



**Royal Thai Government's  
Country Report  
on Anti-Human Trafficking Efforts**

(1 January – 31 December 2019)

# Table of Contents

<b>Chapter 1</b>	<b>Executive Summary</b>	<b>1</b>
<b>Chapter 2</b>	<b>Key Achievements in 2019</b>	<b>7</b>
	<b><u>Prosecution</u></b>	<b>7</b>
1	Statistics on Human Trafficking Litigation, Offenders and Victims	9
2	Prosecution of Human Trafficking Cases	11
3	Combatting Official Complicity in Human Trafficking Cases	18
4	Asset Restraint and Seizure by the Anti-Money Laundering Office (AMLO)	20
5	Witness Assistance and Protection	22
6	Efficiency Enhancement of Human Trafficking Prosecution	23
7	Case Studies for Effective Ways to Pursue Human Trafficking Cases	25
8	The Work of Thailand Internet Crimes Against Children Task Force (TICAC) and Child Advocacy Centres (CACs)	30
9	Identification of Victims of Trafficking at Immigration Detention Centres	32
10	Collaboration with NGOs in Combatting Human Trafficking	33
	<b><u>Protection</u></b>	<b>36</b>
1	Protection Networks and Collaboration with Partners	36
2	Trauma-Informed Approach to Protection	41
3	Victims' Movement outside Shelters and Interaction with Outsiders	42
4	The Role of Civil Society and Private Sector in Providing Services and Protection	44
5	Remedy and Compensation for Victims	45
6	Screening Process Enabling Those at Risk to Receive Appropriate Services	49
7	Enhancing Interpretation Services	50
8	Access to Services through Mobile Application "PROTECT-U"	50
9	Promoting International Cooperation	52
	<b><u>Prevention</u></b>	<b>56</b>
1	2019 Budget Allocation for Prevention and Suppression of Trafficking in Persons	56
2	Legal Amendments and Improvements	57

3	Prevention of Trafficking in Migrant Workers in Thailand	59
4	Prevention of Trafficking in Thai Labours Seeking Overseas Employment	65
5	Improving Capacity and Efficacy of Labour Inspections	69
6	Anti-Trafficking in Women and Children	76
7	Prevention of Trafficking in Beggars	79
8	Enhancing Complaint Mechanism and Raising Public Awareness	80
9	Enhancing Legal Frameworks in line with International Standards	83
10	International Cooperation	84
<b>Chapter 3 Future Plan</b>		<b>86</b>
<b>List of Acronyms and Abbreviations</b>		<b>88</b>

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## **Executive Summary**

Combatting human trafficking remains a national agenda of Thailand. In 2019, the Royal Thai Government continued its strong efforts in comprehensively addressing human trafficking by pursuing zero-tolerance policy in prosecuting human trafficking offenders; ensuring the safety and protection of victims of trafficking; and implementing preventive measures to protect various vulnerable groups from human trafficking. Thailand's determination in this regard has led to continued and concrete progress, including the EU's lifting of Yellow Card for the Thai fishing industry in January 2019 in recognition of Thailand's effective and constant efforts in addressing labour issues in fisheries.

Key outcomes of Thailand's efforts in combatting human trafficking in 2019 are as follows:

### **Prosecution**

1. A total of 288 human trafficking cases were initiated, decreasing from 2018 (304 cases) by 5.26 percent. Of this number, cases related to sex trafficking, the most prevalent form of human trafficking in Thailand, significantly decreased from 258 cases in 2018 to 185 cases in 2019 (28.29 percent). This was a result of the joint efforts by the Thai government agencies, private sector, and NGOs in identifying at-risk groups and conducting vigorous awareness raising campaigns to protect them from human trafficking, including activities at schools and a national short documentary competition under the topic of "Stop Sexual Exploitation".

2. The Royal Thai Police and the Department of Special Investigation (DSI) continued to dismantle organised crime and transnational organised crime networks, particularly those bringing in migrant workers to Thailand for exploitation in a third country. This resulted in a significant increase in both the number of forced labour and related forms of human trafficking, from 38 cases in 2018 to 94 cases in 2019 (147.37 percent), and the number of rescued victims, from 631 victims in 2018 to 1,821 victims in 2019 (188.59 percent).

3. Enhanced capacity of law-enforcement agencies led to increased efficacy in all steps of prosecution. Despite an increase in cases involving organised and transnational organised crimes, the average length of time for case litigation (72 days) and public prosecution (22.33 days) depicted a downward trend since 2016. Most of the cases (95.05 percent) were completed by the Courts within a year. Comprehensive case preparations by inquiry officers and public prosecutors contributed not only to the lowest acquittal rate (6.99 percent), but also more severe imprisonment sentences. In particular, 36.23 percent of the convicted cases were handed down prison terms of ten years or above.

4. The Thai authorities continued to proactively investigate and prosecute officials allegedly complicit in human trafficking. These included four officials

from 2017 that DSI and the Public Sector Anti-Corruption Commission have completed the investigation and filed the cases to public prosecutors. In addition, six complicit officials from 2015-2018 were convicted and handed down severe punishment of imprisonment ranging from 34 to 225 years.

5. Victim-centred and trauma-informed approaches continued to be used in all steps of prosecution. These included assigning inquiry officers of the same gender as the victims, preparations of victim impact statements as part of witness and evidence gathering, and organising 15 non-confrontational / advanced witness hearings for 41 witnesses as requested or deemed appropriate by the Courts. In line with a recommendation in 2019 TIP Report, a training course to enhance the capacity of judges overseeing human trafficking cases was organised by the Office of Judiciary in collaboration with the Hague Academy of International Law. Already, Thailand's success in providing trainings on trauma-informed approach for law enforcement officers was evident in the 65.27 percent increase in compensation and restitution for victims of trafficking in 2019 to 54,180,366 THB (1,800,012 USD). In addition, progress was made in revising the Anti-Money Laundering Act, B.E. 2542 (1999) to enable greater compensation and restitution for victims of trafficking in money laundering cases. The draft revision is expected to be submitted for the Thai Cabinet's approval in April 2020.

6. Collaboration with NGOs, private sector, international agencies and foreign government remained crucial in all steps of prosecution and continued to be strengthened. This included the exchange of information and intelligence, witness and evidence gathering, capacity building sessions for law enforcement officers as well as sharing of best practices. With the United States, the Thai agencies continued to work closely with the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State, the Homeland Security Investigations of Department of Homeland Security, FBI, and the U.S. Embassy in Bangkok, among others.

## **Protection**

7. The Thai Government in collaboration with NGO partners continued to ensure that appropriate care and protection were accorded to victims of all forms of trafficking. Due consideration was given to the needs of victims and trauma-informed care was provided in government as well as NGO-run shelters including physical and mental rehabilitation. Of the 1,821 human trafficking victims rescued in 2019, 1,560 (85.67 percent) were under the care of government and private-run shelters, whereas 261 victims (14.33 percent), who were mostly Thais, voluntarily opted to stay outside the shelters including at their homes. Both groups were entitled to the same government assistance for registered victims of trafficking

8. Victims at government and NGO-run shelters were allowed to move in and out of their shelters, with their safety remained a top priority. For foreign

victims who illegally entered Thailand, shelter officials will request an exemption for temporary stay in a permitted area in Thailand that would enable them to leave the shelters during the day to study or work. In 2019, 1,222 foreign victims were granted permission to temporarily stay in the country. Others were those who already had a legal permit to stay in the country and had no wish to acquire them.

9. The Thai Government disbursed 11.87 million THB (394,352 USD) of the Anti-Human Trafficking Fund to victims of trafficking, increasing from 6.15 million THB (204,319 USD) in 2018 by 93 percent. These disbursements were given as initial financial remedies and assistance for the victims before they started compensation claims against their perpetrators. In addition to the Anti-Human Trafficking Fund, 532,035 THB (17,675 USD) was provided by the Rights and Liberties Protection Department, Ministry of Justice, to assist 35 victims of trafficking who were also victims of crime in criminal proceeding including physical and sexual abuses. Moreover, a total of 3.3 million THB (110,631.23 USD) from the defendants' assets was awarded by the Courts as compensation and restitution for 14 victims of human trafficking in two cases.

10. Mobile applications were developed as an additional channel for Thai as well as foreign victims of human trafficking to access government protection and assistance services. These included "PROTECT-U" by the Ministry of Social Development and Human Security (MSDHS). Victims of trafficking, witnesses, and civil society organisations can use the applications to alert the authorities and request assistance by providing detailed information or sending real-time location coordinates. Interpretation service is also available in seven languages, provided by 300 qualified interpreters who have received trainings on Thailand's human trafficking law, trauma-informed approach, and code of conduct on victim assistance. During the first six months, the PROTECT-U application received 186 requests of interpretation service for protection, while its online rights of victims manual, which is available in seven languages, received 1,201 views. The application also has a feature for online purchase of products made by victims of trafficking as a way to earn their income.

11. The Thai Government continued to foster close cooperation with countries of origin of victims of human trafficking for joint assistance and protection operations. A Standard Operating Procedures (SOPs) for Case Management of Repatriation and Reintegration of Victims of Trafficking in Persons has been developed. In addition, Thailand has provided financial support of over 120 million THB (3,986,711 USD) for the establishment of the Transit and Reception Centre for Victims of Trafficking and other Vulnerable Group in Poi Pet, Banteay Meanchey Province, Cambodia and will further support the establishment of a centre in Phôn-Hông, Lao PDR. Study visits on protection and assistance for victims of human trafficking at government shelters were organised for relevant officers of Cambodia, Lao PDR, and other countries.

## **Prevention**

12. With the Thai Government's strong commitment to preventing and suppressing human trafficking, in 2019 a total budget of 3,806.82 million THB (126,472,425 USD) was allocated to anti-human trafficking government agencies, increasing from 2018 by 4.53 percent, continuing the upward trend since 2016.

13. Three additional laws that would enhance the efficacy in preventing and suppressing human trafficking have been enacted or revised in 2019, namely Amendments to the Criminal Procedure Code (No. 33 & 34) B.E. 2562 (2019) to prevent spurious retributive charges by employers against workers and their rights defenders; Emergency Decree Amending the Anti-Human Trafficking Act, B.E. 2551 (2008) / 2562 (2019) to support Thailand's ratification of ILO Convention No. 29 on Forced Labour; and the Labour Protection in Fisheries Act, B.E. 2562 (2019) to support Thailand's ratification of ILO Convention No. 188 on Work in Fishing. In addition, progress continued to be made in the consideration of the draft Labour Relations Act that would allow migrant workers to join as committee members of labour unions.

14. Thailand continued to work with labour sending countries to attract more migrant workers through the G-to-G channel. Efforts in this regard included reducing the length of time in processing application under the MOU system for migrant workers from 25 days to 15 days. In addition, the Ministry of Labour (MOL) inspected 244 migrant workers recruitment agencies, increasing from 2018 (67 agencies) by 264 percent, and 181 employment agencies sending Thai workers to work overseas. Those found to have violated the law or regulation were duly punished including revocation of operation license, suspension of operation license ranging from 30 to 120 days, fining and other legal actions against unauthorised agents.

15. The Thai Cabinet approved the extension of work permits for eligible 1.7 million legalised migrant workers from Cambodia, Lao PDR, and Myanmar. These migrant workers initially entered Thailand illegally and were subsequently registered by the Thai Government. The extension of their work permits would be for two years from the original expiry dates (1 November 2019 and 31 March 2020), entitling them to the same benefits and protection as migrant workers recruited through bilateral MOUs. These included having their contracts written in a language they understand (the official language of their home country) in addition to English and Thai. Their recruitment fee was also paid for by the employers, and they had the rights to change employer immediately in case of abuse or labour malpractice. In addition, the E-Inform application not only provided greater convenience for employers in notifying the Department of new migrant workers (within 15 days of employment) and those no longer employed (within 15 days of departure), but also enabled MOL to locate migrant workers needing government assistance in abuse and malpractice cases. In 2019,

356,216 entries were made through the application, increasing from 2018 (157,546 entries) by 126 percent.

16. The Thai government agencies continued to increase collaboration with NGOs, private sector, and ILO in providing protection and assistance for migrant workers across Thailand. In 2019, the ten Migrant Workers Assistance Centres assisted 40,494 migrant workers in providing legal advice, receiving and referring complaints to concerned authorities, and the five Post-Arrival and Reintegration Centres for Migrant Workers provided orientation trainings, including knowledge of labour law and anti-trafficking law for 413,536 migrant workers. In addition, the Government's 24-hour, toll-free hotlines continued to support the efforts in this regard. In 2019, MOL Hotline No. 1506 provided employment-related advice to 75,344 calls and received 363 cases of illegal migrant workers, leading to prosecution in 104 cases and fining of employers in 15 cases; and MSDHS Hotline No. 1300 received information on 162 suspected human trafficking cases, leading to 106 cases of rescue and protection.

17. MOL continued to strengthen labour inspection across Thailand. The number of labour inspectors increased from 1,692 persons in 2018 to 1,889 persons (11.64 percent) for 22 million workers in 2019. This translates to an average of one labour inspector per 11,647 workers, well above ILO's standard (1:15,000). Trainings were provided for new labour inspectors in collaboration with IOM to ensure international standard. Regular inspections of workplaces and employers were conducted across the country. A total of 9,463 establishments were found to be in violations of labour laws, including failure to pay wages to employees. Of this number, 9,351 establishments (98.8 percent) have been punished and a total claim of 513,968,743.47 THB (17,075,373.5 USD) in unpaid wages and other benefits was made by MOL for employees, increasing significantly from 571,425 THB (18,984 USD) in 2018. Inspections of establishments along the borders that employed seasonal workers were also regularly conducted. A total of 71 establishments were found in violation of paying below the minimum wage. All have been punished by the authorities.

18. Additional 37 foreign language interpreters and language coordinators were recruited by MOL in 2019, increasing from 2018 by 24.18 percent to 190 persons. This further enhanced the capacity of government officers in assisting migrant workers, including at the ten Migrant Workers Assistance Centres, the five Post-Arrival and Reintegration Centres for Migrant Workers as well as the two Government hotlines. Language interpreters and language coordinators were provided trainings by MOL and NGO partners in assisting victims of trafficking, and their services are available in at least nine languages including Cambodian, English, Myanmar and sign language.

19. Port-in Port-Out (PIPO) Control Centres' monitoring capacity continued to be strengthened. This included training courses in collaboration with OceanMind, a not-for-profit organisation, to enhance the capacity of inspectors



in becoming investigators. In addition, Standard Operating Procedures (SOPs) were produced for officers and inspections by Flying Inspection Team (FIT) were conducted twice yearly in order to ensure the efficiency and standard of work of all PIPO control centres.

20. International cooperation on anti-human trafficking continued to be promoted. The Ship to Shore Rights Project in collaboration with EU and ILO aimed to enhance labour protection in fisheries and seafood processing industry, whereas the ATLAS Project in collaboration with USDOL would further enhance the capacity of the Thai authorities in combatting child labour, forced labour, and other forms of human trafficking. A project in collaboration with the Cambodian government in setting up a Centre for Post-Arrival Victims of Trafficking and Risk Group in Poi Pet, Cambodia, continued to make progress with the first study trip to Thailand organised by the Thai authorities.

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## Key Achievements in 2019

### Prosecution

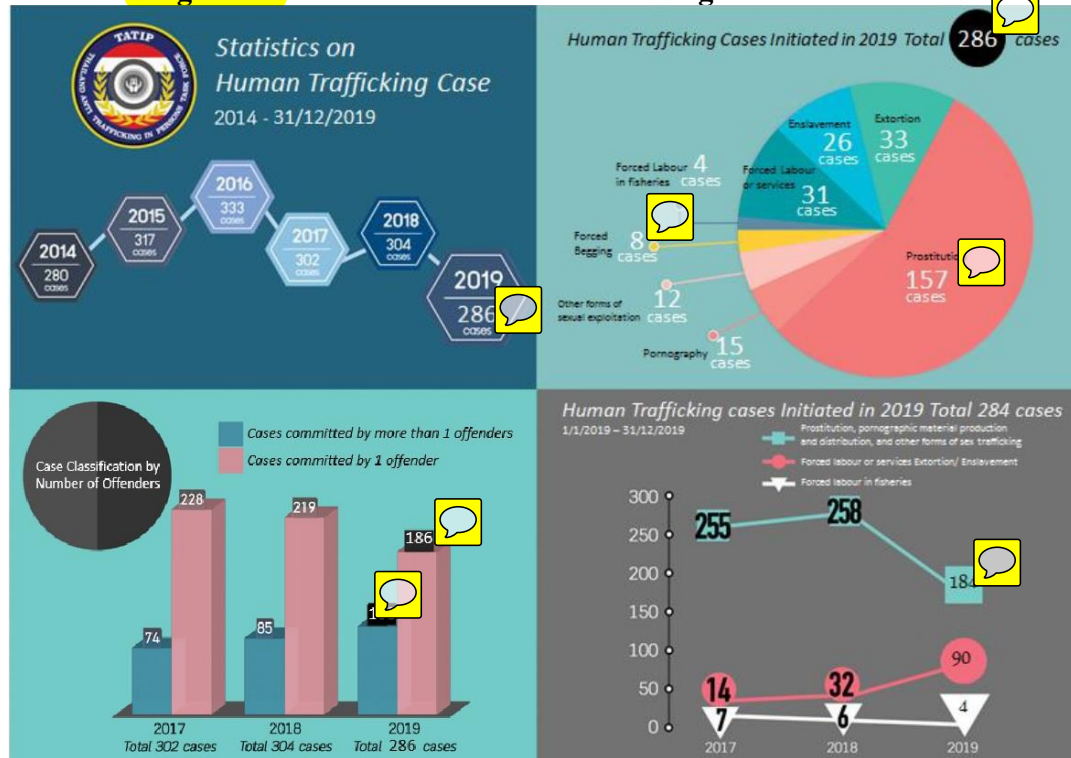
In 2019, the Royal Thai Government remained resolute in combatting human trafficking. This resulted in continued downward trend of human trafficking cases in Thailand since 2017. Greater collaboration among government agencies and NGOs as well as enhanced capacity of law enforcement officers led to increased efficiency in the prosecution process of human trafficking cases at all steps and continued acceleration in the average length of time in concluding a human trafficking case. Relevant laws and regulations were amended to enhance efficacy in prosecution.

A total of 288 human trafficking cases were initiated in 2019, decreasing from 304 cases in 2018. In particular, cases related to sex trafficking, the most prevalent form of human trafficking in Thailand, significantly decreased from 258 cases in 2018 to 185 cases in 2019 (Diagram 1). This was a result of the continued joint efforts among government agencies, private sector, and NGOs in identifying vulnerable groups and conducting vigorous awareness raising campaigns to protect them from falling prey to human trafficking.

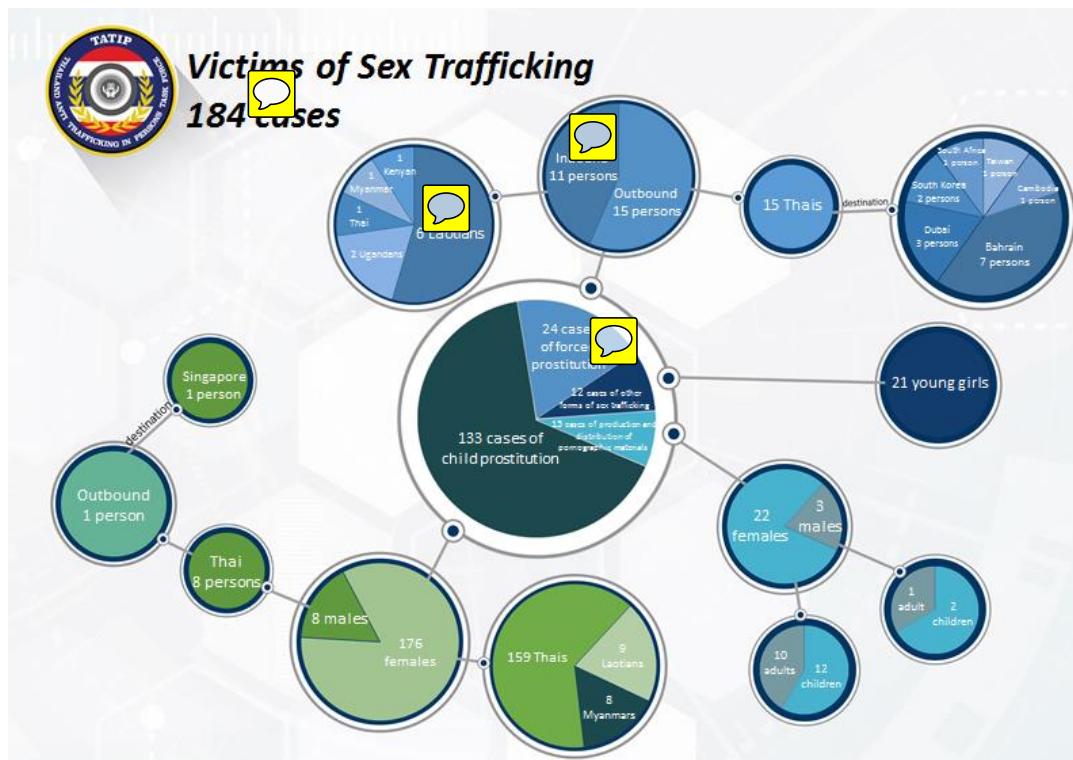
While the total number of initiated cases decreased, the number of rescued victims increased significantly from 631 victims in 2018 to 1,821 victims in 2019 (188.59 percent). This could be attributed to intensified efforts by the Thai law enforcement agencies in cracking down organised crime as well as transnational organised crime syndicates, particularly those involved in forced labour, resulting in an average of 40 rescued victims in each arrest.

More comprehensive case preparations by the Royal Thai Police (RTP), the Department of Special Investigation (DSI), and the Office of the Attorney General (OAG) enabled the Courts of Justice to acquit fewer cases in 2019. Advance witness hearings with victim-centred approach were used by the Court, ensuring safety of the witnesses and allowing foreign victims to return to their homelands faster. Severe sentences were handed down to the offenders with 36.23 percent of them punished to imprisonment of 10 years or more, generating greater deterrence effect. A larger amount of compensation was also awarded by the Courts of Justice to victims of trafficking, comprehensively taking into consideration effects of the cases on their physical and mental health.

**Diagram 1: Statistics on human trafficking cases 2014 – 2019**



**Diagram 2: Analysis of sex trafficking cases**



Analysis on the trend of human trafficking situation in Thailand indicated an increase in organised crimes and transnational organised crimes related to human trafficking, particularly forced labour. It also found an increase in the production and distribution of child pornography as a result of rapid

advancement in the technology that enabled offenders to conceal their identities and crimes more easily. That notwithstanding, the Thailand Internet Crime against Children Taskforce (TICAC) and other agencies concerned were able to arrest more cases of this kind of human trafficking during the past year.

## 1. Statistics on Human Trafficking Litigation, Offenders, and Victims

### 1.1 Number of Human Trafficking Cases

A total of 288 human trafficking cases were initiated in 2019. Classified by category, 185 cases were sex trafficking (prostitution, pornography, and other forms of sexual exploitation), decreasing from 2018 by 73 cases (28.29 percent). Nine cases were forced begging, and 94 cases were forced labour, including those in fisheries, and related forms of trafficking, increasing from 2018 by 56 cases (147.37 percent). (Table 1).

**Table 1: Human trafficking cases initiated**

Year	Total cases	Types of Human Trafficking Activities							
		Prostitution	Pornography	Other forms of sexual exploitation	Forced begging	Enslavement	Labour	Fisheries	Extortion/ Other
2016	333	244	3	-	8	-	32	43	3
2017	302	246	7	2	26	-	14	7	-
2018	304	249	4	5	8	-	29	6	3
2019	288	158	15	12	9	33	31	4	26

Compared to 2017-2018, the situation of human trafficking in Thailand continued to improve. In particular, the significant decrease in prostitution cases was attributable to the joint efforts by various government agencies including the Ministry of Social Development and Human Security (MSDHS) and OAG in partnership with NGOs in raising awareness of at-risk groups and vigorously preventing them from human trafficking. Enhanced capacity of TICAC also enabled more identification and litigation of human trafficking cases related to child pornography and other forms of child sexual exploitation.

