

# Thailand - United States Department of State

## THAILAND: Tier 2

The Government of Thailand does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Thailand remained on Tier 2. These efforts included providing anti-trafficking training to judges and working with NGOs to provide trauma-informed care training to police, prosecutors, and shelter staff. The government investigated more suspected cases of labor trafficking compared to the previous reporting period, sentenced convicted traffickers to significant terms of imprisonment, increased the amount of compensation provided to victims through the anti-trafficking fund, and successfully provided restitution to victims of trafficking for the first time during the reporting period. However, the government did not meet the minimum standards in several key areas. Officials continued to conflate trafficking and smuggling during the reporting period, effective victim identification remained inadequate, and the government did not provide adequate psycho-social care to victims or provide victims residing in government shelters sufficient freedom of movement. The government initiated the fewest number of trafficking investigations since 2014, convicted the fewest number of traffickers since 2015, and only initiated investigations of two complicit officials. The government amended the 2008 anti-trafficking law to include a separate “forced labor or services” provision which prescribed significantly lower penalties for labor trafficking offenses than those already available under the existing trafficking provision of the law.

## PRIORITIZED RECOMMENDATIONS:

Improve the capacity of law enforcement to proactively prosecute and convict labor traffickers and identify labor trafficking victims. • Proactively investigate and prosecute officials allegedly complicit in facilitating trafficking, and convict and punish those found guilty with adequate prison sentences. • Ensure government and NGO-operated shelters provide victims with adequate trauma-informed care, such as legal assistance and psychological care, including by increasing the number of full-time interpreters and psychologists employed in shelters. • 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. • Improve training provided to labor, provincial and local police, immigration, and social welfare officials to increase proactive victim identification among vulnerable populations, including adults and children in commercial sex, children engaged in begging and street vending, migrants working in agriculture, manufacturing, fishing, seafood processing, construction, and domestic service industries, and among North Korean workers. • Extend the period in which officials are required to formally identify a potential victim in order to allow victims time to obtain government services, recover from their exploitation, and recount their experiences to authorities. • Do not make victims’ formal identification and access to services dependent on their willingness to participate in investigations against their traffickers. • 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. • Increase efforts to ensure employers provide workers copies of contracts in a language they understand. • Continue to support the development of victim-centric and trauma-informed approaches among judges overseeing trafficking cases. • Increase collaboration with local civil society organizations in migrant worker assistance centers, post-arrival centers, and government shelters, including in the provision of services to victims. • Continue to increase efforts to ensure victims receive court-order restitution from their traffickers. • 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 new amendments to dismiss cases filed with dishonest intent or to intimidate defendants. • Provide technical and financial support for NGO-operated shelters to enable more to assist victims. • Increase government coordination to ensure labor violations and migrant workers' complaints that include indicators of forced labor are investigated for trafficking crimes. • 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.

## PROSECUTION

The government maintained law enforcement efforts. Section 6 of the 2008 anti-trafficking law, as amended, criminalized sex trafficking and labor trafficking and prescribed penalties of four to 12 years' imprisonment and a fine of 400,000 to 1.2 million baht (\$13,440 to \$40,310) for offenses involving an adult victim, and six to 20 years' imprisonment and a fine of 600,000 to two million baht (\$20,150 to \$67,180) for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. In April 2019, the government amended the 2008 anti-trafficking law to include a separate provision under Section 6/1, specifically addressing "forced labor or services," which prescribed penalties of six months' to four years' imprisonment, a fine of 50,000 to 400,000 baht (\$1,680 to \$13,440) per victim, or both. This new provision prescribed significantly lower penalties for labor trafficking offenses than those already available under the existing human trafficking provision of the law. In 2019, the government reported investigating 288 potential trafficking cases (304 in 2018), initiating prosecutions of 386 suspected traffickers (438 in 2018), and convicting 304 traffickers (316 in 2018). The government reported investigating 76 potential cases of labor trafficking—including four cases involving the fishing sector—compared to 43 in 2018. Courts sentenced approximately 74 percent of convicted traffickers to five or more years of imprisonment. During the reporting period, law enforcement increasingly conflated trafficking and smuggling crimes, and local observers reported that pressure from Royal Thai Police (RTP) leadership to provincial police to increase the number of trafficking cases resulted in police, sometimes knowingly, identifying cases of migrant smuggling as trafficking. The trafficking litigation unit of the Office of the Attorney General (OAG) did not find sufficient evidence of trafficking in approximately 18 percent of cases with arrested suspects referred to the unit by law enforcement in 2019, which was an increase compared to nine percent in 2018 and two percent in 2017. The absence of legislation criminalizing human smuggling crimes may have increased the likelihood that officials identified smuggling cases as trafficking.

