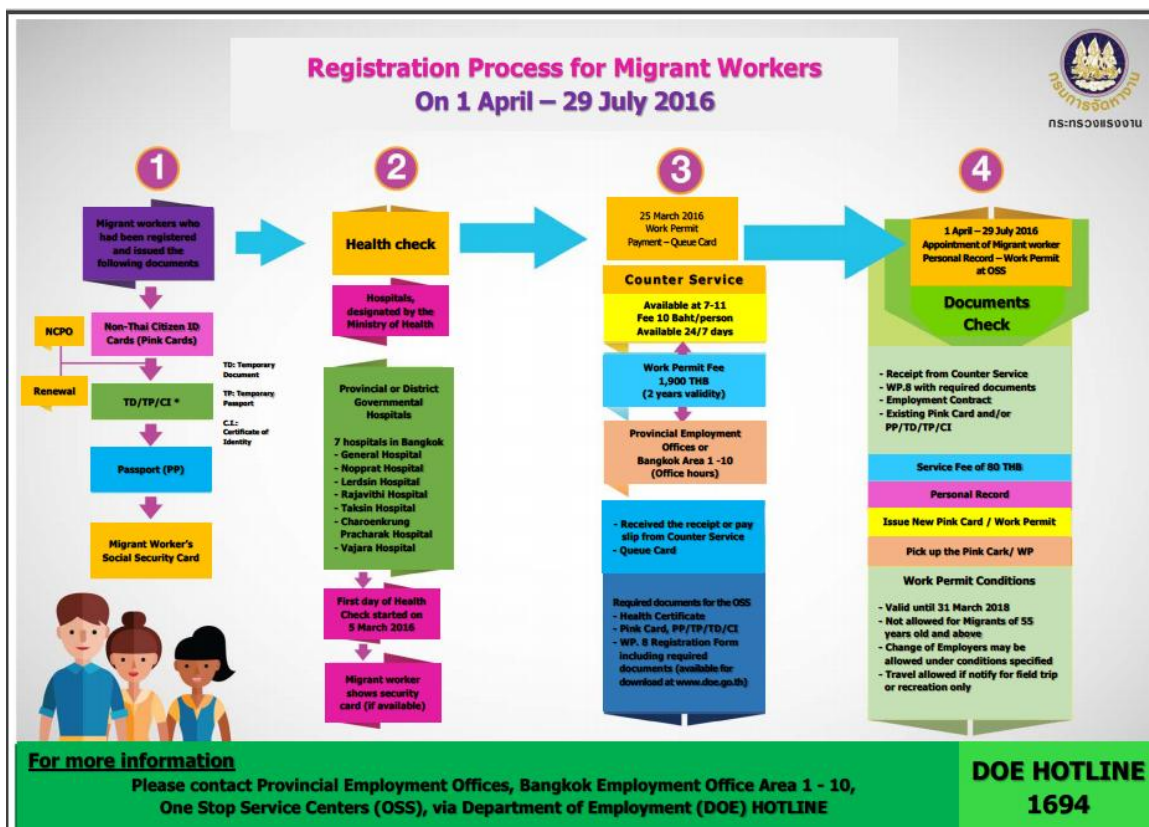
The Cabinet resolution on the 2 February 2016 approved and extended the period of registration of migrant workers in the seafood processing industry to another six months, ending 22 August 2016, and the extension for temporary stay permit should end in 22 February 2016.

The gaps, conflicts and inconsistencies between the documentation systems of the four countries has hindered the development of the MoU system that Thailand is aiming to use as the main method of recruiting and controlling the flow of foreign migrants workers into the Kingdom.

An important development was a recent Cabinet resolution that covers migrants currently in the Kingdom who were recruited through the MoU system and are entitled to work for a period of two years up until 31 March 2018. They will now be entitled to renew their permits to stay and work in the Kingdom for three additional two-year periods for a total of eight years.

On 23 February 2016, the Cabinet passed a resolution that allows an extension for temporary stay for four types of migrant workers from Myanmar, Cambodia and Laos. The four types of workers are: 1) those who registered during the registration period opened by NCPO in 2014 and received a Non-Thai Citizen ID Card (Pink Cards); 2) pink

cards holders who are about to reach the end of their temporary stay on 31 March 2016; 3) accompanying children aged below 18 years; and 4) migrant workers with temporary passport, issued temporary document, or Certificate of Identity (C.I.)



These migrants total 3,450,743 persons. The registration to extend their stay will be opened from 1 April 2016 to 29 July 2016. To make the registration process as convenient as possible, the Government is partnering with CP Group to allow migrant workers to pay the work permit fee at 7-11 convenience stores nationwide before proceeding with the rest of the process at OSS centers.

### ***Measures to Regulate Employment Agencies***

Part of creating a comprehensive migrant management system is the regulation of job brokers and employment agencies. Thailand recognizes that illegal and unscrupulous job brokers are a significant component in the machinery of human trafficking and has been taking a variety of steps in the areas of policy and enforcement aimed at preventing such brokers from operating and migrants falling into their hands.

The Government is in the process of passing a new law, the Royal Ordinance on the Bringing of Migrant Workers to Work in Thailand (unofficial translation). This Ordinance will give government agencies greater control and management powers over migrant employment agencies. At the moment, the Thai authorities are using a law governing job brokers and agencies that send Thai workers overseas, despite the fact that it was not written to cover brokers bringing migrants into Thailand for work. Since January 2016, the authorities have recorded 17 cases of violations against the Job-Seeker Protection Act and filed charges accordingly.

On 10 February 2016, the MoL organized a consultation meeting with the ILO as technical consultant in which a working group meeting was set up and the participants included government officials from relevant agencies, specialists and NGOs. ILO representatives also suggested that the Ordinance comply with content of the ILO Private Employment Agencies Convention 181 (1997) so that it would be in line with international standards and agreements. On 15 March 2016, the ILO organized a consultation workshop for relevant agencies provided feedbacks on the draft of the Ordinance.