Moreover, the increase in arrest cases of forced labour and related forms of trafficking was a result of the ongoing efforts by RTP and DSI in dismantling organised crime and transnational organised crime networks. The categorisation of enslavement in this year was aimed to reflect the complex nature of labour trafficking.

## 1.2 Number of Human Trafficking Offenders

In 2019, a total of 555 human trafficking offenders (330 males and 225 females) were arrested. While Thais (402 persons) remained the majority of offenders, their number decreased from 2018 by 5.19 percent due to the decrease in prostitution cases, in which Thais usually involved as the main offenders.

At the same time, the number of offenders who were foreign nationals (153 persons) increased substantially from 2018 (108 persons) by 41.74 percent, particularly those from Myanmar (300 percent). This was due to the success of the police and other law enforcement agencies such as DSI in dismantling organised crime and transnational organised crime syndicates that smuggled migrant workers from Myanmar and other countries into Thailand in order to exploit them in a third country. Statistics of arrested human trafficking offenders in 2019 appears in [Table 2](#).

**Table 2: Number of human trafficking offenders**

Year	Total (persons)	Gender		Nationality				
		Male	Female	Thai	Myanmar	Cambodian	Laotian	Other
2016	600	265	335	462	35	26	41	36
2017	427	145	282	361	9	25	3	29
2018	532	229	303	424	30	15	4	59
2019	555	330	225	402	120	4	6	23

## 1.3 Number of Victims of Trafficking

In 2019, the relevant government agencies in collaboration with NGOs rescued 1,821 victims of trafficking (1,158 males and 663 females). Of this number, 251 were Thais, decreasing from 2018 by 94 persons (27.25 percent), and 1,570 were foreign nationals, increasing from 2018 by 1,284 persons (448.96 percent) ([Table 3](#)).

**Table 3: Number of victims of trafficking**

Year	Total (persons)	Gender		Nationality				
		Male	Female	Thai	Myanmar	Cambodian	Laotian	Other
2016	824	411	413	333	238	52	58	143
2017	455	88	367	327	53	26	30	19
2018	631	282	349	345	205	28	14	39
2019	1,821	1,158	663	251	1,306	96	38	130

The decrease in number of Thai trafficking victims was in direct correlation with the decrease in prostitution cases in which Thais have been the majority of victims, whereas the increase in number of victims from Thailand's neighbouring countries, particularly Myanmar, was a result of the success of the Thai authorities in cracking down the people smuggling-trafficking syndicates.

## **2. Prosecution of Human Trafficking Cases**

### **2.1 Human Trafficking Cases Handled by Inquiry Officers**

Victim-centred and trauma-informed approaches continued to be used by RTP and DSI in the prosecution process. This included ensuring sufficient number of female inquiry officers for cases with children and female victims of trafficking. For instance, the Anti-Trafficking in Persons Division (ATPD) has 22 female inquiry officers from the total number of 60 officers. The RTP also has policy to continue recruiting more female officers with Bachelor's degree in Law in the future; assigning inquiry officers of the same gender as the victims; and preparing victim impact statements as part of witness and evidence gathering. Key outcomes in 2019 are as follows:

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

In 2019, a total of 288 human trafficking cases were handled by inquiry officers. Inquiry has been completed for 249 cases (86.46 percent). All of the completed cases were filed to public prosecutors. The remaining 39 cases (13.54 percent) are under inquiry officer's consideration.

**Table 4: Progress of human trafficking cases handled by inquiry officers**

<b>Year</b>	<b>Total</b>	<b>Under inquiry</b>	<b>Filed to public prosecutors</b>	<b>Not filed to public prosecutors</b>
2016	333	0	329 (98.80%)	4 (1.20%)
2017	302	1 (0.33%)	298 (98.68%)	3 (0.99%)
2018	304	2 (0.66%)	300 (98.68%)	2 (0.66%)
2019	288	39 (13.54%)	249 (86.46%)	0

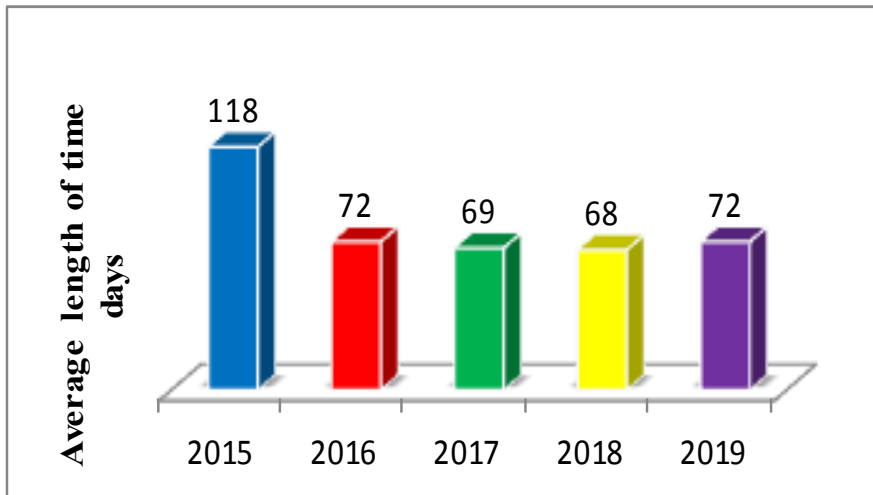
Note: one case initiated in 2017 and two cases initiated in 2018 are still under inquiry. All of the cases involve extra-territoriality and require evidence from concerned countries in order to proceed with the inquiry process. For the case initiated in 2017 (forced labour), the testimony by Korean offenders arrested in the Republic of Korea is being translated to Thai for consideration by inquiry officers.

#### **2) Length of Time for Handling of Human Trafficking Cases by Inquiry Officers**

Continued efforts have been made by inquiry officers to accelerate the litigation process of human trafficking cases. Since 2015, the average length of time for processing a human trafficking case has continued a downward trend.

In 2019, inquiry officers took an average of 72 days to complete a case (Diagram3). The slight increase (5.88 percent) in the average length of time from 2018 could be explained by increased complexity of the cases, particularly those involving organised and transnational organised crimes, as witnessed by the higher percentage of cases that involved two or more suspects in Table 5.

**Diagram 3: Average length of time for case inquiries**



**Table 5: Case classification by number of offenders**

Year	Total	Cases involving one defendant	Cases involving two or more defendants
2017	302	228	74 (24.50%)
2018	304	219	85 (27.96%)
2019	288	187	101 (35.07%)

## 2.2 Human Trafficking Cases Pursued by Public Prosecutors

The OAG continued to pursue human trafficking cases, fully aware of the complex nature of human trafficking and possible multiple offences that a human trafficking case may involve. Any decision on whether or not to submit a case to the Courts on ground of human trafficking was based on relevant laws as well as witness and evidence gathering by inquiry officers. The ultimate goal was to accord justice for all parties in a just, transparent, and accountable manner.

In 2019, the Department of Trafficking in Persons Litigation of the OAG received a total of 364 human trafficking cases from inquiry officers across Thailand. Classified by types of exploitation, 242 cases were sexual exploitation, seven cases were forced begging, and 115 cases were forced labour or services. In particular, cases of forced labour or services pursued by public prosecutors



increased from 2018 (57 cases) by 101.75 percent. This was a result of enhanced case preparations by the police and DSI officers. Details appear in Table 6.

**Table 6: Case classification by types of exploitation**

Types of Exploitation	2016	2017	2018	2019
(1) Prostitution, pornographic material production and distribution, and other forms of sex trafficking	335	325	286	242
(2) Forced begging	13	25	14	7
(3) Forced labour or services or similar forms of exploitation/ slavery or similar practices	135	68	57	115
Total	483	418	357	364

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

Of the 364 human trafficking cases received by OAG in 2019, 281 cases were issued prosecution orders for human trafficking offence; 64 cases were issued prosecution orders for other criminal offences such as people smuggling and transnational organised crimes; 13 cases were under prosecutor's consideration; and six cases were returned to inquiry officers for additional witness and evidence gathering (Table 7 and Table 8).

**Table 7: Progress of human trafficking cases with arrested suspects**

Year	Total	Progress of Human Trafficking Cases			
		Cases issued prosecution orders for human trafficking offence (%)	Cases issued prosecution orders for other criminal offences (%)	Cases under public prosecutor's consideration (%)	Cases returned to inquiry officers (%)
2016	446	438 (98.20%)	7 (1.57%)	-	1 (0.22%)
2017	396	385 (97.22%)	11 (2.78%)	-	-
2018	331	294 (88.82%)	31 (9.37%)	2 (0.60%) cases still under consideration of the Attorney General	4 (1.21%)
2019	343	268 (78.13%)	62 (18.08%)	7 (2.04%)	6 (1.75%)

**Table 8: Progress of human trafficking cases with fleeing suspects**

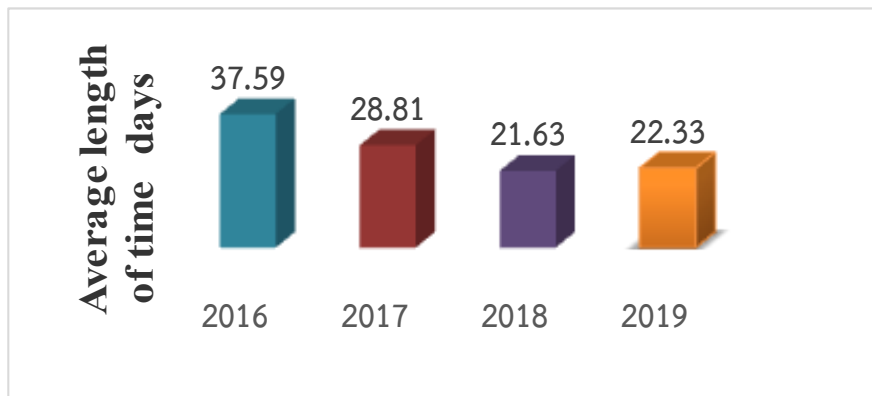
Year	Total	Progress of Human Trafficking Cases		
		Cases issued prosecution orders for human trafficking offence (%)	Cases issued prosecution orders for other criminal offences (%)	Cases under public prosecutor's consideration (%)
2016	19	16 (84.21%)	2 (10.53%)	-
2017	22	16 (72.73%)	4 (18.19%)	1 (4.54%)
2018	26	23 (88.46%)	1 (3.85%)	-
2019	21	13 (61.90%)	2 (9.53%)	6 (28.57%)



## 2) Length of Time in Processing Human Trafficking Cases by Public Prosecutors

Comprehensive case preparations by inquiry officers including witness and evidence gathering have enabled public prosecutors to accelerate the consideration process of human trafficking cases, as reflected by the decreasing length of time in processing a case from an average of 37.59 days in 2016 to 21.63 days in 2018. This downward trend continued into 2019 (Diagram 4), during which public prosecutors took an average of 22.33 days to complete the consideration process. The slight increase (0.7 day) in the length of time could be attributed to cases involving organised and transnational organised crimes, which entailed more complexity.

**Diagram 4: Length of time required for public prosecution**



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

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

A total of 396 human trafficking cases were brought before the Courts of Justice across Thailand in 2019, of which 256 were new cases and 140 were pending cases.

The Court of First Instance has made a decision on 283 cases (71.46 percent). Of this number, the Court convicted 217 cases (76.86 percent), acquitted 26 cases (9.19 percent), and disposed 40 cases (14.13 percent), while 113 cases are pending adjudication.

**Table 9: Decisions reached by the courts on human trafficking cases**

Year	Cases submitted to the Courts			Decided cases				Pending cases (as standing at the end of indicated year)
	Cases initiated in previous years	Cases initiated in indicated year	Total	Convicted	Acquitted	Disposed	Total	
2016	136	468	604	298 (79.05%)	37 (9.81%)	42 (11.14%)	377	227
2017	227	330	557	319 (81.59%)	54 (13.81%)	18 (4.60%)	391	166
2018	166	279	445	235 (77.05%)	24 (7.87%)	46 (15.08%)	305	140
2019	140	256	396	217 (76.68%)	26 (9.19%)	40 (14.13%)	283	113

## 2) Length of Time for Completing Human Trafficking Cases

The Courts continued to complete most human trafficking cases within a year, accounting for 95.05 percent of the decided cases in 2019. In particular, over one third (37.10 percent) of the decided cases were completed within three months, the highest percentage since 2016. This could be explained by enhanced capacity of the Courts (more information in [Section 6](#)), and comprehensive case preparations by public prosecutors which facilitated the Courts' expeditious consideration.

**Table 10: Length of time required for the courts of justice's consideration**

Year	Number of completed cases	Completed within 3 months	Completed between 3-6 months	Completed between 6-12 months	Completed in more than 12 months
2016	377	88 (23.34%)	105 (27.85%)	146 (38.73%)	38 (10.08%)
2017	391	96 (24.55%)	99 (25.32%)	152 (38.87%)	44 (11.25%)
2018	305	86 (28.20%)	80 (26.23%)	128 (41.97%)	11 (3.61%)
2019	283	105 (37.10%)	69 (24.38%)	95 (33.57%)	14 (4.95%)

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

In 2019, a total of 386 defendants (209 males and 177 females) in human trafficking cases were brought before the Courts of Justice. Accordingly, the Courts convicted 304 defendants (78.76 percent), acquitted 27 defendants (6.99 percent) and disposed of 55 defendants (14.25 percent). As of December 2019, 217 defendants are awaiting trials.

**Table 11: Number of defendants classified by the courts' decisions**

Year	Number of defendants subjected to the Courts' consideration			
	Total (persons)	Convicted	Acquitted	Disposed
2016	493	366 (74.24%)	69 (14%)	58 (11.76%)
2017	638	466 (73.04%)	154 (24.14%)	18 (2.82%)
2018	438	316 (72.15%)	57 (13.01%)	65 (14.84%)
2019	386	304 (78.76%)	27 (6.99%)	55 (14.25%)

Compared to 2016-2018, the percentage of cases acquitted by the Courts was lowest in 2019, partly as a result of case preparations by inquiry officers and public prosecutors. The Courts also ensured that the child's rights were protected in cases that involved juvenile defendants, resulting in the Courts' decision to dispose 34 juveniles in 30 cases in order to allow them special measures under the Juvenile and Family Court and Procedure Act, B.E. 2553 (2010).

#### **4) Punishment Handed Down by the Courts of Justice in Human Trafficking Cases**

The Courts continued to hand down severe punishment in human trafficking cases. In particular, imprisonment of more than five years accounted for 81.16 percent of the total sentences, of which 36.23 percent was for 10 years and above. This level of severity was comparable to 77.76 percent in 2018 and was significantly higher than in 2017 (66.05 percent) and 2016 (59.35 percent).

**Table 12: Imprisonment sentence of defendants in human trafficking cases**

Year	Total number of defendants sentenced to imprisonment	Shorter than one year	Between 1-2 years	Between 2-5 years	Between 5-10 years	Over 10 years
2016	310	18 (5.81%)	8 (2.58%)	100 (32.26%)	117 (37.74%)	67 (21.61%)
2017	377	9 (2.39%)	10 (2.65%)	109 (28.91%)	118 (31.30%)	131 (34.75%)
2018	236	1 (0.42%)	4 (1.69%)	47 (19.92%)	60 (25.42%)	124 (52.54%)
2019	276	6 (2.17%)	8 (2.90%)	38 (13.77%)	124 (44.93%)	100 (36.23%)

#### **5) Compensation and Punitive Damages**

In claiming compensation for victims of trafficking in accordance with the Human Trafficking Criminal Procedure Act, B.E. 2559 (2013), public prosecutors can conclude the claim in the criminal charge or submit it during the consideration of the Court of First Instance. In addition,

additional compensation claims can also be requested by the victims before the Court adjudicates.

Even in the absence of claims, the Court can, in the criminal case adjudication, order appropriate compensation to the victims based on the trauma reflected in victim impact statements that inquiry officers must prepare and submit to the Court. Moreover, if the wrongdoing involved torture, detention, physical harms, and serious inhumane abuses, the victims can claim additional compensation from the defendants in civil cases.

In addition to compensation, the Courts of Justice can also order the defendants to pay punitive damages to the victims. The Courts' orders on compensation and punitive damages are included in the criminal case judgments. In cases where enforcement of the Courts' orders is needed, the victims are regarded as the creditors with MSDHS providing assistance in enforcing the Courts' orders.

Since 2018, the Office of Judiciary has started collecting statistics on compensation awarded by the Courts of Justice to victims of human trafficking (Table 13).

**Table 13: Amount of compensation and restitution granted by the courts' decisions**

Year	Amount of Damages (THB)
2018	32,782,788
2019	54,180,366

In 2019, the Courts ordered a total of 54,180,366 THB (1,800,012 USD) in compensation and restitution for victims of trafficking, increasing from 2018 by 32,782,788 THB (710,882 USD) or 65.27 percent.

#### **6) Advance Witness Hearings in Human Trafficking Cases and Testifying without Direct Encounter with the Defendants**

In 2018, the Office of the Judiciary made available the Video Conference Courtroom System in all Courts of Justice throughout the country in order to enable remote witness hearings. Judges have also been advised to allow, whenever requested or as it deemed appropriate, non-confrontational hearings and advance witness hearings. The aim was to protect witnesses in human trafficking cases by avoiding their direct encounter with the defendants as much as possible.

Since then, witness hearings could be conducted through the video conference and advanced witness hearings using victim-centred approach. In 2019, 131 witness hearings were conducted for 200 human trafficking cases and 15 advance hearings were organised for 41 witnesses. Greater use of advance hearings were carried out to ensure safety of the witnesses and contributed to facilitating the case proceeding while enabling foreign victims to return to their homelands faster.

### 3. Combatting Official Complicity in Human Trafficking Cases<sup>1</sup>

The Royal Thai Government's zero tolerance policy in combatting human trafficking extends to punishing public officials found to be complicit in such crime. Punishment includes legal prosecution in accordance with the Anti-Human Trafficking Act, B.E. 2551 (2008) and relevant laws, expulsion from government service and other disciplinary actions. In 2019, progress continued to be made in identifying and punishing complicit officials, as follows:

#### 3.1 Number of Officials Involved in Cases related to Human Trafficking

Since 2013, 59 officials have been accused of involving in cases related to human trafficking with total of 33 already imprisoned. In 2019, an additional case was litigated and is currently under the Courts' consideration. At the same time, DSI and the Public Sector Anti-Corruption Commission (PACC) continued to make further progress regarding the investigation of nine officials whose cases were from 2013-2018. In particular, investigation of four officials has been completed; all were found complicit in human trafficking activities and their cases have already been submitted to public prosecutors for further action.

**Table 14: Number of officials involved in cases related to human trafficking**

Year	Number of public officials	Imprisoned	Acquitted	Under Courts' consideration	Under public prosecutors' consideration	Still under inquiry/ investigation			Not pursued by PACC	Fleeing
						DSI	PACC	NACC		
2013-2016	44	25 (23)	7 (9)	0 (0)	3 (3)	0 (0)	4 (4)	0 (0)	3 (3)	2 (2)
2017	11	7 (4)	0 (0)	0 (3)	7 (0)	3 (0)	0 (1)	0 (0)	0 (0)	0 (0)
2018	2	1 (0)	0 (0)	0 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)
2019	2	0	0	1	0	1	0	0	0	0
<b>Total</b>	<b>59</b>	<b>33 (27)</b>	<b>7 (9)</b>	<b>1 (4)</b>	<b>10 (3)</b>	<b>4 (0)</b>	<b>5 (6)</b>	<b>0</b>	<b>3 (3)</b>	<b>2 (2)</b>

Note: Numbers in brackets are statistics from 2018.

<sup>1</sup> US recommendation: proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

### 3.2 Progress on the Criminal Prosecution of Complicit Officials

In 2019, the Courts sentenced six complicit public officials in human trafficking cases with severe imprisonment ranging from 34 years to 225 years. Details are as follows:

1) **Two officials in Rohingya case** (initiated in 2015) - one military officer and one local administrative officer originally acquitted by the Court of First Instance were sentenced to 82 years of imprisonment. In addition, six public officials originally convicted by the Court of First Instance were handed more years of imprisonment, from originally 27 years to 82 years for one military general and one police officer, from originally 14 years and 8 months to 48 years and 8 months for one local administrative officer, and from 78 years to 79 years for three local administrative officers. The case is under the Supreme Court's consideration.

2) **Three officials in Phu Ruea case** (initiated in 2017) - three police officers were found complicit in human trafficking activities through requesting bribes and were sentenced to imprisonment of 95 years, 225 years, and 60 years, respectively. The case is now under the Supreme Court's consideration.

3) **One official in Chai Ya case** (initiated in 2018) – a police officer was found guilty of involvement in human trafficking by being an accomplice in the smuggling of migrant workers, and was sentenced to 34 years of imprisonment.

In addition, further progress was made in the criminal prosecution of public officials in the following cases:

4) **Nok Hook Case** (initiated in 2017) – a total of eight complicit public officials comprising of four police officers, one teacher, and three local administrative officers were found guilty of soliciting children prostitution.

5) **Phu Ruea case** – (initiated in 2017) the Public Sector Anti-Corruption Commission completed the inquiry for one additional police officer and submitted the case for public prosecutor's consideration.

6) **Chom Dao case** (initiated in 2018) – DSI completed the inquiry process for three public officials and submitted their cases to public prosecutors.

### 3.3 Progress of Disciplinary Actions against Complicit Officials

In 2019, two more public officials complicit in human trafficking activities were expelled from government service. One school principal from Phue Ruea case was expelled for facilitating commercial exploitation of children, and one police officer from Rohingya case was expelled for having requested bribes (Table 15).

**Table 15: Public officials subjected to disciplinary measures for their involvement in human trafficking activities**

Year	Subjected to disciplinary measures	Expelled from government service	Suspended from government service	Case terminated	Still under consideration of their agencies of affiliation			
					Army	Police	Government agencies	Local administrative organisations
2013-2016	44	31 (30)	4 (0)	4 (4)	0 (4)	4 (4)	1 (1)	0 (1)
2017	10	6 (5)	0 (0)	0 (0)	0 (0)	4 (4)	0 (1)	0 (0)
2018	2	1 (1)	0 (0)	0 (0)	0 (0)	1(1)	0 (0)	0 (0)
2019	1 (2)	0 (1)	0 (0)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)
<b>Total</b>	<b>57</b>	<b>38</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>10</b>	<b>1</b>	<b>0</b>

Note: Numbers in brackets are statistics from 2018.

## 4. Asset Restraint and Seizure by the Anti-Money Laundering Office (AMLO)<sup>2</sup>

### 4.1 Amount of Asset Restraint and Seizure

In 2019, AMLO litigated 15 cases involving assets related to predicate offence of human trafficking with an initial total value of 8,587,166.78 THB in assets subjected to restraint and seizure orders. Subsequently, AMLO referred 11,681,474.08 THB (285,287.93 USD) worth of assets to public prosecutors for petition to the Courts to order forfeiture of these assets for the benefits of the State. Final verdicts were reached concerning assets valued at 401,014.26 THB (13,322.73 USD). Details appear in Table 16 and Table 17.

**Table 16: Value of assets subjected to restraint and seizure orders**

Year	Number of litigated cases	Total value of assets subjected to restraint and seizure orders
2016	24	333,209,830.80
2017	21	33,823,745.90
2018	15	477,058,488.94
2019	15	8,587,166.78
<b>Total</b>	<b>75</b>	<b>852,679,232.42</b>

<sup>2</sup> US recommendation: increase the provision of financial compensation and restitution to victims.

