

**Progress Report on Thailand's Anti-Human Trafficking Efforts  
(1 January – 31 March 2018)**

The Royal Thai Government perseveres in its efforts to vigorously combat trafficking in persons. During 1 January – 31 March 2018, major progress has been made across the three pillars.

## 1. Prosecution

### 1.1 Statistics on human trafficking cases

**Table 1: Number of human trafficking cases classified by type of exploitation**

Year	Total	Types of human trafficking exploitation							
		Prostitution	Pornography	Other sexual exploitation	Enslavement	Forced begging	Labour (general)	Labour (fishery)	Extortion/ Other
2014	280	223	1	-	1	16	33	3	3
2015	317	245	-	-	-	3	30	39	-
2016	333	244	3	-	-	8	32	43	3
2017	302	246	7	2	-	26	14	7	-
2018	47	32	-	1	-	3	7	3	1

As of 19 March 2018

In the first quarter of 2018, 47 cases of human trafficking were under police investigation and interrogation, including 33 cases of sexual exploitation, 10 cases of labour exploitation, and 4 cases of other types of exploitation.

**Table 2: Number of offenders in human trafficking cases classified by gender and nationality**

Year	Total number of offenders	Gender		Nationality				
		Male	Female	Thai	Myanmarese	Cambodian	Laotian	Other
2014	442	217	225	374	39	9	8	12
2015	690	372	318	617	47	1	10	15
2016	600	265	335	462	35	26	41	36
2017	427	145	282	361	9	25	3	29
2018	80	42	38	51	8	6	-	15

As of 19 March 2018

In the first quarter of 2018, the majority of trafficking offenders (51 out of 80 offenders) are Thai, accounting for 63.75 percent, while the number of Myanmarese (8) and Cambodian (6) suspects remains low. There are 10 Ugandans among offenders of other nationalities investigated.

**Table 3: Number of trafficking victims classified by gender and nationality**

Year	Total number of victims	Gender		Nationality				
		Male	Female	Thai	Myanmarese	Cambodian	Laotian	Other
2014	595	190	405	303	98	29	108	57
2015	982	451	531	360	409	9	87	117
2016	824	411	413	333	238	52	58	143
2017	455	88	367	327	53	26	30	19
2018	115	61	54	32	40	21	4	18

As of 19 March 2018

Most of the trafficking victims identified during the first three months of 2018 are Myanmarese (40 victims, accounting for 34.8 percent) and Thai (32 victims or 27.83 percent). Among the 18 victims of other nationalities, there are 7 Rohingyas who were rescued while being detained before their deportation to a third country, 5 Ugandans, 1 Syrian, 1 Chinese, 1 Vietnamese, 1 Tai Lue (an ethnic minority), and 2 unidentified nationals.

## 1.2 Progress on the prosecution of human trafficking cases

### 1.2.1 Cases under inquiry

Out of the 302 cases of human trafficking under inquiry in 2017, 293 cases have been completed by the investigators, accounting for 97 percent, while 9 cases remain under police investigation and interrogation. Among these, 4 cases involved cross-border trafficking in persons offences, while the other 5 cases were initiated towards the end of 2017.

If the suspects are present, the investigation of the case must be completed by the 5<sup>th</sup> detention term (60 days) so that the public prosecutor could finish the consideration of the case by the 7<sup>th</sup> detention term (24 more days). If the suspects cannot be found or have fled, the investigation must also be completed within 60 days.

**Table 4: Progress on the inquiry of human trafficking cases by the police**

Year	Total	Decisions reached by inquiry officials		
		Remaining under interrogation	Submitted to public prosecutors with recommendation to prosecute	Submitted to public prosecutors with recommendation not to prosecute
2014	280	-	277 (98.9%)	3 (1.1%)
2015	317	-	312 (98.4%)	5 (1.6%)
2016	333	-	329 (98.8%)	4 (1.2%)
2017	302	9 (2.98%)	292 (96.7%)	1 (0.3%)
2018	47	47	-	-

As of 19 March 2018

More than 98 percent of trafficking in persons cases initiated during 2014 – 2016 were completed by the inquiry officials with recommendations to prosecute and were forwarded to the public prosecutors, while almost all of trafficking in persons cases initiated in 2017 were completed with recommendations to prosecute, with the exception of only one case. Only nine cases reported to the police at the end of the year remain under interrogation. There are 47 trafficking in persons cases uncovered during January – March 2018, which remain under police interrogation.

### 1.2.2 Public prosecutors

In 2017, the Office of the Attorney General received 417 trafficking in persons cases from the inquiry officials. Among these, there are 396 cases with arrested suspects for prosecution, while in the other 21 cases the suspects fled despite arrest warrants issued against them.

During the first three months of 2018, the Office of the Attorney General has received 66 human trafficking cases, 64 of which have suspects for trial in court, while in 2 cases the suspects remained at large despite the arrest warrants.

**Table 5: Number of TIP cases with arrested suspects forwarded to the public prosecutors**

Year	Number of cases	Decisions reached by public prosecutors			
		Prosecution order (%)	Non-prosecution order (%)	Remaining under consideration (%)	Returned to the inquiry officials (%)
2017	396	369 (93.18%)	9 (2.27%)	11 (2.78%)	7 (1.77%)*
2018	64	52 (81.25%)	4 (6.25%)	8 (12.5%)	

As of 9 March 2018

**Table 6: Number of TIP cases without arrested suspects forwarded to the public prosecutors**

Year	Number of cases	Decisions reached by public prosecutors		
		Prosecution order (%)	Non-prosecution order (%)	Remaining under consideration (%)
2017	21*	10 (47.62%)	1 (4.76%)	8 (38.10%)
2018	2	0 (0%)	0 (0%)	2 (100%)

As of 9 March 2018

\* Note: In 2017, the public prosecutors terminated one case due to the death of the suspect and returned one case to the inquiry officials.