The government operated specialized anti-trafficking divisions within the Bangkok Criminal Court, the OAG, Department of Special Investigation (DSI), and the RTP. The Thailand Anti-Trafficking in Persons Task Force (TATIP) specialized in investigating complex cases and comprised law enforcement, social workers, and NGOs. Local observers reported the anti-trafficking division of RTP sometimes referred trafficking cases to inexperienced local agencies or did not properly manage the oversight of cases investigated by suspected complicit local police. The Thai Internet Crimes Against Children Task Force (TICAC) investigated 26 cases of internet-facilitated child sex trafficking (19 in 2018). In 2019 courts issued forfeiture orders for assets valued at 401,014 baht (\$13,470) which had been subjected to restraint and seizure orders in 15 trafficking cases litigated by the anti-money laundering office (AMLO). Thai authorities continued to hold bilateral meetings with neighboring countries to facilitate information-sharing and evidence-gathering in trafficking cases. In addition, law enforcement officials cooperated with foreign counterparts to investigate the trafficking of Thai victims abroad. While interagency coordination was effective in major cities, in some provinces observers reported ineffective communication among agencies and civil society. In January 2020, the police anti-trafficking division held a meeting with local NGOs to discuss collaboration on trafficking cases, with a focus on cases involving forced labor. In addition, the Courts of Justice organized a roundtable meeting with police, prosecutors, and NGOs to discuss laws and procedures relevant to trafficking cases.

Some victims continued to report reluctance to participate in prosecutions due to fear of detention and extended shelter stays, fears of experiencing retaliation from traffickers, and language barriers. In an attempt to increase victims' willingness to participate as witnesses, Thai courts admitted advance and video testimony as evidence in trials; courts conducted 15 advanced hearings for 41 witnesses in 2019. Thai authorities also worked with authorities in neighboring countries to enable testimony from witnesses outside of Thailand, although some local NGOs reported an unwillingness among local police and prosecutors to do so. Prosecutors worked with NGOs to prepare victims to testify, and courts allowed NGO lawyers to serve as co-plaintiffs in some cases to legally support victims. The government provided approximately 2.44 million baht (\$82,000) for witness protection services for 193 witnesses in trafficking cases in 2019, compared to 2.45 million baht (\$82,290) for 15 witnesses in 2018. The OAG partnered with an NGO to organize trainings for prosecutors on trauma-informed procedures in trafficking cases and organized trainings on forced labor for police and prosecutors in southern and central Thailand. The government partnered with an NGO to organize seminars for police, prosecutors, and social service providers to promote increased coordination in child sex trafficking cases, and RTP organized trainings for police on internet-facilitated sex trafficking. The office of the judiciary collaborated with UNODC and a university to provide training to criminal, civil, and labor court judges on trafficking laws and best practices for overseeing trafficking cases. In addition, the Courts of Justice collaborated with a foreign government to organize a seminar for 30 judges on trafficking. MSHDS provided training to 200 police officers on the Beggar Control Act and identification of forced begging cases. However, first responders, prosecutors, and judges sometimes did not properly interpret or apply trafficking laws, especially for labor trafficking. Prosecutors and multi-disciplinary teams (MDTs) frequently looked for evidence of physical abuse, and cases of labor trafficking were frequently directed to labor courts rather than criminal prosecution. The frequent rotation of police officers also meant officers with experience working trafficking cases were rotated out of their positions, and often replaced with inexperienced officers. For the first time, a Thai court permitted a judgement

against a convicted trafficking network from a foreign court as evidence in a related prosecution, which resulted in a successful conviction.

Corruption and official complicity facilitated trafficking and continued to impede anti-trafficking efforts. Some NGOs' perceptions of corruption made them reluctant to work with the government or certain agencies in some cases. Observers continued to report a reluctance by some law enforcement officials to investigate influential boat owners and captains, including those whom they perceived to have connections with politicians. Further, some police may have purposely compromised investigations and failed to provide prosecutors sufficient evidence to prosecute trafficking cases. The government reported two new investigations of official complicity in 2019. The Public Sector Anti-Corruption Commission and Department of Special Investigations (DSI) referred four officials to prosecutors. In 2019, the government reported convicting 14 officials complicit in trafficking crimes (16 in 2018), sentencing six to terms of imprisonment ranging from 34 to 225 years' imprisonment; sentencing for eight officials convicted for soliciting child sex trafficking victims was pending at the end of the reporting period. In addition, courts increased the terms of imprisonment of previously convicted officials complicit in the trafficking of Rohingya migrants. The government utilized administrative punishments against some suspected complicit officials rather than criminally investigating and prosecuting them. The government did not report investigating or prosecuting immigration officials who facilitated trafficking by accepting bribes at border checkpoints.

