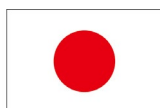




# GUIDELINES ON THE NATIONAL REFERRAL MECHANISM

to Protect and Assist Survivors of  
Trafficking in Thailand

Sub-Committee on the National Referral Mechanism



From  
the People of Japan



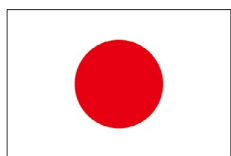
**IOM**  
UN MIGRATION

IOM  
DEVELOPMENT  
FUND

The designations employed and the presentation of material throughout the publication do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

This Guideline was drafted by the Steering Committee of the National Referral Mechanism (NRM) of Thailand. The translation and publication of this Guideline were funded/co-funded by the Japan Government and the IOM Development Fund. Its contents are the sole responsibility of and do not necessarily reflect the views of the Japan Government.



**From  
the People of Japan**



---

**Publisher:** International Organization for Migration  
18/F Rajanakarn Building, 3 South Sathorn Road,  
Yannawa Sathorn, Bangkok, Thailand  
Tel.: +66 2 343 9300  
Fax: +66 2 343 9399  
Email: [iomthailand@iom.int](mailto:iomthailand@iom.int)  
Website: [thailand.iom.int](http://thailand.iom.int)

---

This publication was issued without formal editing by IOM.

---

**Required citation:** International Organization for Migration (IOM), 2023. Guidelines on the National Referral Mechanism

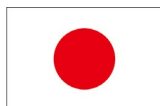
---

This publication should not be used, published or redistributed for purposes primarily intended for or directed towards commercial advantage or monetary compensation, with the exception of educational purposes, e.g. to be included in textbooks.

# GUIDELINES ON THE NATIONAL REFERRAL MECHANISM

to Protect and Assist Survivors of Trafficking  
in Thailand

Sub-Committee  
on the National Referral Mechanism



From  
the People of Japan



# TABLE OF CONTENTS

Topics	Page
Introduction	2
Overall	2
International Principles on Victim Protection	3
Definitions of Human Trafficking, Forced Labour or Services and Smuggling of Migrant	4
National Referral Mechanism (NRM)	5
Goals and Objectives of NRM	6
Scope of NRM implementations	6
National Referral Mechanism Diagram	7
Stage 1 Frontline	8
Stage 2 Screening Process	13
Stage 3 Victim Identification	20
Stage 4 Protection Process	25
Appendix	28