The draft of this new Ordinance was approved by the Cabinet on 29 March 2016. The Ordinance's draft provisions include a punishment of 3-10 years in prison or a fine of 60,000-200,000 THB (\$1,719-\$5,732), or both.

### ***Raising Awareness to Prevent Abuse***

Awareness raising materials have been distributed at areas where migrants workers frequently visit such as ports, working establishments, and at Provincial Department of Labor Protection and Welfare (DLPW) centers. Department staff are also raising awareness and providing consultations and advice related to labor laws and rights at the DLPW centers, and while visiting ports of entry. The awareness-raising materials are published into three languages, Myanmar, Laotian, and Khmer (Cambodian). In the year 2015, a total of 60,000 leaflets and brochures were printed, with 20,000 in each of the three languages. In 2016, 13,000 leaflets in Myanmar have been published, 12,000 in Khmer, and 5,000 in Laotian.

A partnership project with IOM also published leaflets in three languages to raise awareness about the Ministerial Regulation concerning Labor Protection in Sea Fishery Work, B.E.2557, with a total of 15,750 leaflets and 1,150 posters printed. It also published materials to raise awareness on the Ministerial Regulation on the

Protection to Agricultural Workers, B.E. 2557, with a total of 5,400 leaflets and 1,150 posters.

The Ministry of Social Development and Human Security has also printed 20,000 pamphlets to raise awareness about trafficking, and distributed them to multidisciplinary teams, officials and at factories and workplaces. The materials produced by the Ministry include a pamphlet on what is trafficking in persons in five languages - Thai, English, Myanmar, Khmer and Laotian - a TIP indicators pocket card that also contains information about the TIP hotline 1300, and an information sheet on criteria and procedures and punishment when trafficking is suspected or found.

### ***Border Inspections as Prevention***

Immigration authorities at border crossings play a role in preventing human trafficking into Thailand through their inspection process. Immigration police conduct random interviews at these checkpoints, and carried out over 100,000 of them in 2015. In January 2016, the latest months for which statistics are available, they carried out 7,620 random inspections or interviews. A total of 316 migrants were denied legal entry that month and seven were blacklisted. All those who were denied legal entry were detained and are facing prosecution or have already been prosecuted. Those who are victims will be assisted with repatriation.

These statistics, however, are totals for all reasons for being denied entry. They include people involved in human trafficking - including five Americans and one Australian that Immigration Police were believed to be involved in trafficking - or people suspected of being trafficked. But they also include those denied entry for smuggling of various contraband. Nonetheless, the 323 total cases in January already equal more than half the total for all of 2015, indicating stepped up screening and enforcement at the borders.

### ***Assistance to Families to Prevent Child Labor***

While rights are a source of protection, preventing child labor also requires tangible assistance to families and children who are vulnerable to the practice. The Ministry of Labour had formally requested a partnership with the Ministry of Interior's Sub-district Administration Organization (SAO) to provide childcare workers from their day care facilities to take care of children of sugarcane workers aged 1-7 years during sugar cane crushing season. Without childcare, these children would normally accompany their parents into the fields and may end up working themselves.



The SAO program only covers children between the age of 1-7 years, though, leaving children between the age of 8-15 years vulnerable and without care. This constitutes a remaining challenge. Some provinces have initiated pilot projects with their local SAOs in partnership with the sugarcane industry to allow these children to be able to attend special educational courses during the sugar cane crushing season. These are being studied, and if monitoring and evaluation demonstrates they are effective the potential is there for these programs to be scaled up.

***Day Care Centers in Establishments and Communities with Workers and Their Accompanying Children.***

The Ministry of Labour in collaboration with business owners and Sub-District Administrative Offices have provided child care services inside workplaces for children of workers aged 1-7 years old. Currently 62 workplaces have temporary Day Care Centers, serving a total of 1,529 children (with 60 children of migrant workers among them) and are overseen by 200 childcare providers.

The Department of Labor Protection and Welfare has established two temporary Child Care Centers in industrial areas where a number of laborers live. The first is located on the campus of Princess Sirindhorn College in NakornPathom, serving a total of 988 children including 12 migrant children (11 Burmese and 1 Laotian). The second is located in Princess Sirindhorn College in SamutPrakarn, with 577 children including five migrant children (3 Burmese and 2 Laotians).

***Preventing Child Sex Tourism and Child Pornography***

While it is possible that some children might still fall prey to trafficking for the purposes of sexual exploitation and producing child pornography. Thailand has made important strides against child sex tourism in recent years; nevertheless, the Government recognized that constant vigilance is required. While the production of child pornography has not been shown to be a widespread problem in Thailand, any instance of it is abhorrent.

To prevent child sex tourism, the Royal Thai Police Immigration has been working with the U.S. Homeland Security Investigations of the U.S. to take referrals from Operation Angel Watch, an intelligence-driven program targeting registered sex offenders traveling abroad who the U.S. Immigration and Customs Enforcement believe are likely to engage in child sex tourism. Angel Watch has been making referrals about suspects to the Royal Thai Police since October 2015. The Deputy Attaché of Homeland Security Investigations at the U.S. Embassy in Bangkok, said the



ongoing cooperation has been “outstanding” and the Thai police have “been great to work with on this.” The following is the monthly breakdown of Angel Watch referrals and resulting actions:

October: 5 referrals (3 denied, 2 admitted)  
 November: 4 referrals (3 denied, 1 denied boarding in US)  
 December: 4 referrals (2 denied, 1 admitted, 1 unknown)  
 January: 3 referrals (3 denied)  
 February: 3 referrals (3 denied, including 1 in Myanmar)  
 March: 1 referral (1 admitted)

In addition, MSDHS has installed banners and posters at Suvarnabhumi International Airport and Don Muang Airport in Bangkok to warn Thai and foreigner tourists against severe criminal punishment on those involved in child sexual exploitation and also to inform them of the 1300 Hotline that will connect them to relevant authorities who can facilitate the rescue or any other kinds of trafficking-related assistance. A more extensive PR campaign to raise public awareness on child sex tourism, child pornography and human trafficking in general will also be launched in the second quarter of this year.



