



## **Thailand's Efforts on Prevention and Suppression of Human Trafficking**

---

### **1. Background of Human Trafficking in Thailand**

As globalization creates many positive advances such as the progress of transportation, communication and capital flows, it also facilitates transnational organized crime which includes human trafficking at the same time. Poverty and the natural desire for a better life have made many women and children vulnerable to entrapment by traffickers. Certain social values and discriminatory practices in many societies also allow for the exploitation of women and children. Other contributing factors are lack of educational opportunity, occupational training, and access to social services; inadequacy of laws and law enforcement; growing demand for sexual services; and increasing supply of cheap women and child labor. Recognizing that human trafficking is a severe form of human rights violation, Thailand and international communities have showed greater concern on the issue and undertaken measures to prevent and tackle the problem.

Human trafficking is a modern form of slavery which has become a severe problem affecting not only Thailand, but also the world community at large. Forms of human trafficking include forced prostitution, exploitative labor, forced begging, and abduction for illegal purposes. Among victims of human trafficking, women and children are the most vulnerable to exploitation.

Thailand has been affected by human trafficking process in three scenarios: 1) as country of origin from which victims are sent to destination countries 2) as country of transit used as a channel for sending victims to other countries; and 3) as country of destination where victims from neighboring countries face exploitation and have their rights violated and abused. However, statistical data on cases of human trafficking have not been compiled and documented systematically. This is attributed to the fact that victims are often unwilling to disclose their identities and often refuse to file official complaints against traffickers due to influence of organized criminal groups. As a result, human trafficking remains an underground criminal enterprise that involves cross-border migration and transnational crime, with no precise statistics on the extent of the problem. However, the challenge of ascertaining the accurate number of human trafficking victims in a systematic way is an important one. According to the record of the Ministry of Social Development and Human Security (MSDHS) in 2007, 363 foreign trafficked victims have been received protection, assistance and shelter by the Ministry.

Over the years, Thailand has made significant efforts to prevent and fight against trafficking in persons particularly women and children through various measures. In August 2004, the Royal Thai Government demonstrated a strong political will in combating trafficking in persons by proclaiming the

fight against human trafficking as a top priority national agenda. Accordingly, a special budget of 100 million Baht (USD 3.2 million)<sup>1</sup> has been allocated for the recovery of victims of trafficking.

## **2. The National Agenda on Human Trafficking**

Since August 2004, combating trafficking in persons has been among top priorities on the national agenda. The specific policies announced include:

2.1 Capacity building for officials to improve their understanding on the nature of the problem to ensure the efficiency of the officials' anti-trafficking efforts;

2.2 Intelligence exchange among origin, transit and destination countries through several networks of cooperation;

2.3 Improvement and amendment of laws relating to human trafficking to make them more responsive to the changing situation. Appropriate legislation against human trafficking has been enforced with maximum transparency, with extensive and continuous training for police and officials about the legal frameworks and their applications in trafficking-related prosecution;

2.4 Campaigns to increase the public awareness of the problem and the provision of assistance to those at risk of falling prey to trafficking to inform them about options and opportunities to avoid falling victims to trafficking;

2.5 Remedy and rehabilitation with an initial fund to assist victims of trafficking and those afflicted by other social problems. A committee would be established to manage the fund, comprising representatives from both government agencies and NGOs to ensure transparency and oversight; and

2.6 Campaigns to eliminate the discriminatory attitudes in the society that stigmatize victims of human trafficking in order to facilitate their reintegration into communities.

The Thai government has made serious efforts in dealing with human trafficking for many years. However, due to the transnational and trans-border nature of the problem, cooperation by neighboring countries and other governments are also an important factor determining the success of these efforts. Victim assistance and safe repatriation are also a long-term and costly process that requires enormous national budgets and international cooperation.

