

Thailand Responses to Trafficking in Persons

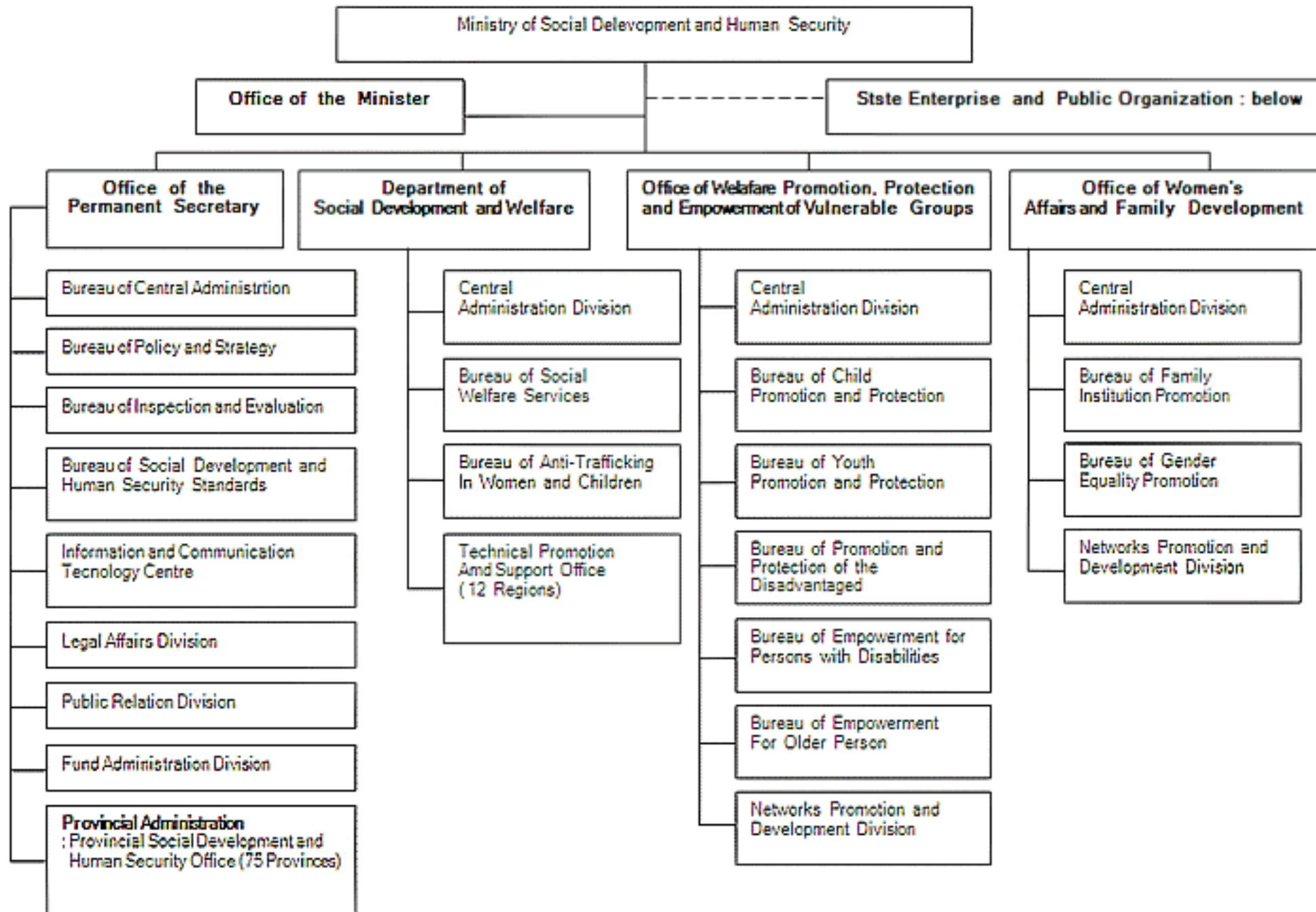


Bureau of Anti-Trafficking in Women and Children
Department of Social Development and Welfare
Ministry of Social Development and Human Security