In order to achieve greater efficiency in the prosecution of human trafficking cases and Illegal, Unreported and Unregulated (IUU) fishing cases, the Office of the Attorney General issued a guideline for the description of criminal charges, when making a recommendation to the Court to hand down harsh punishments, as follows:

For human trafficking cases, the following language should be added: “The actions of the defendant in this case violated the victim’s human dignity, were seriously contrary to the laws and morals of the people, adversely affected the economic and social security, the image and reputation of the country, and also considerably undermined international trust in Thailand’s ability to fulfil its international obligations. Therefore, for effective law enforcement and the maintenance of the security of the country, may the Court consider convicting the defendant with harsh sentences.”

For cases of serious violations of fisheries law, the following language should be added: “The actions of the defendant in this case adversely affected the economic security, especially marine resources and animals, the image and reputation of the country, as well as considerably undermined international trust in Thailand’s ability to fulfil its international obligations. Therefore, for effective law enforcement and the maintenance of the economic security of the country, may the Court consider convicting the defendant with harsh sentences.”

### 1.2.3 The Courts of Justice

During the first quarter of 2018, there have been 189 human trafficking cases (some of which were submitted in previous years) that were brought before the Courts of first instance across the Kingdom, including Juvenile Courts, Provincial Courts, and Criminal Courts. The Courts of first instance have completed 13 cases. Convictions were rendered in nine cases (69.23 percent of the completed cases) while defendants were acquitted in two cases (15.38 percent) and another two cases were disposed (15.38 percent). The remaining 176 cases await trial by the Courts.

Among 21 TIP cases tried by the Courts during January 2018, there were 16 sexual exploitation cases (76.19 percent), one labour exploitation case, three fishery-related labour exploitation cases, and one enslavement case.

With regard to the 13 cases completed by the Courts of Justice during 1 January – 31 March 2018, five cases were completed within 6 months (38.46 percent) while four cases took 6-12 months to complete (30.77 percent) and another four cases were finished between 12-24 months (30.77 percent).

**Table 7: Number of defendants in the decisions reached by the Courts of Justice classified by gender and nationality**

Verdict	Number of defendants	Gender		Nationality	
		Male	Female	Thai	Other
Defendants in Courts	21	8	13	16	5
Conviction	15	6	9	10	5
Acquittal	3	1	2	3	-
Disposal	3	1	2	3	-

As of 31 January 2018

The Courts of Justice convicted 15 out of 21 defendants brought before them, which accounts for 71.43 percent.

Among the 15 defendants convicted, 12 defendants were sentenced to a prison term (80 percent) and 3 defendants were sentenced to both a prison term and fines (20 percent).

Among the 12 defendants sentenced to imprisonment, five of them received prison terms of 2-5 years (41.67 percent) and the other seven defendants were sentenced to prison terms of over 10 years (58.33 percent).

#### **1.2.4 Progress on some prominent human trafficking cases in 2017**

##### **(1) The Mae Hong Son Case**

A total of eight defendants, including one police sergeant, were tried in the Court with the judgment scheduled for 18 April 2018. In addition, the inquiry into 13 cases of child sexual exploitation offences involving 16 clients of child prostitutes and sex abusers was completed by the inquiry officials. The Attorney General decided to prosecute 8 out of these 13 cases and is considering the other 5 cases.

This case led to a proposal that the Prevention and Suppression of Prostitution Act, B.E. 2539 (1996) be amended to constitute that the act of raping or satisfying one’s own or another person’s sexual intent at the expense of a minor aged between 15-18 years at a venue other than a brothel can be regarded as an act of prostitution and is punishable by virtue of this Act.

The said legal amendment is being vetted before its publication. Moreover, the Government is serious in improving the investigative and interrogative procedures with a victim-centric approach. This means that (1) victims will not be interviewed repeatedly; (2) attempts will be made to use their testimony to expand the scope of the investigation to charge more would-be offenders; (3) the collaboration between local police and the Anti-Trafficking in Persons Division will be strengthened; and (4) evidence gathering will be closely coordinated between the police and the public prosecutors.

##### **(2) The Ugandan Sex Trafficking Ring Case**

The crackdown on the Ugandan sex trafficking ring has resulted in the identification of more Ugandan victims and the apprehension of more suspects. Owing to the concerted efforts of NGOs, the Immigration Bureau, and the Anti-Trafficking in Persons Division under the Royal Thai Police, nine lawsuits have already

been filed; ten trafficking victims have been rescued; 15 Ugandan offenders were subjected to prosecution, five of whom were already arrested. Although these cases remain at investigation level, advance hearings of nine trafficking victims and witnesses have already been conducted by the Courts and one more victim remains to be heard. Two victims who had wished to return home did so on 13 March 2018, while coordination is being made for six more victims to return home. One victim wishes to remain in Thailand, and the temporary stay request has been submitted to the Ministry of Interior.

(3) The Victoria's Secret Massage Parlour Case

The Department of Special Investigation has been handling this particular case and has conducted extensive interrogations/ investigations, which led to a raid that put 113 prostitutes (4 Thais, 92 Myanmareses, 14 Laotians, 2 Chinese, and 1 unregistered person) under interview and screening. The result of victim identification revealed nine of them as victims of trafficking (seven of them are under 18 years of age, while the other two victims had been forced to provide prostitution services). The public prosecutors arranged for eight victims to be heard by the Courts in advance. A total of 21 victims were repatriated back to their home countries, while 74 victims asked for protection and for a one-year permission to stay in Thailand.

The Victoria's Secret Massage Parlour Case has been prosecuted in two parts. The first part is on the ground of human trafficking, involving 17 persons (2 juristic persons and 15 natural persons). The second part involves 29 persons (3 juristic persons and 26 natural persons) who were related to the wrongdoing, such as the owners of the establishment, cashiers and panderers, etc. The case is expected to be submitted by the Department of Special Investigation to the public prosecutors by the end of March 2018.