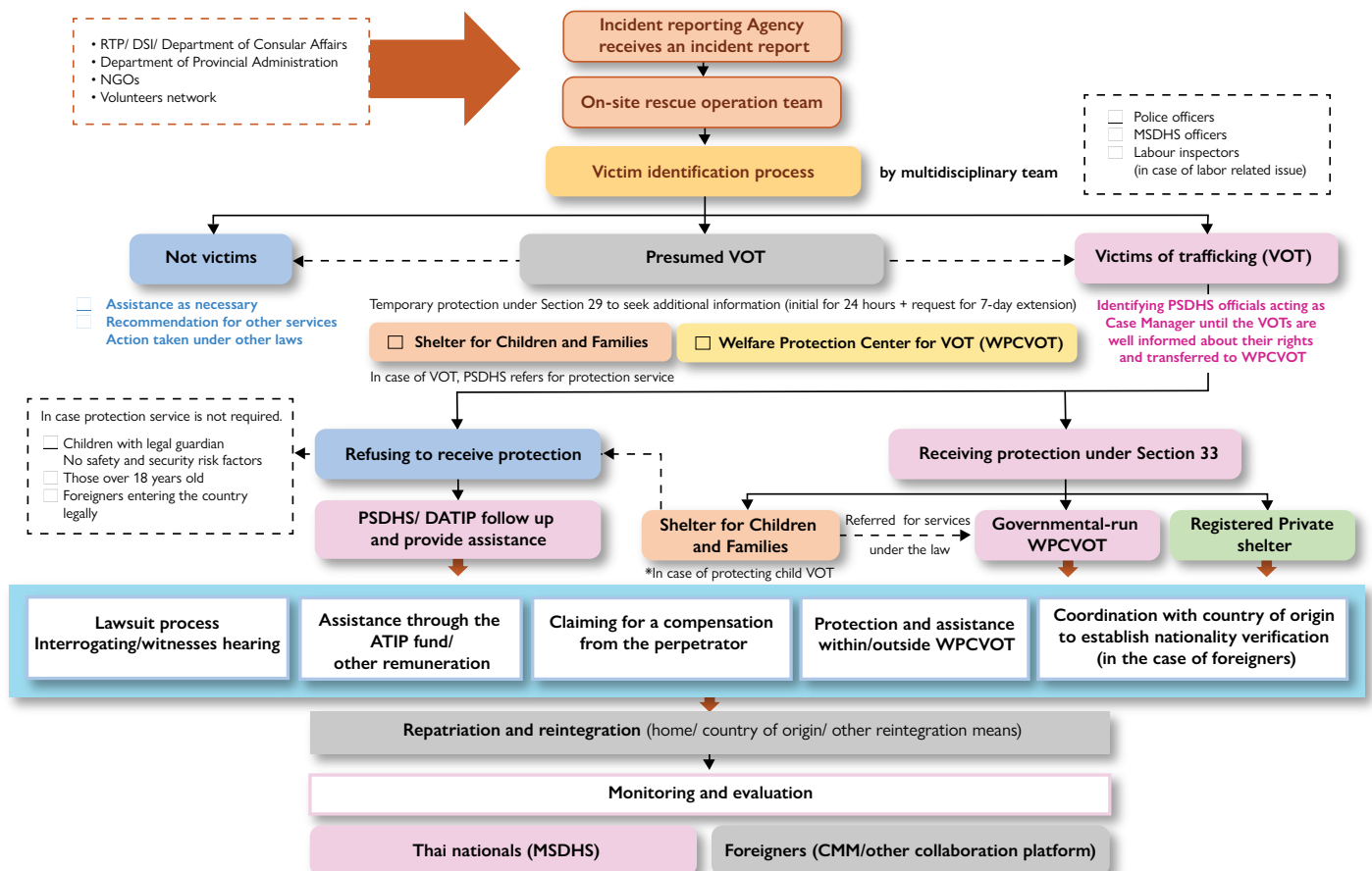
# INTRODUCTION

## THAILAND'S OVERALL PERFORMANCE IN ASSISTING AND PROTECTING TRAFFICKING VICTIMS

Over the years, Thailand has attached great emphasis on preventing and combating human trafficking. The commitment has resulted in the initiation of operating policies and measures structured around the universal principles of 5P, which focuses on **Policy, Prosecution,**

**Protection, Prevention and Partnership.** The country's efforts regarding anti-trafficking have continued to be linked to and in line with the 5P framework in all areas and dimensions.

### Procedure in Providing Welfare Protection to Victims of Trafficking in Persons (VOT)



Thailand's previous operations assisting and protecting trafficked victims began with rescuing the victims through the executions of the operation team. Immediately after the rescue, the victim would undergo the victim identification process. In collaboration with multidisciplinary teams, a preliminary interview would be conducted at this stage. Upon the screening, the victims would be classified into one of the following categories

- 1) Non-victims of trafficking: would be directly transferred to the responsible agencies;
- 2) Presumed victims: would receive temporary protection for further inquiries until their status would be formally determined and
- 3) Victims: would enter legal procedures for protection.

However, the performance of the past operations suggested that the lack of a coherent and consistent direction for the identification process remained a primary challenge due to the limited timeframe and officials responsible for identification. Often the officials in charge of the screening process were found to be inexperienced. Consequently, the international referral guideline has been designed for related agencies to develop understanding and awareness towards the duties and responsibilities as well as to provide clarity in the operation and cooperation, ensuring that the identification process of victims from human trafficking or forced labour is effective.

### This guideline shall be used for the following:

- Identifying the identity of the presumed victim from human trafficking or forced labour or services
  - Referring the said person to NRM
  - Ensuring that the victims have actual access to the services they are entitled to [International Principles on Victim Protection](#)
1. Respect the human dignity ([Rights-Based Approach](#)) of all victims.
  2. No victims will be discriminated against ([Non-Discrimination](#)) by the officers at all costs.
  3. The operations must comply with the Victim-Centered approach for the best interests of the victim ([Best Interest Determination](#)).
  4. The protection will take into account the psychological trauma of the victim caused by the incident ([Trauma-Informed Care](#)). Refrain from any actions that would trigger re-traumatisation.
  5. Be mindful of [gender sensitivity](#) to avoid impacting the victim's gender identity.
  6. Consider [cultural diversity](#), as each victim belongs to different cultures, traditions and customs.
  7. Maintain a [Victim-Friendly approach](#) throughout the process, from the identification to social reintegration.
  8. Refrain from causing harm ([Do No Harm](#)) and punish the victims ([Non-punishment](#)), intentionally or not.
  9. Remain committed to [victim empowerment](#) to ensure sustainable social reintegration.
  10. Protect the victims' [confidentiality](#), reassuring them that their private information will only be transferred to the relevant officer and not be published elsewhere.