**Table 17: Value of assets filed to public prosecutors  
and value of assets forfeited for the benefits of the state by the courts**

<b>Year</b>	<b>Value of assets filed to public prosecutors</b>	<b>Value of assets forfeited for the benefits of the State by the Courts</b>
2016	488,128,059.92	77,436,934.92
2017	98,927,271.96	49,312,072.36
2018	526,124,240.44	55,865,721.56
2019	11,681,474.08	401,014.26
<b>Total</b>	<b>1,124,861,046.40</b>	<b>183,015,743.10</b>

Note that (1) the total values of assets filed to the public prosecutors was higher than the value of assets subjected to restraint and seizure orders because there were additional appraisals of some items that were not completed at the time of restraint and seizure orders; and (2) the total value of forfeiture for the benefits of the State is calculated based on cases that are completed with final verdicts only. There are still a number of cases under the court proceeding and appeal to a higher court, including Victoria Secret Sauna case detailed in Section 7.5.

## **4.2 Amendments of Relevant Laws**

Human trafficking is a predicate offence in accordance with the Anti-Money Laundering Act, B.E. 2542 (1999). The current law allows claims related to damage to property but does not cover other damage or harms including to life, body, or individual freedom. As such, victims of trafficking may not receive compensations for their trauma under this law.

The Anti-Money Laundering Office (AMLO) is revising the Anti-Money Laundering Act, B.E. 2542 (1999) to address this issue. In particular, the proposed amendment will accord a right for victims of trafficking to receive compensation for all kinds of damage, not limited to property, from the assets confiscated in the predicate offence. This will further enhance the efficacy in assisting victims of trafficking.

In 2019, the AMLO held four rounds of public hearings including with concerned government agencies and private sector. At present, the proposed amendment is under the consideration of the Subcommittee of Legal Advisors of AMLO and is expected to be submitted for approval by AMLO's full committee in March 2020 and for approval by the Thai Cabinet in April 2020.



### 4.3 Proactive Measures in Expediting Human Trafficking Cases

AMLO in cooperation with RTP organised seminars for police officers, particularly investigation and inquiry officers. The goal was to enhance inter-agency collaboration, exchange knowledge on the litigation of cases that involved assets and money laundering, and find ways to address any obstacles in pursuing those cases. Topics of discussion included the purview of AMLO's authority with regard to human trafficking cases, procedures and channels in coordinating with AMLO, and measures to enhance efficacy in pursuing human trafficking cases in accordance with the Anti-Money Laundering Act, B.E. 2542 (1999).

In addition, AMLO held seminars with other agencies to find solutions to issues related to implementation of the Anti-Money Laundering Act. Human trafficking was an important issue that was discussed at every seminar.

## 5. Witness Assistance and Protection

In 2019, 193 witnesses in human trafficking cases were provided protection by the Rights and Liberties Protection Department of the Ministry of Justice in accordance with the Witness Protection Act, B.E. 2546 (2003), significantly increasing from 2018 by almost 13 times. A total budget of 2,441,104.10 THB (81,099 USD) was spent for this purpose, slightly decreasing from 2018 by 0.35 percent despite the significant increase in number of witness under protection. This was due to the use of advance witness hearings by the Courts that facilitated early return of the victims and witnesses to their homes ([Table 18](#)).

**Table 18: Statistics of witness protection in human trafficking**

Year	Numbers of Witness under Protection	Amount of Budget
2018	15	2,449,637.67 THB (81,383 USD)
2019	193	2,441,104.10 THB (81,099 USD)

Compensation was provided to 35 witnesses/victims of trafficking in accordance with the Damages for the Injured Person and Compensation and Expenses for the Accused in Criminal Case Act, B.E. 2544 (2001). The total amount of compensation was 532,035 THB (17,675 USD) or 15,201 THB (505 USD) per person on average ([Table 19](#)). With fewer witnesses/victims of trafficking receiving this assistance as compared to 2018, the average assistance per person increased by almost 57 percent.

**Table 19: Statistics of human trafficking's victim assistance**

Year	Numbers of Victims Receiving Assistance	Amount of Budget
2018	38	434,000.00 THB (14,418 USD)
2019	35	532,035.00 THB (17,675 USD)

## **6. Efficiency Enhancement of Human Trafficking Prosecution<sup>3</sup>**

In 2019, joint efforts continued to be made among government agencies as well as non-governmental and international partners in enhancing efficacy in the prosecution of human trafficking cases. Key outcomes are as follows:

### **6.1 International Cooperation Development**

In 2019, the Royal Thai Government's law enforcement agencies, in particular RTP, OAG, and the Office of the Judiciary, organised bilateral meetings with Myanmar, Lao PDR, Malaysia, Indonesia, Japan, Australia, Germany, and Morocco. In addition, the Thai government agencies co-hosted or participated in capacity-building trainings, seminars, and workshops with Singapore, the Philippines, Republic of Korea, as well as international organisations, such as UNODC and INTERPOL. The objective of these activities was to promote cooperation in anti-human trafficking through exchange of information and intelligence, better understanding of the prosecution process in other countries, enhanced capacity of law enforcement officers, and possible mutual assistance in prosecution of human trafficking cases.

With the United States, the Thai agencies continued to work closely with the Bureau of International Narcotics and Law Enforcement Affairs (INL) of the Department of State, the Homeland Security Investigations (HSI) of the Department of Homeland Security, FBI, and the U.S. Embassy in Bangkok in the prosecution of human trafficking cases and protection of victims of trafficking, including through exchange of relevant information and intelligence, and capacity building sessions for law enforcement officers. As a case in point, on 22-25 April 2019, 20 public prosecutors were sponsored by INL and the U.S. Embassy, Bangkok to participate in the Regional Digital Evidence and Cybercrime Workshop for Prosecutors in Malaysia. Moreover, TICAC together with HSI and NGOs also initiated a coordination project in combatting child sexual exploitation in the internet with participation of six other ASEAN member countries.

<sup>3</sup> US' recommendation on improving the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims.

## **6.2 Enhancing the Efficiency of Inter-Agency Collaboration**

In 2019, law enforcement agencies organised various activities to facilitate greater inter-agency collaboration in the prosecution process of human trafficking cases. These included roundtable meetings with the police and public prosecutors organised by the Courts of Justice to enhance enforcement of relevant laws and criminal law procedures applicable to human trafficking cases. Activities were also held between government agencies and NGOs. TICAC and HUG Project organised seminars for police officers, public prosecutors, MSDHS officers, and NGOs to promote greater collaboration, through inter-agency taskforce, on prosecution of human trafficking cases, particularly those related to sexual exploitation of children. DSI also organised activities with local community network in Nong Khai Province, inviting both government agencies and private sector to exchange views on enhancing collaboration and protection of victims of trafficking.

## **6.3 Improving Expertise and Capacity of Law Enforcement Officers**

In 2019, anti-human trafficking agencies continue to organise various capacity-building sessions for law enforcement officers. Examples of these efforts are as follows:

1) Technical trainings such as trainings and seminars on relevant laws and regulations, techniques and tools in investigating human trafficking cases especially online investigation and digital data collection. Examples included capacity building sessions on cybercrime, particularly online human trafficking and sexual exploitation, organised by the Anti-Trafficking in Person Division (ATPD) of RTP; legal knowledge trainings on forced labour and transnational organised crimes for police officers and prosecutors organised by OAG; forum to exchange information between anti-human trafficking agencies (TIPNET) and seminars to enhance the efficacy of the prosecution process through lessons learned organised by DSI for government agencies and NGOs, which involved interactive discussions with foreign experts such as investigative associates of the International Justice Mission (IJM).

2) On-the-job trainings for law enforcement officers For example, the Centre for the Protection of Children, Women, and Family of RTP deployed human trafficking prosecution experts to the regional police bureaus across Thailand in order to provide on-the-job training and advice to the police officers. The goal was to help enhance efficiencies in all steps of the prosecution (victim identification, evidence collection, investigation, and victim protection) by the police.

3) Interpretation support Interpreters of foreign languages including Myanmar, Mon, English, French, Chinese and sign language were registered and made available to support the investigation and inquiry process.

#### **6.4 Enhancing the Capacity of Courts Personnel<sup>4</sup>**

During 16-27 September 2019, the Office of Judiciary in collaboration with the Hague Academy of International Law, the Netherlands, organised a training programme on Anti-Human Trafficking and Anti-Money Laundering Law for 30 judicial officers and five observers. The programme included lectures by experts from UNODC and around the world; discussions with judges, prosecutors, and experts from the Netherlands to exchange views and experiences with a view to support and promote international judicial cooperation; and capacity building activities within and across agencies including seminars, workshops, panel and roundtable discussions, in order to enhance the efficacy in prosecuting and considering human trafficking cases, forced labour, child exploitation, people smuggling, and money laundering through streaming system.

### **7. Case Studies for Effective Ways to Pursue Human Trafficking Cases**

Thailand's continued progress in the prosecution of human trafficking cases in 2019 was a result of collaboration among law enforcement agencies, civil society, NGOs, and other partners. Case studies in this endeavour are as follows:

#### **7.1 Cases Related to Sexual Exploitation of Children**

1) Phang-Nga Case (initiated in 2018) – An arrest by TICAC for possession of child pornography in December 2018 based on information from CyberTipline Report led to the identification and eventual arrest of the producer of the pornography in January 2019. On-scene evidence gathered by the police further established the defendant's sexual exploitation of five children (two boys and three girls) and production and distribution of child pornographic materials. The Court sentenced the defendant to imprisonment of 374 years and ordered a total compensation of 4 million THB (132,890 USD) for the five victims.

The success of this case could be attributed to close collaboration of inter-disciplinary team comprising TICAC, Takua Pa Police Station, Phang-nga Shelter for Children and Families, MSDHS Phang-Nga Office, HUG Project and A21 Foundation, with emphasis given to victim-centred approach and effective witness/evidence gathering. The use of forensic interview technique enabled the

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<sup>4</sup>US recommendation: support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

identification and interview of the victims (five children) to be completed in two days and addressed several challenges including the victims' young age and their close relations with the defendant as well as the victims' identities that had to be kept confidential.

**2) Soom-Sieo Case** (initiated in 2019) – In September 2018, Child Advocacy Centre (CAC) in Chiang Mai Province received information from an NGO that Soom-Seio Karaoke Bar employed children under 18 years old to do work that may constitute a form of sexual exploitation. TATIP in collaboration with ATPD investigated the case and subsequently arrested two human trafficking offenders and rescued five children (two boys and three girls) aged 14 to 17. In March 2019, the Court sentenced the two defendants to 45 years and 8 months of imprisonment and a fine of 20,000 THB (664 USD) per person, and awarded a total compensation of 479,360 THB (15,925 USD) to the five children.

Family assessment was conducted as part of the protection of the victims. This was to ensure that they would not become victims of trafficking again. At present, three children have returned to their families. The other two children, whose families cannot accord proper care, are still being looked after at the government shelter until they reach the age of 18. All five children victims went through rehabilitation process and were supported to pursue further education and vocational training to enable them to live normally in the society.

The accomplishments in the case were a result of close cooperation between government agencies (TICAC, ATPD, Chiang Mai Shelter for Children and Families, Chiang Mai Labour Protection and Welfare Office) and NGOs (Zoe International, HUG Project, and A21 Foundation) in sharing lead information and preparing for evidence gathering prior to victim identification where Live Data Acquisition technique was used to ensure accuracy of information. Labour welfare officers were also invited to join victim identification process from the beginning, which enabled an addition charge of child labour offence to be brought on the karaoke bar's owner.

**3) Hua Lamphong Case** (initiated in 2019) – In August 2019, ATPD received information from an NGO, The Hub Foundation, that homeless children aged between 10-16 years old at Hua Lamphong Railway Station in Bangkok were forced into prostitution and drugs selling in front of the Station and that they were also physically abused and forced to take drugs. ATPD together with The Exodus Road Foundation investigated the case which led to the raid and arrest of 13 offenders and the rescue of five children. At present, the case is under the consideration of the Criminal Court and all the child victims are being looked after at Pakkret Boys Home. The case has prompted the

concerned agencies' efforts in finding solutions for homeless persons and better managing public areas across Bangkok.

The success in the arrest of defendants as well as the rescue of child victims in this case was a result of effective information sharing and cooperation between NGOs (the Hub Foundation and the Exodus Road Foundation) and government agencies (ATPD, the Rights and Liberties Protection Department, and Pakkret Reception Home for Boys).

## **7.2 Cases Related to Forced Labour**

1) **Chai Ya Case** (initiated in 2018) – An investigation by the Tourist Police found a transnational crime syndicate that smuggled migrant workers by bus from Myanmar to Malaysia through Thailand. The Police subsequently arrested three suspects and rescued 15 victims in Chai Ya District, Surat Thani Province. Information from the victim identification further established members of the syndicate in Myanmar, Thailand, and Malaysia that led to litigation of eight cases involving 37 suspects and the rescue of 119 victims. In 2019, the Court of Justice has adjudicated on one case, sentencing three offenders to 46 years of imprisonment and awarding a total of 252,600 THB (8,392 USD) to eight victims.

2) **Chote Chai Nawee 35 Case** (initiated in 2017) – the Thai Government received tip-off from the New York Times that three Thai fishing vessels (Chote Chai Nawee 35 Chote Pattana 51, and Chote Pattana 55) were involved in illegal, unregulated, and unreported (IUU) fishing and forced labour in fisheries. The police inspected Chote Chai Nawee 35 vessel and found one victim of trafficking (enslavement). Further investigation identified 18 more victims on Chote Pattana 51 and Chote Pattana 55 vessels that were in the waters of Somalia. All victims were rescued and repatriated to their homeland (Cambodia) and six offenders were arrested. The Courts of Justice fined the vessel owner a total of 524,757,600 THB (17,433,807 USD) and confiscated the vessels and other exhibits in accordance with the Fisheries Act, B.E. 2558 (2015). The human trafficking offence is currently under the Courts' consideration.

## **7.3 Cases of Production and Commercial Exploitation of Child Pornography** (initiated in 2018)

On 12 June 2018, TICAC received information through Facebook from a child victim that pornographic materials of the said child and friends were made and sold on the internet. TICAC investigated the case which led to the prosecution and sentencing of three offenders to 22 years, 6 years, and 8 years of imprisonment while three victims were awarded 3,769,000 THB (125,216 USD) as compensation. TICAC and TATIP further identified two additional cases of

similar patterns. The cases are currently under inquiry as victim identification statements indicated that many of the victims are not ready to stand witness.

The success in such cases was a result of enhanced capacity of the officers in technological expertise, detailed witness and evidence gathering, close collaboration between inquiry officers and public prosecutors in preparing the cases and among government agencies (MSDHS and OAG) and NGOs partners (HUG Project and A21 Foundation) in preparing victim impact statements that comprehensively reflected physical and psychological effects on victims, as well as the amendment of the Human Trafficking Criminal Procedure Act, B.E. 2559 (2016) from Accusatorial System to Inquisitorial System.

#### **7.4 Cases of Forced Begging, Forced Labour, and Extortion in Chiang Mai and Phuket Provinces (initiated in 2019)**

In October 2019, TATIP and the RTP Regional Office 8 received information that a group of children were forced to sell coconut juice in Phuket Province. Accordingly, the police in collaboration with MSDHS and NGOs investigated on the case led to the rescue of four girls aged between 10-12 years old and the arrest of four defendants. It was established that the children were left in the care of defendants in exchange for the debts owed by their parents. They were forced to sell coconut juice and did not receive any education. This case is still under the consideration by inquiry officers and the children have been provided assistance by MSDHS and NGOs.

In addition, in July 2019 the RTP Regional Office 5 received information from NGOs that a group of homeless persons brought small children to beg at a market in Chiang Mai Province. Police investigation established a child begging case that led to the arrest of seven suspects and rescue of three Myanmar children aged two, four, and seven. The case is currently under the Courts' consideration. Its success was a result of collaboration among government agencies (Police Regional Office 5, MSDHS Chiang Mai Office, Chiang Mai Children and Family Shelter in partnership with NGOs (Lift International, The Exodus Road, Rapha House, and Zoe International).

#### **7.5 Cases under DSI**

1) **Prostitution of Thai labours in the Republic of Korea** (initiated in 2017) – DSI received information that two Thai female labours were lured to the Republic of Korea (ROK) initially to work as masseuses but they were forced into prostitution after arriving in ROK. They were confined under supervision and their passports were confiscated. Accordingly, DSI coordinated with the ROK Police in the rescue efforts which also led to the arrest of eight ROK nationals charged with human trafficking offence. In addition, arrest warrants were issued for

ten suspects (three Thais and seven ROK nationals), of which four (two Thais and two ROK nationals) have been arrested. The four defendants were sentenced to imprisonment of 30 years and were ordered to pay a total of 1,000,000 THB (33,222 USD) in compensation for the two victims.

The success in this case was attributable to the information received from NGOs and the ROK Police.

**2) Case of Forced Labour of Cambodian Nationals on Fishing Vessels** (initiated in 2018) – In 2018, DSI received information from IJM of a forced labour case in which five Cambodian nationals were lured to work on a fishing vessel in Malaysia, but were confined, tortured, and forced to work after they boarded the vessel in Samut Prakarn Province. The police investigated the case and coordinated with the Royal Embassy of Cambodia in Bangkok which led to the arrest of four Cambodian suspects (one was arrested in Thailand and three in Cambodia). The Court sentenced the defendants to six years of imprisonment and ordered 2,142,000 THB (71,163 USD) as compensation for the five victims. At the moment, the Thai authorities are expediting the extradition process of the three defendants arrested in Cambodia.

The success of this case was attributable to the information that the police received from IJM, the Royal Malaysia Police and the Cambodian National Police.

**3) Victoria Secret Sauna** (initiated in 2018) – DSI initially submitted two human trafficking cases related to Victoria Secret Sauna. Subsequently in 2018, the public prosecutors filed a total of three cases to the Courts. In the same year, the Courts convicted one case in which the defendants confessed, and acquitted the other two cases. Appeal was made by the public prosecutors for all three cases seeking punishment for the acquitted cases and additional punishment for the convicted case.

In 2019, one suspect who initially fled was arrested by the police and was sentenced to a total of 146 years of imprisonment for facilitating human trafficking. In addition, for the case that the public persecutors appealed, the Courts increased the original sentence to 62.5 years of imprisonment for both human trafficking offenders, and ordered them to pay two victims of trafficking from Myanmar a compensation of 80,000 THB (2,658 USD) per person plus 7.5 percent per annum interest rate.

Moreover, in 2018, DSI confiscated approximately 374,000,000 THB (12,425,249 USD) of assets belonged to the offenders and submitted the case to AMLO for these assets to belong to the State. AMLO further established



the case and filed for the Civil Court to order a total of 467,597,936.53 THB (15,534,815.17 USD) of the offenders' assets to belong to the State. On 26 December 2019, the Civil Court ordered a total of approximately 225,000,000 THB (7,475,083.06 USD) of the assets of 13 offenders to belong to the State. This amount was after the deduction of 174,160,000 THB (5,786,046.51 USD) and 84,086,178.71 THB (2,793,560.75 USD) in debts owed by the defendants to financial companies. The defendants have been allowed to appeal within 30 days after the Court's order.

## **8. The Work of Thailand Internet Crimes against Children Task Force (TICAC) and Child Advocacy Centres (CACs)**

### **8.1 CACs**

To date, TICAC in collaboration with NGOs including HUG Project, Zoe International and One Sky Foundation, has set up 5 CACs across Thailand's key regions, i.e. Chiang Mai (North), Ubon Ratchathani (North East), Chonburi (South East), Phuket (South), and Kanchanaburi (West). Partly funded by RTP, CACs have worked with TICAC, Thailand Anti-Trafficking in Person Task Force (TATIP), and other government agencies and NGOs in the protection of victims and prosecution of human trafficking offenders. These operations were conducted through group chat to enable real-time data-sharing and decision-making, using child victim-centred approach. CACs activities in 2019 appear in Diagram 5.

## Diagram 5: Key activities of CACs in



### Results of Activities and Tasks of Each Child Advocacy Center Thailand (CAC)

between 1 January - 31 December 2019

No.	Activities/Tasks	Chiang Mai	Pattaya	Phuket	Ubon Ratchathan	Kanchanaburi	Total
1	Meetings of Relevant Officers (number of meetings)	3	17	5	22	76	123
2	Provision of Training Programmes for Relevant Officers at CAC (number of times)	0	3	5	2	56	66
3	Provision of Consultation or Suggestion to Assist Children (number of times)	256	395	37	12	40	740
4	Support and Assistance to Case Investigation (cases)	54	14	6	3	10	87
5	Victim Assistance	48 victims of 45 cases	30 victims of 19 cases	10 victims of 3 cases	3 victims of 3 cases	13 victims of 10 cases	104 victims of 80 cases
6	Reception to Domestic Groups of Study Visits (number of visits)	61	9	8	8	18	104
7	Reception to Foreign Groups of Study Visits (number of visits)	39	12	53	2	9	115
8	Provision of Prevention Activities for Children (number of times)	94	19	25	23	90	251
9	Children Assistance (number of assists)	10	15	34	10	16	85
10	Children Home Visiting Programmes (number of visits)	114	137	13	2	1706	1972
11	Bringing Children/Victims to Attend Trials and/or Preparing them to Testify (number of times)	4	7	4	2	4	21
12	Victim Repatriation (persons)	0	5	0	0	0	5

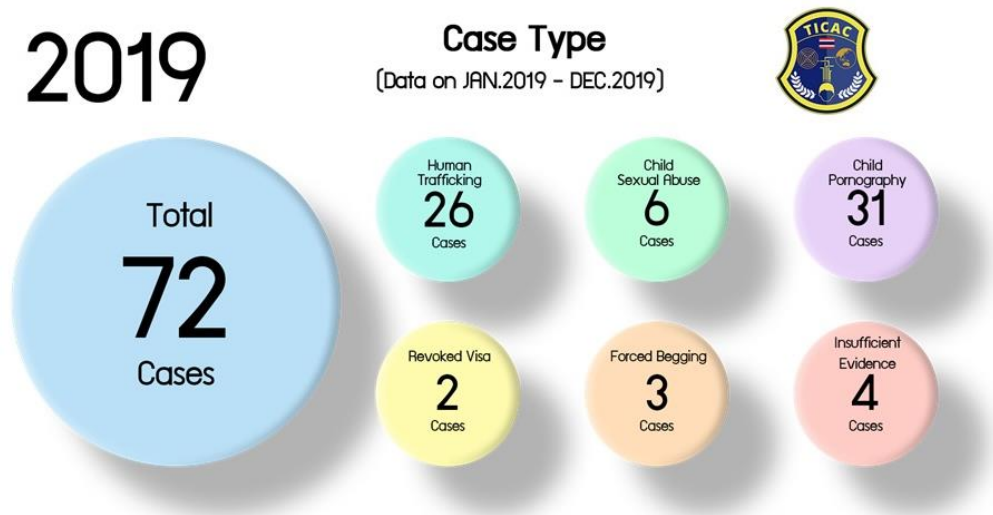


TICAC plans to further expand a network of CACs in Thailand through collaboration with two NGOs, namely Rapha House and Zoe International in Chiang Mai, in establishing CAC shelters and enhancing the care and protection for child victims of trafficking.

## 8.2 Suppression of Internet Crimes against Children

In 2019, TICAC arrested a total of 72 cases of internet crimes against children, involving 84 offenders (59 males and 25 females). A total of 44 child victims (12 boys and 32 girls) were rescued. Of the arrested cases, 26 cases (36.11 percent) were related to human trafficking. Details appear in Diagram 6.

**Diagram 6: Arrest cases by TICAC in 2019**



In addition, TICAC organised 47 trainings on internet crimes against children. Of this number, 40 trainings were held in Thailand and 7 trainings were held in other countries including Malaysia, Singapore, the Philippines, Australia, and the United States.

## 9. Identification of Victims of Trafficking at Immigration Detention Centres

As part of the anti-human trafficking efforts, the Bureau of Immigration of RTP in cooperation with MSDHS and NGO partners regularly interview foreign nationals in the immigration detention centres (IDCs) who may be vulnerable to human trafficking. The purpose is to identify victims of trafficking who may be in the IDCs before repatriation. Foreign language interpreters are also available to facilitate the interviews.

In 2019, a total of 7,156 foreign nationals at the IDCs were interviewed. No victim of trafficking was identified.

