

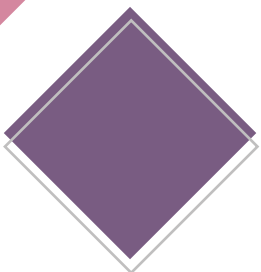


# Thailand's Country Report

on Anti-Human Trafficking Response

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**2021**





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2021



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# Executive Summary



# Executive Summary

Combatting trafficking in persons continued to be among the Royal Thai Government's top priorities and national agenda. In this regard, the Government increased its allocation of budget with a 10.69 percent increase in 2021 compared to the previous year, higher than the average budget increase at 8.64 percent per year during the past five years, amounting to a total budget of THB 4,460.55 million (USD 135.17 million). The purpose was to ensure continuing, systematic and effective efforts against all forms of human trafficking, particularly in proactively prosecuting the offenders and complicit officials and providing appropriate protection and assistance to victims as well as preventing vulnerable groups at risk from falling victims to human trafficking. None of the budget was re-purposed or affected by the COVID-19 pandemic.

**Prosecution** – While the COVID-19 pandemic resulted in an overall decline of crime rates, including trafficking in persons, it also led to the changing nature of human trafficking activities, particularly on online platforms, such as online sex trafficking, online child sexual exploitation and abusive material, and false online job advertisement and recruitment. In 2021, a total of 188 human trafficking cases were initiated, increasing from 133 cases in 2020 by 41.35 percent. Out of this number, 107 cases were online human trafficking cases, increasing by 189.19 percent from the year 2020, while labour-related cases also increased to 33 cases or 135.71 percent when compared to the previous year.

A total of 356 suspected human trafficking offenders were arrested, increasing by 89.36 percent. Severe sentences continued to be handed down to the offenders, with 84.28 percent of offenders sentenced to the imprisonment terms of five years or more.

Strong efforts were made to improve capacity in victim identification through the deployment of special teams/taskforces of specialist officials from the headquarters to support MDTs and local officials, continued capacity-building trainings, and close collaboration between officials and NGO partners. The Department of Special Investigation (DSI) also established the Human Trafficking Victim Identification Centre to provide appropriate accommodation and services during the reflection period and victim identification interviews.

To improve capacity in prosecuting labour traffickers, the Office of Attorney General (OAG) conducted analysis of previous cases and developed an e-book of best practice guidelines for effective prosecution with victim-centred approach as a reference manual for prosecutors and relevant agencies. In 2021, the Royal Thai Police (RTP) started prosecuting forced labour and services cases under Section 6/1 of the Anti-Trafficking in Persons Act. Victim identification process was conducted for 17 potential victims – all of them were identified as human trafficking victims.

The Government proactively investigated and prosecuted officials allegedly complicit in facilitating human trafficking. In 2021, there were 17 alleged complicit officials currently going through process of criminal prosecution and disciplinary actions. An amendment to the Regulations on Management Measures in Preventing Official Complicity in Human Trafficking was approved to broaden its jurisdiction to cover the act of facilitating illegal entries into the Kingdom without permission under immigration law.

Partnership between law enforcement, relevant agencies, and NGOs continued to be further enhanced and contributed to progress in prosecution with NGO partners becoming co-attorneys for 67 victims in 18 cases supported by financial contribution from relevant funds from the Ministry of Social Development and Human Security (MSDHS) and Ministry of Justice (MOJ) as well as NGO partners. The Coordination Centre for Trafficking Victim (CCTV) was established to enhance coordination between relevant agencies and civil society partners in victim assistance and protection domestically and internationally.

Efforts continued to be made to enhance the capacity of law enforcement officers, particularly to improve victim identification and prosecution of human trafficking and forced labour cases with victim-centric and trauma-informed approaches. Training and capacity-building workshops were held for more than 340 law enforcement officers, 341 public prosecutors, and 114 judges.

**Protection** – The Government remained committed to providing assistance and protection to victims of human trafficking and forced labour or services with an emphasis on victim-centred and trauma-informed care approaches, as well as best interest determination (BID), gender equality and non-discrimination principles.

In 2021, a total of 148 victims were admitted to shelters. The implementation of the MSDHS' Happy Shelter Policy ensured that all victims were cared for through a trauma-informed care approach, using Victim Care Plan/ Individual Development Plan (IDP) catered to victims' individual needs and interests.

Victims residing in the shelters, especially adults, had the ability to move freely in and out of shelters, including to seek opportunities for outside employment. Victims also had access to communication devices and wi-fi service to contact their families, follow the news, and for entertainment purposes. Currently, 13 foreign victims were able to work outside. Job opportunities in the shelters were also available for victims to earn income.

The average length of stay of a victim in the shelters decreased from 158 days in 2020 to 143 days in 2021. This was a direct result of the effectiveness of prosecution process and periodic reassessment of victims' readiness for reintegration to ensure victims were not required to remain in the shelters longer than necessary.

Partnership with NGOs were significantly enhanced, including in arranging activities and providing services to victims in order to build trust and confidence among victims. Efforts were made through partnerships between MDTs, public prosecutors, and NGOs to prepare victims for court proceedings, focusing on a victim-friendly approach. The MSDHS also trained shelter officers to become case managers. A manual on the rights of victims and defendants was developed and translated into 5 languages to create awareness among victims.

In 2021, the Courts ordered a greater total of financial remedies and compensation to victims with a 123.9 percent increase compared to the year 2020. Similarly, an average expense on witness protection service for each victim in 2021 increased by 244.7 percent comparing to the previous year, ensuring better protection and services for victims.

Progress continued to be made to develop the National Referral Mechanism (NRM) and improve the implementation of the reflection period.

**Prevention** - Preventive measures continued to be proactively carried out to ensure that vulnerable groups at risk would not become victims of human trafficking and forced labour.

Efforts continued to be made in preventing labour trafficking, especially during the COVID-19 pandemic, through the migrant workers management scheme. Measures were implemented to assist migrant workers from Cambodia, Lao PDR, and Myanmar to continue to work and stay in the Kingdom legally, to ensure access to protection and necessary services, legal benefits and protection. A total of 2,328,409 migrant workers were assisted under these measures that would also reduce their vulnerability to human trafficking.

The Ministry of Labour (MOL) conducted labour and welfare inspections of 91,543 employers and business establishments, covering a total of 1,902,579 workers of all nationalities, in order to ensure compliance with labour laws and regulations, including enforcing regular payment of wages, rights of employees, and other relevant requirements. The Department of Fisheries and Port-in Port-out Control Centres (PIPO) also proactively inspected 44,496 vessels at ports and at sea, covering 557,544 fishery workers, ensuring their rights and protection in accordance with the law.

Complaints mechanisms and channels were upgraded with 126 interpreters employed by the MOL. Additional interpreters will also be hired to be stationed at 10 Migrant Workers Assistance Centres across the country.

Capacity-building trainings, seminars, and workshops were regularly conducted for labour inspectors, provincial labour officers, and other relevant officers to promote knowledge and skills in labour inspection with total of 1,703 participants.

Proactive anti-human trafficking awareness campaigns were carried out both for the general public and vulnerable groups, such as students and workers, including in the informal sectors, covering more than 5,000 participants. Vigorous awareness campaigned activities and campaigns to prevent online child sexual exploitation were organised and received great attention from the wider public.



## Prosecution

While the COVID-19 situation and restrictive measures to control the disease still contributed to the overall decline of crime rates in 2021, including trafficking in persons, new forms of human trafficking continued to emerge and threaten the safety and security of vulnerable groups. The different forms of trafficking in persons on online platforms have multiplied, such as online prostitution, online child sexual exploitation, and false online job advertisements and recruitments for workers. In addition, the flow of illegal migrants, particularly along the Thailand-Myanmar border, presented challenges and risks to these vulnerable groups to fall prey to human trafficking.

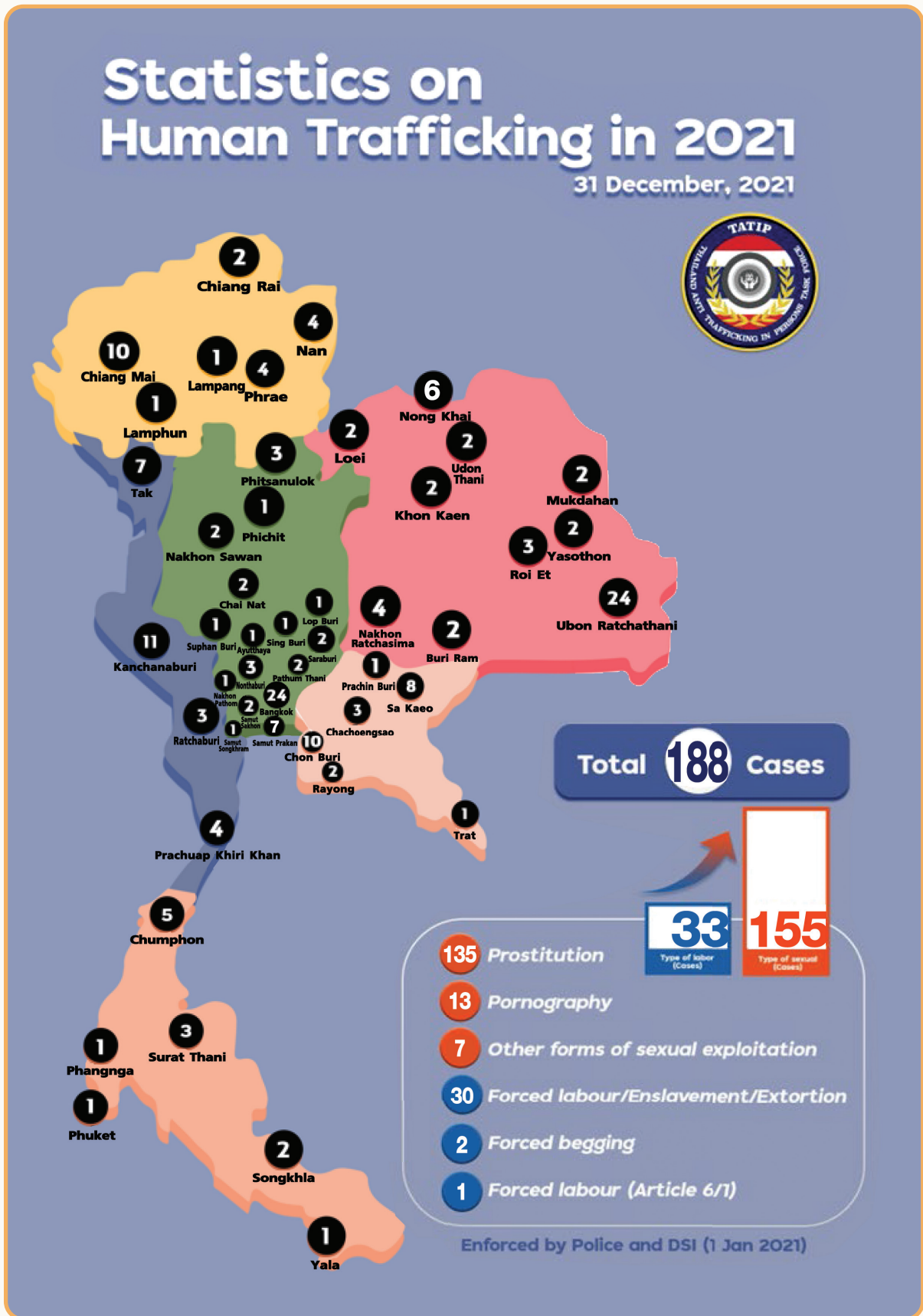
In response to such challenges, the Royal Thai Government has proactively adapted to the changing nature of human trafficking and devised concrete measures to tackle them. Significant efforts were made to enhance overall law enforcement capacity and standards, including online trafficking investigation and prosecution as well as victim identification and other improvements in line with the 2021 TIP Report's prioritised recommendations. In particular, since the reopening of the border on 1 November 2021 with increased flows of both inbound migrant workers and outbound Thai workers, additional progress was made to integrate the work of relevant agencies and enhance partnerships with NGOs in order to ensure effective monitoring of safety and rescue of victims while prosecuting offenders and their associates.

### Key Achievements in 2021

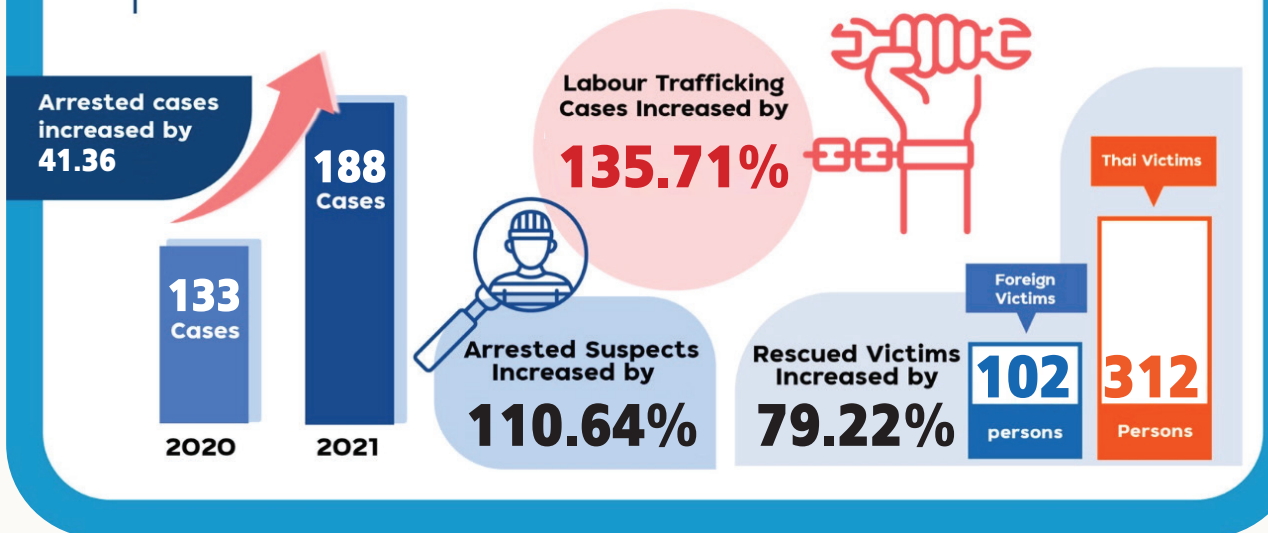
1. In 2021, a total of 188 human trafficking cases were initiated, increasing from 133 cases in 2020 by 55 cases (41.35 percent). Out of this number, 33 were labour-related cases, increasing from 14 cases in 2020 by 19 cases (135.71 percent). 107 out of the total 188 cases were online human trafficking cases (58.79 percent), a record high when compared to previous years. In addition, the proportion of the number of cases involving two or more suspects (organised crime groups) compared to total cases stood at 46.15 percent, the highest percentage since 2017.

2. In 2021, a total of 396 suspected human trafficking offenders were arrested, increasing from 2020 by 208 persons (110.64 percent) and a total of 414 victims of trafficking were rescued, increasing from 2020 by 183 persons (79.22 percent).

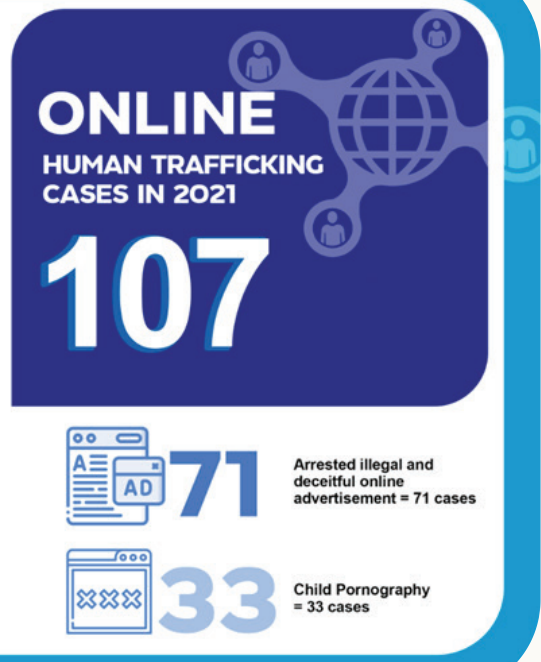
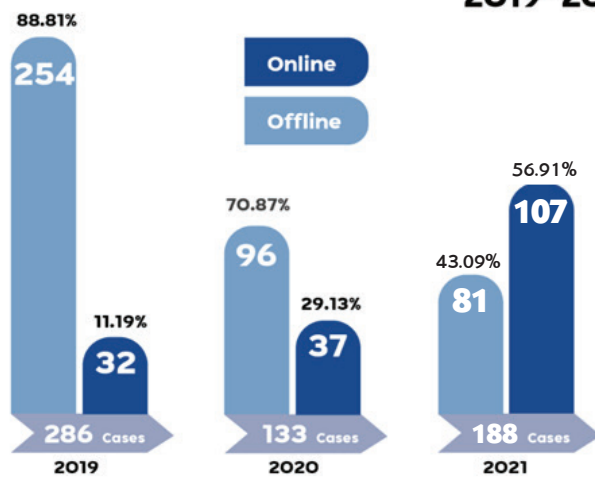
Diagram 1 – 3: Statistics on human trafficking cases in 2021



## KEY ACHIEVEMENTS ON ANTI-HUMAN TRAFFICKING PROSECUTION



## STATISTICS OF ONLINE HUMAN TRAFFICKING CASES 2019-2021



3. Given the COVID-19 pandemic, the victim identification process was initiated for 110 potential victims returning from foreign countries through online video conferences. Out of this number, eight victims of human trafficking were identified.

4. The Child Woman Protection and Anti-Human Trafficking Centre (CWP) and the Anti-Trafficking in Person Division (ATPD), Royal Thai Police (RTP) started prosecuting forced labour and services cases under Section 6/1 of the Anti-Trafficking in Person Act.<sup>1</sup> The victim identification process was conducted for 17 potential victims. All of them were identified as human trafficking victims.

5. Effectiveness of victim identification was significantly improved by the deployment of special teams/taskforces comprising experienced specialists from the headquarters to provide support to local Multidisciplinary Teams (MDTs), continued capacity-building trainings for law enforcement officers, and close collaboration between law enforcement officers and public prosecutors.<sup>2</sup>

6. The Department of Special Investigation (DSI) established the Human Trafficking Victim Identification Centre to provide victims with appropriate accommodation and services during their reflection period and victim identification interviews.<sup>3</sup>

7. To adapt to new forms of human trafficking, collaborative efforts were made between the RTP and internet services/social media companies to increase channels of communication to alert law enforcement officers of potential online human trafficking cases.<sup>4</sup>

8. Inquiry officers took an average of 67 days to complete a human trafficking case, compared to 70 days in 2020. This was the result of the establishment of the CWP to help oversee the anti-human trafficking efforts in Thailand, which led to a more effective coordination on investigation between inquiry officers and public prosecutors with more experiences working on human trafficking cases, together with more supervision from public prosecution expert agencies to ensure coherence and relevant standards.<sup>5</sup>

9. Increasing collaboration between inquiry officers and public prosecutors has led to 100-percent investigation reports submission by inquiry officers to public prosecutors in support of prosecution on all alleged human trafficking cases.

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<sup>1</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

<sup>2</sup> US Recommendation: (5) Ensure experienced officers respond to trafficking cases, including by increasing the capacity of the police anti-trafficking unit to assist local districts that do not have experience with investigating trafficking.

<sup>3</sup> US Recommendation: (6) Extend the period in which officials are required to identify a potential victim formally, to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities.

<sup>4</sup> US Recommendation: (8) Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes, including by establishing standard procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement, and (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

<sup>5</sup> US Recommendation: (2) Ensure MDTs are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications.

10. The number of cases submitted by the public prosecutors to the Courts in 2021 remained high at almost 90 percent of cases which the public prosecutors completed consideration.

11. The public prosecutors managed to maintain the length of time taken to consider and prosecute a case at an average of 25 days, which was shorter than their 30-day standard, despite challenges posed by the COVID-19 pandemic.

12. The RTP, the Department of Trafficking in Persons Litigation, and the Provincial Attorney General Offices closely collaborated with seven NGO partners to become co-attorneys for 67 victims in 18 cases.<sup>6</sup> The co-attorney programme was funded by the Ministry of Social Development and Human Security's (MSDHS) Anti-Human Trafficking Fund and the Ministry of Justice's (MOJ) Justice Fund.

13. The Office of the Attorney General (OAG) collaborated with the US Homeland Security Investigation (HSI) to provide capacity-building training in forensic interviews by using trauma-informed care and victim-centred approaches for 90 public prosecutors.<sup>7</sup>

14. 84.28 percent of cases submitted to the Court were convicted with an imprisonment term of five years or more, continuing the upward trend of increasing severity of punishment for human trafficking offences for three consecutive years.

15. Innovative collaboration between public sector, social media service providers such as Facebook and Twitter, NGOs and human trafficking survivors from online child sexual exploitation led to the launch of a simple and user-friendly guideline complete with communication channels for potential victims to report human trafficking activities, and to promote trust and encourage victims to participate in the juridical process.<sup>8</sup>

16. The Government partnered with networks of relevant agencies abroad to help rescue 363 Thai workers who fell victims to human trafficking or labour exploitation in foreign countries, such as the United Arab Emirates, Cambodia, Myanmar, and Malaysia.

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<sup>6</sup> US Recommendations: (11) Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnerships with NGOs to prepare victims. And (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

<sup>7</sup> US Recommendations: (11) Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnerships with NGOs to prepare victims. And

<sup>8</sup> US Recommendation: (8) Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes, including by establishing standard procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement, and (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

17. The Government has proactively investigated and prosecuted complicit officials involved in human trafficking cases.<sup>9</sup> In 2021, 17 complicit officials were identified and are going through relevant process for disciplinary action and criminal prosecution.

18. The National Committee on the Prevention of Officials' Complicity in Human Trafficking approved the amendment to Article 3 of the Office of the Prime Minister's Regulations on Management Measures in Preventing Officials' Complicity in Human Trafficking, in order to broaden the jurisdiction of the Regulations to cover all unlawful acts under the Anti-Human Trafficking Act as well as the act of facilitating illegal entries into the Kingdom without permission under immigration law.

## 1. Statistics on Human Trafficking Cases, Suspects and Victims

### 1.1 Number of Human Trafficking Cases

In 2021, the number of human trafficking cases in Thailand increased from 2020. A total of 188 human trafficking cases were initiated. Classified by category, 155 were related to sexual exploitation (prostitution, production/ distribution of pornography, and other forms of sexual exploitations), increasing from 2020 by 36 cases (30.25 percent); two was enslavement; two were forced begging; 16 were labour trafficking, increasing from 2020 by six cases (60 percent); and 11 comprised extortion and other forms of forced labour (Table 1).

Table 1: Number of human trafficking cases initiated

Year	Total	Types of Human Trafficking Activities							
		Prostitution	Pornography	Sexual Exploitation	Enslavement	Forced Begging	General Forced Labour	Forced Labour in Fisheries	Extortion/ Other
2017	302	246	7	2	-	26	14	7	-
2018	304	249	4	5	-	8	29	6	3
2019	288	158	15	12	33	9	31	4	26
2020	133	96	17	6	0	2	8 + (2)	2	0
2021	188	135	13	7	2	2	15 + (1)	2	11

**Note:** (1) In 2020, the number in the bracket represents one forced labour or services case, and one worst form of child labour case, both of which are offences under Section 6/1 and section 56/1 of the Anti-Trafficking in Persons Act respectively.  
 (2) In 2021, the number in the bracket represents one forced labour or services case, which is an offence under Section 6/1 of the Anti-Trafficking in Persons Act.