Assets worth 374.8 million THB (12.01 million USD<sup>1</sup>) have been seized.

Moreover, the money flow of the business group has been traced and analysed following the accusation on anti-money laundering ground with predicate offences of committing human trafficking and running a brothel business.

Given that the Victoria's Secret massage parlour had been authorised to operate by the Place of Entertainment Act, B.E. 2509 (1966), the Committee on renewal of licence of places of entertainment in Bangkok established according to the Order of the Royal Thai Police No. 498/2560 dated 16 August 2017 rejected this establishment's licence renewal request and publicly announced the decision. Therefore, the Victoria's Secret massage parlour can no longer run its business.

### **1.2.5 Prosecution of clients of child prostitutes**

The prosecution of child sex offenders involved in buying sex from minors (clients) is a proactive measure intended to curb the demand of child prostitution. This measure has been implemented since 2015 and has led to 116 human trafficking cases involving 68 suspects. Charges pressed against them include violations of the anti-prostitution law and/or the Criminal Code or on the ground of child abuse. Among these cases, 28 cases are being investigated into, 19 cases are with the public prosecutors, and 42 cases are under the consideration of the Courts of Justice. Some 35 cases have been

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<sup>1</sup> The exchange rate used in this report is 31.20 THB/USD as of mid-March 2018.

completed, whereby the Court handed down a prison term without possibility of suspension in two cases (six-year and 18-year terms), and a prison term with possibility of suspension in 33 cases. For the prison terms with possibility of suspension, sentences ranging between 2-5 years were rendered in 13 cases; those ranging between 5-10 years were rendered in eight cases; and those ranging 10-25 years were rendered in 12 cases.

This demand-side measure aims at demand reduction in the demand-supply sides of the TIP formula which, in turn, affects the supply side of child prostitution.

### **1.2.6 Results of the TICAC task force's operations**

During 2015 – 2017, the TICAC (Thailand Internet Crimes Against Children) task force handled 69 cases of online child abuses. In early 2018, the task force uncovered 8 more cases. Five of these cases relate to the possession of child pornographic materials; two cases to human trafficking and sexual abuse against children and one case to child sexual abuse.

### **1.2.7 Administrative measures**

In the first quarter of 2018, the Royal Thai Police, by virtue of the Order of the Head of the National Council for Peace and Order No. 22/2558, ordered the closure of several establishments in Bangkok that had committed wrongdoings.

1) They did not allow two establishments to relocate and rejected their requests for licence renewal in Huay Kwang and Klong Toei;

2) They closed nine entertainment establishments and did not allow such establishments to set up in those areas for five years on the grounds of accepting minors aged under 20 into the premises;

3) They temporarily closed one entertainment establishment in Lad Krabang for 60 days on the charges of negligently allowing people under 20 years of age to enter the place.

## **1.3 Prosecution of public officials involved in human trafficking**

The Office of the Public Sector Anti-Corruption Commission (PACC), in consultation with the Office of the National Anti-Corruption Commission (NACC), has streamlined the procedure to improve speed and efficiency of their operations on human trafficking cases with public officials' involvement. If the PACC or the NACC deem useful that the inquiry officials handle any cases, the law permits them to refer those cases back to the inquiry officials and inform the superiors of concerned public officials for disciplinary actions.

Moreover, the Secretary-General of the PACC is vested by law with the power to find facts as well as to interrogate/ investigate the cases at the behest of the PACC, which would enable this procedure to be completed within six months from the day the order of interrogation/ investigation was issued.

Over the course of 2013-2017, there were 55 cases of public officials' involvement in human trafficking. Disciplinary actions and criminal prosecution have been expedited and the scope of investigation has also been expanded. Examples are as follows:

- The Chom Dao Case. The Kanchanaburi Provincial Court convicted a sergeant who had skipped bail to a prison term of 15 years on human trafficking ground. His agency of affiliation ordered his expulsion from the government service. Assets were seized from his wife, total worth of 1.3 million THB (41,666.67 USD). With regard to the inquiry officials who helped the accused, the NACC referred the cases back to the Department of Special Investigation for speedy operations.

- The Phu Ruea Case. Four public officials were found to be involved in this case. The PACC concluded that three of them had committed criminal offences and disciplinary violations and, therefore, filed these cases to the public prosecutors for criminal prosecution and notified their agencies of affiliation to pass disciplinary punishments. Charges were also pressed against another officer on 11 January 2018. The interrogation/ investigation should be wrapped up and submitted to the PACC by April 2018 to determine whether his wrongdoing constitutes a criminal offence and/or a disciplinary violation.

- The Kong Jiam Case. Six public officials were found to be involved in this case. The Office of the PACC made accusations against three public officials and is interrogating/ investigating another three public officials. The conclusion of all six files will be made by April 2018.

- The Victoria's Secret Massage Parlour Case. In early 2018 following the arrest of perpetrators in this case, the examination of bank account documents revealed that there might be public officials involved in the activities of this establishment. The Department of Provincial Administration filed this case to the Office of the PACC for interrogation/ investigation. At this initial stage, five local police officers were ordered to be transferred out of their precinct (to the central administration). A committee was set up to find facts and determine their involvements.

## **1.4 Actions that need to be followed up for concrete outcome**

### **1.4.1 Expediting the legal amendment to allow the use of the assets seized from trafficking offenders to compensate trafficking victims**

The Royal Thai Government has increased its efforts to better compensate trafficking victims. The Human Trafficking Criminal Procedure Act, B.E. 2559 (2016) is being amended to allow the use of the assets seized from trafficking offenders to compensate trafficking victims, as follows:

(1) The Court of Justice has been empowered to withhold part or all of the defendant's assets, which have been declared the State's property according to the anti-money laundering law, in order to compensate trafficking victims before these assets are transferred to the anti-money laundering fund and the Ministry of Finance (amendment to Section 15/1).