**Table 20: Repatriation of foreigners and interviews to identify victims**

Year	Numbers of risk group prone to be victims of human trafficking	Numbers of identified victims
2016	8,241	0
2017	7,043	1
2018	8,855	15
2019	7,156	0
Total	31,295	16

## **10. Collaboration with NGOs in Combatting Human Trafficking**

Human trafficking is a complex issue that cannot be solved by any agency alone. Rather, the success in this endeavour requires coordination both in terms of information, resources, and authorities among various concerned agencies. The Thai law enforcement agencies are aware of the need for such collaboration with relevant partners, particularly NGOs, in all dimensions of the prevention and suppression of human trafficking, resulting in greater understanding and collaboration with NGOs during the past years. Key NGO partners include HUG Project, Zoe International, One Sky Foundation, A21 Foundation, and For Freedom International Foundation.

### **10.1 Child Victim-Centred Approach Guidelines for Thai Law Enforcement: Cooperation with HUG Project**

Victims of trafficking are keys to success of the investigation and prosecution of human trafficking and sexual exploitation as only the victims can best provide first-hand information regarding the incidents and wrongdoings. While guidelines on victim-centred approach for officers in handling human trafficking cases were already available, they were aimed primarily for social welfare workers and shelter officers. To address the issue of some law enforcement officers lacking understanding in working with trafficking victims, resulting in victims losing confidence in relevant officers and judicial process, TICAC in collaboration with the HUG Project produced the first “Child Victim-Centred Approach Guidelines for Thai Law Enforcement” in 2019. The objective of the guidelines is to minimise the impact on the physical and mental health of victims, particularly child victims, through collaboration among law enforcement officers and civil society in all steps of the prosecution process.

### **10.2 Inter-Agency Taskforce Expert Training: Cooperation with the U.S. Homeland Security Investigations (HSI) and HUG Project.**

Rapid technological advancement enables human traffickers to reach to children and other vulnerable groups more easily, adding to the already complex nature of human trafficking. Anti-human trafficking officers must develop knowledge and understanding of human trafficking cases that involve the use of technology to ensure sufficient information gathering for thorough investigation and avoid subjecting victims to repeated interviews. In 2019, the HUG Project in collaboration with TICAC, OAG, and HSI organised the Inter-Agency Taskforce against Trafficking expert training for 55 anti-human trafficking officers from government agencies (TICAC, OAG, MSDHS, and TATIP) and nine NGO partners of five CACs across Thailand. The training was intended for

three years and included sessions on issues, constraints, and challenges faced by each agency, sharing of best practices, and victim specialist trainings in order to pull the resources to address constraints and enhance the prosecution and prevention in human trafficking cases that are more complex or involve psychological trauma of the victims.

### **10.3 Collaboration with Royal Thai Police to assist young male victim's return from Brazil: Cooperation with HUG Project and A21 Foundation**

Since April 2018, Chiang Mai CAC had worked with TATIP and TICAC on the case of sexual exploitation of a ten-year-old Thai boy by a Swiss male national, both of whom lived together with the consent of the boy's mother. After over a year of investigation by the Thai and Swiss police, the Swiss national was arrested with the Thai boy in Brazil in June 2019. The Thai, Swiss, and Brazilian law enforcement officers have been coordinating on the prosecution, whereas the HUG Project and A21 Foundation together with the Royal Thai Embassy, Brasilia, and the Brazilian court supported the protection of the boy, including in facilitating his return to Thailand.

The multi-disciplinary team which included psychologists concluded that the boy's mental health was severely affected by a long period of sexual abuses and that he was not ready to be a witness in the case. In line with the victim-centred approach, the boy is currently undergoing rehabilitation for physical and mental health. Stringent immigration measures were put in place with the Swiss national blacklisted from entering Thailand.

From NGOs' perspective, the handling of this case demonstrated the significant improvement in applying child victim-centred approach and ensuring the rights of child victims of trafficking to the protection and other assistance services.

### **10.4 Support in the Prosecution of Human Trafficking Cases that took place outside Thailand: Cooperation with HUG Project and A21 Foundation**

In recent years, more Thai women have been lured to prostitution in other countries by human trafficking offenders who promised high income and used social media and other technology as channels of communication. In 2019, there were over 10 cases of forced prostitution of Thai women in other countries/economies, including the United Arab Emirates, ROK, South Africa, Malaysia, Bahrain, Singapore, and Taiwan.

Prosecution of these cases often proves to be challenging as they involved transnational organised crime syndicates and barriers to collaboration with foreign law enforcement agencies in gathering witness and evidence, such as language and differences in laws and policies.

ATPD and TATIP in collaboration with the HUG Project and A21 Foundation established the operation team to assist the prosecution process and protection of Thai female victims who have returned to Thailand or are still living in foreign countries through measures, namely, dispatching multi-disciplinary team to conduct victim identification interviews when arriving at airports in Thailand to facilitate access to government services; forming group chats between the operation team and relevant Thai Embassies for real-time coordination to enable the police to quickly identify offenders and assist victims in a timely manner; forging cooperation with other countries in order to quickly reach victims and provide counselling by CACs as well as legal advice through VDO conferences by ATPD and TATIP on weekly basis or upon victims' request.

For a particular case in ROK, close collaboration in such manner helped the victims to have confidence in the Thai judicial process and law enforcement officers, resulting in useful victims sharing information for effective prosecution, which led to arrests of offenders both in Thailand and ROK.

#### **10.5 Safe Internet Project and Public Campaign: Cooperation with FBI, HSI, HUG Project, Zoe International, and Other NGO Partners**

The Safe Internet and “Youth Must Know” Projects are ongoing collaborations between TICAC and NGOs to prevent vulnerable groups from human trafficking and other forms of exploitation.

In this past year, there were human trafficking cases in which victims were schoolchildren. It was also found that some children used school internet network to access to child pornographic materials. TICAC in collaboration with the HUG Project, ATPD, OAG, Department of the Trafficking in Persons Litigation, Provincial Police Region 5, Ministry of Education, FBI, HSI, Zoe International and other NGOs signed an agreement with 12 schools to organise trainings for schoolchildren on preventing and suppressing human trafficking, and to install safe internet system for schools in Northern Thailand, Bangkok, and Kanchanaburi Province. To date, trainings have been organised for over 5,000 students in 30 schools across Thailand, and case notification mechanism has been created to enable students to report cases of human trafficking and other forms of exploitation to law enforcement officers.

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## **Protection**

Thailand remains committed to providing protection and assistance to victims of all forms of human trafficking. The Thai authorities concerned have carried forward their efforts in improving various kinds of protection services. In addition, those vulnerable to becoming victims of trafficking from human smuggling operations have been addressed, protected and given assistance. In 2019, a total of 1,560 rescued victims were hosted in state-run and registered private-run shelters, increasing significantly from 2018 (416 persons) by 281.7 percent. Collaboration with other partners, including NGOs has been enhanced to ensure appropriate care for victims. Trauma-informed approach was emphasised through training for relevant officials from social workers to prosecutors. Procedure related to remedy and compensation for victims became more efficient with 92.7 percent increase in financial remedy for victims disbursed from the Thai Government's Anti-Human Trafficking Fund. In addition, cooperation with other countries in combatting human trafficking continued to be strengthened, particularly with Thailand's neighbouring countries.

### **1. Protection Networks and Collaboration with Partners**

The Minister of Social Development and Human Security has issued a policy directive for Ministry of Social Development and Human Security (MSDHS), as the focal agency for protecting victims of human trafficking, to closely monitor the implementation of its mandate. The protection procedure took into careful consideration the victims' views in providing appropriate care for them. The Thai victims and foreign victims who already have permit to legally stay in Thailand could choose either to live outside or stay in one of the nine MSDHS shelters or three registered private-run shelters. Foreign victims who had illegally stayed in the country could also choose to receive protection in either the state-run or registered private shelters, while the respective shelter would also arrange to obtain a permit for the victims to temporarily stay in the country during relevant legal procedure. In some cases, the victims had initially been hesitant to stay in shelters, but after having better understood their rights as explained by the authorities through trauma-informed approach, the victims became more cooperative, resulting in a much higher number of victims agreeing to receive protection in the shelters. Some victims, especially women and children, have opted to receive protection in the three private shelters.

### Multidisciplinary team meeting to collaborate in assisting victims in shelters



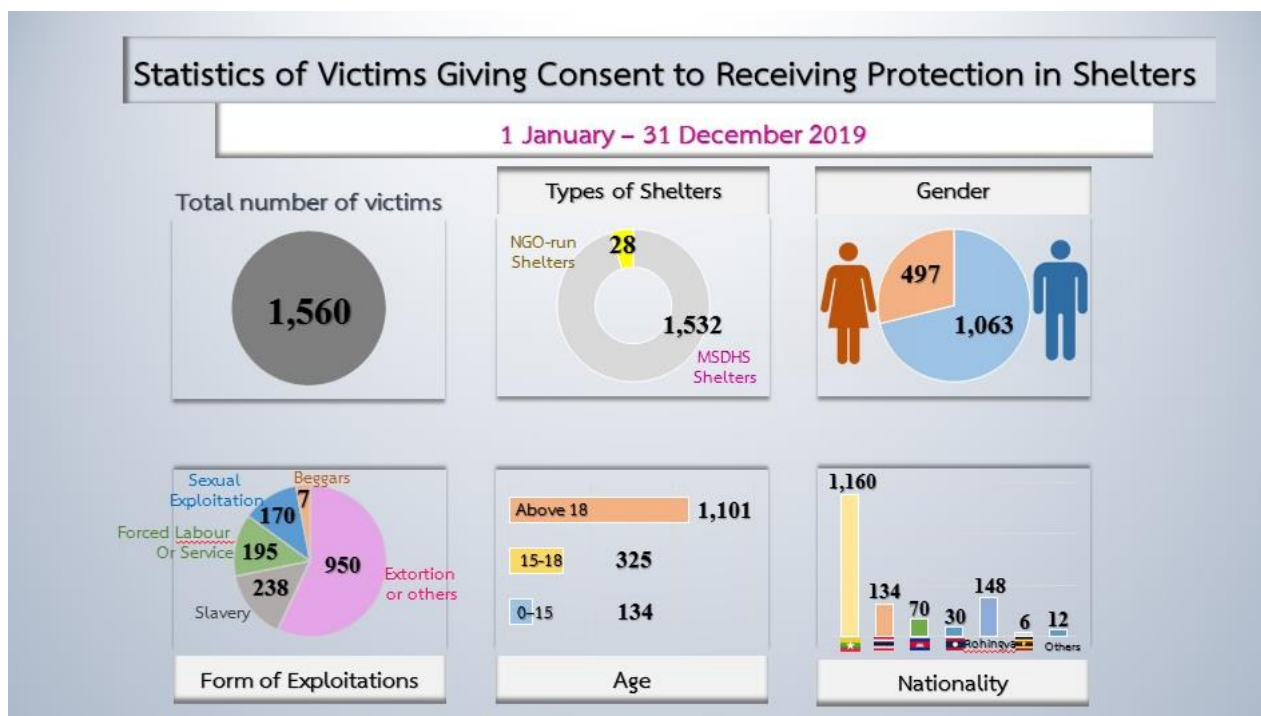
Moreover, due to an increasing number of victims who wished to stay in the shelters during the past year, MSDHS has temporarily designated two additional children and family shelters to cater as shelters for human trafficking victims. This gives victims greater access to state services and eases tensions from overcrowding in shelters. Of the 1,821 rescued human trafficking victims in 2019, 1,560 (85.67 percent) were under the care of state-run and registered private-run shelters and 261 victims (14.33 percent), who were mostly Thais, voluntarily opted to stay outside the shelters including at their homes. Both groups were entitled to the same government assistance for registered victims of trafficking.

**Diagram 7: Number of human trafficking victims opted to receive protection in shelters.**





**Table 21: Victims of human trafficking receiving protection categorised by nationality, gender, age and types of exploitation**



In 2019, a total of 1,560 victims of trafficking (1,063 males and 497 females) received protection in shelters, of whom 1,532 persons stayed in 11 government shelters including two children and family shelters, and 28 persons stayed in three private shelters run by NGOs.

In terms of age, 1,101 victims (70.6 percent) were above 18 years and 459 victims (29.4 percent) were under 18 years. In terms of origin, the majority of foreign victims came from Thailand's neighbouring countries/areas, including 1,160 Myanmar nationals (74.4 percent), 148 Rohingya irregular migrants, 70 Cambodians and 30 Laotians. Others included six Ugandans, two Tanzanians, one Liberian, one Kenyan, and one Eritrean; most of this group of foreign victims stayed at registered private-run shelters. In addition, seven victims with unknown nationality to the authorities stayed at government shelters. Lastly, there were 134 Thais, accounting for 8.6% of the total victims in shelters.

In terms of forms of exploitation, 950 protectees (60.9 percent) were victims of extortion and other similar forms of exploitation, 238 protectees (15.3 percent) were victims of slavery or similar exploitation, 195 protectees (12.5 percent) were victims of forced labour or service, 170 protectees (10.9 percent) were victims of sexual exploitation (prostitution and other sexual exploitation) and seven protectees (0.4 percent) were victims of forced begging.

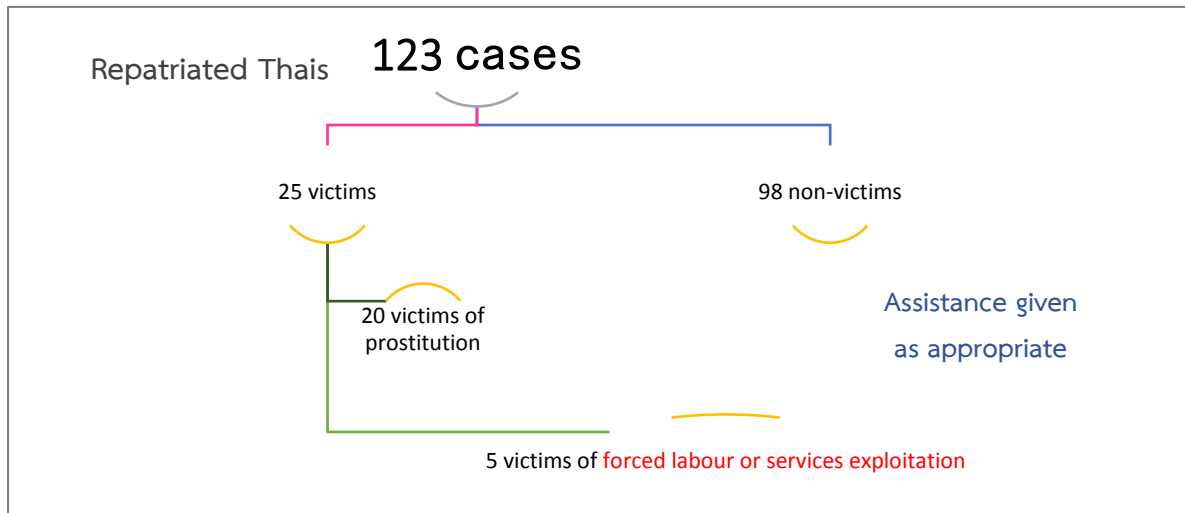
After consenting to receiving protection at MSDHS or NGO-run shelters, victims would receive social services aimed at physical and mental rehabilitation. Vocational training is provided to give the victims greater freedom in choosing appropriate career options. In parallel, legal assistance services are made available, for example, in conducting further interrogation at the victims' readiness, negotiating compensation, accelerating witness interviewing process, and following-up with various legal claims. For foreign victims, the shelter will prepare a bio-data and personal information form (Case Report) and send to the country of origin for nationality verification. This will help speed up the voluntary return of the victims. The average period of stay in the shelters for victims of trafficking in 2019 was 178 days. This was considerably shorter compared to those in previous years (288 days in 2018, 268 days in 2017, and 265 days in 2016), reflecting the victims' much faster return and reintegration into society.

**Table 22: Average time victims spent in shelters during 2016-2019**

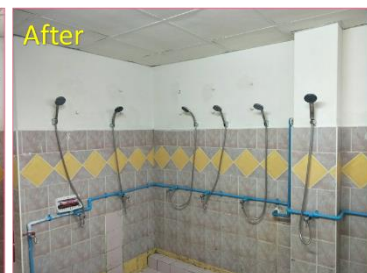


In 2019, the Royal Thai Government, through collaboration between MSDHS Ministry of Foreign Affairs (MFA), Ministry of Labour (MOL), Royal Thai Police (RTP), International Organisation for Migration (IOM), and relevant civil society organisations such as A21 Foundation, HUG Project under the Family Connection Foundation, Stella Maris, Alliance Anti-Traffic (AAT), and Labour Protection Network (LPN) coordinated the rescue and return of Thai victims of trafficking and those deemed at risk. Upon their arrival in Thailand, relevant agencies provided protection assistance, conducted initial interviews to gather relevant information, and notified of the rights to protection of victims of human trafficking based upon the consent of the returnees. The returnees could also decide whether to cooperate in the prosecution of the perpetrator. Non-victims of trafficking were also assisted on a case-by-case basis.

**Table 23: Number of repatriated Thai victims, categorised by human trafficking cases**



*As the Royal Thai Government's focal point for protection and assisting victims of trafficking, MSDHS attaches great importance to collaboration with all concerned govern agencies and non-governmental partners. In providing protection to the victims, humanitarian concerns of each group was also taken into account. A case in point was that of Rohingya irregular migrants who had difficulties in returning to their homelands and were pending alternative options including third-country resettlement. This can result in prolonged stays in government shelters, particularly Baan Sri Surat Shelter which houses a high number of Rohingya victims. Accordingly, MSDHS Minister and officials have worked with the Royal Thai Armed Forces, the National Housing Authority, and local communities to improve living facilities for Rohingya victims of trafficking and ensure that their specific needs are addressed.*



## 2. Trauma-Informed Approach to Protection<sup>1</sup>

In 2019, government agencies remained committed to providing trauma-informed care and protection for victims of human trafficking, including through working alongside the International Justice Mission (IJM) in Thailand. Examples of this partnership include capacity-building events organised by MSDHS for officials and staff members of state-run and registered private-run shelters with emphasis on training for professional staff and care-givers who work closely with victims, such as social workers and psychiatrists. One such event was training on trauma-informed care and protection for three staff members each from nine state-run and three registered private-run shelters, totaling 36 staffs, to enhance their understanding in providing remedies for victims built on trust-based relational interventions (TBRI), in order to provide more effective care for victims suffering from mental trauma.

### Trauma-informed care training for staff members of shelters



For agencies involved in the judicial process such as the Department of the Trafficking in Persons Litigation, the Office of the Attorney-General, co-organised with IJM a capacity-building training for 30 prosecutors who work closely on human trafficking cases. The training sought to increase the prosecutors' understanding on how to treat victims, conduct appropriate responses and action during court proceedings and improve interrogation skills, taking into account the physical and mental trauma of each victim.

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<sup>1</sup> US' recommendation on ensuring that state and private shelters consider applying trauma-informed approach in caring for victims, as appropriate, as well as provide legal aid and emotional rehabilitation.



### Trauma-informed care training for prosecutors



Moreover, MSDHS also partnered with Save the Children and the Thailand Association of Social Workers in organising a training module aimed at increasing the capacity of officials working in shelters and case managers to provide individualised protection and remedies for child victims of trafficking. The training helped increase awareness and understanding on using Individual Development Plan (IDP) as a tool to chart victims' development and plan for their reintegration into society. This course will be further developed into a model training module for individualised protection and remedy of child victims, in order to better prepare officials for preventing revictimisation of children during the judicial process.

Besides improving the capacity of public sector personnel on providing protection for human trafficking victims suffering from mental and other traumas, MSDHS shelters have also utilised victim impact statements as a tool to reduce the effects of those traumas on victims. The courts can also use the tool as a basis for deliberating remedies in order to prevent victims from having to recount their ordeals repeatedly.

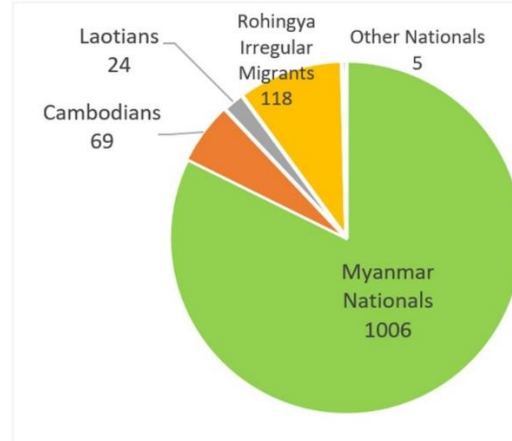
### 3. Victims' Movement outside Shelters and Interaction with Outsiders<sup>2</sup>

Victims of human trafficking who entered into the care of protection shelters do so partly because of the need to access state services, the security concern, and the lack of legal permit to stay in Thailand. Those without legal permit to stay in the country may request for temporary stay in the Kingdom according to Article 37 of the Anti-Trafficking in Persons Act B.E. 2551 (2008) in order to work, study, receive healthcare, or engage in activities beneficial for the public. Once a victim is under the shelter's care, officials will request an exemption for them to stay temporarily in the Kingdom within a permitted area. In 2019, 1,560 victims entered into the care of MSDHS shelters with the number of foreign nationals at 1,426 (91.4

<sup>2</sup> US' recommendation on increasing victims' mobility, in and out of shelters, particularly adult victims, and to access means of communications.

percent of all victims in shelters). 1,222 foreign victims were granted permission to legally stay in the country. The remaining number of foreign victims comprised those who already possessed the required documents, or those who had no wish to acquire them.

**Diagram 8: Number of victims granted permission to temporarily stay in the country**



After the victims of human trafficking received permission to stay legally in the Kingdom, the shelters will assess their level of safety, impacts of legal proceedings, and the risk for a business establishment when employing such victims. Besides the freedom to work outside the shelters, victims can also engage in other social activities and children can attend local schools. Over the past year, MSDHS organised team-building activity for victims of trafficking for the second year running. Such activities served to foster life skills, reduce stress from mental trauma, and create a stress-free environment within the shelters while victims await the legal process and nationality verification process in their countries of origin.

**Group activities of victims in state-run shelter and children and family shelter**



In addition, victims are allowed to communicate through social media and electronic devices with people outside the shelters, such as family members in their countries of origin, family members currently in other shelters, or officials in their countries of origin.

**Child victims attend school and the victims' use of mobile phone inside shelter**



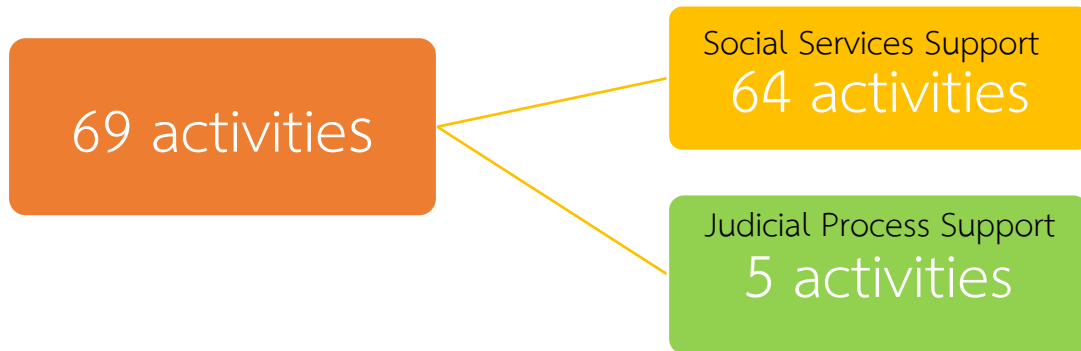
*Victims of human trafficking in shelters are able to contact family members, relatives, and government officials in their countries of origin. It is also not uncommon for former victims to remain in contact with staff of the shelters to share their resettlement experiences and ask for advice or assistance on starting a new life. One such instance was assistance for a Rohingya group from Baan Sri Surat shelter who resettled in the United States in obtaining certification papers from the school the former victim attended for them to enroll in the University of Michigan.*

**4. Partnership with Civil Society, Private Sector, and International Community in Providing Services and Protection<sup>3</sup>**

The Thai government agencies continued to partner with civil society organisations, private sector organisations, and international organisations in providing assistance and protection for victims of trafficking, both those in shelters and those who did not wish to receive protection. This included assistance in the judicial process (acting as co-plaintiffs and preparing victims for testimonies in court), organising activities to strengthen victims' trust and confidence in the judicial process, and social services support such as provision of food, donations of essentials, teaching life skills, and assistance in repatriation and reintegration into society.