<sup>9</sup> US Recommendation: (3) Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

The significant increase in the number of arrests and cases initiated in 2021 was a result of Thai law enforcement's effective adaptation to changes brought about by the COVID-19 pandemic, particularly increasing online trafficking cases. To be more responsive, government officials increased their online operations and developed an all-round improvement in prosecution procedures focusing on a victim-centred approach.

## 1.2 Number of Human Trafficking Offenders

In 2021, a total of 396 suspected human trafficking offenders were arrested, comprising 231 males and 165 females. The majority of those arrested were Thais with a total of 290 persons, increasing from 2020 by 130 persons or 81.25 percent. Others included 106 foreign nationals, increasing from 2020 by 79 persons or by 392.59 percent. There were 29 Myanmar nationals, four Cambodians and 73 other nationals. Details appear in Table 2.

Table 2: Number of suspected human trafficking offenders

Year	Total	Gender		Nationality				
		Male	Female	Thai	Myanmar	Cambodian	Laotian	Others
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
2020	188	87	101	160	2	7	0	18
2021	396	231	165	290	29	4	0	73

Compared to 2020, the significantly larger number of suspects arrested in 2021 was attributed to the increase in capability and efficacy of law enforcement officers, particularly in tracing and identifying online human trafficking networks through more trainings and the use of technology.

## 1.3 Number of Victims of Trafficking

In 2021, a total of 414 victims of trafficking (151 males and 263 females) were rescued, increasing from 2020 by 183 persons (79.22 percent). Of this number, 312 persons were Thais, increasing from 2020 by 150 persons (92.59 percent), and 102 persons were foreign nationals, an increase from 2020 by 33 persons (47.82 percent) (Table 3).

Table 3: Number of victims of trafficking

Year	Total	Gender		Nationality				
		Male	Female	Thai	Myanmar	Cambodian	Laotian	Others
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
2020	231	66	165	162	5	5	46	13
2021	414	151	263	312	94	0	2	6

The increase in the number of Thai victims could be attributed to greater international cooperation in rescuing Thais who were lured into forced labour abroad, especially in neighbouring countries. The higher number of victims from Myanmar was a result of higher numbers of human smuggling along the border due to the situation in the country and the re-opening of Thai border that allowed border crossings to resume.

## 2. Prosecution of Human Trafficking Cases

### 2.1 Human Trafficking Cases Handled by Inquiry Officers

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

In 2021, police inquiry officers received a total of 188 human trafficking cases, increasing from 2020 by 55 cases (41.35 percent). Of this number, inquiry process has been completed for 38 cases, all of which were filed to public prosecutors. At present, 150 cases are under the consideration of inquiry officers (Table 4).

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

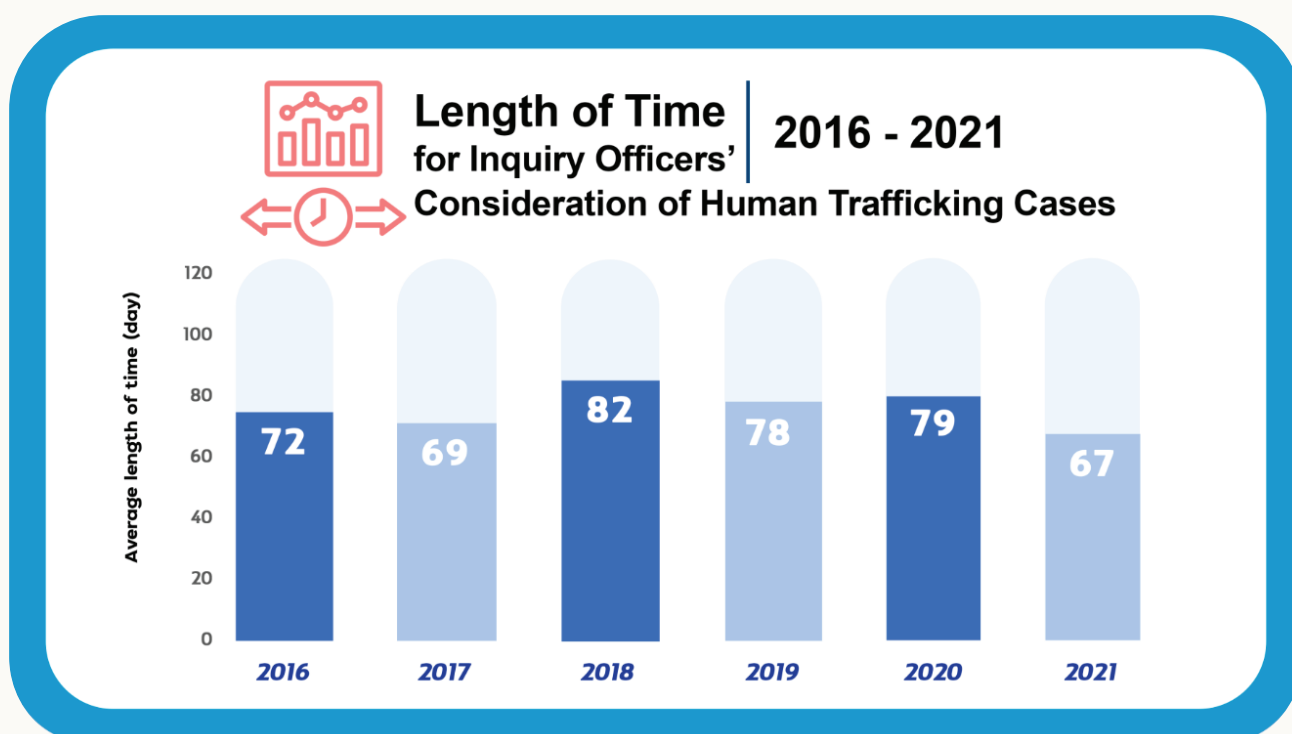
Year	Total	Under inquiry	Filed to public prosecutors	Not filed to public prosecutors
2017	302	0	299 (99.01%)	3 (0.99%)
2018	304	2 (0.66%)	300 (98.68%)	2 (0.66%)
2019	288	2 (0.70%)	284 (98.61%)	2 (0.69%)
2020	133	4 (3.00%)	126 (94.74%)	3 (2.26%)
2021	188	38 (20.21%)	150 (79.79%)	0 (0.00%)

**Note:** (1) Two pending cases from 2018 involve extra-territoriality, still awaiting evidence from countries of final destination for inquiry officers' consideration.  
 (2) Two pending cases from 2019 are under consideration of DSI and RTP  
 (3) Four pending cases from 2020 are under consideration of DSI

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

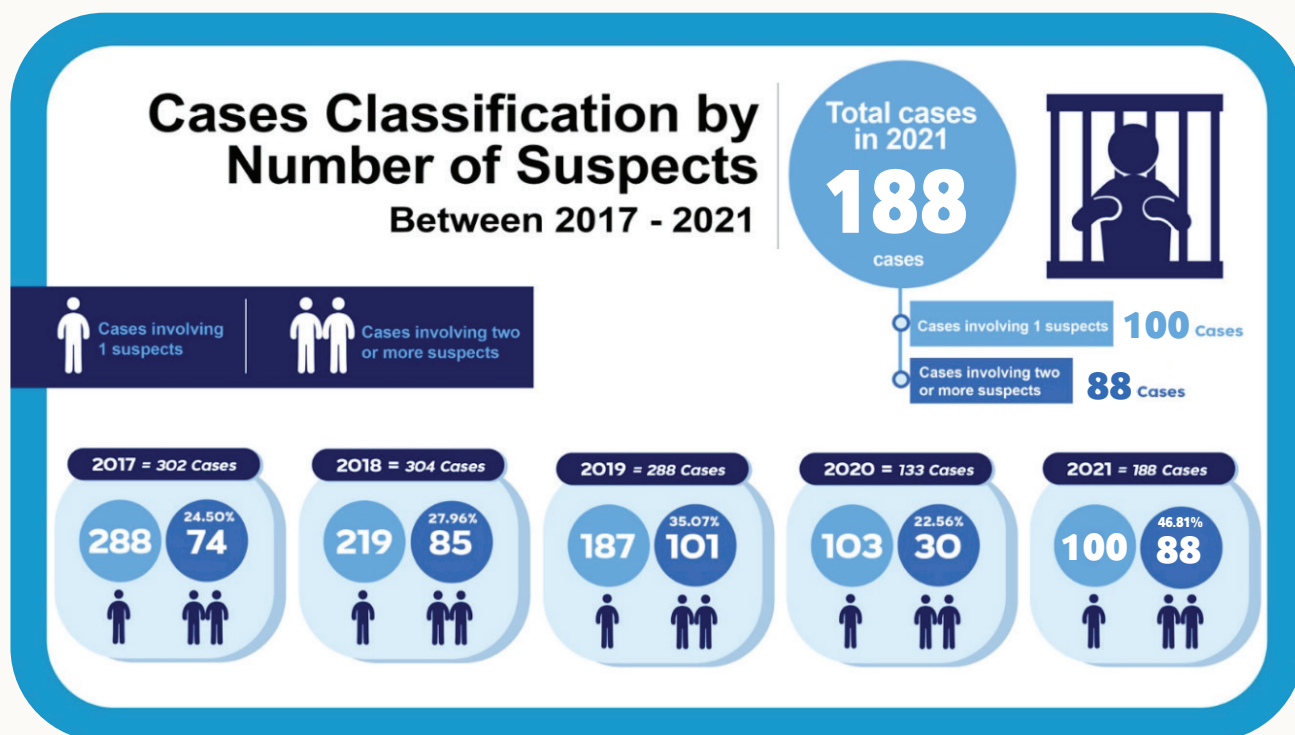
Inquiry officers took an average of 67 days to complete their human trafficking cases, compared to 79 days in 2020 (Diagram 4). This was a record low in the average length of time used by inquiry officers in completing their human trafficking cases since 2016. The improvement was the result of continued efforts by the RTP and DSI in enhancing capacity and expertise of law enforcement officers, fostering close collaboration between law enforcement officers and public prosecutors, and deploying special teams/taskforces of experienced specialists from the headquarters to provide support to local MDTS.

Diagram 4: Average length of time for inquiry officers' consideration of human trafficking cases



The proportion of the number of cases involving two or more suspects (organised crime groups) to total cases in 2021 is 46.15 percent, which is the highest ratio in the past five years, reflecting that inquiry officers were able to handle the complexity of human trafficking cases with increased expertise from more work experiences as well as from trainings (Diagram 5).

Diagram 5: Cases classification by number of suspects



## 2.2 Human Trafficking Cases Pursued by Public Prosecutors

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

Of the total 197 human trafficking cases received by OAG in 2021, 180 were cases with arrested suspects and 17 were cases with fleeing suspects. Public prosecutors completed the consideration of 168 cases (85.28 percent), of which 150 were submitted to the Court of Justice. At present, 29 cases, all of which initiated in 2021, are under the public prosecutors' consideration. Only 18 cases were not submitted to the Courts, the lowest number in percentage since 2017. Details appear in Table 5 and Table 6.

Table 5: Progress of human trafficking cases with arrested suspects

Year	Total	Progress of Human Trafficking Cases			
		Cases submitted to the Courts (%)	Cases not submitted to the Courts (%)	Cases under public prosecutors' consideration (%)	Cases returned to inquiry officers (%)
2016	446	438 (98.20%)	7 (1.57%)	-	1 (0.23%)
2017	396	385 (97.22%)	11 (2.78%)	-	-
2018	331	294 (88.83%)	33 (9.97%)	-	4 (1.2%)
2019	343	272 (77.84%)	62 (18.08%)	1 (0.29%)	5 (1.46%)
2020	225	202 (89.78%)	16 (7.10%)	1 (0.45%)	6 (2.67%)
2021	180	163 (90.56%)	10 (5.55%)	-	7 (3.89%)

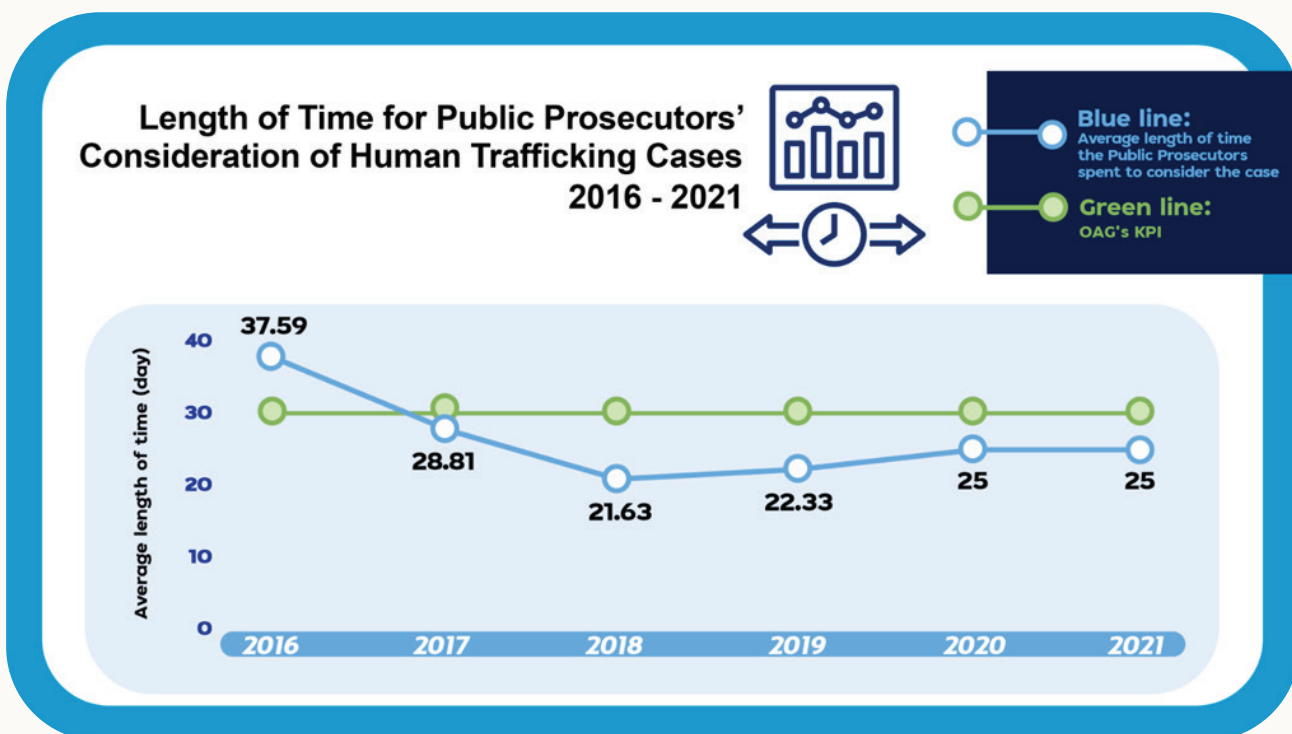
**Table 6: Progress of human trafficking cases with fleeing suspects**

Year	Total	Progress of Human Trafficking Cases			
		Cases submitted to the Courts (%)	Cases not submitted to the Courts (%)	Cases under public prosecutors' consideration (%)	Cases returned to inquiry officers (%)
2016	19	16 (84.21%)	2 (10.53%)	-	1 (5.26%)
2017	22	16 (72.73%)	4 (18.19%)	1 (4.54%)	1 (4.55%)
2018	26	23 (88.46%)	1 (3.85%)	-	2 (7.69%)
2019	21	18 (85.71%)	3 (14.29%)	-	-
2020	16	13 (81.25%)	-	-	3 (18.75%)
2021	17	11 (64.69%)	2 (11.77%)	2 (11.77%)	2 (11.77%)

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

Despite challenges posed by the 3rd and 4th waves of COVID-19, the public prosecutors continued to work with efficacy and were able to maintain the average length of time taken to process trafficking cases within 25 days. The average length of time in processing human trafficking cases by public prosecutors continued to be below the OAG's KPI. (Diagram 6).

**Diagram 6: Average length of time for public prosecutors' consideration of human trafficking cases**



## Cooperation between Law Enforcement Officials and NGOs in the Prosecution Process<sup>11</sup>

In 2021, the RTP, the Department of Trafficking in Person Litigation, the Provincial Chief Public Prosecutor's Offices, and the Ministry of Social Development and Human Security (MSDHS) collaborated with seven NGOs to provide services as co-attorneys for 67 victims in 18 cases in order to further enhance transparency of prosecution process. The co-attorneys can provide evidence, inquest witnesses, and request for further witness testimony during the juridical process, as well as file for reinstatement for the victims. The NGOs also provided financial support in the co-attorney process.

The seven NGOs that worked with the government to become co-attorneys were:

1. The Human Rights and Development Foundation (HRDF) became a co-attorney in three cases consisting of seven victims (one case consisting of five victims was also in collaboration with the International Justice Mission).
2. The International Justice Mission (IJM) became a co-attorney in four cases consisting of 36 victims (one case consisting five victims was also in collaboration with HRDF).
3. ZOE International Foundation became a co-attorney in three cases consisting of three victims.
4. HUG Project became a co-attorney in two cases consisting of four victims.
5. Operation Underground Railroad (O.U.R.) became a co-attorney in three cases consisting of 15 victims.
6. Alliance Anti Traffic (AAT) became a co-attorney in three cases consisting of seven victims (one case of one victim was also in collaboration with SR Law).
7. SR Law became a co-attorney in one case consisting of one victim, in which AAT was also a co-attorney.

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

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

In 2021, a total of 232 human trafficking cases were brought before the Courts of Justice across Thailand. Of this number, 127 were initiated in 2021 and 105 were pending cases from previous years. The Courts of First Instance have adjudicated on 88 cases and are in the process of considering 144 cases. Of the cases that the Courts adjudicated, 66 cases (75 percent) were convicted, eight cases (9.09 percent) were acquitted, and 14 cases (15.91 percent) were disposed of by the Courts (Table 7). During the COVID-19 pandemic, the use of the Electronic Court Procedures was also introduced to ensure the court proceedings could continue without delay.

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<sup>11</sup> US Recommendation: (11) Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnerships with NGOs to prepare victims.

Table 7: Decisions reached by the Courts of Justice 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	
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
2020	113	191	304	151 (78.89%)	22 (11.06%)	20 (10.05%)	199	105
2021	105	127	232	66 (75%)	8 (9.09%)	14 (15.91%)	88	144

## 2) Length of Time for Consideration of Human Trafficking Cases by the Courts of Justice

The Courts' continued efforts in expediting the consideration of human trafficking cases were evident in the length of time the Courts used to complete human trafficking cases, most of which were within one year (Table 8). Specifically, 77.92 percent of the cases adjudicated in 2021 were completed within one year, with 35.06 percent completed within three months. Given the restrictions under the COVID-19 pandemic, the Courts have adapted to the situation by adjudicating human trafficking cases through online video conferences to ensure a timely completion of court proceedings.

Table 8: Length of time for consideration of human trafficking cases by the Courts

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
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%)
2020	199	53 (26.63%)	50 (25.13%)	79 (39.70%)	17 (8.54%)
2021	77	27 (35.06%)	8 (10.39%)	25 (32.47%)	17 (22.08%)

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

In 2021, a total of 125 defendants (60 males and 65 females) in human trafficking cases were brought before the Courts across Thailand. In terms of nationality, 117 were Thais and eight were foreigners. Of this number, 82 persons (65.60 percent) were convicted, 25 persons (20 percent) were acquitted, and 18 persons (14.40 percent) were disposed by the Courts in their cases (Table 9).

Table 9: Defendants in human trafficking cases brought before the Courts of Justice

Year	Number of defendants subjected to the Courts' consideration			
	Total	Convicted	Acquitted	Disposed
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%)
2020	302	233 (77.15%)	41 (13.58%)	28 (9.27%)
2021	125	82 (65.60%)	25 (20%)	18 (14.40%)

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

The severity of punishment for human trafficking crimes remained high. The majority of convicted defendants (165.33 percent) were handed down a punishment of more than five years of imprisonment. In particular, almost half (48 percent) of convicted defendants were sentenced to an imprisonment of over ten years. The number of severe punishment of imprisonment of over ten years has continued to increase over the years (Table 10), reflecting that judges have recognised the severity of human trafficking crimes.

Table 10: Imprisonment sentences of defendants in human trafficking cases

Year	Total number of defendants sentenced to imprisonment	Shorter than 1 year	Between 1-2 years	Between 2-5 years	Between 5-10 years	Over 10 years
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%)
2020	199	8 (4.02%)	15 (7.54%)	41 (20.60%)	53 (26.63%)	82 (41.21%)
2021	75	1 (1.33%)	1 (1.33%)	11 (14.67%)	26 (34.67%)	36 (48%)

## 5) Restitutions and Punitive Damages for Victims of Trafficking

In 2021, the Courts of Justice ordered restitutions for victims of trafficking in criminal cases a total of THB 10,774,250 (USD 323,227.5 – at THB 1 = USD 0.030) from 25 cases. Details appear in Table 11. In addition, victims of trafficking may file for compensation claims in civil cases, subject to the Courts' consideration.

**Table 11: Restitutions ordered by the Courts of Justice in human trafficking cases**

Year	Total Number of Cases	Case with Restitution Order	Amount of Restitution (THB)
2018	305	44 (14.43%)	32,782,788
2019	283	76 (26.86%)	54,180,366
2020	199	59 (29.65%)	26,047,693
2021	77	25 (32.47%)	10,774,250

## 3. Prosecution of Complicit Officials in Human Trafficking Cases

The Royal Thai Government continued to attach importance to suppressing and preventing officials' complicity in human trafficking. Public officials found to have been involved in human trafficking activities, demanding, or receiving benefits from those activities, or neglecting duties in preventing and suppressing human trafficking would be subject to criminal prosecution and/or disciplinary actions.

### 3.1 Law Improvement on Prevention of Official Complicity in Human Trafficking

In July 2021, the National Committee on Prevention of Official Complicity in Human Trafficking chaired by Deputy Prime Minister General Prawit Wongsuwon approved the amendment to Article 3 of the Office of the Prime Minister's Regulations on Management Measures in Preventing Official Complicity in Human Trafficking, in order to broaden the jurisdiction of the Regulations to cover the act of facilitation of illegal entries into the Kingdom without permission under immigration law, to prevent official complicity in human smuggling. This served as a proactive measure to prevent officials from facilitating people smuggling which may lead to human trafficking. The proposed amendment of this regulation is awaiting the consideration of the Cabinet.

### 3.2 Prosecution of Officials Accused of Complicity in Human Trafficking Cases

From 2013 to 2021, a total of 79 suspected public officials were subjected to criminal prosecution. In 2021, 17 officials were accused of complicity in human trafficking crimes. Of these 17 suspected complicit public officials, 11 were under criminal investigation by the RTP and DSI inquiry officers, four were under the public prosecutors' consideration,

one was under the Court of First Instance's consideration, and one was acquitted by the Court.<sup>12</sup> Details appear in Table 12.

**Table 12: Criminal prosecution of suspected public officials in human trafficking cases**

Year	Number of public officials	Under investigation	Under public prosecutor's consideration	Under Courts' consideration	Completed cases		Fleeing
					Imprisoned	Acquitted/ Not pursued	
2013- 2016	44	-	-	7	27	7	3
2017	11	-	-	4	7	-	-
2018	2	-	1	-	1	-	-
2019	2*	-	-	-	1	-	1
2020	3	1	-	1	1	-	-
2021	17	11	4	1	-	1	-
Total	79	7	9	12	38	8	5

**Note:** \*The statistics of complicit officials were updated after the release of the RTG's 2020 Country Report and RTG's Progress Report (January – March 2021)

### 3.3 Progress of Disciplinary Actions against Complicit Officials

In 2021, 15 public officials were subjected to disciplinary actions related to human trafficking. 14 persons were under disciplinary inquiries, and one person was not charged with a disciplinary action. Since 2013, a total of 76 public officials were subjected to disciplinary actions related to human trafficking (Table 13).