Overview

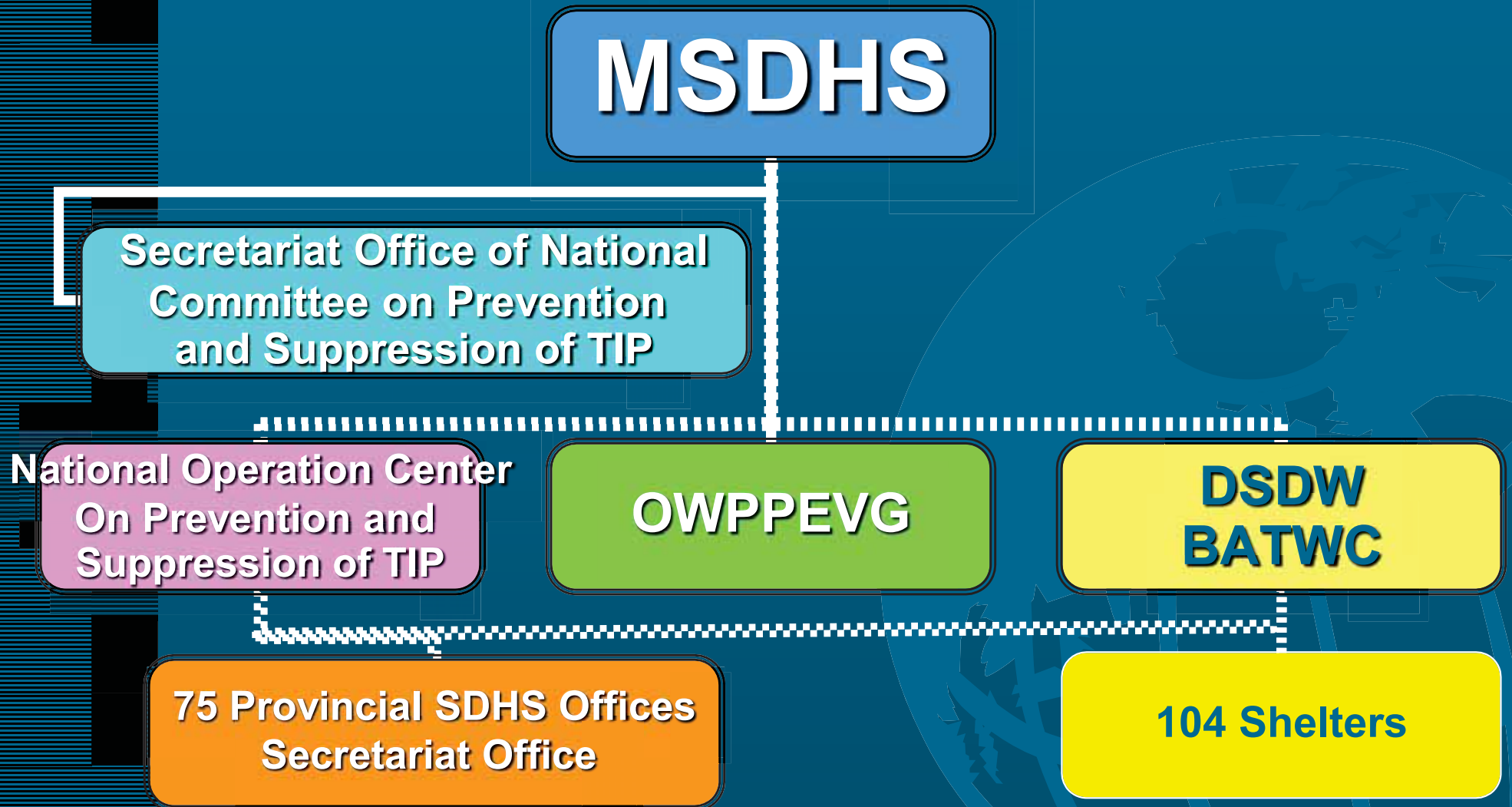
1. Situation of Trafficking in Persons
2. Thai Government in Response to TIP
 - National Policy and Plan & Mechanisms
 - Measures on Combating TIP: Prevention, Protection, Prosecution, Repatriation and reintegration
3. New Act on Anti-Trafficking in Persons
B.E. 2551 (2008)
4. Key Success and Lessons Learned

Organizational Structure of MSDHS



State Enterprise : 1) Nation Housing Authority 2) Public Pawnshop Office
Public Organization : Communication Organizations Development Institute

Structure of Agencies under Ministry of Social Development and Human Security for Anti-Trafficking



Bureau of Anti-Trafficking in Women and Children



- Serve as a focal point for the co-ordination among the networks of concerned agencies for the protection and welfare of victims of trafficking of women and children.
- Conduct relevant studies and analyses of means for preventing human trafficking and to provide welfare assistance, protection, and vocational development for women and children who are victims of human trafficking.
- Promote the implementation of national laws, international conventions and declarations relating to women and child welfare, protection against violence and human trafficking and to promote adoption placement for children.