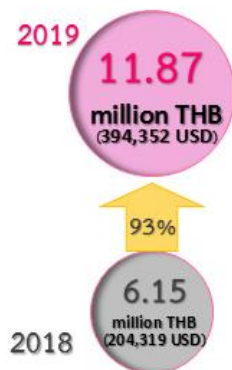
<sup>3</sup> US' recommendation on increasing civil society and local community cooperation with state shelters including provision of services to victims.

**Table 24: Number of Civil Society Organisations (CSOs) that have contributed to the provision of services and protection for victims**



*MSDHS has partnered with the Charoen Pokphand (CP) Group's Panyapiwat Education Centre, a vocational school for youth to become business owners, in providing classes and vocational trainings victims of trafficking staying in government shelters as well as opportunities to start their own businesses. MSDHS together with The Alliance Anti-Traffic (AAT), a civil society organisation that aims to protect female victims of trafficking, have also organised field trips and provided grants for female victims to undertake vocational trainings outside of shelters, thereby creating opportunities for their future livelihoods.*

## 5. Remedy and Compensation for Victims<sup>4</sup>



The Royal Thai Government gives high importance to the provision of remedies, restitution, and compensation for victims of human trafficking, as stipulated by law. In particular, the Anti-Human Trafficking Fund was set up to provide initial remedy for victims before they start official claims for compensation against the perpetrators. Over the past year, the Thai Government disbursed 11.87 million THB (394,352.16 USD) in financial remedy for victims through the aforementioned Fund, which represents a 93 percent increase from the previous year (6.15 million THB or 204,319 USD). Providing capital to victims who are ready to reintegrate into society and start a new life was one of the main compensation expenditure.

One example was that of a victim who used the 140,000 THB (4,651 USD) grant to open a coffee shop in her community. With assistance in life planning guide by a multidisciplinary team and a desire to stay and provide for her family and further her education, she was able to find a place in society with dignity and without being stigmatised.

<sup>4</sup> US' recommendation on increasing remedy and compensation for victims.

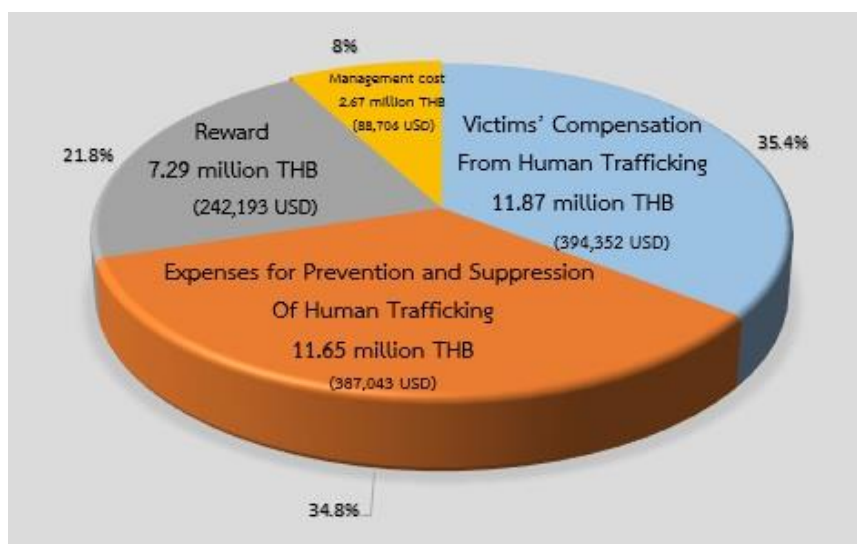


### A new life of victim who received assistance from Anti-Human Trafficking Fund



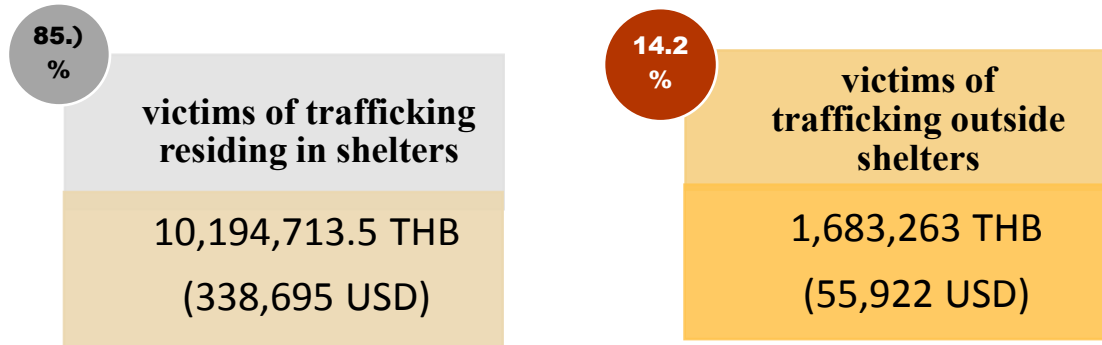
VDO clip  
on the success story  
of former victim of trafficking.

**Diagram 9: Expenses under the Anti-human Trafficking Fund in 2019**



In 2019, 33.48 million THB (1,112,294 USD) of Anti-Human Trafficking Fund were used. The highest expenditure of total disbursements from the Fund was used as compensations and restitutions for victims of human trafficking, amounting to 11.87 million THB or 35.4 percent. This was followed by expenditure for prevention and suppression activities and welfare provision for victims of human trafficking, amounting to 11.65 million THB or 34.8 percent. Rewards for human trafficking cases totalled 7.29 million THB or 21.8 percent while management costs made up approximately 2.67 million THB or about 8 percent. This shows that the Anti-Human Trafficking Fund was mainly used for the benefits of protection and suppression of human trafficking and restitutions for victims.

**Diagram 10: Amount of money disbursed from Anti-human Trafficking Fund**



In addition, as shown in Diagram 3, victims of trafficking were able to access to remedies and compensation measures provided by the Government through the Anti-Human Trafficking Fund, whether or not the victims reside in the shelters. Those who stayed outside the shelters received remedies and compensation amounting to 1,683,263 THB (55,922 USD) or 14.2 percent of money disbursed from Anti-human Trafficking Fund.

**Diagram 11: Amount of remedies and compensation from the Anti-Human Trafficking Fund**



In 2019, the Anti-Human Trafficking Fund disbursed 11.87 million THB (394,352 USD) for initial remedies and compensation as follows: 45.87 percent as living expenses; 18.31 percent as repatriation cost; 15.97 percent as loss of opportunities while being victims of trafficking; 8.70 percent as financial support for those working inside the shelters; 4.53 percent as health services; 1.84 percent as

capital to start a new life; 4.76 percent for other expenses according to victims' needs such as education, training and hiring lawyers.

In 2019, MSDHS has made efforts to support victims of trafficking to work outside the shelters. Nevertheless, due to constraints such as victim's health problems and limitations at workplaces, some victims could not work outside the shelters. Therefore, MSDHS has increased ways for victims to earn income by creating an on-line store of their products via a mobile application, in addition to selling them at the "MSDHS Dream Weaving" store. Victims of trafficking employed in the shelters also earned income and received financial support disbursed from the Anti-Human Trafficking Fund amounting to 1,061,035 THB (35,250 USD) in the past year.

Apart from eligibility to receive compensation from the Government's Anti-Human Trafficking Fund, victims of trafficking, who are physically and mentally exploited by the offences committed by others, are also victims of crime in criminal proceedings. Therefore, according to the Damages for the Injured Person and Compensations and Expenses for the Accused in the Criminal Case Act B.E. 2544 (2001) and the Amendment Act (No.2) B.E. 2559 (2016), victims have the right to receive state compensation from the Rights and Liberties Protection Department, Ministry of Justice as well. During the last five years, the number of victims of human trafficking who received state compensation from the Committee for Consideration of Damages for the Injured Persons and Compensation and Expenses for the Accused in Criminal Cases has increased. In 2019, 532,035 THB (17,675 USD) were granted to 35 victims.

**Table 25 : Numbers of victims of trafficking who received additional compensation as victims of crime in criminal proceedings**

	Number of Victims	Amount of Money
2015	8	240,000 THB (797 USD)
2016	20	325,000 THB (10,797 USD)
2017	21	335,000 THB (11,130 USD)
2018	29	404,000 THB (13,422 USD)
2019	35	532,035 THB (17,676 USD)



*After repatriation, 5 Cambodian victims of human trafficking were brought to Thailand to testify as witnesses of the case. MSDHS and IJM cooperated to provide them with initial compensation from the Anti-Human Trafficking Fund. In another case, 11 Cambodian victims also received financial support from the Anti-Human Trafficking Fund in order to facilitate their return to Thailand for additional hearings.*



*In 2019, two victims of human trafficking received compensation from the offenders. The first case was a young girl who was exploited in the form of forced labour received 1.3 million THB (43,189 USD) before returning to her country of origin (Myanmar). In the second case, Kantang Court passed a decision on a 2016 case ordering the defendant to pay compensation of 1,996,500 THB (66,329 USD) to the Myanmar victim of human trafficking. In this case, the victim was also eligible to receive witness protection money from the Rights and Liberties Protection Department, Ministry of Justice. Currently, MSDHS is in the process of coordinating with the country of origin to contact the victim to receive such compensation.*



## **6. Screening Process Enables Those at Risk to Receive Appropriate Services**

The preliminary interview to screen and identify victims of human trafficking is an important process which allows the Government to effectively protect and assist victims. Despite a large number of potential victims of human trafficking in 2019, the multidisciplinary team accelerated the preliminary interview process in order to protect the victims in a timely manner, especially those in vulnerable situations, such as women, children, and persons with disability or those who cannot care for themselves. Moreover, several agencies involved in this process have provided essential services for persons awaiting the completion of screening process. This includes allocating 765,800 THB (25,442 USD) from the Anti-Human Trafficking Fund to support service provision such as accommodation, food, basic health service and personal care products.

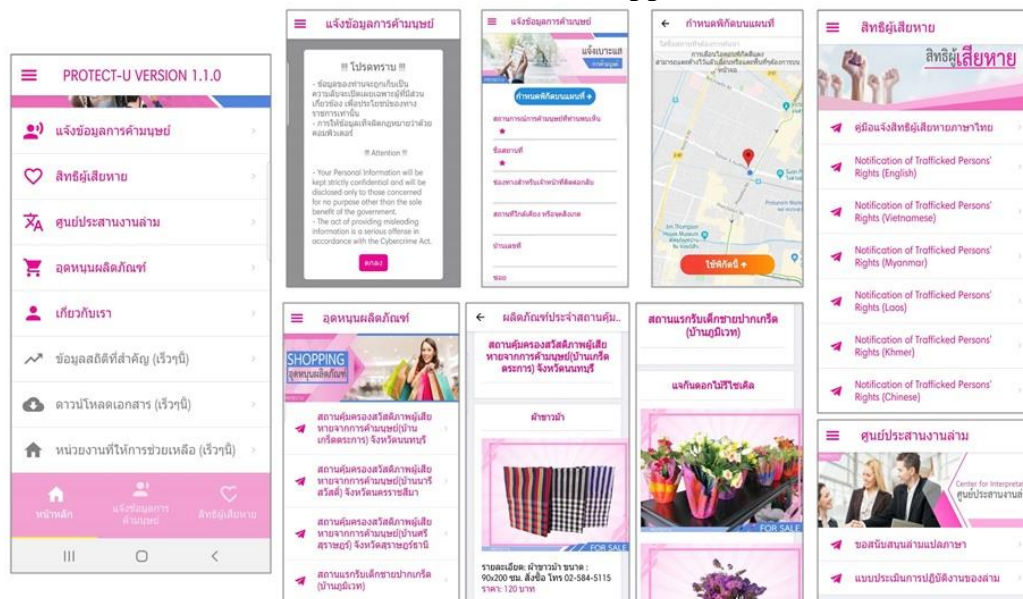


## 7. Enhancing Interpretation Services<sup>5</sup>

MSDHS has enhanced interpreter services by having interpreters at the shelters averaging 1-2 days per week or upon the victims' request. International organisations such as IOM and UNHCR as well as other private organisations operating in the shelters also provide interpreters when organising activities.

In the past 5 years, MSDHS has organised training for more than 300 interpreters. MSDHS has registered with an interpreter coordinating center those who qualified and were trained on human trafficking law, sensitivities on victims' trauma, and code of conduct on victim assistance. Additionally, interpretation service can now be requested via mobile application "PROTECT-U". This offers more convenient service as users can make advance booking. MSDHS also plans to further develop a feature that allows the person requesting for interpretation service to make direct contact with interpreters, as well as to follow up the reservations made on the application.

### "PROTECT-U" mobile application



## 8. Access to Services through Mobile Application "PROTECT-U"

In 2019, MSDHS developed a mobile application, "PROTECT-U", as an additional channel for victims of human trafficking to access protection and assistance services. Victims as well as witnesses can notify MSDHS of the situation and request assistance from anywhere by providing detailed information or sending location coordinates. MSDHS officials will then coordinate with the nearest local

<sup>5</sup> US' recommendation on continuously providing interpreters in shelters.

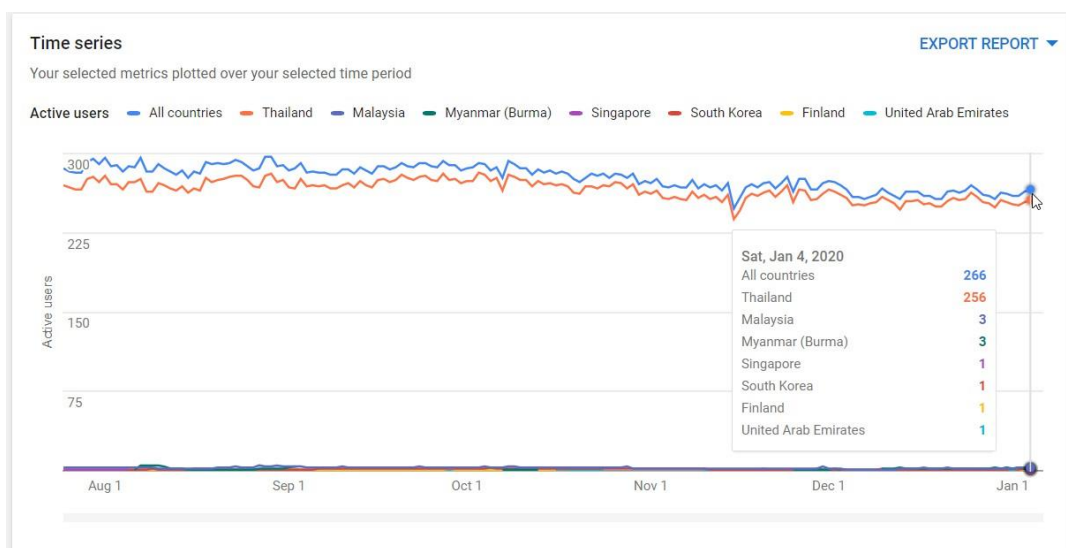
authorities to expedite assistance. The application also provides information on rights of trafficked persons in seven languages as well as an online channel for the general public to purchase products made by victims of trafficking, thereby providing income for the victims. PROTECT-U was officially launched and promoted nationwide, including at MSDHS and at domestic and international airports.

### Mobile application “Protect-U” launching event



During the first six months, the application received 186 requests of interpretation service for protection, while its online rights of victims manual, which is available in seven languages, received 1,201 views.

**Diagram 12: Data on usage and downloading of PROTECT-U application**



**Diagram 12 (cont'd): Data on usage and downloading of PROTECT-U application**



*So far, three cases were reported via PROTECT-U. The 1<sup>st</sup> case was on forced begging which after investigation found to be a violation under the Beggar Control Act. In the 2<sup>nd</sup> case, information on human trafficking abroad was provided in order to warn Thai nationals seeking employment overseas. Related agencies were informed for further action. The 3<sup>rd</sup> case was about information on risk area, resulting in periodic area inspection.*

## **9. Promoting International Cooperation**

The Royal Thai Government attaches importance to establishing international cooperation for joint anti-human trafficking operations. The Government has been in close collaboration with countries of origin of victims of human trafficking in Thailand and with destination countries where Thai people are victims of human trafficking. In the past years, MSDHS, as the focal point, has collaborated with relevant agencies, including MFA, Office of the Attorney General (OAG), RTP, MOL, private sector and international organisations toward international cooperation to enhance protection for victims of human trafficking.

In addition, Thailand has been a model country in providing protection and assistance for victims of human trafficking in the region as relevant Thai agencies continued to facilitate study visits by their counterparts in other countries such as Cambodia and Lao PDR.



## 9.1 Cooperation with the Kingdom of Cambodia

MSDHS, in collaboration with the Ministry of Social Affairs, Veterans, and Youth Rehabilitation of Cambodia and relevant agencies of both countries, established the Standard Operating Procedures (SOPs) for Case Management of Repatriation and Reintegration of Victims of Trafficking in Persons between Thailand and Cambodia to be used as a common guideline to repatriation and reintegration of victims of human trafficking, and to ensure that such processes of both countries are in line with standards. The goal is to assist victims of human trafficking to reintegrate into society with safety and protect them from falling the victims again. The SOPs was signed in April 2019.



*Thailand worked with Cambodia on the establishment of the Transit and Reception Centre for Victims of Trafficking and other Vulnerable Group in Poi Pet, Banteay Meanchey Province, Cambodia. As a 120 million THB (3,986,711 USD) cooperation project supported by the Royal Thai Government, the Centre will serve as a facility for receiving Cambodian victims of trafficking rescued and repatriated from Thailand and the risk groups vulnerable to becoming victims.*



*The Centre will provide protection and vocational training for Cambodian victims. In December 2019, the Ministry of Foreign Affairs together with MSDHS organised a study visit for relevant Cambodian agencies to learn about management, vocational training and caring for human trafficking victims in Thailand, in order to prepare Cambodian authorities for the management of the forthcoming Centre.*

## 9.2 Cooperation with the Lao People's Democratic Republic (Lao PDR)

In August 2019, MSDHS, the Department of the Trafficking in Persons Litigation, OAG, and relevant agencies jointly hosted the 3<sup>rd</sup> bilateral meeting to discuss approaches to prosecution of human trafficking with the National Steering Committee on Human Trafficking, Ministry of Public Security of Lao PDR. The meeting created mutual understanding about the protection of human trafficking victims in each other's judicial process and providing victims with the fastest and most effective assistance. In addition, in September 2019, Thailand and Lao PDR had a discussion on the drafting of SOPs for Case Management, Repatriation and Reintegration of Victims of Human Trafficking between the two countries. Thailand also worked with Lao PDR on the establishment of the Transit and Reception



Centre for Victims of Trafficking and other Vulnerable Group in Phôn-Hông. This would be the second Centre in Thailand's neighbouring countries, following the 120 million THB of Thailand's support for a Centre in Cambodia.

### **9.3 Other Cooperation**

MSDHS and other related agencies have been working collaboratively to assist and protect victims of trafficking in other countries. For example, MSDHS and the Department of Rehabilitation of the Ministry of Social Welfare, Relief and Resettlement of Myanmar held the 23<sup>rd</sup> Case Management Meeting on Return and Reintegration of Victims of Trafficking, leading to more effective ways to protect and assist human trafficking victims to return and reintegrate into the society. MSDHS also joined MFA, MOL, RTP, IOM, A21 Foundation, and Nightlight Foundation in discussing with representatives from international organisations and private organisations in Uganda in order to enhance victim-centred protection for Ugandan victims of trafficking in Thailand.

Moreover, in 2019, MSDHS, MFA, A21 Foundation and the HUG Project under the Family Connection Foundation, on behalf of a multi-disciplinary team, have collaborated with RTP in rescuing a Thai lady working in a massage parlor in the United Arab Emirates (UAE), who was found to be a victim of trafficking. INTERPOL and law enforcement agencies of both countries also worked together on the case which led to the successful rescue of nine more victims. The victims were later put under care of UAE's shelters while the offenders were being prosecuted. Those victims were later repatriated to Thailand.

In addition, MSDHS collaborated with ECPAT Foundation Thailand and A21 Foundation in assisting Thai victims of human trafficking in Taiwan to return to Thailand. MSDHS has assigned a case management officer to be responsible for the care and assistance victims in a comprehensive manner, as well as to liaise with relevant agencies in supporting the victims to reintegrate into the society more effectively.



*In recognition of Thailand's continued success in protecting and assisting victims of human trafficking, in 2019 the Division of Anti Trafficking in Persons of MSDHS, as the Royal Thai Government's focal point in this regard, was awarded the JICA President Award by the Japan International Cooperation Agency (JICA), a long-standing partner of Thai multi-disciplinary team.*



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## Prevention

The Royal Thai Government continued to enhance preventive measures against all forms of human trafficking and forced labour both at home and abroad. In 2019, the Thai Government continued to raise the budget for anti-human trafficking efforts with 4.5 percent increase from the previous year, reflecting Thailand's unwavering commitment in this regard. Focus was also given to enacting laws to prevent forced labour including in fisheries in accordance with the international standard and to prevent defamation lawsuits filed with dishonest intent against workers and their right defenders when reporting labour abuse or malpractice.

Migrant workers management measures remain one of key preventive measures in combatting human trafficking, ensuring legal status and rights of migrant workers and reducing their vulnerability to becoming victims of human trafficking. Efforts continued to be made in promoting government-to-government cooperation in recruiting migrant workers from abroad and in dispatching Thai workers to work overseas.

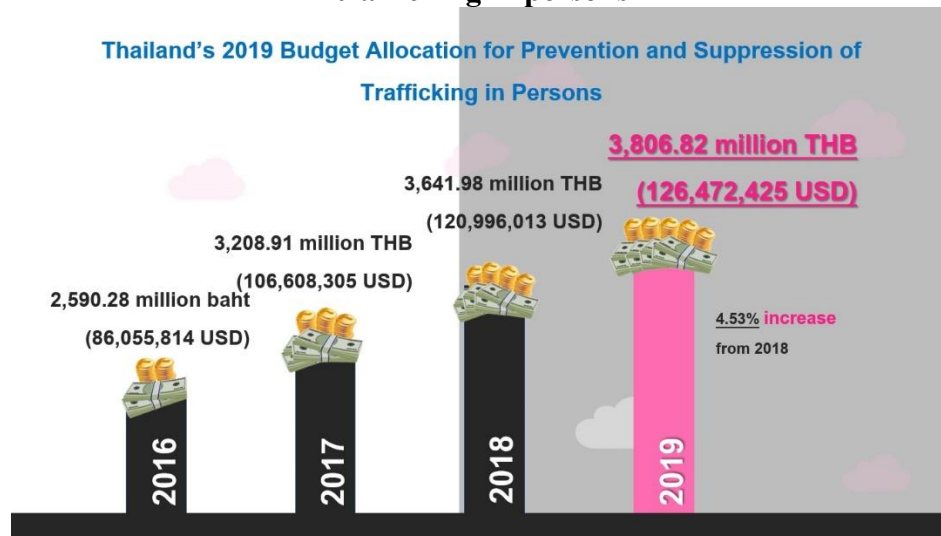
At the same time, inspections of recruitment agencies, employers, and business establishments including those along border areas were regularly conducted, with those found in violation of laws duly punished. The increase in the number of labour inspectors, foreign language interpreters and coordinators, and other personnel as well as capacity building activities and public awareness campaigns continued to enhance the delivery and effectiveness in the protection of migrant workers from human trafficking and other exploitations. Similar efforts were also made to reduce risks of other vulnerable groups including women, children, overseas Thai workers, and beggars.

In doing so, partnership with all stakeholders was strengthened, including with NGOs, international organisations as well as countries of origin and destination to prevent the whole process of human trafficking and forced labour in a more comprehensive and sustainable manner.