To combat the scourge of child pornography, the Department of Special Investigations (DSI) with support from the British Embassy in Bangkok organized training for police officials who are members of TICAC. The curriculum consisted of trainings for law enforcement officials on protecting children and youths from various forms of exploitation. The training also included sessions on accessing the child protection system.

This training in prevention has already produced positive outcomes in enforcement. What follows are recent arrests of men who possessed or produced child pornography in operations by the Royal Thai Police and the DSI, some with information supplied by Homeland Security Investigations.

December 9, 2015: UbonRatchathani. Police arrested a convicted child abuser Peter DundasWalbran of Australia and deported him back to Australia.

December 14, 2015: Chiang Mai. Police arrested James Craig Neumann, 75, of the United States for possession of child pornography on a laptop computer. A judge sentenced him to one year in prison, but suspended the sentence because Neumann confessed.

January 7, 2016: Chiang Mai Province. Police officers from TICAC, Police Provincial Region 5, Department of Special Investigations, and the MSDHS had formed a task force to investigate a British national, Fabian Frederick Blandford, who was charged of child pornography possession and distribution. A cyber-tip from NCMEC (The National Center for Missing & Exploited Children) led to search and seizure operations and police found child pornography on his computer and mobile phones. Further investigation by Chiang Mai police found evidence to support human trafficking chargers. And later, Chiang Mai Police Division had formed an investigation committee to investigate this case and found more evidences, those offences also fall under human trafficking charges. Consequently, case officers charged Mr. Fabian under child trafficking in addition to possession and distribution of child pornography. His case is now with prosecutors.

February 19, 2016: Pattaya. Police arrested Johannes Mass, 79, of the United States. He has been charged with possession and distribution of child pornography after uploading pornographic photos of Thai children on the Internet and is awaiting trial.

February 19, 2016: Pattaya. Police arrested Tony Roberts of Great Britain on possession and distribution of child pornography. He is awaiting trial.

February 19, 2016: HuayYai. Police arrested Roman Franz Rauch, 75, of Switzerland on charges of possession and distribution of child pornography. TICAC officers also found evidence he had abused a child under five years old. He has confessed and is awaiting court action

### ***Prevention Measures in Thailand's Fishing and Seafood Industries***

Thailand's fishing and seafood processing industries are the subjects of sweeping and comprehensive reforms initiated by the Government. They address human trafficking, labor abuse, environmental abuse and illegal, unregistered and unreported (IUU) fishing. While some reforms deal with enforcement, protection and other issues, prevention is the best way to ensure the industries and its regulators will sustain new

standards, practices, procedures and safeguards so that these industries are free of trafficking and other abuses. What follows are several major elements in the prevention sphere of the response.

### ***Observers on Fishing Vessels***

Preventing human trafficking in the fishing industry presents special challenges. The sea has often been described as a lawless zone where enforcement of laws and regulations is nearly impossible. One measure that might prove helpful and is being taken by the Thai authorities is the assigning of trained fisheries observers on all Thai-flagged fishing ships operating in international waters.

These observers, who will monitor ships for ostensibly for scientific purposes relating to catches, locations and equipment have the potential to serve as a deterrent to all aspects of illegality and mistreatment including trafficking and labor abuse. The first 20 observers completed their training with the Department of Fisheries in December 2015 and the second batch is currently being trained. This measure, however, remains in the area of a potential solution because while enforcement agencies are lobbying for the observers to also monitor for labor abuse and trafficking, the Department of Fisheries opposes giving them that role out of concerns for their safety. In addition, the Department faces a challenge in recruiting enough observers willing to be at sea for extended periods.

### ***Tracking Systems for Fishing Vessels***

Another measure designed to prevent a range of violations is the requirement that all fishing vessels 30 gross tons or larger install and use a Vessel Monitoring System (VMS) employing global positioning system technology. This allows the authorities to know where each ship is at all times. This could serve as a deterrent to many illegal actions, including picking up trafficking victims to serve as crew from other ships at sea or from islands where traffickers may have bases. By 19 February 2016, some 4,562 Thai fishing ships had installed Vessel Monitoring Systems.

### ***Inspections at Sea***

Inspections can be viewed both as enforcement and prevention. The increasing likelihood of an inspection at sea or in port has deterrent value, and so also serves as a preventive measure. Within Thai territorial waters, Thai authorities have stepped up inspections at sea. VMS systems help officials decide which ships to inspect based on suspicious movements or locations, among other factors. From May 2015 through the end of January 2016, a total of 8,398 fishing vessels of all sizes were inspected at

sea. Over 430 cases of violations were found and legal actions are being taken against the violators.

The Command Center for the Control of Illegal Fishing reported that examples of offenses found included 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.

The CCCIF stressed that all illegal migrant workers found during its inspections were sent to register with the authorities and were exempted from being deported.

### ***Inspections of Long-Haul Thai-flagged Fishing Vessels***

A number of Thai-flagged fishing vessels operate outside Thai territorial waters, most often in the Indian Ocean. The Department of Fisheries ordered all such vessels that had not been inspected to return to Thai ports and submit to inspections by 30 January 2016. Representatives of the ILO and Greenpeace were invited to observe inspections that took place between 2 and 5 January 2016. Inspectors found violations on 39 vessels and action is being taken against them on violations of the Fisheries Act.

Complicating these inspections and inspections at sea, however, is the fact that some vessels are sailing under more than one national flag. Thai inspectors take action where and when the law allows them to, but this dilemma underscores the need for closer cooperation among countries in coping with this issue.

### ***Inspections of Seafood Processing Plants***

The Command Center for the Control of Illegal Fishing also organizes multidisciplinary inspection teams that visit seafood-processing plants. Each of the multidisciplinary inspection teams is comprised of ten members, led by the Royal Thai Navy officer, four labor inspectors, a social development officer, a fishing inspector, a factory inspector, a social security inspector, and a police officer.