ส ฎึ บ หน้า 1 เติสซึซึ

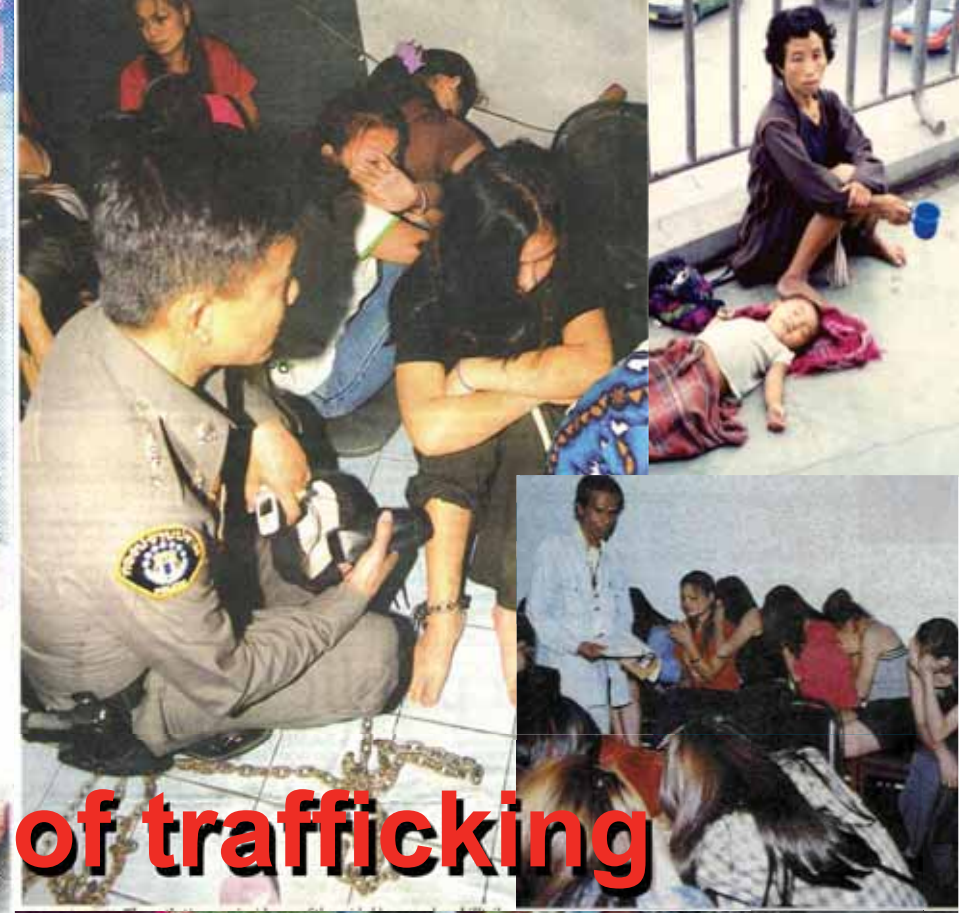
'กัศกัศรึ' พึหญึงไทย



Diverse forms of trafficking

จึ 'รุมต.ไหญ่'
แบทึ 'คัศกัศรึ' ขัฒชัศ

พลึก
อัฒ
หน้า
3



New pattern of TIP

- There are more exploitation in male labour
- Both Thais and migrants kidnapped for fishing boats
- Migrants in seafood processing plant

