RAPID ASSESSMENT REPORT
TRAFFICKING IN PERSONS SITUATION IN THAILAND

March 2017

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The authors’ views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.
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<th>Full Form</th>
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<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>AT</td>
<td>Assessment Team</td>
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<td>CCCIF</td>
<td>Command Center for Combatting Illegal Fishing</td>
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<td>CTIP</td>
<td>Counter-Trafficking in Persons</td>
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<td>DSI</td>
<td>Department of Special Investigation</td>
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<td>GBV</td>
<td>Gender-Based Violence</td>
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<td>ILO</td>
<td>International Labor Organization</td>
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<td>IO</td>
<td>International Organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>IUU</td>
<td>Illegal, Unreported, and Unregulated (Fishing)</td>
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<td>Lao PDR</td>
<td>Lao People’s Democratic Republic</td>
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<td>MDT</td>
<td>Multi-Disciplinary Team</td>
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<td>MOL</td>
<td>Ministry of Labor</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>MSDHS</td>
<td>Ministry of Social Development and Human Security</td>
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<td>NCPO</td>
<td>National Council for Peace and Order</td>
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<td>NGO</td>
<td>Non-governmental Organization</td>
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<td>NV</td>
<td>Nationality Verification</td>
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<td>OAG</td>
<td>Office of the Attorney General</td>
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<td>PIPO</td>
<td>Port-In, Port-Out</td>
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<tr>
<td>RDMA</td>
<td>Regional Development Mission for Asia (of USAID)</td>
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<td>RTG</td>
<td>Royal Thai Government</td>
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<td>RTP</td>
<td>Royal Thai Police</td>
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<td>SME</td>
<td>Small and medium-size enterprise</td>
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<td>TIP</td>
<td>Trafficking in Persons</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>VMS</td>
<td>Vessel Monitoring System</td>
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EXECUTIVE SUMMARY

There are an estimated four to five million migrant workers in Thailand, the majority from neighboring Cambodia, Myanmar, and Lao People’s Democratic Republic (Lao PDR). Migrants from these, and other countries in the region and across the world, typically arrive as low-skilled laborers, and risk being forced or coerced into labor or sexual service. The United States Agency for International Development’s (USAID’s) Regional Development Mission for Asia (RDMA) commissioned a rapid assessment of transnational Trafficking in Persons (TIP) into Thailand to inform future planning for counter-trafficking in persons (CTIP) activities. A small assessment team (AT) conducted the assessment in-country, using a qualitative methodology at six fieldwork sites. The assessment responds to twelve questions posed by USAID which cover a wide range of issues, including: the trends and nature of transnational trafficking to Thailand; migrant vulnerabilities to trafficking; gender dimensions of vulnerability and the extent to which gender is considered in responding to TIP; enablers/drivers of TIP; and the quality and effectiveness of CTIP efforts.

Thailand is mainland Southeast Asia’s main destination for low-skilled migrants, as well as the leading source of demand for TIP among these same migrant flows. In previous years, a subset of this migrant flow to Thailand experienced conditions of forced labor or TIP that were characterized by outright physical force and detention, physical and sexual abuse, and brute control exercised directly by Thai employers in Thailand. Respondents in this rapid assessment indicate that TIP is changing from this earlier form and in recent years has taken a more sophisticated, subtle form, often through legal migration channels. Instead of brute force, exploiters are now more likely to use the imposition of fees to cause indebtedness and withhold wages as a means to obtain forced migrant labor. This rapid assessment revealed a commonly-held misperception among the general public and government officials that legal migrants cannot be victims of trafficking.

TIP is a transnational crime that is “pushed” by social and economic disparities in the region’s source countries and inadequate anti-TIP efforts from these source country governments. The causes of migrants’ vulnerability to exploitation and trafficking, however, have not changed significantly over time, with the “quest for better economic opportunities” leading respondents’ identification as the “pull” factor that makes migrants from neighboring countries vulnerable. The lack of opportunities in their home communities, the need for men to fulfill societal roles as breadwinners, and some women’s drive to support their parents economically are also factors pushing people to migrate to Thailand. A lack of information about legal rights and protections for migrants in Thailand, exacerbates their vulnerability to exploitation.

The National Council for Peace and Order (NCPO), which has administered the Royal Thai Government (RTG) since May 2014, has shown clear signs that it appreciates the significance of the TIP issue. Respondents were in near-complete agreement that the RTG has shown increased attention, responsiveness, and movement on the issue of TIP over the last two years. Respondents differed starkly, however, on whether these responses are effective and sustainable.

Part of the RTG’s greater responsiveness to TIP has been an acceptance of the prevalence of labor trafficking. The mid-2015 discovery of fishermen from Thailand, Myanmar, and Cambodia in conditions of severe exploitation aboard Thai fishing vessels in Indonesia, helped bring the transnational labor dimension of TIP into stark relief.

There are three tangible signs of the RTG’s efforts

1. Progress on legislative reforms addressing the criminal justice responses to TIP;
2. New labor laws concerning migrants and the fishing sector; and
3. A willingness to address the population of labor brokers and recruiters operating in Thailand

Some of the legislative reforms were drafted quickly and enacted almost immediately upon completion. While most respondents applaud the content of the new legislation and regulations, there remains considerable confusion and concern regarding their implementation.

The AT’s interviews found a gap between the legal and policymaking levels of the national government in Bangkok, and the local government officials charged with implementing the many new laws, regulations, and policy decrees. There are reportedly few efforts to explain some of the new reforms or provide implementation guidance to practitioners on the ground. Among provincial level officials, a narrative of CTIP success has taken hold that declares a decided reduction in TIP—particularly in the fishing and seafood sector—by virtue of the measures enacted by the national government since 2015. This narrative explains the near total lack of TIP cases identified in the key fishing provinces of Ranong, Samut Sakhon, and Chonburi, and results in officials easing the need for aggressive inspections of boats and on-shore worksites.

Non-governmental organization (NGO) and international organization (IO) respondents offer a very different narrative for the current TIP situation. The continued lack of a clear government migration system—with continually changing regulations on how migrants can enter Thailand legally and how undocumented migrants already in the country can become “regularized”—makes migration unnecessarily complex and risky and actually encourages irregular migration, as this is perceived as more efficient, and often safer.

The intricate patchwork of regulations, laws, and policies on migration empowers and enables exploitative brokers and recruiters, and migrants and employers are, in turn, compelled to use their services. By seeking to facilitate migration and adding significant costs and debts to migrant workers, these brokers and recruiters drive much of the trafficking today. Yet, until recently, there were no laws governing these key actors.

**Government CTIP responses** at the provincial (operational) level are uneven, weak, and do not reflect adequate coordination with the national level. In Thailand, at the provincial level, there is a segregation of duties among agencies responsible for CTIP, with no single agency having responsibility over all aspects. This leaves some elements of the CTIP response weak or unaddressed, and this is particularly seen in the lack of effective complaint mechanisms for migrants. Local officials have differing views over the definition of TIP, few accept that exploitative debt or withholding of pay can be a means of forced labor/TIP, and many provincial level officials erroneously equate legal migrant status with an inability to be a victim of TIP. Respondents identified no incentives for local government officials to identify more victims,
but cited several disincentives, including, in one case, officials being instructed by their superior not to identify any trafficking victims.

With the intention of protecting victims, identified trafficking victims are sometimes held for long periods of time in government shelters. Being involuntarily held represents a violation of the UN Office of High Commissioner on Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking (Guideline 6.1), sometimes re-traumatizes victims, and advance knowledge of the rules in these shelters leads some victims to conceal their situations and not cooperate with authorities in order to avoid being identified as a trafficking victim.

**Among drivers or enablers of TIP, corruption** acts as a significant enabler for TIP. Corruption takes many forms, including officials taking payments from trafficking offenders and officials directly engaging in TIP. Another enabling factor is the poor public attitude towards migrant workers, which creates an environment in which corrupt law enforcement officials can extort money or otherwise exploit migrants, sometimes through brokers or recruiters, with little threat of punishment.

**The government has a mixed relationship with NGOs on CTIP.** On the one hand, officials recognize the unique strengths that NGOs have in dealing with foreign victims of trafficking nimbly and cost-effectively. On the other hand, some officials resent NGOs' critical watchdog role and their demands to be included as partners in multi-disciplinary team (MDT) responses to trafficking situations. Some government respondents see representatives of the NGO community as “having an agenda” to tarnish Thailand’s name and point to the speed with which these organizations go to the international media with TIP-related complaints. NGOs counter, however, that the government frequently shuts them out from a meaningful dialogue, leaving them no choice but to use other channels to get their message out.

**NGOs and IOs** are not coordinating their efforts well or sharing their lessons learned, and this unproductive environment is partly the result of donors’ emphasis on awarding grants to individual organizations through competitive processes, rather than encouraging partnerships and platforms for collaborative learning. Duplication of efforts is common.

**The private sector** is emerging as a CTIP force, though most observers still see business efforts as modest and driven by outside pressure, such as the EU's "yellow card" on Illegal, Unreported, and Unregulated (IUU) Fishing. There have been requests from US and European buyers of Thai seafood to hold companies more accountable for exploitation within Thai supply chains and Thai companies are trying to understand what this means and what investments they need to make in this area.

**The AT concluded** that significant improvement in Thailand’s CTIP efforts will be unlikely, given

1. A politically-driven inclination to narrate success against TIP that diverges from the reality on the ground;
2. Systemic corruption among all sectors of the CTIP response;
3. A severely flawed migration system and victim identification effort;
4. Poor treatment of victims that are identified; and
5. Failure to address the lesser, associated labor violations and gender-based violence (GBV) offenses that create and sustain the enabling environment for TIP.
This otherwise poor prognosis could be improved if the Royal Thai Government (RTG) were to take steps in the right direction. Based on the evidence collected, the AT recommends that it should:

1. Overhaul the victim identification process, including the victim identification form;
2. Consider replacing the current migrant legalization process with a more durable migrant policy;
3. Remove mandatory shelter requirements for victims of TIP in line with international norms of victim protection; and
4. Make all TIP prosecution decisions public and ensure sufficient resources for courts to be able to try TIP cases openly and fairly

The AT also recommends that USAID consider the following CTIP efforts:

1. Assess the feasibility of a bank-based wage payment system for migrant workers to improve transparency in wage payments;
2. Develop alternative joint NGO-governmental complaint mechanisms for TIP, labor exploitation, and GBV;
3. Support formal and informal education and basic vocational skill training and stronger CTIP programming in source countries
4. Coordinate USAID work with other donors’ efforts through the Bali process regional strategic roadmap;
5. Conduct a CTIP evidence summit targeting small and medium-size enterprises (SMEs); and
6. Provide gender-awareness and sexual harassment training for male and female CTIP actors
I. RAPID ASSESSMENT BACKGROUND AND PURPOSE

1.1 RAPID ASSESSMENT BACKGROUND

The international phenomenon, formally known in contemporary international legal and policy arenas as trafficking in persons (TIP), affects every country in the world and takes on myriad forms and associated names. One such parallel term is forced labor, and the International Labor Organization (ILO) has estimated that 19.7 million people are subjected to forced labor or trafficking at any given time. Of the nearly 20 million victims of forced labor or TIP, 56% are found in the Asia region. While reliable estimates of trafficking prevalence on a country or sub-regional level are not available, it appears that most of Southeast Asia’s trafficking involves transnational migrants, rather than persons subjected to conditions of TIP within their own country. This is supported by the estimate of transnational migration in or from the Asia region, which accounts for almost half of the global estimate of 244 million migrants, according to the UN Department of Economic and Social Affairs. Within the Southeast Asia region, there has been growing recognition of the linkage between transnational labor migration and TIP. In response to this acknowledgment, all ten national leaders of the Association of Southeast Asian Nations (ASEAN) signed the 2015 Convention on TIP, which covers all forms of trafficking, including labor trafficking, and contains provisions for protecting migrants who fall victim to trafficking in other countries.

There are an estimated four to five million migrant workers in Thailand with the majority from neighboring Cambodia, Myanmar, and Lao People’s Democratic Republic (Lao PDR). Migrants from other countries in the region and across the world typically arrive as low-skilled laborers and risk being forced or coerced into labor or commercial sexual exploitation. Thailand has faced increasing pressure from the international community to address TIP in recent years.

“...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 of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The United Nations Definition of Human Trafficking (from the Transnational Organized Crime Convention)

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The 2014/15 U.S. Department of State (DoS) TIP Report ranked Thailand as a “Tier 3” country for its incomplete compliance with the minimum standards of the U.S. Trafficking Victims Protection Act. In 2015, the European Union issued Thailand a “Yellow Card,” putting Thailand on formal notice for not taking sufficient measure to address illegal, unreported, and unregulated (IUU) fishing and related labor exploitation, such as trafficking.

The RTG has recently made measurable progress on several TIP-related fronts, including passage of additional laws, and dedication of greater resources to TIP issues, particularly in the fisheries sector. In acknowledgement of these efforts by the RTG, DoS upgraded Thailand’s ranking by one level to Tier 2 Watch List in the 2016 U.S. DoS TIP Report. However, TIP remains a key issue for Thailand.

1.2 RAPID ASSESSMENT PURPOSE

Social Impact (SI) was contracted by the United States Agency for International Development’s (USAID’s) Regional Development Mission for Asia (RDMA) to carry out a rapid assessment to serve as a timely stock-taking of the TIP situation in Thailand as a destination and transit country, in anticipation of upcoming USAID counter-trafficking in persons (CTIP) activities (Please see Annex I for the Scope of Work for this Assessment). This rapid assessment provides an overview of the following: trafficking trends and challenges; efforts currently being implemented by the RTG, civil society, and the private sector; and existing gaps in services and information. USAID/RDMA set forth twelve questions to be addressed by this rapid assessment:

1. What are the current trends for types, patterns, flows and routes of TIP into and out of Thailand?
2. What are the key drivers associated with Thailand as a destination and transit country for trafficked persons?
3. What are the profiles of trafficked persons and vulnerability factors for irregular migration and trafficking?
4. What are the types of industries involved with TIP?
5. What are the border and law enforcement issues related to TIP?
6. What is the profile(s) of traffickers? For example, characteristics and traits of traffickers, roles of traffickers, and categorization of trafficking groups?
7. What are the RTG policies, protocols, and operating procedures for preventing TIP, identifying trafficked persons, providing them with support and assistance for return and reintegration, and

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Note that, according to these TIP Reports, the United States Government Definition of ‘Trafficking in persons’ and ‘human trafficking’ have been used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion.


to what extent do the policies, protocols, and operating procedures affect vulnerable migrant workers and trafficked persons of different genders?

8. What are the ongoing programs in Thailand to prevent TIP and those to identify and support trafficked persons by all stakeholders including community based organizations, civil society organizations, international donors, private sector and others, and to what extent is the gender dimension integrated into the whole cycle of these programs?

9. Recognizing the nexus between TIP and gender-based violence (GBV), to what extent do the efforts made by the RTG and other development partners prevent and respond to GBV in Thailand?

10. What is the Thai public attitude towards migrant workers and trafficked persons?

11. What is the role of Thailand in addressing TIP through its participation in regional commitments and cooperation framework such as ASEAN, Bali Process and others?

12. What are the recommendations on any opportunities for female leadership and empowerment, either on the side of the migrants/trafficked persons or among development actors engaged in CTIP for USAID’s future programming?

2. METHODOLOGY

This assessment used a document review and qualitative approach to provide USAID with information on the twelve assessment questions specified in the Statement of Work. Data sources included a desk review as well as in-depth interviews with a broad range of actors, including: RTG officials; civil society organizations (CSOs); local and international organizations (IOs); academics; private sector actors; and USG stakeholders. As the RTG, non-governmental organizations (NGOs), and IOs are the leading actors in Thailand’s CTIP arena, the majority of respondents were from these three main groups.

2.1 SAMPLING & DATA COLLECTION

USAID/RDMA and SI jointly selected six sites for field data collection, targeted for their reputation for undocumented migration and TIP: Chonburi, Ranong, Ubon Ratchathani, Samut Sakhon, Chiang Mai, and Bangkok (Figure 1). Within these sites, the assessment team (AT) identified and contacted governmental and non-governmental actors working on the issue of trafficking. In each site, the AT ensured key governmental actors were interviewed, including police, social workers, and labor inspectors, in addition to a range of CSOs/NGOs. Data collection took place between November 10 and December 8, 2016.

Figure 1: Data collection locations
Data collection consisted of in-depth, semi-structured interviews with individuals, and, in some cases, groups of individuals. Interviews generally lasted between one and one and a half hours, though in some cases two to three hours with highly knowledgeable respondents. Due to the sensitivity of the topic, the AT did not make audio recordings of respondents’ statements; instead, hand-written notes were taken during interviews, which were later transcribed, coded and analyzed. Respondents were assured the right to confidentiality before providing verbal informed consent prior to the start of each interview.

To maximize coverage, the AT split into two sub-teams after conducting fieldwork together at the first site. The team conducted a total of 88 individual and group interviews during the data collection period. Figure 2 shows the distribution of respondents by profession. Figure 3 shows that of the 143 total respondents included in the assessment, 48% were female.

Figure 2: Number of respondents by profession (n=143)  Figure 3: Percentage of respondents by sex (n=143)

2.2 DATA ANALYSIS

Data were analyzed iteratively over the course of fieldwork through regular team meetings, review of notes, and synthesis of findings. Midway through data collection, the two assessment sub-teams met to assess findings to-date and develop a draft codebook to be used for the final analysis of qualitative data. Upon concluding fieldwork, the AT finalized the codebook and coded all field notes using the Dedoose software platform. The AT generated code reports, which formed the basis of the findings in this report.

2.3 LIMITATIONS

This study was designed as a rapid, cross-sectional assessment. Accordingly, three limitations should be noted. The first limitation relates to sampling. The number and range of fieldwork sites and respondents were limited, given the short-timeline for the assessment.

In particular, the team was not able to interview trafficking victims due to the difficulty in identifying and accessing this population, but also due to ethical concerns. As national government representatives proved
difficult to access, the team was also unable to reach as many of these actors as initially planned. Additionally, due to the AT’s focus on NGO/IO and government actors, respondents include a very limited number of private sector and academic respondents. Also, though the AT assessed the pool of respondents as adequately covering the agricultural sector, there was very little data obtained on TIP in this sector, which relies heavily on migrant labor. Few NGOs are focusing on labor exploitation in agriculture and government agencies have not detected significant TIP or exploitation of migrant workers in the sector. Secondly, as this assessment did not use a representative, quantitative methodology, the AT cannot generalize or speculate about trafficking prevalence in Thailand. Rather, the findings included herein convey perceptions from the testimony of sampled respondents, which may under or overestimate true prevalence. To mitigate this limitation, the team triangulated the interview data from subject matter experts with various other sources, where possible. See Annex 2 for the list of respondent organizations.

Third, data for this assessment were collected at a single point in time. As such, the findings presented in this report do not examine or address change in TIP prevalence over time. This single “snapshot” view introduces a recall bias in which respondents are reflecting on subjective experiences over many years. The team, again, addressed this limitation by attempting to triangulate interview data with other data sources.

3. FINDINGS

3.1 TRAFFICKING TRENDS

The range of trafficking trends that respondents identified reflects the diversity of human trafficking found in Thailand. Differences in the trends that respondents described appear to be based on the geographic region in which the respondent was working. For example, NGO representatives in Chonburi (Pattaya City) offered insights into the changes in ways children are trafficked for commercial sexual exploitation, which is the dominant form of TIP seen in the tourism area of Pattaya in Chonburi province.

Regardless of their regional or sectoral focus, many NGO and government respondents reported a shift in trafficking from a more visible form involving physical indicators of force – such as kidnapping, physical violence, and confinement – towards a more sophisticated, subtle, and, for responders, a more complex form of trafficking that is more difficult to detect through traditional
screening methods.\textsuperscript{9} Indicators of the “means” element defining TIP (per the aforementioned U.S. Government and UN definitions) are now much more likely to be non-physical and indirect; coercion or force is not being levied directly by the employer of the workers, but rather by third parties such as brokers, recruiters, and migrant worker supervisors. The non-physical forms of coercion that are seen more regularly today are predominantly in the financial realm, soundly grounded in the key driver behind men and women’s migration to Thailand: the search for money. In this context, force and coercion take on a monetized quality, and manifest as either debt imposed on migrant workers by recruiters, brokers, or employers (or any combination of these three), or the withholding of wages by employers as a means of holding migrant workers captive in labor or service. The common imposition of excessive fees on migrant workers by recruiters and brokers was facilitated by the lack of legislation (until August 2016, when a decree was issued on recruiters’ activities) restricting fees that recruiters can charge. The common withholding of migrant workers’ wages by employers – often for many months – is facilitated by the lack of any legal requirement that employers pay workers through transparent and accountable means. Currently, most migrants are paid in cash with minimal or no documentation.

A sub-trend reported within this realm of changing trafficking patterns is the use of the legal or “Memorandum of Understanding (MOU) channels,” in which recruiters and brokers bring migrant workers from Myanmar, and to a lesser extent from Cambodia and Lao PDR, to Thailand. Thai law enforcement officials reportedly perceive human trafficking to take place exclusively or largely within illegal migration, and therefore, assume that trafficking does not occur within legal migration channels. Accordingly, government victim identification efforts sometimes neglect those migrants with legal status.