<b>1. 2019 Budget Allocation for Prevention and Suppression of Trafficking in Persons</b>
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Preventing and combatting trafficking in persons remained a top priority of the Royal Thai Government, matched by the continued increase in budget allocation for related government agencies. In 2019, the Thai Government allocated a total of 3,806.82 million THB (126,472,425 USD) for prevention and suppression of trafficking in persons, increasing from 2018 by 4.53 percent and continuing an upward trend of budget allocation since 2016.

**Diagram 13: Thailand's 2019 budget allocation for prevention and suppression of trafficking in persons**



## 2. Legal Amendments and Improvements<sup>1</sup>

In 2019, Thailand legislated several additional laws and regulations to foster an environment more conducive to reporting human trafficking crime and labour malpractice without fear of criminal prosecution, and to enhance the capacity of law enforcement officers in proactively prosecuting and convicting labour traffickers who are the main cause of exploitation.

### 2.1 Amendments to the Criminal Procedure Code (No. 33 & 34) B.E. 2562 (2019)

In 2019, the Thai Government amended Article 161/1 of the Criminal Procedure Code to prevent criminal prosecution in cases that are filed with distorted information or dishonest intent or to intimidate the defendants. In such cases, the Court has the power to immediately dismiss the case and the accuser will not be able to file for the case again. The amendment was published in the Royal Gazette on 20 March 2019 and became effective on the following day.

In addition, indictment inquiry system was improved to reduce risks in afflicting innocent defendants. Previously, the evidence was to be presented only by the accuser, allowing high chances of the case being accepted by the Court and the defendants having to submit bail. Amendment was made to Article 165/2 to ensure the defendant's right to also submit a statement during the Court's preliminary hearing, presenting facts and significant laws that the

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<sup>1</sup> US' recommendation on fostering an environment conducive to reporting human trafficking crimes without fear of criminal prosecution, including spurious retributive charges pursued by employers.

Court may take into consideration to call the case unfounded and dismissed. This amendment was published in the Royal Gazette on 19 February 2019 and became effective on the following day.

The abovementioned amendments would help protect the workers and their rights defenders from the employers filing spurious retributive charges of defamation against them when they report their rights violation.

## **2.2 Emergency Decree Amending the Anti-Human Trafficking Act, B.E. 2551 (2008) / 2562 (2019)**

The Thai Government enacted Emergency Decree Amending the Anti-Human Trafficking Act, B.E. 2551 (2008) / 2562 (2019), effective on 8 April 2019, to support the implementation of Protocol to ILO Convention No. 29 on Forced Labour. The decree defines offenses concerning forced labour or service and sets appropriate penalty to deter and eliminate forced labour and service. It also provides measures to protect the welfare of victims of forced labour and ensures that trial procedure is in line with human rights principles. This has resulted in better victim care and protection as well as remedies equivalent to those rendered to human trafficking victims.

## **2.3 Labour Protection in Fisheries Act B.E. 2562 (2019)**

The Royal Thai Government enacted Labour Protection in Fisheries Act B.E. 2562 (2019), effective on 18 November 2019, to support the implementation of ILO Convention No. 188 on Work in Fishing. The Act specifies duties of vessel owners and maritime labours to meet international standards in order to prevent forced labours in fisheries and protect the rights of fishery labours, whose working conditions differ from those of general labours because of risks at sea and long working hours. In addition, the Ministry of Labour (MOL) and related government agencies have enacted 9 secondary laws and guidelines to support the implementation of the Act under close consultation with ILO and the tripartite.

## **2.4 Draft Amendments to the Labour Relations Act and the State Enterprise Labour Relations Act**

The Thai Government attaches importance to migrant workers' rights and freedom to organise and collective bargaining and continues to develop relevant laws including amending the Labour Relations Act B.E. 2518 (1975) and the State Enterprise Labour Relations Act B.E. 2543 (2000).

In February 2019, the Cabinet approved the draft Labour Relations Act, which is currently under the review of the Council of State. The draft State

Enterprise Labour Relations Act is in the process of stakeholders hearing in accordance with Thailand's Constitution, before being submitted for the Cabinet's approval. After the House of Representatives passes both Acts, the ratification of ILO Convention No. 98 on Organise and Collective Bargaining will follow.

### **3. Prevention of Trafficking in Migrant Workers in Thailand<sup>2</sup>**

With current 3,216,431 migrant workers, Thailand continued to enhance the efficacy of the migrant workers management system as a way to promote safe and orderly migration and to prevent migrant workers from falling prey to forced labour and other forms of exploitation. The followings are efforts and achievements made in 2019 by the Thai government agencies in collaboration with NGOs, international organisations, civil society as well as other countries:

#### **3.1 Extension of Work Permit for Migrant Workers of Three Nationalities**

On 20 August 2019, the Thai Cabinet approved measures to extend work permit for already legalised migrant workers of three nationalities, namely Cambodia, Lao PDR and Myanmar, whose work permits had validity until 1 November 2019 and 31 March 2020, respectively. Their work permits will be extended for two years. A total of 1,741,096 migrant workers are eligible to register at One Stop Service (OSS) centres to extend their work permits from 2 September 2019 to 31 March 2020, using the same process as MOU recruitment system. The goal was to prevent these migrant workers from unfair recruitment fee and debt bondage, thus reducing their vulnerabilities to human trafficking. As of January 2020, 104,199 migrant workers (15,104 Cambodians, 4,190 Laotians and 84,905 Myanmar nationals) already had their work permits extended.

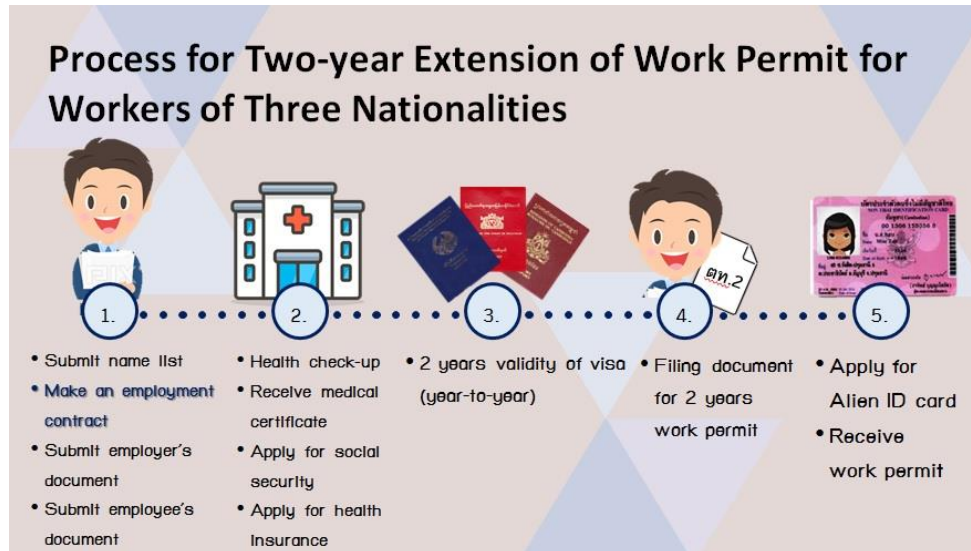
To enhance the efficacy in expediting the extension of work permits for this group of migrant workers, MOL has set up the e-Workpermit system that enabled employers to submit employees' name list and reserve appointments at the OSS centres. In addition, paperless system has been used at the centres, reducing the average length of time in registering migrant workers from two hours to 30 minutes. Furthermore, all migrant workers extend their work permits would be collected biometrics data. This is to ensure transparency

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<sup>2</sup> US' recommendation on increasing efforts to ensure employers provide workers copies of contracts in a language they understand and on enforcing regular payment of wages, requirements that employers pay recruitment fees of migrant workers, and the rights of employees to retain possession of their own identity and financial documents.

of the registration process as well as accuracy in identifying migrant workers needing government assistance and in case of investigation by the authorities.

**Diagram 14: Process for two-year extension of work permit for workers of three nationalities**



With extension of work permit, registered migrant workers would be entitled to the following legal benefits and protection that would also help prevent their vulnerability to human trafficking:

**1) Same legal status as migrant workers registered under bilateral MOU system** - This reduces the financial burden in returning home and helps prevent the migrant workers from unfair recruitment fee in their home country.

**2) Employment contract in three languages (English, Thai, and official language of the migrant worker's home country)** - This ensures that workers understand their rights and benefits, including in case of dispute with their employers.

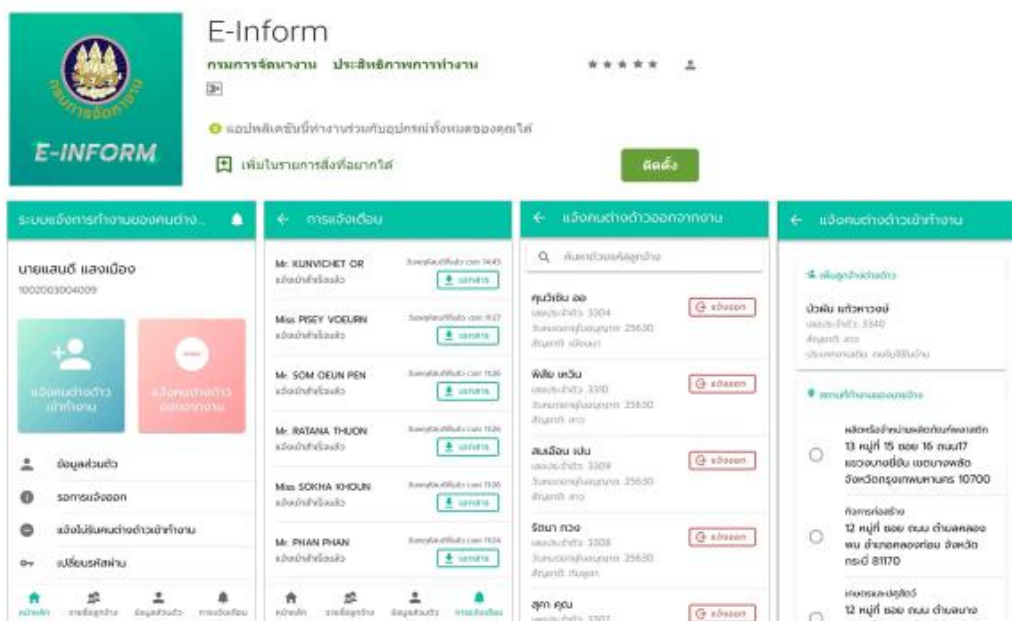
**3) Recruitment fee paid for by the employers and not to be reclaimed on the migrant workers** - Failure to do so by the employers is punishable by law (six months of imprisonment and a fine of up to two-time the amount of recruitment fee).

**4) Rights to change employer** - Workers can change employer immediately in cases of physical abuse; dishonouring of work contract or violation of the Labour Protection Act by their employer; work environment that is potentially harmful to the life, physical, mental health, and sanitation of the employee; termination of contract without a proper reason; and employer's death or bankruptcy.

### 3.2 E-Inform Mobile Application

The Department of Employment of MOL developed the “E-Inform” Mobile Application to enhance the efficacy of migrant workers management and the protection of migrant workers including the ability for the authorities to locate them. The application also provides greater convenience for employers in registering new migrant workers within 15 days of their employment and in notifying the Department of those no longer employed within 15 days, including their reasons for departure. In 2019, 356,216 entries were made through the application, increasing from 2018 (157,546 entries) by 126 percent.

Diagram 15:E-Inform mobile application



### 3.3 Enhancing Efficiency in Legal Migrant Workers Recruitment via Government-to-Government Channel (Bilateral MOUs with sending countries)

In order to minimise risks of migrant workers to labour trafficking and exploitation by unscrupulous agents, organised and transnational organised crime syndicates, the Thai Government continued to promote government-to-government cooperation in recruiting legal migrant workers from Cambodia, Lao PDR, and Myanmar through bilateral MOUs with the sending countries. A total of 413,536 migrant workers were recruited through the MOU system in 2019.

During the past year, the Department of Employment, MOL, in cooperation with relevant government agencies continued to enhance the MOU recruitment system by streamlining the process to make it more convenient, faster (from 25 working days to 15 working days), and more transparent.



Meetings with concerned authorities of Cambodia, Lao PDR, and Myanmar were held to discuss ways to expedite the required procedures in accordance with the MOUs, including medical and criminal background checks, as well as linking of labour databases between Thailand and the sending countries.

### **3.4 Regulating Migrant Workers Recruitment Agencies**

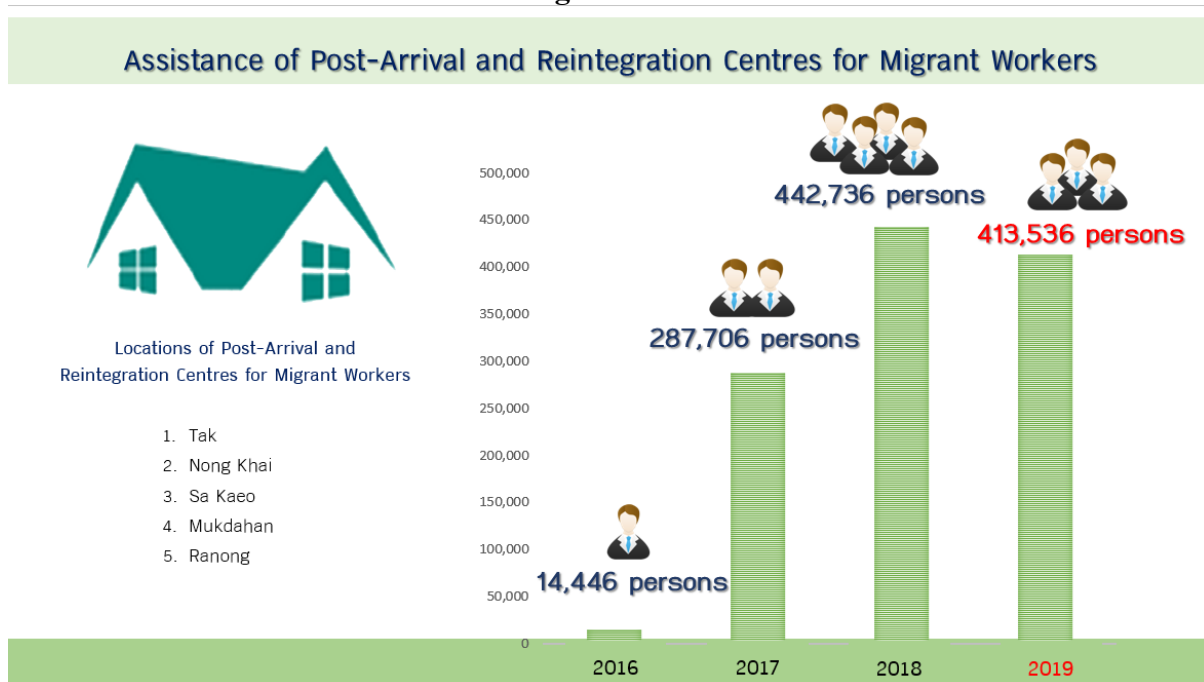
**1) Increased inspections of recruitment agencies** - A total of 244 recruitment agencies were inspected in 2019, increasing from 2018 (67 agencies) by 264.18 percent. Of this number, four agencies (1.63 percent) were found to be in violation of the Employment and Job-Seeker Protection Act, B.E. 2528 (1985) including forging and using forged official documents, and failure to report the sending of migrant workers to the employers within 15 days. As a consequence, one agency had its operation permit suspended for 120 days and three agencies had their operation permits suspended for 30 days.

**2) Increased inspections of employers and business establishments** - In 2019, MOL inspected a total of 54,104 employers and business establishments, increasing from 2018 (9,652 employers/business establishments) by 460.54 percent. Of this number, 2,333 (4.3 percent) were found in violation of labour laws and were duly punished. First time offenders (586 employers/business establishments) were fined a total of 16,663,900 THB (553,618 USD), while 1,743 repeated offenders were being investigated for employing migrant workers who did not have work permits, and four others were under the consideration of appropriate fines.

### **3.5 Networks in Providing Assistance to Migrant Workers**

**1) Post-Arrival and Reintegration Centres for Migrant Workers** Since 2016, the Department of Employment has established a network of Post-Arrival and Reintegration Centres for Migrant Workers in five provinces (Tak, Nong Khai, Sa Kaeo, Mukdahan, Ranong) to facilitate and increase channels for migrant workers to work in Thailand legally through the MOU process. These centres provided trainings for migrant workers before they start working in Thailand, including their rights under relevant Thai laws and basic knowledge on human trafficking. In 2019, a total of 413,536 migrant workers attended these trainings at the Post-Arrival and Reintegration Centres, decreasing from 2018 by 6.59 percent (details in [Diagram 3](#)). This decrease was in correlation with a weaker demand for migrant workers in Thailand in 2019.

**Diagram 16: Statistics of assistance provided by post-arrival and reintegration centres for migrant workers**



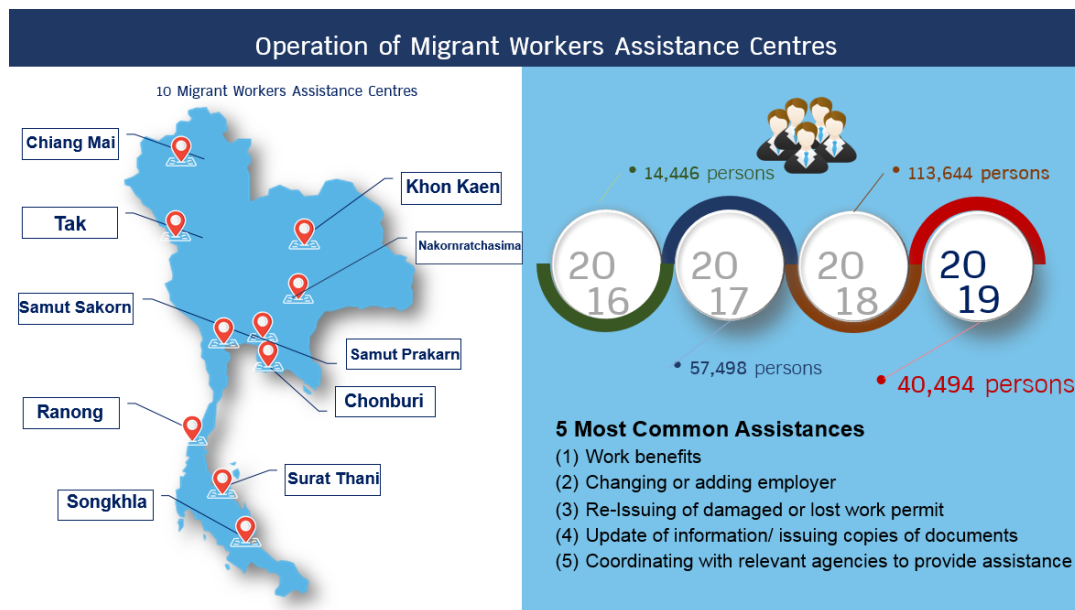
Furthermore, officials of the centres conducted random interviews of migrant workers at the centres. The goal was to screen those who may fall victim to human trafficking through verifying that they were not lured or tricked into working in Thailand, or were unfairly charged with recruitment fee and other expenses by recruitment agencies, and that they understood their legal rights under the Thai laws. In order to enhance the capacity of the centres in this regard and in providing other services to migrant workers, MOL hired eight more interpreters and language coordinators in 2019, namely two Myanmar speakers in Tak, four Myanmar speakers in Ranong, and two Cambodian speakers in Sa Kaeo. There was no need for additional interpreter at the centres in Nong Khai and Mukdahan as their staffs could understand Laotian language.

**2) Migrant Workers Assistance Centres** – Since 2016, MOL in collaboration with ILO, IOM and NGO partners, namely Raks Thai Foundation, Human Rights and Development Foundation (HRDF), Migrant Workers Rights Network (MWRN), Solidarity Committee for the Protection Myanmar Migrant Workers (ACC-SCPM) and Yaung Chi Oo Workers' Association (YCO), have established Migrant Workers Assistance Co-Service Centres in ten provinces across Thailand namely Samut Sakorn, Samut Prakan, Chonburi, Ranong, Surat Thani, Songkla, Tak, Chiang Mai, Nakorn Ratchasima, and Khon Kaen. The aim was to provide consultations and advice to migrant workers and to receive complaints or reports of labour malpractices for further coordination with relevant government agencies.

In 2019, the Centres assisted 40,494 migrant workers, decreasing from 2018 (113,644 migrants) by 64.36 percent. This significant decrease was

as a result of nationwide registration of migrant workers, regular inspections of workplaces, and stringent labour law enforcement. Five most common cases that workers sought assistance from the Centres were (1) work benefits (2) changing or adding employer (3) re-issuing of damaged or lost work permit (4) update of information/issuing copies of documents and (5) coordinating with relevant agencies to provide assistance.

**Diagram 17: Operation of migrant workers assistance centres in 2019**



Efforts continued to be made in enhancing the efficacy of the Migrant Workers Assistance Centres in providing assistance for migrant workers. This included a multi-stakeholder meeting between representatives of government agencies, private sector, NGO partners, and the ten Centres in Bangkok on 28 June 2019. The aim was to evaluate the work of the Centres during the past two years and to brainstorm on future work plans and cooperation that would further ensure the protection of migrant workers from human trafficking and other forms of exploitation.

**Meeting to evaluate the work for the Migrant Workers Assistance Centre and to brainstorm on future work plans and cooperation**










## 4. Prevention of Trafficking in Thai Labours Seeking Overseas Employment<sup>3</sup>

### 4.1 Government Supporting Programme for Thai Labours Seeking Overseas Employment

The Thai Government continued to promote government-to-government cooperation in dispatching Thai labours to work overseas with a view to promote safe and orderly migration and to address the issues of illegal brokers, overcharge of job placement fees, human trafficking and labour exploitations. In 2019, MOL in Bangkok dispatched 11,886 Thai workers to work overseas through government-to-government cooperation, saving a total of 2,289,918,032 THB (76,077,011 USD) in fees to private agents and other costs for the workers.

In addition, MOL set up Thailand Overseas Employment Administration (TOEA) Offices in ten provinces across Thailand to provide greater access for Thai workers interested in working overseas. These offices serves as the official one-stop service channel that assists Thai workers interested in working overseas including job placements and medical check-ups. In 2019, a total of 26,219 Thai workers applied for services and assistance from TOEA Offices. Of this number 25,392 workers (96.8 percent) were able to find suitable jobs overseas and safely travelled to work in destination countries.

**Diagram 18: Overseas employments through government-supporting program**

Result from working overseas through Government-sending supporting program						
	Destination	Persons	Expense comparison		Decreased expenses (THB/Person)	Total decreased expenses (THB)
			By Government (THB/Person)	By Private sector (THB/Person)		
1.	 Israel	5,948	79,328	300,000	220,672	1,312,557,056
2.	 Republic of Korea	5,246	20,244	180,000	159,756	838,079,976
3.	 Japan	430	15,000	300,000	285,000	122,550,000
4.	 Taiwan	153	15,000	120,000	105,000	16,065,000
5.	 Malaysia	14	7,000	25,000	18,000	252,000
6.	 Singapore	93	5,000	9,000	4,000	372,000
7.	 United Arab Emirates	2	4,000	25,000	21,000	42,000
<b>Total</b>		<b>11,886</b>				<b>2,289,918,032</b>

<sup>3</sup> US' recommendation on increasing potential victims' access to government services before they are formally identified by multidisciplinary teams.



Furthermore, MOL provided orientation and training courses, including human trafficking risks and assistance channels, for Thai workers seeking overseas employment at 14 Provincial Employment Offices (PEOs). The year 2019 saw 4,803 workers participating in orientation and training courses at PEOs. Moreover, MOL with the support of the Ministry of Foreign Affairs have also provided passport application services at Department of Employment in Bangkok in order to facilitate Thai workers seeking overseas employment.

### Training for job seekers prior departure for overseas employment in 14 provinces



## 4.2 Role of Thai Labour Offices Abroad

The Thai Government has 12 labour offices in countries and economies that are main destinations of Thai workers overseas. The role of the labour offices is to provide support for Thai workers by ensuring their fair employment in accordance with relevant laws and providing assistance and protection for those in need, including victims of trafficking and other forms of exploitations. In addition, the Department of Consular Affairs of the Ministry of Foreign Affairs as well as Royal Thai Embassies and Consulates provide assistance and protection for Thai citizens abroad, including in countries and economies where Thailand do not have labour offices.