**Table 13: Complicit public officials subjected to disciplinary actions**

Year	Number of public officials	Disciplinary actions and other measures								
		Under disciplinary inquiry	Expelled	Suspended	Under probation	Incarcerated	Dismissed by the Administrative Court	Resigned	Retired	Disciplinary inquiry ended
2013-16	44	5	35	-	-	-	-	-	-	4
2017	10	3	7	-	-	-	-	-	-	-
2018	2	-	2	-	-	-	-	-	-	-
2019	2*	-	2	-	-	-	-	-	-	-
2020	3	2	1	-	-	-	-	-	-	-
2021	15	14	-	-	-	-	-	-	-	1
Total	76	24	47	-	-	-	-	-	-	5

**Note:** \*The statistics of complicit officials were updated after the release of the RTG's 2020 Country Report and RTG's Progress Report (January – March 2021)

<sup>12</sup> US Recommendation: (3) Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

### 3.4 Progress of Criminal Prosecution of Complicit Officials

Further progress continued to be made in the prosecution of complicit officials from previous years.<sup>13</sup> Details of the relevant cases are as follows:

**1) Nataree Case** (initiated in 2016) – Four police officers were involved in bribery from Nataree Massage Parlour. All four were expelled and the public prosecutor has already submitted the cases to the Court. Out of the four suspects, three police officers were under the consideration of the Court of First Instance and the remaining officer fled, for which the Court has issued arrest warrants.

**2) Khong Chiam Case** (initiated in 2016) – Three police officers were involved in bribery. The Court of First Instance sentenced one police officer to four years of imprisonment, one police officer to two years and six months of imprisonment and one police officer to two years seven months and 15 days of imprisonment and a fine of THB 19,995 (USD 599.85).

**3) Chom Dao Case** (initiated in 2017) – In 2021, the DSI was able to trace the network of offenders and arrested seven additional police officers complicit in the case. The DSI has submitted the case against two alleged offenders to the public prosecutor and was in the process of investigation for five other offenders.

**4) Wannasiri Case** (initiated in 2018) – One police officer was involved in bribery. In 2021, National Anti-Corruption Commission submitted the case to the public prosecutor and in 2021, the RTP has expelled the complicit police officer.

**5) Miss B-Haven Case** (initiated in 2018) – In 2021, the DSI and the RTP completed their investigation of two complicit police officers and already submitted the case to the public prosecutor for consideration.

**6) Udon Thani Case** (initiated in 2019) – One police officer and his spouse were found to be complicit in human trafficking. In 2021, the DSI has completed the investigation and submitted the case to the public prosecutor. The RTP disciplinary committee came to conclusion to expel the complicit police officer as disciplinary action.

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<sup>13</sup> US recommendation: (3) Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

**7) Nhong Bua Case** (initiated in 2020) – One school director was involved in child sexual exploitation. In 2021, the public prosecutor has filed the case to the Court of First Instance. The Court will read the verdict on 13 January 2022.

**8) Sikhorphum Case** (initiated in 2020) – One elementary school teacher was involved in child sexual exploitation. In 2021, the Court of First Instance sentenced the offender to 30 years of imprisonment and a fine of THB 1,220,000 (USD 36,600).

**9) Valentine's Case** (initiated in 2020) – Five police officers allegedly received bribery from the owner. In 2020, one police officer was prosecuted. In 2021, four additional police officers were charged. The case is currently being prosecuted.

**10) Sao Pan Case** (initiated in 2020) - Two police officers were involved in bribery from an establishment involved in sexual exploitation and human trafficking. The National Anti-Corruption Commission is currently investigating the case.

**11) Sichon Case** (initiated in 2021) – One civil servant (the Deputy Mayor of Sichon Subdistrict) was involved in a forced labour case. The public prosecutor has submitted the case to the Court of First Instance, the case is now under the consideration of the Court.

### 3.5 Other progress

3.5.1 The DSI established the Complicit Officials in Human Trafficking Monitoring and Investigation Centre to monitor and investigate officials complicit in unlawful acts under the Anti-Human Trafficking Act. The Centre has developed intelligence networks and complaint channels to receive reports and allegations of complicit officials.<sup>14</sup>

3.5.2 The DSI is in the process of establishing a database system to monitor public officials working on human trafficking case. The goal was to monitor the progress of the cases that the officials were assigned to and ensure that the officials are not complicit in human trafficking.

3.5.3 The MSDHS and DSI were working to link the databases of complicit officials, prosecution of cases against human trafficking offenders, and human trafficking victim protection in order to help integrate the work of related agencies and improve the efficacy of prosecution.<sup>15</sup>

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<sup>14</sup> US Recommendation: (3) Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

<sup>15</sup> US Recommendation: (3) Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.

## 4. Asset Restraints and Seizures by the Anti-Money Laundering Office

### 4.1 Amount of Asset Restraints and Seizures

In 2021, the Anti-Money Laundering Officer (AMLO) issued orders to freeze and seize assets in 12 cases related to human trafficking offences. The initial value of the assets subjected to these orders were THB 4,926,275.05 (USD 147,758.25). Of cases that reached the final verdicts, the Courts ordered a total of THB 161,066.44 (USD 4,832) in value of assets forfeited for the benefit of the state. Details appear in Table 14 and Table 15.

Table 14: Value of assets subjected to restraint and seizure orders

Year	Numbers of Cases	Total Value of Assets Subjected to Restraint / Seizure Orders (THB)
2018	15	477,058,488.94
2019	15	8,587,166.78
2020	20	51,201,949.60
2021	12	4,926,275.05
Total	62	541,773,880.37

Table 15: Value of assets filed to public prosecutors and value of assets ordered by the courts to be forfeited for the benefits of the state

Year	Value of Assets Filed to Public Prosecutors	Value of Assets Ordered by the Courts to be Forfeited for the Benefits of the State (THB)
2018	526,124,240.44	55,865,721.56
2019	11,681,474.08	401,014.26
2020	77,000,754.52	10,626,474.08
2021	4,926,275.05	161,066.44
Total	619,732,744.09	67,054,276.34

### 4.2 Amendments of Relevant Laws

Further progress continued to be made in amending the Anti-Money Laundering Act, B.E. 2542 (1999) to allow for greater compensation for victims of trafficking from assets related to the predicate offence. The key amendments to the drafted Anti-Money Laundering Act, B.E. ... are as follows:

1) Assets seized from human trafficking offenders will be used for financial remedies for the victims. On 14 November 2021, the House of Representatives accepted in principle the draft law during its first reading. The amendment to this section is currently under the consideration of the Law Committee of the House of Representatives before being put forward to the Parliament.

2) Human smuggling and online sexual exploitation for commercial purpose cases under the criminal offences will also be charged with money-laundering offence. The aim was to make the Anti-Money Laundering Act cover human trafficking offences as well. The draft amendments were approved in principle by the Cabinet on 21 September and 4 November 2021 respectively. They are currently under the consideration of the Office of the Council of the State.

## 5. Examples of Human Trafficking Cases and Prosecution Progress

Thailand continued to make progress in the prosecution of human trafficking cases in 2021. Close collaboration among law enforcement agencies, civil society, NGOs, and other partners resulted in faster prosecution process and higher rate of conviction. Case studies in the efforts to combat human trafficking are as follows:

### 5.1 Case Related to Sexual Exploitation

1) **Udon Thani Case** – In February 2021, the ATPD, in collaboration with Udon Thani Provincial Police, Immigration Bureau and Tourist Police, arrested a human trafficking network consisting of 6 offenders. The mother and 5 other offenders were involved in the sexual exploitation of the daughter who was mentally handicapped. With effective investigation, the police were able to link the offenders' network to additional human trafficking crimes in other provinces. The arrest warrants were issued on 22 February 2021. The case is under the consideration of the Court. Further charges will also be pressed against the offenders. The MDTs worked closely with health professionals in victim identification process to ensure that the victim was prepared and would not be re-traumatised by the procedure, as the victim was vulnerable and in need of special care. The victim is currently under the government's protection and has been provided with psychological recovery services.

2) **Look Kae Noi Online Case** – The ATPD, with cooperation from Operation Underground Railroad (O.U.R.), made an arrest in an online child sexual exploitation case. The offenders offered child prostitution services through an online platform. Law enforcement officers were able to arrest 13 offenders and the case is currently under the investigation of inquiry officers. The case depicted the changing nature of human trafficking, moving from traditional methods to online platforms.

With the expertise of law enforcement officers from training in collaboration with NGOs, the officers have more capacity to conduct online investigations effectively and were able to crack down an online child sexual exploitation network.

**3) Overseas Prostitution Case** – During the COVID-19 pandemic, the CWP received a report through an NGO network's Facebook account, requesting assistance for two Thai women lured into prostitution in the United Arab Emirates. The CWP cooperated with relevant agencies to help rescue and repatriate both victims to their hometowns in Thailand. The MSDHS continued to closely monitor and provide protection to both victims. Three offenders were charged with human trafficking crimes. The case is currently under the Court's consideration. The RTP has been cooperating with the International Criminal Police Organisation (INTERPOL) to publish a Red Notice for all three offenders.

While the offenders were being prosecuted for human trafficking charges, they filed defamation charges against both victims in an attempt by the offenders to use strategic litigation against public participation (SLAPP) to prevent the victims from pursuing human trafficking case against the offenders. The MOJ and the MSDHS assisted the victims by providing bail guarantee and lawyers to fight the case, reflecting strong efforts to ensure that Thailand's justice system and anti-human trafficking efforts would not be stopped by SLAPP.<sup>16</sup>

**4) VK.com Case** – Thailand Internet Crime Against Children (TICAC), in collaboration with NGOs, was able to shut down an online child sexual exploitation page on the "vk.com" domain. Law enforcement officers were able to track down the owner of the page, a resident of Sweden. The RTP, public prosecutors and the Swedish police have been in close cooperation to arrest and extradite the offender to be prosecuted on human trafficking offences in Thailand.

## 5.2 Case of Forced Labour and Extortion under the Section 6/1 of the Anti-Trafficking in Person Act, B.E. 2558 (2015)

**1) Phuket Case** – In 2019, the police found Cambodian children forced to sell garlands and eyeglasses to tourists on the streets of Phuket. Four charges were filed against two offenders for a human trafficking offence. In 2021, Phuket Provincial Court sentenced the offenders to a total of 29 years and five months of imprisonment and a fine of THB 2,091,838 (USD 6,055.14). Four victims were repatriated back to Cambodia.

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<sup>16</sup> US Recommendation: (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

**2) Rubber Glove Case** - On 19 January 2021, the ATPD rescued 17 labour workers after receiving complaints of forced labour against CC Medical Device Limited, an illegal medical glove manufacturing business. The public prosecutors found that the factory owner committed an offence of forced labour against all 17 victims on the charge of Section 6/1 of the Anti-Trafficking in Person Act, B.E. 2558 (2015). The public prosecutors also collaborated with IJM to become the co-attorney of the case in order to build the victims' trust and confidence. The case is currently under the review of the Court of First Instance.

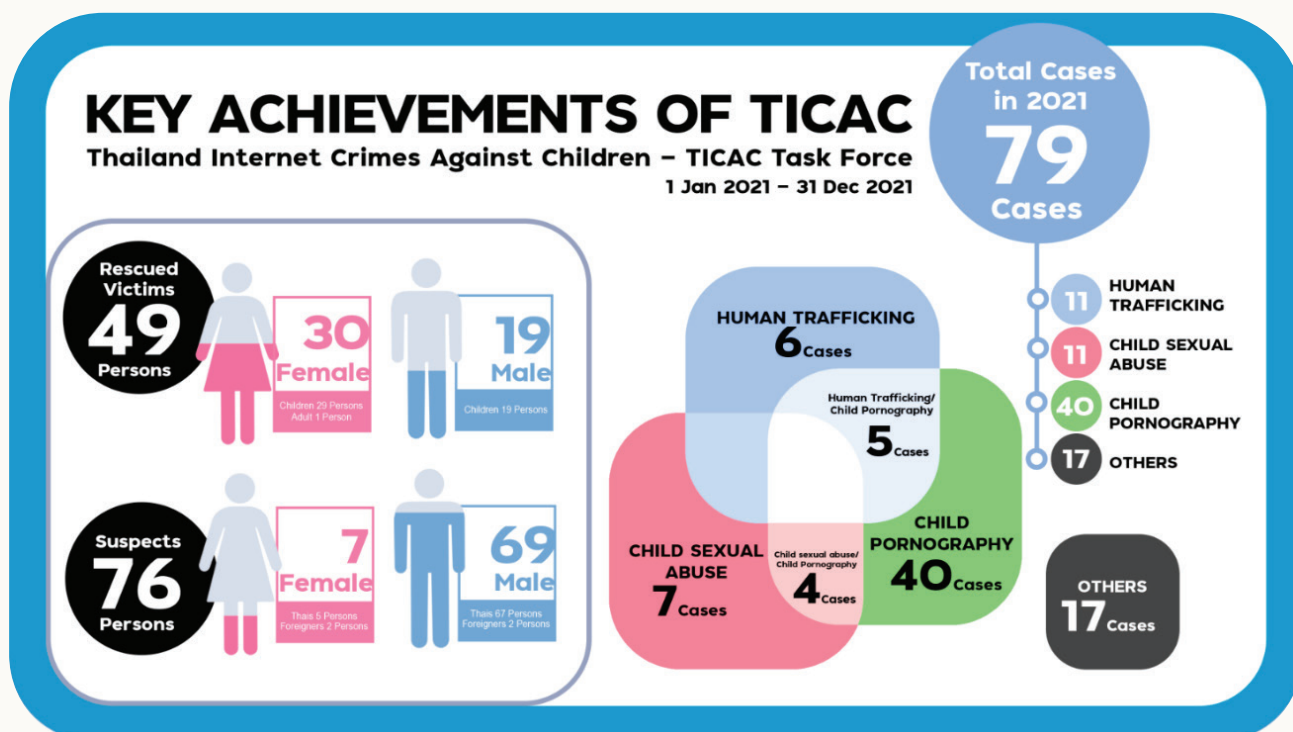
**3) Online Scammer Case** - In 2021, the CWP, TICAC, Thailand Anti Trafficking in Persons (TATIP), RTP, MSDHS, Ministry of Foreign Affairs (MFA) and related agencies worked together to rescue 6 Thai victims in Myanmar after the victims filed a complaint on forced labour to the Department of Consular Affairs, MFA. The victims were forced to work as online scammers and were threatened with physical harm should they fail to reach a certain goal. All victims were placed in a government shelter under the witness protection programme and given appropriate assistance. Public prosecutors worked with the IJM as co-attorneys to file the case for financial remedies. The RTP was able to arrest six of 19 offenders. The public prosecutor already submitted the case for the Court's consideration.

## 6. Work of the Thailand Internet Crime Against Children Task Force (TICAC)

In 2021, the TICAC, in collaboration with the High-Tech Crime Division, received tips from partners in various sectors including the 1599 and 1300 hotlines, Facebook, Twitter, NGOs, as well as international cooperation with U.S. National Center for Missing and Exploited Children (NCMEC). The TICAC received 365 tips or reports of incidence. Of this number, 49 tips/reports were requests for assistance to victims, leading to the TICAC's rescue of 40 victims.

During the past year, the TICAC initiated a total of 79 cases, comprising 11 trafficking cases, 11 child sexual exploitation cases, 40 cases of child pornography possession, and 17 other cases. There were 76 offenders. Of this number, 72 are Thais with four foreign nationals. The TICAC rescued a total of 49 victims. Details appear in Diagram 7.

Diagram 7: Key achievements of TICAC



The TICAC partnered with NGOs such as HUG Project, Spring Project, Freedom International Foundation, Zoe International Foundation, For Freedom International Foundation, and End Child Prostitution in Asian Tourism Foundation (ECPAT) to enhance capacity building for officials working with child-centred and trauma-informed care approaches. The TICAC also worked with the Child Advocacy Center (CAC) to help child victims heal from trauma and ensure that they are prepared to return to the society.

The TICAC and Cyber Crime Investigation Bureau (CCIB) hosted the TICAC – CCIB Junior Team workshop for vulnerable children at risk of sexual exploitation for 208 children from 28 provinces across Thailand. The workshop was intended to raise awareness among children about the risk of online sexual exploitation and to build trust between children and law enforcement officers. The bond created between officers and children will ensure that children would not be deterred from informing officers about sexual exploitation crimes.

The Anti-Human Trafficking Committee approved the draft amendment to the Penal Code to include online sexting and online grooming as criminal offences, proposed by the Sub-Committee on Amendment of Legislation on Children in line with Constitutional Standards and the United Nations Convention on the Rights of the Child. The draft amendment will be sent to the Cabinet for approval. Once the Cabinet approves the amendment in principal, the MOJ will proceed with the amendment accordingly.

## 7. Improving the Efficacy of Human Trafficking Prosecution

### 7.1 The Royal Thai Police

#### 1) Capacity-Building Training on Investigation

In August 2021, the RTP provided trainings on victim identification in human trafficking, labour trafficking and forced labour or services, online investigation technique and skills, evidence investigation and tracing the offenders network, forensic interviews, and collaboration with NGOs for 200 police officers from various related agencies including the Provincial Police Regions 1-9, the Central Investigation Bureau (CIB), ATPD, CCIB, and Immigration Bureau.<sup>17</sup>

#### 2) Workshop on Victim Identification

Between November – December 2021, a workshop was held for 140 police officers from the CWP, Provincial Police Regions 1-9, TATIP, and TICAC. The objective was to increase the efficacy of police officers in victim identification including with regards to Section 6/1 of the Anti-Trafficking in Person Act, B.E. 2558 (2015).<sup>18</sup>

### 7.2 The Office of the Attorney General

#### 1) Capacity-Building Activities for Public Prosecutors on Forced Labour Cases

The Department of the Trafficking in Persons Litigation, OAG, in cooperation with the ASEAN-Australia Counter-Trafficking (ASEAN-ACT), organised a capacity-building workshop for 62 public prosecutors on 5 – 7 November 2021 to provide training on labour trafficking victim identification, focusing on the differences between Section 6 and Section 6/1 of the Anti-Trafficking in Person Act, B.E. 2558 (2015).<sup>19</sup>

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<sup>17</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

<sup>18</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

<sup>19</sup> US Recommendation: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.

## 2) Trainings on Human Trafficking Prosecution

The Department of the Trafficking in Persons Litigation, OAG, in cooperation with the ASEAN-Australia Counter-Trafficking (ASEAN-ACT), organised five training programmes on human trafficking prosecution for 279 public prosecutors, who were newly-assigned to provincial offices in 2021, to enhance public prosecutors' expertise on child trafficking and online sexual exploitation of children. The public prosecutors were also trained to proceed with victim-centred and trauma-informed care approaches.<sup>20</sup>

## 3) Renovation of Children Interview Rooms

The children interrogation rooms at Ranong and Sukhothai Provincial Chief Public Prosecutor's Offices were specifically designed and constructed to create a safe and friendly environment for the children.<sup>21</sup> The project received funding of THB 521,364.73 (USD 15,706.13) from the International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State.

## 4) Study to Improve the Efficacy of the Prosecution Process of Human Trafficking Cases

The Department of the Trafficking in Persons Litigation, in collaboration with the Court of Justice, conducted a study to improve the efficacy of prosecution process of human trafficking cases through retrospective analysis of previous case studies. Seminars on challenges and obstacles of human trafficking case prosecution were held during May - September 2021. The analysis on the lessons learned from these challenges would be used to improve the prosecution process. The result will be published as a book and e-book for officials to study.<sup>22</sup>

## 7.3 The Court of Justice

### 1) Training for Judges on Evidence-related Issues in Human Trafficking Cases

The Court of Justice, in cooperation with the United Nations Office on Drugs and Crime (UNODC), provided specialist instructors for training programmes for 114 judges working on human trafficking cases. The objective of the training programmes was for judges to study case digests and exchange ideas on human trafficking case consideration in order to better understand the challenges and enhance perspective on evidence of human trafficking cases.<sup>23</sup>

<sup>20</sup> US Recommendation: (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

<sup>21</sup> US Recommendation: (6) Extend the period in which officials are required to identify a potential victim formally, to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities.

<sup>22</sup> US Recommendation: (2) Ensure multidisciplinary teams (MDTs) are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications.

<sup>23</sup> US Recommendations: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law, (2) Ensure multidisciplinary teams (MDTs) are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications, and (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

## 2) Seminar on Guidelines for Human Trafficking Case Procedures

The Court of Justice hosted a seminar with related agencies to deliberate on the judicial Standard Operating Procedure (SOP) on the part related to human trafficking case procedure with victim-centred approach as the main focus. The guideline took in the recommendations made by the President of the Supreme Court and ASEAN-ACT research. The inputs from the seminar will be used to improve the judicial SOPs on human trafficking case procedures drafted in March 2021, to be published in 2022.<sup>24</sup>

## 8. International Cooperation Development and Partnerships with NGOs

### 8.1 International Cooperation Development

#### 1) Cooperation between RTP and the Royal Malaysia Police

The RTP and Royal Malaysia Police (RMP) held a bilateral meeting in March 2021 to facilitate the extradition of nine Thai suspects of human trafficking offence with the help of ASEAN-ACT. After the meeting, the OAG submitted arrest warrants to the Court for all nine suspects. The RTP were able to arrest three suspects. All three suspects were extradited to stand trial in Malaysia.

#### 2) Cooperation between RTP and the Cambodia National Police

In November 2021, the RTP rescued 363 Thai labourers working in Cambodia. They were forced to work as scammers for an online gambling website. The victims were also subjected to physical harm by the employer. The CWP, Cambodia National Police and ASEAN-ACT worked together on repatriation of the Thai victims. Of the 363 Thais rescued, 109 were identified as victims of human trafficking and 205 remained under victim identification screening.

#### 3) Cooperation with Foreign Anti-Narcotics and Crime Community of Thailand (FANC)

On 28 October 2021, the RTP held a meeting with law enforcement officers from 15 nations and FANC to explore potential cooperation to enhance the capacity of law enforcement officers in investigation and arrest of transnational human trafficking suspects.

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<sup>24</sup> US Recommendation: (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

#### 4) Capacity Building for Public Prosecutors

On 12 May 2021, the OAG set up a working group to work on a project to enhance a child-friendly justice system among public prosecutors working with child victims of human trafficking, sexual abuse, and other forms of violence against children. This led to the OAG making improvements to SOP for public prosecutors in victim interview procedure and victim preparation for witness hearing in the courtroom. This helped minimising the risk of victims being re-traumatised and preparing the victims for court procedure.<sup>25</sup>

In October 2021, the OAG also collaborated with the U.S. Homeland Security Investigation (HSI) in holding online capacity-building trainings for 90 public prosecutors on interviewing child victims of sexual exploitation and human trafficking using a trauma-informed care approach.<sup>26</sup>

#### 5) Seminar between Public Prosecutors and Judges from Thailand and the U.S.

The seminar was held on 9 – 10 September 2021, attended by public prosecutors and judges from Thailand and the U.S., focusing on recommendations to challenges faced by Thai public prosecutors and judges on human trafficking and forced labour cases. The recommendations received would be used to improve and update the judicial SOPs.<sup>27</sup>

#### 6) Lesson Learned Seminar by DSI

The DSI organised a seminar with 135 participants from international agencies including the Federal Bureau of Investigation (FBI), HSI, and Australia Border Force (ABF), relevant Defence Attachés, Nordic Police, international organisations, and NGO partners during 24 – 26 November 2021 to review and draw lessons from past cases in order to further improve the standards for human trafficking prosecution<sup>28</sup>, especially in the vulnerable and underserved groups, such as women and children. The seminar focused on methods to improve coordination between agencies in the prosecution process of transnational human trafficking crimes as well as increasing prevention measures against human trafficking.