# DEFINITIONS OF HUMANTRAFFICKING, FORCED LABOUR AND SMUGGLING OF MIGRANT

---

Human Trafficking is a type of modern slavery where victims are kept under control through means of force, coercion, fraud, deception or other methods to exploit and abuse the victims for their bodies or labour; trafficking manifests itself in various forms, such as sex trafficking (prostitution, pornography), forced labour, forced irregular actions or forced begging. These victims are trapped in undeniable or inescapable situations.

Forced labour is defined by International Labour Organisation No.29 on Convention concerning Forced or Compulsory Labour, 1930, as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

The smuggling of migrants is not the same as human trafficking. Migrant smuggling occurs when the migrant seeks help from the migrant broker to facilitate a person's irregular entry into a state. The relationship between both parties ends as soon as the migrants are successfully escorted across the border. With its primary intention of irregularly smuggling people across borders, the smuggling of the migrant is considered a violation of the state's sovereignty. Human trafficking, however, aims to seek benefits from victims. Consequently, it is a violation of the liberty and human dignity of the victim.

*For details, see Attachment 1: Introduction to Human Trafficking and Forced Labour in the Appendix.*



# NATIONAL REFERRAL MECHANISM (NRM)

**National Referral Mechanism: NRM** has been designed to facilitate operations of the relevant agencies in cooperating, sharing information, referral assistance and protection for victims of human trafficking and forced labour or service to access primary support services.

NRM in Thailand is developed from existing legislations and operative framework guidelines on the reflection period in compliance with the operation that meets international standards with approval from the Anti-Human Trafficking Commission (ATPD) on March 23, 2022.



## GOALS AND OBJECTIVES OF NRM



Promote and protect the rights of persons with reasonable grounds to believe they are victims.



Review or reinforce the provision of national services for presumed trafficking victims and the victims of human trafficking or forced labour or services.



Collaborate with various agencies in providing physical and mental assistance and services for recovery, including social reintegration to presumed trafficking victims.



Protect privacy and data confidentiality and ensure the safety of presumed trafficking victims and the victims before, during and after the immediate assistance as prescribed by the NRM.



Serve as a monitoring framework to ensure that the victims are treated as the victims of crimes.



Data obtained from NRM shall be used for preventive operation by relevant agencies.



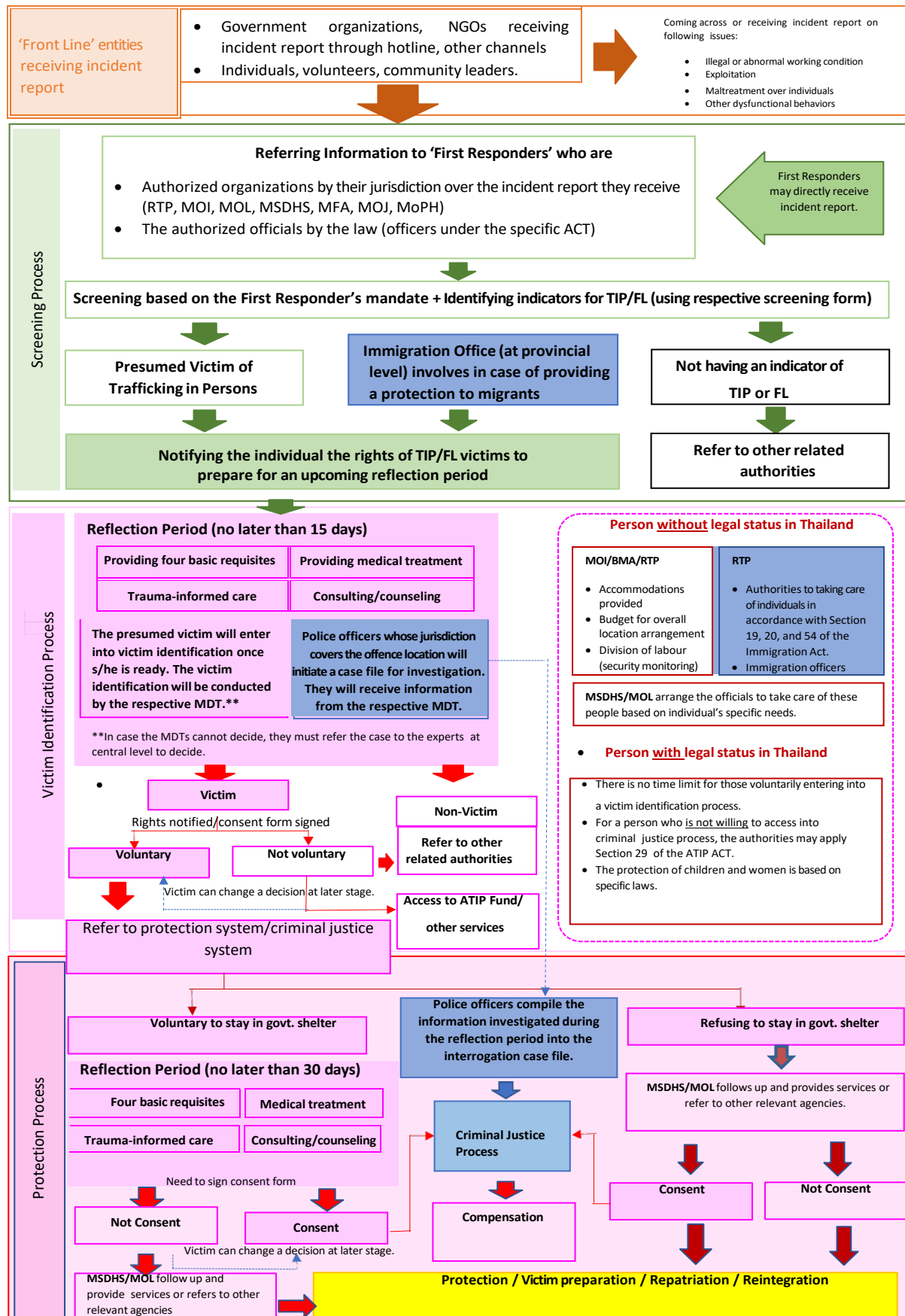
Act as a guideline in verifying that the law is effective in prosecutions of all forms of human trafficking.