Between 23 November 2015 and 16 March 2016, the CCCIF teams inspected 152 seafood-processing facilities. The inspections have resulted in orders to suspend operations at 19 plants. Five were suspended violations of the Alien Working Act, and the others for violations of the Factory Act. In addition, the CCCIF decided to

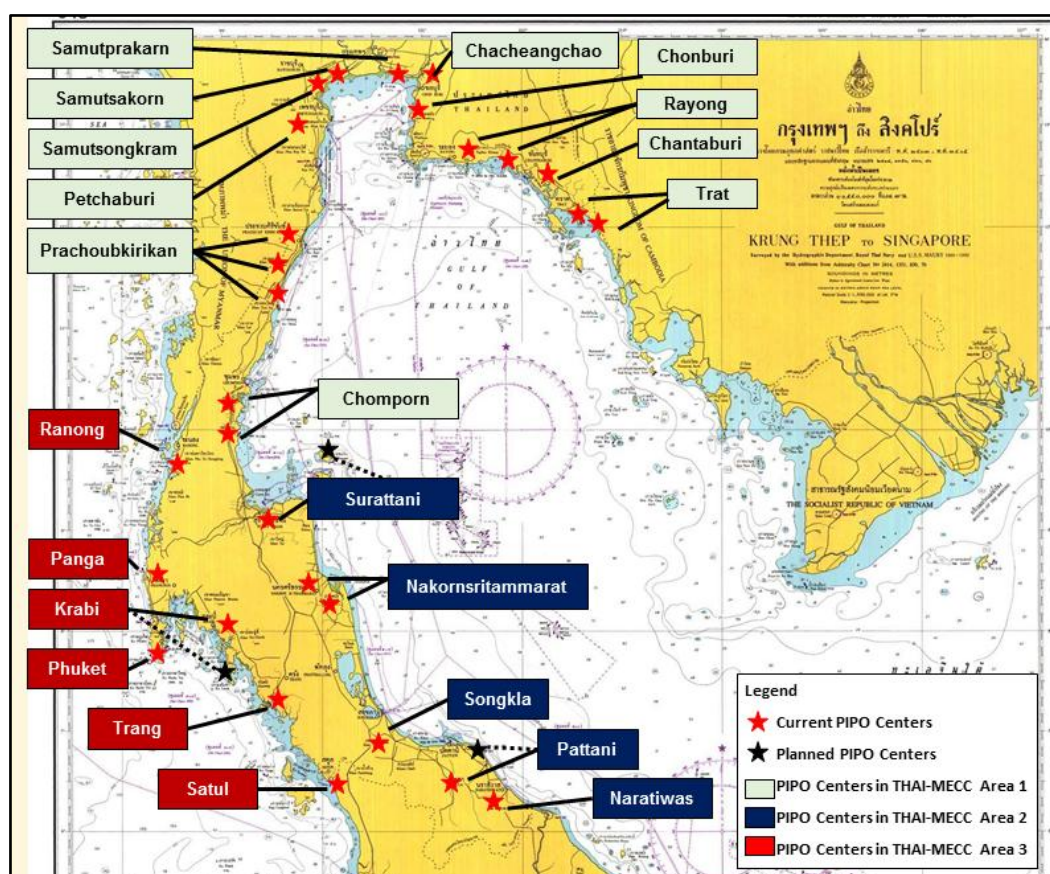
proceed with prosecutions against 27 plants for violations ranging from the Labour Protection Act, the Social Security Act, the Factory act and the Alien Working Act.

### ***More Inspections Coming***

The Thai authorities have already planned the next round of inspections to span the first half of 2016, and several high-risk targets have already been identified, according to the Department of Fisheries.

### ***Port-In/Port-Out Inspections***

Port-In/Port-Out Inspections serve chiefly as a deterrent for a range of crimes and violations, including human trafficking, as undocumented, trafficked workers would be unlikely to pass through the inspection process. The results of inspections carried out from May through December can be found on page 108 of the main report submitted in January.



**Location of the 28 PIPO centers and 3 planned centers**



*Use of QR codes for tracking system for better monitoring and control of vessels.*

From 1 April 2016 onwards, changes will be effective for receiving a permit for commercial fishing as stated in the new Royal Ordinance on Fisheries. The newly assigned period for registration at the Department of Fisheries from 1-15 March 2016 was also included in the Royal Ordinance.

1. All commercial fishing vessels including vessels for transshipment and storage, both within Thai waters and outside will receive a book that would include all information from the Marine Department (such as vessels registration certificate, vessel permit, etc.) and the Department of Fisheries (fishing license processing in overseas waters, commercial fishing permit, license for transshipment). In combining all data together into one single book, it would help facilitate the inspection process and ensure all regulations are followed. The data would be controlled by an e-licensing system, which link information between headquarters in Bangkok and all the data from the coastal provinces.
2. Every vessel from the size of 30 gross tons or more is required to install the VMS system before they receive the book.
3. Besides the book, every vessel will receive a vessel marking and a QR code that inspectors can scan and use to identify the vessel and call up all information related to the vessel in the CCCIF database.
4. The e-licensing system will integrate data from the registrar, the licenses related to the fishing vessel, to share details of the transshipment between the Marine Department and the Department of Fisheries for efficiency of inspection. This will speed inspections at PIPO centers, which would allow a more thorough focus on the labor inspections that are more fluid, as the workers change quite often, at the centers.
5. Fishing vessels that have not received a permit will not be given a QR code or the book, and therefore will not be allowed to leave port to fish. Those who had violated this rule will receive a stricter punishment as stated in the newly revised law.
6. The marking from the exterior of the boat, the QR code, and the new book system will create a better monitoring system of vessels at sea as forged documents will be easily found while tracing back using the tools (marking, QR code, book). This process is considered one of the most modern and significant changes in the history of Thai law enforcement.