## PROTECTION

The government demonstrated uneven progress to identify and protect victims. The government identified 868 victims of sex and labor trafficking in 2019, compared to approximately 631 victims identified in 2018. However, the government also reported identifying an additional 950 individuals as trafficking victims subjected to "extortion," many of whom were likely irregular Burmese or Rohingya migrants transiting Thailand seeking employment in third countries, particularly Malaysia. This apparent conflation of trafficking with smuggling crimes resulted in overcrowding at government-operated trafficking shelters and may have decreased the quality of services provided to sex and labor trafficking victims. Of the 868 sex and labor trafficking victims identified by Thai officials, 258—who were mostly Thai—chose not to reside in government shelters, and 28 victims resided in NGO government-registered shelters. The 610 sex and labor trafficking victims whom the Ministry of Social Development and Human Security (MSDHS) reported assisting in government and NGO shelters (401 in 2018), included 134 Thai and 476 foreign victims, and 170 victims of sex trafficking and 440 victims of labor trafficking. Immigration authorities did not identify any victims among the 7,156 migrants screened in immigration detention centers, compared to 15 identified in 2018; NGOs reported authorities decreased efforts to cooperate with NGOs to screen for trafficking victims among this population during the reporting period.

MDTs, which comprised government agencies and NGOs, utilized standard screening guidelines to formally identify victims and refer them to services. The government collaborated with an international organization to provide a training for 30 trainers from Bangkok and high-risk provinces on labor trafficking victim identification and protection. In addition, MOL organized numerous trainings for labor officers and inspectors on identifying trafficking. MSHDS trained 1,000 MDT participants on victim identification, with a focus on forced labor following the 2019

amendment to the anti-trafficking law. Government agencies worked with NGOs to revise the preliminary victim identification form to include victims of forced labor, as defined under Section 6/1 of the amended anti-trafficking law; the government approved the revised form in January 2020 and assigned MSDHS to develop additional guidelines for MDT victim interviews and organize trainings on the new form. Nonetheless, the absence of clear guidance on the application of the forced labor amendment in victim identification during the majority of the reporting period led to confusion among front-line officers. Although the government reported victims of forced labor under Section 6/1 were afforded the same rights to services as all other victims of trafficking, civil society groups reported that proposed implementing regulations, including those that provide permission for trafficking victims to remain in Thailand and allow victims to obtain compensation from the anti-trafficking fund, may not apply to those identified as victims of forced labor. Effective implementation of identification procedures by MDTs continued to be inconsistent. Observers reported some officials utilized practices during MDT victim interviews that hindered the ability of victims to recount their exploitation. For example, they reported officials allowing employers of potential victims to be present during victim interviews, some MDT interviews involved an excessive number of officials, and insufficient coordination between officials during interviews. One local NGO reported DSI officers more frequently utilized victim-centered practices during MDT interviews than local police officers. MDTs were also sometimes reluctant to make identifications unless a case was likely to result in a successful prosecution.

Labor inspectors and members of the Royal Thai Navy screened migrant workers for trafficking during inspections, and were required to refer all potential trafficking victims to MDTs for formal identification and service referral. Some officials failed to recognize trafficking cases that did not involve physical force or overt signs of coercion, such as delayed or non-payment of wages, debt-based coercion, and document confiscation. In addition, some officials did not routinely identify victims who initially consented to travel to Thailand or consented to work in the industry in which they were later exploited. Officials sometimes encouraged exploited workers who were likely victims of forced labor to mediate their situation with their employer or referred their cases to labor courts, rather than recognizing them as trafficking victims. Anecdotal reports suggested some government officials were reluctant to receive complaints or to identify victims due to fears it would indicate law enforcement incompetence or a failure of the government's efforts to combat trafficking. Labor inspectors could be held personally liable for claims of abuse of power under Thai law, which may have discouraged them from reporting suspected exploitation.

The government could only provide temporary assistance to potential victims for up to eight days, and formal identification by MDTs was necessary for victims to obtain a legal right to services. This acted as a significant barrier for some victims who were not physically or psychologically prepared to undergo the MDT identification process to obtain services. Further, the absence of a suitable reflection period during which victims could access stabilizing services from the government, did not allow officials sufficient time to build rapport and trust with victims, including to obtain sufficient information to make a formal identification and to encourage victims' participation in investigations. Consequently, victims frequently sought temporary care from NGOs, who did not receive government funding, before they were prepared to undergo the MDT interview process. The government continued to refer victims formally identified by MDTs to government-operated shelters where they