(2) Assets from the first or second paragraph of Section 15/1 must be used as compensations for trafficking victims. The remaining asset has to be returned to the Anti-Money Laundering Office, in keeping with Section 51 Paragraph 2 of the Money Laundering Control Act, B.E. 2542 (1999) (amendment to Section 15/2).

## **1.4.2 Enhancing intelligence gathering to uncover more trafficking in persons cases**

1.4.2.1 The Royal Thai Government has been cooperating with the Australia-Asia Programme to Combat Trafficking in Persons (AAPTIP) to improve the prosecution procedure of human trafficking cases.

(1) The Royal Thai Police compiled and published a manual on standard operating procedures with respect to human trafficking case investigation. A pilot programme has been launched in the precinct of the Provincial Police Region 5 on 5 February 2018 and at the Anti-Trafficking in Persons Division. AAPTIP experts also observed such test-run for greater efficiency.

(2) The Royal Thai Government set up a task force to analyse strategic intelligence in order to completely grasp the situation of human trafficking and come up with a strategy to cope with the problem. A training of 15 analysts from all agencies under the Royal Thai Police was conducted on 5 – 9 March 2018. The task force completed the analysis of local data on high-risk enterprises from all provinces in March 2018 under the supervision of AAPTIP experts. The result of such analysis will be used to improve the Plan of Action which is due to be complete by April 2018.

1.4.2.2 In line with a recommendation from the Committee on the Implementation and Reform of the Public Administration (the Fifth committee) with respect to improving the efficiency of victim screening and identification in the labour sector, related agencies have been working together as a team to solve problems of wage disputes, work schedule, and child labour which may be qualified as or linked to human trafficking. The labour inspectors must coordinate with the local police officers to send a multi-disciplinary team to help identify victims. On its part, the Royal Thai Police has set up a working group to review, follow up, and evaluate labour victim identification to work with the team from the Ministry of Labour.

1.4.2.3 The Royal Thai Police has set up a task force with those experienced in trafficking victim screening and identification to interview sex trafficking victims or labour trafficking victims, as well as to gather more information from sex trafficking victims in order to build a charge against their clients. The task force conducted a workshop to design the best interview questions and techniques as well as standard practices for victim identification. Study cases drawn from prominent human trafficking cases were used to demonstrate the standard operating procedures in interviewing victims and offenders with a view to identifying effective investigation techniques and how to prepare a dossier that yields a high rate of success when the case is submitted to the public prosecutors for indictment and the Courts of justice for conviction.

1.4.2.4 The Royal Thai Police, in partnership with local NGOs, plan to establish additional Children's Advocacy Centres Thailand (ACT) in Ubon Ratchathani Province, Kanchanaburi Province, and Bangkok. Moreover, an interview centre for trafficking victim identification is being designed at the training centre of the Immigration Bureau in Don Mueang, Bangkok, using the same format as existing ACT in Chiang Mai Province, Pattaya and Phuket Province with the capacity for 50 – 100 victim identifications at a time.

1.4.2.5 In order to improve the efficiency of the prosecution of transnational human trafficking cases between Thailand and Myanmar, Deputy Prime Minister General Prawit Wongsuwon approved meetings between Thai – Myanmar officers



along the borders: (1) between Mae Sai, Chiang Rai Province in Thailand and Tachileik District in Myanmar, (2) between Mae Sot, Tak Province in Thailand and Myawaddy District in Myanmar, (3) between Sing Korn Border Control, Prachuab Kirikan Province in Thailand and Mudon Town, Myeik District in Myanmar, and (4) between Ranong Province in Thailand and Kawthaung District in Myanmar. During 22 – 23 January 2018, Thailand hosted a Thailand-Myanmar meeting in Ranong Province where high-level executives from both countries attended. Key outcomes of the said meeting include:

(1) With regard to the incident in which the Royal Thai Police intercepted some Rohingyas on the train en route to a third country, the Thai side requested further information on Myanmarese illegal brokers. The Thai train police and concerned agencies have been ordered to carry out thorough inquiry with a view to preventing the smuggling of Rohingyas into the Kingdom.

(2) With regard to the Victoria's Secret Massage Parlour Case where most of the prostitutes are Myanmarese, some of them cooperated as witnesses. In the event that they choose to return to Myanmar, and if a need arises to interview these returnees, the Royal Thai Police will seek cooperation from the Myanmar Police Force for further interview and follow-up.

(3) With regard to Ambon-Benjina Islands, Indonesia Case, the Myanmar Police Force followed up on the compensations for 400 Myanmarese fishing crews who had returned to Myanmar. The Royal Thai Police called for more information to determine whether they were victims of trafficking or victims of labour violation and would report to the Thai Minister of Labour.

1.4.2.6 The TICAC task force organized a seminar to increase the efficiency in prosecuting online child sex abuse cases and to extend the scope of investigation to also cover online human trafficking cases more generally. The first seminar was held during 12 – 13 February 2018 in Udon Thani Province.

1.4.2.7 During the first three months of 2018, the Office of the Attorney General has been cooperating with Thai law enforcement agencies, the Australia-Asia Programme to Combat Trafficking in Persons (AAPTIP) as well as the International Narcotics and Law Enforcement Section, the Federal Bureau of Investigation (FBI), and the Homeland Security Investigation (HSI) within the Embassy of the United States of America in Bangkok in organising 3 workshops and seminars to improve the efficiency of the prosecution of human trafficking cases, as follows:

(1) A workshop on Introduction to Forensic Interview Training for Prosecutors so that the public prosecutors can interview victims or witnesses that are women and children in cases of human trafficking, child pornography, and other criminal cases;

(2) A workshop on the strategic plan in prosecuting human trafficking cases involving transnational criminal organisations, where representatives from the Royal Thai Police, the Anti-Money Laundering Office, the Office of the Narcotics Control Board, the Department of Special Investigation, and the Department of Provincial Administration attended; and

(3) A seminar to discuss the draft manual on the prosecution of human trafficking cases according to the Human Trafficking Criminal Procedure Act, B.E. 2559 (2016) and a seminar between judges and public prosecutors in Regions 2 and 4 in order to improve the efficiency of their coordination according to the said Act.