### ***Managing Fishing Capacity to Prevent Abuse***

Overfishing and illegal fishing, while clearly causing environmental destruction, are also linked to human trafficking and labor abuse. Too many vessels are bringing back smaller less lucrative catches and thus demanding more and more crewmembers working for little or no remuneration in order to turn a profit. Under the Government's recently adopted Marine Fisheries Management Plan, the government has created an up-to-date database of 42,000 ships that comprise the country's commercial shipping fleet. The Fisheries Management Plan is using a science-based approach to determine the maximum sustainable yield Thailand's territorial waters can provide based on their natural resources.

The information on maximum sustainable yield is being used to limit when and where ships can fish and what type of fishing they can engage. The authorities are also currently preparing to use the information to limit the number of ships that can receive licenses to operate. Beginning in April 2016, the number of licenses to be issued will be based on the maximum sustainable yield. In early 2016, Thai officials were preparing a buy-back program for all fishing vessels that are or will be regarded as illegal. This program will span two to three budgetary years.

## **Policy Improvements**

### **Enabling and Supporting the Fight Against Trafficking**

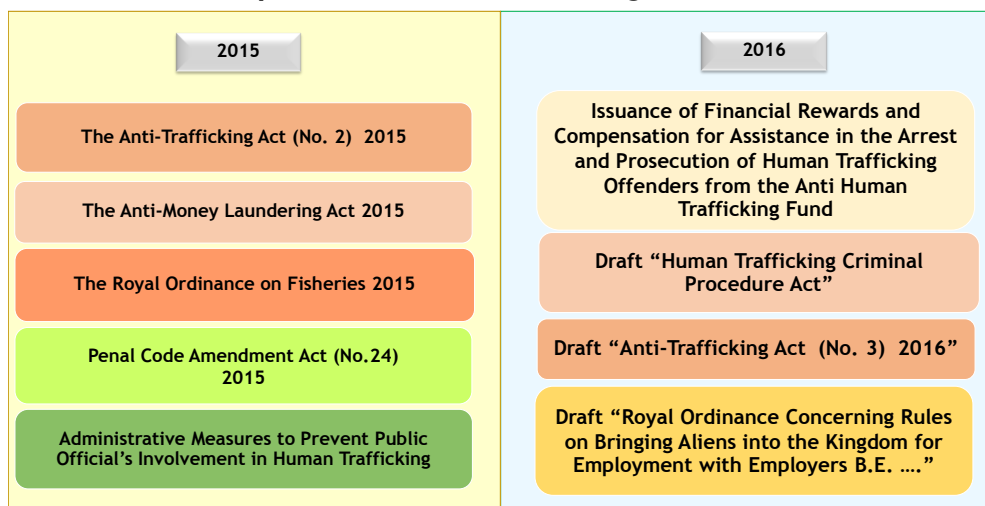
In addition to guiding official conduct and providing accountability mechanisms, policies also raise public awareness, set a national tone and clarify the government's attitude and agenda. Policy also involved allocating resources, and allocation of sufficient resources is evidence that policies are more than just words.

Because legal definitions, phrases and clauses are crucial in determining whether police are empowered to arrest individuals and whether prosecutors and judges can convict those individuals, Thailand's government has set about amending existing laws and regulations, as well as drafting new ones to ensure that law enforcement has the tools and weapons it needs to apprehend human traffickers. Definitions of crimes such as forced labor and child labor have been too narrow or inaccurate, forcing prosecutors to drop cases and judges to acquit those who appear to be guilty of violating the rights of others. These definitions are being clarified and loopholes are being closed.



## Legal Changes

### Improvement: Law and Regulation



### ***Implementation of the Regulation of the Office of the Prime Minister on Measures to Prevent Public Officials' Involvement in Human Trafficking 2015***

The National Steering Committee, chaired by Deputy Prime Minister Admiral Narong Pipatanasai, was established on 18 February 2016, together with one implementation level sub-committee - led by the Ministry of Justice - also set up on 26 February 2016 to constantly monitor progress of trafficking cases and other related crimes that involve government officials. Currently, there are eight cases. On 18 March 2016, one of the eight cases reached a verdict whereby an employee of MSDHS was sentenced to imprisonment of 16 years. She must also pay compensation to all of the six victims of trafficking, at the amount of 60,000 THB (\$1,697) each.

### ***Progress of the draft Anti-Human Trafficking Procedure Act***

The Draft Act was passed by the National Legislative Assembly (NLA) on 11 March 2016. The Act is designed to accelerate the adjudication of human trafficking cases, increase the success rate of reaching verdicts in a timely and transparent manner, with better protection of victims and witnesses. Trafficking cases will now use an inquisitorial rather than adversarial system so that the Court can take a more active role in finding facts. Previously, it was decided that instead of victims filing appeals on their own behalf (as discussed in the main report), MSDHS will use funds from the Anti-Trafficking Fund to pay for a lawyer to support the victim in filing an appeal for compensation in a higher court.

The revised bill is expected to become effective in the coming months. Details on the contents of these amendments can be found in the main TIP report beginning on page 19.

***Progress of the draft amendments to Anti-Human Trafficking Act 2016:***

The Cabinet approved the principle of the Draft Amendments to Anti-Human Trafficking Act 2016 on 15 March 2016, The Draft bill is currently being considered by the Council of State before submitting to the NLA and expected to be passed in 2016. This Draft dissolved any disagreements among key agencies on the definitions of key legal terminology where formal definitions of “forced labor” and “debt bondage” have now been agreed upon, as well as a clearer provision to classify serious forms of child labor as human trafficking offense. Moreover, the stricter punishments also proposed under this Act.

***Issuance of Financial Rewards and Compensation for Assistance in the Arrest and Prosecution of Human Trafficking Offenders from the Anti Human Trafficking Fund***

On 26 February 2016, the draft regulation to provide financial incentives for persons who provide evidence or otherwise assist in the successful prosecution of human trafficking cases came into effect (discussed in the Policy section of the Royal Thai Government’s 2015 Trafficking in Persons report). This regulation was promulgated under the authority of the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee.