## SCOPE OF NRM IMPLEMENTATIONS

NRM's primary target includes persons reasonably believed to be the victims, especially irregular migrants.

# NATIONAL REFERRAL MECHANISM DIAGRAM

National Referral Mechanism to Protect and Assist Survivors of Trafficking in Persons



# STAGE 1

## FRONTLINE RESPONSE

Prior to entering the NRM, this stage takes place when the frontline department or frontline persons are informed/notified/witnessed an incident that is relevant or may lead to human trafficking/forced labour or services through various channels may, such as hotlines, applications, or coordination between departments, etc.

Such notifications of circumstances/incidents are expected to be forwarded to call for further assistance for individuals/groups in situations needed.

Frontline Officer is an agency where informants can coordinate assistance. It could be an agency already equipped with services and channels to receive reports of incidents or an agency that the informant can access to report an incident or request assistance.



IOM facilitates training for government officials on the operationalization of the NRM in Chiang Rai, Thailand. © IOM 2023/Suthep Kritsanavarin

# 1. FRONTLINE AGENCIES

**Frontline:** agencies and organisations in both public and private sectors are in charge of receiving grievances/requests for help. The complaints are received from informants who have witnessed an act of indication or circumstance related to human trafficking, forced labour or services and/or maybe the person experiencing the incident themselves, leading to further assistance. Frontline agencies consist of the following departments:



## 1. Royal Thai Police (RTP)

Including the Metropolitan Police Headquarters, the Provincial Police Regions 1 – 9, the Central Investigation Bureau, Immigration Office, Cyber Crime Investigation Bureau or other agencies under the Royal Thai Police with available reporting channels for informants to access.

## 2. Ministry of Social Development and Human Security (MSDHS)

Including Provincial Social Development and Human Security, Social Assistance Center, Shelter for Children and Families, Division of Anti-Trafficking in Persons or other agencies under the Ministry of Social Development and Human Security with available reporting channels for informants to access.

## 3. Ministry of Labour (MoL)

Including Office of the Permanent Secretary for Labour (Counter Service Centre, Command Center of Prevention on Labour (Ccpl.Mol), all Provincial Labour Bureau, Department of Labour Protection and Welfare(Division of Labour Protection and Welfare Bangkok 1-10, all Provincial Labour Protection and Welfare), Department of Employment (Central Division of Registration and Job Seeker Protection, Bangkok Employment Office 1-10, all Provincial Employment Office) or other agencies, both central and regional, under the Ministry of Labour with available reporting channels for informants to access.

## 4. Ministry of Interior (MoI)

Including the Damrongdhamma Centre / Provincial Damrongdhamma Centre, Investigation and Legal Affairs Bureau, Department of Provincial Administration or other agencies under the Ministry of Interior with available reporting channels for informants to access.



5. Ministry of Justice (MoJ)

Including Provincial Ministry of Justice, Department of Special Investigation or other agencies under the Ministry of Justice with available reporting channels for informants to access.