Another general trend observed across respondent groups is a perception of increased RTG responsiveness to CTIP in recent years under the National Council for Peace and Order (NCPO). Respondents point to numerous new laws, executive decrees, and new regulations as evidence that the government takes the issue seriously (particularly regarding the TIP problem in the fishing industry), and is committed to dealing with it effectively. Local government respondents (provincial officials) expressed support for the Bangkok-directed measures, though some confided that most of these directives are not accompanied by sufficient explanation, implementation guidance, or training for the local authorities to implement them correctly or effectively. Nevertheless, from these legal, regulatory, and policy reforms a common analytical view on the effectiveness of CTIP effects has emerged. Local officials insist that TIP is waning, particularly in the fishing industry or related seafood processing industry. They point to the near total lack of TIP cases identified in Chonburi, Samut Sakhon, and Ranong as evidence. Marine Police and Command Center for Combatting Illegal Fishing (CCCIF) inspectors point to the wider use of Port-In, Port-Out (PIPO) inspections of boats as testament to the lack of TIP on Thai fishing boats.

Respondents differed, however, in their views of both the sincerity and impact of these efforts. Most NGO respondents ascribed the RTG response to TIP as reactive to external pressures and an insincere attempt at meaningful reform. Conversely, government officials often highlighted greater responsiveness,
attributing CTIP efforts to a sincere commitment from the national government to address trafficking, which the government acknowledges as a serious security and social threat.

Respondents from the fishing industry reported a trend of Thai boat owners and captains beginning to distance themselves from worker exploitation by employing largely non-Thai crew masters, who manage the migrant fishermen and enforce rules set by the boat owner or captain. NGO respondents believe that this trend is an attempt to limit the possible legal liability for TIP that the Thai captains or boat owners may face if investigated.

3.2 INDUSTRIES AND SECTORS

Most trafficking victims start out as migrants seeking better wages and new economic opportunities. Upon arrival in Thailand, victims may face exploitation in various economic industries depending on their country of origin and their sex. For example, some migrants from Myanmar are exploited in factories and agricultural areas near the border, while others are drawn to the job market in Bangkok, where they find work in domestic service, hospitality, or construction. Migrant men and boys from Myanmar are largely found in the fishing sector (not including seafood processing) and in manufacturing, while women from Lao PDR are most often encountered in the sex trade. Cambodian migrants are found largely in the fishing industry in south and central ports, and in agriculture and factories in the central and eastern areas of Thailand.

As discussed in the limitations section of this report, this assessment was not designed to rigorously assess the scale or prevalence of trafficking in various industries in Thailand. As such, findings presented here convey perceptions of respondents.

COMMERCIAL SEX IN URBAN AREAS

The perception of respondents interviewed for this assessment was that trafficking for the purpose of commercial sexual exploitation (forced prostitution) was decreasing compared with earlier years (1990’s-2000). Trafficking for commercial sexual exploitation exists in the same commercial sex arena marketed to a largely Thai consumer base: karaoke establishments, massage centers, and brothels. According to the interviews conducted for this assessment, trafficking for commercial sexual exploitation has increasingly become associated with child trafficking for commercial sexual exploitation; only a few respondents spoke of adult cases within the country. The leading urban areas where commercial sexual exploitation of children reportedly occurs are Chonburi (Pattaya City), Bangkok, and Chiang Mai (Chiang Mai City).

RTG and civil society efforts appear to have succeeded in curbing sex trafficking in the country. Respondents who have been working on CTIP issues in Thailand for over ten years note that highly visible acts of trafficking of minor girls for commercial sexual exploitation through brothels and massage parlors in Chiang Mai, Chiang Rai, and other locations in the Northeast – usually involving girls from Myanmar in the North and girls from Lao PDR in the Northeast – are receding. Although the prostitution of adult women remains common, indicators of forced adult prostitution are increasingly rare.

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11 The age of majority in Thailand is 20 years (Thai Civil and Commercial Code (2008)).
FORCED LABOR IN THE FISHING AND SEAFOOD PROCESSING INDUSTRY

Overwhelmingly, respondents pointed to the fishing industry and its associated on-land seafood processing industries as the sector with the highest reported prevalence of TIP, and the perception of the highest number of migrant workers subjected to extreme exploitation. Accordingly, media, NGOs, and IOs have focused interest and resources on the Thai fishing industry in recent years. The unique nature of the workplace in the fishing industry with migrant workers working on boats often in international waters or other countries’ waters, reportedly affords employers and supervisors a high degree of impunity and minimal oversight and is particularly conducive to a highly exploitative environment. NGO respondents noted that migrant fishermen frequently report knowledge of migrant murder at the hands of captains or crew supervisors. As respondent testimony indicates, the fishing industry appears to be the only sector in Thailand in which migrant workers face a significant risk of murder associated with TIP. There is growing awareness among government officials and private sector actors of the labor trafficking problems found in the Thai fishing industry and nascent efforts to respond to these.

Respondents in the coastal provinces of Samut Sakhon, Ranong, and Chonburi were quick to identify the fishing and related seafood processing industries as an economic sector of high TIP prevalence, likely due to coastal respondents’ proximity to the industry and the migrant worker communities working therein. This perception was also echoed by respondents from Chiang Mai and Bangkok, who identified the fishing industry as the leading culprit in trafficking migrant workers.
CONSTRUCTION AND DOMESTIC SERVICE

Several respondents from both government and NGOs pointed to the construction and domestic service sectors as areas with significant prevalence of TIP, though neither is presently a priority focal area for government, local NGOs, or IOs. Among migrants who are trafficked into construction work, 60% are men, and 40% are women\textsuperscript{12}, while predominantly migrant women are reportedly subjected to forced labor in domestic service in private residences. These populations are believed to be underrepresented as trafficking victims, and as targets of CTIP efforts in Thailand, due to the difficulty in accessing such transient groups. Construction crews, for example, are highly mobile, and employers reportedly often use brokers as sub-contractors, which results in employers with no formal records of workers onsite. Similarly, domestic workers remain isolated in private homes, often as individuals, and both NGOs and government agencies face difficulties accessing workplaces that double as private residences. The Thai labor law does not permit inspections of workplaces for domestic workers; labor inspectors cannot enter a private residence without first obtaining a warrant or special permission. Nevertheless, some NGOs reported providing assistance to migrant workers in domestic service and construction who were identified exhibiting signs of TIP.

LIGHT MANUFACTURING

Respondents noted considerable forced labor and TIP in various manufacturing sub-sectors. Food processing (non-seafood) in the central region requires low-skilled migrant labor, and respondents reported that many processing factories use the same recruiter-broker networks as the fishing sector to entrap migrant workers and extract their involuntary labor.

The level of research on TIP in this area of economic activity is weak and not commensurate with the perceived level of TIP prevalence. One reason hypothesized by several NGO respondents for this lack of research is the criminal defamation case being pursued by the owner of a food processing company against anti-TIP activist and UK citizen, Andy Hall, for reporting of alleged labor exploitation and TIP conditions found in food processing and packaging factories. Respondents also report TIP in small factories operating along the Myanmar border region near Tak province (Mae Sot), Thailand. These factories, established by Thai companies, manufacture garments, household items, and plastics, often doing piece work to be finalized in another country. These factories take advantage of the availability of low-skilled migrants from Myanmar, who can cross into the two- to five-kilometer zone in Thailand with an easily-obtainable border pass, while skirting national labor law requiring a national minimum wage of 300 Thai Baht (USD $8.50) per day.\textsuperscript{13}

3.3 THE TRAFFICKING OFFENDERS – WHO ARE THEY?

Trafficking is perpetrated through a variety of individuals inside and outside of Thailand. While some are involved in an organized criminal network, others operate more informally and are not considered organized crime actors. Trafficking offenders can be men or women, Thai or non-Thai, and in some


\textsuperscript{13} As of 2017, national minimum wage is 300 Thai Baht ($8.50) per day. However, some provinces have instituted minimum wages of between 305 and 310 Thai Baht per day.
instances, they are former victims of TIP. Regardless of the trafficking offender’s profile, trafficking offenders are people responding to economic opportunities in an environment of impunity. There are three main categories of trafficking offenders: employers, brokers/recruiters, and government officials.

1. EMPLOYERS

Employers are trafficking offenders when they wittingly seek to exploit cheap migrant labor, and that exploitation is obtained (even with the role of another party, such as a labor broker/recruiter) through force, fraud, or coercion. Employers are ultimately accountable for the conditions of employment of their workers. Respondents held varying opinions about the extent to which employers are aware of and complicit in the trafficking taking place in the workplace. While some respondents noted that employers are knowingly committing TIP, others noted that employers may not understand the working conditions that constitute trafficking, and therefore, unwittingly subject their workers to conditions of TIP or forced labor. For example, some employers reportedly hold worker documents—which is not legal and is cited by the ILO as an indicator of forced labor—as a means of preventing workers from leaving the workplace to seek work elsewhere. The role of fees paid by employers for recruitment, worker registration, and informal protection by corrupt law enforcement officials, reinforces the incentive for employers to undertake such measures to “protect their investment.”

Still others say that employers likely know trafficking is occurring, but try to create a separation so as to claim plausible deniability. For instance, a fishing boat, construction site manager, or factory might claim they do not know the details of the circumstances of their employees’ arrangement with an agent, subcontractor, or broker. A new trend of boat owners and captains relying on crew supervisors to both recruit fishermen and control them while working onboard is one such effort to distance employers from the liability of exploitation. Another measure, noted by NGO respondents providing legal aid to a group of victims of forced labor aboard fishing boats, is for fishing boat owners to photograph labor brokers presenting salary payments to fishermen; although the payments are retracted moments after the photos are taken, the boat owners use the photos in court as evidence of fair salary payments. Employers of migrant workers largely pay the workers their salary in cash, which leads to problems with accountability and transparency with employers able to manipulate pay sheets without any ability of the employee to prove receipt or non-receipt of wages. A night club owner might claim she does not know that her employees are engaged in prostitution in nearby hotels when the worker is ordered to engage in prostitution. Respondents also noted businesses paying bribes to police to prevent workplace inspection or to receive advanced notice of workplace inspections, an issue corroborated by some government officials.

2. BROKERS AND RECRUITERS

Brokers or recruiters play the role of seeking out workers and connecting them with jobs in Thailand. Non-Thai brokers have usually worked in Thailand previously, and can recruit workers from their origin country either on behalf of an employer or as a freelancer. On a fishing boat, for instance, one respondent noted the broker could be a boat captain responsible for keeping his boat fully staffed. In other instances, a broker receives a fee from an employer for every worker recruited. In other circumstances, a non-Thai woman may marry a Thai man and they may start a prostitution ring together. Some recruiters or brokers are legally registered in Thailand or one or more of the labor source countries for purposes other than labor recruitment; e.g., as a travel agent. As such, they create an appearance of being “legal” but are not legally licensed to recruit migrant workers.
Recruiters or brokers whose role it is to conduct the initial recruitment of workers in the neighboring source countries (Myanmar, Lao PDR, and Cambodia) are usually non-Thai brokers known to the origin community or who have otherwise built a trusting relationship with people there. Sometimes brokers are from the same community in which they are recruiting. These brokers approach a community with the promise of good jobs and higher wages in Thailand. Many respondents categorize this as deception, noting that brokers already know that people will not be working under the terms they are promising. People then leave their communities expecting a particular job and wage and end up working under different terms. For example, a woman might be recruited to work in a high-paying job in a restaurant, but when she arrives there, she is forced into sex work and owes the expense of her transport and other fees to the broker or employer. Similarly, a man may be expecting a construction job, and find himself on a fishing boat at sea with no way to leave. In addition to face-to-face recruiting, respondents report that brokers are recruiting via Facebook or other social media, especially in recruiting women and girls into commercial sexual exploitation.

While some brokers are intentionally deceiving potential victims, others believe they are providing a mutually beneficial arrangement for their friends and family back home; the broker is providing a job for the potential victim, while the broker is collecting a fee. In a similar circumstance, migrant workers may return to their communities with money and parents and relatives may persuade the worker to find similar work for other family members. Some NGO respondents noted that families do not question where the money comes from or the conditions of the work.

NGO respondents described that once workers are recruited in their home communities, non-Thai brokers generally collaborate with Thai brokers to facilitate transport of these workers’ and make other arrangements, such as obtaining any necessary papers or false documents. Thai brokers can also be involved in identifying street children in Thailand and recruiting them into trafficking situations. The child may have come to Thailand with migrant parents who are working during the day, while the child roams the streets unsupervised, perhaps begging or doing odd jobs. A broker may identify this child and recruit him or her into forced begging or trafficking for commercial sexual exploitation, for example. Child victims often have a “minder,” or someone who watches over them, often pretending to be the child’s parent. Some taxi drivers were also reported to act as informal brokers in the commercial sex industry; these drivers have agreements to bring customers to certain establishments.

Some recent government efforts have sought to address the role of labor brokers in perpetrating trafficking. New laws prohibiting sub-contracting in the recruitment sector aim to shorten the supply chain and to improve the transparency of labor practices. Moreover, the Department of Employment currently enforces a new Act (in effect since August 2016) to control labor brokers by requiring them to register with the Department of Employment. However, as of the date of the AT’s interview with the Ministry of Labor (MOL) (December 1, 2016), only three recruiters/brokers had registered.

3. GOVERNMENT OFFICIALS

Many respondents either explicitly cite or otherwise allude to the role of government officials in sustaining trafficking. As one government respondent stated, it would not be possible for trafficking to occur unless government officials were complicit, since government actors are the gatekeepers. At the local level, respondents most frequently cited police involvement in trafficking, though a handful of respondents also
noted corruption among labor inspectors, prosecutors, judges, military, and politicians. At the border, immigration police can accept bribes to allow the smuggling of migrant workers transported by brokers. One NGO respondent reported a case where a police officer smuggled workers in a police car. Police reportedly also accept bribes from businesses to avoid inspections of their workplace. With respect to night clubs and karaoke bars, several NGO respondents reported police accepting sexual services as a form of bribe payment, or extorting sex workers directly. Both those within and outside of government noted the inefficacy of government inspections due to such corruption. Several NGO respondents and social workers noted that when they suspect a business is perpetrating TIP, they request an inspection, after which it is clear to them that the employer was prepared ahead of time.

3.4 VICTIMS AND VULNERABILITY

Victims of trafficking in Thailand are adults and children, both male and female. The vast majority are migrants coming from the neighboring countries of Lao PDR, Cambodia, Myanmar, and Vietnam, but some arrive from farther areas, such as Africa, Central Asia, and Colombia, particularly those migrants found in the sex industry. Among migrant groups arriving in Thailand, respondents report that all groups are vulnerable to TIP. Women and girls are particularly vulnerable for commercial sexual exploitation, domestic work, some construction, and on-land processing of seafood, while boys and men are most vulnerable to exploitation aboard fishing boats and in agriculture.

The literature on human trafficking cite a variety of individual, household, and community factors\(^\text{14}\) that create vulnerability to trafficking, including: poverty, limited economic and employment opportunities, low levels of education, social exclusion and marginalization, political conflict and poor governance, violence and crime, drug and alcohol addictions and mental health problems, among other factors.\(^\text{15}\) The single largest vulnerability of migrants, according to respondents, is their dependence on labor brokers, who can deceive prospective migrants about the true nature and terms of their work agreement. This is, in part, a result of low levels of education of most migrant workers, as some are effectively illiterate and few have access to information on changing laws, regulations, and conditions of employment in Thailand.

Most respondents both government and non-government did not see particular gender-based vulnerabilities for trafficking, but rather sex-based selection for trafficking; males are sought after for exploitation in manual-labor sectors, such as fisheries, and females are sought after for domestic service and commercial sex. When asked about particular challenges faced by men, women, and transgendered persons, some respondents noted that men are particularly vulnerable to the societial pressures to be a “breadwinner” for the family. Men will, therefore, take risks to migrate for economic opportunities abroad. Once subjected to forced labor across the border, men are often not perceived by government authorities as victims of trafficking due to stereotypes that only women can be TIP victims and that men should be tough enough to handle difficult work conditions. Thus, men who are victims of TIP sometimes are not identified as such. Even when men are identified as victims, responders are less likely to recognize needs such as psycho-social counseling services for these victims.


Young, single mothers are reportedly a highly vulnerable group, as they must find work to care for their children, and often have little education and few occupational skills. Some respondents also note families increasingly looking to their daughters to find work and send money home, noting that sometimes families know a woman or a girl may be forced into prostitution as her only option for earning a wage. Women who migrate following a husband can be vulnerable to exploitation after migration, as employers often see such women as submissive, and unlikely to protest poor working conditions. When identified correctly by government officials as trafficking victims, some respondents noted that women are provided services in the absence of consent or regard for victims’ needs. For example, according to several NGO respondents, it remains standard procedure for the government to hold adult women victims of trafficking in shelters – without consent – until they can be repatriated to their home communities, with no option of working outside of the shelter, as is sometimes permitted for male victims. Respondents were not able to provide information on the vulnerabilities of transgendered persons, often stating that this group is unlikely to fall victim to trafficking. The one recent report about transgendered sex workers specifically does not address the issue of international migrants – but only internal migrants.16

3.5 PUBLIC ATTITUDES

The AT asked respondents their perception of the Thai public’s attitude toward TIP, and general attitudes toward migrant workers. Most government respondents indicated that the Thai public perceives TIP as a serious crime that is rightly assigned a high national priority. Some NGO respondents indicated that the Thai public perceives TIP as solely or largely involving prostitution, while others indicated that the public is still largely unaware of the issue. When probed further about the Thai public attitude towards migrant workers, responses tended toward negative perceptions, though some positive perceptions were noted. Common responses are shown in Table 1 below.

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16 Jarret Davis, John Quinley III, and Glenn Miles, “Same Same But Different – A Baseline Study of the Vulnerabilities of Transgender Sex Workers in Bangkok’s Sex Industry,” (May 2016).
Table 1: Respondent reports of the Thai public’s attitude toward migrant workers and TIP

<table>
<thead>
<tr>
<th>Positive Attitudes</th>
<th>Negative Attitudes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thais understand the need for migrant workers to fill low-skilled, labor-intensive jobs.</td>
<td>Migrant workers are sources of disease and commit crimes.</td>
</tr>
<tr>
<td>Thais in border towns live in harmony with migrants from neighboring countries, many of whom share their ethnicity.</td>
<td>Migrants should not have equal rights to Thais.</td>
</tr>
<tr>
<td>Thais have a ‘kind nature’ so they treat migrant workers as family members.</td>
<td>Migrants should accept poor conditions; at least their conditions are better here than in their country of origin.</td>
</tr>
<tr>
<td>TIP is an unacceptable crime.</td>
<td>Migrant workers should not be taking jobs from Thais.</td>
</tr>
<tr>
<td></td>
<td>Migrants are benefiting from Thai public services to the detriment of Thai citizens.</td>
</tr>
<tr>
<td></td>
<td>Migrants involved in sex work should not expect to have the same rights as other workers.</td>
</tr>
</tbody>
</table>

The few respondents who offered a positive response regarding public perceptions of migrant workers did so by qualifying their responses as confined to a particular region (e.g. Tak province, adjacent to the Myanmar border), or a specific segment of the Thai public (e.g. employers of migrant workers). In these areas, the respondents reported that the value of migrant workers is appreciated, and that migrants and Thai citizens coexist well. A couple of government respondents stated that the Thai public attitude toward migrants is one of kindness or pity/compassion in recognizing the difficult economic situations in migrants’ home countries, and that this attitude is reflected in Thai policy through generous provisions for worker registration, which allows migrants to bring their families to Thailand.

These responses generally track with a 2011 ILO national survey of public attitudes towards migrant workers in Thailand and three other migrant labor destination countries. Nearly 60% of Thai respondents in the ILO study believed that migrant workers are exploited, 58% believed that migrant workers are needed to fill labor shortages, and 57% believed migrant workers should be treated equally with national workers. The study also found that many Thai citizens have not directly encountered migrants; just 17% reported knowing a migrant worker personally, of whom nearly all reported that these

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individuals are acquaintances, not friends or colleagues. When asked where they have heard about migrant workers, 97% reported learning through news and other media.

The ILO study points to several negative attitudes toward migrant workers among the general public of Thailand. Nearly 90% of the study respondents agreed with the statement that government policies should be more restrictive in admitting migrants, and 82% agreed with the statement that unauthorized migrants cannot expect to have any rights at work. The study notes that attitudes are important markers of migrant worker experiences in a country, because attitudes can translate into behaviors that negatively impact migrants. Further, the study indicates policymakers may propose policies in accordance with actual or perceived public preferences. This predatory behavior described by the study where law enforcement personnel routinely extort money from migrant workers, is promoted by these attitudes. In respondents' interviews by the AT, several noted that lax government efforts to identify and protect victims of trafficking among migrant workers reflect this negative view.

3.6 DRIVERS, ENABLERS, INCENTIVES, AND DISINCENTIVES

DRIVERS IN SOURCE COUNTRIES

Respondents of all groups were unanimous in citing economic pressures and poor labor markets in neighboring countries as creating the largest “push factor” or driver of migration to Thailand and subsequent conditions of TIP. Other drivers of migration cited included low education levels, domestic violence within families, and, in the case of Myanmar, conflict in particular regions. Particularly, the overall lack of development in Myanmar’s border with Thailand, China, India, and Bangladesh complicated by social and cultural tensions leads to a dearth of economic opportunities for the ethnic minority populations residing in these areas. The wide disparity in wages between Thailand — measured at the minimum wage of 300 Thai baht ($8.50) per day — and much lower prevailing wages in Myanmar, Cambodia, and Lao PDR provides a significant driver for young men and women to migrate to Thailand to save wages either to carry home later, or to remit home to family.

One NGO respondent cited the failure of private banks’ micro-credit lending in migration source areas of Myanmar and Cambodia as pushing migration to Thailand, as farmers seek to flee micro-loan debts they cannot repay. When probed for the basis for this comment, the respondent claimed that it was based on data collected first-hand from rural communities. At least one study in Cambodia found “some households explicitly used microfinance loans to finance the costs of migration; for others, migration was a coping strategy to manage shocks resulting in over-indebtedness. Most commonly, microfinance loans were taken out by households receiving remittances or those who expected to. Here, remittances were seen as a steady means of repaying newly available low-cost loans, and were used for a variety of purposes, including home construction and the purchase of large consumer items, such as motorbikes.”