The regulation establishes criteria and procedures for the selection and disbursement of rewards and compensation for persons assisting with human trafficking cases. Persons eligible to receive compensation under the act are those who have provided evidence to a competent government official (as specified in the regulation) that ultimately assists in the successful arrest of an offender. The reward shall be paid after the prosecutor has filed charges. The range of financial compensation to be paid depends on the precise criminal charge filed. For more minor charges, the reward shall be up to 30,000 THB (\$846); for more severe offenses, the reward could be up to 100,000 THB (\$2,828) per criminal charge.

***Amendments to the Labor Protection Act***

On 29 March 2015, the Ministry of Labour submitted to the Cabinet amendments to the Labor Protection Act, 2008 that include additional punishments in infringements that are related to child labor including Section 49 (hazardous work for children), Section 50 (workplaces that are unacceptable for child workers), and Section 44

(minimum age of working children). A Royal Ordinance has been issued with elaborations on Section 22 on the minimum age of working children (Royal Ordinance on Agriculture and Sea Fishery Sector).

The amendments would be brought to the Cabinet on 4 April 2016 with the following changes:

- (1) Increase in punishments to employers with children under the age of 18 to work as in Section 49, and in workplaces as defined by the Section 50, with the punishment of maximum two years in prison, or fine of no less than 400,000 THB (\$11,353) but not exceeding 800,000 THB (\$22,695) per one worker or both fine and imprisonment (draft of Section 144/2 paragraph 1).
- (2) In case of working children below the age of 18 per Section 49, or if they are found working in a workplace illegal for children as in Section 50, that resulted in physical and/or psychological injuries, or death, the employer would face imprisonment of exceeding 4 years, or a fine of minimum of 800,000 (\$22,695) to 2,000,000 THB (\$56,766), or both in fine and imprisonment (Draft of Section 144/2).
- (3) Increase in punishment in cases that a child below age of 15 was hired in general work, as defined in Section 44, or Royal Ordinance which follows Section 22 that relates to the age of working children in the field of agriculture and sea fisheries. The punishments include imprisonment not exceeding 2 years, or fine of the minimum of 400,000 THB (\$11,353) but not exceeding 800,000 THB (\$22,695), or both imprisonment and fines.

### ***Database on Human Trafficking***

Criminal justice agencies are now actively using the database to link suspects and evidence across different localities, which would have been extremely difficult prior to the database. This dramatically increases law enforcement effectiveness in cases involving criminal rings operating across different areas and find linkages between cases, both other trafficking cases as well as non-trafficking offenses. The information sharing and collaboration that results from the database is also serving to change working culture within the law enforcement community.

## **Working with Our Allies**

### **Thailand's Partnerships with Governments, International Agencies and Civil Society Organizations Continue to Grow**

#### ***Thailand's commitment to combat trafficking in persons in ASEAN community***

Having signed the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), in November 2015, Thailand is expediting the preparation for the ratification of the Convention.

In the meantime, cooperation with other ASEAN member countries is also enhanced to implement the ASEAN Regional Plan of Action to Combat Trafficking in Persons (RPA). The 12<sup>th</sup> SOMTC Working Group on Trafficking in Persons (TIP) and the Socialization of ACTIP and RPA was held on 20 - 21 January 2016, in Manila, the Philippines. At the meeting, all ASEAN member countries agreed on a draft work plan for ACTIP's future direction. The main priority areas that all ASEAN countries have agreed on include raising awareness and public campaign for combating trafficking in persons and also developing the victims' identification systems in the region as well as ensuring that victims will be provided with protection, assistance and services for the physical, psychological social recovery and rehabilitation. In addition, it was agreed that all ASEAN member countries will enhance their joint efforts in prosecuting crimes of trafficking in persons.

#### ***Special Retreat on Irregular Migration in the Indian Ocean, 1 February 2016, Bangkok, Thailand***

On 1 February 2016, Thailand hosted the Special Retreat on Irregular Migration in the Indian Ocean in Bangkok, to push forward the region's collective efforts in addressing irregular migration. This was a follow up to the two Special Meetings on Irregular Migration in the Indian Ocean held in Thailand in May and December 2015.

The Retreat was attended by representatives of the five most affected countries, namely Bangladesh, Myanmar, Indonesia, Malaysia and Thailand, as well as the United Nations High Commissioner for Refugee (UNHCR), the United Nations Office on Drugs and Crimes (UNODC) and the International Organization on Migration (IOM). The Special Retreat reaffirmed the five affected countries' continued ownership, commitment and responsibility in responding to the challenge in the Indian Ocean.

The Retreat discussed a draft action agenda proposed by Thailand that contains concrete actions to be taken together to address this problem effectively and sustainably. The five most affected countries also intended to integrate their long-term work into the Bali Process and agreed to continue to discuss the draft Action Agenda to shape the document's future direction, prior to the Bali Process Bali Process Ministerial Conference in March 2016.

Furthermore, the Retreat discussed Thailand's initiative on a regional information campaign on irregular migration in the Indian Ocean. The campaign will be implemented by the IOM and is financed by Thailand's \$100,000 contribution at the first stage. The Retreat agreed for the IOM to undertake a stocktaking exercise on current efforts in the Indian Ocean area in order to ensure that the campaign can add value to ongoing initiatives.

***The 10th Bali Process Ad Hoc Group Senior Officials Meeting, 2 February 2016, Bangkok, Thailand***

On 2 February 2016, Thailand co-hosted the 10th Bali Process Ad Hoc Group Senior Officials Meeting, together with Australia and Indonesia as the two Co-Chairs of the Bali Process. As member of the Bali Process, the U.S. also participated in the Meeting.

According to the Indonesian and Australian Co-Chairs, the Special Meetings organized by Thailand demonstrated regional coordinated efforts and a timely response to the emergency situation in the region, while the Bali Process was not able to respond in its capacity because of a lack of supporting mechanism to call for emergency meetings.

