

Thailand's Country Paper
on
“Policy Mainstreaming: The Labour and Employment Perspective in Taking Action
against Human Trafficking”

**Part I : Human Trafficking in Thailand
National Responses**

1. Background of Human Trafficking in Thailand

Human trafficking in Thailand is not a new phenomenon. It was previously the internal trafficking in women and children for forced prostitution. However, due to the AIDS epidemic and the preventive measures of the Thai Government, the number of Thai women and children forced into local sex business has decreased while more of them have been trafficked abroad for sex trade. Along with this trend, a growing number of foreign women and children have been trafficked for sex work and labour exploitation in Thailand. Thus Thailand has been involved in the human trafficking, particularly trafficking in women and children, in three situations: 1) a country of origin where women and children are sent to destination countries like Japan and Australia; 2) a country of transit used as a channel for sending women and children to countries as Malaysia and Hong Kong; and 3) a country of destination where women and children from neighboring countries such as Lao PDR, Myanmar, Cambodia, Vietnam and China (Yunnan Province) face exploitation and violation of their rights.

Forms of human trafficking in Thailand include forced prostitution, exploitative labour, forced begging, and abduction for illegal purposes. Among victims of human trafficking, women and children are the most vulnerable to exploitation. Statistical data on cases of human trafficking have not been compiled and documented systematically. This is attributed to the fact that victims do not want to disclose their identity and always refuse to file official complaints against traffickers due to influence of organized criminal groups. Besides, human trafficking is an underground criminal enterprise where involves

cross-border migration. Thus there are no precise statistics on the extent of the problem. However, the United Nations estimates that each year there are 700,000-1,000,000 trafficking victims of which 90 per cent are women and children.

Human trafficking, a modern form of slavery, has become a severe problem that affects not only Thailand, but also the world community at large. It is as a result of globalization which creates many positive advances such as the progress of transportation and communication flows whereas facilitates transnational organized crime at the same time. The poverty and eagerness for a better life have made many women and children vulnerable to entrapment by traffickers. Several social values and discriminatory practices in many societies also allow the exploitation of women and children. Other contributing factors are lack of educational opportunity, occupational training, and access to public services; inadequacy of laws and law enforcement; growing demand for sexual services; and increasing supply of cheap women and child labor. Recognizing that human trafficking is a severe form of human rights violation, international communities have showed greater concern on the issue and undertaken measures to prevent and tackle the problem.

2. The National Agenda on Human Trafficking

The Government of Thailand has made best effort to deal with the issue of human trafficking through various measures. The Prime Minister proclaimed, at the National Conference on Human Trafficking held on August 6, 2004, the fight against human trafficking as the priority of the national agenda. He addressed in his speech that

“Victims must be regarded as victims, not criminals, and they must not be subject to prosecution. Instead, rehabilitation and services must be provided to reintegrate them into society. On the contrary, traffickers must be treated as criminals and heavy penalties must be imposed on them regardless of any forms of trafficking they are involved... Human trafficking is now a national agenda, all stakeholders should cooperate in combating all aspects of the problem in a sincere and serious manner with sympathy for trafficking victims.”

Urgent policies announced by the Prime Minister include:

2.1 Capacity building for relevant personnel to enhance their understanding on the nature of the problem to ensure the efficiency of the officials' anti-trafficking efforts.

2.2 Intelligence exchange among origin, transit and destination countries which can be achieved by the establishment of networks and cooperation.

2.3 Improvement and amendment of laws relevant to human trafficking to be more responsive to the present situation. Appropriate legislation against human trafficking must be enforced with transparency and there must be the proper and sustained training for the police and relevant personnel should be provided with training programs on necessary legal frameworks and their applications.

2.4 Campaign to increase public awareness of the problem and provision of assistance to those at risk of falling trafficking victims so that they can have more alternatives and opportunities to get away from human trafficking.

2.5 Remedy and rehabilitation with an initial fund of 500 million baht to assist victims of trafficking and those afflicted by other social problems. A committee would be established to manage the fund, comprising representatives from GOs and NGOs.

2.6 Change of discriminatory attitudes in the society that stigmatize victims of human trafficking to facilitate their reintegration.

It has been many years that Thailand has made a determined effort to deal with human trafficking. As the problem cannot be eliminated by any single organization alone and it has become the top priority in the national agenda, serious actions and cooperation from all concerned sectors are needed to fight against the problem.