had access to counseling, legal assistance, medical care, civil compensation, financial aid, witness protection, education or vocational trainings, and employment opportunities. However, authorities made the provision of services contingent upon a victim's willingness to participate in law enforcement investigations. In addition, the government did not consistently provide repatriation assistance to victims who declined to participate in law enforcement investigations. MSDHS operated 76 short-stay shelters and nine long-term regional trafficking shelters, including four dedicated to adult male victims and families, four for female victims, and one for male child victims. The government continued to distribute a handbook in seven languages informing victims of their legal rights under the trafficking law, including access to services. The government only permitted foreign victims who held a valid visa or work permit at the time of their identification to stay outside government shelters during legal proceedings against their traffickers. Undocumented foreign victims of trafficking were required to remain in shelters while the government processed applications for permits to stay and work in Thailand. MSDHS trafficking shelters did not allow victims—including adults—to leave without permission, which was often denied; only victims who received permission to work outside shelters could leave the shelter on a regular basis for work. Further, victims were often required to stay in shelters until the completion of proceedings against their traffickers, even in cases in which they were physically and psychologically ready to exit the shelter system. In addition, shelter staff required victims to obtain permission to make personal phone calls and often monitored their calls. Requiring victims to remain in shelters longer than necessary, combined with the restrictions on their movement and communication during shelter stays, likely contributed to some victims' re-traumatization and inhibited their ability to earn an income. The government did not report how many victims it permitted to work outside shelters in 2019—compared to 65 in 2018 and 149 in 2017. While the government made efforts to reduce the length of prosecutions and thereby decrease the amount of time victims had to stay in shelters, NGOs reported the required shelter stays continued to deter foreign victims from cooperating with law enforcement, with some preferring to instead be deported to their home countries. The government permitted some victims to reside at and obtain services at three government-registered NGO shelters; although victims obtaining these services could still obtain compensation from the government's anti-trafficking fund, the government did not provide these shelters with additional funding to support their operations. In addition, observers reported strict requirements for NGO-operated shelters to receive permission to assist formally identified victims made it challenging for additional NGOs to obtain this registration. Due to the increase in victims and smuggled migrants authorities identified during the reporting period and the subsequent overcrowding within the nine trafficking shelters, the government placed 55 victims in two of the short-term government-operated shelters.

Government shelters often lacked adequate numbers of psychologists and staff trained on trauma-informed care, inhibiting victims from obtaining psycho-social and individualized care. In collaboration with an NGO, MSDHS organized training on trauma-informed care and trust-based relational interventions for shelter staff in both government and NGO-operated shelters. Contacts reported shelters did not always provide victims with private counseling and instead relied on group counseling sessions with social workers. MSDHS shelters did not provide specialized care to boys and LGBTI victims; in addition, authorities did not maintain guidelines for determining where to place transgender victims and required some to stay in shelters based on their sex assigned at birth. NGOs reported difficulty accessing victims they had supported once they entered MSDHS

shelters; this, combined with insufficient communication from shelter staff, discouraged NGOs from further cooperating with the government or referring victims to authorities. MSDHS employed more than 300 interpreters, an increase compared to 251 in 2018, but often relied on interpreters provided by NGOs and international organizations during rescue operations. In addition, government shelters often lacked sufficient numbers of interpreters, which weakened their ability to provide adequate services to victims. MSDHS provided vocational training activities in shelters, and victims could earn a minor income from activities such as craft-making. However, observers continued to report inadequate options for vocational training and work offered in shelters. Thai law permitted foreign trafficking victims and witnesses to stay and work in Thailand for up to two years upon the completion of legal proceedings against their traffickers; however, the government did not report if any victims received this benefit during the reporting period.

Authorities facilitated the return of 123 Thais exploited abroad (103 in 2018), including 25 confirmed trafficking victims, by providing funding for travel expenses, legal assistance, job placement, and other reintegration services. MSDHS reported it assigned social workers to maintain contact with Thai victims for at least one year after their reintegration. The government worked with an NGO shelter in South Korea to provide assistance to Thai sex trafficking victims. Officials utilized approximately 2.17 million baht (\$73,000) from the government's anti-trafficking fund for aiding in the repatriation of foreign victims exploited in Thailand; the government did not report how many victims it repatriated in 2019, compared to 201 in 2018. In coordination with the Government of Cambodia, Thai agencies established standard operating procedures for repatriation and reintegration of victims between Cambodia and Thailand. However, Thai authorities did not consistently follow procedures for safely repatriating foreign victims.