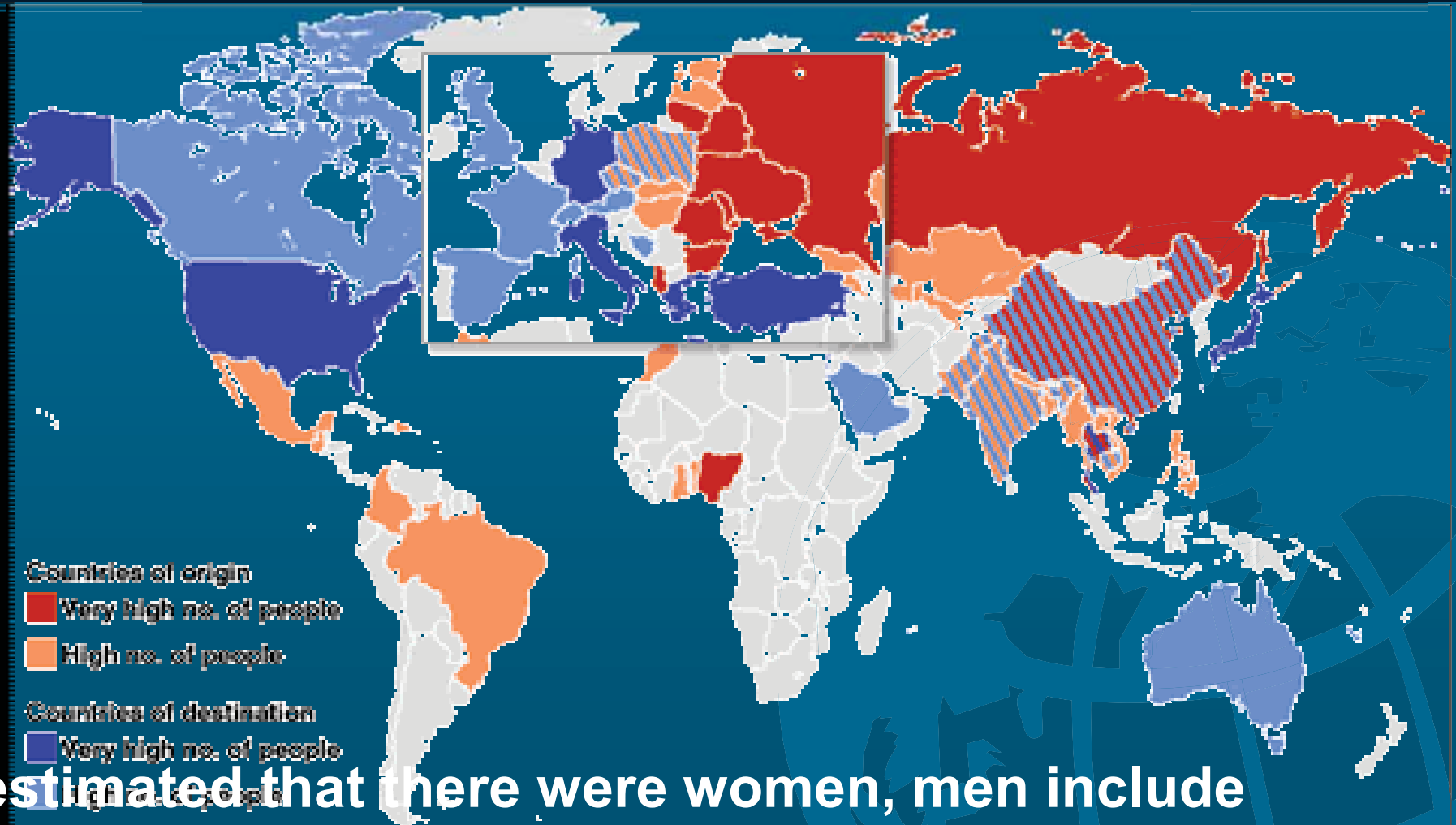


3 Statuses of Human Trafficking

- **Origin area** : Thai women are trafficked to Malaysia, Japan, Australia, Bahrain, South Africa, etc.
- **Transit area**: Cambodia, Burmese, Chinese, Laotian, Vietnamese trafficked to Malaysia for sexual exploitation
- **Destination area**: Cambodia, Burmese, Chinese, Laotian, Vietnamese trafficked to Thailand in various forms