3. Mechanisms

3.1 The National Sub-Committee

Thailand is aware of human trafficking and has established several strategies to combat the problem. The National Sub-Committee to Combat Trafficking in Women and Children has been set up in 1999 consisting of experts and representatives from concerned government, non-government, and international organizations. The sub-committee is responsible for strengthening national, bilateral and multilateral coordination of actions in relation to human trafficking; making recommendations for improvement of laws, policies, regulations and orders; sharing information and networking; and monitoring the implementation of related policies and plans

3.2 The National Committee

After the issue of human trafficking has become a national agenda, the Government of Thailand has established the National Committee on Prevention and Suppression of Human Trafficking on March 31, 2005. The committee is chaired by a Deputy Prime Minister and its members are composed of representatives from the political sector and relevant government organizations. It is responsible for considering the action in relation to trafficking and the effective implementation of the national plan, guidance and measures to combat all forms of human trafficking, assist, protect and rehabilitate victims including to coordinate with other countries, international organizations and NGOs both inside and outside Thailand.

3.3 500 Million Baht Fund

As the Prime Minister declared to provide financial support at 500 million baht for the remedy and rehabilitation of victims of trafficking, the government has passed a regulation on the management and expenditure of the fund on March 3, 2005. The regulation stipulates that persons qualified for assistance are those who are affected by human trafficking and those who are at risk of being trafficked. Financial support is given for their daily subsistence, medical treatment, occupational investment, travel expenses to return home, food, lodging, vocational training, physical and psychological recovery, compensation, funeral arrangement, etc.

3.4 The Operation Center on Human Trafficking

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

4. National Policy and Plan

4.1 The National Policy and Plan

The National Policy and Plan on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women (2002-2007) was approved by the Cabinet on July 1, 2003. It serves as a guideline for both government and non-government agencies to cooperate in combating human trafficking. This plan has focused on prevention, suppression, assistance and protection, recovery and reintegration and the establishment of structures for effective policy implementation, in compliance with the related laws, conventions, protocols, and declarations. Also, the national plan states that capacity building programs shall be provided to relevant personnel, and human trafficking indicators shall be developed and baseline information developed to monitor and evaluate prevention and suppression of human trafficking.

4.2 The Integrated Plan on Prevention and Resolution of Human Trafficking

The Cabinet Resolution on January 25, 2005 approved the Integrated Plan on Prevention and Resolution of Human Trafficking. The plan is intended for integrating work and budgets of relevant government organizations to ensure close coordination among concerned organizations so that they can utilize their resources in an efficient manner to combat human trafficking. In this regard, the cabinet approved 30.94 million baht added to the annual budget previously allocated for the fiscal year 2005 and 218.704 million baht for the year 2006 respectively. The budgets will be used

for public awareness raising on the issue of human trafficking and establishing a network to strengthen national and international cooperation in working towards the eradication of the problem.

5. Preventive Measures

5.1 Capacity building for relevant officials by means of workshops, seminars and training programs for the executives and interdisciplinary teams of practitioners such as police officers, immigration officers, attorneys, judges, social workers, psychologists, physicians, military officers, and staff members from non-government and local administrative organizations. It aims to enhance their understanding and skills for effective implementation; and to inculcate appropriate attitude and norm that would facilitate appropriate treatment of women and children especially the victims.

5.2 Campaigning and public awareness raising through mass media such as radio, television, publications and electronic media. Its objectives are to raise awareness among all related sectors and to call for public cooperation in fighting against human trafficking. The campaign targets as well at increasing understanding and respect of human rights, child's and women's rights, gender equality, and related laws. In line with the goals, a Center for Family Development was established to set up mechanisms and watch group in each community, to alleviate the problem on human rights violation and violence against women and children, and to eliminate human trafficking.

5.3 Promoting exchange of information and setting up of a database system on human trafficking in Thailand. This will enable those involved in combating trafficking in persons to monitor trends, facilitate information exchange, guide the future development of policies and procedures relating to human trafficking, and coordinate appropriate services to support victims of trafficking at the national and international level. Now the Thai government is conducting a study to map existing database in order to develop a database template on human trafficking cases.

5.4 Supporting the organization of income-generating groups at the local level, vocational training, job placement, and capital acquisition.

5.5 Providing support services on an equal basis such as health care, formal and informal education, scholarships for poor children, etc.

6. Prosecution (Laws and Law Enforcement)

6.1 Laws

1) Although Thailand has no specific legislation against trafficking in persons, it applies several relevant laws where appropriate, with emphasis on the rights of trafficked persons, with reference to international human rights standards. The Government of Thailand is committed to the enforcement of laws imposing severe penalties on people who are guilty of prostitution, exploitative labour, forced begging and other inhumane acts. In order to modify and improve the judicial system to become more responsive to securing justice for victims of trafficking and prosecuting trafficker, the government is currently drafting the Prevention and Suppression of Human Trafficking Act B.E..... in conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

2) The draft Prevention and Suppression of Human Trafficking Act B.E.....provides a definition of human trafficking and determines penalty to offenders. The key elements of this Act cover the following: 1) Thailand can prosecute every offender of human trafficking no matter where the offence is committed 2) victims and witnesses shall be protected during the trials against human traffickers and information and evidence relating to human trafficking cases shall duly be delivered to relevant authorities who take legal action in trafficking cases 3) victims may claim compensation from the offender of any damages caused by human trafficking 4) victims shall be provided with shelter and other necessities including physical, psycho-social, legal, educational, and health care assistance 5) other imperative for protection shall be given to victims and their immediate families within and outside the country to ensure their security and well being. Also, the Act stipulates that a fund shall be established to

support suppression and prevention of human trafficking, and welfare protection of trafficked victims. The fund shall draw upon annual budgetary support by the government, funding from intergovernmental and international organizations, donations from the private sector and confiscated assets of trafficking offenders. The draft Act has been approved by the cabinet on June 14, 2005 is now under the consideration of the Council of State.