<sup>25</sup> US Recommendations: (2) Ensure multidisciplinary teams (MDTs) are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications, and (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

<sup>26</sup> US Recommendations: (2) Ensure multidisciplinary teams (MDTs) are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications, and (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

<sup>27</sup> US Recommendations: (1) Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law, and (2) Ensure multidisciplinary teams (MDTs) are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications.

<sup>28</sup> US Recommendation: (2) Ensure multidisciplinary teams (MDTs) are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications.

## 8.2 Cooperation with International NGOs

### 1. Coordination Center for Trafficking Victims

In 2021, the Coordination Centre for Trafficking Victims (CCTV) was established to help coordinate the work of both the public sector and civil society in the areas of victim assistance and protection at both domestic and international levels. In order to increase the efficacy of their coordination, the OAG in collaboration with the IJM held a training workshop on 1 December 2021. The OAG, MSDHS and NGOs who participated in the workshop have formed their network and learned not only how to integrate their work, particularly in the areas of protection of victims' rights, but also how to assist the victims in filing the Victim Impact Statement and seeking help from public prosecutors, as well as other victim protection services.<sup>29</sup>

### 2. Anti-Human Trafficking and Smuggling Basic Training for Law Enforcement Officers

In October and December 2021, the International Organisation for Migration (IOM), in collaboration with Nightlight Foundation, organised two online trainings for 56 immigration officers, with the objective to increase their capacity and efficacy in detecting victims of human trafficking and human smuggling at ports of entry.<sup>30</sup>

## 9. Key Advancements with Reference to 2021 TIP Report Prioritised Recommendations

**9.1 Improve the capacity of law enforcement to proactively prosecute and convict labour traffickers and identify labour trafficking victims, including by finalizing guidelines for Section 6/1 of the anti-trafficking law.**

The RTP held training workshops for more than 340 law enforcement officers to become specialists in human trafficking investigation, focusing on victim identification for human trafficking and forced labour cases, forensic interviews, online crime investigation, and collaboration with NGO partners.

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<sup>29</sup> US Recommendations: (11) Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnerships with NGOs to prepare victims, and (12) Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

<sup>30</sup> US Recommendation: (2) Ensure MDTs are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications.

The OAG conducted training workshops for public prosecutors to enhance expertise and understanding on victim identification, especially with regard to Section 6 and 6/1 of the Anti-Trafficking in Persons Act. The RTP also held capacity-building trainings on victim identification and investigation of crimes committed under Section 6/1 for 125 law enforcement officers from the TICAC, TATIP, CWP, and related agencies.

The MOL enhanced labour inspectors' capacity and expertise through (1) three ATLAS Project workshops, in collaboration with WinRock International, to train 115 officers from the Ministry of Interior (MOI), MOL, MSDHS, and RTP to effectively handle human trafficking and forced labour cases and (2) capacity building workshops on labour trafficking and forced labour investigations for 433 labour inspectors and relevant officers.

The Government has been developing an inter-agency SOP for relevant officers to identify labour trafficking and forced labour cases with reference to Section 6 and Section 6/1. The draft SOP is to be submitted to the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee chaired by Deputy Prime Minister General Prawit Wongsuwon for consideration and approval by March 2022.

The Anti-Human Trafficking Officers Capacity Development Subcommittee chaired by Police General Tamasak Wicharaya, Deputy Secretary-General to the Prime Minister, developed an agreement with the IJM to develop a three-year capacity building programme for working-level officers in labour trafficking and forced labour victim identification and prosecution.

## **9.2 Ensure MDTs are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identifications.**

The government agencies attach importance to working closely with NGOs and MDTs especially on victim identification process to improve its effectiveness, ensure transparency, build trust, and create a safe atmosphere for potential victims to be comfortable to share necessary information crucial to victim identification.

In August 2021, the RTP held a series of capacity-building workshops to improve efficacy in victim identification for a total of 260 MDT officers, including 80 labour officers, 80 MSDHS officers, and 100 police officers from the TATIP, Immigration Bureau, and Provincial Police Regions. The purpose was to ensure that MDT officers are well-equipped with better skills and experiences to effectively conduct victim identification.

Given the restrictions under the COVID-19 situation, the ATPD has proactively provided online platform for MDTs to conduct victim identification with emphasis on victim-centred approach, including Thai victims rescued from abroad for protection and care in Thailand. Online platform has also been used to conduct meetings on compensation for victims to ensure speedy payment process.

In November 2021, the DSI established the Human Trafficking Victim Identification Centre to provide victims with appropriate accommodation and services during their reflection period while awaiting victim identification interview using trauma-informed care and victim-centred approaches. The Centre consists of interview rooms for victim identification, accommodation and common area for victims to relax and participate in activities, and a training facility for MDTs to improve their efficacy in victim identification.

The OAG's Department of Trafficking in Persons Litigation in collaboration with the Operation Underground Railroad (O.U.R.), a U.S. – based international NGO, organised workshop to develop protocols and SOP to enhance efficacy and ensure standardised operations in the prosecution of human trafficking, labour trafficking, and online child sexual exploitation cases.

### **9.3 Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate sentences.**

The National Committee on Prevention of Official Complicity in Human Trafficking continued to proactively investigate and prosecute official allegedly complicit in facilitating human trafficking. In 2021, there were 17 alleged complicit officials. Of this number, 11 officials were currently under criminal investigation by police inquiry officers, four officials were under the public prosecutors' consideration, one official was under the Court of First Instance's consideration and 1 official was acquitted by the Court.

Proactive efforts were made to prevent official complicity. In July 2021, the National Committee on Prevention of Official Complicity in Human Trafficking chaired by Deputy Prime Minister General Prawit Wongsuwon approved the amendment to Article 3 of the Office of the Prime Minister's Regulations on Management Measures in Preventing Official Complicity in Human Trafficking, to broaden the jurisdiction of the Regulations to cover all unlawful acts under the Anti-Human Trafficking Act as well as the act of facilitating illegal entries into the Kingdom without permission under the immigration law. This served as a proactive measure to prevent officials from facilitating people smuggling which may lead to human trafficking.

On 8 September 2021, the DSI established the Complicit Officials in Human Trafficking Monitoring and Investigation Centre to monitor and investigate officials complicit in unlawful acts under the Anti-Human Trafficking Act. The Centre has also developed an intelligence network which links the data to other related law enforcement agencies and complaint channels, including the DSI Call Centre 1202 and application, to receive reports and allegations of complicit officials.

**9.4 Ensure experienced officers respond to trafficking cases, including by increasing the capacity of the police anti-trafficking unit to assist local districts that do not have experience with investigating trafficking.**

In October 2021, the RTP established the CWP to help oversee the prosecution procedures of human trafficking cases across Thailand. Local officers were to report all human trafficking cases to the Centre, which would provide directives and assistance to the local officers. Since the establishment of the Centre, law enforcement officers were able to arrest 77 additional cases.

The OAG's the Department of Trafficking in Persons Litigation in collaboration with the CWP, the RTP formed the "Attorney Dream Teams" in each respective region, comprising experienced prosecutors to help provide legal consultations and assistance on human trafficking case prosecutions to less-experienced local officers across the country. The Dream Teams act as rapid response teams that arrive on scene to help local officers within 24 hours after arrests were made.

The ATPD has established a special task force, particularly for labour and fisheries human trafficking case investigations and set up a team of experts for litigation and consultation in support of the local officers' operations on human trafficking cases, focusing on labour-related cases. In 2021, the special task force was able to prosecute 90 cases of the total 180 cases, a record high in the past five years, increasing from 45 cases in 2020 and 38 cases in 2019.

**9.5 Increase government coordination to ensure labour violations and migrant workers' complaints that include indicators of forced labour are investigated for trafficking crimes, including by establishing standard procedures for labour officials to refer potential cases of labour trafficking to MDTs and law enforcement.**

The Department of Provincial Administration, MOI provided a capacity-building training workshop to 45 law enforcement officers from the MOI, MOL, MSDHS, and RTP to increase the efficacy of their investigation of online human trafficking and forced labour cases as well as to promote better integration and collaboration across these agencies.

The MOL continued to work closely with relevant government agencies such as the MDSHS, RTP, MOI, and the Royal Thai Embassies as well as NGO partners to help identify labour trafficking victims domestically and internationally, including through the MOL's Command Centre for Labour Trafficking Prevention, which managed to rescue victims deceived by online advertisements of work opportunities abroad as well as victims of labour laws violations.

The MOL's Department of Labour Protection and Welfare continued to enforce labour inspection standards related to forced labour and labour trafficking. The labour inspectors are required to follow the manual on screening of potential victims of forced labour/ labour trafficking in order to gather initial evidence and refer potential victims to law enforcement officers.

To prevent labour violations and forced labour, efforts were also made to prosecute labour exploitation offenders, including those behind false online recruitment advertisements through social media outlets. In 2021, 71 cases were prosecuted in this regard.

**9.6 Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnerships with NGOs to prepare victims.**

The OAG issued an order requiring all prosecutors to meet with all victims and witnesses to help them prepare, prior to court proceedings, to ensure effectiveness of court procedures.

In 2021, the OAG collaborated with seven NGOs to provide services as co-attorneys for 67 victims in 18 human trafficking cases, in order to support the victims' preparation for court proceedings and testimony, and to build victims' trust and confidence. The co-attorney programme was funded by the Anti-Human Trafficking Fund, Justice Fund and NGOs.

The OAG's Department of Trafficking in Persons Litigation conducted a training programme for 167 prosecutors to equip them with essential knowledge to help prepare human trafficking victims gain understanding and confidence prior to court proceedings as well as to ensure that the victims' rights are protected. The programme included training for public prosecutors on cooperation with police officers and staff members of the public and NGO shelters as well as on efficient troubleshooting for victims.

The MSDHS has trained shelter officers to become Case Managers that provide care and protection for victims in all aspects, including legal consultation. The shelters also cooperated with prosecutors and NGO partners to help prepare victims for court proceedings.

### 9.7 Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases.

The Court of Justice continued to support the development of victim-centric and trauma-informed approaches among judges overseeing humantrafficking cases, ensuring that victims are treated with dignity, understanding and safety, taking into account the potential impact that the court proceedings may have on the victims.

A training workshop supported by the ASEAN-ACT and IJM on conducting a court inquiry with victim-centred and trauma-informed approaches is scheduled to be held in February 2022 and aims to help judges to be mindful of victims' past traumas and to proceed with care and caution inside the court room.



## Protection

Protection and assistance to victims of all forms of human trafficking remained among top priorities of the Royal Thai Government, focusing on victim-centred and trauma-informed care approaches. Principles of best interest determination (BID) for child victims, gender equality, and non-discrimination were maintained and promoted. Protection services and assistance were provided to victims of human trafficking and forced labour or services regardless of race, ethnicity, religion, or economic, social, and civic status.

In 2021, victim-friendly approach was applied in all stages of protection and assistance, from victim identification to reintegration, simultaneously with victim-friendly prosecution and judicial process. The objective is to minimise discomfort and impact of unpleasant experiences that victims may have gone through. The Welfare Protection Centre for Victims of Trafficking in Person (WPCVOT) provided protection services and assistance under the “Happy Shelter Policy”, assuring victims of safe and sound protection while waiting to return to their families or their hometowns, or to move on and settle in a new community as they wish. Protection continues to be provided starting from the screening process until after reintegration into society to prevent revictimisation.

### Victim – Friendly Approach

Prosecution and Judicial Process

Identification

Protection

Reintegration

Social Dimension and Rehabilitation

## Key Achievements in 2021

1. The Government continued to develop the National Referral Mechanism (NRM) and increase the effectiveness of reflection period by providing necessary guidelines, enhancing assistance services, and conducting capacity-building trainings to related officials, including through E-Learning.
2. In 2021, the Government provided protection and assistance to 354 additional victims of human trafficking and forced labour, increased by 123 victims (53.25 percent) from 2020.
3. The average length of stay of a victim inside the shelter decreased from 158 days in 2020 to 143 days in 2021.<sup>1</sup> This was a direct result of the increased effectiveness of prosecution process and periodic reassessment of victims' readiness for reintegration to ensure victims were not required to remain in shelters longer than necessary.
4. The funding to provide services for each victim in witness protection programme during the prosecution procedure increased from 2020 by 153.02 percent, representing significant improvement in victim protection and assistance.
5. Effective integration and collaboration between related agencies across all sectors led to an increase in assistance provided to Thai workers overseas who may be potential victims of human trafficking. In 2021, 528 Thais were repatriated. 148 of this number were identified as human trafficking victims - all of them wished to return to their hometowns. The Ministry of Social Development and Human Security (MSDHS) worked closely with local agencies to follow up on their reintegration and to prevent revictimisation.
6. The implementation of Happy Shelter Policy in shelters ensured that all victims were adequately cared for with an emphasis on a trauma-informed care approach, legal assistance and psychological care service as well as a more systematic Victim Care Plan/Individual Development Plan (IDP) catered to victims' individual needs and interests.<sup>2</sup>

<sup>1</sup> US Recommendation: (9) Consider legal alternatives to foreign victims' placement in shelters, such as enabling victims to exit the shelter system when they are ready to pursue outside employment opportunities.

<sup>2</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

7. Victims living in shelters, especially adults, have the ability to move freely in and out of shelters, including opportunities for outside employment, as well as access to communication devices to contact their families, follow the news or for entertainment purposes. Currently, 13 foreign victims have been able to work outside and earn income.<sup>3</sup>

8. The MSDHS increased protection services for victims who did not wish to live inside the shelter as well as enhanced its partnership with local agencies and related sectors on providing these services.<sup>4</sup>

9. A manual on rights of victims and defendants was developed and translated into five languages to create an awareness among the victims, resulting in more victims filing for reinstatements. In 2021, the Courts ordered a greater total of financial remedies. Average compensations per victim increased by 123.9 percent from the year 2020.

10. The MSDHS trained shelter officers to become case managers working closely with Multi-Disciplinary Teams (MDTs) to provide comprehensive assistance to victims, including legal assistance. Victims were prepared for court proceedings through a collaboration between MDTs, public prosecutors and NGO partners.<sup>5</sup>

11. The MSDHS continued to enhance partnership with NGOs in arranging activities and providing services to victims in order to build trust and confidence and to ensure that victims feel safe and secure while receiving protection.<sup>6</sup>

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<sup>3</sup> US Recommendation: (4) Increase the ability of victims, especially adults, to move freely in and out of shelters and access communication devices and reassess shelter placements periodically to ensure victims are not required to remain in shelters longer than necessary, and (9) Consider legal alternatives to foreign victims' placement in shelters, such as enabling victims to exit the shelter system when they are ready to pursue outside employment opportunities.

<sup>4</sup> US Recommendation: (10) Do not make victims' identification and access to services dependent on their willingness to participate in investigations against their traffickers.

<sup>5</sup> US Recommendation: (11) Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnerships with NGOs to prepare victims.

<sup>6</sup> US Recommendation: (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

## 1. Enhancing Protection Service during Victim Identification Procedure

### 1.1 Protection Service for Potential Victims

During victim identification interviews, MDTs provided victims with protection services and assistance using victim-friendly approach. After the victim identification process, MDTs would inform victims who did not wish to live in a shelter of their rights and provide contact details for them to reach out for assistance if needed. Moreover, an assistance of THB 917,920 (USD 27,537.6) from the Anti-Human Trafficking Fund was approved for primary care, including food, personal items, medical care, and accommodation to support all potential victims undergoing identification process.<sup>7</sup> For victims who were not ready to participate in the prosecution process, the MSDHS also provided assistance, including allowance and other necessary services, in accordance with each victim's situation.

### 1.2 Implementation of the National Referral Mechanism (NRM) and Reflection Period

#### 1) The National Referral Mechanism (NRM)

In 2020, relevant agencies and partners including the MSDHS, Office of Attorney General (OAG), Royal Thai Police (RTP), Ministry of Labour (MOL), Ministry of Interior (MOI), Ministry of Justice (MOJ), International Organization for Migration (IOM), International Justice Mission (IJM), Human Rights and Development Foundation, and A21 Foundation, conducted a study to develop the NRM in order to provide guidelines and mechanisms for the provision of protection and assistance to human trafficking victims and potential victims. In 2021, the subcommittee under the National Committee approved implementation framework of the NRM for relevant agencies. In addition, three webinars were organised, in collaboration with IOM, to promote understandings on the NRM for local first responders, government officers, and private sector representatives. The NRM would be one of the mechanisms that enhance the effectiveness of victim identification and referral process. The pilot project is expected to begin in 2022.

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<sup>7</sup> US Recommendation: (10) Do not make victims' formal identification and access to services dependent on their willingness to participate in investigation against their traffickers.



## 2) Enhancing the Services for Potential Victims during the Reflection Period

In 2021, the MSDHS appointed a Working Group to develop a guideline for appropriate protection service for victims during the reflection period, using victim-centred approach, to improve victim services.<sup>8</sup> The Working Group comprised representatives from relevant agencies, international organisations, and NGO partners, chaired by the Deputy Director-General of the Department of Trafficking in Persons Litigation, OAG.

In February 2021, the MSDHS, together with related agencies and NGOs, organised a workshop on enhancing services during the reflection period to prepare potential victims for victim identification interview.<sup>9</sup> In November 2021, the MSDHS and ASEAN-ACT organised a conference for relevant agencies presenting key findings from the research on “Reflection Period for Potential Victims of Human Trafficking”. The researchers compared reflection period from several countries’ jurisdiction and studied relevant Thai laws, as well as discussed short-, middle-, and long-term recommendations for implementation of appropriate reflection period.

<sup>8</sup> US Recommendation: (6) Extend the period in which officials are required to identify a potential victim formally, to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities.

<sup>9</sup> US Recommendation: (6) Extend the period in which officials are required to identify a potential victim formally, to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities.



After thorough research and studies, the results showed that by taking victims' psychological/physical trauma and victims' decision-making ability into account, the appropriate reflection period for Thailand would be within 30 days.<sup>10</sup> Additionally, appropriate activities for potential victims during the reflection period should focus on emotional recovery and be flexible to the victims' individual needs and context. For child victims, the CRC process would be provided in accordance with the BID and protection under the Child Protection ACT B.E. 2546 (2003). However, shelters could adjust activities during the reflection period, that would best suit each victim's interest based on victim-centred and trauma-informed care approaches, gender equality and indiscrimination.

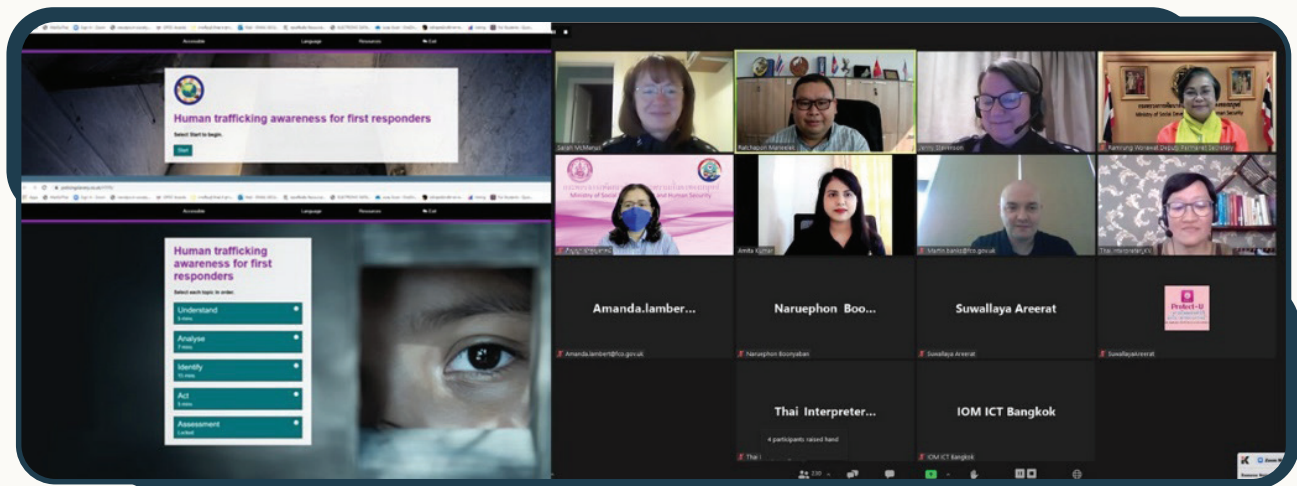
### 1.3 Enhancing Victim Identification Capacity-Building for Officers through E-Learning.

The MSDHS, in collaboration with the UK Border Force, British Embassy in Bangkok, established an online learning platform on human trafficking and modern-day slavery for victim identification officers, especially MDTs.<sup>11</sup> This platform offered continued learning and skill development for these officers. Experts from the UK Border Force gave a presentation on

<sup>10</sup> US Recommendation: (6) Extend the period in which officials are required to identify a potential victim formally, to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities.

<sup>11</sup> US Recommendation: (2) Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnership with NGOs to prepare victims.

the platform and shared experiences and techniques on victim identification during the online seminar, “Human Trafficking Awareness for First Responders e-learning,” with more than 280 participants.



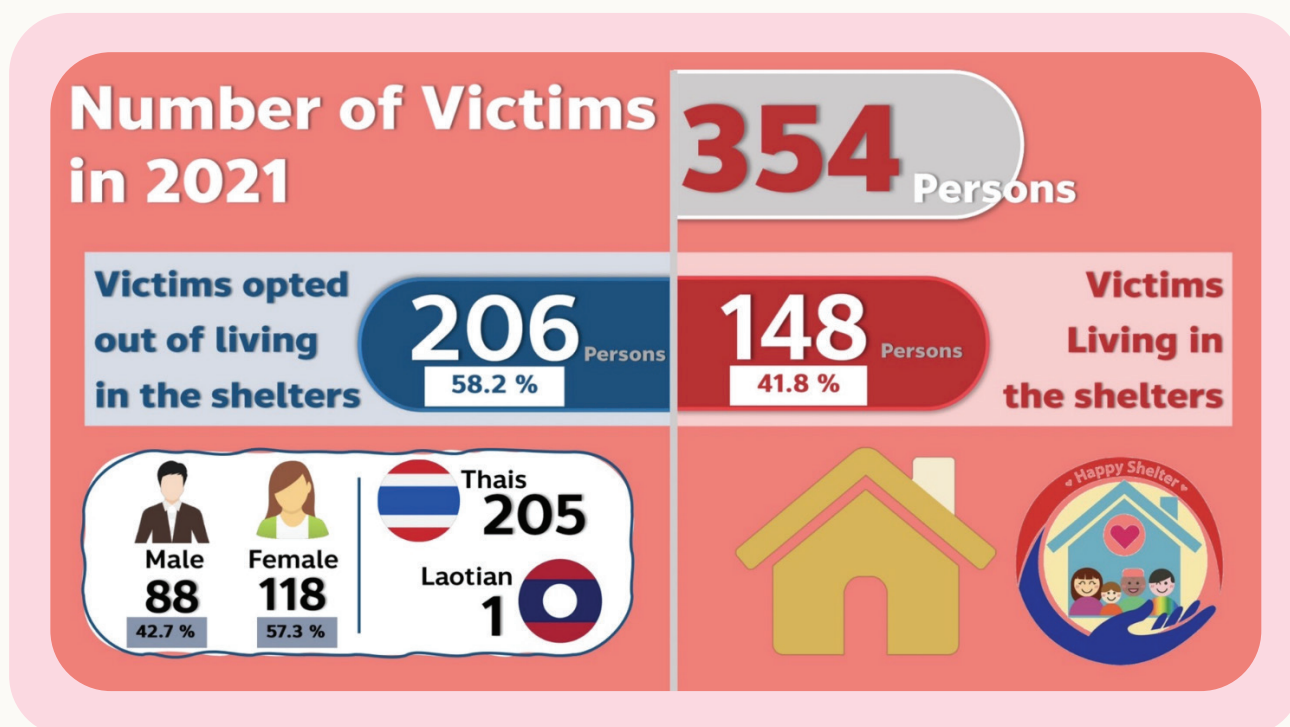
## 2. Protection and Assistance for Victims of Human Trafficking

### 2.1 Protection and Assistance Services

In 2021, the Government provided protection and assistance to 354 additional victims of trafficking and victims of forced labour or services, an increase of 123 victims in comparison to 2020. Of this number, 148 persons (41.81 percent) were looked after at government or registered private-run shelters. The other 206 persons (58.19 percent), comprising of 205 Thais and one Laotian, chose to live outside and mostly returned to their families. The MSDHS continued to ensure that victims outside the shelters were provided with the same protection and assistance as those staying at the shelters. This included periodic visits to assist with the reintegration progress, consultations and legal advices on court proceedings, assistance on financial remedies application, financial aid from the Anti-Trafficking in Persons Fund, as well as other support that helps improve their standard of living<sup>12</sup> (Diagram 8).