The government opened two new child advocacy centers, which served as child-friendly spaces where law enforcement, NGOs, and social workers could conduct forensic interviews of child trafficking victims; this brought the total number of centers to seven. Local observers reported the government often deployed female officials to conduct identification interviews of female victims. Some judges lacked sufficient understanding of trauma-informed care, which resulted in harmful treatment of victims during court proceedings. While courts reportedly followed protocols to protect victims and witnesses in most instances, NGOs reported some incidents where the court failed to provide a non-confrontational cross examining area, despite advance request, and asked witnesses to verbally confirm sensitive information in front of the suspects during proceedings.

The 2016 Beggar Control Act provided for health and social services to individuals engaged in begging activities, including trafficking victims. The government reported identifying only seven victims of forced begging in 2019. NGOs reported the government lacked clear policies related to the protection of children compelled to sell items on the street and noted there was no agency responsible for protecting this population. MSDHS developed a mobile application for trafficking victims and witnesses to report exploitation and request protective services, including interpretation, and it provided information on the rights of trafficking victims in seven languages. MSDHS and MOL operated hotlines with operators fluent in 19 foreign languages. In 2019, the MSDHS trafficking hotline received calls related to 162 possible trafficking cases, including 19 involving forced labor (139 cases in 2018); officials referred 106 of these cases to related authorities but only referred 28

to the police anti-trafficking division. In 2019, MOL employed 91 language coordinators (84 in 2018) and 99 interpreters (69 in 2018), and the Department of Labour Protection and Welfare (DLPW) conducted training on labor laws and trafficking for 82 language coordinators.

In 2019, the government provided 11.88 million baht (\$398,990) to trafficking victims from its anti-trafficking fund, including 1.68 million baht (\$56,430) allocated to victims residing outside government shelters, an increase from 6.15 million baht (\$206,580) in 2018. Thai law legally obligated prosecutors to file restitution claims when a victim expressed intention to make a claim. The Human Trafficking Criminal Procedures Act allowed judges to award compensation or restitution to victims, including in the absence of a victim request for these funds. The government did not report how many restitution claims prosecutors filed on behalf of victims in 2019 (116 in 2018) but reported courts ordered 3.3 million baht (\$110,850) in restitution for 14 victims in two cases in 2019. The government reported that for the first time, two victims successfully received court-ordered restitution from their traffickers; nonetheless, the execution of court orders to pay restitution for victims remained ineffective, particularly for non-Thai victims. MSDHS operated a unit under its anti-trafficking division to provide victims legal assistance and file compensation claims and utilized guidelines to enhance the efficacy of filing such claims. The government drafted an amendment to the Anti-Money Laundering Act of 1999 to expand the right of victims of trafficking to obtain compensation from assets forfeited from traffickers, which was pending the Thai Cabinet's approval at the end of the reporting period.

The law protected victims from prosecution for unlawful acts their traffickers compelled them to commit; however, flaws in the government's implementation of victim identification procedures increased the risk of authorities penalizing victims, including for prostitution and immigration violations. Employers reportedly convinced Thai law enforcement to bring criminal charges against exploited workers for theft when workers attempted to leave or change jobs. In addition, the government's criminal defamation laws continued to allow companies to pursue criminal charges against potential victims and advocates during the reporting period, and the government did not report investigating company owners for subjecting these workers to exploitation. For example, in December 2019, courts convicted and sentenced a reporter to two years' imprisonment for criminal libel for making comments on social media related to a poultry farm that was previously ordered to compensate 1.7 million baht (\$57,100) to 14 Burmese workers who were subjected to conditions indicative of forced labor; since 2016, this company has pursued more than 36 complaints against rights advocates. Despite making amendments to the Criminal Procedure Code in March 2019 that would enable courts to immediately dismiss cases filed with dishonest intent or to intimidate the defendants, as well as amendments in February 2019 that strengthened the rights of defendants in cases where their employers filed criminal defamation charges, the government did not report utilizing these amendments to drop criminal defamation charges pursued against advocates during the reporting period. The government also amended the anti-trafficking law in 2015 to provide protection to whistleblowers but has never reported applying this provision.

## PREVENTION

The government increased efforts to prevent trafficking. The prime minister oversaw the government's anti-trafficking efforts through the Supervisory Policy

Committee on Addressing Trafficking in Persons, and the government continued to monitor its progress to combat trafficking through data collection and annual reports to the prime minister and the Cabinet. In 2019, the government allocated approximately 3.8 billion baht (\$127.9 million) towards its prevention and suppression of trafficking budget, compared to approximately 3.64 billion (\$122.3 million) allocated in 2018. It conducted campaigns through newspapers, television, radio, social media, billboards, and handouts to raise public awareness throughout the country. Officials conducted numerous outreach activities to raise awareness of trafficking among school children, teachers, and community leaders. In addition, the foreign affairs ministry produced and shared a video clip on television and social media that included indicators of trafficking among Thai nationals abroad and methods to report suspected cases. In January and March 2020, MSDHS hosted a forum with NGOs, government agencies, international organizations, and the private sector to discuss anti-trafficking efforts and encourage increased collaboration; the government collected recommendations from participants at the January forum and presented them to the anti-trafficking committee in March. In June 2019, the government published the first nationally representative survey of children in the workplace, which was produced in collaboration with an international organization, and found approximately 177,000 children were involved in child labor, including 133,000 in hazardous working conditions.