In 2019, the labour offices conducted 887 inspections and 3,687 meetings with business establishments as well as trained 758 labour volunteers who assisted with surveillance and reporting of labour malpractice, abuses, and trafficking. As a result, MOL has provided assistance to 5,981 cases of Thai workers overseas. Of this number, 2,870 cases were assisted with claiming unpaid wages and other benefits such as social security fund, provident fund, and compensation for sickness and death, amounting to 152,961,154 THB (5,081,766 USD), while 3,111 cases were assisted with locating workers who

have lost contact with their families, and providing assistance in case of arrest, sickness and death, among others.

#### 4.3 Surveillance and Prevention of Those Deemed Suspicious to Illegally Travel to Work Overseas

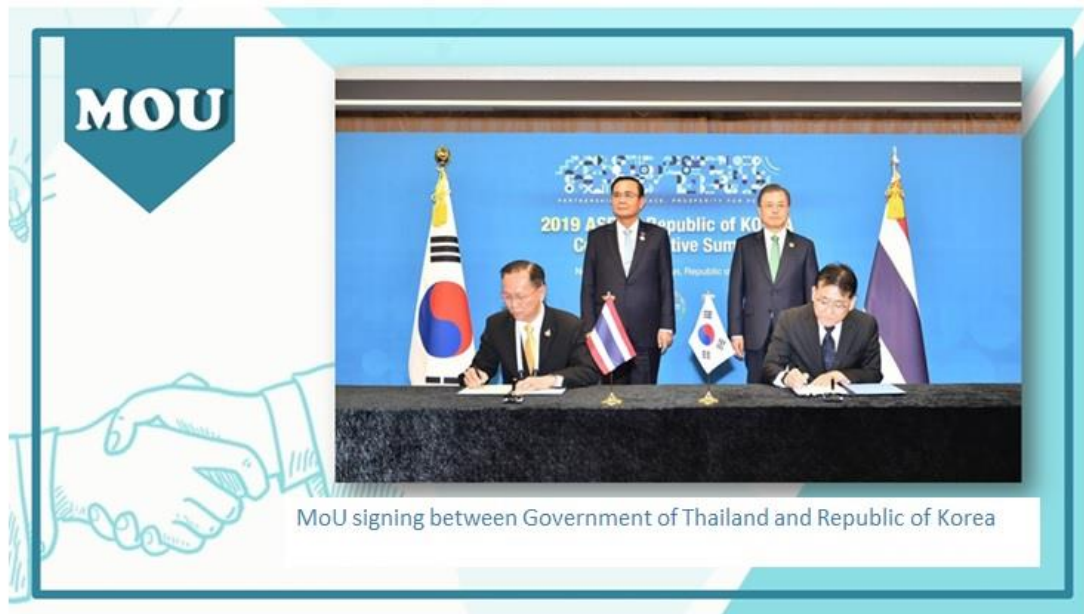
Measures have been taken by MOL at 25 border checkpoints in Thailand to prevent outgoing Thai workers from falling victims of trafficking or labour fraud overseas. MOL officers stationed at these checkpoints have authority to deny workers from going overseas if their travel documents and related paper work are deemed suspicious. Supports would be further provided for those who were denied from going overseas in order for them to find appropriate jobs overseas. The statistics of deferred travellers and top destination countries are shown in Diagram 5.

**Diagram 19: Statistics of inspection of those deemed suspicious to illegally travel to work overseas and those who were denied departure**



Moreover, on 25 November 2019, MOU on Information Sharing between Department of Employment and Korea Immigration Service was signed in Busan, Republic of Korea, witnessed by the Prime Minister of Thailand and the President of the Republic of Korea. The MOU is the cooperation between the two countries to share information to address the problem of illegal working migrants in ROK in order to prevent Thai workers from labour rights violation and falling victim to forced labour and labour trafficking.

**MOU signing ceremony on information sharing  
between Thailand and the Republic of Korea**



#### **4.4 Inspection of Recruitment Agencies**

In 2019, Department of Employment inspected 181 recruitment agencies and found unlawful practices in four agencies. Wrongdoings included receiving recruitment fees but failing to send labours for overseas employment without appropriate reasons, not registering employees or representatives, demanding or receiving fees or expenses at higher rate than permitted by law, failing to issue appropriate forms, false recruitment advertisements, recruiting labours from other provinces without permission. This resulted in revocation of operation license of one agency, suspension of two agencies for 120 days and one agency for 90 days.

In addition, the Department found 239 cases of recruitment agents finding overseas jobs without licence or involving in labour fraud. Of this number, seven cases were issued arrest warrants, 224 cases were under inquiry officer's consideration, two cases were under public prosecutor's consideration, and six cases were under the Courts' consideration.

#### **4.5 Public Campaign to Prevent Recruitment Fraud**

The Department of Employment conducted various public campaigns and activities to prevent recruitment fraud, such as (1) "Knock the Door" project with 8,731 participants from 37 provinces in the Northern and North Eastern region of Thailand which were home to most workers seeking overseas employment; (2) Knowledge Sharing to Prevent Recruitment Fraud Project with 870,968 participants; (3) Community Network to Prevent Recruitment Fraud

and Illegal Work Overseas Project with 64,818 participants; (4) Overseas Employment Seekers' Preparations Project with 2,980 participants; (5) Project to Develop Thai Workers' Potentials to Work in ROK with 721 participants; and (6) Project to Develop Thai Workers' in Overseas Markets (Israel) with 1,433 participants.

In addition, the Ministry of Foreign Affairs has broadcasted a VDO clip sharing experiences of Thai overseas workers in ROK, Malaysia and Japan on lessons learned about smuggling to work overseas and raising awareness of danger of human trafficking. Mobile consular activities were also arranged in Chaiyaphum, Nong Khai, and Nakorn Si Thammarat, including awareness raising on prevention of human trafficking, particularly among the risk groups.

## **5. Improving Capacity and Efficacy of Labour Inspections<sup>4</sup>**

### **5.1 Labour Inspection**

MOL continued to accord great importance to the protection of all workers regardless of their nationalities. In 2019, labour inspections were conducted on 78,181 workplaces and fishing vessels, covering 1,744,937 workers. A total of 9,463 workplaces/vessels (12.1 percent) were found to be in violations of labour law, of which 9,351 cases were completed while 85 cases are still under investigation of MOL. A total of 513,968,743.47 THB (17,075,373.5 USD) in benefits were claimed for employees in accordance with the Labour Protection Act, increasing significantly from 571,425 THB (18,984 USD) in 2018. Most common offenses included unpaid wages, no leave days, and lack of working rules and employee database.

In addition, MOL has increased the effectiveness in identifying victims of forced labour and labour trafficking by using the pre-screening form (Kor Ror 7) for vulnerable labour groups to submit their complaints. A total of 11,121 workers from 5,316 establishments were screened through this process, of which seven workers were identified as possible victims of forced labour. Details are as follows:

1) Six workers in a cabbage and strawberry farm in Chiang Mai - The labour case has completed; the employer was sentenced by the Labour Court to six years of imprisonment and a fine of 27,000 THB (897 USD). The six workers were awarded a total of 212,500 THB (7,060 USD) in compensation.

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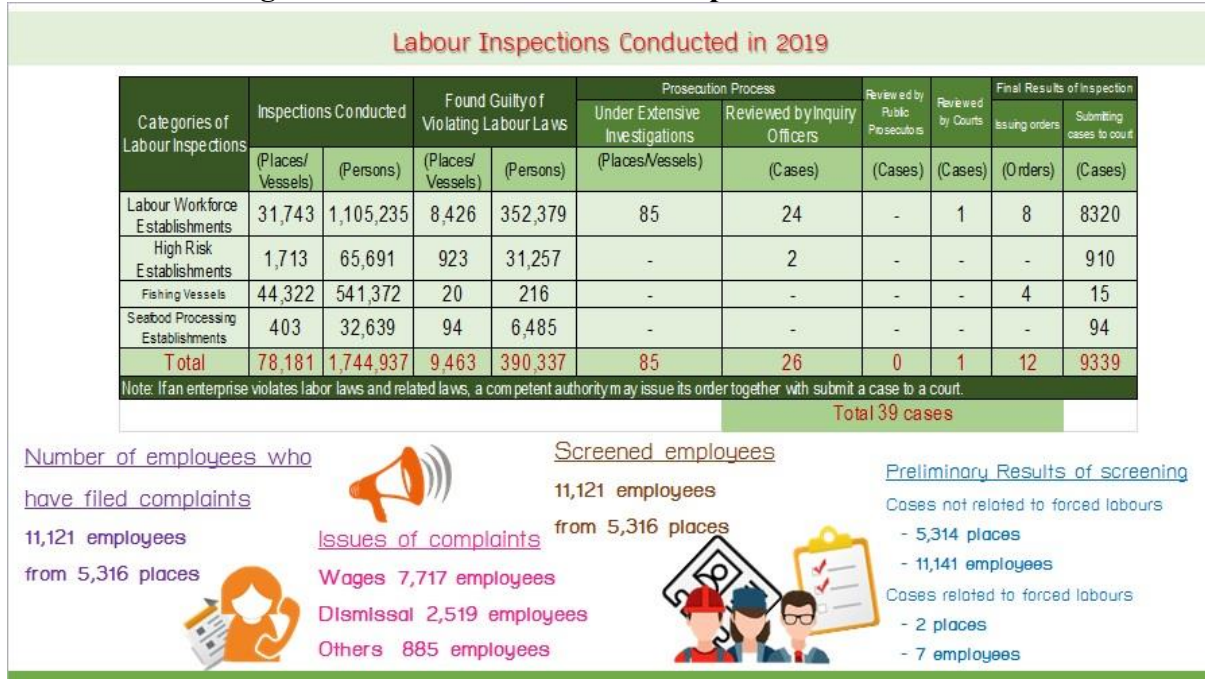
<sup>4</sup> US' recommendation on improving the capacity of law enforcement to proactively prosecute and convict labour traffickers and identify labour trafficking victims, and increasing the provision of financial compensation and restitution to victims.



For the human trafficking charge, the public prosecutors concluded that there was insufficient evidence, therefore the case was not submitted to the Courts.

2) One Domestic helper from Lao PDR – the labour case has completed. The Labour Court ordered payment of 53,000 THB (1,760 USD) for unpaid wage owed to the worker. The human trafficking charge is under the consideration of public prosecutors.

**Diagram 20: Outcomes of labour inspection conducted in 2019**



## **Examples of key forced labour cases**

### **Lung Long Case**

*Pursuant to the Criminal Court's adjudication of the human trafficking case of Mr. Lung Long, a Cambodian victim of trafficking in fisheries, in 2017, the Department of Labour Protection and Welfare has filed a case to the Labour Court to assist Mr. Lung Long in claiming a total wage of 400,000 THB (13,289 USD) owed to him by the defendant. On 21 August 2018, the Central Labour Court (Nonthaburi Province) awarded the claim to Mr. Lung Long, but the defendant exercised the right to appeal which, on 13 December 2018, was dismissed by the Court of Appeal to Special Cases as unlawful and final.*

*In view of the defendant's noncompliance of the Court's order, on 13 September 2019, the Department of Labour Protection and Welfare requested for the Court to issue a writ of execution. The Central Labour Court considered the request and issued the writ of execution No. 1177/2561 on the confiscation of the defendant's assets for auction sales in order to pay for the 400,000 THB (13,289 USD) that the defendant owed to Mr. Lung Long.*

*Accordingly, MOL has coordinated with Stella Maris, which has been providing rehabilitation for Mr. Lung Long in Cambodia, in facilitating him or his representative(s) in investigating the property of the defendant and filing an application requesting the executing officer to seize the defendant's property in order to expedite the auction procedures. The money from the auction will be for the compensation and damages to Mr. Lung Long.*

### **Somalia Case**

*In 2018, MOL set up a situation room to expedite inter-agency coordination in assisting 32 Thai workers on a fishing vessel in the Somali waters to return to Thailand and in organising a multidisciplinary team to interview them at Bangkok International Airport. The interview concluded that none of the workers was victim of trafficking, but it also established that they were owed wages by their foreign employers / Thai recruitment agent.*

*MOL in collaboration with MFA, NGOs (Stella Maris and Human Rights and Development Foundation - HRDF) and SR Law Agency have been pursuing the case in claiming unpaid wages for the Thai workers. On 9 December 2019, a lawsuit was filed to the Central Labour Court for a claim of 6,565,029.26 THB (218,107 USD) in unpaid wages owed by the Thai recruitment agent.*

## **5.2 Port - in Port - out Control Centre (PIPO)**

The Department of Fisheries, in collaboration with related agencies such as the Maritime Enforcement Command Centre, Marine Department, Department of Labour Protection and Welfare, Department of Employment launched PIPO manual with updated information to ensure standard practice of all centres. Moreover, the Department of Fisheries has established work training and manual for PIPO officers, including work process, manual for PIPO officers, knowledge related to vessel inspection and training on collaborative work between PIPOs. Meanwhile, officers of the multidisciplinary team from Marine Department, Department of Labour Protection and Welfare and Department of Employment received regular trainings on vessel and labour inspection from their headquarters.

In order to enhance the capacity of the multidisciplinary team, Department of Fisheries, in collaboration with OceanMind, a not-for-profit organisation, launched training programmes to enhance capacity of relevant officers from Inspector in becoming Investigator. In addition, Training Needs Assessment (TNA) was also conducted from October to December 2019 to collect information for planning future trainings for PIPO officers.

## **5.3 Improving Inspection of Vessels at Sea**

In addition to PIPO Control Centres, the Department of Fisheries has established the Marine Fisheries Protection and Suppression Centre to coordinate inspection of vessels at sea with provincial offices of related agencies including Department of Employment, Department of Labour Protection and Welfare, Marine Department, Royal Thai Police, Department of Provincial Administration, Department of Fisheries, Department of Special Investigation and Thai Maritime Enforcement Command Centre in order to inspect vessels at sea.

In 2019, the Marine Fisheries Protection and Suppression Centre conducted 148 rounds of inspections at sea in 22 coastal provinces, covering 921 vessels inspection. A total of 57,504 fishery workers had their Seaman Books inspected and additional 13,162 fishery workers were inspected at sea. One case involving one vessel and one defendant has been found of unlawful practice and prosecuted for sailing without vessel signage as prescribed by Director-General of Fisheries, according to Emergency Decree on Fisheries (2015) Article 81(4).

## 5.4 Protection of Labour Rights along the Borders<sup>5</sup>

### 1) Labour Inspection at Borders

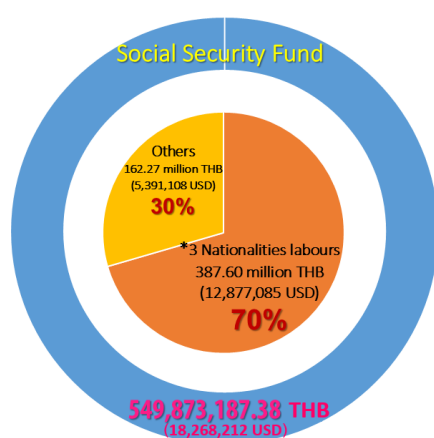
Stringent labour inspections were conducted on risk groups along the borders to prevent wrongdoings or treatments of workers including seasonal migrant workers that may not be in accordance with the Labour Protection Act. A total of 146 establishments in the risk group were inspected, covering 3,498 employees. Of this number, 71 establishments and 1,581 employees were found to be in violation of the law. Accordingly, ministerial orders were issued to 70 establishments and one establishment is being prosecuted. The most common types of violation were payment below minimum wage, wage payment without payroll, and unfulfilled legal regulations.

### 2) Protection of Rights and Benefits of Migrant Workers under Social Security System

Social Security Office (SSO) provides equal protection of rights and benefits to registered labours of all nationalities. In 2019, migrant workers received assistance from the Social Security Fund and Compensation Fund as follows:

- Social Security Fund (for sickness, injury, maternity, disability, death, child allowance, aging and unemployment): 549.87 million THB (18,268,212 USD) was paid to insured migrants, of which 387.60 million THB (12,877,085 USD) (70 percent) was received by migrant workers from Myanmar, Lao PDR and Cambodia.

**Diagram 21: Assistance received by migrant workers from social security fund**



**Cash Benefit of Foreign Labours From Social Security Fund**

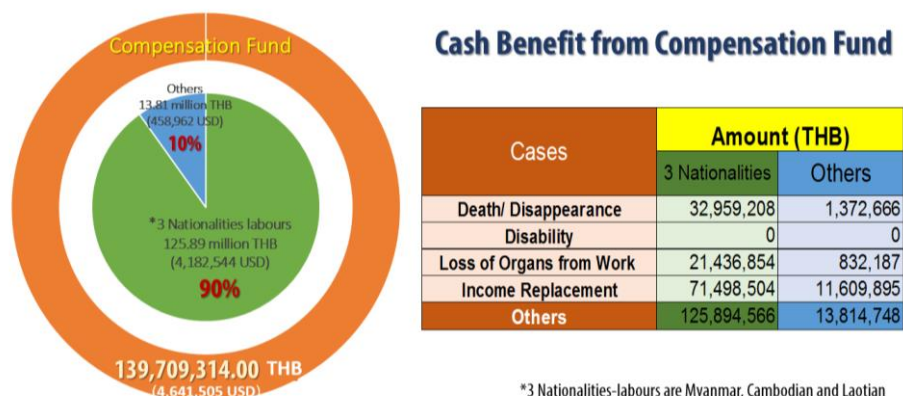
Cases	Amount (THB)	
	3 Nationalities	Others
Sickness/ Injury	36,805,564	9,271,470
Maternity	239,025,425	32,073,950
Disability	243,918	0
Death	14,010,950	5,136,208
Child Allowance	73,807,000	24,250,200
Aging	9,589,236	84,186,347
Unemployment	14,118,152	7,354,168
<b>Total</b>	<b>387,600,245</b>	<b>162,272,343</b>

\*3 Nationalities-labours are Myanmar, Cambodian and Laotian

<sup>5</sup> US' recommendation on inspecting employment locations in border regions with workers employed under border-employment arrangements for trafficking.

- Compensation Fund (for death/disappearance, disability, loss of organs from work and income replacement): 139.71 million THB (4,641,528 USD) was paid to insured migrant workers, of which 125.89 million THB (4,182,392 USD) (90 percent) was received by migrant workers from Myanmar, Lao PDR and Cambodia.

**Diagram 22: Assistance received by migrant workers from compensation fund**



Currently, the Social Security Act, B.E. 2533 (1990) excludes employees in agriculture, fishing, forestry and husbandry businesses, which do not use employees all year round and do not involve with other kind of work from its application. Nevertheless, these groups of workers are covered by the Compensation Fund. For seasonal migrant workers to be eligible for assistance under the Compensation Fund, they must have work permit in accordance with Article 64 of the Foreigners' Working Management Emergency Decree, B.E. 2560 (2017) and a passport or Certificate of Identity.

## 5.5 Enhancing the Efficiency of Law Enforcement Officers

### 1) Labour Inspectors

According to ILO's guideline, developing countries should have at least one labour inspector per 15,000 workers. In Thailand's case, there should be at least 1,467 labour inspectors for the country's 22 million workers. At present, Thailand has already archived this standard ratio; in 2019, there were 1,889 labour inspectors in total.

### 2) Capacity Building Activities

MOL continued to organise capacity building activities for labour inspectors, provincial labour officers, and officers of other government agencies (Ministry of Social Development and Human Security (MSDHS), the Royal Thai Police, the Royal Thai Navy, among others) related to anti-human trafficking. The goal was to enhance their capacity and efficiency in the prevention and suppression of forced labour and other forms of exploitation,

and in providing assistance to workers who are victims of human trafficking in Thailand and overseas. Examples of these efforts are as follows:

- on 22-24 May 2019, Department of Labour Protection and Welfare in collaboration with IOM conducted a training for 30 model lecturers on identifying and assisting labour trafficking and forced labour victims.

- on 27-31 May 2019, the Department of Employment, MOL organised a training for 190 labour inspectors from labour offices across Thailand to promote better understanding of relevant labour laws related to inspections of establishments and workers including the Foreigners' Working Management Emergency Decree, B.E. 2560 (2017) and its amendments.

- on 28-30 August 2019, Department of Labour Protection and Welfare conducted training for the total of 82 language coordinators to have clear understanding of Anti-human trafficking Act and Labour Protection Act, ILO participated as observant and advisor of the programmes.

- on 4-5 September 2019, the Office of the Permanent Secretary, MOL organised a workshop on enhancing efficiency of anti-labour trafficking for 120 officers of MOL and other anti-human trafficking government agencies and on 18-19 November 2019, a technical workshop on forced labour and labour trafficking, particularly the amended Anti-Human Trafficking Act B.E. 2551 (2008), was organised for 110 officers from 76 provincial labour offices.

- from September 2018 to August 2019, MSDHS hosted five training sessions across Thailand to enhance the effectiveness of multidisciplinary teams in identifying victims of trafficking, including forced labour in accordance with the amended Anti-Human Trafficking Act.

- on 14-15 November 2019, the Department of Employment hosted a seminar for 50 labour officers from Northeastern and Northern provinces and Bangkok to enhance their understanding and skills in identifying those who may impose risks on job seekers including human traffickers and unauthorised agents.



**Workshop on enhancing efficiency of anti-labour trafficking  
on 4-5 September 2019**



**Workshop on forced labour and labour trafficking for provincial labour offices  
on 18-19 November 2019**



**6. Anti-Trafficking in Women and Children**

The Royal Thai Government has implemented preventive measures against trafficking in women and children by raising awareness and conducting prostitution prevention campaigns as follows:

**6.1 Youth leaders training programme** was conducted for 842 youths from Children and Youth Council and 8 Women and Family Development Learning Centres to become youth leaders in setting up a White Ribbon Club in schools as part of surveillance network in preventing domestic violence, prostitution and unwanted pregnancy in teenagers in their respective hometowns.

**6.2 Trainings for children and youth on anti-human trafficking** were conducted for 621 children and youth from the Bangkok Children and Youth Council, Provincial Children and Youth Council and Children and Youth Network of 76 provinces. Creative media for children and youths titled “Anti-



Human Trafficking” was used as a tool for targeted groups to foster understanding and awareness on types and dangers of human trafficking in order for them to protect themselves and become part of anti-human trafficking surveillance network, reporting when coming across human trafficking cases or suspicious activities.

#### **Creative media for children and youth “Anti-Human Trafficking”**



**6.3 Trainings to develop community children protection networks** were conducted for 550 members of local communities, including government agencies, local administrative organisations, educational institutions, NGOs, volunteers and community leaders to monitor and prevent human trafficking as well as protect children at risk of exploitation.

**6.4 Career development programmes for women at risk** were held at 8 Women and Family Development Learning Centres across Thailand for 5,264 girls and women who did not have formal education, were unemployed, worked in the informal sector, or faced economic or social challenges. The goal was to help these women to have vocational skills in order to earn a living for themselves and their families, thus reducing their risks to human trafficking.

**6.5 Community groups for career development** were organised to support those, particularly women, who had economic and social difficulties, lacked access to government services or career alternatives or were disaster victims. The objective was to enable them to work in their community and have sufficient income to support themselves and their families. In this way, they do not have to migrate to other areas, therefore reducing their risks to human trafficking. Over 7,030 women participated in the programmes in 2019, of which 5,059 attended New Life for Women and Families Programme, 1,546 attended Occupational Group Activities and 425 attended Women Entrepreneurship Opportunity Programme.

**6.6 Provincial Protection and Career Development Committee** organised by Provincial Protection and Career Development Office, has created action plan to prevent and solve problems relating to prostitution in each province by coordinating with all sectors involved in the provincial network (public, private, NGOs, media, educational institutions and volunteers) under 4P measures which are Prevention, Protection, Prosecution, and Policy.