<sup>12</sup> US Recommendation: (10) Do not make victims' identification and access to services dependent on their willingness to participate in investigations against their traffickers.

Diagram 8: Number of victims inside and outside shelters



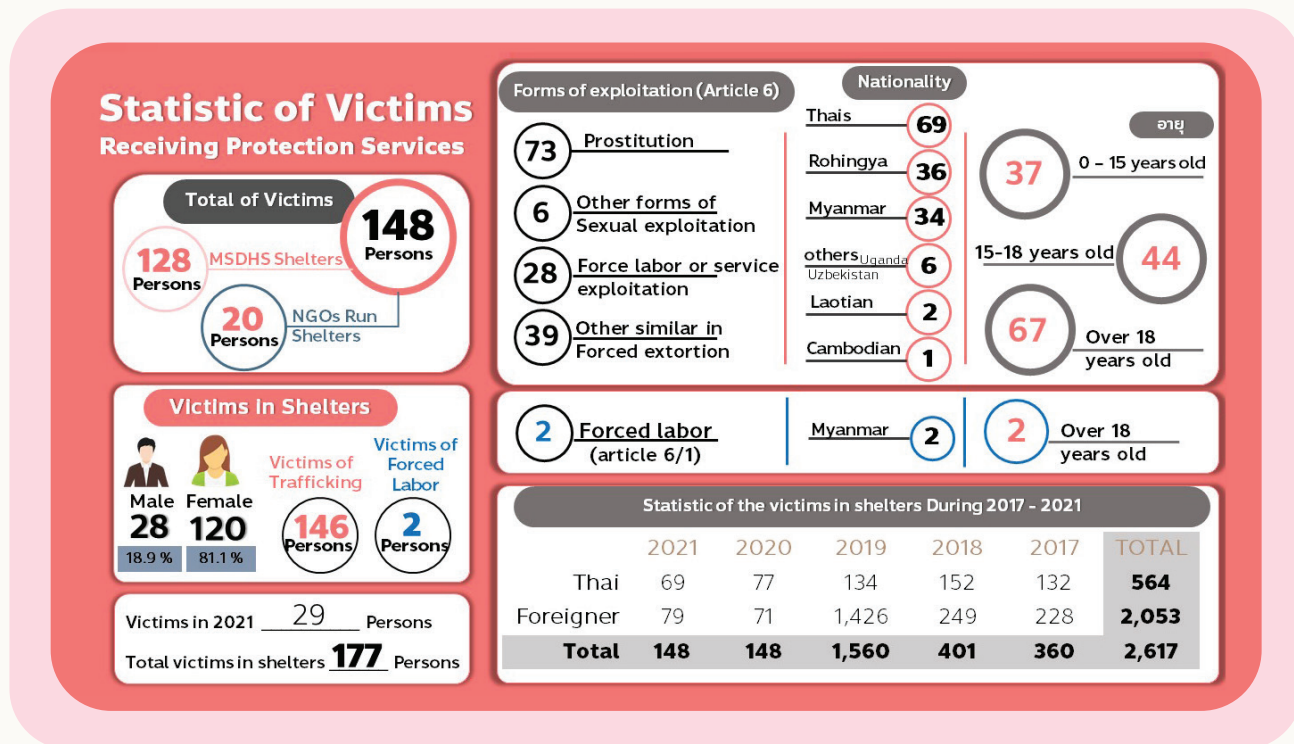
## 2.2 Victim Protection in the Shelters

The government and registered private-run shelters continued to provide protection and assistance services to human trafficking victims under Section 6, and victims of forced labour under Section 6/1 of the Anti-Trafficking in Persons Act B.E. 2551 (2008), focusing on victim-centred and trauma-informed care approaches, the BID for child victims, gender equality, cultural diversity, and individual needs without discrimination.

### 1) Statistic of Victims Living in the Shelters

In 2021, a total of 143 victims were admitted to the shelters, 115 of which were female (80.42 percent), and 28 were male (19.58 percent). In terms of age, there were 66 adults at the age of 18 or above (46.15 percent), and 77 children below the age of 18 (53.85 percent). The majority of the victims were Thais (64 victims, 44.76 percent) followed by 36 Rohingya irregular migrants (25.17 percent), 32 Myanmar nationals (22.38 percent), two Laotians (1.4 percent), one Cambodian national (0.7 percent), and six other foreign nationals (4.2 percent). They comprised 68 victims (47.55 percent) of prostitutions, six victims (4.2 percent) of other forms of sexual exploitations, 28 victims (19.58 percent) of forced labour or services, and 39 victims (27.27 percent) of extortion and other forms of exploitation. There were two victims of forced labour or services under Section 6/1 who currently live in the shelters, both victims were female Myanmar nationals (Diagram 9).

Diagram 9: Statistic of victims in shelters



## 2) Prevention Measures during the COVID-19 Situation

In the context of the COVID-19 pandemic, the shelters imposed disease prevention measures on both existing and newly-admitted victims. Referral Office imposed 14-day quarantine and administered the COVID-19 screening test before admission of victims to the shelters. After admitted to the shelters, the victims also underwent an additional 14-day quarantine separated from other victims at the shelters, to ensure that the shelters remain COVID-free.

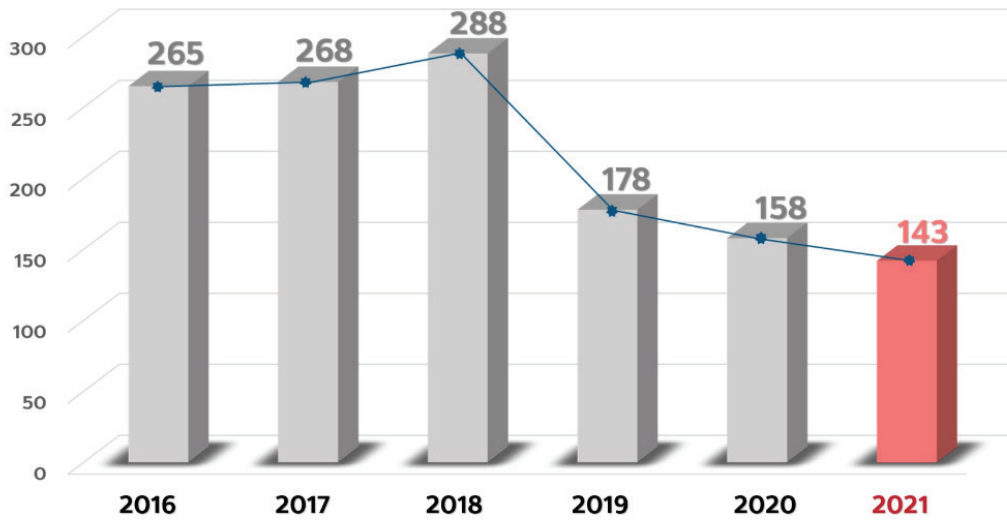
## 3) Length of Stay of Victims at the Shelters

After admitted to the shelters, victims would receive social welfare services for physical and mental rehabilitation, vocational training to increase career opportunity, along with legal assistance such as an additional interview when the victim was ready, a meeting to determine compensation, acceleration of advanced witness examination, as well as the follow-up of claims according to their rights as prescribed by laws. These processes helped prepare victims for reintegration back to the society. For non-Thai victims, the shelters would coordinate with the countries of origin to verify their nationality and prepare necessary documents for their timely repatriation.<sup>13</sup>

<sup>13</sup> US Recommendation: (9) Consider legal alternatives to foreign victims' placement in shelters, such as enabling victims to exit the shelter system when they are ready to pursue outside employment opportunities.

In 2021, victims stayed at the shelters for 143 days on average, which continued the downward trend, reducing from 158 days in 2020 and 178 days in 2019. Details appear in Diagram 10.

Diagram 10: Victim's average length of stay at shelters from 2016 – 2021



#### 4) Reintegration of Victims into the Society<sup>14</sup>

In 2021, the shelters started using a more systematic Victim Care Plan/ IDP in providing assistance to victims. This systematic plan allowed victims to be directly involved in designing their own plan based on their needs. Individual plans were kept confidential and would only be accessible by authorised persons for the purpose of victim services.

At the end of protection and assistance process, victims would be reintegrated into society with approaches and mechanisms to prevent revictimisation. In 2021, the shelters and relevant agencies helped reintegrate 69 Thais and repatriate nine Cambodian victims into society under bilateral cooperation between the two countries.



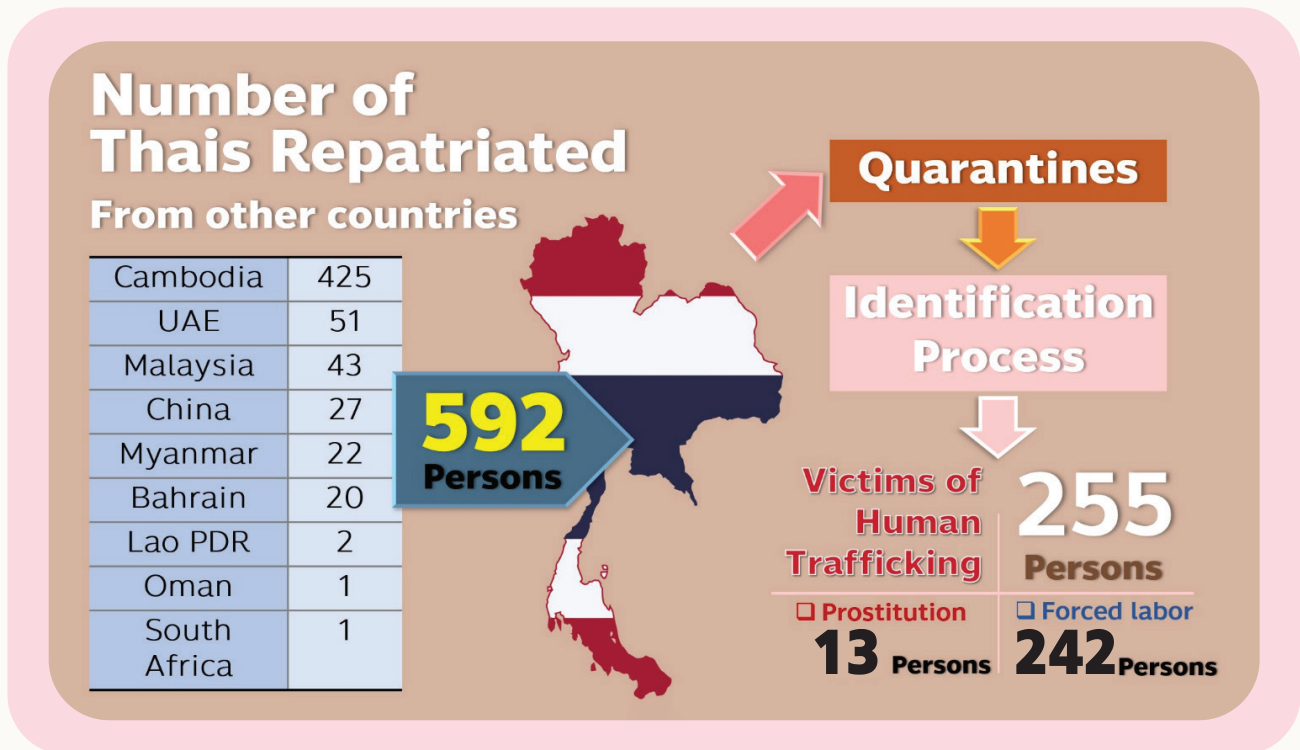
<sup>14</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

### 5) Protection and Assistance Provided to Repatriated Thai Workers

The Royal Thai Government, through collaboration between the MFA, MSDHS, Immigration Bureau, MOL, and relevant private agencies, facilitated the return of Thai victims of trafficking in persons, or persons vulnerable to victimization, from destination countries to Thailand. Upon arrivals, they underwent mandatory COVID-19 quarantine. Officials adapted to conducting pre-identification interviews with potential victims via video conference to collect initial information before victim identification interview after the end of their quarantine when the victims were ready. After the victim identification process, victims were informed of their rights to assistance and services. They were able to decide whether to participate in the prosecution of the perpetrator. For those not identified as human trafficking victims, appropriate assistance might be provided on a case-by-case basis, depending on the nature of each case.

In 2021, 592 Thais were repatriated. Of this number, 225 were identified as victims of human trafficking, comprising 13 victims of prostitutions and 242 victims of forced labour or services. All victims wished to return to their hometowns and opted out of shelter services. The MSDHS cooperated with local agencies to periodically monitor the victims' reintegration, including their condition and living standard, to prevent revictimization (Diagram 11).

Diagram 11: Number of repatriated Thai workers that received protection and assistance



### 2.3 Protection of Witnesses in Trafficking in Persons Cases

In 2021, the MOJ's Rights and Liberties Protection Department developed protection measures to increase effectiveness and comprehensiveness in all dimensions of witness protection programme, including safety, assistance, protection, and rehabilitation of physical and mental conditions for witnesses. The programme focused on trauma-informed care approach and provided compensation for loss of financial opportunity, meal allowances, safe and appropriate accommodation, facilitation for communication with their families including the use of communication devices, and vocational training. The witness protection programme was expanded to also cover the victims' parents, children, and spouses, to help ensure that they will not be threatened directly or indirectly. The average expense on witness protection service for each victim in 2021 increased by 244.7 percent compared to 2020 (Table 16).<sup>15</sup>

**Table 16: Number of witnesses and expense spent in the witness protection program under the human trafficking in person case**

Year	Number of victims entering witness protection program	Expense (THB)	Expense per person (THB)
2020	51	4,842,068.04	94,943
2021	16	5,236,312.74	327,270

In addition, there was increasing cooperation between public sector and NGOs in 2021. For example, the MSDHS, ATPD, RTP, OAG, HUG Project Foundation, O.U.R. and ZOE International cooperated to provide assistance to victims under witness protection programme, including funding for vocational training (in salon, bakery, and English language courses). Moreover, there were consultations for witnesses on life plans and follow-up monitoring after their return to families to prevent revictimization.

The witness protection programme contributed greatly to the success of investigation process. There were cases of alleged complicit officials in Ratchaburi and Kanchanaburi, where some witnesses later changed their testimonies in favor of the offenders. However, the witnesses under witness protection programme did not change their statements, which enabled the cases to move forward in the Court, and ultimately, the offenders pleaded guilty.

<sup>15</sup> US Recommendation: (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

## 2.4 Protection of Vulnerable Group at Risk of Becoming Victims

The MSDHS's Department of Children and Youth provided protection and assistance to persons who might fall victim to human trafficking, or children who might be subjected to various forms of exploitation leading to trafficking in persons. In 2021, the government shelters for children and families provided assistance and protection to persons vulnerable to become human trafficking victims as in Table 17.

**Table 17: Number of children and persons at risk receiving protection and assistance, classified by age, gender, and condition**

Type of Problems	Male		Female		Total
	Below 18 years old	18 years old or over	Below 18 years old	18 years old or over	
Homelessness	80	7	42	10	139
Delinquency and indecent occupation	155	9	131	172	467
Negligence	119	29	153	126	427
Physical abuse	89	3	88	36	216
Mental abuse	14	0	18	5	37
Sexual harassment	22	2	344	16	384
Illegal migration	30	3	17	9	59
Child labour	8	0	4	0	12
Online exploitation	5	0	7	0	12
<b>Total</b>	<b>522</b>	<b>53</b>	<b>804</b>	<b>374</b>	<b>1,753</b>

## 3. Enhancing the Use of Trauma-Informed Care Approach<sup>16</sup>

### 3.1 Protection Procedure in the Shelters

In 2021, the shelters implemented the “Happy Shelter” project with enhancing trauma-informed care approach to ensure that victims feel safe and secure throughout their stay until reintegration into society.<sup>17</sup> Victims could take part in designing their activities based on their own interests and individual needs such as daily morning discussion, weekly food selection, musical activities, sports, cultural exchanges, vocational training, and following up on prosecution progress. The shelters also continued to regularly monitor the victims' progress after they were reintegrated back into society (Diagram 12).

<sup>16</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

<sup>17</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

Diagram 12: Activities provided to victims under the Happy Shelter project



### 3.2 Legal Assistance in Shelters<sup>18</sup>

The MSDHS continued to enhance the capacity of shelter officers to become Case Managers, working with MDTs to develop individual Victim Care Plans to provide comprehensive assistance to victims covering social, legal, medical, educational, and occupational dimensions. In particular, Case Managers provided legal assistance with regard to financial remedies, Victim Impact Statements, and medical reports on abuses associated with human trafficking for the determination of financial remedies for victims.<sup>19</sup>

### 3.3 Capacity Building for Shelter Staff Members

Since 2019, all shelters have collaborated with the IJM in organising capacity-building trainings for shelter staff members to enhance their capacity in trauma-informed care approach.<sup>20</sup>

<sup>18</sup> US Recommendations: (1) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care, and (2) Take steps to ensure victims are adequately prepared for court proceedings, including by increasing access to public prosecutors or partnership with NGOs to prepare victims.

<sup>19</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

<sup>20</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

The MSDHS, in collaboration with the IJM, developed a capacity- building training for 30 MDT officials from areas with frequent victims identifications to promote deeper understanding and awareness of trauma-informed care approach during victim identification interviews as well as to create a victim friendly area to increase victims' trust and confidence in the protection and assistance process, which would also enhance the effectiveness of prosecution procedure.

In addition, the MSDHS and IJM developed an e-learning training course to enhance knowledge and skills of officers providing psychological care for the victims. The preparation of the course in collaboration with trauma consultants and psychological academia from Chulalongkorn University has been completed while its e-learning system is under development and expected to be ready by March 2022.

#### 4. Ability of Victims to Move Freely in and out of Shelters and Access Communication Devices<sup>21</sup>

##### 4.1 Freedom to Move in and out of the Shelters

Victims who stay in shelters have freedom to move freely in and out of shelters to work, study, receive medical treatment, and participate in religious and community activities.<sup>22</sup> Victims who wish to leave the shelters can request for security supports from shelter staff if they feel vulnerable or unprotected outside the shelters. Victims of foreign nationalities can request permission to stay in the Kingdom according to Section 37 of the Immigration Act, with the assistance of shelter staff on behalf of the victim in applying for an extension and permission to stay in the Kingdom within the first two weeks of the protection.

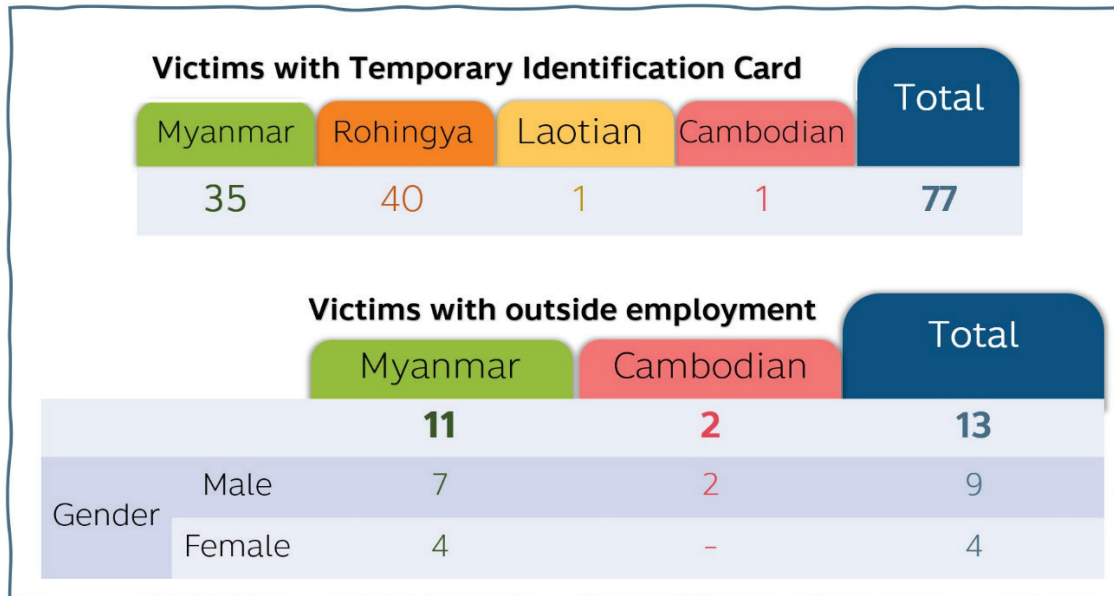
In 2021, the MSDHS and MOI issued temporary identification cards to 77 foreign victims in the shelters. Of this number, 13 victims (nine males, and four females) voluntarily sought outside employment, residing with their employers outside the shelters.<sup>23</sup> In this regard, social workers from the shelters paid periodic visits to the victims to ensure their safety and well-being (Diagram 13).

<sup>21</sup> US Recommendations: (1) Increase the ability of victims, especially adults, to move freely in and out of the shelters and access communication devices and reassess shelters placements periodically to ensure victims are not required to remain in shelters longer than necessary, and (2) Consider legal alternatives to foreign victims' placement in shelters, such as enabling victims to exit the shelter system when they are ready to pursue outside employment opportunities.

<sup>22</sup> US Recommendation: (4) Increase the ability of victims, especially adults, to move freely in and out of shelters and access communication devices and reassess shelter placements periodically to ensure victims are not required to remain in shelters longer than necessary.

<sup>23</sup> US Recommendation: (4) Increase the ability of victims, especially adults, to move freely in and out of shelters and access communication devices and reassess shelter placements periodically to ensure victims are not required to remain in shelters longer than necessary.

Diagram 13: Number of victims with temporary identification cards and victims with outside employment (January – December 2021)



## 4.2 Freedom to Use Communication Devices

Victims, especially adults, can freely use communication devices according to their needs, such as calling family members, following the news, or other entertainment purposes. In 2021, 104 victims had their own mobile phones while 66 victims did not. For those in need, the shelters would provide them with phones as well as wi-fi services.<sup>24</sup>



## 5. Participation of NGOs in Providing Protection and Assistance Services

Shelters attached great importance to partnership with relevant organisations and NGOs in supporting activities and services to victims. Apart from services provided by the shelters, NGOs proactively engaged in arranging activities for victims in order to build their confidence in receiving needed protection and assistance from relevant agencies, including legal assistance, rehabilitation activities, and provision of supplies according to their specific needs or cultural practices. International organizations were also involved in victim interviews to increase settlement opportunities in a third country according to their wishes.

During the COVID-19 pandemic, partner organisations also collaborated with the shelters in arranging online activities with victims regularly to continue to build trust and confidence among victims. Details appear in Table 18.

<sup>24</sup> US Recommendation: (4) Increase the ability of victims, especially adults, to move freely in and out of shelters and access communication devices and reassess shelter placements periodically to ensure victims are not required to remain in shelters longer than necessary.