3) Human Trafficking shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. The consent of a victim of trafficking in children and women to the intended exploitation shall be irrelevant where any of the means aforementioned have been used.

6.2 MOUs at the national level

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

1) MOU on Common Guidelines and Practices for Government Agencies Concerned with Cases of Trafficking in Women and Children (2nd Issue) B.E. 2546 (2003)

2) MOU on the Procedural Cooperation between Government and Non-Government Agencies Working with Cases of Trafficking in Women and Children B.E. 2546 (2003)

3) MOU on the Operational Guidelines of Non-Governmental Agencies Concerned with Cases of Trafficking in Women and Children B.E. 2546 (2003)

4) MOU on Common Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Women and Children in the Nine Northern Provinces B.E.2546 (2003)

5) MOU on Cooperation in Educating Female Youth for Prevention of Luring in Women and Children B.E. 2548 (2005)

Apart from the above, a task force will be established to revise the MOU on Common Guidelines and Practices for Government Agencies Concerned with Cases of Trafficking in Women and Children (2nd Issue) B.E. 2546 (2003). The revised MOU will be submitted to the cabinet for its approval. It is hoped that similar MOU on anti-trafficking arrangements will be developed for the northeastern and eastern parts of the country.

7. Protection and Recovery

7.1 Setting up 93 temporary shelters and 6 appropriate welfare homes to provide assistance to both Thai and foreign victims of trafficking. Baan Kredtrakarn Protection and Occupational Development Center is one among the welfare homes that has been widely recognized by anti-trafficking organizations as performing good practices. It has recently been developed to be an exemplary learning center in the region for its holistic assistance to victims of trafficking. Other services provided to trafficked women and children by the government include basic necessities, education, vocational training, physical and psychological recovery, telephone counseling (at phone number 1300), etc. In addition, the government ensures that all victims are considered and treated as victims, not criminals.

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

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

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

7.5 Repatriating 2,080 foreign women and children victims of human trafficking during January 2000-January 2005 (as of 31 May 2005). They comprise of:

- 1) 959 Cambodians
- 2) 567 Burmese
- 3) 501 Laotians
- 4) 20 Chinese
- 5) 12 Vietnamese
- 6) 9 other nationals
- 7) 4 unidentified nationals

The Thai government has repatriated 1,192 victims of human trafficking back to their countries of origin whereas 274 victims still remain for repatriation. And the other 614 persons are in assistance programs (in hospitals, child welfare protection homes, etc), escaped during the times awaiting repatriation or passed away.

8. Repatriation and Reintegration

The Government of Thailand has coordinated with relevant government agencies, non-government organizations, international organizations and Thai embassies in other countries in:

- providing victims of trafficking with shelter, and appropriate physical, psycho-social, legal, educational, and health-care assistance

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

9. International Cooperation

9.1 The Government of Thailand has promoted cooperation and networking in prevention and suppression of human trafficking by means of organizing several workshops, seminars and conferences such as the Workshop for Volunteer Networks to Assist Thai Women Abroad in 2003, the Regional Workshop on Monitoring the East Asia and Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children in 2003 and the Thailand Conference under Bali Process on “Sharing of Experiences in Combating Trafficking in Human Beings: Opportunities for Cooperation” in 2005. Besides, representatives from relevant government agencies have participated in a number of international conferences to exchange information and views, sharing experiences and best practices, and identifying possible future cooperation for more effective combat against human trafficking.

9.2 The Government of Thailand has been committed to strengthening cooperation against human trafficking particularly through bilateral and multilateral agreements among the countries in the Mekong Sub-region. It has signed three bilateral and multilateral MOUs as follows:

- 1) MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victim of Trafficking, done on 31 May B.E. 2546 (2003)
- 2) MOU on Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT), done on 29 October B.E. 2547 (2004)

3) MOU between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, Especially Women and Children, done on 31 July B.E. 2548 (2005)

Besides, Thailand is now in the process of formulating a plan of action to support implementation of these MOUs. The government is now in negotiation to develop an MOU with Vietnam. It is expected that similar bilateral agreements with Myanmar, China and Japan can be established in the near future.