---

<sup>1</sup> Average Interbank Exchange rates = 31.42 Baht/ US Dollar. (As of 18 April 2008)

### 3. Mechanisms

#### 3.1 The National Committee

As the Anti-Trafficking in Persons Act B.E. 2551 (2008) has enforced on 5 June 2008, there shall be two national committees namely,

1) An Anti-Trafficking in Persons Committee chaired by the Prime Minister. This committee has powers and duties as follows: a) to make recommendations to the Cabinet concerning the policy on prevention and suppression of trafficking in persons; b) to make recommendations to the Cabinet on the revision of laws, rules, regulations or the restructuring of any governmental agency responsible for the prevention and suppression of trafficking in person to enable a more effective implementation of this Act; and c) to lay down strategies and measures for the prevention and suppression of trafficking in person (d) to lay down rules, with the consent of the Ministry of Finance, concerning the receipt, payment, keeping, fund raising and the management of Fund; (e) to lay down rules concerning the report on financial status and the administration of the Fund for the purpose of implementing this Act.

2) A Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee chaired by a Deputy Prime Minister. It is responsible for preparing and monitoring the performance according to the operational and coordination plans of the agencies concerned; preparing and monitoring the implementation of plans and guidelines regarding the capacity building for personnel responsible for prevention and suppression of trafficking in persons; and preparing and monitoring the implementation plans under this Act with a view to achieve the highest efficiency of law enforcement and to be in line with the law on anti-money laundering, the law on the national counter corruption and any other related laws, including international obligations.

#### 3.2 The Operation Center on Human Trafficking

The Cabinet Resolution on 14 June 2005 approved the establishment of the Operation Center on Human Trafficking at 3 levels - the provincial, national and international. The main functions of this center are to coordinate the concerned organizations among the public sector, the private sector and communities, to protect and assist victims of trafficking and to develop the policy, campaign and information in this matter. The members of the center committee include experts and representatives from relevant government, non-government organizations and international organizations.

The Ministry of Social Development and Human Security established 75 Provincial Operational Centers on anti-human trafficking throughout the country. In fiscal year 2007, the Royal Thai Government allocated a budget of more than 30 million baht to these centers to implement preventive measures against human trafficking. A capacity-building workshop

(5)

was organized during 14-15 May 2007 to allow these implementing officials to exchange information and to develop a common understanding on the complex issue.

#### **4. National Policy and Plan**

The National Policy and Plan on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women (2005-2010) was approved by the Cabinet on 1 July 2003. It serves as guideline for both government and non-government agencies to cooperate in combating human trafficking. This plan also supports policies and mechanisms at all levels; communities, provincial, national and international levels, related to prevention, suppression, assistance and protection, recovery and reintegration and the establishment of mechanisms for effective policy implementation, in compliance with the related laws, conventions, protocols, and declarations.

The Ministry of Social Development and Human Security has translated the national plan into action which included capacity building programs for implementing officials. Additionally, the Ministry has recently developed a set of indicators and baseline information on human trafficking in order to monitor and evaluate in according with this plan.

At the provincial level, MSDHS has organized the workshops to develop provincial plan of action by providing the technical support and suggestions for initiating the projects and activities with the Nation Plan. At present, there are 4 regional action plans, which cover 9 Northern provinces, 19 Northeastern provinces and 8 Eastern provinces, and 14 Southern provinces.

#### **5. Preventive Measures**

Capacity building has been conducted in the form of workshops, seminars and training programs for the executives and multidisciplinary teams of practitioners that consist of police officers, immigration officers, attorneys, judges, social workers, psychologists, physicians, military officers, and staff members from non-government and local administrative organizations. In 2007, MSDHS held five capacity-building workshops for the multidisciplinary team. These programs are aimed at improving the understanding and skills of these officers and to inculcate appropriate attitude and norms in treatment of victims, particularly female and children victims.