NGO respondents working directly with trafficking victims also cited several “pull factors” that draw children, men, and women out of their communities and into the flows of migration to Thailand. By far, the leading factor cited is the desire "for a better life," with related factors including access to higher-

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paying jobs, desire for wealth and status, and the ability to purchase consumer items like mobile phones. The relative economic success of Thailand, compared with its neighbors, provides an attraction for migrants who perceive a higher standard of living, including low-skilled workers.

At play in the political economy of TIP in Thailand are a number of forces that serve to perpetuate trafficking of migrants and counteract policies and strategies to eliminate it. These are profiled in the following sections.

MIGRATION SYSTEM

Many respondents noted a key enabler of TIP to be the dysfunctional legal/formal migration channel for low-skilled migrant workers coming to Thailand. Although Thailand has MOUs on labor migration with the three largest sources of low-skilled labor (Myanmar, Cambodia, and Lao PDR), less than ten percent of the estimated four to five million migrant workers use this legal migration channel. According to figures from the Ministry of Labor of Thailand from August 2016, there are roughly 171,600 migrants via MOUs from Myanmar (49% of total MOU), 140,000 from Cambodia (40%) and 38,500 from Lao PDR (11%).

These data show that the vast majority of migrants from the three neighboring source countries enter through irregular, non-MOU channels, typically relying on brokers/recruiters. The informal system relies on brokers, corrupt law enforcement, and their associated high fees to avoid enforcement and to navigate Thailand’s opaque laws and regulations regarding labor migrants, often pushing workers into situations of TIP. Nevertheless, this informal system has proven to date to be more efficient and less costly in moving migrants into jobs in Thailand than the legal system, as affirmed by several studies on migration in the sub-region.

Adding to the disincentive to use the legal route for migration are the frequent and unpredictable changes in the patchwork of administrative regulations and decrees that constitute Thailand’s migrant labor system.

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21 “Thai government policies on migrant worker registration and residence are complex and frustrating for many migrants and their advocates. . . New formal migration channels have so far been underutilized due to the complexities and slowness of procedures, and higher costs involved.”


“The most desirable regularization regime for many migrants was found to be using what could be described as migrant worker protection rackets established by local authorities. Depending upon the location, many of these rackets are highly organized, charging regular monthly fees of THB300-500 and even issuing picture ID cards to participants, listing their name and employer. These types of local schemes appear to be operating in direct competition with official channels for recruitment and regularization established by the national authorities. Qualitatively speaking . . . these rackets are clearly superior at meeting the needs of many migrant workers – allowing for small monthly payments, less contact with authorities, a quicker and easier administrative process and considerable protection benefits from local authorities because of the direct financial benefit they receive.”
For example, in July 2009, the RTG, in collaboration with the Myanmar government, began implementing a “Nationality Verification (NV)” process for undocumented Myanmar migrants already in Thailand, who constitute the vast majority of migrant workers in Thailand. NV processes for Cambodian and Lao migrant workers started in 2006 and continued. This allowed Myanmar, Lao, and Cambodian workers to have their nationality verified by representatives of their home governments, and then be issued regular or special worker passports. Workers could then be given Thai work permits that would, in theory, afford them the full rights of other legal foreign residents. The NV process suddenly stopped in 2015, when the RTG, with little warning, started a new “registration” campaign in 2016. Currently, no fewer than five agencies issue guidelines for migrant workers; often these rules and regulations are not explained in the native language of the migrant workers.

CORRUPTION

Both NGO and government respondents cite corruption as a major obstacle to addressing trafficking in Thailand, though the government has made some achievements in arresting, investigating, and prosecuting public officials allegedly involved in TIP over the last year. Respondents perceived corruption at the local level and the national level in all government agencies, except for the Ministry of Social Development and Human Security (MSDHS), for which the team heard no reports of corruption. Most frequently, NGOs and government officials cited examples of police corruption and bribes from businesses and individuals to overlook violations, particularly inspection of karaoke bars and other night clubs. Several respondents noted employers being “tipped off” to imminent labor inspections. Other government respondents expressed fear to identify anyone as a victim of TIP, citing that they received guidance from their superiors not to identify anyone as a victim. This way, local government offices can report a low level or absence of trafficking cases, which is perceived by them as the goal sought by the national government. Government respondents also referenced some known TIP perpetrators who are “untouchable,” and one respondent noted high-level corruption within the national courts as an obstacle to TIP prosecutions and the justice system in Thailand as a whole. While some spoke openly about the issue of corruption, some government respondents preferred more subtle terms, such as "influential people."

DE-FACTO IMPUNITY FOR EMPLOYERS

NGOs often cited cases their clients had personally experienced in which workers who had been abused, exploited, or forced to labor by employers or brokers were returned to the same exploiters after interacting with the police. The perception that Thai authorities are supportive of Thai employers and unsympathetic to the conditions of migrant workers is widespread. This suggests that there is little threat of enforcement action against employers who seek to engage in forced labor or TIP. When enforcement does happen, lower-level functionaries are more likely to be blamed than owners.

Several government officials express the view that the debts workers have incurred are the responsibility of the worker to pay back – to the employer, broker, or both – regardless of the exploitative and coercive

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nature of the fee or debt. The inability of law enforcement investigators to accurately gauge the use of high recruitment/migration fees and imposition of debt on migrant workers as elements of force or coercion compounds the problem.

One major obstacle to the effective identification of TIP victims is a paradoxically held view among government officials who are charged with identifying and assisting victims of trafficking (“frontline” CTIP responders): that “legal” migrants are not likely to be trafficking victims, and therefore do not need to be screened for trafficking indicators, while “illegal” migrants should not, and cannot, avail themselves of labor complaints mechanisms owned by the Department of Labor, even though these labor complaint mechanisms are legally accessible to all workers – Thai and non-Thai, documented and undocumented. As a result of this paradox, respondents report a culture of exploitation and trafficking impunity that enables employers and brokers.

**WORKER EXPLOITATION IS LUCRATIVE**

Many respondents note the reliance of certain sectors of the Thai economy on cheap migrant labor. These sectors include fishing, seafood processing, textiles, domestic work, the service industry, and agriculture. In a system with minimal regulation, companies are incentivized to exploit (or be complicit in exploiting) workers, according to one respondent. For example, employers and managers are under pressure to keep costs down, and have few incentives to look for TIP in their supply chains. Another respondent noted that until companies are severely sanctioned for violating TIP, they will continue to exploit migrant labor and accrue the resulting benefits.

**3.7 GOVERNMENT CTIP RESPONSES**

The RTG’s strategy to combat TIP is structured around the 5P’s framework, namely Policy, Prosecution, Protection, Prevention, and Partnerships. The government’s CTIP efforts are highly centralized, with all laws, policies and regulations emanating from national agencies in Bangkok under the Office of the Prime Minister’s control. As Figure 5 shows, three main committees in Bangkok oversee the formulation, implementation, and monitoring of all governmental CTIP efforts. Given Thailand’s role as a destination for TIP, effective responses to this transnational crime are to a significant extent contingent on the level of complementary anti-TIP efforts by governments in the source countries (i.e., Myanmar, Cambodia, and Laos).

Thailand’s overall CTIP efforts are directed by an Anti-Trafficking in Persons Committee (ATP Committee) led by the Prime Minister as chairperson – as stipulated in the Anti-Trafficking in Persons Act B.E 2551 (2008). The ATP Committee is responsible for providing recommendations to the Cabinet concerning the policy on prevention and suppression of TIP, and developing strategies and measures for the prevention and suppression of trafficking in person.

This ATP Committee is supported by another national committee which is also mandated in the Act: the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee (CMP Committee), led by the Deputy Prime Minister as chairman. In recent years, the RTG elevated human trafficking as a

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top national priority, and more national directive bodies were established under the leadership of different Ministries. In 2015, a Policy Committee on Migrant Workers and Human Trafficking was formed and is chaired by the Deputy Prime Minister, with a subordinate sub-committee established to coordinate the management of migrant workers and human trafficking; this sub-committee is chaired by the MOL.

Later in 2015, a Counter Human Trafficking and Illegal Fishing Policy Committee was established by the prime minister. This Committee has five sub-committees: the Human Trafficking Sub-Committee; the Fisheries and IUU Sub-Committee; the Sub-Committee on Child Labor, Forced Labor, and Migrant Workers; the Sub-Committee on Women’s Issues; and the Sub-Committee on Legal Affairs and Public Relations. Each of these national directive bodies have similar compositions. Their membership is comprised of representatives of relevant agencies such as the MSDHS, the MOL, the Ministry of Foreign Affairs, the Royal Thai Police (RTP); the Department of Special Investigation (DSI), and the Office of the Attorney General (OAG). The MSDHS acts as the focal point for coordinating the country's overall CTIP efforts. More specifically, the agency’s Division of Anti-Trafficking in Persons and National Operation Center on Prevention and Suppression of Human Trafficking (both under the Office of the Permanent Secretary) lead the charge on CTIP efforts within MSDHS.

The recent law and subsequent policies promote collaboration amongst stakeholders, and the national government has seen an improvement of policy coordination surrounding CTIP. The government has also made an effort to further coordinate with external stakeholders, including civil society organizations and the private sector. For example, in January 2016 the CCCIF signed an MOU with 36 organizations, including 12 government agencies (including the Marine Department and the Department of Fisheries), 22 seafood private companies (such as the Thai Tuna Industry Association and the Thai Frozen Foods Association) and two organizations, namely the Labor Rights Protection Network and the ILO, to combat IUU fishing and human trafficking in the fishery sector.

The Maritime Coordination Center, a Navy-led law enforcement unit addressing maritime crimes that predates the most recent effort against IUU fishing, brings together several Thai agencies on maritime crime (including TIP).

Respondents from all sectors noted the raft of new legislative reforms, executive decrees, and regulations issued by the government to address TIP since the NCPO assumed power in May 2014. These measures have been accompanied by guidance from the Prime Minister’s office for local authorities for implementation.
Figure 5: Thailand's mechanism to address TIP

Thailand’s mechanism to address TIP

National level

Prime Minister Order dated 25 Dec 2014
Policy Committee on Migrant Workers and Human Trafficking

1. Human Trafficking Sub-Committee
2. Fisheries and IUU Sub-Committee
3. Sub-Committee on Child Labour, Forced Labour and Migrant Workers
4. Sub-Committee on Women’s Issues
5. Sub-Committee on Legal Affairs and Public Relations

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

Anti-Trafficking in Persons Committee (ATP Committee)

Coordination and Monitoring of Anti-Trafficking in Persons Performance Committee (CMP Committee)

Coordinated by Ministry of Social Development and Human Security (MSDHS)

Prime Minister Order dated 18 Feb 2015
Counter Human Trafficking and Illegal Fishing Policy Committee

Subcommittee to coordinate the management of migrant workers and human trafficking chaired by Minister of Labor

Sub-national level

Provincial Directive body

Provincial Anti-Trafficking in Persons Committee Coordinated by Provincial Office of Social Development and Human Security (PSDHS)

Operational

Port-In Port-Out (PiPo) Center in 22 coastal provinces operated by Navy

Multidisciplinary Team (MDT)
Coordinated by Provincial Office of Social Development and Human Security (PSDHS)

Members: Social workers (PSDHS, NGOs), Police (incl. Marine, Immigration), Attorney General, Medical professionals (doctors, psychiatrists)

Tasks: Victim identification interview, investigation and court case, workplace and vessels inspection, and case conference for service and reintegration

Prevention of Human Trafficking on Labour Operation Center operated by Labor Provincial Office
Respondents were asked to score the RTG’s effectiveness in the CTIP areas of victim care, law enforcement, prevention, and policy coordination on a scale from one (very ineffective) to five (very effective). Figure 6 displays mean scores, disaggregated by respondent type (government or NGO). As might be expected, government officials scored each of these areas more favorably than NGOs. Both government and NGO respondents scored law enforcement lowest of the four areas, on average. This finding corroborates qualitative responses from both respondent groups indicating perceived shortcomings in this area.

Figure 6: Mean scores for government CTIP response effectiveness, by respondent type

3.8 PREVENTION

MISPERCEPTION OF REGISTRATION (PINK CARD) CAMPAIGN

Acknowledging that the vast majority of the estimated four to five million migrant workers in Thailand arrived through irregular channels, the RTG is currently attempting to “regularize” these undocumented workers. These efforts attempt to allow workers to become “legal” through documentation in government databases, without disrupting their employment or needing to return to their home countries. Legalization mechanisms currently center on the registration of migrant workers by their employers, which results in the worker being issued a “pink card” granting limited benefits for up to two years. Government respondents unanimously cited this ongoing campaign as one that curbs current TIP and prevents future TIP. Conversely, NGO and IO respondents were adamant that this “regularization” does not shield workers from exploitation and TIP, as it does not investigate the conditions currently faced by workers, or ensure that workers have a valid and enforced contract that meets Thai legal labor standards.

INSPECTIONS OF FISHING VESSELS AND OTHER WORKPLACES

In recent years, the RTG has emphasized improving legislative frameworks, eliminating legal loopholes, and promoting coordination among concerned agencies. Amendments to the Anti-Human Trafficking Act
2015 were promulgated with the aim of supporting authorities to immediately shut down work places or suspend operating licenses of factories where evidence of trafficking was found. Punishment terms for traffickers have also been increased.

By conducting regular inspection of workplaces, the RTG has also expanded the scope of prevention to those areas at risk of TIP. Fishing vessels and seafood processing factories have been inspected, both in order to prosecute those who violate the laws, as well as to prevent workers from becoming TIP victims. The CCCIF, established in May 2015, has led interagency inspections, and consists of officials from key relevant ministries, including the Navy, Marine Police, and Labor Protection and Welfare Office of MOL. At sea, prevention of trafficking is led by the Navy patrol. Inspections are conducted in workplaces and at sea, but TIP cases are rarely identified.

The passing of the Royal Ordinance on Fisheries B.E. 2558 (2015) aimed to address IUU fishing and, secondarily, to eliminate forced labor and improve the welfare and working conditions of workers in the fisheries sector, both inland and at sea. It facilitates officials’ ability to monitor labor practices, and ensure that all suspicious conduct in fishing vessels can be promptly investigated, and cases pursued. Penalties for offenders have also increased significantly. The emphasis of this law, however, is on IUU fishing and insufficient weight and specificity is given to trafficking and labor exploitation. There are still gaps in policy and practice in the government’s efforts to address these issues in the fishing industry.

**AWARENESS RAISING ACTIVITIES**

In the past decades, both government and civil society organizations have conducted information and awareness raising campaigns for the purpose of prevention of TIP. There is, however, a lack of evidence to prove the effectiveness of awareness-raising campaigns. For example, there is no comparative study or indication to suggest that the number of TIP victims has declined as a result of this large investment in campaigns.

NGO respondents noted that awareness campaigns have not accessed all targeted populations, and have not been conducted in the right locations (i.e. high-risk areas). Respondents claimed these awareness campaigns need to be developed in languages that are understood by current and aspiring migrants. Further, due to the reliance on funding from NGOs and INGOs, a number of past prevention programs were considered to have had a short duration.

According to government respondents, the effectiveness of safe migration information campaigns is often countered by the strong pull factor of prospective economic gains in Thailand, as perceived by migrants. Such limitations of information campaigns were assessed by World Vision’s regional program "E-TIP” in a report on “Vulnerabilities” in 2015.25

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25 Near the conclusion of a five-year regional program aimed at preventing child trafficking in the Mekong sub-region, the program’s implementer concluded that there was no link between the negative migration experiences encountered by children migrating for work (which amounts to first-hand information that these child migrants received) and their intent to re-migrate for the same pur
PREVENTION EFFORTS IN SOURCE COUNTRIES

Respondents in the RTG, as well as some from NGOs, complained about the inadequate CTIP efforts carried out by source country governments, noting few prevention efforts currently led by the Myanmar, Cambodian, and Lao governments. Some respondents suggested that TIP prevention should be the responsibility of the source country, rather than the destination country.

Some respondents note that prevention programs attempting to stop irregular migration across the border are ineffective because there are not enough pre-departure trainings currently conducted in the origin countries. For example, while the International Organization for Migration (IOM) Thailand now collaborates with IOM Myanmar to provide information sessions to returned victims, efforts remain small-scale. Additionally, due to a lack of systematic effort to prevent re-trafficking, and persistence of “push” factors incentivizing migration in source countries, there is no guarantee that TIP victims will not attempt to return to Thailand following their return to their respective home countries.

3.9 PROTECTION

VICTIM IDENTIFICATION

The victim identification process is key to the government’s CTIP response. Among migrants in Thailand, those identified as victims are treated differently than those not identified as victims. Those identified as TIP victims are subject to the MSDHS protection procedure for victims, which provides medical treatment, psychosocial support, legal aid, and repatriation. Migrants who are undocumented and identified as non-TIP victims are deported back to the country of origin by Immigration Police.

Misunderstandings and misinterpretations of trafficking definitions in laws and policies have troubled government officials, particularly at the local levels, which has led to the misidentification of victims by front-line responders, such as police and immigration officials. One example is the definition of forced labor and debt bondage; these two forms of TIP are defined formally in Thai law, but neither is well-interpreted for practical use by law enforcement practitioners at local levels.

CUMBERSOME VICTIM IDENTIFICATION FORM

The RTG reports improving its preliminary victim identification form, and the broader victim identification process, in 2015. The form became effective in January 2016. Front-line officers are required to use this new form in all interviews, and record information about the interviewees in expanded detail. The eight-page form contains a section where an interviewer is required to take note of TIP indicators, which indicate if the person is considered a TIP victim. One province-level police respondent reported that this approach is more practical and user-friendly, though this was a view not shared by other respondents. Annex 3 contains the official Thai version of the Victim Identification Form as well as an unofficial English translation produced by the AT.

Opinions from officials who use this form in the field varied. One official at the provincial level said that the checklist is so extensive that it is difficult to complete, and, thereby, difficult to make an identification. An NGO representative and an academic respondent both noted that the form consists of a checklist of yes/no questions, which are difficult to determine if the official does not have extensive experience identifying TIP. Officers need training to correctly ask the questions and identify victims, they suggested,
and the officers currently do not receive sufficient training in interviewing and identifying victims. Similarly, another NGO representative stated that although the victim identification form has been improved, the explanation of the terms is not sufficient for a field officer.

Many respondents noted that the form is still difficult to use in identifying labor trafficking. The AT reviewed the Thai version of the form, which contains highly formal legal jargon that would not be understandable to many potential users. Respondents similarly noted this challenge. One respondent noted that the use of fees or debts as possible means of force or coercion (the "means" element of the TIP definition) is not well represented in the government's identification form. There is only one reference to debt, and it is listed simply as "debt bondage," which is described using a legal definition that is difficult to apply practically. An academic suggested that the screening form ask about the circumstances of the employment in open-ended format, such as with in-depth interviews, as the legal terminology of the form was not well understood by officers conducting the interviewing.

VICTIM IDENTIFICATION PROCESS

According to national level government officials, the victim identification form is used during screening of migrants who are suspected trafficking victims, which is only triggered when a front-line responder, such as an immigration officer, a labor inspector, or a PIPO inspector identifies a possible illegal migrant. Government front-line officials do not carry out routine screening of all migrant workers. The form may also be used when law enforcement officials are conducting spot checks, though respondents indicated that this type of proactive screening does not happen frequently. Since February 2016, a European Union-funded ILO project, has been working with the RTG to enhance the capacity of government officers, including labor inspectors, to identify and take action against human trafficking.26

NGO respondents pointed out that the Thailand 2008 Human Trafficking Act, as amended, contains a requirement that victim identification must be performed within 24 hours of case notification, justified by the desire that TIP victims receive protection services with minimal delay. Although this deadline can be extended up to seven days in the case of insufficient information, officials tend not to seek this extension, instead confining themselves to the 24-hour deadline, and often conducting screening in a hurry. According to some NGO respondents, police usually go through the checklist quickly by confining questions to a yes/no format, not seeking more information on migrants’ stories. As a result, many people are reportedly not correctly identified as TIP victims, when, in fact, they are. UN agencies have recommended that more than 24 hours be allowed for interviewing suspected TIP victims. Recommendations include extending time to include a “reflection period” that would allow suspected victims to recover from trauma, absorb information regarding options for protection and legal recourse, and make informed decisions on their future.

THE MULTI-DISCIPLINARY “TEAMS” (MDTS)

Government respondents regard the Multi-Disciplinary Teams (MDTs) as the front-line entity and an integral part of the Thailand’s CTIP efforts at the local level. The MDT is headed by the police, and also

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consists of one or more social workers and individuals from other government agencies. Respondents give varying descriptions of the strength and effectiveness of these MDTs, which have been created to identify trafficking victims. In some provinces or districts, it appears that MDTs proactively conduct inspections of boats and workplaces, looking for indicators of TIP. In most localities, however, it appears that deployment of the MDTs is reactive and infrequent; the MDT is only constituted when front-line inspectors (such as a port inspector at a seaport area) finds a suspicious boat.

All respondents indicate the MDTs are not dedicated as full-time units. Some members of MDTs have reportedly disagreed over victim identification. One MOL respondent stated that all three elements of the UN TIP definition – the act, the means, and the purpose of exploitation – should be identified by a MOL labor inspector before the MDT is called out to screen a possible victim.

Government respondents confirm that police hold the ultimate decision-making power in the MDT to determine whether a case should or not be deemed TIP. However, unlike social workers, police are not required to be trained or certified in identifying TIP. This lack of training sometimes results in a police ruling with which a social worker disagrees. Moreover, in some cases, a TIP screening is conducted by police without the presence of a trained social worker. Of course, language barriers also present challenges between social workers, police, and migrants in cases where migrants do not speak Thai.