Thai law permitted recruitment agencies to charge recruitment fees to Thais seeking overseas employment, and excessive fees incurred by some workers made them vulnerable to debt-based coercion. Through government-to-government formal migration channels, the government assisted 11,886 Thais to obtain employment abroad in 2019, including by providing job placement assistance. In addition, 14 provincial employment offices provided training, including on trafficking risks, to 4,803 Thai workers prior to their overseas employment. In November 2019, the Department of Employment (DOE) signed a memorandum of understanding (MOU) with the South Korean Immigration Service that aimed to increase coordination to address the prevalence of undocumented Thai migrants working in South Korea and to prevent their exploitation in forced labor. In 2019, the government inspected 181 employment agencies that recruited Thai workers and found unlawful practices in four, resulting in license suspensions and revocations. It initiated prosecutions against 239 illegal brokers (416 in 2018) under the Employment and Job-Seeker Protection Act, resulting in the issuance of arrest warrants in seven cases. The government operated 12 labor offices in countries with large numbers of Thai workers; these offices conducted 887 inspections, assisted more than 5,980 workers, and trained 758 labor volunteers to assist in the identification of labor violations and trafficking among Thai workers.

In August 2019, the government approved the extension of stay for Cambodian, Laotian, and Burmese workers who obtained legal work permits through the nationality verification process, which allowed undocumented workers to obtain identity documents without leaving Thailand, by two years. Nonetheless, the complicated nature of government registration under the nationality verification process and in many cases, low levels of literacy, resulted in workers' reliance on brokers and employers, who often overcharged workers to obtain documents, thereby increasing their vulnerability to debt-based coercion. The government also maintained bilateral MOUs with neighboring countries to recruit migrant workers to Thailand, and 413,536 workers were recruited through this system in 2019. However, high costs, difficulties in obtaining identity documents in home countries, and other administrative barriers continued to impede greater usage of this

mechanism and also resulted in workers' reliance on brokers assistance. The government also permitted migrants to obtain 30-day and 90-day border passes to work in non-seasonal agricultural or manufacturing jobs, including within 10 developing special economic zones, but such temporary working arrangements did not provide workers access to social protections. NGOs reported employers increasingly encouraged workers to obtain these border passes. The government reported labor inspectors conducted inspection of 146 establishments in border areas in 2019 and found 71 in violations of the law; however, the government did not report identifying any cases of trafficking through these efforts and only issued corrective orders in all but one case. In 2019, the government inspected 244 migrant worker recruitment agencies, compared to 67 in 2018, and found four operating in violation of the law.

Weaknesses in Thailand's labor laws preventing migrant workers from forming labor unions may have contributed to exploitation. The 2018 Royal Ordinance on Management of Migrant Workers required employers to provide workers a copy of their employment contracts and to cover costs (excluding personal expenses such as passports, medical checks, and work permits) associated with bringing migrant workers to Thailand and back to their home countries when employment ends, such as recruitment fees and transportation costs. The decree prohibited employers from deducting more than 10 percent of workers' monthly salaries for personal expenses and the retention of travel or other personal documents; the law prescribed penalties of fines ranging from 10,000-100,000 baht (\$340-\$3,360) and up to six months' imprisonment for employers who violated these rules. The government found 2,333 businesses and employers guilty of employing migrant workers without valid work permits in 2018, a sharp increase compared to 716 in 2018; the government collected 16 million baht (\$537,450) in fines from 586 of these employers. However, NGOs reported the regulations on recruitment fees were poorly defined and enforced, and recruitment agencies and brokers still required workers to pay recruitment fees and transportation costs. The government did not report investigating illegal salary deductions and observers reported that while DLPW was responsible for monitoring for illegal deductions, DOE conducted labor inspections of recruitment agencies but did not frequently refer suspected cases of illegal deductions to DLPW. Recent research reported fewer migrant workers, including those employed in the fishing industry, who were recruited in their home countries paid recruitment fees prior to starting their employment in Thailand. However, many employers and brokers, who bore the upfront costs associated with bringing workers to Thailand, indebted workers to pay these fees through illegal salary deductions, often without workers' knowledge. The Ministerial Regulation on Labor Protection for Sea Fishers required employers to pay workers' salaries at least once per month through electronic deposits and to share catch profits. While this system received overall praise from civil society observers, some reported concerns some workers were unable to access their funds due to a lack of ATMs near some ports, insufficient training on how to use the system, and the withholding of workers' ATM cards and PINs by vessel owners, captains, or brokers. In addition, while the electronic payment system increased the ability of labor inspectors to verify wage payments, unscrupulous employers continued to make regular electronic payments in their employees' accounts to satisfy the legal requirement but made illegal withdrawals. The lack of a requirement that employment contracts be written in both Thai and migrant workers' languages, and a lack of clear guidance to measure work and rest hours for workers aboard fishing vessels heightened their risk of trafficking. Employers rarely provided workers a contract to keep or in their language, and research indicated migrant fishermen were less likely to have signed a