The Royal Thai Government through various relevant organizations has also launched several campaigns through the mass media such as radio, television, publications and electronic media to raise awareness among all related sectors and to call for public cooperation in fighting against human trafficking. The objective of the campaigns is to increase the respect for human rights, particularly children's and women's rights, awareness about gender equality, and knowledge about human trafficking and gender-related laws. In

line with these goals, a Center for Family Development was established to be mechanisms and watch group in each community, to alleviate the problem on human rights violation and violence against women and children, and to eliminate human trafficking.

Thailand also promotes information exchange and sets up of a database system on human trafficking. The database helps in monitoring trends, facilitating information exchange, guiding the development of policies and procedures, and coordinating appropriate support services for victims at the national and international level. At present, the Thai government is conducting a study to improve existing databases to develop a better template on human trafficking cases.

The government also supports vocational training, job placement programs, capital acquisition and lending, and the setting up of income-generating groups at the local level to prevent the disadvantaged groups from falling victims to human trafficking. Governmental support services are provided on an equal basis to victims in such areas as healthcare, formal and informal education, and scholarships.

## **6. Prosecution (Laws and Law Enforcement)**

### **6.1 Laws**

The Government has in place several laws to incriminate human trafficking activities and offences.

- the Prevention and Suppression of Prostitution Act 1996,
- the Penal Code Amendment Act 1997,
- the Criminal Procedure Amendment Act 1997,
- the Anti-Money Laundering Act 1999, and
- the Child Protection Act 2003

These legislations allow for the imposition of severe penalties on people who are guilty of charges relating to prostitution, exploitative labor, forced begging and other inhumane acts. In order to modify and improve the judicial system's effectiveness in prosecuting traffickers, the National Legislative Assembly (NLA) passed a new law entitled the Anti-Trafficking in Persons Act B.E. 2551 (2008) that provides a comprehensive coverage in addressing the issue of human trafficking.

This Act, which has been fully enforced on 5 June 2008, gives a broad definition of "exploitation" to cover sexual exploitation, production and distribution of pornography, other forms of sexual exploitation, slavery, forced begging, forced labor, trade in organs, or other similar forms of exploitation regardless of consent being given or not. It also applies to everyone on an equal basis, not only women and children. The key elements of the Act are:

- 1) Heavier penalties on all offenders involved in human trafficking,
- 2) Victims may claim compensation from the offenders for any damages caused by human trafficking, and
- 3) Victims will be provided with shelter and other necessities including physical, psycho-social, legal, educational and healthcare assistance.

The Act also stipulated that a Fund be established to support the prevention and suppression of human trafficking as well as welfare protection for trafficked victims. The Fund will draw upon the annual budgets of the government, funding from inter-governmental and international organization, donations from the private sector and confiscated assets of trafficking offenders.

As the Act also covers the protection of and assistance for male trafficked victims, the Ministry has assigned the Pak Kret Reception Home for Boys in Nonthaburi Province as focal point for the protection and development of service systems designed specifically for the needs of male victims.

Moreover, the Office of the Attorney General is in the process of drafting the Prevention and Suppression of Transnational Crime Act, the contents of which are in accordance with the UN Convention against Transnational Organized Crime.

## 6.2 MOUs at the national level

Thailand has initiated domestic Memorandums of Understanding (MOUs) related to human trafficking to ensure effective coordination and implementation in accordance with relevant legislations and policies. The MOUs provide a set of clear guidelines on operational coordination and action among agencies responsible for assisting both Thai and foreign victims, from fact finding, prosecution, rehabilitation to repatriation and reintegration. The domestic MOUs are as follows:

- 1) MOU on Common Guidelines and Practices for Government Agencies Concerned with Cases of Trafficking in Women and Children (2<sup>nd</sup> Issue) B.E. 2546 (2003),
- 2) MOU on the Procedural Cooperation between Government and Non-Government Agencies Working with Cases of Trafficking in Women and Children B.E. 2546 (2003),
- 3) MOU on the Operational Guidelines of Non-Governmental Agencies Concerned with Cases of Trafficking in Women and Children B.E. 2546 (2003),
- 4) MOU on Common Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Women and Children in the Seventeen Northern Provinces B.E.2550 (2007),