A training course on using the information system was also carried out for 552 executives and practitioners in order to file directory and update human trafficking database.

**1.4.3 Setting up a special team within the Royal Thai Police to increase the number of police officers with skills in handling human trafficking cases in all agencies under the Royal Thai Police**

The Royal Thai Police formed a special task force called TATIP (Thailand Anti-Trafficking in Persons), in a similar fashion to that handling internet crime against children (TICAC taskforce), with a view to analysing data and investigating human trafficking cases more effectively. It also set up a human trafficking first responder task force in 4 sections; namely (1) interview team, (2) investigative and interrogative team, (3) operational team, with the missions to raid, arrest, and handle human trafficking incidents, and (4) digital forensic analyst team. These first responders are designated to interview and identify victims, gather evidence systematically in order to improve the efficiency of the monitoring and inquiry of TIP cases.

## 2. Protection

### 2.1 Providing Assistance to Victims of Trafficking

#### 2.1.1 Victims identified through the victim identification process

During the first three months of 2018, 93 victims of trafficking were identified by the multi-disciplinary teams through the victim identification process, and 72 chose to be placed under the protection of the Ministry of Social Development and Human Security (MSDHS) shelters.

#### 2.1.2 Victims assisted in the MSDHS shelters

Of the 72 trafficking victims placed in the MSDHS shelters, 33 were male and 39 female. These consist of 18 Thais, 18 Myanmarese, 4 Laotians, 21 Cambodians, 3 Ugandans, and 8 Rohingyas.

**Table 8: Types of Exploitation**

Nationality	Types of Exploitation (Sex/Age)																Total		
	Sexual Exploitation						Extortion						Forced Labour or Services						
	0 - 14		15 - 17		18 up		0 - 14		15 - 17		18 up		0 - 14		15 - 17			18 up	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		M	F
Thai		5		11		2													18
Myanmarese						12												6	18
Laotian		1				3													4
Cambodian													1		2	18			21
Ugandan						3													3
Rohingya										5			1					2	8
Total		6		11		20				5			1	1	2	26			72
		6		11		20				5			2		2	26			
		37						5						30					

Victims who do not wish to receive protection under the MSDHS will be provided assistance in accordance with relevant laws. For Thai victims who wish to return home, the MSDHS, in particular the MSDHS Provincial Offices, will coordinate with relevant local government agencies to provide assistance including legal assistance and filing claim for compensation from the Anti-Human Trafficking Fund and the Labour Compensation Fund.

In 2018, there were a total of seven foreign victims, consisting of four Ugandans, two Tanzanians and one Libyan, who did not wish to receive protection under the MSDHS but wished to initiate legal proceedings. The Royal Thai Police provided witness protection services to the aforementioned victims such as accommodation in private-run shelters or in other safe accommodation. Moreover, the MSDHS coordinated closely with NGOs such as NightLight and A21 in order to ensure that the aforementioned victims received the same rights stipulated by law as victims under the care of the MSDHS, including the right to file for compensation, compensation from the Anti-Human Trafficking Fund, and employment opportunities. Furthermore, the MSDHS provided some financial support to NightLight in order to further provide assistance and protection to the Ugandan victims. The partnership and assistance between NightLight, the victims, and relevant government agencies proved to be very effective.

## **2.2 Employment and Earning Opportunities**

2.2.1 The MSDHS has continued to promote employment and earning opportunities both inside and outside the MSDHS shelters. In 2018, a total of 38 victims were provided employment opportunities. Nine victims worked outside the shelters, including eight in construction and one in manual labour. Those employed outside the shelters receive a minimum wage of 300 THB (9.62 USD) per day. On the other hand, 29 victims were provided employment (making handicrafts) inside the MSDHS shelters. There is no minimum wage for victims who are handicraft makers since it is dependent upon the amount sold. As for allocation of the proceeds, 70 percent goes to the victims while the other 30 percent goes to the trainers and for the purchase of raw materials.

2.2.2 In addition, the MSDHS continued to encourage victims to work inside the shelters and earn an income. The MSDHS established a set of criteria as well as a selection process for victims to work inside the shelters. The criteria include victim's readiness, interest and ability to work in a specific job such as a sous-chef, gardener and interpreting assistant. Moreover, the MSDHS has coordinated with relevant agencies to invite experts to train victims to do, for example, sanitation and interpreting work. The selection process will be finalized in March 2018 and training will begin in April 2018.

## **2.3 Improving the process to file for compensation**

2.3.1 In 2018, the MSDHS filed compensation for nine victims including four Thais, three Laotians and two Ugandans amounting to 8,832,470 THB (283,091.99 USD).

2.3.2 On 28 February 2018, the MSDHS granted compensation to two Myanmarese victims. The compensation was a result of the ruling of the Supreme Court, which sentenced the defendant in accordance with the Prevention and Suppression of Human Trafficking Act. The defendant was ordered to compensate the two Myanmarese victims amounting to 600,000 THB (19,230.77 USD) and 300,000 THB (9,615.38 USD). The payment was made to the two Myanmarese victims at the shelter of the Ministry of Social Welfare, Relief and Resettlement of Myanmar in Myawaddy District. This was made possible through the partnership between various agencies in Thailand and Myanmar, including Petchburi Provincial Court, the Royal Thai Police, the Embassy of the Republic of the Union of Myanmar, the Ministry of Social Welfare, Relief and Resettlement of Myanmar, the International Organization for Migration (IOM), World Vision and SR Law.