contract in their own language than in previous years; contacts attributed this decrease to the government ceasing to proactively provide a standard contract that had been made available in multiple languages in previous years. NGOs and international organizations widely reported the government did not adequately enforce minimum wage laws and lacked legislation mandating minimum wages in sectors with high employment of migrant workers, such as seasonal agriculture. In November 2019, the government passed the Fishery Workers Protection Act to increase protections for fishermen, including by requiring health and safety protections, medical care at sea, rest periods, and other protections; however, it was not fully enforced by the end of the reporting period because the government had not approved seven out of 11 subordinate laws. Although government regulations permitted exploited migrant workers to change employers, some policies restricted their ability to do so in practice. Provincial labor offices required workers recruited under MOUs to present many documents that workers often could not provide without NGO or brokers' assistance in order to approve job changes. By law, MOU employers could recover costs associated with recruiting a migrant worker from the new employer when a worker requested to change jobs before the end of their employment contract, and some employers charged these workers to obtain their documents, making them susceptible to debt-based coercion. The government did not report investigating employers who illegally charged fees to such migrant workers.

The government operated five post-arrival and reintegration centers that assisted migrant workers who entered Thailand through the MOU process by providing information on labor rights, Thai culture, employment contracts, trafficking awareness, and complaint mechanisms; in 2019, these centers assisted 413,536 migrant workers. However, due to the limited amount of time workers were present at these centers, which was usually immediately after workers' arrival in Thailand, officials were only able to provide them with limited information in practice. In addition, observers reported labor officials interviewed workers in the presence of their employers, brokers, and armed police at post-arrival centers, which may have deterred workers from reporting exploitation. MOL also worked with NGOs to provide services at 10 migrant worker assistance centers. During the reporting period, the government held a meeting with civil society, government agencies, and the private sector to evaluate these centers. The government worked with NGO-operated centers located near fishing markets to provide skills training, health screenings, and other resources to raise awareness of workers' rights. Provincial labor offices, migrant worker assistance centers, and other government agencies did not adequately investigate migrant workers complaints or refer suspected labor violations, including those indicative of forced labor, to relevant agencies. In addition, workers' past negative interactions with authorities and a lack of availability of interpreters at some labor offices deterred migrant workers from reporting exploitation.

During the reporting period the government transferred the authority of the Command Center for Combating Illegal Fishing (CCCIF), which operated 32 port-in port-out (PIPO) centers and 19 additional forward inspection points (FIP), to the Department of Fisheries, while the newly established Thai Maritime Enforcement Command Center (Thai-MECC) oversaw PIPO and FIP operations. PIPO centers performed inspections to verify whether fishing vessels were operating legally and implemented a risk-based assessment system to identify target vessels for inspection. Labor inspectors working in PIPO teams verified crew lists using biometric data and worker interviews. The government banned long-haul Thai-

flagged vessels from operating in international waters from 2016 to 2018 and permitted two vessels to renew their licenses to fish in international waters in 2019, with requirements that they return to Thailand every year. From February to September 2019, PIPO centers conducted 53,860 inspections at-port and 6,605 at-sea and found 23 and 330 infringements, respectively. Among these, authorities identified only two cases involving labor violations, which involved failure to provide an employment contract and failure to pay workers' wages via bank transfer. The government has never reported identifying trafficking victims as a result of PIPO labor inspections. In addition, resource constraints during the transition of inspection authority from CCCIF to Thai-MECC resulted in reduced inspection rates for two months during the year. The government introduced a manual for PIPO centers on standardized inspection practices and, although still inconsistent, centers increasingly utilized universal checklists for inspection operations compared to previous years. In addition, observers reported inspectors more frequently conducted interviews with victim-centered practices, and all PIPO centers had translators available for inspections. Nonetheless, some inspection teams lacked translators for some workers' languages, did not board vessels during inspections, did not separate workers away from owners, captains, or brokers for interviews, or conduct pre- and post- inspection team meetings away from vessel owners or captains; these practices likely deterred some workers or inspectors from revealing information due to fears of retaliation. In addition, at-sea inspections did not sufficiently include checks for labor violations or consistently have translators available for interviewing foreign crewmembers. PIPOs did not universally apply a standardized procedure for referring cases of fishermen who went missing at sea, including to identify indicators of trafficking on the vessels in which they went missing, and an increasing number of crewmembers went missing at sea during the reporting period.