5) MOU on Common Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Women and Children in the Eight Eastern Provinces B.E. 2549 (2006),

6) MOU on Common Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Women and Children in the Nineteen Northeastern Provinces B.E. 2549 (2006),

7) MOU on Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Persons in the Six Southwestern Provinces B.E. 2550 (2007),

8) MOU on Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Persons in the Eight Southeastern Provinces B.E. 2550 (2007),

9) MOU on Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Persons in the Nine Lower Central Provinces B.E. 2551 (2008)

10) MOU on Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Persons in the Eight Upper Central Provinces B.E. 2551 (2008)

11) Operational Guideline on the Prevention, Suppression, Assistance and Protection of Trafficked Persons for Labor Purposes, signed on 30 April 2008.

### **6.3 Human Trafficking Prosecution Cases**

The Children Juveniles and Women Division of the Royal Thai Police compiled statistics on human trafficking criminal arrests that were adjudicated between October 2006 – July 2007.

	Month	No. of Cases	No. of Persons
1.	Oct. 2006	2	2
2.	Nov. 2006	4	4
3.	Dec. 2006	3	3
4.	Jan. 2007	19	21
5.	Feb. 2007	5	15
6.	Mar. 2007	17	17
7.	Apr. 2007	21	21
8.	May 2007	17	17
9.	June 2007	6	6
10.	July 2007	6	6
Total		100	112

## **7. Protection and Recovery**

Regarding to the protection and recovery, the government has implemented with the best efforts by the following activities.

1) Establishing of 96 temporary shelters and 7 appropriate welfare homes to provide assistance to both Thai and non-Thai victims of trafficking. Baan Kredtrakarn Protection and Occupational Development Center is one among the welfare homes that has been widely recognized by anti-trafficking organizations as performing good practices. It has recently been developed to be an exemplary learning center in the region for its holistic assistance to victims of trafficking. Other services provided to trafficked women and children by the government include basic necessities, education, vocational training, physical and psychological recovery, telephone counseling (at phone number 1300), etc. In addition, the government ensures that all victims are considered and treated as victims, not criminals.

2) Enhancing the capacity of Thai embassies and consulates when Thai women and children are found in exploitative labor and commercial sex abroad. In 2005, for instance, police officers and social workers were posted at the Royal Thai Embassy in Japan for one month to set up a system that would help protect and assist trafficking victims more effectively.

3) Strengthening networking with related government and non-government agencies, international organization as well as individual volunteers to assist and protect the rights of trafficked women and children. At present, the country has its networks in 7 destination countries, i.e., Denmark, The Netherlands, France, Germany, Switzerland, Australia and Japan.

4) Providing a definition of "victim of trafficking in persons", and developing a preliminary check list with criteria of trafficked persons so that relevant authorities, police investigators in particular, can rapidly and accurately identify the distinctions between victims and offenders of human trafficking

5) On June 14, 2005, the Cabinet approved the Resolution on the criteria and procedures in assisting non-Thai victims of human trafficking who have residence in Thailand. The criteria for assistance can be divided into 2 types :

a. victims who do not have the Certificate of Residence or Certificate of Identity; and

b. victims who do not have the Certificate, but there is convincing evidence that they have had residence in Thailand. In this case, the Royal Thai Embassy in conjunction with labor or national security office will work together on assisting the non-Thai victims back into Thailand with approval from the Ministry of Interior without further approval from the Cabinet. The national status of the victims will remain unchanged.