Table 18: Number of visits to shelters by international organisations and NGOs in 2021

International Organisations and NGOs	Number of Visits
International Organization for Migration (IOM)	10
United Nations High Commissioner for Refugees (UNHCR)	3
International Justice Mission (IJM)	4
Alliance Anti Trafficking (AAT)	15
Foundation for Human Rights and Development Foundation (HRDF)	1
LIFT International	1
For Freedom International	1
Total	35

Diagram 14: Business sectors helped provide necessary supplies as gifts for victims and their family



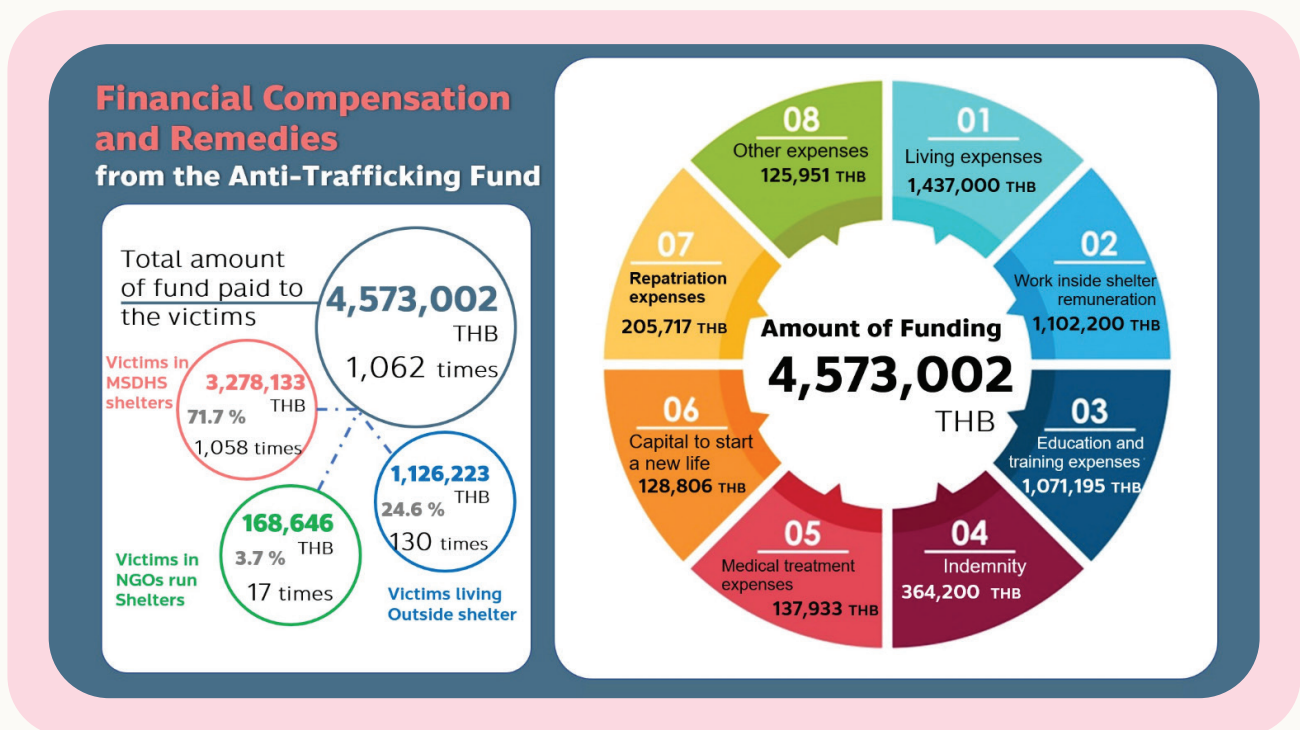
## 6. Financial Assistance for Victims

### 6.1 Use of the Anti-Trafficking in Persons Fund

The Royal Thai Government remained committed to ensuring financial remedy to victims of human trafficking, in particular, the initial financial compensation from the government's Anti-Trafficking in Persons Fund, before further claims of compensation from the offenders involved in human trafficking would be filed.

In 2021, victims received THB 4,573,002 (USD 137,191.43) of financial assistances from the Anti-Trafficking in Persons Fund. Of this amount, THB 3,278,133 (USD 98,345) or 71.7 percent were provided to 1,058 victims staying in government shelters, THB 168,646 (USD 5,059.43) or 3.7 percent were provided to 17 victims staying in registered private-run shelters, and THB 1,126,223 (USD 33,787.02) or 24.6 percent were provided to victims opted not to stay in the shelters.<sup>25</sup> The compensation was divided into living expenses THB 1,437,000 (USD 43,110.43), education and training expense THB 1,071,195 (USD 32,136.17), work remuneration THB 1,102,200 (USD 33,066.33), indemnity THB 364,200 (USD 10,926), medical treatment expenses THB 137,933 (USD 4,138), reintegration support THB 128,806 (USD 3,864.18), repatriation expenses THB 205,717 (USD 6,171.57), and other expenses THB 125,951 (USD 3,778.56) (Diagram 15).

Diagram 15: Financial assistance from Anti-Trafficking Fund by category



## 6.2 Income Opportunity for Victims during Protection Service

Victims in shelters were evaluated to determine appropriate employment opportunity according to their interests and skills, and provided with individualised vocational training programme. In 2021, the MSDHS expanded vocational training programmes to cover more courses to accommodate variety of skills based on the interests and demands of victims such as barista and cooking courses.

<sup>25</sup> US Recommendation: (10) Do not make victims' formal identification and access to services dependent on their willingness to participate in investigations against their traffickers.

Diagram 16 : Vocational skills training provided to victims



For victims wishing to work outside the shelters, readiness evaluation and trainings were provided to prepare them to work outside and create awareness for them not to be revictimized. In 2021, 13 victims were under outside employment, earning the total income of THB 418,322 (USD 12,369.66). Shelters also provided job opportunities for victims who were not ready to work outside; 62 victims worked in the shelters, earning the total income of THB 1,102,200 (USD 33,066.33)<sup>26</sup> (Diagram 17).

Diagram 17: Number of victims working inside and outside of shelters

➤ Number of Victims working **75** Persons

Total income during Protection Process

Total **1,520,522** THB

Number of Victims work outside **13** Persons

Total **418,322** THB

Number of Victims work inside **62** Persons

Total **1,102,200** THB



<sup>26</sup> US Recommendation: (9) Consider legal alternatives to foreign victims' placement in shelters, such as enabling victims to exit the shelter system when they are ready to pursue outside employment opportunities.

### 6.3 Compensation for Victims and Witnesses

In 2021, the MOJ's Rights and Liberties Protection Department provided compensations for 19 victims, according to the Damages for the Injured Persons and Compensation and Expenses for the Accused in Criminal Cases Act, amounting to THB 475,000 (USD 14,250) with the average compensation per victim increasing 77.30 percent from the year 2020.

In addition, the manual on the rights of victims and defendants in criminal cases was developed and translated into five languages including Thai, English, Burmese, Laotian, and Cambodian, in order for all victims to understand and be aware of their legal rights (Table 19).

Table 19 : Statistics on compensation for victims in criminal cases (Trafficking in Person Cases)

Year	Number of victims who received compensation	Amount (THB)
2019	35	532,035
2020	24	267,900
2021	19	475,000

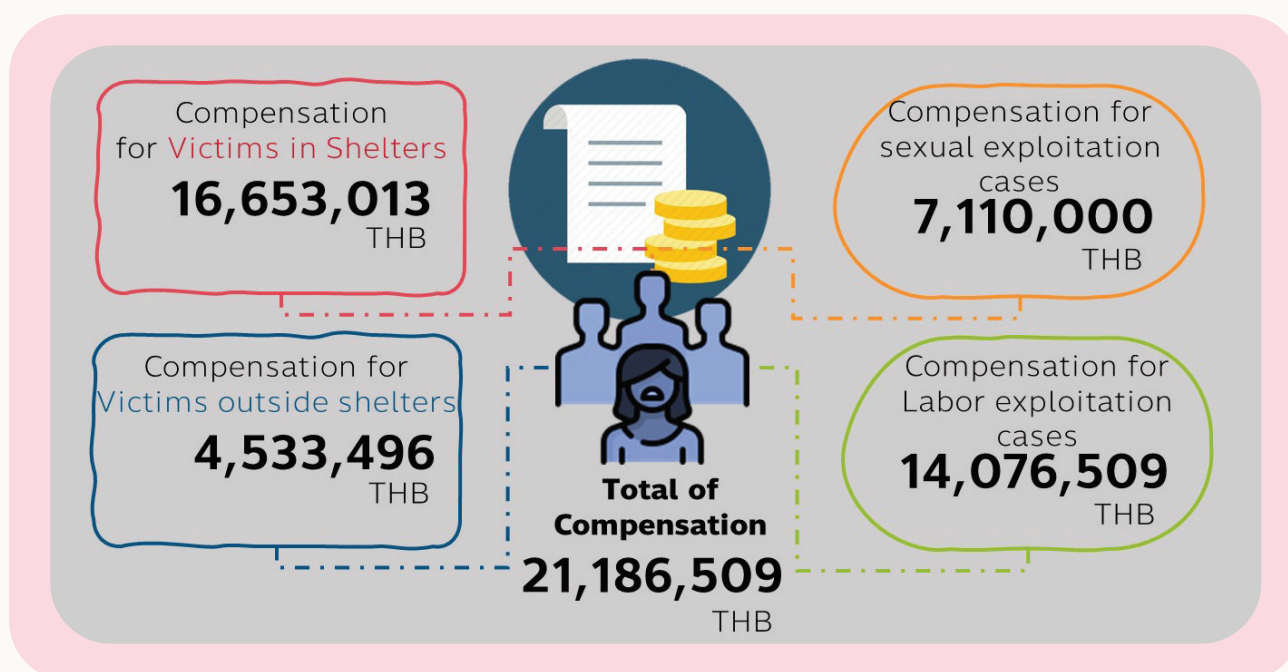
Diagram 18 : The manual on the rights of victims and defendants in criminal cases in 5 languages



### 6.4 Assistance on Compensation Claims from Offenders

The MSDHS, in collaboration with the MOL, RTP, DSI, OAG and NGOs, provided assistance in filing charges for compensation for victims. These agencies worked with victims to help determine the amount of compensation that they should receive based on the offence. The details of compensation rates received for different types of cases appear in Diagram 19.

Diagram 19 : Compensation for victims in 2021



### 6.5 Enforcing the Courts' Order for Restitutions and Compensations

In order to assist victims to receive remedy from offenders according to Section 15 of the Human Trafficking Criminal Procedure Act, the MSDHS continued to provide legal assistance to victims to ensure enforcement in line with court decisions. (Table 20).

Table 20: Number of cases enforced by the Courts' order

Cases the Courts Ordered to Pay Compensation	Cases with Write of Execution	Cases with Completed Investigation of Assets	Result of the Assets Investigation		Execution of Courts' Sentence
			Assets Seized	No Asset Seized	
120	105	66	7	59	2

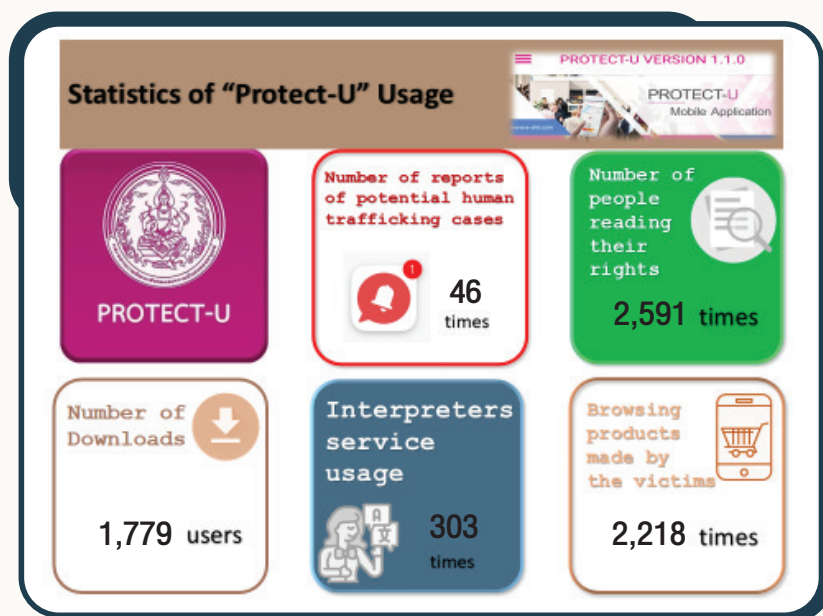
Furthermore, a subcommittee was established to follow up on the enforcement of court decisions. The subcommittee issued guidelines and regulations for the provision of legal aids and follow up on cases when warrants of execution have been issued to ensure that victims received full or as much as possible compensation. In 2021, the draft Anti-Money Laundering Act B.E. ... (...) was approved by the Cabinet in order to allow assets seized from human trafficking offenders to be used as financial remedies for victims. The draft is currently under the consideration of the Office of the Council of State.

## 7. Access to Protection Service through Online Channels

### 7.1 “Protect-U” Mobile Application

The MSDHS launched a Mobile Application “PROTECT-U” in 2019 in order to enhance access to protection and assistance services for victims. In 2021, “Protect-U” continued to be an important channel of communication for both the public and victims to report potential human trafficking cases.<sup>27</sup> A total of 46 suspected human trafficking cases were reported through the application in 2021, increasing from 32 reports in 2020. All the cases were referred to agencies concerned for investigation. Other popular usage of the application included referencing victims’ rights (2,591 times), browsing products made by victims (2,218 times), and requesting interpretation services (303 times). Details appear in Diagram 20.

Diagram 20 : “Protect-U” mobile application statistics



### 7.2 The Use of LINE Official Account to Monitor Victims’ Assistance

In 2021, the MSDHS started a pilot project to use technology to monitor and assist victims as they returned to the family and society to ensure that they would not be revictimised. LINE Official Account, a text message application, was used as a channel of communication between officials and victims outside of shelters to provide assistance in a more systematic manner for prompt access to services, such as initial consultation, appointment notification between victims and their Case Managers, as well as reintegration follow-ups.

<sup>27</sup> US Recommendation: (15) Foster an environment conducive to victims and advocates reporting human trafficking crimes without fear of facing spurious retributive charges pursued by employers, including by utilizing recent legal amendments to dismiss cases filed with dishonest intent or to intimidate defendants.

## 8. Case Studies of Successful Cases in Providing Protection Services

### 1) Child Sexual Exploitation Case

Through a holistic approach and collaboration between the MSDHS, RTP, OAG and NGOs, a child victim of sexual exploitation and prostitution was rescued in a foreign country and repatriated to Thailand. The victim was placed under the witness protection programme while the prosecution process was being proceeded both in Thailand and the host country. Under the protection programme, the victim received psychological services, access to Anti-Trafficking Fund, and a baking training to enhance vocational skill based on the victim's interest. The victim was able to recover from depression and preparing for reintegration back into society because of the effective, systematic, holistic and comprehensive protection services provided by related agencies, with individualised care based on the victim's needs and wishes.<sup>28</sup> Once the victim is ready to return to society, the government will provide addition funding to support reintegration.

### 2) Child Human Trafficking Case

A child victim was rescued and sent to a shelter. The shelter then provided the child who suffered severe depression with psychological services using trauma-informed care approach. As the victim's condition improved, the shelter reintegrated the victim back to the society and provided her with scholarship for secondary education. The victim returned to the family and helped with their goat business while continuing her education in school. This is among many examples where collaboration between MDT and shelter staff helped the victim to recover, demonstrating the effectiveness of the victim-centred and trauma-informed care approaches implemented by Thailand to provide protection and assistance to victims of human trafficking.<sup>29</sup>

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<sup>28</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

<sup>29</sup> US Recommendation: (7) Ensure government and NGO-operated shelters provided victims with adequate trauma-informed and individualised care, such as legal assistance and psychological care.

## Shelter Visit by the U.S. Congressional Delegation

On 10 November 2021, the U.S. Congressional Delegation<sup>30</sup> led by Representative Ami Bera (D-CA), Chairman of Subcommittee on Asia, the Pacific, Central Asia and Nonproliferation, the House Foreign Affairs Committee, visited a government shelter for victims of trafficking in person in Pathum Thani Province, during their visit to Thailand.

At the shelter, the delegation was briefed on Thailand's anti-human trafficking efforts and given a tour of the shelter to see provided services and areas for victims' activities, including the vocational training centre, the common area with wi-fi service for victims to relax and use their mobile phones, victim identification interview room, the moot courtroom which was funded by the U.S. Government and IOM to prepare victims for their court procedure, therapy room to provide victims with psychological consultation. The delegation also participated in victims' local food cooking demonstration where they had a chance to interact with victims.

The delegation expressed keen interests and commended Thailand's determination and earnest efforts in combatting human trafficking as well as the operation and services provided by the shelter for victims, especially in preparation for their reintegration with emphasis on trauma-informed care and victim-centred approaches.



<sup>30</sup> The congressional delegation comprised (1) Rep. Ami Bera, (2) Rep. Juan Vargas, (3) Rep. Derek Kilmer, and (4) Rep. Abigail Spanberger.

# Prevention

Amid the spread of the COVID-19 pandemic, the Royal Thai Government continued to strengthen its efforts in eradicating human trafficking of all forms. Preventive policies and measures remained crucial components to ensuring that vulnerable groups at risk do not fall victims to human trafficking. Throughout 2021, inclusive collaboration between relevant agencies, participation from multiple stakeholders, international cooperation and multi-sectoral partnerships continued to enhance Thailand's progress in preventing human trafficking in line with the country's Anti-Trafficking Action Plan and international standards.

## Key Achievements in 2021

1. In the context of the COVID-19 pandemic, the Government adapted to the situation and continued its vigorous migrant workers management scheme, legalising and extending the stay in the Kingdom for a total of 2,328,409 migrant workers. This ensured that migrant workers were entitled to their rights, benefits, and protection, reducing their vulnerability to human trafficking.
2. Progress was made to ensure workers are provided with contracts in a language they understand. The draft Ministerial Regulations on the Protection of Labour in the Marine Fisheries, B.E. ..., which includes a provision that workers' contracts must consist of two languages, Thai and a language that the worker understands, was approved in principle by the Cabinet on 21 September 2021 and is currently under the Office of the Council of State's consideration.<sup>1</sup>
3. The Ministry of Labour (MOL) developed guidelines to enhance the efficacy of labour inspections, prioritising anti-human trafficking efforts and identification process.<sup>2</sup>

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<sup>1</sup> US Recommendation: (14) Increase efforts to ensure employers provide workers copies of contracts in a language they understand.

<sup>2</sup> US Recommendation: (13) Enforce 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.

4. Labour and welfare inspections were conducted by the MOL at 91,543 workplaces, covering 1,902,579 workers to uphold workers' rights and compliance with laws and regulations, preventing migrant workers from becoming victims of human trafficking or forced labour. Labour inspectors were able to identify 5,432 employers/workplaces who committed offences relating to violations of labour law or insufficient labour welfare provision. The offenders were issued MOL rectification orders, fined, and/or prosecuted accordingly.<sup>3</sup>

5. The Department of Fisheries and Port-In Port-Out Control Centers (PIPO) continued to proactively inspect 44,857 vessels at ports and at sea consisting of 553,035 fishery workers, ensuring that they received protection in accordance with the law. From vessels inspections, officials found 17 vessels' owners in violation of the law. 12 offenders were issued rectification orders while the other 5 offenders were prosecuted.<sup>4</sup>

6. Seabooks were issued for 54,598 migrant workers. The Coordination Center for Sea Fishery Workers conducted an awareness campaign for 179,595 employers and workers about workers' rights and relevant laws in order to protect them from exploitation.

7. Capacity-building activities, trainings, seminars, and workshops were regularly conducted for labour inspectors, provincial labour officers, and other relevant officers to enhance their knowledge and inspection skills against human trafficking and forced labour. 1,553 officers participated in these capacity-building activities.

8. Complaints mechanisms and channels were upgraded with 126 interpreters hired by the MOL. Additional interpreters will be hired to support the work of 10 Migrant Workers Assistance Centres nationwide.<sup>5</sup>

9. Proactive anti-human trafficking awareness campaigns continued to be carried out both for the general public and vulnerable groups such as students and workers, including in the informal sector, with more than 6,000 participants in offline activities and more than 2.4 million views for online campaigns. The Thailand Internet Crimes Against Children Taskforce (TICAC), in collaboration with relevant agencies and NGO partners, organised vigorous awareness activities to prevent online

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<sup>3</sup> US Recommendation: (13) Enforce 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.

<sup>4</sup> US Recommendation: (13) Enforce 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.

<sup>5</sup> US Recommendation: (8) Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes, including by establishing standard procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement.

child sexual exploitation. The Prime Minister's Delivery Unit (PMDU), in collaboration with partners including the U.S. Homeland Security Investigations (HSI), and Federal Bureau of Investigation (FBI), produced an online interactive fiction story titled "Exposed," while the MOL produced an online video campaign titled "Human Trafficking is Closer than You Think". Both online videos went viral, receiving great attention from the wider public.

10. The Watch List and Black List of people with history of child sexual abuse continued to be regularly updated and enforced by the Immigration Bureau to prevent their entry into the Kingdom.

11. The Royal Thai Government continued to promote labour standards among Thai businesses. In 2021, 729 additional businesses implemented Good Labour Practices (GLP), amounting to a total of 7,606 businesses that have implemented GLP since it was introduced.<sup>6</sup>

12. The Government closely cooperated with international organisations such as the International Labour Organisation (ILO) in its Ship to Shore Rights, TRIANGLE in ASEAN, and Safe and Fair projects, and WinRock International in the "Attaining Lasting Change for Better Enforcement of Labour and Criminal Law to Address Forced Child Labour" Project.

## 1. Legal Amendments and Improvements

In 2021, Thailand further amended and developed laws and regulations to strengthen the prevention and suppression of all forms of human trafficking, in accordance with relevant international laws and standards.

### 1.1 Amendments to the Ministerial Regulations on the Protection of Labour in the Marine Fisheries, B.E. ... (...)

The Department of Labour Protection and Welfare (DLPW) continued to make progress in the drafting of the Ministerial Regulations on the Protection of Labour in the Marine Fisheries, B.E. ... (...) to (1) provide additional protection related to wages, safety, and other benefits for labours working in the high seas<sup>7</sup> and (2) mandate that workers' contract must consist of two languages, Thai and the language that the worker understands.<sup>8</sup> These amendments would help prevent forced

<sup>6</sup> US Recommendation: (13) Enforce 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.

<sup>7</sup> US Recommendation: (13) Enforce 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.

<sup>8</sup> US Recommendation: (14) Increase efforts to ensure employers provide workers copies of contracts in a language they understand.

labour in the fishery sector and ensure the effective implementation of ILO Convention No. 188 on Work in Fishing (2007). The amendments have been approved in principle by the Cabinet and the draft Regulations is currently under the Office of the Council of State's consideration.

### 1.2 Revisions of the Labour Relations Act B.E. ... (...)

Further progress continued to be pursued in the revision of related legislations to further strengthen labour protection and pave the way for the ratification of the ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organise Convention and Convention No. 98 on the Right to Organise and Collective Bargaining. Specifically, the revised draft Labour Relations Act B.E. ... (...), which was approved by the Cabinet in February 2019, is currently being reviewed by the Council of State.

### 1.3 Ministerial Regulations on the Qualifications of Law Enforcement Officers B.E. 2564 (2021)<sup>9</sup>

The Government aimed to regularly improve the efficacy of officers working in human trafficking cases. In 2021, the Ministry of Social Development and Human Security (MSDHS) made an amendment to the Ministerial Regulation on the Qualifications of Law Enforcement Officers B.E. 2552 (2009) by setting new requirements for law enforcement officers in accordance to the Anti-Human Trafficking Act, B.E. 2551 (2008) and its Amendment. Law enforcement officers working on human trafficking cases are required to have completed relevant training programmes as required by the MSDHS and MOL and have had prior work experience on anti-human trafficking for at least one year. The Ministerial Regulations came into force on 20 December 2021.