Since the two Special Meetings and the Special Retreat, the UNHCR has said the numbers of migrants leaving Bangladesh and Myanmar has dropped drastically, although the problem is likely to re-occur unless root causes are addressed. This was recognized as the result of more stringent law enforcement attempts to crack down on transnational criminal networks involved in people smuggling and human trafficking.

A final statement and recommendations from this meeting can be found at:

<http://www.baliprocess.net/files/Tenth%20Bali%20Process%20AHG%20SOM%20Co-Chairs%20statement%20-%20FINAL%20160210.pdf>

***The Sixth Bali Process Ministerial Conference, 23 March 2016, Bali, Indonesia***

Thailand attended the Sixth Bali Process Ministerial Conference together with 44 other member countries and relevant international organizations and continued to play its proactive role in addressing trafficking in person and irregular migration in the region.

The meeting adopted the Bali Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime. This unprecedented document in the Bali Process history demonstrates the members' political will and vision to address these problems in the region effectively together. The meeting also endorsed the establishment of the regional consultation mechanism, in order to respond in a timely and proactive manner to emergency situations in the region.

Thailand fully supports the Bali Declaration and the mechanism, taking into account the rising trend in global migration that frequently needs urgent regional coordinated efforts. Thailand also welcomed the Australian and Indonesian Co-Chairs inclusion in the Declaration of many parts of Thailand's proposed draft Action Agenda. This was a result of the agreement among the affected countries that attended the Special Retreat on 1 February 2016 to integrate the draft Action Agenda in the Bali Declaration. The integration was aimed at complementing and further strengthening the affected countries' efforts in the Bali Process framework, the core mandate of which is addressing irregular migration, yet at a larger scale.

Some of the draft Action Agenda's key issues include addressing root causes, promotion of legal, affordable and safe channels of migration, adequate access for relevant international organizations to provide assistance to the migrants, capacity building for officers in law enforcement and search and rescue areas, and importance of information campaign.

In the Co-Chair's Statement, the Ministers welcomed Thailand's past efforts to hold the two Special Meetings and the Special Retreat as a part of the regional efforts to respond in a timely manner to the irregular movements in the Andaman Sea and the Indian Ocean. At the meeting, Bangladesh and the UN Office on Drugs and Crime (UNODC) also commended Thailand on those efforts.

At the meeting, H.E. Mr. Virasakdi Futrakul, Vice Minister for Foreign Affairs of Thailand and the head of the Thai delegation, had an opportunity to confer with Volker Turk, Assistant High Commissioner for Protection of the UNHCR on the sidelines of the meeting. He once again expressed the UNHCR's support for Thailand's

initiative to hold the two Meetings and Retreat that led to a significant decrease of movement in the Indian Ocean.

Thailand believes that the problem of human-trafficking, irregular migration and transnational crimes cannot be solved by any single country alone. Therefore, Thailand is committed to playing an active role in the Bali Process as well as other regional mechanisms to tackle regional challenges in an effective and sustainable manner.

### ***Cooperation with SkyTruth***

On 8 February 2016, Thailand's Vessel Monitoring System officials met with representatives from SkyTruth, a non-profit organization based in the U.S. at the Royal Thai Embassy, Washington D.C. to discuss cooperation between Thailand and SkyTruth to enhance Thailand's VMS system, which could result in an MoU in the future. SkyTruth uses remote sensing and digital mapping that could significantly assist Thailand's efforts to track and intercept suspicious vessels that may be involved in IUU fishing or human trafficking, as well as boats carrying migrants. Whether Thailand and SkyTruth will sign an MoU or not, Thailand has already begun its collaboration with the Environment Justice Foundation (EJF) in improving Thailand's VMS system, along with other specific measures aimed at combating both IUU and human trafficking in the fishing sector.

### ***MoU with the Private Sector on IUU Fishing***

As discussed in the main report, the Government has signed an MoU to prevent and combat IUU fishing in cooperation with the private sector. In early 2016, the government has been raising awareness with the private sector about the terms of this MoU and emphasizing the intensified law enforcement against those who violate IUU legal provisions.

### ***Cooperation with Nestle***

To raise awareness among vessel owners, captains and crews about best practices concerning the human rights of fishery workers, on 18 March 2016 the Government, through its Department of Fisheries and Ministry of Foreign Affairs, has partnered with Nestle and Thai Union Group to unveil a 'Demonstration Boat' that shows labor standards and working conditions that secure the health, safety and welfare of seamen in ways that meet international standards. Nestle also gave a training on



labor rights to 15 migrant workers in Ranong province with the support of the Thai Government on 17 March 2016.

### ***CCCIF - CP***

On 17 February 2016, the CCCIF had released a joint statement with Charoen Pokphand Foods PCL (CPF) that the company will purchase products only from traceable and transparent supply chains that are not part of IUU illegal fishing, and to ensure that their produce are legal and no slavery, forced labor, nor human trafficking was used in the processes.

CCCIF inspected the seafood-processing establishment SutnamBanpru Animal Food Factory, which is owned by CPF. The inspection results showed that all processes at the plant are transparent and traceable and up to international standards. This reflects a good collaboration between the private sectors in seafood processing sector in order to solve the issues related to fishery and seafood processing and to raise the standards of Thai fishery.

CPF is imposing a thorough regulation on the stages involving supply chains. CPF had made decision to stop buying products from over 50 suppliers that lack transparency, and would purchase products only from suppliers that are certified by IFFO RS CoC (International Fishmeal and Fish Oil Organization Responsible Supply Chain of Custody), which is the highest standard currently effective for the production and usage of fishmeal.

### ***Shrimp Sustainable Supply Chain Task Force***

Established in July 2014, The Shrimp Sustainable Supply Chain Task Force (Task Force) is an international industry alliance including leading retailers, manufacturers, government and NGO's. It is tasked with ensuring Thailand's seafood supply chain is free from illegal and forced labor through accountability, verification and transparency. The Task Force recognizes that human rights issues and marine conservation problems are both linked with illegal, unreported and unregulated fishing (IUU) and its objectives are set based on this fundamental understanding.