PERVASIVENESS OF ‘FALSE NEGATIVE’ CASES: SOME ‘FALSE POSITIVE’ CASES

Several NGO respondents spoke of many cases in which TIP victims identified by NGOs were subsequently screened by an RTG authority, and the ultimately not identified as TIP victims.

An NGO representative reported that government officials misunderstand the definition of forced labor; interpreting forced labor as requiring the use of physical forms of force or coercion and not acknowledging that force or coercion can be produced through non-physical forms (e.g. threats, intimidation). The government officials also place an undue emphasis on whether the worker consented to enter the fishing/maritime job as a determinant of trafficking. For example, some officials reportedly use the excuse of “s/he volunteered,” or “s/he knew the conditions of the job,” as justification for not identifying someone as a TIP victim, though a victim’s initial consent is not a disqualifier for defining TIP under Thai or international law. Some officials also do not consider exploitative debt/debt bondage as trafficking. (As stated earlier, the citation of “debt bondage” on the government’s TIP victim identification form relies on an impractical legal definition that is not explained.) Therefore, these groups of people are not identified as victims, despite falling within the Thai and international definitions of TIP.

There is also an important gender dimension to the victim identification process. A 2013 study commissioned by the UN Action for Cooperation Against Trafficking (UN-ACT) found a particular lack of protection services offered to male victims of trafficking.27 Data collected for this assessment corroborate this finding; NGO respondents note that women are more likely to be screened for identification of trafficking victims, and are consequently more likely to be sent to a shelter.

A number of NGO representatives stated that victims of trafficking are reluctant to divulge their victim status for fear of being detained involuntarily in a shelter, and the subsequent inability to earn income they need to repay debts. Some victims have spent up to two years detained in a shelter, according to some NGO respondents. Law enforcement authorities state that these lengthy stays in shelters are needed to retain the witness for legal proceedings and for the victims’ security.

The perceived disincentives to being classified as a trafficking victim may lead some migrant workers to hide their conditions of forced labor or forced prostitution. One example was reflected in a border province where, each day, large numbers of irregular migrant workers are deported via a checkpoint. When interviewed by Thai officials on the Thai side, migrants did not reveal information that indicated that they were TIP victims, and they were promptly deported as undocumented migrants. Once they arrived in their country of origin, these migrants revealed facts about their situation that indicated they had been subjected to TIP conditions in Thailand. Similarly, one NGO respondent cited a case where there was a major discrepancy between the identification of victims of TIP by an IO in another country and Thai authorities, detailed in the quote above. This discrepancy in identification occurs in part because, according to NGO interviewees, if identified as TIP victims, migrants know they will need to endure lengthy stays in shelters, and wait for court procedures that could take many months to unfold.

Conversely, some RTG respondents noted that some migrants know how to use the Thai law to falsely claim victim status – namely, by claiming falsely that they were abused – to take advantage of protective services and paid transportation back to their countries of origin.

**COMMUNICATION BARRIERS**

Another obstacle during the process of victim identification is the language barrier encountered when Thai officials attempt to investigate a possible TIP situation involving foreign migrants. Often, the police or investigators of the DSI must rely on representatives of the broker or employer to conduct this interpretation, though assistance from NGOs is preferred, if available. Unfortunately, it is reported that there are not enough interpreters to conduct interviews of suspected TIP victims, and government agencies are given little funding to pay for this service. When large groups of people are identified, there are often not enough interpreters to help officials interview the cases. Police and DSI investigators reportedly sometimes rely on free interpretation provided by employers or brokers who speak the language of the migrant workers, and the resulting interpretation is at risk of bias.

**REACTIVE POSTURE**

NGOs and donor respondents acknowledged that the government has undertaken a systematic effort to identify victims and equip police to identify victims; however, there is little evidence that this effort has

“\[In one case two years ago, involving perhaps the largest group of potential victims, over 230 victims were reportedly identified by an international organization as victims in another country, and then all but some 30 were determined by Thai authorities not to be victims of trafficking after their repatriation to Thailand.\]”

- An NGO Respondent
translated into proactive investigation of suspected trafficking. Furthermore, in listing efforts to address TIP, the government sometimes cites activities that are not designed to or capable of identifying TIP victims effectively. For example, the PIPO inspections cited by government (carried out at ports in 22 provinces) are meant to inspect fishing boats for licenses, proper paperwork on crew, and legal fishing gear. However, these PIPO inspections are not meant to identify trafficking victims. Another example is the government’s promotion of a Vessel Monitoring System (VMS) as an anti-TIP measure. VMS will allow the tracking of Thai-flagged fishing boats while out of port, and is a useful tool for monitoring fishing activity and tipping off authorities to suspected IUU cases, but is of limited utility in identifying TIP, because TIP is found to exist among fishermen on both legally registered boats (using VMS) and those not using VMS.

COMPLAINT MECHANISMS

As a mechanism for reporting possible TIP victims, government respondents cite the MSDHS "1300" hotline, which is meant as a resource for Thai and non-Thai children, women, and elderly persons to seek help on a wide range of social issues in Thailand. This hotline purportedly provides 24-hour service with interpreters in seven languages. It was reported by the RTG that, as the result of an expanded outreach of advertising campaigns for the 1300 hotline, the number of calls received by the hotline rose 188.4% – from 15,029 to 43,345 in 2015. Of the 43,345 calls received, 171 or 0.4 percent were related to TIP.28

The government does not provide further disaggregation on the characteristics of the calls, such as the percentage received from migrants. An NGO respondent noted that phone calls to the 1300 hotline are not answered at night, and that cases received by the hotline do not receive thorough follow-up. This respondent, and other NGO respondents, claimed that the 1300 hotline is not TIP-specific, but rather a general hotline, which may explain the very low TIP-related share of the overall calls received.

One NGO with significant access to migrant worker communities also operates a hotline, and claimed that it receives 5,000 calls from migrants on this hotline per year; 55% of calls are related to labor trafficking, especially related to wage payment. The NGO reported that complaints were referred to MOL, but MOL has not yet followed up on these cases.

EFFECTIVENESS OF PROTECTION

Most government officials, as well as a number of NGO representatives, feel that Thailand’s victim’s protection and repatriation programs are good. Victims are taken care of and returned to their home communities without cost. “The Thai government is taking care of migrant workers better than their own people,” said one government official. The MSDHS, which is both the agency charged with victim protection responsibilities and the government’s focal point and coordinator of overall CTIP efforts, has negotiated MOUs for trafficking victim returns with neighboring countries. MSDHS runs the government’s

nine dedicated TIP shelters in the country (two of which are dedicated for male victims), and the agency arranges the safe repatriation of foreign trafficking victims from Thailand.

An NGO representative said that the protection service has improved within the last ten years, especially the interpretation service. Some government shelters are more accommodating of cultural and religious needs of specific groups, such as Rohingya Muslims. Some government shelters collaborate with NGOs to provide better services to victims. There are, however, still gaps in the protection and return processes. Some of the gaps cited by respondents are as follows:

**Vocational training** provided to victims is not appropriate for when victims return to their home countries. For instance, hairdressing skills are not considered useful in village life. The shelter has limited capacity to provide individualized skills required by all victims.

**Psychosocial and mental health support** is required to meet the needs of victims, particularly men, who are not perceived to need such support. Some respondents note that services are available, but that there are not enough staff trained to manage trauma. A high number of victims who resided at shelters are reportedly mentally disoriented and require specialized help. Some people in the shelters are at risk of suicide, yet care providers are not responding to this risk adequately. Language barriers also hamper the effectiveness of psychosocial support in the shelter.

**Right of Movement for Victims in Government Shelters.** TIP is a crime involving personal freedoms, and additional, serious harm may be done if an intended protective response (restricting victim’s movement) is perceived by the victim as another form of denied freedom. Information from NGO respondents clearly indicates that government shelters do not allow victims to freely leave the premises, unless under exceptional circumstances. MSDHS respondents were adamant that victims’ informed consent is sought prior to entry into a government shelter but there is no claim that victims are allowed to withdraw their consent after they have entered the shelter. In all shelters, victims are only allowed to leave the premises in the following exceptional circumstances: if they have a work permit (very rare) and are leaving for work; if they require medical attention that cannot be given at the shelter; or to attend a court proceeding. However, NGOs contend that very few victims in government shelters are given work permits. Moreover, according to NGO respondents, women are less likely to be granted a work permit than men. Visitors are also monitored, and need to ask permission in advance to visit someone in a government shelter. Phone calls made by victims residing in government shelters must be monitored by the staff, and are sometimes not allowed. Government respondents state that these rules are in place to ensure the safety of the victims, particularly female victims. In some cases, brokers, or employers visit victims at the shelter to persuade them to cease cooperating with the government. In one case, parents of a victim were brought in to the country by the broker to persuade their child to drop the case. Nonetheless, mandatory detention of TIP victims in shelters represents a violation of the UN Office of High Commissioner on Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking (Guideline 6.1).

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29 The Rohingya are an ethnic minority residing in Rakhine state of Myanmar. The government of Myanmar does not acknowledge the Rohingya as an indigenous ethnic group, but rather sees them as immigrants from Bangladesh, and has implemented ever increasingly restrictive policies that deny them the rights afforded to Myanmar citizens. Consequently, significant flows of Rohingya refugees have been noted out of Myanmar to Malaysia through Thailand.
Government shelters should be more secure, as victims are vulnerable and need special protection. The lengthy court procedure also has an impact on shelters’ safety. Shelters often have to request police to provide security support at the premise. International NGO representatives said that because some government shelters for TIP victims were established as centers for sex workers, it has reinforced the RTG’s approach to victim care, which is considered overly protective and patriarchal, and forcing training that is deemed necessary for societal reintegration of victims. The rights of victims to work while staying in the shelter, an explicit provision of the 2008 Anti-TIP Act, is not universally practiced. One NGO assessed that implementation of this provision is the exception, rather than the norm.

Over the course of data collection, the AT received feedback from TIP responders, particularly female responders, that they could benefit from physical and emotional support to help them manage the difficult and sometimes dangerous work they undertake as responders to TIP. Respondents noted that the work they do, especially those interacting directly with victims, is emotionally draining, and that they would benefit from regular or intermittent counseling to help them cope with the circumstances encountered in their work. Respondents also noted the ever-present threat to their safety working on behalf of victims of trafficking—including threats of death and rape—for interfering on behalf of victims. Threats such as these involve both emotional trauma and physical safety concerns—some male CTIP workers cited the latter reason as justification to pass women over for front-line work.

REPATRIATION GAPS

The government-directed repatriation process remains slow and cumbersome. Even though there are bilateral agreements, some RTG respondents, including from MSDHS still feel that it is not supported by efforts from source countries. Some of the obstacles at the field level include, for example, Thailand’s focal point for repatriation is the MSDHS, while the focal points for the neighboring countries are the police or border protection. It is preferable for MSDHS of Thailand to have direct contact with social development agencies in Myanmar, Cambodia, and Lao PDR.

An NGO respondent claimed that some source countries have neither gone through appropriate repatriation processes, nor sent victims back home in a safe and responsible way, nor followed up to ensure victims do not become re-victimized. According to this respondent, these countries did not conduct follow-up assessments, which resulted in some victims sent back home to harmful environments. For example, one NGO reported a case of two girls who had been sold by their parents. After they were rescued, they were sent back to stay in a shelter, but were later reunited with their parents.

Another repatriation gap is that there has been insufficient follow-up with reintegrated victims to assess their needs after they returned home to effectively prevent re-trafficking. In Cambodia, some NGOs like Plan Cambodia and IOs like IOM are working on the repatriation of TIP victims, though these efforts are small-scale thus far.

NGO OPERATED SHELTERS

Although the Anti-TIP Act provides for CSOs to operate shelters for TIP victims, this is not widely implemented yet. Presently, some NGOs have established parallel victim support services alongside the government’s response in particular localities. These NGOs seek to avoid referring trafficking victims to government-run shelters due to the perceived poor quality of care at these shelters; therefore, the NGOs
have shouldered the responsibility of providing shelter and other services to victims. Many respondents including some government CTIP practitioners, view NGO-operated shelters as valid alternatives for TIP victim, filling the gaps in government-provided services. It is worth noting that at present there are no registered NGO shelters directly for TIP victims in Thailand, even though under Section 33 of the Anti-Human Trafficking Act (B.E. 2551), NGOs that have registered with the government are able to provide shelter for trafficking victims. An NGO-operated shelter must be in accordance with the SOP to be determined by the MSDHS. At present, the MSDHS is drafting the said SOP and this draft will be finalized in 2017.

ANTI-TRAFFICKING IN PERSONS FUND

Section 42 of the Anti-Human Trafficking Act establishes a Fund in the MSDHS called "the Anti-Trafficking in Persons Fund" to be used as capital for the prevention and suppression of TIP and the management of the Fund. The Fund is intended to be used for assisting trafficking victims, both Thai and foreign, including the repatriation of victims from Thailand (in the case of Thai citizens) or to foreign countries for foreign victims. There are, however, many gaps in the utilization of this fund. For example, a government official cited that the process of repatriation took too long due to difficulty in coordinating the budget. While the budget for repatriation of victims could be drawn from this Anti-Trafficking in Persons Fund (managed by the MSDHS) and a separate Justice Fund (managed by Ministry of Justice), the procedure for drawing on these funds is lengthy and not fully understood by staff of responsible agencies. The Anti-Trafficking in Persons Fund was budgeted in the fiscal year 2014 for 62.5 million baht, (approximately $1,785,714) though the government reports spending only 16.79 million baht of this budget – 4.79 million baht for compensating 544 victims of trafficking, and 12 million baht for 31 projects conducted by various government agencies that year.30

3.10 PROSECUTION

The government’s law enforcement response to TIP is multi-layered, but appears increasingly centralized since the advent of the NCPO government in mid-2014. Several government respondents assessed law enforcement efforts as more effective in recent years, and most governmental officials and some NGO representatives praised the military government, with its “zero tolerance policy” and non-compromising approach in addressing TIP, especially in the fishing industry. Some noted that the military government has been able to institute changes that were not previously possible with former governments. However, such approaches were cited as top-down, without much participation or consultation with relevant stakeholders.

TIP SPECIAL UNITS ESTABLISHED

The OAG is responsible for all prosecutions of trafficking cases throughout Thailand; public prosecutors under the OAG’s purview prepare cases for trial based on evidence assembled by police or the DSI. TIP cases are prosecuted at either the provincial district courts, or in Bangkok’s high court. Cases related to labor exploitation must be tried in both criminal and labor courts. As reported in the RTG’s Annual Report on TIP (January – December 2015), and echoed by government respondents in interviews,

Thailand recently established specialist trafficking agencies in every step of the criminal justice process; namely, the Special Human Trafficking Division within the Criminal Court in Bangkok, and the new Department of Anti-Human Trafficking at the OAG. The Anti-Human Trafficking Center within the DSI was elevated to the level of a bureau in 2016 to ensure more officials with expertise and more budget in dealing with human trafficking cases. Respondents generally held a positive view of DSI-managed TIP investigations, noting that DSI has superior expertise when compared with local police. However, given DSI’s focus on complex transnational TIP cases and its limited investigate resources, (the anti-TIP unit has no more than 30 people for the entire country), DSI sometimes transfers cases to the local police who may not have the same level of skills and may be more susceptible to corruption. One respondent indicated that local police, motivated by corruption, sometimes sabotage TIP investigative cases to ensure they are rejected by the prosecutor.

NGOs have been advocating for the RTG to prosecute trafficking cases in the High Courts in Bangkok, instead of small district courts where they perceive influential people in the community as holding too much power over the outcome. The relatively recent establishment of the OAG’s dedicated anti-TIP prosecution unit and the special high court for TIP cases seems to make this argument more compelling.

LAW ENFORCEMENT EFFECTIVENESS

Some informants reported that there have been fewer TIP cases found in recent years, and attributed this to stricter law enforcement. In two of the six provinces visited by the AT, government respondents reported that only one case of TIP had been reported in each province over the last two years. Moreover, a few TIP cases involving corrupt government officials have been prosecuted, indicating some signs of improvement. To date, however, successful human trafficking prosecutions have not involved major organized crime players or politicians. The national government reported 280 TIP cases investigated in 2014 and 317 cases investigated in 2015, of which (in 2015) 69 involved labor trafficking and 39 of those were in the fishing industry. In 2016, the number of TIP cases investigated was 333, of which 43 involved forced labor in the fishing industry.

The effectiveness of the criminal justice responses to TIP were assessed differently at various stages. Several NGO respondents noted that, in general, the share of TIP cases investigated and prosecuted by authorities are disproportionately low compared with the perceived magnitude of the problem, based on the victims encountered by these NGOs. From another respondent’s perspective, there is a large gap between the number of victims who are rescued and the number of traffickers who are prosecuted for these trafficking crimes.

One government respondent stated that the Anti-TIP Act sets too high a bar for evidence in proving a trafficking case. Evidentiary demands are high, and if a witness changes his/her cooperation, or the evidence is not gathered properly, the case will not succeed. Effectiveness of a TIP prosecution also depends on attention from top political leaders. If the case is sensational and attracting media coverage, it will have a better chance to success, noted this respondent.

VICTIMS’ COOPERATION

Governmental respondents bemoaned many TIP victims’ unwillingness to cooperate with the prosecution process. Pressured to increase the number of prosecuted cases, victims are strongly encouraged to take part in prosecutions. NGOs and some government officials acknowledge that this unwillingness stems from lengthy court cases that require victims’ detention in a shelter until the legal process concludes, as well as emotional trauma and the fear of facing the perpetrator in court. Moreover, victims seldom receive compensation from these trials. One respondent noted that victims are usually offered a sum of money by trafficking offenders to not cooperate in the prosecution of the case, and the victims will often accept this as the alternative of waiting an extended time for prosecution and the prospect of no financial gain for themselves.

INVESTIGATIONS NOT GENDER- AND CHILD-SENSITIVE

According to an NGO representative, many police investigators still show practices that are not sensitive to women, girls, boys, and Lesbian, Gay, Bisexual and Transgender (LGBT) persons. A dearth of female police officers often results in male investigators interviewing female victims of trafficking for commercial sexual exploitation. Female investigators are quite rare and are not yet based in all police stations, though it is noted that the government has made an effort to promote more women to this position. One female law enforcement respondent noted that, despite her years of experience on TIP, her views and advice were not taken seriously and she is the only women in her unit.

GENDER-BASED VIOLENCE (GBV) COMPLAINTS MECHANISM LACKING

NGO respondents readily acknowledged the implicit link between GBV and TIP, most obviously seen in trafficking for commercial sex exploitation, but also in forced labor. Government officials, however, stated that GBV is not considered an indicator of possible TIP and instead should be addressed by the labor law if GBV offenses against migrant workers occur in the workplace. NGOs and government respondents alike attested to the lack of any GBV indicators in the government’s formal victim identification screening process.

NGO and Academic respondents noted that migrant workers have experienced GBV in Thai workplaces. The AT probed government respondents to ask about complaints mechanisms for GBV and elicited various responses, indicating a possible lack of clarity on how such a situation would be handled, and signaling that such reporting is not occurring through any of these mechanisms. Many NGO respondents indicated that migrants “would not dare” report a claim of GBV to the government as this population is already fearful of the government. As an academic respondent assessed the situation: "They are aware that their status is illegal so they don’t dare to complain to the police."

LACK OF INCENTIVES FOR LAW ENFORCEMENT PERSONNEL

Police and immigration respondents indicated that their work on CTIP is not career-enhancing, as they do not receive tangible rewards for their achievements in the CTIP realm. One of these respondents suggested that his/her CTIP work was detrimental to his/her career. Per the provisions of the 2008 Anti-TIP Act, each of Thailand’s 76 provinces has an anti-TIP Taskforce or Committee chaired by the Governor. Per a 2013 RTP Plan on TIP, there should be provincial level anti-TIP units and nine regional anti-TIP centers. However, the RTP has failed to staff these with dedicated CTIP police investigators. The only
dedicated police CTIP investigators in the country are in Bangkok at the Anti-Human Trafficking Unit. To compensate for this reality, a roster of TIP-trained investigators is kept at the provincial level for use when TIP cases arise; if non-TIP-trained investigators are resident in a province, TIP-trained investigators from neighboring provinces are requested to assist temporarily. A police officer respondent indicated that the provincial Anti-TIP Taskforces lack sufficient recognition and resources; they do not have dedicated personnel and a strong mandate.

CRIMINAL PROSECUTIONS OF TRAFFICKING OFFENSES

The OAG recently set up the Department of Anti-Human Trafficking, based in Bangkok. This new dedicated CTIP unit prosecutes TIP cases within the jurisdiction of the criminal court in Bangkok, while the cases investigated by local police will be prosecuted by the public prosecutor in each province. However, if the case is complex or involves influential people in the area, the police might ask permission from the court to transfer the case to the human trafficking division of the criminal court in Bangkok. Hence, the prosecutor of this Bangkok department will prosecute the case. While provincial prosecutors can still prosecute TIP cases, the Bangkok-based Department of Anti-Human Trafficking will perform coaching and mentoring for public prosecutors nationwide to ensure uniform standards.

Several NGOs, and even some government respondents, claimed that a high number of cases investigated by police do not translate into an equal number of trafficking prosecutions. The number of reported prosecution cases are disproportionately low, as prosecutors in the OAG reject many cases for court trial. The prosecutors attribute their high rejection rate to poor investigative work on the part of the police, who fail to collect adequate evidence to support the case. Conversely, the police reportedly complain that they are too time-constrained during the investigation. When a case is rejected by the OAG for prosecution, the victim in the case loses victim status and is deported due to their undocumented migrant status.