6) Protecting and sheltering 363 foreign women and children victims of human trafficking in 2007. Of this number, there are 80 Cambodians, 69 Myanmars, 209 Laotians, 3 Vietnamese 1 Chinese and 2 other nationalities. (as of December 31, 2007)



## **8. Repatriation and Reintegration**

The Thai Government has coordinated with relevant government agencies, non-government organizations, international organizations and Thai embassies overseas to provide shelters and appropriate physical, psycho-social, legal, educational, and health-care assistance to victims, including –

- ensuring safe return of trafficked persons to their countries of origin
- facilitating the successful recovery and reintegration of trafficked persons with follow-up and monitoring programs to prevent them from being re-trafficked
- providing victims of human trafficking with vocational training programs to enhance opportunity of alternative means of their livelihood

Thailand has sought to develop effective procedures, both formal and informal, for safe and effective victim repatriation. Repatriation programs have been arranged with Cambodia, Lao PDR, Myanmar, and Yunnan Province of China.

## **9. Regional and International Cooperation**

9.1 The Thai Government is serious about strengthening cooperation against human trafficking through bilateral and multilateral agreements among countries in the Mekong Sub-region, which is susceptible to human trafficking. The following four bilateral and multilateral MOUs have been signed:

1) MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victim of Trafficking, done on 31 May B.E. 2546 (2003). This MOU leads to formulating the cooperation projects in 3 areas; 1) return and reintegration, 2) prosecution process guidelines and 3) information sharing.

2) MOU between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, Especially Women and Children, signed on 31 July B.E. 2548 (2005). Accordingly, Laos and Thailand endorsed the Bilateral Action Plan and Guidelines on Procedures of Victim Return and Victim Rehabilitation especially women and children on 6-8 February 2006. Thailand organized the Workshop for Laos-Thai Border Officials in order to improve their knowledge and understanding over human trafficking problem concerned, held on 13-14 September 2006 in Ubon Ratchathani Province.

3) Agreement between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking, signed on 24 March B.E. 2551

(2008). According to the Bilateral Agreement, Vietnam and Thailand have developed the Action Plan (2008-2009) which includes five issues, namely 1) Situation analysis, 2) Implementation of Joint Action Plan, 3) Cooperation in prevention, 4) Cooperation in protection return, and reintegration and 5) Cooperation in investigation and apprehension of perpetrators.

4) MOU on Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) signed on 29 October B.E. 2547 (2004). Member countries reviewed the outcomes from the first Sub-regional Plan of Action (SPA) 2005-2007 and endorsed the second SPA 2008-2010 which focuses on seven areas namely; (1) Training and Capacity Building, (2) National Plans of Action, (3) Multi-Sectoral and Bilateral Partnerships, (4) Legal Frameworks, Law Enforcement and Justice, (5) Victim Identification, Protection, Recovery and Reintegration, (6) Preventive Measures, and (7) Cooperation with Tourism Sector. Member countries will translate the SPA into their national working plans.

5) MOU between the Ministry of Social Development and Human Security and the International Organization for Migration on Cooperation to Prevent Trafficking in Persons and to Assist Vulnerable Persons in Risk of being Trafficked, signed on 3 August B.E. 2550 (2007).

9.2 Thailand is in the process of initiating similar bilateral MOUs with Myanmar (during the negotiation process), China and Japan. In 2006, a Joint Task Force on Counter Trafficking in Persons between Thailand and Japan was established and the two countries are reviewing the draft Standard of Procedures on Protection, Assistance, Repatriation and Reintegration of Victim of Trafficking in Persons.

9.3 The Thai government in cooperation with the United Nations on Drugs and Crime (UNODC) implemented a Security Promotion Project for the Border Liaison Officer (BLO) in East Asia (Project I61). The objective of this project is to strengthen the capacity of BLOs responsible for coordinating cooperation between China, Cambodia, Lao PDR, Myanmar, Vietnam and Thailand in combating against drugs and human trafficking, with pilot projects in Chiang Rai, Tak and Ranong Provinces. On 7-8 November 2007, UNODC and the Ministry of Social Development and Human Security held a workshop on "BLO Cooperation to Prevent and Suppress Human Trafficking in the Bordering Areas" for officers in the pilot project to exchange information on human trafficking and to formulate a plan of action.