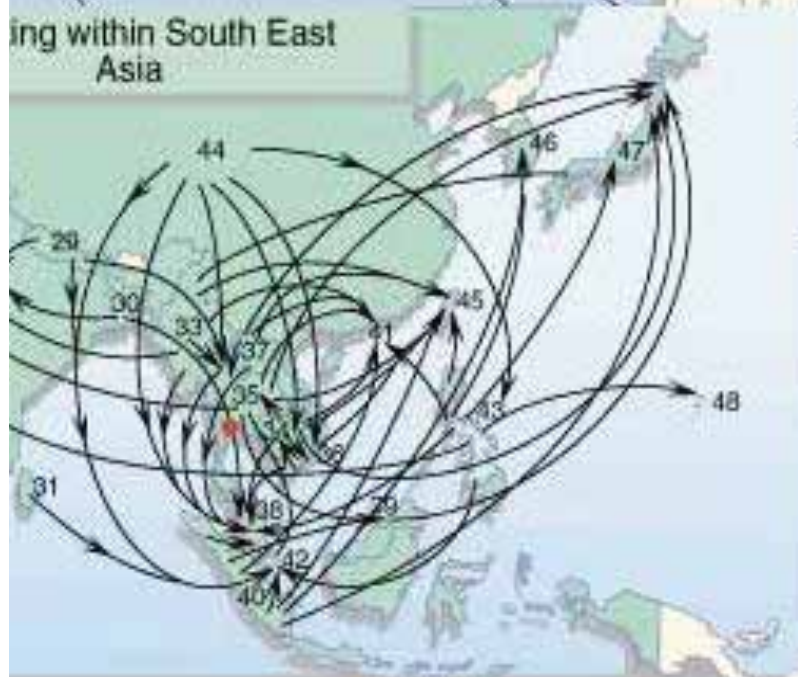
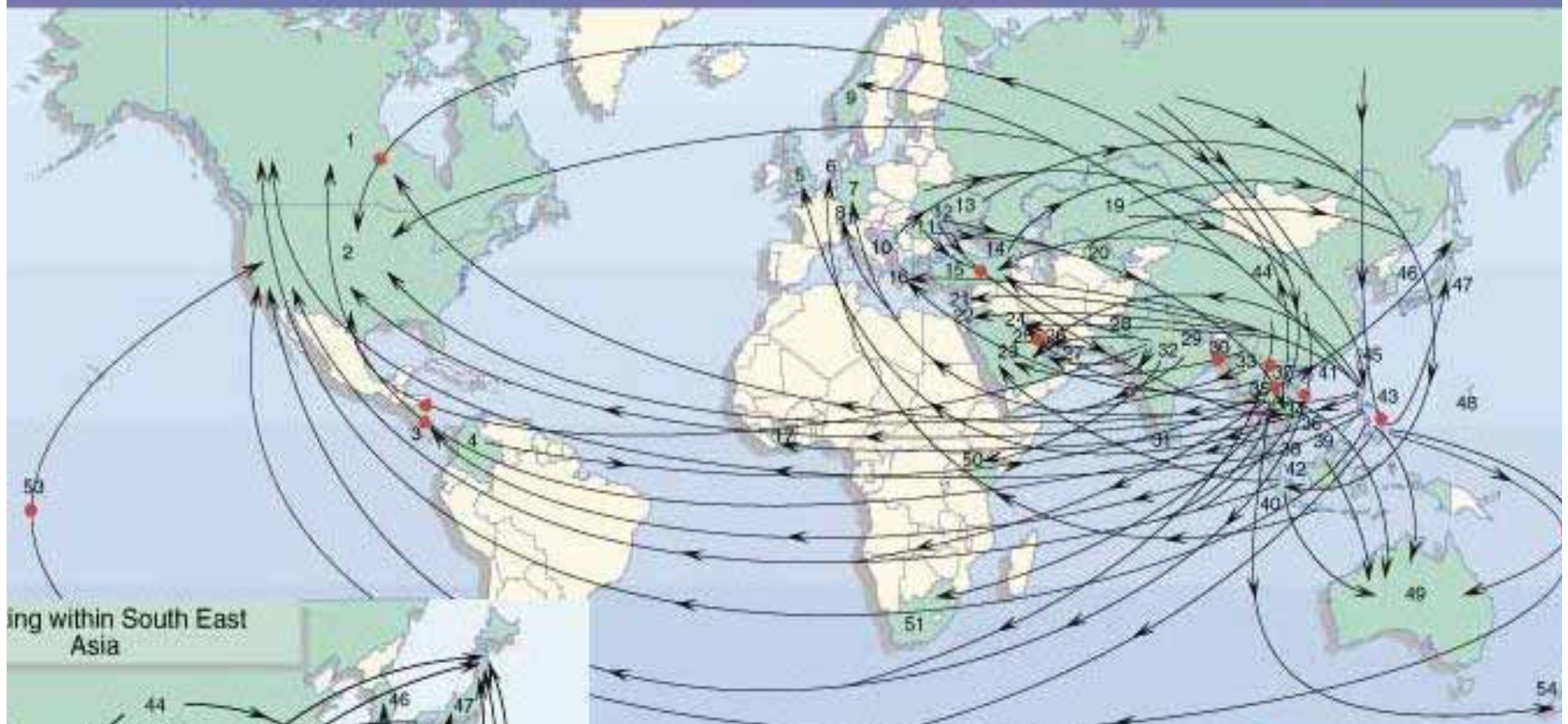
Global Situation of TIP



ILO estimated that there were women, men include children 2.5 million fall into victims of TIP, > 1.39 million were from ASIA,