The Human Trafficking Case Division within the Criminal Court in Bangkok began operation in August 2015. This is a dedicated CTIP court, consisting of a high-court panel of three judges. While cases investigated by local police and prosecuted in the provinces still proceed at the various provincial courts, the intent is for the cases investigated by national law enforcement agencies and/or involving complex crimes to be handled by the new court in Bangkok. The Chief of the Supreme Court can transfer cases from any provincial court to the Human Trafficking Case Division within the Criminal Court in Bangkok, provided those specific cases protect the safety of vulnerable victims and/or witnesses at high risk of being influenced by defendants. The victims who are testifying as witnesses in the prosecutions are often transferred to a shelter in the vicinity of the court. This division now has judges specialized in human trafficking, with separate trial schedules from the other cases. Some respondents hope that this newly established Division will help speed up the prosecution process.

OFFICIAL COMPLICITY

Corruption has been cited widely among respondents as a leading factor hampering effective CTIP efforts in general, and CTIP law enforcement efforts in particular. Government respondents pointed to the stringent “Administrative Measures to Prevent Public Official’s Involvement in Human Trafficking” recently established by the RTG as a testament to its commitment to fighting corruption, and the complicity of officials in TIP. This measure places direct responsibility on the heads of all government agencies at all levels to ensure that none of their officers are involved in human trafficking.

Many respondents noted that collusion between employers and police occurs, with the police taking money, and, in turn, tipping off employers to impending inspections. As a result, few inspections find any serious exploitation, since business owners may know well in advance about the inspections, which allows owners to coach workers on what to say to inspectors.

Similar corruption also occurs within the judicial branch. An NGO respondent claimed prosecutors are complicit in seeking to have TIP cases dismissed. These dismissals, according to the respondent, can be executed either through poor investigative work (lack of adequate evidence), or through paying off prosecutors to not find evidence, or otherwise corrupt the case file, depending on how influential the accused trafficking offender is.

3.11 PARTNERSHIPS

PROVINCIAL LEVEL COORDINATION

At the province level, an MDT is the main operational body handling TIP cases. In provinces visited by the team, coordination at provincial level was reported to be good. The MDT conducts rescue mission, victim identification process, investigation and case management meeting to provide services to the victim. Regular meetings were also conducted for relevant agencies to update on progress and jointly identify Anti-TIP priorities of actions. Some NGOs are allowed to play a role in MDT efforts. Many said that they have a good relationship with the government; NGOs refer cases to the government, join the rescue team, take part in victim identification process, and provide temporary support.

The effectiveness of the various MDTs’ operations, however, is significantly based on interpersonal relationships. When those relationships are strong, the MDT works well together. Provincial offices were also cited to give priority in following policy of their line ministries, rather than coordinate with other provincial agencies horizontally. One respondent reported some duplication of work among provincial offices. For example, some employers complained of being inspected for TIP numerous times from several different agencies.

An NGO representative said that law enforcement agencies do not cooperate well, particularly in sharing information among one another (i.e. between police and DSI) or with other members of their own agency. In one case, as reported by the same NGO respondent, a police investigator at the local level removed all the case files he had been pursuing as he transferred elsewhere, so that his successor was forced to build new case files without the benefit of his predecessor’s work.
CROSS BORDER COLLABORATION

At the provincial level, cross-border collaboration has been effective, according to some respondents. In provinces visited by the AT, cross-border subcommittees were established to discuss border issues including labor migration and TIP. For example, in Ubon Ratchathani, the subcommittee was set up to involve provincial offices of Thailand’s Ubon Ratchathani Province and Champasak of Lao PDR. This cross-border committee met one to two times a year to share information on each other’s’ policies and discuss cross-border issues such as trafficking victims’ protection. Media and NGOs from both countries participated.

There are areas for improvement with regards to cross-border cooperation at the provincial level. As stated by an official at the provincial level, fishing boats operating outside of Thailand’s waters have a significant number of trafficking victims, and cooperation with law enforcement officials in neighboring countries holds potential in successfully resolving this problem. Forging of operational partnerships with law enforcement authorities in Indonesia, Malaysia, Myanmar and Cambodia would greatly boost the ability of the RTP and DSI to carry out cross-border investigations of TIP involving long-haul fishing boats.

PARTNERSHIPS WITH NGOS

IOs, such as IOM, ILO, UNODC and Australia-Asia Program to Combat Trafficking in Persons (AAPTIP), and to a limited extend the U.S. Department of State’s International Narcotics and Law Enforcement Assistance (INL) program, are largely focused on capacity building among RTG and NGO responders. Activities center on trainings, consultations, research, and the development of guidelines, such as victim identification tools and victim referral mechanisms. These organizations are all based in Bangkok, and, with the exception of IOM, have no field presence outside of the capital.

International NGOs vary considerably in size and scope of work. Some of the NGOs with global scope carry out projects on the ground in provinces in various parts of the country. Others are focused on specific trafficking victim populations – such as seamen/fishermen and females in commercial sex work – and operate in geographical areas where these victims are found.

A number of NGOs are focused on addressing commercial sexual exploitation of children, and these are found largely in Bangkok, Chonburi (Pattaya) and Chiang Mai. Chonburi (Pattaya) reportedly has a significant problem with commercial sexual exploitation of children, with small children on the street, subjected to informal labor exploitation and sexual exploitation. Chiang Mai has a large concentration of international NGOs (from the U.S., Australia, and New Zealand) working against the commercial sexual exploitation of children. Thai officials and Thai NGOs with long-term experience on CTIP in the Chiang Mai region note that trafficking of children for commercial sexual exploitation has actually declined in recent years. Government officials cited a couple dozen victims identified in 2015, suggesting a problem of modest magnitude. However, several respondents noted that there has been a problem with two fraudulent NGOs working in this space in Chiang Mai in the last two years, and two government
respondents noted that there is some distrust between NGOs and between some government responders and some NGOs.\textsuperscript{33}

Few NGOs provide legal support services to exploited and trafficking migrants, and those that do are centered in Bangkok, and are in great demand. There is a modest concentration of NGO resources in Samut Sakhon, but few resources found in the seaports of Chonburi. The areas with least coverage by NGOs are the Northeast and the South.

Most RTG respondents identified strengths in NGOs' involvement in CTIP, specifically citing NGOs ability to respond to suspected trafficking situations quickly, and having better access to migrant communities and victims of trafficking. The government is comfortable working with NGOs in the provision of training to front-line responders and in assisting with the rescue of victims and the provision of services to identified victims. NGO respondents expressed appreciation for their collaboration with the government, with some describing the relationship as symbiotic, but others complained that it can often be a “one-way street,” with NGOs providing the government much-needed help without receiving funding or positive results from the government’s criminal justice system.

Government respondents offered some criticism of NGOs, noting that a few “have agendas” that include making Thailand look bad in the international arena. These NGOs find a negative situation and, rather than raising the issue first with the government, will go to the international media to air the problem. This lack of cooperation is driven by a lack of “voice” for NGOs in the country and a lack of venues for discussion and cooperation on TIP issues.

Some NGOs are members of National Committee on Anti-Human Trafficking or one of the provincial government committees on TIP. In Chiang Mai province, where the “multi-disciplinary approach” to CTIP was born and is now referred to as the “Chiang Mai model,” NGOs are well integrated into the provincial government’s CTIP efforts, which focus overwhelmingly on the commercial exploitation of children.

A few NGO respondents pointed to what they see as an unhealthy environment fostered by international CTIP donors through tough competition for limited funding, the lack of encouragement for NGO partnership, and the lack of sharing of information of what is being funded and the results of past efforts. This has led to a duplication of efforts and working at cross-purposes among donor-funded NGOs. It has also stymied greater growth through learning by the anti-TIP community as data and very valuable lessons learned remained hidden away and not shared.

PRIVATE SECTOR PARTNERSHIPS

The AT asked respondents about private sector efforts to address TIP in Thailand. The majority expressed little known proactive efforts to address TIP in Thailand on the part of the private sector. Rather, most respondents stated that any private sector responses have been modest and in reaction to new regulations from the government or outside sanctions (from buyers in the US or Europe or from the EU’s “yellow

Respondents were generally optimistic that private companies could have greater impact, in that they can insist on ethical standards and business practices that prevent exploitation and TIP.

Representatives of private sector and some governmental officials view the current CTIP role of businesses as limited to ‘complying with the law’. A government official at the provincial level mentioned that “we ask for their collaboration by respecting the law.” One or two companies in the fishing industry have become more active in the last few years due to government’s CTIP policy in the industry, according to respondents. These companies collaborate with the government by participating in the meeting conducted by the government, and disseminate information on newly updated law and regulation to their association members. A fishing industry association representative also said that they collaborate with the government by not hiring irregular migrant workers, and facilitating government inspection in their factories.

European and American companies buying seafood from Thailand are very influential, and have also played important roles in pressuring the Thai industry through product boycotts. This has come in the form of collaborative movements such as Shrimp Taskforce led by a large enterprise aiming at creating changes at the supply chain level. A few larger businesses have adopted a more proactive profile on CTIP, which could be replicated and expanded further in other businesses. For example, the Thai Frozen Foods Association (TFFA) announced in its new initiatives in early 2016 that it would bring all shrimp pre-processing operations in house to provide oversight and ensure transparency throughout its supply-chain. By implementing this measure, TFFA can ensure that the supply-chain of all its pre-processing operations will be free of IUU, human trafficking, child labor and forced labor. Members of TFFA who do not comply and continue to source from external pre-processors would lose their membership, and thus their ability to export shrimp products overseas, according to private sector respondents.

NGOs and IOs have established partnerships with private companies as a means for responding to CTIP. For example, the Issara Institute works with purchasers like Nestle, Walmart, and TESCO to advance protections for workers while cleaning the supply chains of these major international buyers of Thai products.

Some respondents also noted smaller philanthropic initiatives or corporate social responsibility (CSR) initiatives such as marches, festivals, or donations to organizations who work with migrants and TIP victims. In Samut Sakhon, for example, seafood processing factories donate money for schools with migrant children for school building construction, school uniforms, scholarship and salary for additional teachers. These efforts captured by interviewees suggest some steps forward on the part of the private sector but respondents generally report that greater effort on the part of the private sector is needed. While a more indirect form of assistance involving only Thai victims to date, several large hotel chains in Chonburi’s tourism hub of Pattaya participate in job placement for Thai former victims of TIP.

3.12 REGIONAL RESPONSES AND THEIR IMPACT ON THAILAND

Regional and bilateral collaboration is crucial as TIP is transnational in its nature. These regional mechanisms are meant to serve as platforms for collaboration and to hold member-states accountable in working together to address TIP.
ASEAN CTIP EFFORTS

The ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) was signed by ten ASEAN leaders in December 2015 at the 27th ASEAN Summit in Kuala Lumpur, Malaysia. This Convention is indicative of the firm commitment of ASEAN Member Countries to combatting TIP and protecting victims in accordance with their rights. ACTIP’s key substance covers cooperation on prevention, protection and prosecution aspects, plus a step beyond the UN TIP Protocol in its emphasis on addressing the root causes of human trafficking, such as poverty, other push and risk factors, as well as measures to reduce the possibility of re-trafficking. ACTIP also identifies instances in which severe penalties should be leveled against traffickers, including complicit government officials in human trafficking.

In tandem with ACTIP, the ASEAN Plan of Action against Trafficking in Persons (APA) has also been developed to complement and guide implementation of the ACTIP. The ASEAN mechanism is rather new and respondents note that it is too soon to tell whether it will influence implementation at the national and provincial level. However, the strategy in addressing TIP itself is still questioned. An academic said that ASEAN tends to prioritize national security, and the Political and Security Community of ASEAN is given the lead on managing the TIP issue; human rights does not command the leading perspective on TIP. An NGO respondent noted that ASEAN anti-TIP efforts lack the strength to protect migrant workers in the region. ASEAN members have been discussing the development of a binding agreement on the protection of migrant workers for over eight years, but have yet to reach agreement on this instrument that would prevent TIP. Additionally, the ASEAN Economic Community’s (AEC’s) goals for the end of 2015 did not include the easier mobility of the region’s massive unskilled and low-skilled labor force; it only addressed the greater mobility of workers in eight highly-skilled categories.

BALI PROCESS

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process) was started in 2002 as a platform for promoting South-South collaboration and harmonization of efforts dealing with these transnational issues. While having "Trafficking in Persons" in its formal subtitle, the Bali Process until 2015 focused largely on irregular migration, including people smuggling. A working group on TIP started in 2015. Since then, the Bali Process had developed a TIP Quick Reference Guide intended to be used by border officials in the region for victim identification. At the time of fieldwork, the Bali Process had recently completed development of the Regional Strategic Roadmap, an online portal developed for policy-makers and legislators in the region to share best-practices, inform policy reform, and engage collaboratively.

The RTG has played an active role in the Bali Process. It is one of the most engaged members and is part of the Bali Process steering group. It is one of the founding members of the Bali Process. Thailand has been a Coordinator of the Bali Process Activities on Policy and Law Enforcement Response since 2009. The substantive dialogue on CTIP is nascent, but this mechanism is positioning itself to become an important repository of information for regional cooperation, and it was cited to be complementary to other work.
COMMIT

At the Mekong sub-regional level, the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) is an inter-governmental process that started in 2003 between China, Cambodia, Thailand, Lao PDR, Viet Nam and Myanmar to combat human trafficking. COMMIT addresses all forms of human trafficking, and focuses on a range of trafficking-related issues, including criminal justice, repatriation, victim support, channels for safe and legal migration and exploitative labor practices. In 2004, senior officials from the six countries that comprise the Greater Mekong Sub-Region signed an MOU that sets forth a framework for concrete action on sub-regional cooperation against human trafficking. UN-ACT is the Secretariat to the COMMIT Process.

To operationalize that MOU, COMMIT has worked on the basis of “Sub-regional Plans of Action (SPAs),” of which three have been implemented to date. The current SPAIV guides COMMIT’s work between 2015 and 2018. The SPAIV development process has revealed a need to strengthen the regional dimension of cooperation in COMMIT, and to build sustainable and sustainable systems for cooperation between countries, for the Process to live up to the commitments in the COMMIT MOU.

Some respondents are concerned that there is overlap and duplication between ASEAN and COMMIT in addressing TIP, and noted that there is negligible collaboration between the two regional bodies The COMMIT process has kept the dialog on TIP among countries in the sub-region moving, but has not had significant policy impact. Sub regional MOUs do not appear to have had much impact in comparison with bilateral MOUs. COMMIT, as stated by an IO representative, is useful as a platform for implementation-level officials to come together to exchange information on practical issues such as victim identification and prevention.

NGOs and government at the provincial level report that they do not see much in the way of impact of these three regional mechanisms to-date. However, both provincial and national-level respondents note that such mechanisms are a good starting point from which to work with neighboring countries to address TIP, noting that it remains to be seen whether any real impacts will manifest as a result of these mechanisms.
4. CONCLUSIONS

Based on the findings presented in this report, the AT draws the following conclusions.

4.1 FINANCIAL FORMS OF COERCION ARE COMMON BUT OVERLOOKED

Financial forms of coercion are the most commonly reported form of the “means” element of TIP found among migrant TIP victims in Thailand. These financial forms of coercion fall into two categories: exploitative fees that often produce debt and debt bondage; and the withholding of wages by employers. These highly prevalent forms of financial coercion are not acknowledged by government officials as elements of TIP. Currently, most migrants are paid in cash with minimal or no documentation, leading to a lack of transparency and accountability in wage payment.

4.2 THE GOVERNMENT’S CTIP NARRATIVE DIVERGES FROM REALITY ON THE GROUND

Government officials overwhelmingly report that the NCPO has markedly improved CTIP measures over the last two years, citing numerous new laws, executive decrees, and new regulations as evidence that the government takes the issue seriously, particularly the TIP problem in the fishing industry, and is resolved to deal with it effectively. In contrast, NGOs working on the ground report that TIP has not subsided, and officials appear dis-incentivized to identify and report TIP cases.

4.3 THE GOVERNMENT IMPLEMENTS A REACTIVE RATHER THAN PROACTIVE APPROACH

Front-line responders, such as the police, immigration, Department of Labor inspectors, Marine Police, CCCIF and PIPO inspectors, wait for someone to report a suspected trafficking situation or the identification of a suspected trafficking victim before the MDT is assembled and mobilized to perform the requisite investigation. The weak link in this process, however, is that there is no clarity on what should trigger the MDT’s deployment for victim screening.

A good CTIP practice that is applicable in all countries is the proactive intelligence gathering and investigation of TIP. Experts and practitioners around the globe attest to the fact that trafficking victims often are reluctant to come forward and “self-report,” or are unable to do so (e.g. due to language barriers, lack of access to telephone, or fear of reprisal). Victims are afraid of law enforcement in Thailand. The lack of any discernable intelligence gathering on trafficking or proactive techniques to work with migrant communities to gain trust and learn about centers of exploitation is striking and is perhaps one of the leading reasons for the ineffectiveness of some of the RTG’s CTIP efforts.

4.4 SOURCE COUNTRY EMPLOYMENT DEFICITS AND LOW WAGES ARE KEY DRIVERS

The scarcity of employment opportunities and low wages in the key source countries of Myanmar, Lao PDR and Cambodia are driving unsafe migration that creates vulnerability to TIP. Particularly, the overall lack of development in Myanmar’s border with Thailand, China, India, and Bangladesh complicated by social and cultural tensions leads to a dearth of economic opportunities for the ethnic minority populations residing in these areas.
4.5 LOW EDUCATIONAL ATTAINMENT AND LIMITED VOCATIONAL SKILLS MAKE PEOPLE VULNERABLE TO TIP

Migrants in Thailand in search of work often have little education and sometimes low levels of literacy, which makes them vulnerable to exploitation. These people may not be able to read an employment contract, for example, or have access to information on their rights as workers. Young, single mothers are a particularly vulnerable group.

4.6 FEMALE TIP VICTIMS AND RESPONDERS FACE SEX-BASED AND GENDER-BASED DISCRIMINATION

Sex and gender influences victims’ vulnerability to trafficking. Sex of victims of trafficking translates into separate needs and requirements from service providers. Traditional gender roles and gender stereotypes that underlie the RTG’s CTIP response result in a variety of practices that detrimentally affect women, men, and transgender victims of TIP, as outlined throughout this assessment.

This assessment found that CTIP responders also face sex-based and gender-based discrimination that impede their work and ultimately their ability to meet the needs of victims. These include being overlooked for a position on the basis of sex or gender identity, sexual harassment, and threats of violence.

4.7 VICTIM IDENTIFICATION PROCESS IS FLAWED

An accurate definition of TIP and forced labor are not uniformly and systematically applied in the victim identification process. Instead of attempting to teach front-line responders how to appropriately respond to victims’ trauma and focus on migrant workers’ conditions of work and living, the government uses a checklist of yes/no questions filled with legal jargon that are not well understood by officers or other responders and migrants alike. Faced with the difficulties of implementing the cumbersome form, front-line responders are not always completing the form in its entirety and defaulting to tests they can understand, such as whether a migrant entered the country legally or started a job consensually, which lead to both ‘false positive’ and ‘false negative’ instances of TIP.

The current victim identification process also fails to appreciate the substantial role of what can be called “financial harm” (a term introduced by the U.S. Trafficking Victims Protection Reauthorization Act of 2007 to better define forced labor in US criminal law) – the use of either imposed fees/debt on or withheld wages from a worker as the means to force or coerce them to work. NGO, IO, donor and even some government respondents noted that fees or exploitative debt, and/or the withholding of wages are the top characteristics of trafficking found in Thailand. Yet these red-flag indicators – which the ILO includes among its eleven indicators of forced labor34– are consistently overlooked by Thai officials conducting victim screening. Several government respondents opined that the non-payment of wages to a migrant worker is automatically a wage complaint issue, rather than an indicator of TIP.

4.8 ASSOCIATED ABUSES ARE NOT BEING ADDRESSED AND NOT SEEN AS TIP INDICATORS

The AT found a paradox in the government’s efforts to identify TIP cases. In requiring a “high bar” of evidence through the victim identification form, front-line responders such as labor inspectors regularly pass over indicators of associated abuses such as wage violations, physical abuse at the workplace, GBV, health and safety violations, compulsory overtime, and other exploitative labor practices. These issues are not being addressed, yet many of them are indicators of an exploitative work environment that enables forced labor and TIP. Indeed, some of them are known as indicators of TIP and should, if Thailand had a workable victim identification process, immediately trigger further investigation into possible TIP. The paradox is that, in its quest to find TIP, Thai authorities are overlooking attendant crimes, and because of this oversight, they are ultimately finding few TIP cases.

4.9 POOR TREATMENT OF VICTIMS CREATES DISINCENTIVES TO COOPERATE WITH AUTHORITIES

Trafficking victims are sought to serve as witnesses in trafficking prosecutions. This generally entails prolonged stays in government shelters both as a means to ensure the safety of the victim and also to preserve the victim as a witness. While MSDHS respondents were adamant that victims’ informed consent is sought and obtained before they are entered into a government shelter, this does not track with the reporting of many IOs, NGOs, and other government officials who equate these stays with detention, and there is no claim by the MSDHS to allow for victims to withdraw their consent once in a shelter.

4.10 PRIVATE SECTOR ROLE IS WEAK, UNDERDEVELOPED

The AT found nascent efforts by the private sector to address TIP in Thailand. What effort has been made by Thailand-based corporate entities, has been driven by large businesses that trade on the global level such as TFFA shrimp supply chain efforts, the Shrimp Taskforce, and partnerships between large corporations such as Nestle, Walmart, and TESCO with Thai businesses. Small and medium-size enterprises (SMEs) in the same sectors do not face the same international exposure or inspection requirements and therefore are less likely to adopt CTIP reforms. The AT concludes that the private sector has great potential for addressing TIP conditions on the ground (at the workplace) and driving CTIP reforms on a strategic level, though this potential is largely not being realized.
5. RECOMMENDATIONS

5.1 RECOMMENDATIONS FOR THE ROYAL THAI GOVERNMENT

5.1.1 OVERHAUL THE VICTIM IDENTIFICATION PROCESS, INCLUDING THE VICTIM IDENTIFICATION FORM.

This assessment found that the current identification form and process needs to be improved. The AT recommends the RTG review and revise the current victim screening process such that it systematically conducts initial screenings of migrant workers, regardless of work permit status, to identify any possible indications of TIP. Though currently only available in English, the Quick Reference Guide on Interviewing Victims of Trafficking developed by the Bali Process may be a helpful resource for operationalizing an initial screening.