## 2. Anti-Trafficking in Women and Children

The Government remained proactive in implementing preventive measures against trafficking in women and children. A particular emphasis was given to awareness-raising efforts for women, youth, and children at risk of being trafficked, as well as enhancing professional skills for vulnerable groups of women in order to reduce their vulnerability to being lured into human trafficking. Relevant agencies also organised trainings and programmes to raise the capacities and efficacy of their staff. Key achievements in 2021 included the following:

<sup>9</sup> US Recommendations: (2) Ensure MDTs are composed of officials who are trained and have sufficient experience working trafficking cases to improve the effectiveness of victim identification, and (5) Ensure experienced officers respond to trafficking cases, including by increasing the capacity of the police anti-trafficking unit to assist local districts that do not have experience with investigation trafficking.

**2.1 Career Development Programmes** were organised by the MSDHS for women and girls at risk of being trafficked and other target groups. A total of 12,380 women and girls participated in the programmes in 2021.

**2.2 Pre-Departure Support Programmes for Thai Women** moving overseas helped prepare them to safely work and live abroad. Since 2012, the MSDHS has supported the work of volunteer networks in providing advice for Thai women with foreign spouses and continued to do so both under normal circumstances and during the COVID-19 crisis.

1) The Government promoted capacity-building for volunteer networks in providing advice to Thai women abroad through trainings via video conferences, in order to enhance the supportive roles of volunteers for social development and human security and to promote livelihoods and professional skills for women in the New Normal society. A total of six trainings were organised for 432 participants.

2) Efforts were also made to assist Thai women who returned to Thailand via the Family Line channel or through the [www.เพื่อนครอบครัว.com](http://www.เพื่อนครอบครัว.com) website, as well as through close cooperation with the Thai women's associations in other countries. This served to support Thai women abroad who were at risk, such as single mothers or students. The Government also evaluated systems aimed at protecting Thai women abroad and preparing women for life overseas.

**2.3 Awareness Raising Campaigns on Child Pornography and Sex Trafficking were actively carried out, targeting groups that are at risk.**

The TICAC, in collaboration with the Anti-Trafficking in Persons Division (ATPD), Royal Thai Police (RTP), Office of the Attorney-General (OAG), and HUG Project, organised online campaigns and workshops in raising awareness to prevent online sexual exploitation for students, parents, psychologists, teachers, and members of the school administration, as well as special campaigns for students with hearing disabilities, which were attended by 5,000 people. Booklets were distributed to parents, teachers, and students to inform them about the risks of different forms of online child pornography and trafficking in children, as well as the channels through which they could report cases and seek assistance from government agencies. In addition, in-person, and online counselling and trauma-informed psychological support for past victims, as well as advice for children were provided.

The TICAC collaborated with Children's Advocacy Centres (CACs) located in five provinces, OAG, and NGO partners such as Hug Project, ZOE International, A21, For Freedom International, Light Home Club, and One Sky, to organise awareness-raising talks on online sexual exploitation threats for primary, secondary and university students, teachers and executives.

The TICAC also worked with the Safeguard Kids Foundation, Thai Media Fund, Government Savings Bank, and Totoya Charoenyont Co. Ltd. on a project to produce a short film, warning of online cases of sexual exploitation of children. The film, distributed through YouTube, Facebook, and television channels, would raise awareness on such issues, preventing children and youth from falling prey to sexual exploitation and trafficking.

The ATPD continued to implement the Child Abuse Resistance Education (C.A.R.E.) campaign to prevent and protect against child prostitution among school children and university students. Students were given practical knowledge about the risks of falling victim to prostitution and how to avoid it. Selected teachers became an important part of the campaign, helping to promote awareness among students across Thailand.

From 24 – 27 August 2021, the MSDHS held an awareness campaign for eight batches of 4,477 youths and local officers working with youths to raise their awareness on threats of human trafficking, prevention measures, reporting channels as well as available assistance from the Government. The campaign contributed to human trafficking prevention for youths in local areas.

**2.4 The Watch List and Black List of People with History of Child Sexual Abuse** continued to be updated regularly and enforced by the Immigration Bureau to prevent their entry into the Kingdom. Thailand's close coordination and information sharing with foreign law enforcement agencies resulted in a large number of child sexual offenders being denied entry into the Kingdom.

#### **2.5 Memorandum of Understanding (MOU) on Anti-Child Labour and Forced Labour**

On 29 March 2021, the MOL signed an MOU with 12 business associations in the shrimp, fish, sugarcane, and garment industries to prevent child labour and forced labour in these industries. After the MOU signing, the MOL continued to monitor and inspect workplaces to ensure that they comply with the regulations.

### **3. Prevention of Forced Begging**

MSDSH continued to actively regulate begging as part of efforts to prevent human trafficking and related forms of exploitation. In 2021, 246 beggars were identified, decreasing by 142 in 2020 (equal to a 36.6 percent reduction).

**3.1 Legal, Policy and Regulatory Measures** were implemented to prevent forced begging. These measures included beggars' registration and screening, and the identification of beggars and street talent performers. Guided by the Beggar Control Act B.E. 2559 (2016) and its six ordinances and the first Action Plan for Beggar Control 2019-2021, these proactive regulatory actions and collaborative efforts with NGOs helped minimise the risk of forced begging. Specifically, 1,158 talent performers were issued identification cards in 2021 to prevent them from being criminalised. DNA testing was also used

to verify relations between unidentified adult beggars and their accompanying children. Both adults and children were provided with protection services while waiting for the result. The process resulted in identified beggars and their children of Cambodian descent being repatriated to their home country.

**3.2 Awareness Campaigns, Capacity-Building Programmes and Partnership-Building Activities** continued to be carried out to prevent illegal and forced begging. Several activities were undertaken at the local level to ensure effective prevention. Examples included advancing related partnerships at the provincial, sub-district and community levels; awareness campaigns on illegal begging and the downsides of giving money to beggars, related penalties, and available reporting channels; provision of operational manuals on beggar control for related agencies; and cooperation with Cambodia to regulate begging along the border areas through the “1 Border, 1 Workshop” project.

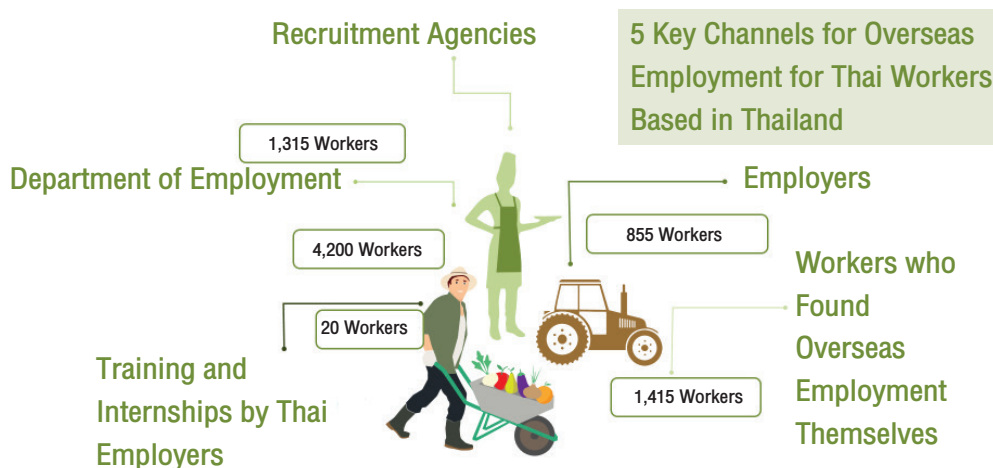
#### 4. Prevention of Trafficking in Thai Labours Seeking Overseas Employment

**4.1 The Government, through the MOL, implemented measures to prevent the trafficking of Thai workers seeking overseas employment, with key measures as follows:**

##### 1) Dispatch of Thai Labours Overseas

Employment overseas through legal processes must be conducted with proper evaluation and permission of the Department of Employment (DOE). Throughout 2021, Thai workers were sent to employment overseas through five key channels, namely: through recruitment agencies (1,315 workers); through the DOE (4,200 workers); through training and internship opportunities organised by Thai employers (20 workers); through opportunities from employers based in Thailand (855 workers); and those who found overseas employment opportunities themselves (1,415 workers) (Diagram 21).

Diagram 21: Facilitating Thai workers overseas employment



## 2) Surveillance and Prevention of Those Deemed Suspicious to Illegally Travel to Work Overseas:

The DOE, through 25 border checkpoints in 19 provinces, continued to implement measures to prevent outgoing Thai workers from working illegally overseas. In the fiscal year 2021, 707 people out of 40,564 inspected were denied departure. The top five destinations for illegal employment were the United Arab Emirates, Bahrain, Oman, South Africa, and the Maldives.

Thailand continued to promote awareness in order to prevent workers from being lured into illegally working overseas. An awareness raising campaign was carried out in the North and Northeastern regions, covering 839,787 workers across 37 provinces.

### 4.2 Inspections of Recruitment Agencies for Thai Overseas Job Seekers

In the fiscal year 2021, the DOE inspected 243 recruitment agencies which were authorised to send Thai workers for overseas employment. No unlawful practices were found. The Department also investigated reported cases of recruitment agents operating without licenses and instances of labour fraud. Accordingly, 123 individuals were charged in 115 cases of labour fraud and recruitment of workers without a licence.

In addition, the MOL and RTP stepped up collaboration to clamp down on unauthorised online overseas jobs advertisements that involved employment fraud, migrant smuggling, human trafficking, and prostitution.<sup>10</sup> The ATPD worked together with the DOE to investigate cases of labour exploitation from the beginning of the COVID-19 pandemic and have charged individuals under Section 30 of the Employment Arrangement and Jobseeker Protection Act B.E. 2528 (1985) and Sections 91 (C) and 66 of the second amendment of the same act (1994). In the fiscal year 2021, 47 individuals were charged with such crimes, adding to efforts in reducing unauthorised online overseas jobs advertisements and thereby preventing Thai workers from falling victims to various forms of exploitation.

## 5. Prevention of Trafficking in Migrant Workers in Thailand

### 5.1 Management of Migrant Workers of Three Nationalities (Cambodia, Lao PDR and Myanmar) during the COVID-19 Pandemic

Due to the COVID-19 pandemic, the Government implemented measures to slow down the influx of migrant workers into the country from March 2020 onwards. At the same time, the MOL

<sup>10</sup> US Recommendation: (8) Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes, including by establishing standard procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement.

implemented regulations and amended existing regulations, policies, and various measures in order to respond to the rapidly-changing situation. Such efforts included assistance to existing migrant workers to continue to work and stay in the Kingdom legally, and to ensure that they have access to necessary services and protection.

Accordingly, the Cabinet approved measures to allow exemptions for migrant workers, who were working illegally in the country, to register and be able to remain in the Kingdom until 13 February 2023. Additionally, migrant workers with expiring work permits, who were unable to apply for an extension due to the COVID-19 pandemic, were allowed to remain in the country until 13 February 2023 or two years from the expiry date of their permits. A total of 2,328,409 migrant workers were assisted under these measures.

Given the improving COVID-19 situation in the country, the MOL collaborated with the Ministry of Public Health (MOPH), Immigration Bureau, Department of Administration and other relevant agencies to develop a procedure for migrant workers recruitment in line with the relevant bilateral MOUs, beginning from 1 December 2021. To recruit migrant workers, the following steps will be taken: (1) submission of a demand for employment by employers, covering all the associated costs, including healthcare and insurance; (2) submission of the demand for recruitment by the MOL to the relevant embassies in Thailand; (3) recruitment process by the country of origin and submission of name lists of migrant workers to employers through the relevant embassy in Thailand and the MOL; (4) submission of a work permit application by employers on behalf of migrant workers; (5) approval for migrant workers to be employed with the employer, including visa and immigration procedures; (6) entry of migrant workers with permission to stay in the Kingdom for two years, while submitting the relevant documents, a negative COVID-19 test or vaccine certification; (7) quarantine for seven days for fully-vaccinated workers, or 14 days for those vaccinated with fewer than two doses or unvaccinated workers who were not fully-vaccinated would receive an addition vaccine dose after completion of quarantine; and (8) training (via video conference at workplace) and approval of work permits.

## 5.2 Frequent Inspections of Employers and Business Establishments<sup>11</sup>

In 2021, Labour and welfare inspections were conducted by the MOL at 91,543 workplaces, covering 1,902,579 workers to uphold workers' rights and compliance with laws and regulations, preventing migrant workers from becoming victims of human trafficking or forced labour. Details are as follow:

1) The Command Centre of Prevention on Labour Trafficking (CCPL) inspected 56,186 employers and business establishments for unregistered migrant workers, covering a total of 741,357 migrant workers. Of this number, 1,154 employers were found in violation of labour law.

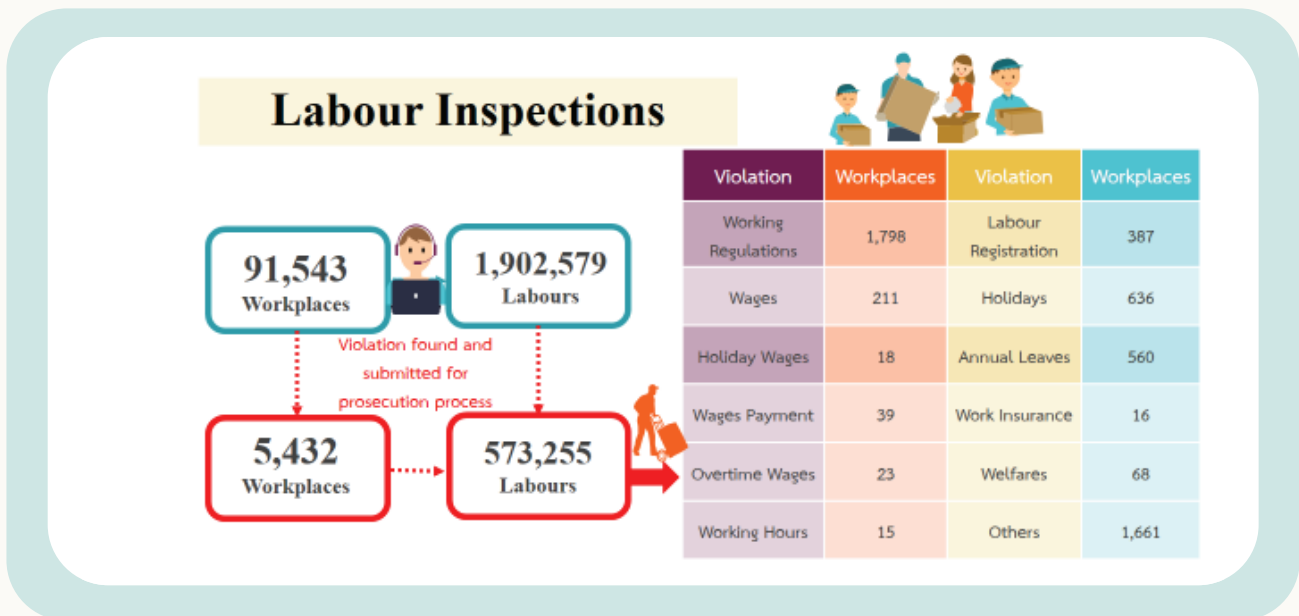
<sup>11</sup> US Recommendation: (13) Enforce regular payment of wages, requirements that employers pay recruitment fees of migrant workers, and the rights of employees to retain possession of their own identity and financial documents.

179 employers were issued MOL rectification orders, 973 employers' cases were sent to inquiry officers for further investigation and 2 employers' cases were submitted to the Court. The employers were fined a total of THB 1,139,250 (USD 34,177.50) for employing migrants without work permits and for not reporting employments of migrant workers.

2) The DLPW conducted welfare inspections of 91,543 employers and business establishments at risk of child labour and forced labour, covering a total of 1,902,579 Thai and migrant workers. Of this number, 5,432 workplaces were found in violation of labour law on various offences including violations of labour regulations, payment of wages, workers' registration, entitlements of annual leave, holidays, general welfares and work insurance (Diagram 22).

Offenders were issued MOL rectification orders, fined, or prosecuted in accordance with relevant laws.

Diagram 22: Labour inspections and types of violation committed



Additional inspections of establishments at risk of engaging in human trafficking activities were carried out by the Ministry of Interior (MOI) special taskforces at the provincial and district levels. Throughout the fiscal year 2021, intensive inspection operations were carried out 75,774 times, targeting 284,779 individuals, resulting in five-year closures of 27 establishments.

### 5.3 Enhancing Efficiency in Legal Migrant Workers Recruitment via Government-to-Government Channels (Bilateral MOUs with Sending Countries)

The DOE developed a post-COVID-19 recovery plan to further advance the recruitment of migrant workers through bilateral MOUs. Efforts were made to streamline the process as follows: (1) Information was gathered on the recruitment needs of employers and business establishments (currently estimated at 424,703 workers); (2) A working group was established to prepare for legal recruitment of migrant workers, with participation from all sectors; and (3) Negotiations were pursued

with sending countries in order to streamline the process and timeframe for recruitment in a fast and transparent manner in line with relevant public health and COVID-19 measures.

#### 5.4 Frequent Inspections of Recruitment Agencies

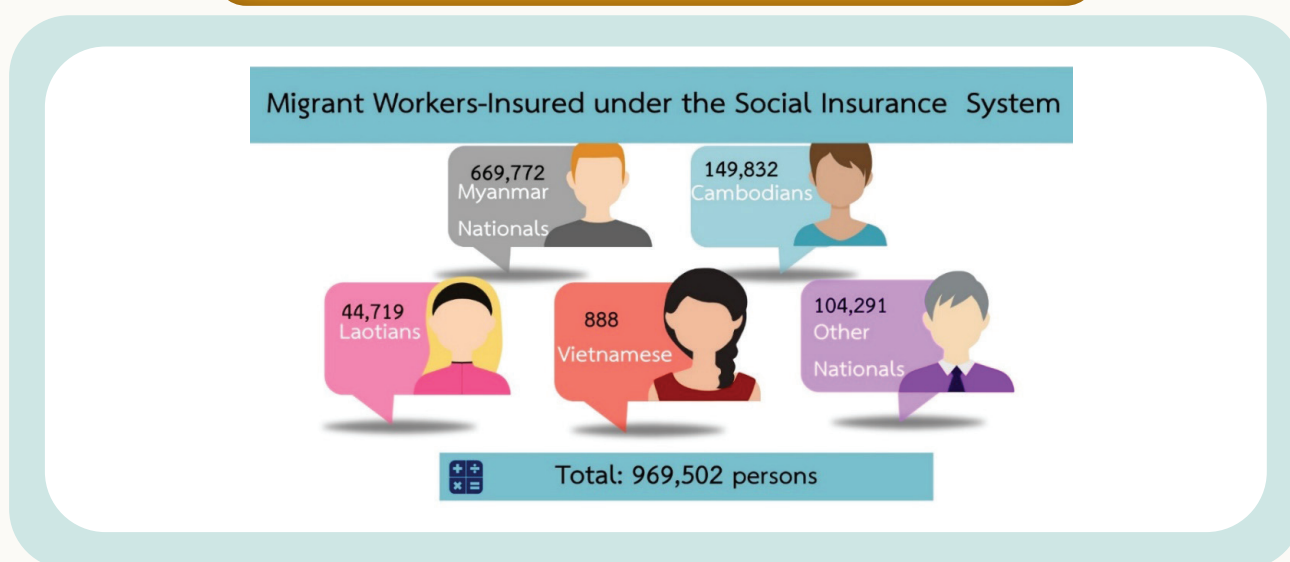
A total of 227 recruitment agencies were inspected in 2021. No agencies were found in violation of regulations and laws. It was observed that, due to the frequent inspections and strict law enforcement, most recruitment agencies had become more serious in complying with all relevant regulations.<sup>12</sup>

#### 5.5 Migrant Workers' Rights and Improving Networks in Providing Assistance to Migrant Workers

The Government has worked to ensure that all migrant workers are provided with equal rights and protection, without discrimination against nationality, gender, or social status, in line with international standards. Migrant workers are provided with the same protection as Thai workers under the Social Protection Act B.E. 2533 (1990) and relevant amendments, and the Financial Compensation Act B.E. 2537 (1994) and its relevant amendments. For those not eligible for protection under the aforementioned legislations, officials ensured that they are compensated by their employers in the event of danger or illness.

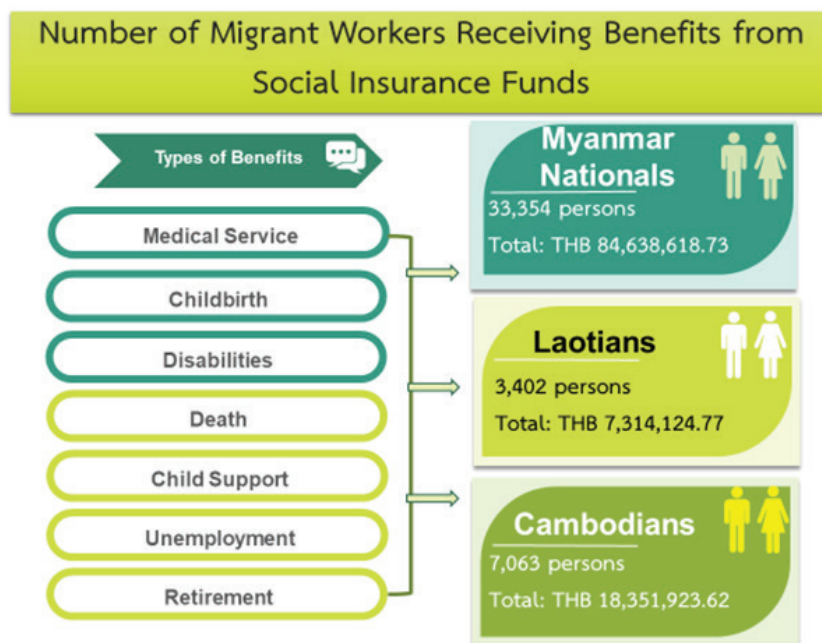
As of 2021, there was a total of 969,502 migrant workers protected under the social security system, disaggregated into 669,772 Myanmar nationals, 149,832 Cambodian nationals, 44,719 Lao PDR nationals, and 888 Vietnamese nationals, with an additional 104,291 of other various nationalities. A total of THB 1,158.25 million (USD 35 million) was distributed to 456,291 workers for reasons such as illness, childbirth, deaths, and unemployment, under the Social Protection Act (Diagram 23 and 24).

Diagram 23: Migrant workers insured under the Social Security System



<sup>12</sup> US Recommendation: (13) Enforce 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.

Diagram 24: Number of migrant workers receiving benefits from the Social Security Fund



The Government's Migrant Workers Assistance Centres across 10 provinces (namely Samut Sakhon, Samut Prakarn, Chonburi, Ranong, Surat Thani, Songkhla, Tak, Chiang Mai, Nakhon Ratchasima, and Khon Kaen) helped ensure protection of migrant workers in collaboration with international organisations such as the ILO and IOM, as well as non-government organisations such as the Raks Thai Foundation, the Human Rights and Development Foundations, the Migrant Workers Rights Network (MWRN), the Solidarity Committee for the Protection Myanmar Migrant Workers (AAC-SCPM) and the Yaung Chi Oo Workers Association (YCOWA). The Centres and their network of partners provided recommendations, considered complaints, and coordinated with relevant agencies in order to provide assistance to migrant workers in Thailand. In 2021, the Centres and their partners provided services to a total of 51,919 migrant workers.