Source : ILO, 2005

Trafficking of Persons, Especially Women and Children: South East Asia Routes



- 1) Canada, 2) USA, 3) Costa Rica, 4) Colombia,
- 5) United Kingdom, 6) Netherlands, 7) Germany,
- 8) Switzerland, 9) Norway, 10) Bosnia and Herzegovina,
- 11) Romania, 12) Moldova, 13) Ukraine, 14) Georgia,
- 15) Turkey, 16) Greece, 17) Cote d'Ivoire, 18) Russia,
- 19) Uzbekistan, 20) Kazakhstan, 21) Lebanon,
- 22) Jordan, 23) Saudi Arabia, 24) Kuwait, 25) Bahrain,
- 26) Qatar, 27) United Arab Emirates, 28) Pakistan,
- 29) Nepal, 30) Bangladesh, 31) Sri Lanka, 32) India,
- 33) Burma, 34) Cambodia, 35) Thailand, 36) Vietnam,
- 37) Laos, 38) Malaysia, 39) Brunei, 40) Indonesia,
- 41) Hong Kong, 42) Singapore, 43) Philippines,
- 44) China, 45) Taiwan, 46) South Korea, 47) Japan,
- 48) Northern Mariana Islands, 49) Australia, 50) Kenya,
- 51) South Africa, 52) Nauru, 53) Kiribati,
- 54) New Zealand.

■ Countries with trafficking activity
● Transit Stop
 Source: ©The Protection Project
 Johns Hopkins University
 School of Advanced
 International Studies
 Created by Neha Mathur
 March 2002

Routes represent at least one documented case trafficking of persons. See individual country reports for additional information.

TIP Report: USA

- Each year, American embassies conduct assessment of anti-trafficking measures by each government all over the world
- TIP Report functions as a trade and diplomatic tool to urge the government
- Each country will be categorized as Tier 1, Tier 2, Tier 3
- In 2008 Thailand falls into Tier 2 ↴



*Thai Government in
Response to TIP*



Thailand Responses to Trafficking in Persons



Multi-sector
Multi- Ministerial
Multi- Disciplinary

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- National Policies and political will
- Mechanisms
- Budget

National Policies and Plans



1. National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children 1996

2. National Policy and Plan of Prevention, Suppression and Combating Domestic and Transnational Trafficking in Women and Children 2003 (6 years)

Timeframe & Structure

Plan of Actions

**Short term: 3 years
2003 – 2006**

**Long term : 6 years
2003 - 2009**

1. Prime Minister Office
2. Ministry of Foreign Affairs
3. Ministry of Tourism and Sports
4. Ministry of Social Development and Human Security
5. Ministry of Interior
6. Ministry of Justice
7. Ministry of Labor
8. Ministry of Education
9. Ministry of Public Health
10. Ministry of Industry
11. Ministry of Agriculture and Corporation
12. Bureau of University Affairs
13. Office of Attorney General, Court
14. Royal Thai Police

15. National Human Rights Committee
16. The House of Representatives
17. The Senates
18. NGOs
19. Media at national and local level
20. International Organizations

National Policy and Plan of Prevention, Suppression and Combating Domestic and Transnational Trafficking in Women and Children 2003



Prevention

Protection

Prosecution &
Suppression

Repatriation &
Reintegration

Data System &
Follow up

Enhancing Coordination with
International Organization

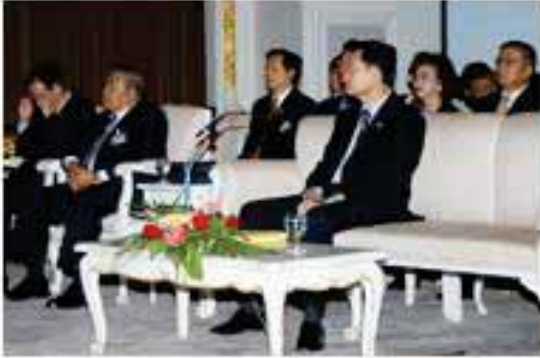
Development of
Management System

What works for Anti-TIP NPA?

- Know the problem, current situation and updated information
- Identify TIP terminology by existing framework of laws domestically and internationally to determine strategies prioritization and target groups
- Ensure that plans can be done and responsive to the problem, widely accepted, involve more stakeholders and welcome more comments
- Know what channel that the issue can be pushed and then lobby the plan to get approval
- Budgeting, follow-up mechanism

Government's Political Will & Commitment

National Workshop
on Human Trafficking
6 August 2004
Government House
Bangkok, Thailand



Government's Political Will & Commitment

- Enactment of the New Anti-Trafficking in Persons B.E. 2551 (2008)
- Prime Minister H.E. Samak Sundaravej encouraged national campaign by signing at the campaign board
- Cabinet Resolution approved National Anti-Human Trafficking Day of Thailand on 5th June