2.3.3 In addition, the MSDHS has come up with criteria for compensation claims, having listened to experts, public prosecutors, private lawyers, representatives from MSDHS shelters, etc. Taking into account the principles of human dignity, this aims to standardise the criteria for compensation claims, align them with international standards, avoid miscoordination between concerned agencies, as well as enable actions ensuing the Courts of Justice's verdicts (For further information, please refer to [www.e-aht.com](http://www.e-aht.com)).

## **2.4 Improving Capacity of Officials**

### **2.4.1 Victim Specialist**

The MSDHS is working together with the Royal Thai Police, namely TICAC, to increase its effort to enhance the victim identification process as well as protection services to victims. A victim specialist training programme was initiated by selecting experts in victim identification process, comprising 50 officials from the multi-disciplinary teams, including 30 investigators, social workers, or NGO personnel, and 20 observers from TATIP and relevant government agencies. The aim of the training program is to equip participants with knowledge on investigation techniques, witness and forensic observation, psychology, and social welfare which will help enhance the effectiveness of information collection in the victim identification process. Representatives from HSI also participated and shared their knowledge on forensic science in the aforementioned training programme. Furthermore, participants who passed the training programme will become part of the mobile response team as well as advisor to the multi-disciplinary teams in dealing with difficult and complex cases. Two pilot programmes are envisaged, the first session was held on 21 – 23 March 2018 and the second session will be held in June 2018.

### **2.4.2 Increased effectiveness of the victim identification process**

The MSDHS places importance on the victim identification process and acknowledges that there are operational challenges that the multi-disciplinary teams face when conducting the victim identification process. Therefore, the MSDHS organized a series of meetings to share experiences as well as to learn about the various challenges and obstacles that the multi-disciplinary teams face. The information collected in the meetings will be inputs for the further improvement of the Guideline to Enhance Efficiency of Human Trafficking Victim Identification or SOP. The meetings are as follows:

2.4.2.1 The Case Study Workshop on the Victoria's Secret Massage Parlour Case was held on 19 January 2018 in Samut Songkhram Province.

2.4.2.2 Two workshops on the evaluation of the effectiveness of the victim identification process by the multi-disciplinary teams, including challenges, obstacles and recommendations, were held. The first workshop was held on 8 – 9 March 2018 in Bangkok and was attended by 120 officials, including lead investigators and multi-disciplinary teams in 13 high-risk provinces. The second workshop was held on 15 – 16 March 2018 in Petchburi Province for 130 law enforcement officials and multi-disciplinary teams in Bangkok including lead investigators from the Department of Special Investigation and the Ministry of Interior.

The MSDHS and relevant government agencies will use the results from the activities in 2.4.2.1 and 2.4.2.2 to improve and update the integrated plan to improve the efficiency in trafficking victim identification so that it is up to date and the multi-disciplinary teams can operate in a correct and effective manner. To this end, the MSDHS will be conducting two training sessions focused on the application of the integrated plan to improve the efficiency in trafficking victim identification in May and June 2018.

### 2.4.3 Child Witness Support

On 19 – 21 February 2018, the MSDHS together with Save the Children organised the Child Witness Support Training Workshop. The workshop which was held in Bangkok was attended by 40 officials, comprising officials working in the MSDHS shelters for trafficking victims and shelters for children and families. The Workshop was designed to create more awareness and understanding among practitioners of the principles and working methods for the participation of children in the judicial process. The Workshop has made officials to understand that children’s sense of security plays a crucial role in the effectiveness of the overall judicial process. Officials were also trained then to conduct assessments and help prepare children at the start of the judicial process as well as help rehabilitate children affected by the judicial process.

### 2.5 Improving the measure to provide remedy and compensation to victims of trafficking

The MSDHS organised a meeting with all 8 MSDHS shelters to discuss possible measure to better provide remedy and compensation to victims of trafficking from the Anti-Human Trafficking Fund. The objective is to calibrate the assistance provided to victims to be all inclusive as well as to ensure that the remedy and compensation are in line with the current situation, in particular the removal of medical expenses ceiling previously capped at 30,000 THB (961.54 USD) per year and to increase budget for paediatric examination. The recommendations have been submitted to the Anti-Human Trafficking Fund Executive Committee for consideration on 26 March 2018.

### 2.6 Interpretation Service

Since 2010, the MSDHS has continued to provide training for interpreters on assisting victims of trafficking. To date, the MSDHS has a pool of 251 qualified interpreters.

**Table 9: Number of Qualified Interpreters registered with the MSDHS**

Language/Year	2012	2013	2014	2015	2016	2017	Total
Myanmarese	12	49			34	29	124
Cambodian	5		19		25	27	76
Lao					11		11
Rohingya				6	19		25
Vietnam						11	11
Hill Tribe	4						4
<b>Total</b>	<b>21</b>	<b>49</b>	<b>19</b>	<b>6</b>	<b>89</b>	<b>67</b>	<b>251</b>

For the 2018 fiscal year, the MSDHS held five training programmes for interpreters on assisting victims of trafficking. The training programmes aim to provide understanding to interpreters on the issue of human trafficking, code of conduct and the work process on assisting victims of trafficking. It is also hoped that it will increase the pool of interpreters that can provide assistance and protection to trafficking victims. These interpreters will support not only MSDHS but also the Department of Anti-Human Trafficking under the Office of the Attorney General, the Anti-Human Trafficking Section of the Criminal Court, the Command Centre for Combatting Illegal Fishing, the Royal Thai Police, etc. The target group of the training comprises interpreters from government agencies and the private sector.

For the 2018 fiscal year (15 December 2017 – 31 March 2018), the MSDHS has already provided four training workshops to interpreters in four languages including Vietnamese (17), Cambodian (27), Myanmarese (33) and English (33). A total of 110 interpreters that received training passed the evaluation exam and were therefore registered as MSDHS qualified interpreters. The MSDHS also held one training workshop for Chinese interpreters on 24 – 26 March 2018.