**6.7 MOU on Cooperation to Develop and Improve Job Training for Target Groups** between MHDSh, MOL, and Ministry of Digital Economy and Society was signed on 29 November 2019, to coordinate cooperation on career and skill development for women at risk of prostitution, abuse, poverty, teenage mothers and divorcees aged between 15-59, creating skill training programme with the use of technology by collectively setting the curriculum to improve job training to meet the standard and support the use of technology and experience exchanges from each agency's expertises for a better quality of life, income and effective self-care of the target groups.

**6.8 Awareness campaigns** were carried out to raise awareness among risk groups including seminars on anti-child prostitution by ATPD and awareness campaigns in schools of risk groups by TICAC Operation Team. The Office of the Attorney General, in cooperation with the private sector, also hosted the Young Executive Producer Contest, for student participants to present short films about human trafficking prevention. Both private and public sectors were encouraged to take part in the prevention of online pornography and sexual exploitation as well as promotion of communication channels for reporting human trafficking cases or suspicious activities. This resulted in 65 reports of cases especially through TICAC Operation Team and ATPD Facebook pages.



**6.9 Watch List and Black List** of people with history of child sexual abuse are regularly updated by the Immigration Bureau to prevent their entry into the Kingdom. Data in [Table 3](#) shows that Thailand continues to regularly coordinate and exchange information with foreign law enforcement agencies on child sexual offenders whom in turn were denied entry into the Kingdom and permission to stay in the country.

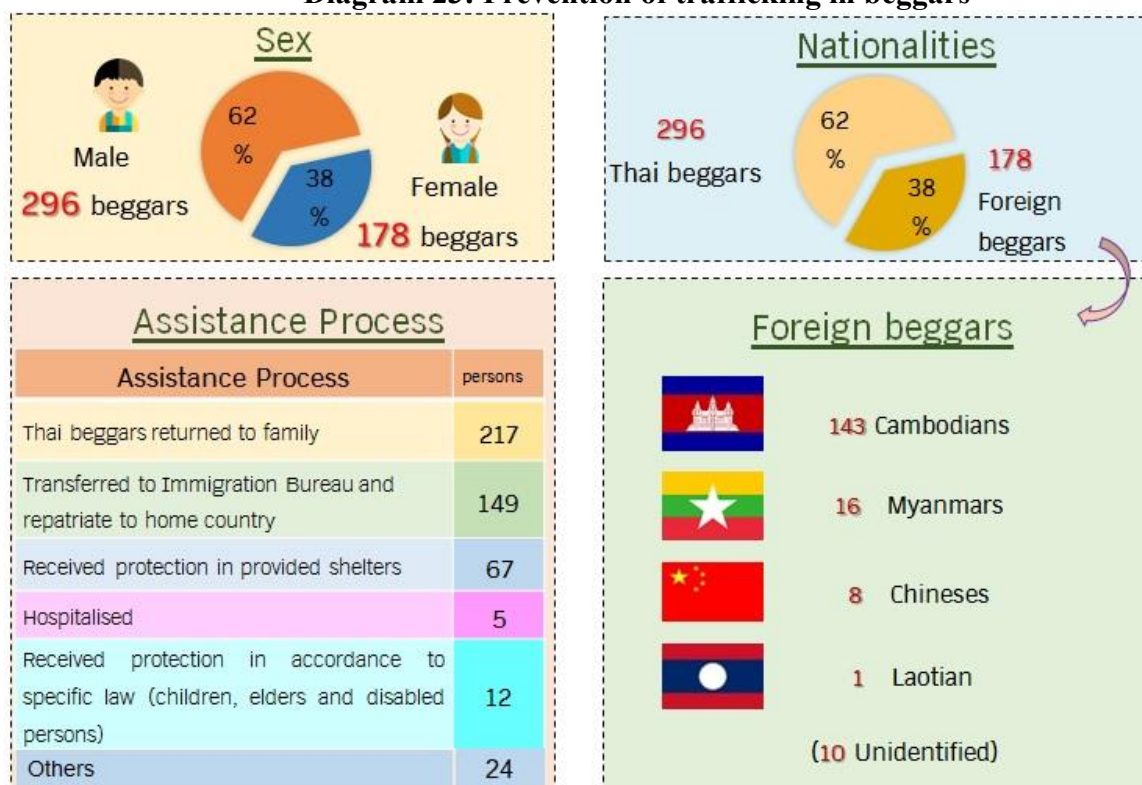
**Table 26: Actions against foreigners who have committed sexual abuse or harassment, or are issued foreign arrest warrants, or have committed human trafficking**

Year	Denied entry into the Kingdom	Permission to stay in the Kingdom cancelled	Information on persons involved with sexual offences received from different agencies
2016	2,450	40	04
2017	4,260	22	46
2018	040	454	62
2019	606	24	04
Total	0,464	215	426

## 7. Prevention of Trafficking in Beggars

MSDSH continued to regulate begging in efforts to prevent human trafficking and related forms of exploitation. In 2019, 474 beggars were identified. Details appear in [Diagram 23](#).

**Diagram 23: Prevention of trafficking in beggars**



### 7.1 Regulation of Begging

MSDHS has implemented legal and policy measures to prevent forced begging through enforcing the Beggar Control Act B.E. 2559 (2016) and its five ordinances. Such laws helped minimise the risk of forced begging by regulating begging, including registration process, screening beggars and identifying beggars from street talent performers. Other mechanism included the registration of street performers to prevent them from being criminalised. Street performers are regulated through issuance of a specific identity card.

In addition, the Action Plan for Beggar Control (2019-2021) has been implemented to better monitor and control begging in partnership with NGOs. For example, pilot projects on “Beggar-free Province” were launched in six provinces, namely, Singha Buri, Prachin Buri, Lamphun, Phatthalung, Buri Rum and Sukhothai.

## **7.2 Trainings**

Training programmes were conducted and guideline manual was formulated for law enforcement officers on how to enforce the Beggar Control Act. A total of 200 officers attended such training.

In addition, occupational and skill trainings were also provided to former beggars from vulnerable groups such as pregnant women, elders, people of mental illness or disability in order to make a living.

## **7.3 Public Campaigns and Trainings to Solve the Problems of Beggars**

Public Campaign on Illegal Begging under the concept of “Rethink before giving alms to beggars” was promoted through various channels. This campaign raised awareness on the downsides of offering money to beggars which in turn increases the incentives for exploitation and trafficking of people in need. Also, ‘Smart on Street’ Talent Performer Training Project was organised to develop and enhance abilities of 200 talent performers who registered for talent performers identity card, to present opportunities for them to perform in public areas, leading to job opportunities and income and preventing them from becoming beggars.

# **8. Enhancing Complaint Mechanism and Raising Public Awareness**

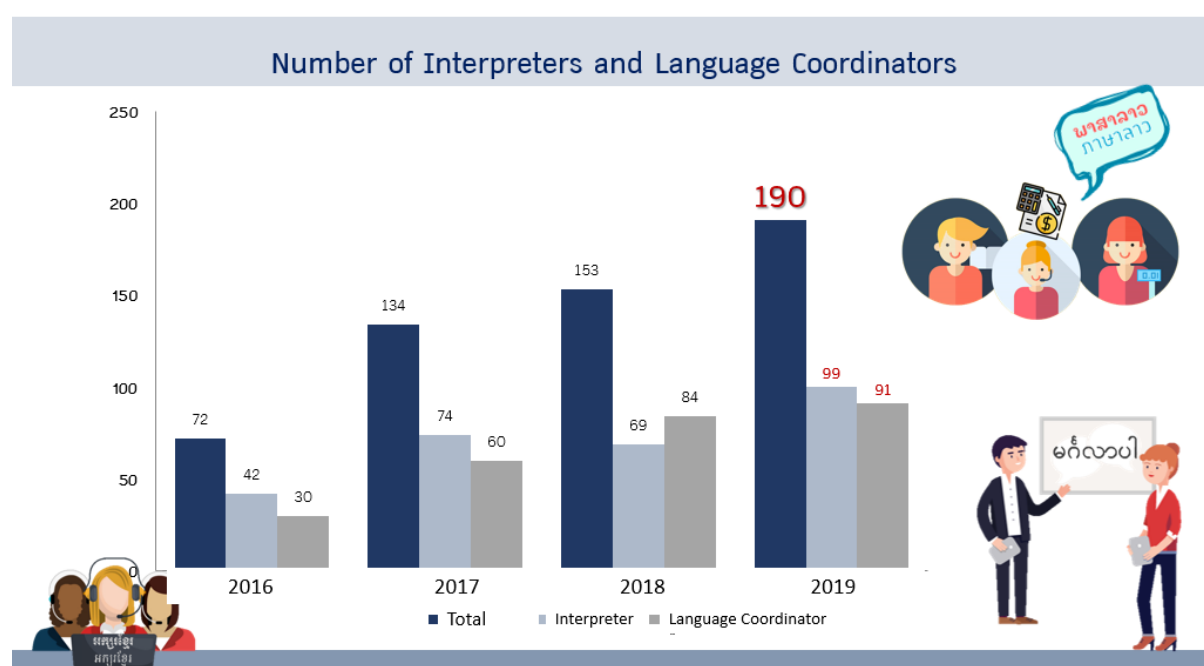
## **8.1 Foreign Language Interpreters and Coordinators**

MOL continued to increase the number of foreign languages (including Cambodian, English, and Myanmar) interpreters and coordinators to reduce language barrier between government officers and migrant workers. In 2019, MOL added foreign language interpreters and coordinators from 2018 by 24.18 percent amounting to 190 persons. Of this number, 99 persons were interpreters, increasing from 2018 by 30 persons (43.47 percent), and 91 persons were language coordinators, increasing from 2018 by 7 persons (8.33 percent).

Enhanced capacity has increased efficacy of MOL and other government officers in assisting migrant workers including in disseminating information

and campaigns, identifying and providing assistance to victims of forced labour and other forms of exploitation.

**Diagram 24: Number of interpreters and language coordinators**



## 8.2 Improving Hotlines and Complaint-receiving Mechanisms<sup>6</sup>

**1) Hotline No. 1506:** Operated by MOL, the phone number receives complaints and provide consultancy for Thai and foreign employers and employees. Interpretation services are also available in Myanmar, Cambodian, and English languages. In 2019, this call centre received complaints and provided assistance for 158,672 calls, of which 75,344 calls were related to employment and 83,328 calls were related to labour protection. Most common complaints concerned unpaid wages, employment termination, over-time wages, holidays and day-offs. Accordingly, MOL helped claim 27,013,245 THB (897,450 USD) in benefits for the employees.

A total of 363 cases of illegal migrant workers were lodged, leading to prosecution of 104 cases and fining of employers in 15 cases.

**2) Hotline No. 1300:** Operated by MSDHS through the Social Assistance Centre, in 2019 this call centre received information on 162 suspected human trafficking cases that involved 446 individuals (167 males and 276 females), increasing from 139 cases, involving 142 individuals in 2018. Of these cases, 133 cases were prostitution, 19 cases were forced labour cases,

<sup>6</sup> US' recommendation on consistently staffing government hotlines and shelters with interpreters.



six cases were forced begging, and four cases were commercial surrogacy. In 2019, 106 cases were referred to related authorities, including 28 cases to the Anti-Trafficking in Persons Division (ATPD) for further investigation.

### 8.3 Public Outreach Activities and Campaigns

In addition to enhancing capacity of officers and organisations in handling human trafficking cases, relevant agencies continued to organise public outreach activities and campaigns through various means. The goal was to educate and raise awareness of risk groups and general public on human trafficking and to protect them from falling prey to human traffickers, particularly those more vulnerable such as young children, women, and migrant workers. Examples of public outreach activities and campaigns in 2019 are as follows:

- Provincial Labour Offices in all provinces collaborated with their local networks in promoting information on preventing and suppressing human trafficking through various means and channels such as printed media, social media, exhibitions, local radio stations and knock-on-door campaigns. In addition, trainings were organised for 59,669 employers and employees to raise their awareness of forced labour, labour trafficking, and forced child labour.

#### Public outreach activities and campaigns



- Department of Labour Protection and Welfare produced 150,000 copies of pamphlets on the rights of employers and employees and the prevention of labour rights violation and forced labour. The pamphlets were prepared in 4 languages (Thai, Myanmar, Cambodian and Laotian) and were distributed to workplaces, government offices and other community areas.

- Ministry of Foreign Affairs produced a VDO clip on signs of trafficking in persons and ways to report human trafficking cases, particularly when abroad. The clip was prepared in Thai and English and was promoted through social media sites and public television programmes.

- MSDHS produced a VDO clip titled 'Chain' to raise awareness and discourage sex tourism. Done in four languages (Thai, English, Chinese and Japanese), the clip was shown on flights to Thailand, at airports and other transportation hubs. Another VDO clip titled 'Stop' was produced to raise awareness and prevent the vulnerable groups in working age from forced labour and services as well as encourage the general public to report human trafficking cases.

## **9. Enhancing Legal Frameworks in line with International Standards**

### **9.1 ILO Convention No. 98 – Right to Organise and Collective Bargaining Convention, 1949**

In February 2019, the Thai Cabinet approved the draft Labour Relations Act B.E..... Essential amendments include migrant workers' right to serve as committee members at labour unions. The draft Act is currently under the consideration by the Council of State, and is part of the Government's efforts toward ratifying ILO Convention No. 98.

### **9.2 Good Labour Practice, Thai Labour Standard, and T-Mark**

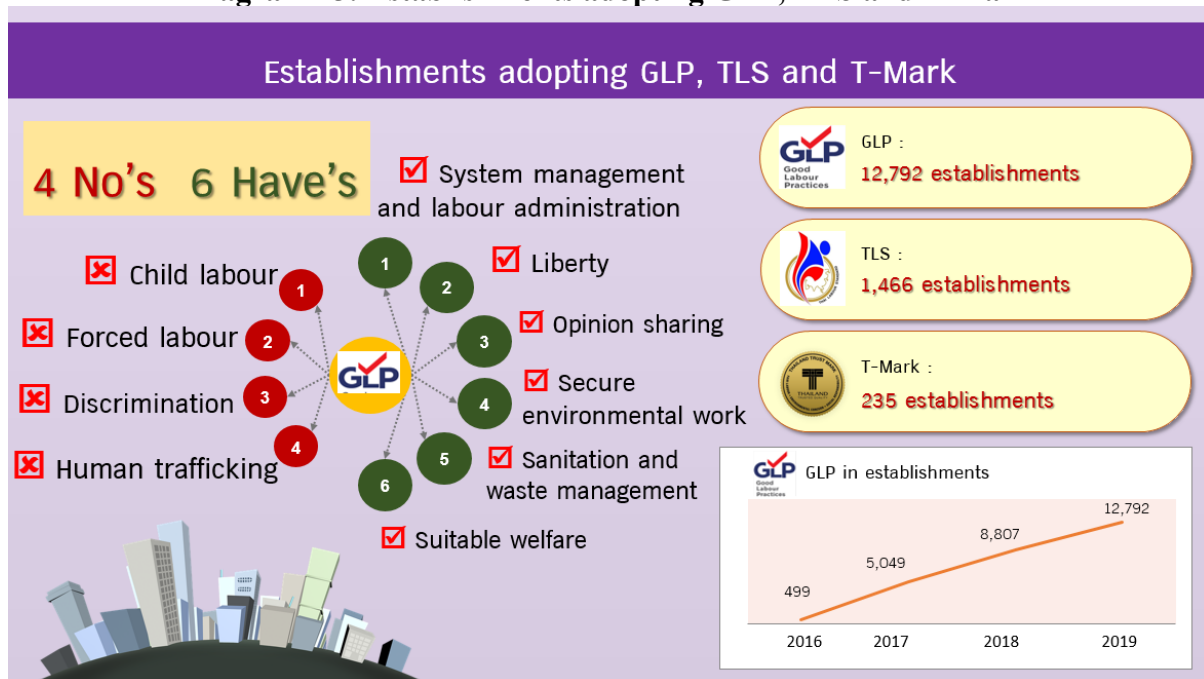
The Royal Thai Government formulated Guidelines on Good Labour Practice (GLP) to promote voluntary improvement of employment conditions and working environments by Thai businesses. In 2019, additional 3,440 Thai businesses have implemented the GLP, amounting to a total of 12,792 businesses that have adopted the guidelines.

In addition, the Thai Government continued to encourage Thai businesses to consider adopting the Thailand Labour Standard (TLS), whereby businesses volunteer to inspect and declare that their labour practices meet required standard including in the management system, the protection of labour rights in a way that would enhance the quality of life of the workers, promote sustainable business, and increase their competitiveness in international trade. To date, 1,466 Thai businesses have adopted TLS.

Furthermore, 235 businesses have received the Thailand Trust Mark (T-Mark) issued by the Ministry of Commerce for businesses that employ fair-labour policy.



**Diagram 25: Establishments adopting GLP, TLS and T-Mark**



## 10. International Cooperation

### 10.1 Academic Cooperation between MOL and ILO

**1) Ship to Shore Rights Project:** Funded by EU, this three-year (September 2016-July 2019) cooperation project with ILO aimed at enhancing protection of labours in fisheries and seafood processing industry and has been implemented in 22 coastal provinces of Thailand. Key successes of this project included Thailand's ratification of ILO Convention No. 29 on Forced Labour and No. 188 on Work on Fishing, and EU's lifting of Yellow Card on Thailand in recognition of the continued efforts and success in combatting IUU fishing and tackling forced labour in fisheries.

**2) Safe & Fair - Realising women worker's rights and opportunities in the ASEAN Region Project:** Funded by EU, this five-year (2018-2022) project with ILO and ASEAN countries focuses on stopping violence on women and children in ASEAN, especially migrant domestic helpers, through information campaigns on labour rights and raising public awareness on violence against women during migration with a view to promoting safe and fair migration in ASEAN.

**3) Responsible Supply Chains in Asia:** Funded by EU and OECD, this three-year (May 2017-December 2020) project is conducted by ILO in six countries in Asia including Thailand, focusing on promotion of the TLS and

GLP as guidelines for responsible businesses to eliminate trade barriers, increases competitiveness in trade, and creating a good image of the businesses.

### **10.2 Attaining Lasting Change for Better Enforcement of Labour and Criminal Law to Address Child Labour, Forced Labour and Human Trafficking Project (ATLAS) Project**

Funded by the U.S. Department of Labour, the five-year (2019-2023) ATLAS Project is conducted by Winlock International and focuses on cooperation on issues related to child labour, forced labour, and human trafficking through helping participating countries to develop related laws, strengthen law enforcement, and enhance collaboration among law enforcement and social protection agencies. Thailand is the pilot country of the project.

### **10.3 Thailand's Decent Work Country Program (DECP) for 2019 – 2021**

MOL implemented Decent Work Country Program in consultation with the tripartite and ILO in order to promote decent work and equality for all workers and uplift the standard in labour protection both for Thai and migrant workers, which is also consistent with the Thai Government's 20-year National Strategy and the 12<sup>th</sup> National Economic and Social Development Plan.

### **10.4 Centre of Post-Arrival Victims of Trafficking and Risk Group in Cambodia**

The project is a cooperation between Thailand and Cambodia in assisting victims of trafficking and risk group to human trafficking, where by Thailand has helped setting up a Centre of Post-Arrival in Poi Pet, Banteay Meanchey Province, Cambodia, to provide mental health rehabilitation and vocational trainings for victims of trafficking in order to assist them with the reintegration in Cambodia and the prevention from future human trafficking. The Centre is currently under the construction process. On 1-6 December 2019, Thailand conducted a study visit for Cambodia officers to learn about planning and management of the forthcoming Centre.

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## **Future Plan**

### **Prosecution**

1. Continue to strengthen coordination and information-sharing networks with Thailand's neighbouring countries (Cambodia, Lao PDR, Malaysia, and Myanmar) to enhance the efficacy in prosecuting human trafficking cases, and to promote further coordination with other countries of origin and destination related to combatting human trafficking.

2. Promote further cooperation between the Royal Thai Police and law enforcement agencies of other countries to enhance the investigation of human trafficking/forced labour cases that involve transnational criminal networks, and internet platforms including social media and chat programs that have servers outside Thailand, and to work with internet providers in combatting online child pornography and related crimes as well as enhancing the capacity of police officers in investigating and collecting digital evidence for those cases.

3. Collaborate with NGO partners in establishing international networks to provide protection and care for repatriated foreign victims of trafficking and to coordinate information sharing with countries of origin and destination for the purpose of investigation or prosecution of human trafficking cases.

4. Enhance the role of Thailand Anti-Trafficking in Person Task Force (TATIP) as coordinator in gathering information related to combatting international human trafficking, in view of the increasing number of cases involving transnational organised crimes.

5. Continue to develop more experts on anti-human trafficking to be attached to the Police Central Command in order to provide advice to implementing officers more expeditiously whenever requested.

### **Protection**

6. Study or conduct research on ways to support NGOs and other civil society organisations in registering private-run shelters to provide additional options for victims of human trafficking and foster multi-sectoral participation in the protection of victims.

7. Further develop "PROTECT-U" mobile application in other languages including Myanmar, Laotian, and Cambodian in order to enhance the protection for victims of human trafficking from neighbouring countries, add a feature that allows the person requesting for interpretation service to make direct contact with interpreters, and to follow up the requests made via the application.

8. Develop products made by victims of human trafficking to be more contemporary with customer appeal in order to generate more income for the victims.

9. Deepen international cooperation, particularly in the region, to provide more effective and harmonised protection and assistance for the maximum benefits of victims of human trafficking.

### **Prevention**

10. Continue to further improve relevant laws including the draft Labour Relations Act currently under the consideration of the Council of State in order to support Thailand's ratification of ILO Convention No. 98 on Right to Organise and Collective Bargaining.

11. Continue with strict law enforcement, especially in the offence of forced labour or services, in order to archive substantial outcomes in the prosecution of human trafficking cases and protection of victims of trafficking.

12. Develop a synchronised database of labour cases to enhance efficacy in the follow-up and verification of cases and in the policy-making related to labour inspection and protection.

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## List of Acronyms and Abbreviations

AAT	Alliance Anti-Traffic
ACC-SCPM	The Anti-Corruption Commission Solidarity Committee For the Protection Myanmar Migrant Workers
AMLO	Anti-Money Laundering Office
ASEAN	Association of Southeast Asian Nations
ATPD	Anti-Trafficking in Persons Division
CACs	Child Advocacy Centres
CP	Charoen Pokphand Group
CSOs	Civil Society Organisations
DECP	Decent Work Country Program
DSI	Department of Special Investigation
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
EU	European Union
FBI	Federal Bureau of Investigation
GLP	Good Labour Practice
HIS	Homeland Security Investigation
HRDF	Human Rights and Development Foundation
IDCs	Immigration Detention Centres
IDP	The Individual Development Plan
IJM	The International Justice Mission
ILO	International Labour Organisation
INL	International Narcotics and Law Enforcement Affairs
INTERPOL	International Criminal Police Organisation

IOM	International Organisation for Migration
IUU	Illegal, Unreported and Unregulated Fishing
JICA	Japan International Cooperation Agency
Lao PDR	Lao People's Democratic Republic
LPN	Labor Protection Network
MFA	Ministry of Foreign Affairs
MOL	Ministry of Labour
MOU	Memorandum of Understanding
MSDHS	Ministry of Social Development and Human Security
MWRN	Migrant Workers Rights Network
NGOs	Non-Governmental Organisations
OAG	Office of the Attorney General
OECD	Organisation for Economic Co-operation and Development
PACC	Public Sector Anti-Corruption Commission
PEOs	Provincial Employment Offices
PIPO	Port in - Port out Control Centre
ROK	Republic of Korea
SOPs	The Standard Operating Procedures
SSO	Social Security Office
TATIP	Thailand Anti-Trafficking in Person Taskforce
TBRI	Trust-Based Relational Interventions
TICAC	Thailand Internet Crimes Against Children Taskforce
TIPNET	Anti-human trafficking agencies
TLS	Thailand Labour Standard
T-Mark	Thailand Trust Mark

TNA	Training Needs Assessment
TOEA	Thailand Overseas Employment Administration
UAE	United Arab Emirates
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
YCO	Yaung Chi Oo Workers' Association

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