For those people identified as possible victims of TIP, the RTG should implement a thorough victim identification screening, using a form with open-ended questions that requires responders to analyze working conditions. Responders should be sufficiently trained to identify the indicators of TIP based on answers to these open-ended questions. Additionally, legal jargon should be removed from the victim identification screening to ensure responders and potential victims understand the concepts underlying the terms rather than the terms themselves. For example, rather than asking whether or not this person is a victim of debt bondage, the modified form should operationalize a practical definition of debt bondage: a situation in which a worker is required to repay a financial debt through his/her labor services. Initial victim identification need not be cumbersome or the pretext for a criminal case, but rather a test of a person’s conditions. The RTG should include the ILO, IOM, and other international and regional stakeholders in the review and revision process.

5.1.2 CONSIDER REPLACING THE CURRENT MIGRANT LEGALIZATION PROCESS WITH A MORE DURABLE MIGRANT POLICY.

Migrants are currently registered and authorized to work for up to two years via issuance of a pink card, specifying the industry, location, and employer for which a person is authorized to work. The RTG should consider an overhaul of Thailand’s labor migration system, with the goals of making it a simpler straightforward process. The AT recommends a transparent, durable migration policy that places more emphasis on regular migration, transparent and cost- free recruitment, and which provides for long-term legal status for migrant workers and freedom of movement and job mobility. Constructing and then implementing a new migrant labor system will be difficult, but the gains would be enormous. Eliminating migrant workers’ dependency on brokers and strengthening migrant’s rights under the law would greatly reduce TIP vulnerability.

5.1.3 REMOVE MANDATORY SHELTER REQUIREMENTS FOR VICTIMS OF TIP, IN LINE WITH INTERNATIONAL NORMS OF VICTIM PROTECTION.

The AT recommends that the RTG remove mandatory shelter requirements for victims of TIP, and adopt measures to incentivize victims to participate in legal proceedings, in line with international norms. These include: regular use of pre-trial depositions by victims, allowing victims to return to their countries of origin or to other employment before a court case begins; more frequent use of video-conference remote testimony for court hearings to allow victims to testify from their home country; a more robust effort to provide victims with temporary employment while they are receiving shelter protection and awaiting court proceedings; and a more aggressive effort to provide victims with
compensation, either through criminal restitution orders that accompany successful prosecutions or through more effective use of the aforementioned MSDHS Victims Fund.

5.1.4 MAKE TIP PROSECUTION DECISIONS PUBLIC AND ENSURE SUFFICIENT RESOURCES FOR COURTS TO BE ABLE TO TRY TIP CASES OPENLY AND FAIRLY

The AT recommends that the RTG either expand the resources available to courts at the provincial level or make more use of the newly created CTIP prosecution unit and CTIP court at the Bangkok-level. CTIP prosecution is a highly complicated and nuanced offense and requires specialized expertise on TIP which may be difficult to attain in all provinces. Making more use of the CTIP court at the Bangkok-level may also ameliorate conflicts of interest and potential local influence at the provincial level and show the government’s commitment to prosecuting TIP fully.

The RTG should also consider measures to disseminate the court decisions on TIP cases publicly, as currently TIP prosecution decisions are not made public. The Thai media could play a strong role in this regard, as it has shown substantial coverage of TIP topics in general.

5.2 RECOMMENDATIONS FOR USAID

5.2.1 ASSESS THE FEASIBILITY OF A BANK-BASED WAGE PAYMENT SYSTEM FOR MIGRANT WORKERS TO IMPROVE TRANSPARENCY IN WAGE PAYMENTS

USAID should support a feasibility study for a transparent, electronic banking system to be used between employers and migrants for payment of wages to ensure transparency and accountability among employers to pay migrants fairly and in accordance with Thai law and the worker’s contract. Such a system has been developed with migrant workers in other destinations in Asia, and this appears replicable in Thailand, so USAID can utilize this model as a starting point. Partners would be interested parties in the financial services sector (banks and/or remittance services) and employer/business associations such as the National Fishing Association of Thailand and the Thailand Food Processing Association. The level of technology employed could reflect the assessed circumstances; either the direct electronic transfer of wage payments into traditional bank accounts; or the use of digital banking through smart phones, which the vast majority of migrant workers possess. To ensure uniform compliance among employers, the RTG would need to support this initiative by regulating or legislating a requirement that employers provide migrant workers with salary payment through bank or mobile money accounts in the migrant workers’ names. This would be very significant in counteracting the current prevailing trend of withholding wages to migrant workers as a means of coercing their labor.

5.2.2 DEVELOP ALTERNATIVE JOINT NGO-GOVERNMENTAL COMPLAINT MECHANISMS FOR TIP, LABOR EXPLOITATION, AND GBV.

Data from this assessment reveal substantial distrust amongst migrant workers of governmental complaints mechanisms. Migrants are not reporting labor violations or GBV experienced in the workplace for fear of deportation or abuse by government officials. USAID should consider supporting

35 The UAE in 2010 instituted the Wage Protection System for migrant workers, the key provision of which was to require employers to deposit salary payment electronically and on time into a bank account in the worker’s name. ILO, “ILO Note on “Wage Protection System (UAE),” accessed January 25, 2017, http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=186.
an alternative, client-driven hotline or other reporting mechanism for redress of alleged abuses via CSO partners. These organizations have proven access to and trust with migrant workers who face exploitation and trafficking. Therefore, it is considerably easier for these entities to establish effective channels for complaints. USAID could support CSOs to partner with an existing hotline similar to the current 1300 hotline and should ensure language-sensitive services; an alternative option is a SMS-based system through which violations can be reported and a service-provider can follow up. This mechanism should have substantial CSO involvement to ensure migrant trust, but ideally, it would be government-funded to establish government ownership and sustainability.

5.2.3 SUPPORT FORMAL AND INFORMAL EDUCATION, AND BASIC VOCATIONAL SKILL TRAINING AND STRONGER CTIP PROGRAMMING IN SOURCE COUNTRIES.

USAID should continue and build upon its work supporting primary and secondary school interventions and basic vocational training in Myanmar, Lao PDR, and Cambodia aimed to increase educational attainment and employment readiness. While these cannot directly reduce TIP, both are considered protective factors for TIP. Examples of USAID-funded education projects that may contribute to risk reduction through increasing educational attainment include the School Dropout Prevention Pilot Program (SDPP) and an Early Grade Reading program in Cambodia. Vocational training could include training in manual labor in small and medium enterprises and rapid growth industries. If possible, vocational training programs should partner with employers and business associations that can pledge support for post-training job placement.

USAID should also consider a stronger CTIP focus in all programming in source countries by ensuring efforts to address vulnerabilities are built in to existing and future USAID procurements.

5.2.4 COORDINATE USAID WORK WITH OTHER DONORS’ EFFORTS THROUGH THE BALI PROCESS REGIONAL STRATEGIC ROADMAP

Several respondents noted lack of donor harmonization as a problem in anti-human trafficking work in Thailand and surrounding counties. USAID should seek to engage with other donors to reduce duplication of efforts and maximize synergies to improve efficiency and effectiveness of donor funds. One important way to operationalize this is through use of the Regional Strategic Roadmap online platform recently rolled out by the Bali Process to encourage collaboration to address TIP (http://www.baliprocess-rso-roadmap.net/). In particular, USAID can use the portal to catalogue training and other initiatives planned and underway to reduce duplication; the portal can also be used to identify gaps.

5.2.5 CONDUCT A CTIP EVIDENCE SUMMIT TARGETING SMALL AND MEDIUM-SIZE ENTERPRISES (SMES)

Overall, the private sector’s role in CTIP is very modest and this is particularly true of SMEs, which are less engaged in the global marketplace, face more limited labor inspections, and have a more limited understanding of the Thai Labor Law and good labor practices. The AT recommends USAID build on
the success of the CTIP Evidence Summit held in 2016,\(^{36}\) with a focus on the private sector and SMEs in particular, as a means to engage in dialogue with the private sector on addressing TIP.

5.2.6 PROVIDE GENDER-AWARENESS AND SEXUAL HARASSMENT TRAINING FOR MALE AND FEMALE CTIP ACTORS

Traditional gender norms were highly apparent amongst many of the respondents interviewed for this assessment, particularly among the police. Women report having less of a voice in decision-making in the victim identification process and are rarely involved in TIP investigations. Moreover, women in these roles face sexual harassment from colleagues or others that impede their work. USAID should consider providing gender-awareness and sexual harassment training for both male and female TIP responders. The AT recommends targeting members of the MDTs. Given that MDT members come from a variety of ministries (police, DOL, MSDHS), USAID should explore working with these ministries to incorporate gender-awareness and sexual harassment modules into existing training structures such as in-service and/or pre-service trainings.

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\(^{36}\) USAID held the Asia Counter-Trafficking-in-Persons Evidence-Gathering Summit from January 25-26, 2016 in Bangkok, Thailand. The Evidence Summit convened stakeholders including IOs, donors, civil society organizations (CSO), subject matter experts, governments, and private sector partners to present ongoing CTIP activities, identify existing gaps, agree on priorities for the region, and to inform the development of USAID’s Asia Regional CTIP Action Plan and the design of new CTIP programs.
6. DATA GAPS AND AREAS FOR FUTURE RESEARCH

GOVERNMENT DATA ON VICTIM IDENTIFICATION AND PROSECUTION DO NOT RELIABLY CAPTURE THE SCALE OF TIP IN THAILAND.

The AT identified serious shortfalls in the way victim identification and prosecutions are currently being managed by the RTG. Notably, only a subset of potential victims of trafficking are being screened for TIP in the current operating environment. Moreover, the AT identified important deficiencies in the victim screening process leading to ‘false negative’ results and, in some cases, ‘false positive’ results (as reported earlier in the "Government Response" Section). Moreover, the negative reputation of shelters existing today amongst civil society and the public have dissuaded victims from identifying themselves as victims and prompted some NGOs and CSOs to advise victims against self-identification. On the prosecution side, barriers include poor quality investigations, lengthy court processes, the policy of close court opinions, as well as low-level and high-level corruption.

**Recommendation:** USAID or other stakeholders should consider the utility of a quantitative, population-based survey to rigorously measure the scale of all trafficking in Thailand or, particular streams of trafficking — such as domestic servitude and forced labor in the construction sector. Similar surveys have been contracted by USAID in the Democratic Republic of Congo for example, and USAID should consider the extent to which it is of interest and importance to USAID programming in Thailand and the region to conduct additional surveys of this type.

To investigate challenges in prosecutions, USAID or another donor or implementing partner could commission a legal case study analysis involving in-depth examination of a cross-section of legal cases in various stages of the prosecution cycle, though this would likely require the consent and collaboration of the RTG, particularly the new anti-TIP prosecution unit in the OAG. Alternatively, USAID could reach out to the Australian government for cooperation in sharing AAPTIP’s deep knowledge on the Thai criminal justice system, which would likely shed light on these challenges to CTIP prosecutions in Thailand.

SCARCITY OF INFORMATION ON NATURE AND PREVALENCE OF TIP IN OTHER INDUSTRIES SUCH CONSTRUCTION, DOMESTIC WORK, AGRICULTURE, AND THE SERVICE INDUSTRY.

In recent years, the international community has highlighted TIP in the fishing industry in Thailand. In response to that attention, this sector has received greater attention with respect to trafficking than other industries where people may be vulnerable to TIP. This assessment revealed that the RTG is doing little to screen for trafficking in these other industries. Moreover, NGOs and CSOs may have limited ability to access people in these industries where TIP may be more hidden and where awareness may be lower, particularly domestic work since this occurs within a household, and to some extent in agriculture since people in rural areas are generally located further away from resources.

**Recommendation:** If USAID were to commission the population-based survey mentioned above, it could be stratified by sector of work to capture the scale of trafficking in each industry. Domestic workers will likely be a challenging population to reach. Creative strategies would need to be employed such as a meeting place where people might go on a day off, such as a market or community center.

In the case of possible TIP victims who might not have a day off, this may be even more challenging. As such, the team would need to identify creative strategies to address challenges such as these in the design phase.

**SYSTEMATIC EVIDENCE OF THE EXTENT TO WHICH MIGRANT WORKERS ARE AWARE OF THEIR RIGHTS AND AVAILABLE COMPLAINTS MECHANISMS.**

Qualitative evidence suggests migrant workers do not always fully understand their rights as workers or the available recourse channels through which they can address violations.

**Recommendation:** Obtaining rigorous, systematic evidence on specific knowledge gaps among migrants would provide USAID actionable guidance for CTIP programming. Moreover, this assessment would constitute a baseline upon which future impact or performance evaluations can be built to test the effectiveness of interventions in addressing identified knowledge gaps. Should USAID decide to pursue such an assessment, the AT suggests, designing this as a rigorous, population-based survey.
ANNEX 1: CTIP SOW

SECTION C – DESCRIPTION / SPECIFICATIONS / STATEMENT OF WORK

C.1 TITLE OF ACTIVITY

USAID/RDMA Assessment of Countering-Trafficking-in-Persons Situations in Thailand

C.2 BACKGROUND

The purpose is to collect available information on the scope of trafficking-in-persons (TIP) in Thailand as a destination and transit country for trafficked persons and synthesize available data to identify trends and challenges, document existing countering-trafficking-in-persons strategies and activities, and recommend appropriate countering-trafficking interventions. It seeks to review the efforts and interventions of government, civil society and the private sector to address the issues, identify organizations interested in developing anti-trafficking initiatives and suggest ways USAID may support them. Furthermore, it seeks to outline gaps in information and recommend further research needs, as well as recommend next steps to be taken by the Thai government, civil society organizations, and other stakeholders. The assessment will be conducted in targeted areas of Thailand, for instance, Ranong, Chonburi, Chiang Rai among others, that are notorious for irregular migration and trafficking in persons.

CTIP Assessment

In anticipation of USAID counter trafficking in persons (CTIP) activities in Thailand, USAID/RDMA identified a need to conduct a study on TIP to assess the existence, nature and impact of the problem in Thailand. This assessment is intended to help USAID and all other CTIP stakeholders in Thailand develop a better understanding of the problem, and would serve as an input for future actions and USAID funded activities. This assessment will use a participatory approach, which involves not only a desk review but also in-depth consultations with a broad range of government officials, civil society actors, local and international organizations, academic institutions, private sector organizations and other key CTIP actors.

As a source, transit and destination country for human trafficking, Thailand faces significant pressure from the international community to take serious steps in addressing TIP, particularly since the Andaman Sea Crisis in 2015. There are an estimated three to four million migrant workers in Thailand, which is a key destination for migrants from Cambodia, Myanmar and Lao PDR. Undocumented migrants are highly vulnerable to trafficking due to their lack of legal status, which often makes them fearful of reporting problems to government officials and non-governmental organizations (NGOs). Some of these migrant workers are forced, coerced, or defrauded into sex trafficking or labor trafficking in such sectors as fishing, low-end garment production, factories, domestic work, construction and street begging.

The U.S. State Department Trafficing in Persons (TIP) Report in 2014-2015 has ranked Thailand as a Tier 3 country for not fully complying with the minimum standards of the Trafficking Victims Protection Act and for not making significant efforts to do so. Protection of trafficking victims remains one of the key areas that requires improvement. Specifically, the inadequacy and inconsistency in the victim identification process was one of the key government shortages identified in the TIP Report for 2014. The most recent 2016 TIP report released in early July 2016 upgraded Thailand from Tier 3 to Tier 2 Watch List. Despite significant efforts to address TIP issues, Thailand yet does not fully meet...
the minimum standards for elimination of trafficking. In response to Thailand’s TIP ranking downgrade and other TIP-related pressures, the RTG has made measurable progress addressing TIP, especially in the fisheries sector. Additionally, Thailand increased government spending, manpower and law enforcement operations to identify victims of trafficking and prosecute traffickers, resulting in some recent positive enforcement outcomes. Despite these accomplishments, pressing issues in human trafficking remain inadequately addressed and require immediate attention and better coordination among various stakeholders for a more robust and comprehensive response. While the steps taken by the RTG illustrate a commitment to combating human trafficking, they are principally limited to strengthening its inspections, operations and monitoring of vessels in the fisheries sector.

TASKS

This CTIP assessment should be based on USAID’s latest Democracy, Human Rights and Governance Assessment Framework. The framework suggests that the assessment methodology should proceed through four steps. The first identifies the key problems of irregular migration and TIP in Thailand as a destination and transit country. The second conducts a political economy analysis of the actors and institutions that are likely to reduce TIP and/or cause TIP and/or hinder CTIP efforts. The third considers the USG’s and USAID’s and other development partners’ interests and resources. The final step then offers strategic and programmatic recommendations given the problems, actors, and institutional constraints identified. Data shall be disaggregated by sex where possible and appropriate.

Based on the framework mentioned above, USAID requires a better understanding of TIP within Thailand. This includes information on:

- current trends for types, patterns, flows and routes of TIP into and out of Thailand;
- key drivers associated with Thailand as a destination and transit country for trafficked persons;
- profiles of trafficked persons and vulnerability factors for irregular migration and trafficking;
- types of industries involved with TIP;
- border and law enforcement issues related to TIP;
- profile of traffickers, for example characteristics and traits of traffickers, roles of traffickers, and categorization of trafficking group;
- Thai government policies, protocols, and operating procedures for preventing TIP, identifying trafficked persons, providing them with support and assistance for return and reintegration, and to what extent the policies, protocols and operating procedures affect vulnerable migrant workers and trafficked persons of different genders;
- ongoing programs in Thailand to prevent TIP and those to identify and support trafficked persons by all stakeholders including community based organizations, civil society organizations, international donors, private sector and others, and to what extent the gender dimension is integrated into the whole cycle of these programs;
- recognizing the nexus between TIP and gender-based violence (GBV), to what extent the efforts made by the Thai government and other development players prevent and respond to GBV in Thailand;
Thai public attitude toward migrant workers and trafficked persons;

role of Thailand in addressing TIP through its participation in regional commitments and cooperation frameworks such as ASEAN, Bali Process, and others; and,

recommendations on any opportunities for female leadership and empowerment, either on the side of the migrants/trafficked persons or among development actors engaged in CTIP for USAID’s future programming.

Additionally, USAID requires that the assessment employs a gender lens throughout data collection and analysis to ensure representation of migrant workers and trafficked persons of all genders (women, men, and other genders) and a cross-section of society (young/old, rural/urban, ethnic minority, etc.). This assessment will target identified in-country and border areas in Thailand, and will include a gender-sensitive analysis of the political, legal, social services and civil society aspects of TIP.

The contractor will carry out the following indicative activities.

- **An Assessment Workplan:** The contractor will develop the assessment plan that includes the research design, including key and sub question(s), detailed methods, data collection instruments, and data analysis plans.

- **A Desk Review:** The contractor will collect information and review any pertinent trafficking assessments and analyses, relevant legislation and regulations, and past and current anti-trafficking programs and actions undertaken by the government, civil society and the private sector across prevention, protection and prosecution interventions in Thailand. This review will also include regional and global documents of relevance.

- **Stakeholder and Key Informant Interviews and Focus Groups:** The contractor, in consultation with USAID, will identify a list of individuals and organizations to be consulted including officials of the RTG, U.S. Government employees, civil society, development and relief organizations, USAID/RDMA and bilateral missions, U.S. Embassy Bangkok, local and international development partners, academic institutions, the private sector, other donors, in-country researchers and regional experts. It is anticipated that key informants will include officials and experts in a wide range of fields, including human trafficking, human rights, labor rights, child labor, law enforcement, migration, border control, health and social services and gender issues.

- **Analysis:** Using the data of the desk review, interviews and focus groups, the contractor will compile and analyze the data, consolidate findings, and provide conclusion and recommendations for programmatic actions.

- **A Presentation of Findings and Recommendations:** To facilitate consensus-building regarding next steps, the contractor will present initial findings and recommendations in- persons to USAID - including other key stakeholders, if necessary, for feedback and validation.

- **Assessment Report:** The contractor must submit a draft report to USAID/RDMA for review and comments as per the timeline laid out in relevant section of this task order. The report will summarize information on TIP in Thailand with actionable recommendations. Should further study be recommended, the report would provide notional scope of such work. The report shall reflect and respond to comments received from the presentation of findings and
recommendations meeting. USAID may share the draft report with relevant partners and/or stakeholders as appropriate, and will provide consolidated comments to the contractor. The final report must incorporate comments provided by USAID.

The assessment report must:

- outline data gaps and make recommendations concerning future research needs;
- represent a thoughtful, well-researched and well-organized effort to collect available information on the scope of TIP in Thailand, document existing CTIP strategies and activities, and recommend appropriate CTIP interventions;
- address all assessment questions included in the scope of work, and meet the objectives and purposes of the assessment;
- be a maximum of 50 pages, not including cover pages, executive summary, and annexes;
- be written in correct English grammar, flow logically, and be written in an appropriate style and tone;
- include an Executive Summary of 3-4 pages that is stand alone and provides a sufficient summary of the assessment background, methodology, findings, conclusion and recommendations;
- at least include the following documents as annexes:
  - final statement of work;
  - data collection and assessment tools,
  - all sources of information,
  - list of documents reviewed
- be submitted to USAID/RDMA within the specified timeframe, after which USAID/RDMA will be submitting to the Development Experience Clearinghouse (http://dec.usaid.gov) no more than 90 days after approval of the report by USAID.
**ANNEX 2: LIST OF RESPONDENT ORGANIZATIONS**

**NOTE:** For the purpose of this Respondents List, there are five codes for Categories of Respondents:

“GOVT” for all government respondents;

“NGO” for all CSO, NGO and IO respondents;

“DONOR” for all representatives of aid agencies or governments that are donors;

“ACADEMIA” for researchers and academics; and

“BUSINESS” for representatives of the private sector.