National Mechanisms

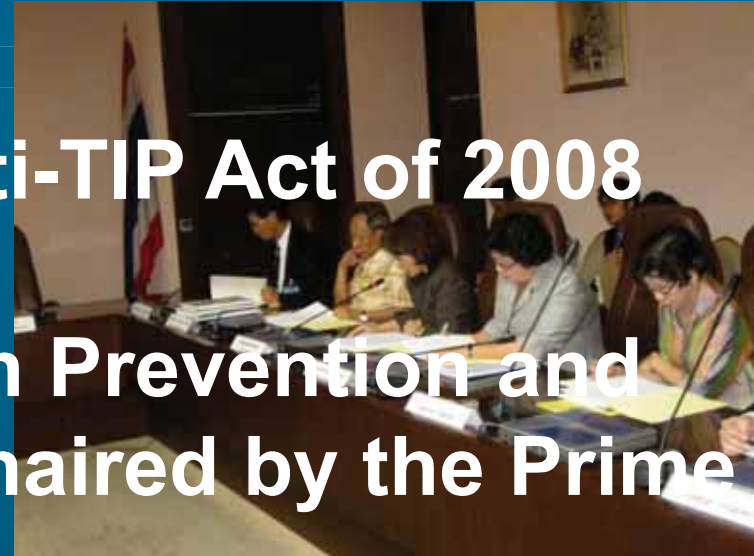
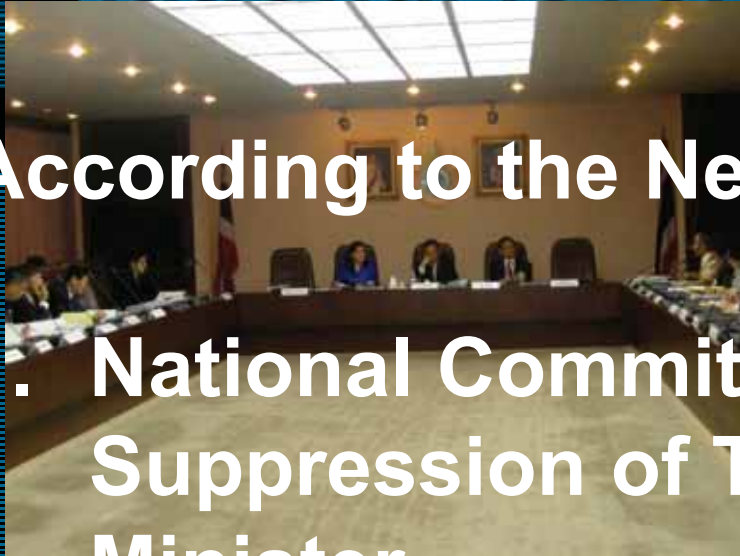


Institutionalize permanent structures at national level

According to the New Anti-TIP Act of 2008

1. National Committee on Prevention and Suppression of TIP, Chaired by the Prime Minister

2. National Committee for Coordinating and Monitoring of TIP, Chaired by the Deputy of the Prime Minister



National Operational Mechanisms

National Committee on Prevention and Suppression of Trafficking in Persons: establishment of new mechanisms approved by the Cabinet in 2005: responsible for policy decision making

National Operational Center on Prevention and Suppression of Trafficking in Persons

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graph TD; A[National Operational Center on Prevention and Suppression of Trafficking in Persons] --- B[Provincial Operational Center on Prevention and Suppression of Trafficking in Persons]; A --- C[Operational Center on Prevention and Suppression of Trafficking in Persons at foreign countries];
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Provincial Operational Center on Prevention and Suppression of Trafficking in Persons

Operational Center on Prevention and Suppression of Trafficking in Persons at foreign countries

Special Governmental Units for Anti-Trafficking



1. The Bureau of Anti-Trafficking in Women and Children, under Department of Social Development and Welfare
2. The Crime against Child, Juvenile and Women Suppression Division, under Royal Thai Police
3. The Centre Against International Human Trafficking, International Affairs Department, Office of the Attorney General



*Key Measures in Prevention
and Suppression of TIP*

Key Measures in Prevention and Suppression of TIP



Prevention Measure

Raising Awareness

- Anti – Prostitution Campaign for Young Girls
- Safe Migration Knowledge for Thai Women
- Media, publication to sensitize human trafficking problem

Reducing group at risks

- Access to education for all children
- 8 Welfare and Vocational Training Center for Women
- Project of Building up New Life for Rural Women

Networking

- Community Mechanism and Network Development Project.
- Thai Volunteers Networking in Foreign Countries