## **2.7 Providing Assistance to Thai Victims Abroad**

From 1 January – 31 March 2018, the MSDHS together with the Ministry of Foreign Affairs and relevant international organisations facilitated the return of 49 Thai nationals who were potential victims of trafficking. A total of 11 victims, including nine from Bahrain and two from Japan, were identified through the victim identification process. Upon arrival, MSDHS officials extended assistance in all aspects to ensure that victims could return home safely, including providing legal assistance, assisting in filing claims and assisting victims while awaiting further interrogations in order to file claim for compensation.

### **3. Prevention**

In the first quarter of 2018, the Royal Thai Government has made significant progress on the prevention of human trafficking, both in and outside of the Kingdom, as follows:

#### **3.1 Biodata collection of migrant workers at the One Stop Service (OSS) centres**

In order to regularize all migrant workers in Thailand and establish a single database on migrant workers that would enable the authorities to keep track of the number of migrant workers, their employment, their residences, and to provide them with care and protection in an equitable and efficient manner, the Ministry of Labour required that all migrant workers in Thailand, regardless of the status of their nationality verification, go through biodata collection by 31 March 2018. Migrant workers must be registered for an identification card at one of the 80 One Stop Service (OSS) centres which are located in all 76 provinces of Thailand and 4 locations of Bangkok. Up to the end of March 2018, a total of 512,063 migrant workers have been registered for profiling or update and work permit application. This accounts for 30.5 percent of the targeted 1,687,473 migrant workers.

#### **3.2 Amendment to the Emergency Decree on Foreigners' Working Management, B.E. 2560 (2017)**

The Emergency Decree on Foreigners' Working Management, B.E. 2560 (2017), effective since 23 June 2017, streamlined methods for bringing migrant workers to work with employers in Thailand. The Emergency Decree on Foreigners' Working Management, B.E. 2560 (2017) is meant to facilitate the importation of migrant workers for employers to make their own applications/notifications while tightening the control and inspection of recruitment agencies and easing the procedures to bring migrant workers to work in Thailand. On 6 March 2018, the Cabinet already approved the draft amendment to this Emergency Decree, which will undergo necessary procedures before its publication in the Royal Gazette for entry into force.

#### **3.3 Application for budget from the Management of Foreign Workers' Employment Fund**

The Emergency Decree on Foreigners' Working Management, B.E. 2560 (2017) as well as the provisions issued on 14 September 2017 by the Management of Foreign Workers' Employment Fund Committee on the criteria, means, and conditions of the use of the Fund allow NGOs to submit project proposals or work plans to obtain funding to assist migrant workers whose rights have been violated.

The Ministry of Labour has publicized information on the availability of the Fund as widely as possible, so that concerned government agencies, the private sector, and the NGOs will consider utilising it. On 16 February 2018, conditions and procedures of funding application were announced in the NGOs' Line Group (an instant messaging application widely used in Thailand) as well as on the Department of Employment's website (<https://www.doe.go.th/fund>).



### **3.4 Drafting of a forced labour law in preparation for the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29)**

The Minister of Labour, on 18 January 2018, publicly reaffirmed the policy and intention of Thailand to ratify the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and to submit the instrument of ratification in Geneva by June 2018. This demonstrates the Royal Thai Government's commitment to promote and protect all workers in Thailand equally, regardless of their nationalities.

The Ministry of Labour has embarked on drafting the Prevention and Suppression of Forced Labour Act, B.E. ..., which clearly defines "forced labour", offences pertaining to forced labour, appropriate penalties, and the process of assistance, protection and rehabilitation for victims of labour exploitation who are not qualified as trafficking victims. The Ministry of Labour invited comments and suggestions from the general public and all concerned through its website for 15 days (26 January – 9 February 2018) and also organised a forum four times to listen to all stakeholders from the Government, the private sector, international organisations, and the NGOs. They were held on 1 February 2018, 12 February 2018, 15 February 2018 and 26 February 2018.

The opinions from these public hearings have been taken into account in the drafting of the new Act. The Ministry of Labour has also consulted with the Ministry of Finance on the establishment of the Prevention and Suppression of Forced Labour Fund. The Cabinet has already endorsed such project on ... March 2018.

### **3.5 Improvement of labour inspection procedures for greater prosecution of labour law violations**

The Department of Labour Protection and Welfare has intensified the employee screening measures. If the labour inspectors found offences pertaining to the 11 indications of forced labour or received a complaint from employees (Complaint Form No. 7 or in person), the labour inspectors must interview them using initial forced labour screening form which looks into their work conditions and well-being, such as their willingness to work, wage payment, wage retention, confiscation of important documents, legal rights that they are entitled to, work supervision, coercion, punishment, after-work freedom, their physical and mental conditions.

If the result of the initial screening points to a possibility of forced labour, the labour inspectors must coordinate with the Multi-Disciplinary Team to Review, Follow up, and Evaluate Labour Victim Identification<sup>2</sup> under the Royal Thai Police to immediately form a multi-disciplinary team to carry out thorough victim screening and identification.

Moreover, according to new guidelines, every morning the Department of Labour Protection and Welfare has to report their findings of labour inspection to the Ministry of Labour Operational Centre Meeting, so that the Minister of Labour can issue an instruction to solve any problem in a timely fashion.

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<sup>2</sup> The Multi-disciplinary team was established by virtue of the Order of the Royal Thai Police No. 94/2561 dated 28 February 2018, following the order of the Deputy Prime Minister General Prawit Wongsuwan during a meeting of the Committee on the Implementation and Reform of the Public Administration (the Fifth Committee).