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<td>SR-Law</td>
<td>NGO</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Issara Institute</td>
<td>NGO</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>International Labor Organization (ILO)</td>
<td>NGO</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>UN Office on Drugs and Crime (UNODC)</td>
<td>NGO</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>UN Office of the High Commissioner on Refugees (UNHCR)</td>
<td>NGO</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Human Rights Watch</td>
<td>NGO</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Greenpeace</td>
<td>NGO</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>USAID-OCEANS Project</td>
<td>NGO</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Prime Minister's Office</td>
<td>GOVT</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Office of the Attorney General (OAG)</td>
<td>GOVT</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Ministry of Labor</td>
<td>GOVT</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Department of Special Investigation (DSI)</td>
<td>GOVT</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Ministry of Social Development &amp; Human Security</td>
<td>GOVT</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Chulalongkorn University; Asia Migration Center for Research (AMCR)</td>
<td>ACADEMIA</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Mahidol University; Institute of Human Rights and Peace Studies</td>
<td>ACADEMIA</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Thailand Tuna</td>
<td>BUSINESS</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Thailand Food Processors Association</td>
<td>BUSINESS</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Microsoft</td>
<td>BUSINESS</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Australian Government (DFAT)</td>
<td>DONOR</td>
<td>Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>European Union Mission to Thailand</td>
<td>DONOR</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Japan International Cooperation Agency (JICA)</td>
<td>DONOR</td>
<td>Bangkok</td>
<td>0</td>
</tr>
<tr>
<td>Organization</td>
<td>Type</td>
<td>Location</td>
<td>Floor</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------</td>
<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>USAID-RDMA (Regional Development Mission for Asia)</td>
<td>DONOR</td>
<td>Bangkok</td>
<td>1 M 2 F</td>
</tr>
<tr>
<td>US Embassy in Thailand</td>
<td>DONOR</td>
<td>Bangkok</td>
<td>3 M 2 F</td>
</tr>
</tbody>
</table>
Interview Location…………………………
Date……Month …………………Year ………
This interview form documents that today at ……………(time) the following officers and other relevant members, including…………………………………………………………
………………………………………………………………...................................................
………………………………………………………………………………………………...
interviewed the following person to screen for victims of trafficking after receiving their consent.

1. Information of interviewee
Name: Miss ( ) Master ( ) Ms. ( ) Mrs. ( ) Mr. ( ) …………………………………
Name in his/her own language (if relevant, please ask them to write their name):
………………………………………………………..…………………………………………
Identifying Features: ……………………………….………………………………..
Date of Birth: ……………..Age: …… years Nationality: …………………….
Race: ………………………Place of Birth: ……………………………
Name of Father: ……………Name of Mother: ……………………………
Address: ………………………………………………………………………………….
I.D. Card No.: ……………Passport No.: ………………………………………
Do you have other personal documents? Yes ( ) No ( ) If yes, please specify:
…………………………………………………………………………………………………
How did the person enter into Thailand: ………………………………………
Mode of travel: Walking ( )
Car ( ) Bus ( ) or Other ( ), please specify ………………………
Types and details of documents used for entry into and out of Thailand: …………………
…………………………………………………………………………………………………
Name of person who facilitated the travel: ………………………………………

Note: interviewer has noticed age of interviewee:
( ) Consistent to reference documents and verbal information
( ) Inconsistent to reference documents and verbal information. Should refer to medical check up for verification.
2. Fact Finding from the Interview

2.1. Facts gathered regarding his/her journey should include: (What was the motivation for their journey? Who persuaded them? What did they expect to do? Was there a guarantee of income and how much? Were there any signed written agreements? (If yes, where is the agreement and what are the details of the agreement?) What was mode of travel? Did he/she have passport? Who accompanied him/her? Did he/she pay for this travel? What were those expenses for? Did he/she pay this cost before or after the travel? Paid to whom? Who paid? Were they cheated, sold, forced against their will, or kidnapped, etc?)

2.2. Facts gathered from interviewee about treatment during his/her stay, in the workplace, or at the place of their job interview: Who agreed to have the interview at the place and what kind of job was offered? Was the job offered the same as promised? Was the interviewee happy to work the assigned job? What are the room conditions where the interviewee stays? Can the interviewee contact others? Can the interviewee go in and out of the place when they want? Does the interviewee have their passport/ID card with him/her? (if not, who keeps his/her personal documents and for how long?) What are his/her working conditions? How much money does he/she earn? How many hours does he/she work in a day? Does that align with the original agreement? What are the working conditions? Did the employer force him/her to work? Did the interviewee receive their income? Was money deducted from his/her income to pay for debt? How much debt does the interviewee have? To whom does the interviewee have to pay debt? How did the interviewee pay the debt? Is the amount of money he/she must pay the same as agreed? Does the interviewee have a loan contract? Has the interviewee ever received mental or physical abuse? Is the interviewee entitled to have a day off for sick leave or to participate in religious activities? Can the interviewee resign or find another job? Etc.)
2.3 Other facts that the interviewee shared:

3. Facts from Section 2 to fit to the trafficking criteria as below:

3.1. Was the interviewee treated to any one of the following acts: (Mark all apply)

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) Procuring</td>
<td>Procuring (for someone through any means, for any purpose);</td>
</tr>
<tr>
<td>( ) Buying</td>
<td>Giving money in exchange for a person, (does not include a sale agreement)</td>
</tr>
<tr>
<td>( ) Selling</td>
<td>Trading someone for money, receiving another person's money in exchange for working for such persons; ”slavery”</td>
</tr>
<tr>
<td>( ) Distribution</td>
<td>Selling, paying, giving out, exchanging, transferring, giving away, anything that derives from pay</td>
</tr>
<tr>
<td>Deductions</td>
<td></td>
</tr>
<tr>
<td>( ) Being brought from</td>
<td>Taking someone from their place of origin. A person can be taken from anywhere, inside or outside the territory.</td>
</tr>
<tr>
<td>( ) Sending to</td>
<td>The act of moving someone from one place to another, to a receiver or target, by means of passing over, passing through, passing to, moving from, as opposite to taking from. This can include moving to any place, inside or outside the territory.</td>
</tr>
<tr>
<td>( ) Detaining</td>
<td>Keeping, holding, confining a person in any place</td>
</tr>
<tr>
<td>( ) Isolating</td>
<td>Forcing someone to stay in a limited area, keeping someone in a limited area</td>
</tr>
<tr>
<td>( ) Harboring</td>
<td>Preparing a place of stay/rest for someone</td>
</tr>
<tr>
<td>( ) Receiving a person</td>
<td>Receiving or taking someone to a lodge or keeping such person in a proper place</td>
</tr>
</tbody>
</table>

3.2. Was the interviewee treated to the acts in question No. 3.1 by any of the following methods: (Mark all apply)

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>( ) Threats</td>
<td>Such could cause one to feel frightened, to feel nervous, to be afraid of harm to oneself, their family or property by an imminent danger</td>
</tr>
<tr>
<td>( ) Use of force</td>
<td>Physically force someone to do something, or use power to order someone to do something by physical force or other means, to body or mind, causing the person to be in an irresistible circumstance</td>
</tr>
<tr>
<td>( ) Abduction</td>
<td>Taking someone away illegally without his/her consent</td>
</tr>
<tr>
<td>( ) Fraud</td>
<td>The use of deception to cheat people</td>
</tr>
<tr>
<td>( ) Deception</td>
<td>The act of deliberately making someone believe something that is not true</td>
</tr>
<tr>
<td>( ) Abuse of power</td>
<td>Exerting influence over someone to do something, regardless of such person's consent, or against his/her will, that causes damage to other persons, and that is against the law, rules, order, regulations, etc.</td>
</tr>
<tr>
<td>( ) Giving money or benefits to achieve the consent of a person having control over another person by allowing the offender to exploit the person under his control.</td>
<td></td>
</tr>
</tbody>
</table>

3.3. **Have the acts described in (3.1) and the methods in (3.2) have been accomplished with any of the following exploitative intentions? (Mark all apply):**

<p>| ( ) 1. Seeking or receiving benefits from prostitution | Prostitution means acceptance of money or other benefits for sexual intercourse, or of any other similar act, or any act leading to another persons' sexual satisfaction, regardless of sex of both parties |
| ( ) 2. Production or distribution of pornographic materials | Creating or distributing any pornographic materials, documents, printed matter, drawings, photos, films, VDO clips et al, including those stored on electronic devices. |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>( )</td>
<td>3. Other forms of sexual exploitation</td>
<td>Receiving benefits from other forms of sexual relief performed for either males or females. Using adults or children as sex objects by means of luring, or by agreement of the person, by providing benefits such as cash, property, objects and services, including providing assistance and protection etc. Treating others as if they were a sexual commodity, meaning luring or seducing others for sexual benefit, including marriage, or getting someone to express themselves sexually such as by touching another person’s sexual organ, or dressing/acting obscenely.</td>
</tr>
<tr>
<td>( )</td>
<td>4. Slavery</td>
<td>A slave is a person who has been placed under the absolute power of another person and has to work for them</td>
</tr>
<tr>
<td>( )</td>
<td>5. Causing another person to be a beggar</td>
<td>Begging involves asking others for money for survival</td>
</tr>
<tr>
<td>( )</td>
<td>6. Forced labor or service</td>
<td>Any other means of causing a person to be in a state of being unable to resist Hiring of service means, according to the Civil Code Section 575, a contract whereby a person, called the employee, agrees to render services to another person, called the employer, who agrees to pay remuneration for the duration of the services. - Debt bondage, or bond labor, is a person's pledge of labor or services as security for the repayment of a debt or other obligation. The services required to repay the debt may be undefined, and the services' duration may be undefined. The condition is not under the normal condition of obtaining a loan from a bank or formal lending system.</td>
</tr>
<tr>
<td>( )</td>
<td>7. Coerced removal of organs for the purpose of trade</td>
<td>- Coerced removal of bodily organs (for example, a kidney) for the purpose of trade</td>
</tr>
</tbody>
</table>
Note: **If the interviewee is a young person (under 18-years-old):** If any act of trafficking in persons is done to a child, either through any of the aforementioned means or with the consent of the child, the child is considered a trafficked person, or victim of trafficking in persons.

4. **Conclusion of victim identification**

   ( ) 4.1 The interviewee is considered a TIP victim.

Recommendations for the victim:

...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................

( ) 4.2 In case the interviewee is considered a TIP victim, a temporary protection process is recommended or the process of victim identification shall be conducted again.

   ( ) The interviewee agrees to receive temporary protection or provide additional information to officials

   ( ) The interviewee does not agree to receive temporary protection or provide additional information to officials. In such cases, the official uses the power under Section 29 of the Act of Prevention and Suppression of Trafficking, 2551 (2008)

Recommendations for services provided:

...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................

8. Any other similar practices resulting in forced extortion whether the person has agreed or not.

Exploitation that is similar to acts 1 – 7, which should include any act of forced extortion, which means exploitation by means of the use of force upon someone to obtain his or her consent
( ) 4.3 The interviewee is not a victim of trafficking, but he/she should get assistance and protection under the laws listed below: (Mark all that apply)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5. Act of Employment Protection and Job Seeker, B.E. 2528 (1985)</td>
</tr>
<tr>
<td></td>
<td>6. Other Acts (Please specify) ……………………………………………………………………………………………</td>
</tr>
</tbody>
</table>

Recommendations for service provided including refer to the abovementioned officials
................................................................................................................................................................
................................................................................................................................................................
................................................................................................................................................................
................................................................................................................................................................
................................................................................................................................................................

( ) 4.4 The interviewee is not a victim of trafficking, but he/she should be make a complaint about the employer’s actions which might relevant to other acts as listed below: (Mark all that apply)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Criminal Code Act</td>
</tr>
<tr>
<td></td>
<td>5. Control of Beggars Act, B.E. 2484. (1941)</td>
</tr>
</tbody>
</table>
8. Immigration Act B.E. 2522 (1979)


10. Other Acts (please specify)

Recommendations for service provided:

......................................................................................................................................
......................................................................................................................................
......................................................................................................................................

Recorded to be evidence

(Signature)........................................................... Interviewee

.................................................................................................................................

(Signature)........................................................... Interviewer/ Recorder

.................................................................................................................................

Position ...............................................................

(Signature)........................................................... Co-Interviewer

.................................................................................................................................

Position ...............................................................

(Signature)........................................................... Interpreter

.................................................................................................................................

Position ...............................................................

Note: 1. In case the interviewee cannot write, using the right thumb finger print is acceptable.

2. In the case of any different opinions or additional inputs, the co-interviewer can provide addition notes.
แบบยี่สิ่งปฏิบัติกำกับกิจการต่างประเทศของผู้ถือกรรมสิทธิ์

สถานที่ยื่นการยื่น..........................................................
วันที่.................................................................

แบบยื่นการยื่นที่ใช้เพื่อแสดงว่า วันนี้ เวลา............น. เข้าพนักงานและผู้เกี่ยวข้อง

ประกอบด้วย........................................................................

...........................................................................................

ได้รับการยื่นการยื่นบุคคลเพื่อให้การยื่นข้อมูลการเป็นผู้ส่งมอบรายการการดำเนินการ
โดยได้รับความยินยอมจากผู้ให้

1. ขออนุญาตให้ยื่นภาษี

ชื่อ-สกุล ( ) ต.ช. ( ) ประเทศ ( ) อาihan ( )

ชื่อ-สกุลของผู้ให้ภาษีภาษี (หากมี ให้ระบุภาษีภาษีของผู้ยื่น)

(ภาษี..........................) ชื่ออื่นๆ..................................................................................

รายละเอียดการชำระภาษีและที่อยู่

.................................................................

วัน/เดือน/ปี..................................................ที่..................................................

เรื่อง.................................................................

ชื่อ-สกุล.................................................................

ที่อยู่........................................................................

หมายเลขประจำตัวประชาชน........................................

สถานที่.................................................................

เลขที่.................................................................

...........................................................................................

ขออนุญาต.................................................................

( ) เสนอที่.................................................................

เลขที่.................................................................

ชื่อ-สกุลของผู้ให้ข้อมูลในการยื่นทาง........................................................................

ชื่อสังกัด : ผู้ให้ข้อมูลที่ยื่นรายการของผู้ให้ข้อมูล

( ) ตรงกับเอกสารหรือคำให้สัมภาษณ์ของผู้ให้ข้อมูล

( ) ไม่ตรงกับเอกสารหรือคำให้การต่อผู้ให้ข้อมูล ควรส่งตรวจร่างกายทางการแพทย์ เพื่อประกอบการวินิจฉัย
2. ข้อเท็จจริงที่ได้จากการสอบถาม

2.1 ข้อเท็จจริงเกี่ยวกับการเดินทาง/เหตุผล (เหตุผลการเดินทาง มีผู้ได้รับการ ไปที่สถานที่ สัญญาร้อง ได้รับได้ที่ไหน มีการเดินทางเป็นลายลักษณ์อักษรหรือไม่ (ถ้ามีสัญญาการเดินทาง มาลงชื่อในสัญญาการ ระยะเวลา) ที่ทางการต่างๆ มีเอกสารการเดินทางผ่านแดนหรือไม่ ใครทราบ เลิกการให้เพิ่มหรือไม่ เป็นต้นให้ชัดเจน จะสัญญาณหรือหลักฐานทาง จ่ายให้กับใคร ใครเป็นคนจ่าย ถูกกล่าวหา/ร้อง/ปิดกั้น/ถูกพยานหรือไม่ อย่างไร เบื้องต้น)

...

2.2 ข้อเท็จจริงที่ผู้ได้รับการสืบสวนได้ทราบการปฏิบัติในระหว่างอยู่กับผู้ส่งหน้าที่หรือผู้รับใช้ สถานที่ทำงาน หรือ สถานที่ที่ผู้ได้รับการสืบสวน (ผู้ได้รับการสืบสวน) ได้ทำอย่างไร ตรงกันหรือไม่ สมัครใจที่จะหรือไม่ ที่มาที่ และกิจกรรมทั่วไป ไปไหนมาไหนหรือติดต่อสื่งของผู้ให้ใช้เจ้าหรือไม่ มีการเสียเงินด้วยหรือเอกสารประวัติหรือไม่ และเอกสารที่เกี่ยวข้องหรือไม่ (ถ้ามีเอกสารที่เกี่ยวข้องใครเป็นคนเอาไว้ เอาให้มาที่ไหน) สถานการณ์ ได้รับ คำจากร่างที่ไม่ชัดเจนการที่ร่างที่มาที่ไหน เบื้องต้นละฐานะการเดินทาง เก็บไว้ตามสัญญาการเดินทาง สถานการณ์ที่ทำ ดังนั้น ถ้ามีการปฏิบัติการใดๆ การใช้ร่างทำให้ได้รับการสืบสวนหรือถูกกล่าวหาจะได้รับการสืบสวนหรือไม่ ใคร ผู้ที่มีส่วนร่วมอยู่กับผู้ให้ใช้หรือไม่ ทำอย่างไร (ทำให้เจ้าให้ได้รับเงินหรือไม่) จำนวนเงินที่เป็นผู้ให้ที่จะต้องชำระเงินเป็น ตามที่มีการกล่าว หรือมีการสืบสวนหรือไม่ ถูกกล่าวหาหรือถูกกล่าวหาว่าเป็นผู้ให้ที่สื่อสารกับผู้รับบางคน/สถานที่ที่ทำที่ได้รับการสืบสวน ไม่มีข้อพิจารณา วิธีการหรือวิธีในการสืบสวนและวินิจฉัยรวม ได้หรือไม่ สามารถขอผู้ให้ใช้เรื่องต่อไปจัดได้หรือไม่ (เบื้องต้น)
3. ช่องเพื่อรัฐมนตรี 2 เชิญลงระบายคัดลองไปนี้

3.1 กลุ่มปฏิบัติในลักษณะด้วยเครื่องช่วยดังต่อไปนี้ (เลือกได้มากกว่าหนึ่งช่อง)

| ( ) ชีพทาง | ใบเดิมพื้นที่ทาง จัดให้ได้ตามไม่ผ่านการศึกษาในวิชาต่างๆ |
| ( ) ชื่อ | เข้าใจและทำความเข้าใจ ไม่ได้กระทำตามรัฐบาลชื่อต่าง |
| ( ) ตัวอย่าง | เข้าใจและทำความเข้าใจ โดยละเอียดขั้นๆ ให้ทราบงานของข้าราชการเรียก ข้าราชการ พักผ่อนสงบทาง |
| ( ) ลักษณะ | ช้า ต่าง แอน แอนิต เรียน แอน เอก ชื่อ แม่ละบายช่อง |
| ( ) จำนวน | ปรับปรุงและโค้ชโดยมีพิเศษทาง และแสดงการต่อรองเรื่อยมาให้จบจับ จำนวนที่ ใด้ให้มี หรือให้รวดเร็วมากกว่ากันได้ |
| ( ) สิ่งที่ต้อง | ทำให้ข้อมูลหน้ากระจายไปยังฝั่งที่หนึ่งแยกให้ยังการรับหรือเป็นภาพรวม ตัวอย่างการ ต่างๆ เช่น ส่งเข้า สงวน ส่งต่อ และสิ่งของจากผู้ที่ให้ตรงข้ามกับผู้โดยที่ส่งไปยัง ที่ใดได้ในกรณีของข้าราชการกันได้ |
| ( ) ความหนัก | รับตัวไป ต้องสำวัง ทั้งนี้ไม่ใช้ในสถานที่ไม่สะดวกที่หมาย |
| ( ) ที่อยู่ | บังคับให้ผู้ที่อยู่ในสถานที่ที่อันตราย เก็บตัวไปในสถานที่ที่อันตราย |
| ( ) จัดให้ผู้ที่อยู่ | จัดให้ที่พักที่พักที่อยู่ |
| ( ) ร้องขอ | ร้องหรือแสดงไปสู่ที่พักเตรียมจับเข้าที่ หรืออาจเข้าที่ |

3.2 กลุ่มปฏิบัติ ตามช่อง 3.1 ด้วยวิธีการช่วยช่องหนึ่ง ดังต่อไปนี้

ผู้ให้หมายความต้องมีข้อเพื่อร้องเรียนช่วยช่องหนึ่งดังต่อไปนี้ (เลือกได้มากกว่าหนึ่งช่อง)

| ( ) ชื่อเรียก | ทำให้ถูกต้อง ทำให้รู้สึกว่า ทำให้เรียนต้องกล่าวจะเกิดความเสียหายที่เป็นภัยแก่ตนเอง |
| ( ) ข้อมูล | ทำให้ข้อมูลต้องกล่าวจะเกิดความเสียหายที่เป็นภัยแก่ตนเอง แก่ผู้ที่ทำผิด หรือแก่ทรัพย์สินของตน เป็นภัยในโอกาสแล้วจะใช้และอย่างเสียหายอย่างไรบ้าง ขนาดที่จะทำผิด เช่น ทำให้ผู้อื่นต้องมีการพักผ่อน หรือ ข้อมูลจะแจ้งความหรือ ส่งตัวร้องข้อหาผู้เบื้องต้นคุมหมายหรือข้อหาอื่นๆ |
| (ก)  | ใช้กำลังบังคับ  | ให้แรงบังคับให้ทำ หรือให้อ้าวมรตสั่งให้ทำ หรือให้ปฏิบัติ หรือให้จ้างทำ หรือให้  |  |  |  |  |  |  |
(3) การสร้างข่าวประชาสัมพันธ์การมีส่วนร่วมทางการเมืองโดยใช้สื่อมวลชน