### 5.6 Protection of Labour Rights along the Borders<sup>13</sup>

Stringent labour inspections continued to be conducted along the borders, especially among groups vulnerable to forced labour and other forms of labour exploitations. In 2021, 97 establishments passed their inspections, covering 1,687 employees. A total of 90 establishments and 1,555 employees were found to be in violation of labour laws. Accordingly, 90 establishments

<sup>13</sup> US Recommendation: (13) Enforce 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.

were issued MOL rectification orders and one establishment was prosecuted. The most common violations were wage payments below the minimum wage, wage payments without payroll, and unfulfilled legal regulations.

## 6. Management and Labour Inspection of Fishery Workers

### 6.1 Foreign Worker Management Policy Committee

To protect and prevent fishery workers from becoming victims of human trafficking, on 2 June 2021, the Foreign Worker Management Policy Committee issued the following orders to improve the efficacy of preventive measures:

1) The Department of Fisheries to exercise its authority under Article 83 of the Royal Ordinance on Fisheries B.E. 2558 (2015) to extend the validity of seabooks for 3,249 fishery workers by one year from the expiry date. This measure would prevent workers from becoming illegal workers and vulnerable groups with higher risk of becoming human trafficking victims.

2) The MOI to exercise its authority under Article 17 of the Immigration Act, B.E. 2522 (1979) to allow nationals from Myanmar, Lao PDR, and Cambodia to extend the validity of their Non-Thai Identification Card and seabooks to allow them to continue working in Thailand for one year from the expiry date.

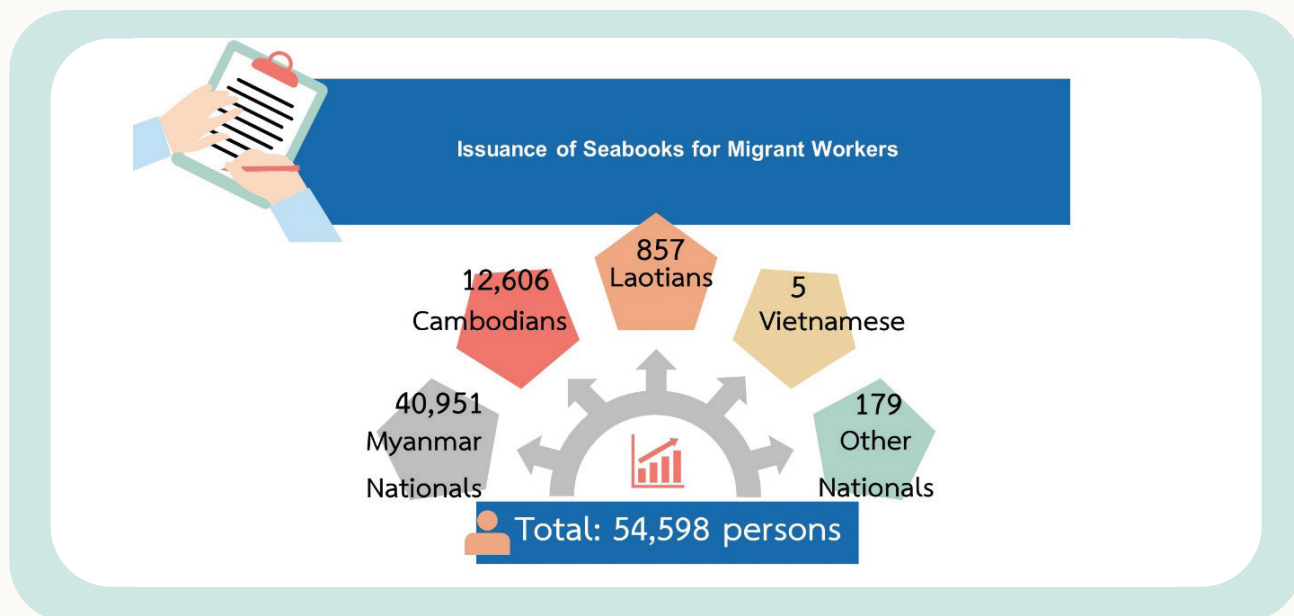
3) The MOPH to provide health check-ups and to register workers for compulsory health insurance.

4) The DLPW to inspect the workers' contracts.

### 6.2 Seabooks for Migrant Workers

In 2021, 54,598 migrant workers working in Thai vessels were issued seabooks by the Department of Fisheries in accordance with the Royal Thai Ordinance on Fisheries B.E. 2558 (2015). They comprised 40,951 Myanmar nationals, 12,606 Cambodians, 857 Laotians, five Vietnamese and 179 other nationals. As a part of measures to prevent human trafficking, all workers must show proof of their employment contract to the authorities in order for the Department of Fisheries to issue a seabook. The seabook registration and issuance provided an important source of data for migrant workers' management, helping to reduce the risks of labour abuses and human trafficking in the fishery sector (Diagram 25).

Diagram 25 : Issuance of seabooks for migrant workers



### 6.3 Fishery Workers Rights Protection

The DLPW provided protection to 5,133 fishery workers through 370 labour inspections on fishing vessels and 105 labour inspections at seafood processing factories in 22 provinces. Additionally, the MOL hired 125 interpreters to help communicate with migrant workers. The objective of the inspections was to ensure that workers received labour rights as stated in labour protection law and prevent them from becoming victims of human trafficking.

### 6.4 Fishery Worker Inspections

The PIPO continued to regularly carry out vessel inspections. During January – December 2021, the PIPO conducted 44,186 inspections, covering 552,275 workers. 17 vessels' owners were found to be violating the law and regulations, including not paying the wages to workers through bank transfer, not recording workers' rest time, not providing workers with the correct contract format, not having a record of wage payment document, not complying with the wage payment document format, not reporting fishery workers to labour inspectors, not providing a copy of the contract to the workers, and not providing fishery workers' holidays and wages as agreed in the contract.<sup>14</sup>

The Royal Thai Government attached great importance to inspections at sea as part of monitoring, control and surveillance mechanisms. In 2021, the Marine Fisheries Protection and Suppression Centre conducted inspections at sea on 671 vessels, covering 7,760 workers (3,057 Thais and 4,703 migrant workers). No vessel was found to be violating the law.

<sup>14</sup> US Recommendation: (13) Enforce 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.

### 6.5 Coordination Centre for Sea Fishery Workers

In the fiscal year 2021, the Coordination Center for Sea Fishery Workers issued work permits to 34,681 migrant workers. Of this number, 20,661 fishery workers already received employment and came to register in accordance with the Foreigners' Working Management Emergency Decree B.E. 2560 (2017). As a preventive service to help prevent workers from falling victims to human trafficking in all forms, the Centre provided advices, recommendations, and publications about workers regulations to 161,806 employers and the general public.

### 6.6 Measures by the Department of Special Investigation (DSI)

The DSI proactively partnered with the IJM and other government agencies under the Stingray Project in identifying indicators, such as violation of labour laws, deaths and injuries among fishery workers, and missing fishermen, in order to conduct a risk assessment to access victims, leading to the prosecution of human trafficking and forced labour cases.

## 7. Assistance for Thai and Migrant Workers during the COVID-19 Pandemic

During the COVID-19 pandemic, efforts were made to provide additional care and services to both Thai and migrant workers.

7.1 Assistance was provided to workers in the construction sector. Meals were provided to 83,204 migrant workers under quarantine during closures of construction sites during the COVID-19 pandemic.

7.2 The Migrant Workers Assistance Centres remained open throughout the pandemic in order to provide necessary assistance to migrant workers on cases such as confiscation of travel documents, non-payment of wages as well as to provide advices on the registration and extension of stay in the Kingdom.

7.3 The DLPW issued instructions regarding COVID-19 preventive measures in workplaces. Public health and sanitary measures were strictly enforced.

7.4 The MOPH ensured that migrant workers had access to necessary healthcare services as well as health check-ups and healthcare cards. The MOPH also worked with other government agencies and NGOs in order to provide training to migrant worker health volunteers in business establishments. Migrant worker health volunteer instructors were trained in all 77 provinces and guidelines were developed to monitor and prevent COVID-19 infections among migrant workers.

7.5 The DLPW advanced measures to raise awareness among migrant workers and employers on the COVID-19 pandemic and to ensure that workers' rights were upheld during the crisis. The Department issued announcements to ensure migrant workers' rights, adherence to public health and sanitary measures, and proper treatment of workers by employers.

## 8. Improving Capacity and Efficacy of Labour Inspections

### 8.1 Labour Inspections Guidelines

The MOL created guidelines to enhance the efficiency of labour inspectors in prevention and suppression of forced labour and labour trafficking and victim identification process. The guidelines gave authority to labour inspectors to conduct victim identification interview if there were indicators that workers might be potential victims. If the labour inspectors find evidence of possible human trafficking offence, they have to immediately report the situation to the related law enforcement agencies and MDTs who are experienced in identifying human trafficking victims to support the identification process.<sup>15</sup>

### 8.2 Promoting More Vigorous Labour Inspection against Human Trafficking and Forced Labour

The MOL ordered labour inspectors to first file human trafficking charges against all employers in the case that employers did not pay wages to the workers and labour inspectors were of the view that such cases possibly fall into category of forced labours. Afterward, if the MDTs did not identify the case as human trafficking, labour inspectors would proceed with having workers filing complaints of outstanding wages (Kor Ror 7 form) for further action.

### 8.3 Anti-Human Trafficking Ad Hoc Working Group

On 18 November 2021, the MOL established the Anti-Human Trafficking Ad Hoc Working Group comprising officials specialised in labour trafficking. The Working Group has the authority to inspect employers who have committed or were involved in human trafficking, forced labour and services crimes. The Working Group would support and coordinate with relevant agencies involved in the investigation process of human trafficking and forced labour and services crimes.<sup>16</sup>

<sup>15</sup> US Recommendations: (1) Ensure victims of trafficking identified under the definitions set forth in Sections 6 and 6/1 of the trafficking law, as amended, are afforded the same rights and access to services, continue to increase efforts to ensure victims receive court-order restitution from their traffickers, and (8) increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes, including by establishing standard procedures for labor officials to refer potential cases of labor trafficking to MDTs and law enforcement.

<sup>16</sup> US Recommendation: (2) Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes.

#### 8.4 Enhancing the Capacity of Labour Inspectors and Law Enforcement Officers<sup>17</sup>

The Royal Thai Government continued to enhance the capacity of labour inspectors and law enforcement officers. As of 2021, there were 1,889 labour inspectors for the country's 19.2 million workers (as of September 2021), or one labour inspector per 10,164 workers. This number not only meets but also exceeds the standard set by the ILO's guideline of one labour inspector per 15,000 workers for developing countries. The number of labour inspectors has risen by 25 percent since 2017.

Several capacity-building activities, projects, and seminars were conducted to enhance the capacities of labour inspectors, provincial labour officers, and officers of other government agencies involved in combatting human trafficking and providing assistance to trafficking victims in Thailand and abroad. Examples in 2021 included:

- A series of workshops to intensify the enforcement of labour and criminal law to address the issues pertaining to child labour, forced labour, and human trafficking. The workshops were conducted in collaboration with WinRock International and with the financial support from the US Department of Labor. The workshops were attended by a total of 191 field officers.
- A workshop to promote the understanding on preventing and solving forced labour and labour trafficking issues, with topics focusing on relevant laws and regulations as well as current context of labour situation and incidents. The workshop was attended by a total of 105 labour inspection officers from Bangkok and the central region.
- A series of workshops to enhance the knowledge and skills in examining labour complaints and labour inspection, focusing on evidence collection, fact finding, and efficient law enforcement against labour trafficking. The workshops were attended by a total of 60 labour inspection officers.
- A workshop to enhance skills on identifying victims of human trafficking victims and forced labour and strengthening the capabilities to analyse the connections between the wrongdoings on labour, child labour, and forced labour. The workshop was attended by a total of 100 labour inspection officers.
- A workshop to strengthen capabilities for cooperation across agencies to combat human trafficking and forced labour issues, including the enhancement of planning and risk assessment skills. The workshop was attended by 20 labour inspection officers.
- A training course to enhance capacity in inspecting and prosecuting employers and business establishing violating the migrant workers management laws. The training was attended by 100 officers from the DOE.

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<sup>17</sup> US Recommendations: (1) Ensure victims of trafficking identified under the definitions set forth in Sections 6 and 6/1 of the trafficking law, as amended, are afforded the same rights and access to services, continue to increase efforts to ensure victims receive court-order restitution from their traffickers.

- A workshop on combating human trafficking with a focus on inspection and legal enforcement on employers. The workshop was attended by a total of 103 public sector officers.
- A workshop to enhance cooperation between government agencies and NGOs was held with objectives to enhance the efficacy and strengthen the integration of their labour trafficking and forced labour prevention efforts. The workshop was attended by 60 government officers and 40 NGO personnels.
- A workshop to enhance the capacity of labour inspectors in identifying labour trafficking and forced labour crimes. The workshop was attended by a total of 148 labour inspectors.
- The Department of Provincial Administration, MOI, provided rigorous training courses and workshops to strengthen the capacity of the anti-trafficking law enforcement officers based in Bangkok and the provinces as well as the enforcement to combat sexually exploitative content and online criminal acts. The courses were provided to officers from the central and local levels, which were attended by a total of 883 officers.
- The Department of Fisheries conducted a workshop for PIPO officers to enhance their technical knowledge and skills according to the rules and regulations, with a focus on the differentiation between human trafficking and forced labour cases. The workshop also covered guidelines to improve PIPO operations, including the inspection and prevention of illegal fishery workers and seafarers who were at risk of engaging in illegal acts. The workshop was attended by 91 officers.

## 9. Enhancing Complaints Mechanisms and Raising Public Awareness

The Royal Thai Government continued to attach importance to enhancing complaints mechanisms and channels in the efforts to ensure protection and prevent human trafficking and labour exploitations. Key outcomes in 2021 were as follows:

### 9.1 Foreign Language Interpreters and Coordinators

In the context of the COVID-19 pandemic, foreign language interpreters and coordinators continued to facilitate effective communication between government officers and migrant workers. This included identifying victims of forced labour and other forms of exploitation and ensuring that they receive assistance according to their needs.

The MOL has hired 126 interpreters and is in the process of hiring 18 additional language coordinators specialising in the Myanmar, Cambodian, and Vietnamese languages to be stationed across ten Migrant Workers Assistance Centres nationwide.

## 9.2 Improved Hotlines and Complaint-receiving Mechanisms

**The 1506 Hotline**, operated by the MOL, is dedicated to receiving complaints on labour cases and providing consultations for Thai and migrant workers and employers. During January – December 2021, the hotline provided services to a total of 5,908,288 calls on issues covering domestic and international employment, labour training, wages, employee benefits, social security fund, and information related to the COVID-19 pandemic situation.

**The 1300 Hotline**, operated by the MSDHS, is dedicated to receiving complaints on human trafficking cases. In 2021, the hotline received information on 64 suspected human trafficking cases. These involved 8 male and 56 female victims and comprised 31 cases related to prostitution, 20 cases related to exploitation, 11 cases related to forced labour, one case related to forced begging, and one case related to commercial surrogacy. Accordingly, all 64 cases were referred to relevant authorities for further investigation.

Other hotlines to report on potential cases included 1191 Hotline and Facebook page operated by the ATPC, and 1599 Hotline and Facebook page operated by the TICAC.

## 9.3 Public Outreach Activities and Campaigns

Relevant agencies continued to organise public outreach activities and campaigns. Informative films and public relations videos were produced and released with an aim to further educate the general public and raise awareness on the prevention of human trafficking victimisation.

The PMDU, in collaboration with various partners such as the RTP, OAG, Central Juvenile and Family Court, Hug Project, as well as international partners such as the HSI, FBI, Sweden's World Childhood Foundation, Twitter and Facebook, produced an online interactive fiction story titled "Exposed," addressing victims and potential victims of online sexual exploitation. The online interactive fiction, available in Thai and English, was released in July 2021 and attracted over 2.4 million interactions across Facebook and Twitter. Following this project, a panel discussion was organised with representative from the U.S. National Center for Missing and Exploited Children (NCMEC) and an online sexual exploitation survivor. Victims of online sexual exploitation have reached out for consultations and taken legal actions against the perpetrators after the release of this campaign.

The MOL also produced an online video campaign titled "Human Trafficking is Closer than You Think," which portrayed lessons learned from victims of online human trafficking and received wide attention with 187,297 views.

## 9.4 The Command Centre of Prevention on Labour Trafficking

The CCPL under the MOL is the focal point to communicate and raise awareness on various forms of labour abuses and trafficking as well as the methods of assistance. The CCPL has conducted fact-finding operations for victims who were lured into false employment overseas and information tracing action on how each case may have violated the Labour Protection Act.

## 10. Advancing Partnership on Human Trafficking Prevention

The Royal Thai Government continued to pursue partnerships and explore new venues of cooperation with relevant stakeholders, including international organisations, civil society, non-governmental organisations and businesses, to increase the efficiency of anti-human trafficking efforts.

The DLPW has implemented the policy to promote good labour practices (GLP) among businesses and private entities to adopt the guidelines on improving employment and working conditions based on the “4 No’s, 6 Have’s” principle. The principle strictly prohibits child labour, forced labour, discrimination, and human trafficking, while promoting labour management system, freedom to association, dialogue with employers, safe working environment, sanitation and waste management, and appropriate welfare for workers. In 2021, 720 additional business establishments adopted the GLP, bringing to a total of 7,606 businesses that had implemented the GLP.

The Royal Thai Government prioritised human trafficking prevention measures in accordance with international standards, with plans and regulations that advance the Sustainable Development Goals (SDGs). A number of projects in collaboration with various international partners have been initiated to ensure the protection of labour rights across all sectors, such as:

- 1) The Ship to Shore Rights Project, which actively conducted activities to prevent and reduce unacceptable forms of works and provide a platform for exchanges of ideas to protect labour rights in the fishing and seafood industries in Southeast Asia. The Project is funded by the ILO and supported by the European Union (EU).

- 2) TRIANGLE in ASEAN, a project to protect migrant workers’ rights, raise awareness among stakeholders regarding the rights of domestic workers and promote improving public attitudes towards migrant workers. The Project is funded by the ILO and supported by the Governments of Canada and Australia.

- 3) Safe & Fair Project conducted activities to raise awareness and promote participation in addressing the issue of women worker’s rights in the ASEAN region. The Project is currently developing a labour inspection handbook focusing on women migrant workers, violence, harassment, and forced labour; while also studying the gaps between the Thai legal system and ILO Convention No. 190 on Violence and Harassment. The Project is funded by the ILO and supported by the EU.

# Future Plan

## Prosecution

1. Continue to accelerate the prosecution of human trafficking offenders as well as expedite investigations of transnational human trafficking cases, particularly in tackling organised crimes and networks.
2. Elevate the capacities of law enforcement officers to proactively investigate and prosecute cases of trafficking in persons, particularly labour trafficking, and to further increase their efficacy, expertise, knowledge, and adaptability to the evolving nature of human trafficking and its surrounding context.
3. Significantly and systematically improve the human trafficking victim identification process and enhance its efficiency.
4. Ensure proactive investigation and prosecution of officials complicit in human trafficking.
5. Ensure that victim-centred and trauma-informed care approaches continue to be implemented to its full capacity in the prosecution of human trafficking cases.
6. Expand law enforcement officers' application, knowledge, and understanding of forensic science in the investigation of human trafficking cases.
7. Actively promote the exchange of best practices and lessons learned from the Action Plan on Human Trafficking among relevant agencies in order to comprehensively address challenges, evaluate impacts of COVID-19, and increase the efficacy of anti-human trafficking efforts throughout the prosecution, protection, and prevention processes.

## Protection

1. Continue to improve and enhance the concrete implementation of the National Referral Mechanism (NRM) and reflection period.
2. Ensure that victims continue to have ability to move freely in and out of shelters and access to communication devices, as well as assistance for employment opportunities, especially when they are ready for reintegration and employment.

3. Promote effective capacity building on trauma-informed care approach for government and private-run shelters to ensure that they provide appropriate services to victims.
4. Closely collaborate with relevant agencies and NGOs to ensure that victims are provided with adequate legal assistance and are fully prepared for court proceedings.
5. Prioritise the protection of child victims of online sexual exploitation.

## Prevention

1. Upgrade the MOL's Command Centre of Prevention on Labour Trafficking by increasing the number of personnel with experience and expertise in labour trafficking.
2. Continue to integrate coordination of all relevant agencies in the complaints system for labour trafficking cases and ensure that a referral mechanism is consistently utilised.
3. Further enhance the capacity of labour inspectors in detecting labour trafficking crimes, especially in local areas, through training workshops for 200 labour inspectors.
4. Establish an Ad Hoc Anti-Labour Trafficking Working Group to enhance the efficacy of anti-labour trafficking and labour inspections, as well as to promote integration of anti-labour trafficking efforts within the MOL and with relevant agencies.
5. Develop 2022 Action Plan on the Prevention of Human Trafficking as well as SOPs on labour trafficking prosecution procedures.
6. Continue to build capacity of the MOL officials in order to develop the expertise and experience required to ensure that all provinces have expert officials on labour trafficking inspection and victim identification.
7. Establish a new human trafficking victim identification centre in collaboration with the Royal Thai Police.
8. Establish the Anti-Labour Trafficking Working Groups at the provincial level to enhance the quality and quantity of labour trafficking inspections and victim identification.

## List of Acronyms and Abbreviations

ABF	Australian Border Force
AAC-SCPM	The Solidarity Committee for the Protection Myanmar Migrant Workers
AMLO	Anti-Money Laundering Office
ASEAN	Association of Southeast Asian Nations
ASEAN-ACT	ASEAN-Australia Counter-Trafficking
ATPD	Anti-Trafficking in Persons Division
BID	Best Interest Determination
CAC	Child Advocacy Center
C.A.R.E.	Care Abuse Resistance Education
CCIB	Cyber Crime Investigation Bureau
CCPL	The Command Centre of Prevention of Labour Trafficking
CCTV	The Coordination Centre for Trafficking Victim
CIB	Central Investigation Bureau
COVID-19	Coronavirus Disease 2019
CWP	The Child Woman Protection and Anti-Human Trafficking Centre
DLPW	The Department of Labour Protection and Welfare
DOE	The Department of Employment
DSI	The Department of Special Investigation
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
EU	European Union
FANC	Foreign Anti-Narcotics and Crime Community of Thailand
FBI	Federal Bureau of Investigation
GLP	Good Labour Practice
HSI	Homeland Security Investigation
HRDF	Human Rights and Development Foundation
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
Lao PDR	Lao People's Democratic Republic
LPN	Labor Protection Network
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
MDTs	Multidisciplinary Teams
MFA	Ministry of Foreign Affairs
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOL	Ministry of Labour
MOPH	Ministry of Public Health
MOU	Memorandum of Understanding
MSDHS	Ministry of Social Development and Human Security
MWRN	Migrant Workers Rights Network
NCMEC	U.S. National Centre for Missing and Exploited Children
NGOs	Non-Governmental Organisations
NRM	National Referral Mechanism
OAG	Office of the Attorney General
PIPO	Port-In Port-Out Control Centers
PMDU	The Prime Minister's Delivery Unit
RMP	Royal Malaysia Police
RTG	Royal Thai Government
RTP	Royal Thai Police
SDGs	Sustainable Development Goals
SOPs	The Standard Operating Procedures
TATIP	Thailand Anti-Trafficking in Person Taskforce
THB	Thai Baht
TICAC	Thailand Internet Crimes Against Children Taskforce
TIP	Trafficking in Persons
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
USD	US Dollar
WPCVOT	The Welfare Protection Centre for Victims of Trafficking in Person
YCOWA	Young Chi Oo Workers' Association

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