Publications: anti-human trafficking



ค้ามนุษย์ ผิดกฎหมาย ทำลายชาติ

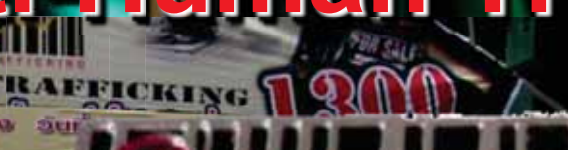
พ.ต.ท.กนิษฐ ชินวัตร นายกรัฐมนตรี สำนักงานตำรวจแห่งชาติ และ น.โหวตยูเนี่ยน โฟรเซ็น โปรติคส์ จำกัด (มหาชน)

Organizing a Campaign for New Law on Anti-Trafficking in Persons Acts



Campaign for Anti-TIP





Legislation Measure

- 1996 Prostitution Prevention and Suppression Act
- 1997 Measures on Prevention and Suppression of Trafficking in Women and Children Act
- 1997 Penal Code Amendment Act No. 14
- 1999 Criminal Procedure Amendment Act
- 2003 Child Protection Act
- **2008 Anti-Trafficking in Persons Act**



STOP



HUMAN TRAFFICKING



งานแถลงข่าว

พ.ร.บ. ป้องกัน

และปราบปราม

การค้ามนุษย์

พ.ศ. 2551

วันที่ 28 มีนาคม 2551

เวลา 10.00 น. - 11.30 น.

ณ บ้านราชวิถี

หยุด การค้ามนุษย์

คุ้มครองคนถูกค้า

จัด "สนค้ำสน"

พบเบาะแส โทร.สายด่วน **1300**

New Anti-Trafficking in Persons Act B.E. 2551 (2008)



New Anti-Trafficking Law of Thailand

- Replace the old law 1997 Measure on Prevention and Suppression of Trafficking in Women and Children Act
- Clearer definition of trafficking in persons in compliance with TIP Protocol and cover trafficked men
- Harsher penalties, better suppression and greater protection
- Reinforcing with national mechanisms to enforce the law more effectively



New Anti-Trafficking Law of Thailand

Establishment of Mechanisms

- National Committee on Prevention & Suppression
- National Coordination and Monitoring Committee on Prevention & Suppression
- National Fund for Prevention & Suppression

More Power on Suppression

- Guilty as a basis fault according to the Anti-Money Laundry Act of 1997
- Harsher penalties, esp. on state officials involved with the law
- Punish both individual & juristic persons
- Early deposition
- Witness Protection

Greater Protection

- Art. 29 held for victims identification 24 hours – 7 days, provision of temporary shelters
- Art. 33 provision of protection centre
- Art. 37 respect to humanitarian and human right basis



Strong Prosecution (1)

- The law clearly defines the elements of human trafficking crimes.
- There are clearer and more serious penalties.
- The punishment for trafficking crimes against children will be more severe than those against adults.
- Anyone conspires to commit a human trafficking crime is subject to punishment.
- Civil servants and Anti-Trafficking Committee members involved in human trafficking crimes are subject to a harsher penalty.



Strong Prosecution (2)

- Where the offender is a juristic person, if the offense is caused by an order or act of any person, or the omission to issue an order or perform an act which is the obligation of the managing director, or any person responsible for carrying out the business of the said juristic person, such person is liable for punishment.
- Whoever commits a human trafficking offense outside the Kingdom shall be liable for the punishment within the Kingdom.
- All offenses under the new Act shall be predicated under the Anti-Money Laundering Act, B.E. 2542 (1999).



Greater Protection (1)

- Victims will be protected by the government regardless of whether or not they consented to being trafficked.
- The opinion of the trafficked person will be regarded throughout the legal and protective processes, allowing for greater victim participation, and protecting their human rights and dignities
- Identify the precise measures to be taken to protect and assist the victims.
- Protection also covers any potential victims.



Greater Protection (2)

- Victims are entitled to witness protection, legal aid, and the right to obtain compensation for damages caused by trafficking.
- Specify repatriation for victims found outside of Thailand without identity cards will be repatriated into the Kingdom as long as their status of residency or domicile in Thailand or even in a process of granting Thai citizenship can be verified.
- Victims' identities and privacy will be protected from the media.



Mechanisms for Enforcement

- Creates the “competent official” as specific government official in charge
- Determines the 2 National Committees on Prevention and Suppression as part of the permanent structure of the government
- The new Anti-TIP Fund is set up as capital for providing assistance to trafficked persons & supporting activities on prevention and suppression of trafficking in persons.
- Annual reports will be prepared to show operations used in combating human trafficking, in order to compile a cumulative database, to identify more efficient anti-trafficking measures in the future.

*Multi-Disciplinary Team
Approach*