<table>
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<th>การสร้างข่าวประชาสัมพันธ์การมีส่วนร่วมทางการเมืองโดยใช้สื่อมวลชน</th>
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<td>เป็นการสร้างข่าวประชาสัมพันธ์การมีส่วนร่วมทางการเมืองโดยใช้สื่อมวลชน</td>
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| การอินไซต์ที่ | เป็นการสำรวจประมวลผลจากการสำรวจการกระทบรักษาสุขภาพที่คล้ายคลึงกับผู้ป่วยที่ 9 และผู้มีภัยข้อตื่นเป็นการดูแล
| คล้ายคลึงกับผู้ป่วย | การดูแล ตามหลักการและแนวทางการให้บริการโดยมีวิธีการป้องกันการแย่รุนแรง วิธีการ | หมายถึง การทำาหรับผู้ป่วยที่มีการปิดแย่รุนแรง วิธีการ | หมู่บุกคล ไม่ว่า | หมายถึง การทำาหรับผู้ป่วยที่มีการปิดแย่รุนแรง วิธีการ | ไม่ว่า | หมายถึง การทำาหรับผู้ป่วยที่มีการปิดแย่รุนแรง วิธีการ |
| การรักษา | บุกคล | การรักษา | บุกคล | การรักษา | บุกคล | การรักษา |
| ข้อมูลหรือไม่ก็ตาม | ข้อมูลหรือไม่ก็ตาม | ข้อมูลหรือไม่ก็ตาม | ข้อมูลหรือไม่ก็ตาม | ข้อมูลหรือไม่ก็ตาม | ข้อมูลหรือไม่ก็ตาม |

หมายเหตุ: การไม่ให้ผู้ป่วยทนเป็นนิติ (อายุต่ำกว่า 18 ปี) ไม่ว่าจะเป็นข้อมูลหรือไม่ก็ตาม ให้เรียกเสียบมีเป็นผู้ต้องหาหรือที่เห็นของการคำมั่นยืน (เฉพาะกรณีสิ้นสุดไว้จะต้องให้การคำมั่นยืน คือ การกระทำที่เป็นผู้ใช้ การประกอบการให้เรียกหรือบริการ และการปฏิบัติต่อการไปที่ยุติ

4. สรุปผลการดัดแปลง

4.1 ผู้ให้ผิดแยกเกณฑ์เป็นผู้ต้องหาจากการคำมั่นยืน

ข้อเสนอแนะในการให้ความช่วยเหลือ

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<thead>
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<th>ข้อเสนอแนะในการให้ความช่วยเหลือ</th>
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4.2 อาจจะเป็นผู้เสียหายจากการคำมั่นยืน ควรให้ความคุ้มครองชั่วคราว หรือการตรวจเยี่ยมผู้ที่เป็น

( ) ผู้ให้ผิดแยกเกณฑ์การใช้คำมั่นยืนการคุ้มครองชั่วคราว หรือให้ความช่วยเหลือ

( ) ผู้ให้ผิดแยกเกณฑ์การใช้คำมั่นยืนการคุ้มครองชั่วคราว หรือให้ความช่วยเหลือ

ข้อเสนอแนะในการให้ความช่วยเหลือ

<table>
<thead>
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<th>ข้อเสนอแนะในการให้ความช่วยเหลือ</th>
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( ) 4.3 ผู้ให้สัมภาษณ์ไม่เป็นผู้เสียหายจากการคำมั่นยศ แต่ควรได้รับการช่วยเหลือและคุ้มครองตามกฎหมายอื่น ๆ ที่ต่อไปนี้ (เลือกได้มากกว่า 1 ข้อ)

|   | 1) พระราชบัญญัติคุ้มครองเด็ก พ.ศ. ๒๕๒๖ |
|   | 2) พระราชบัญญัติคุ้มครองแรงงาน พ.ศ. ๒๕๔๑ |
|   | 3) พระราชบัญญัติแรงงาน พ.ศ. ๒๕๓๘ |
|   | 4) พระราชบัญญัติข้อตกลงระหว่างสหประชาชาติและคำประกาศ และคำเรียกร้องแก่ประเทศนีลพิทักษ์ พ.ศ. ๒๕๔๒ |
|   | 5) พระราชบัญญัติพิจารณาและคุ้มครองคนทำงาน พ.ศ. ๒๕๔๔ |

ข้อเสนอแนะในการให้ความช่วยเหลือ รวมถึงการส่งต่อไปยังหน่วยงานผู้รักษาการตามกฎหมายข้างต้น

( ) 4.4 ผู้ให้สัมภาษณ์ไม่เป็นผู้เสียหายจากการคำมั่นยศ แต่เป็นผู้ถูกกระท้ำท่าทางเจ้าหน้าที่เป็นความผิดตามกฎหมายอื่น ดังต่อไปนี้ (เลือกได้มากกว่า 1 ข้อ)

|   | 1) ประมวลกฎหมายความอาญา |
|   | 2) พระราชบัญญัติป้องกันและปราบปรามการค้ามนุษย์ พ.ศ. ๒๕๔๓ |
|   | 3) พระราชบัญญัติการป้องกันและปราบปรามการค้าภาษีและเงินอื่น พ.ศ. ๒๕๔๐ |
|   | 4) พระราชบัญญัติการก่อการค้าลับ ทั้งหมด พ.ศ. ๒๕๕๑ |
|   | 5) พระราชบัญญัติควบคุมการค้าเงิน พ.ศ. ๒๕๔๓ |
|   | 6) พระราชบัญญัติแรงงานท้องถิ่น พ.ศ. ๒๕๔๔ |
|   | 7) พระราชบัญญัติความปลอดภัย อาชีวอนามัย และสภาพแวดล้อมในการทำงาน พ.ศ. ๒๕๔๔ |
| ( ) | 4) พระราชบัญญัติทุนสำเร็จรูป พ.ศ. 2532 |
| ( ) | 4) พระราชบัญญัติบัตรกําลังพลและบัตรประทานการพักเงิน พ.ศ. 2532 |
| ( ) | ๑๐) กฎหมายอื่น ๆ (ระบุ) |

ข้อเสนอแนะในการให้ความช่วยเหลือ

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จังหวัดที่ได้เป็นหลักฐาน

(ลงชื่อ) ผู้ให้สัมภาษณ์

(-------------------------------)

(ลงชื่อ) ผู้รับสัมภาษณ์/ผู้บันทึก

(-------------------------------)

(ลงชื่อ) ผู้รับสัมภาษณ์

(-------------------------------)

(ลงชื่อ) ผู้บันทึก

(-------------------------------)

(ลงชื่อ) ผู้รับสัมภาษณ์

(-------------------------------)

(ลงชื่อ) ผู้บันทึก

(-------------------------------)

หมายเหตุ ๑. กรณีผู้ให้สัมภาษณ์ไม่สามารถลงลายมือชื่อได้ให้ผู้บันทึกลงลายมือชื่อแทน

๒. กรณีที่มีความเห็นต่างหรือความเห็นที่แย่งต่างกัน ผู้รับสัมภาษณ์สามารถใส่ในคำอธิบายที่เพิ่มเติม หรือ สามารถลงบันทึกที่ได้
ANNEX 4: DESK REVIEW BIBLIOGRAPHY


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ANNEX 5: FIELD INTERVIEW PROTOCOLS

Interview Protocol – USAID CTIP Assessment

Hi, my name is [NAME] from Social Impact, an international development consulting firm based in the Washington, DC area. Social Impact has been contracted by the US Agency for International Development (USAID) to carry out a survey to better understand current efforts in Thailand to address trafficking in persons (TIP)—by the Royal Thai Government, NGOs, businesses, and international organizations—as well as current gaps in services. The survey will be a useful resource for USAID and stakeholders in planning programming in Thailand.

I invite you to participate in an interview lasting around 1 hour in which I will ask you some questions about your professional experience with CTIP efforts in Thailand and your perceptions of successes, opportunities, and needs to further address TIP. We are selecting professionals from the Royal Thai Government, NGOs, businesses, and international organizations in six sites—Bangkok and the provinces of Chonburi, Samut Sakhon, Ranong, Ubon Ratchathani, and Chiang Mai—and identified [you/your office/your organization] based on your knowledge and experience working to address TIP in this area. There are no direct benefits or anticipated risks to you for participating in this interview, though the information you share will have the indirect benefit of contributing to programming efforts to prevent TIP and better assist survivors. Should you choose to participate, your responses will be kept strictly confidential. Your responses will be summarized and grouped together with responses from others and not linked with your name or your specific title/position in our report. (For example, we may say, “a government official said…”). Participation in this interview is completely voluntary. Should you agree to the interview, you may refuse to answer any question that you do not wish to answer, and are free to withdraw your participation at any time.

Do you have any questions? Do you agree to participate?

If after this interview you have any questions about the survey, please feel free to contact [NAME] at [NUMBER].

Guiding Interview Questions

- What is your agency’s role in efforts to address trafficking in persons in Thailand?
- From your experience, what would you say are the main factors driving/causing trafficking in Thailand?
- Where is Trafficking in Persons most prevalent in Thailand – which sectors or industries?
  - What are some of the routes for Trafficking in these industries?
  - Who are the likely victims in each of these industries? What are the profiles and/or vulnerability factors for becoming a victim of trafficking?
- Who perpetrates trafficking? What are the characteristics of traffickers? What are the various roles involved in trafficking?
- Do you observe any trends or changes in the situation of TIP in recent years?
- How do you view trafficking vulnerability of the following groups: women, men, girls, boys? LGBT? Please articulate.
- What efforts are being made by NGOs and international organizations to prevent trafficking in persons and identify victims of trafficking?
  - To what extent have gender considerations been integrated into programs/efforts, and how?
To what extent have NGOs addressed prevention of and response to GBV in Thailand (women, LGBT)?

- Do NGO activities effectively coordinate with the government?
- How do you view NGO and INGO anti-TIP efforts with regards to your own activities? Are they complementary? Or in conflict with each other? Please give examples.
- Now I want to ask you about the Thai government’s efforts to address trafficking in persons in various areas. Please tell us about practices in the following areas as they related to men, women, children, LGBT:
  - Identification of and initial care for victims of trafficking
  - Law enforcement investigations of trafficking crimes
  - Return and reintegration of trafficking victims
  - Prevention of future trafficking in persons
  - Policy coordination

- In recent years, the private sector appears more involved in responses to trafficking in persons in Thailand. What are these efforts? Are they significant in contributing to the effectiveness of anti-trafficking efforts in general?
- Please identify the key obstacles to an improved anti-trafficking response in Thailand. What would be required to effectively mitigate these obstacles?
- What is the Thai public’s view on Trafficking in Persons? What is the Thai public’s attitude towards migrant workers from neighboring countries?
- How have regional programs and organizations contributed to anti-trafficking progress in Thailand – such as ASEAN, COMMIT and the Bali Process? How has Thailand played a role in these efforts?
- Do you have any recommendations on any opportunities for female leadership and empowerment, either on the side of the migrants/trafficked persons, among development actors engaged in CTIP, or within the government agencies charged with CTIP responsibilities?
- Please add anything that you think is relevant and has not been discussed.
NGO Individual and Group Interviews

File naming convention: Site_organization_month_day
Sites: BKK, CHB, SSN, CHM, UBN, RAN

Informed Consent

Respondent Type:
Name:
Organization:
Title:
Sex:
Date:
Start time:
End time:

A. In brief, please summarize your organization’s role in efforts to address TIP in Thailand?

B. From your experience, what would you say are the main factors driving/causing TIP in Thailand?

C. Who perpetrates trafficking? What are the characteristics of traffickers?

D. Do you observe any trends or changes in the situation of TIP in recent years?

E. Now I want to ask about what makes people vulnerable for trafficking.
   a. What makes men vulnerable to trafficking?
   b. What makes women vulnerable to trafficking?
   c. What makes children vulnerable to trafficking?
   d. What makes LGBT community vulnerable to trafficking?

F. Does the government have a complaints mechanism for migrant workers to report rape/sexual assault/GBV? Does DOL handle sexual assault complaints or police?
   a. Are migrant claims of sexual assault or GBV by an employer investigated and prosecuted?

G. Does government consider acts of GBV/sexual assault as a possible indicator for trafficking or risk factor on the Victim Identification Form?

H. Now I want to ask you about the Thai government’s efforts to address trafficking in persons in various areas. How well does the Thai government respond to the specific vulnerabilities of women (probe: in terms of identification, care, return/reintegration, law enforcement, and prevention)?
a. Men?
b. LGBT?

I. Please tell me where the Thai government is being effective and not effective in each of the following areas. Please rank on a scale of 1 to 5, with 5 representing “very effective” and 1 representing “very ineffective.”

   - Victim care, return and reintegration of trafficking victims?
   - Victim identification and law enforcement of trafficking crimes?
   - Prevention of future trafficking in persons?
   - Policy coordination?

J. Are there any Thai government policies or practices that you see as (inadvertently) contributing to the trafficking in persons problem? If so, please describe.

K. How effective are the CTIP activities currently being implemented by NGOs and international organizations?

   A. To what extent have gender considerations been integrated into programs/efforts, and how? (probe: in what ways do programs address the distinct vulnerabilities of men/women/LGBT)? Are there any ways that NGOs can better address gender?

   B. How well do NGO activities coordinate with government efforts? How about specifically related to your own activities? Are these complementary/conflicting? Please explain.

L. In recent years, the private sector appears more involved in responses to trafficking in persons in Thailand. What is your view of these efforts? Are they significant in contributing to the effectiveness of anti-trafficking efforts in general?

M. Please identify the key obstacles to an effective CTIP response in Thailand. What could be done to mitigate these obstacles?

N. How have regional programs and organizations contributed to CTIP progress in Thailand – such as ASEAN, COMMIT and the Bali Process? How has Thailand played a role in these efforts?

O. Do you have any recommendations for how to advance female leadership among CTIP actors? Survivors of TIP? Migrant workers?

P. Please add anything that you think is relevant and has not been discussed.
Business Interviews

File naming convention: Site_organization_month_day
Sites: BKK, CHB, SSN, CHM, UBN, RAN

Informed Consent

Name:
Organization:
Title:
Sex:
Date:
Start time:
End time:

Q. Does this business/association play a role in addressing trafficking in persons in Thailand? If so, how?

R. Are there ways/other ways in which this business/association can play a role in addressing TIP? If so, how?

A. From your experience, what would you say are the main factors driving/causing trafficking in your industry in Thailand?

B. In your industry, where is Trafficking in Persons most prevalent? (probe: which steps in the supply chain?)
   a. What are some of the routes for Trafficking in this industry?
   b. Who are the likely victims in this industry? What are the profiles and/or vulnerability factors for becoming a victim of trafficking in this industry?
   c. How do you view trafficking vulnerability of the following groups: women, men, girls, boys? LGBT? Please articulate.

C. Who perpetrates trafficking in your industry? What are the characteristics of traffickers? What are the various roles involved in trafficking?

D. Do you observe any trends or changes in the situation of TIP in your industry in recent years?

E. Now I want to ask you about the Thai government’s efforts to address trafficking in persons in various areas. For each of these, please consider your industry in particular and tell me where the Thai government is being effective and not effective. Please rank on a scale of 1 to 5, with 5 representing “very effective” and 1 representing “very ineffective.”
   - Victim care, return, and reintegration?
   - Identification and Law enforcement investigations of trafficking crimes?
   - Prevention of future trafficking in persons?
   - Policy coordination?

F. To what extent if any, have Thai government policies on CTIP differed for men and women victims/survivors?

G. Are there any Thai government policies or practices that you see as (inadvertently) contributing to the trafficking in persons problem? If so, please describe.
H. What efforts (if you are aware of any) are being made by NGOs and international organizations to prevent trafficking in persons and identify victims of trafficking in your industry?

C. Are these effective and coordinate with the government?

I. Please identify the key obstacles to an improved anti-trafficking response in Thailand in your industry. What would be required to effectively mitigate these obstacles?

J. What is the Thai public’s view on Trafficking in Persons? What is the Thai public’s attitude towards migrant workers from neighboring countries? How do these (two sets of) public views shape the government’s response to trafficking in persons?

K. How have regional programs and organizations contributed to anti-trafficking progress in Thailand – such as ASEAN, COMMIT and the Bali Process? How has Thailand played a role in these efforts?
ANNEX 6: DISCLOSURE OF CONFLICT OF INTEREST FORMS

Disclosure of Real or Potential Conflict of Interest for USAID Evaluations

Instructions:

Evaluations of USAID projects will be undertaken so that they are not subject to the perception or reality of biased measurement or reporting due to conflict of interest. For external evaluations, all evaluation team members will provide a signed statement attesting to a lack of conflict of interest or describing an existing conflict of interest relative to the project being evaluated.

Evaluators of USAID projects have a responsibility to maintain independence so that opinions, conclusions, judgments, and recommendations will be impartial and will be viewed as impartial by third parties. Evaluators and evaluation team members are to disclose all relevant facts regarding real or potential conflicts of interest that could lead reasonable third parties with knowledge of the relevant facts and circumstances to conclude that the evaluator or evaluation team member is not able to maintain independence and, thus, is not capable of exercising objective and impartial judgment on all issues associated with conducting and reporting the work. Operating Unit leadership, in close consultation with the Contracting Officer, will determine whether the real or potential conflict of interests is one that should disqualify an individual from the evaluation team or require recusal by that individual from evaluating certain aspects of the project(s).

In addition, if evaluation team members gain access to proprietary information of other companies in the process of conducting the evaluation, then they must agree with the other companies to protect their information from unauthorised use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Real or potential conflicts of interest may include, but are not limited to:

1. Immediate family or close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated.
2. Financial interest that is direct, or is significant/material though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation.
3. Current or previous direct or significant/material though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project.
4. Current or previous work experience or seeking employment with the USAID operating unit managing the evaluation or the implementing organization(s) whose project(s) are being evaluated.
5. Current or previous work experience with an organization that may be seen as an industry competitor with the implementing organization(s) whose project(s) are being evaluated.
6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.

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1 USAID Evaluation Policy (p. 8); USAID Contract Information Bulletin 99-17; and Federal Acquisition Regulations (FAR) Part 9.5, Organizational Conflicts of Interest, and Subpart 3.10, Contractor Code of Business Ethics and Conduct.

2 USAID Evaluation Policy (p. 11)

3 FAR 9.505-4(b)
Disclosure of Conflict of Interest for USAID Evaluation Team Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Mark Blair Taylor</th>
</tr>
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<tbody>
<tr>
<td>Title</td>
<td>Social Impact, Inc.</td>
</tr>
<tr>
<td>Organization</td>
<td></td>
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<tr>
<td>Evaluation Position?</td>
<td>XX Team Leader</td>
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<tr>
<td>Evaluation RFTOP Number (contract or other instrument)</td>
<td>SOL-486-16-000020</td>
</tr>
<tr>
<td>USAID Project(s) Evaluated (include project name(s), implementer name(s) and award number(s), if applicable)</td>
<td>USAID/RDMA Assessment of Countering-Trafficking-in-Persons Situations in Thailand and Japan Ex-Post Evaluation</td>
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I have real or potential conflicts of interest to disclose. [ ] Yes  [ ] No

If yes answered above, I disclose the following facts:

1. Close family member who is an employee of the USAID operating unit managing the project(s) being evaluated or the implementing organization(s) whose project(s) are being evaluated.
2. Financial interest that is direct, or is significant though indirect, in the implementing organization(s) whose projects are being evaluated or in the outcome of the evaluation.
3. Current or previous direct or significant though indirect experience with the project(s) being evaluated, including involvement in the project design or previous iterations of the project.
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6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.

I certify that I have completed this disclosure form fully and to the best of my ability that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

Signature

Date August 11, 2016
## Disclosure of Conflict of Interest for USAID Evaluation Team Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Jordan Robinson</th>
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<tbody>
<tr>
<td>Title</td>
<td>Evaluation Specialist</td>
</tr>
<tr>
<td>Organization</td>
<td>Social Impact</td>
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<tr>
<td>Evaluation Position?</td>
<td>[ ] Team Leader</td>
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<tr>
<td>Evaluation Award Number (contract or other instrument)</td>
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<tr>
<td>I have real or potential conflicts of interest to disclose.</td>
<td>[ ] Yes</td>
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If yes answered above, I disclose the following facts:
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6. Preconceived ideas toward individuals, groups, organizations, or objectives of the particular projects and organizations being evaluated that could bias the evaluation.

I certify (1) that I have completed this disclosure form fully and to the best of my ability and (2) that I will update this disclosure form promptly if relevant circumstances change. If I gain access to proprietary information of other companies, then I agree to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished.

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<tr>
<th>Signature</th>
<th>Jordan Robinson</th>
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<tbody>
<tr>
<td>Date</td>
<td>9/29/2016</td>
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Disclosure of Conflict of Interest for USAID Evaluation Team Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Chitrapon Venespong</th>
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<tbody>
<tr>
<td>Title</td>
<td>Social Impact, Inc.</td>
</tr>
<tr>
<td>Evaluation Position?</td>
<td>Team Leader ✗ Team member</td>
</tr>
<tr>
<td>Evaluation RFT/GP Number(contract or other instrument)</td>
<td>SOL-488-16-000020</td>
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<tr>
<td>USAID Project(s) Evaluated</td>
<td>Include project name(s), implementer name(s) and award number(s), if applicable</td>
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</table>

I have real or potential conflicts of interest to disclose. 

Yes ☐ No ☑

If yes answered above, I disclose the following facts:
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Signature: [Signature]

Date: 12 August 2016