Its three objectives are: Implementing track and trace systems with international verification from feed mill to vessel; Driving Thai Port Codes of Conduct with international recognition; Driving fishery Improvement Projects in the Gulf of Thailand and Andaman Sea.

A progress report from May on what the Task Force has achieved can be found at:

[https://js.undercurrentnews.com/wp-content/uploads/2015/05/SSSC-Task-Force\\_Overview-and-Progress\\_May-2015\\_Short\\_Master\\_180515-11.pdf](https://js.undercurrentnews.com/wp-content/uploads/2015/05/SSSC-Task-Force_Overview-and-Progress_May-2015_Short_Master_180515-11.pdf)

A progress report from December can be found at:

<http://www.shrimptaskforce.global/>

# Conclusion

## The Case for Recognizing Thailand's Efforts and Achievements

At this time last year, Thailand's reputation was under siege. Reports had emerged from news media and civil society groups about the severity of human trafficking taking place in the Kingdom. Police had made several arrests, but none of the suspects were considered high level, and few officials complicit in trafficking were among them. Last March, as the period of the State Department's annual assessment was coming to a close, the perception was that Thailand simply was not doing enough.

The reality, however, was quite different. Behind the scenes, the Royal Thai Police were quietly investigating several promising leads. In May 2015, their hard work paid off. Police exposed a large and brutal transnational human trafficking syndicate and eventually arrested over 100 suspects for enslaving ethnic Rohingya and other migrants from Myanmar and Bangladesh.

Among those apprehended were several high-ranking officials: a three-star Army general, four colonels attached to the powerful Internal Security Operations Command, over 50 police officers, numerous local politicians, members of the civil service, business people and many career criminals. More investigations are currently under way. In January alone, police launched 39 new investigations of alleged human trafficking cases.

Many of the major cases uncovered in 2015 are now coming to trial in the specialized and newly established Human Trafficking Division of the Criminal Court. In fact, Thailand is now the only country in the region with specialized divisions in all parts of its justice system devoted combating human trafficking.

Other countries in the region also have human trafficking problems that are serious enough to warrant the belief that some officials are complicit or involved. Thailand is, however, the only nation in the Asia-Pacific region that has arrested significant numbers of high-ranking officials and put them on trial for human trafficking and related offenses. While some may have escaped the net of law enforcement, the authorities will continue to investigate them until the evidence is strong enough that the cases are solid and will stand up in court.

While Thailand scored some significant victories during the 2015 assessment year, Thailand knows its fight against human trafficking is far from over. To sustain and improve the response to human trafficking, Thailand adopted significant measures relating to all facets of the problem.

In protection, we have improved services to victims in our shelters, providing them with increased and improved counseling, education, vocational training and opportunities to work inside or outside the shelters. Education and programs to care for children have been developed in partnership with organizations, such as Save the Children and Friends International. The periods that victims can stay and work legally in the Kingdom have been lengthened, especially for those who are witnesses in trials of traffickers. Witnesses have also received witness protection. There have been no confirmed cases of witnesses being harmed or disappearing. Case management is improving, in part with trainings from the United States Federal Bureau of Investigation, as well as other partners. Victim identification skills among inspectors are also being sharpened. Assistance to victims to reintegrate into society or to repatriate back to their countries of origins has also increased.

In the realm of prevention, a complete reform and overhaul of governance systems for the seafood and fisheries sectors, where many trafficking and labor abuses take place, is already underway. Inspections in port are now routine, and inspections at sea are more commonplace. Thailand has taken a leadership role in the region and with neighbors to address the problems of migration on the Indian Ocean and also in creating a regime so that migrants from neighboring countries can work in the Kingdom safely and legally through bilateral cooperation and mechanisms. The U.S. Department of Labor has already recognized Thailand's advances in eliminating the worst forms of child labor.

In policy, the government has passed Acts and amendments to existing laws to strengthen punishments against officials found to be complicit in trafficking and labor abuse. The government is also working the ILO to prepare for ratification of important international conventions on jobs brokers and covering workers in the fishing industry.

In partnerships, Thailand continues to work with neighbors and other countries in the region to address migration, trafficking and transnational crime. The Kingdom is always looking to forge new alliances and partnerships with international agencies, civil society groups and the private sector to further the fight against trafficking, as

evidenced by new programs with the ILO and EU, the recent partnership with Nestle, new collaborations with the Labor Rights Promotion Network (LPN) Foundation, Stella Maris, SR Law, and an ongoing partnership with the Environmental Justice Foundation (EJF) as well as the talks with Skytruth on assisting Thailand in the response to IUU fishing and human trafficking.

Many of the systems, initiatives and programs launched in the 2015-16 assessment year are new or young. Some gaps and flaws have already been pointed out by civil society partners, activist groups or the media. Thailand will continue to monitor and evaluate these new systems and programs with the goal of improving them and making them more effective.

It is worth noting that for many years when Thailand was ranked among Tier 2 countries, none of these systems, initiatives and programs existed. Few arrests were being made for trafficking. This Government is the first Thai Government that has launched and is implementing a comprehensive cross-sector response to the problem of human trafficking. It is a response that is designed to be sustainable.

The Department of State defines Tier 3 as “Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.”

Thailand believes that a fair accounting of its response during this assessment period should recognize that significant efforts have been made and are being made. While Thailand agrees that more must be done to defeat trafficking, at this point in time the Kingdom is confident that it has not just met, but has exceeded minimum standards. It has done so despite the fact that it is struggling with limited resources and capabilities.

It takes more than minimum standards, however, to defeat the scourge of human trafficking. The Government of Thailand, the people of Thailand, and the partners who are working with Thailand are all pledged to continue improving our capabilities and response until the crime of human trafficking is as rare in Thailand as in any Tier 1 country.

No matter the outcome of this year’s assessment, the Government of Thailand will continue - and prevail - in this fight because it is the right thing to do. The reforms begun by this Government will set a new standard for the work of future Thai Governments in the fight against human trafficking.