Until 31 March 2018, the initial labour screening has uncovered 1,712 establishments and 20,886 workers. Forced labour or even labour trafficking may have occurred in three establishments with 34 workers. The labour inspectors, therefore, notified the local investigators to coordinate with a multi-disciplinary team to carry out victim identification. The result was that labour trafficking was found in two establishments with eight workers and labour rights violation was found in one establishment with seven workers.

**Table 10: Initial labour screening conducted by the labour inspectors**

Type of screening						Initial screening for forced labour				Detailed victim identification by the multi-disciplinary team				Prosecution	
Labour inspection		Complaint Form No. 7/ in-person complaint		Total		Negative		Affirmative (subsequent notification to the police)		Negative		Affirmative		TIP case	Labour rights violation case
Est.	Emp.	Est.	Emp.	Est.	Emp.	Est.	Emp.	Est.	Emp.	Est.	Emp.	Est.	Emp.	Est.	Ent.
952	18,591	760	2,295	1,712	20,886	1,705	20,862	3	34	1	7	2	8	2	1

Note that labour trafficking or forced labour may not be affirmative for all employees at an establishment where such wrongdoing was discovered.

N.B. “Est.” is short for “establishments” and “Emp.” for “employees”.

### 3.6 Prosecution of illegal child labour

The Department of Labour Protection and Welfare has intensified its efforts to prosecute child labour violators. If the labour inspectors found the employment of the underage as prohibited by law, they will file a complaint or press charge to the investigators immediately. From 2017 to March 2018, there have been 52 cases of child labour violations, 22 of which are at the investigation level, two are with the public prosecutors and four are under the consideration of the Courts. A total of 24 cases were completed.

**Table 11: Prosecution of child labour violations**

Year	Number of cases	Status of the cases (number)			Number of closed cases			Note
		Investigators	Public prosecutors	Courts of Justice	Fines	Prison term	Total	
2017	57	21	5	4	26 cases/ 2,388,500 THB (76,554.5 USD)	2	27	- One human trafficking case was found in the Pattani Crab Port Case. - Two administrative measures were taken to (1) arrest 4 fishing vessels until the completion of the case and (2) temporarily close 3 seafood processing plants for 30 days.
2018 (first quarter)	3	3	-	-	-	-	-	One human trafficking case was found in the Nontaburi Ice Production Enterprise Case.
Total	60	24	5	4	26 cases/ 2,388,500 THB (76,554.5 USD)	2	27	

### **3.7 Inspection measures of vessels fishing outside the Thai waters**

In January 2016 and February 2017, all fishing vessels and cargo ships operating outside Thailand's waters were called back to port and were put under stricter control and surveillance. The Department of Fisheries has not yet authorised any of these vessels to operate since 3 March 2017 until the present day.

In order for overseas fishing to meet the set standards and for labour inspection to be efficient, the Command Centre for Combatting Illegal Fishing together with the Department of Fisheries, the Department of Labour Protection and Welfare, and other concerned agencies jointly developed a manual on the Standard Operating Procedure (SOP) of labour inspection on overseas fishing vessels which is to be applied before the authorisation for vessels to operate outside the Thai waters as well as the guidelines on fishing crew transshipment. The new way of labour inspection is as follows:

1) Inspection of additional documents; namely employee registry, work contract, wage account/wage payment receipt, rest time schedule.

2) Inspection of safety system, sanitation, and welfare of fishing crews, such as food, drinking water, medicines, toilets, communication devices for fishing crews to contact government officials or their families, etc.

3) Interview of fishing crews: all fishing crews must be interviewed before being allowed to board fishing vessels operating outside Thailand's waters and after returning therefrom, using the interview form developed by the Department of Labour Protection and Welfare according to the suggestions from the International Labour Organisation (ILO), the Environmental Justice Foundation (EJF) and the multi-disciplinary team. The interview must take place aboard fishing vessels. The Ministry of Social Development and Human Security is required to assist in evaluating the mental conditions of all fishing crews before their interviews. If violations of labour protection law are found, the Department of Labour Protection and Welfare will either require the rectification of the wrongdoing or file a complaint to the investigators, depending on the circumstances of each case. If other offences are also found, the Department of Labour Protection and Welfare will coordinate with all concerned agencies for further actions.

In the case of illegal child labour, the Department of Labour Protection and Welfare will notify the administrative officials or police officers, while informing the Provincial Social Development and Human Security Office to come protect the concerned children in accordance with the Child Protection Act.

4) Random at-sea labour inspection before and after going to fish overseas carried out by the fishing vessel inspectors of the Royal Thai Navy or the police and random interview of fishing crews who present indications of forced labour.

### **3.8 Prevention of trafficking in children and women**

The Ministry of Tourism and Sports attaches importance to raising awareness and creating a network to prevent trafficking in children and women in touristic areas. Six training sessions were organised for a total of 800 people working in the tourism industry such as guided tour operators, hotel personnel, transportation personnel, tour guides. The trainings were held on 7, 14, 23, 27 February 2018, and on 7 and 21 March 2018 in the provinces of Pitsanulok, Ratchaburi, Buriram, Suphanburi, Rayong and Trang respectively.

Furthermore, the Ministry of Tourism and Sports plans to expand the geographical areas and networks under this programme. It will cover those in the government agencies, the private sector (Chambers of Commerce, Tourism Business Associations, Community Tourism Networks), and academic institutions in 4 provinces of Chiang Mai, Udon Thani, Chonburi, and Phuket. Seminars, campaigns, and public relations materials, especially via online media, will be carried out during April – June 2018.

### **3.9 Anti-sex trafficking inflight video**

The inflight video was released on 26 December 2017 and has been featured aboard all THAI flights since February 2018. It aims to reduce the demand for sex exploitation under the pretence of tourism. The inflight video can be viewed at [https://drive.google.com/file/d/1PMuBYYxYMUeYABomj6fXr0h-0CbJ0t\\_o/view](https://drive.google.com/file/d/1PMuBYYxYMUeYABomj6fXr0h-0CbJ0t_o/view).

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