9.4 Thailand and the Organization for Security and Cooperation in Europe (OSCE) also have cooperation on new security issues such as trans-boundary and trans-regional problem, including trafficking in human beings. Thailand and the OSCE co-organized the OSCE-Thailand Conference on the Human Dimension of Security in June 2002 in Bangkok. Human trafficking was one of the major issues discussed. Thailand and the OSCE also hosted a

Conference on "Sharing of Experiences in Combating Trafficking in Human Beings: Opportunities for Cooperation" in Bangkok on 16-17 June 2005.

9.5 Other fora of regional cooperation in which Thailand is involved include the Ayeyawade-Chao Praya-Mekong Economic Cooperation Strategy (ACMECS) initiated by Thailand. ACMECS was aimed primarily at addressing the root causes of problems arising from economic disparities among some of Thailand's neighboring countries. Areas of cooperation include human trafficking. The economic and employment opportunities created by this cooperation strategy are helping to address the root causes of human trafficking.

9.6 The Friends of Helsinki Process (FHP), formed in 2005, is the government track of the original initiative and has acted as "sounding board" for road map proposals. The FHP consists of 14 countries (Algeria, Brazil, Canada, Egypt, Finland, Hungary, India, Malaysia, Mexico, South Africa, Spain, Tanzania, United Kingdom and Thailand). In implementing these roadmap proposals, FHP cooperates with other governments and stakeholders. Thailand is the facilitator of the FHP's roadmap proposal on anti-human trafficking and hosted the "Friends of the Helsinki Process Workshop on Human Trafficking: Enhancing Multi-stakeholders Partnerships and International Cooperation" in Chiang Mai, Thailand on 22-23 February 2007. The workshop consists of three thematic discussions, namely, (1) How to enhance national capacity to identify victims of human trafficking, with respect to protection and promotion of individuals' human rights and human security; (2) Sharing national experiences in the development and effective implementation of national plans of action on anti-human trafficking; and (3) Enhancement of regional and international cooperation.

9.7 In an effort to assist victims of human trafficking who are illegal immigrants responded the request from Cambodia's Ministry of Social Affairs, Veterans and Youth Rehabilitation for funds and assistance in setting up the Transit and Reception Center for Victims of Trafficking and Other Vulnerable Groups in Poi Pet, Banteay Manchey Province and another one in Koh Kong Province, Cambodia. Thailand's Ministry of Social Development and Human Security and Cambodia's Ministry of Social Affairs, Veterans and Youth Rehabilitation have been designated as responsible national agencies.

9.8 The Children Juveniles and Women Division, Royal Thai Police has reported that Thailand has Mutual Legal Assistance Treaties with 7 countries to prosecute criminals or victims of human trafficking of a third country that is somehow involved in this crime as follows: USA (June 10, 1993), Canada (Oct 3, 1994), United Kingdom (Sept. 10, 1997), France (June 1, 2000), Norway (Sept. 22, 2000), China (Feb. 20, 2005), and Republic of Korea (Apr. 6, 2005).

## 10. Human Trafficking Victim Assistance

In 2007, the Department of Social Development and Welfare provided assistances to 179 Thai trafficked Victims in the following countries:

Statistics of Thai Trafficked Victims Assisted by the Department of Social Development and Welfare		
	Countries	Jan.-Dec. 2007
1.	Bahrain	111
2.	South Africa	31
3.	Japan	13
4.	Sri Lanka	13
5.	Singapore	4
6.	United Kingdom	1
7.	Hong Kong	1
8.	Germany	1
9.	Poland	2
10.	Indonesia	1
11.	Egypt	1
Total		179

Statistics from the Bureau of Anti-trafficking in Women and Children,  
Department of Social Development and Welfare, Ministry of Social  
Development and Human Security, Thailand, December 2007

.....

Ministry of Social Development and Human Security  
National Operation Center on Prevention and Suppression of Human Trafficking

July 2008