The government did not report how many inspections of adult entertainment businesses officials conducted in 2019, compared to 7,497 in 2018. In 2019, DLPW conducted 2,116 inspections at high-risk workplaces, including sugarcane farms, garment factories, seafood processing facilities, pig farms, and poultry farms, finding 1,017 workplaces operating in violation of labor laws. Some local observers reported some factories received advance warning of labor inspections, which may have hampered the ability of officials to identify labor violations, including those indicative of forced labor. The government continued to grant citizenship to stateless persons. The government made efforts to reduce the demand for commercial sex acts, including by displaying a video in four languages discouraging child sex tourism in Thai airports and on Thai airline flights. In addition, the government coordinated with foreign governments to deny entry to known sex offenders. The government provided anti-trafficking training to its diplomatic personnel.

## **TRAFFICKING PROFILE**

As reported over the past five years, human traffickers exploit domestic and foreign victims in Thailand, and traffickers exploit Thai victims abroad. Traffickers subject Thai nationals to forced labor and sex trafficking in Thailand and in countries in North America, Europe, Africa, Asia, and the Middle East. Members of ethnic minorities, highland persons, and stateless persons in Thailand have experienced instances of abuse indicative of trafficking. Labor and sex traffickers exploit women, men, LGBTI individuals, and children from Thailand, other Southeast Asian

countries, Sri Lanka, Russia, Uzbekistan, and some African countries in Thailand. Traffickers use Thailand as a transit country for victims from China, North Korea, Vietnam, Bangladesh, India, and Burma whom traffickers subject to sex trafficking and forced labor in countries such as Malaysia, Indonesia, Singapore, Russia, South Korea, the United States, and countries in western Europe. The North Korean government may have forced North Koreans to work in Thailand. Children from Thailand, Burma, Laos, and Cambodia are victims of sex trafficking in brothels, massage parlors, bars, karaoke lounges, hotels, and private residences. Traffickers increasingly induce young Thai girls and boys to perform sex acts through videos and photos on the internet, sometimes by blackmailing victims with explicit images. Children in orphanages are at risk of trafficking. Some parents or brokers force children from Thailand, Cambodia, and Burma to sell flowers or other items in streets, beg, or work in domestic service in urban areas.

Labor traffickers exploit Thai and migrant workers in commercial fishing and related industries, the poultry industry, manufacturing, agriculture, domestic work, and street begging. Traffickers exploit some migrants in labor trafficking often through debt-based coercion, deceptive recruitment practices, retention of identity documents and ATM cards, illegal wage deductions, and other means. Brokers, recruitment agencies, and others impose excessive fees on workers before and after they arrive in Thailand. Vessel owners, brokers, and senior vessel crew traffickers subject Thai, Burmese, Cambodian, Vietnamese, and Indonesian men and boys to forced labor on Thai and foreign-owned fishing boats. Some are paid little or irregularly, incur debts from brokers and employers, work as much as 18 to 20 hours per day for seven days a week, and without adequate food, water or medical supplies. Some boat captains threaten, beat, and drug fishermen to work longer. Some trafficking victims in the fishing sector had difficulty returning home due to isolated workplaces, unpaid wages, and the lack of legitimate identity documents or safe means to travel. Employers in fishing and seafood processing often made confusing wage deductions for documentation fees, advances, and other charges, making it difficult for workers to account for their wages accurately. Various research published in 2019 and 2020 found that between 14 and 18 percent of migrant fishermen were exploited in forced labor in the Thai fishing industry, indicating traffickers exploited thousands of workers on fishing vessels.

Corruption continues to undermine anti-trafficking efforts. Some government officials are directly complicit in trafficking crimes, including through accepting bribes or loans from business owners and brothels that exploit victims. Corrupt immigration officials facilitate trafficking by accepting bribes from brokers and smugglers along Thai borders. Credible reports indicate some corrupt officials protect brothels, other commercial sex venues, factory owners, and fishing vessel owners from raids, inspections, and prosecutions and collude with traffickers. Some local police reportedly withhold information from prosecutors to protect traffickers. Some government officials profit from bribes and direct involvement in extortion from and exploitation of migrants.