6. Ministry of Foreign Affairs (MFA)

Including embassies/consulates or other agencies under the Ministry of Foreign Affairs with available reporting channels for informants to access.

7. Ministry of Public Health (MoPH)

Including Centre for Children and Women in Violence Crisis (One Stop Crisis Center), emergency rooms, district/ provincial hospitals, community health promoting hospitals or other agencies under the Ministry of Public Health with available reporting channels for informants to access.

8. Internal Security Operations Command (ISOC)

Including Provincial ISOC or other agencies under Internal Security Operations Command, with available reporting channels for informants to access.

9. Thai Marine Enforcement Command Centre (THAIMECC)

Including provincial THAIMECC or other agencies under THAIMECC with available reporting channels for informants to access.

10. Private Organisations/Foundations

Involved in the prevention and suppression of human trafficking and forced labour or services.

*(For details, see Attachment 6: Frontline Channels in the Appendix.)*

## 2. DUTIES AND POWERS OF THE FRONTLINE

---

Frontline agencies are responsible for receiving information from informants and transferring such information to the First Responders in charge of some instances for further consideration, screening and assistance.

## 3. FRONTLINE OPERATIONS

---

3.1 Provide a user-friendly channel for informants to submit complaints.

3.2 Assign agency personnel with frontline duties in receiving complaints/information from informants.

3.3 Provide training for those responsible for frontline operations to effectively inquire about details/incidents/circumstances that have been witnessed by recording/storing relevant information to be considered and forwarded to the first responder agency (However, the receiving unit may set its notification form.) However, as much as possible, inquiries or information should be gathered according to Clause 4. (In this regard, the frontline agency may specify its report form.) However, as much as possible, questions or information should be gathered according to item 4.

3.4 Transfer the obtained information to the first responders, who are responsible for assisting accordingly.

3.5 Collect statistics of reports and report them to the Provincial Anti-Trafficking Department monthly.

## 4. CHARACTERISTICS OF WITNESSED CIRCUMSTANCES AND ESSENTIAL INFORMATION

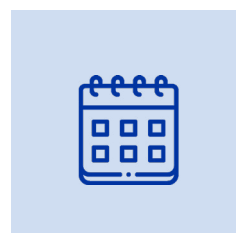
---

Circumstances are facts or accounts related to the incident perceived to be human trafficking/forced labour, such as:

- Unusual or irregular labour practices such as working unusual hours, performing work that is irregular or prohibited by law, etc.
- Indicators of labour exploitation include the deduction of service costs, commission fees, employee wages, etc.
- Treatment towards persons such as absolute control, punishment, and verbal or physical abuse due to dissatisfaction is inappropriate behaviour towards other people.
- Any other related alarming signs, such as constantly asking for help.
- Information regarding the period/scene of incident/circumstances which may have been obtained by observations, exposure or direct experiences of oneself/acquaintances/relatives/people in general.

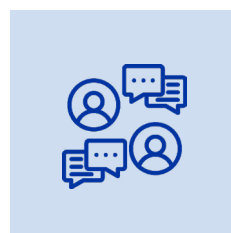
Essential information is the information frontline officers/agencies should obtain when the incident is reported, whether from direct or non-direct victims.

Examples of essential information including:



#### Date of incident

i.e. the date when the incident was witnessed;



#### Circumstances

i.e. information or details related to the incident such as characteristics of the scene, offenders, details of the incident, the period of the incident, etc.;



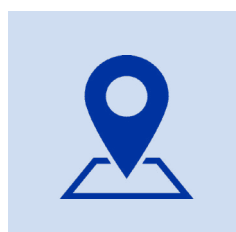
#### Time

i.e. the period of the incident or when it was witnessed;



#### Name/contact number of the informant

i.e. informant's full name and contact number for future coordination in case additional information is required;



#### Scene of incident/location/photographs

i.e. any place where the offence was committed. If possible, the exact location of the incident should be specified for the officers to take charge of the incident promptly;



#### Name of the victim (in case it is known or the victim is the one reporting)

i.e., the victim's full name. If not known, the victim's characteristics shall be informed.

## 5. OPERATIONAL GUIDELINES ON REPORT REFERRALS

- Once the frontline agencies are informed of the incident/circumstances from the informants, they must transfer the information to the first responders<sup>1</sup> for immediate further assistance.
- If the first responders are the frontline in receiving reports on the incident, they may consider assisting with their responsibilities. If the informant is the victim, the frontline agency, the first responder, may consider proceeding with the screening process.

### CODE OF CONDUCT

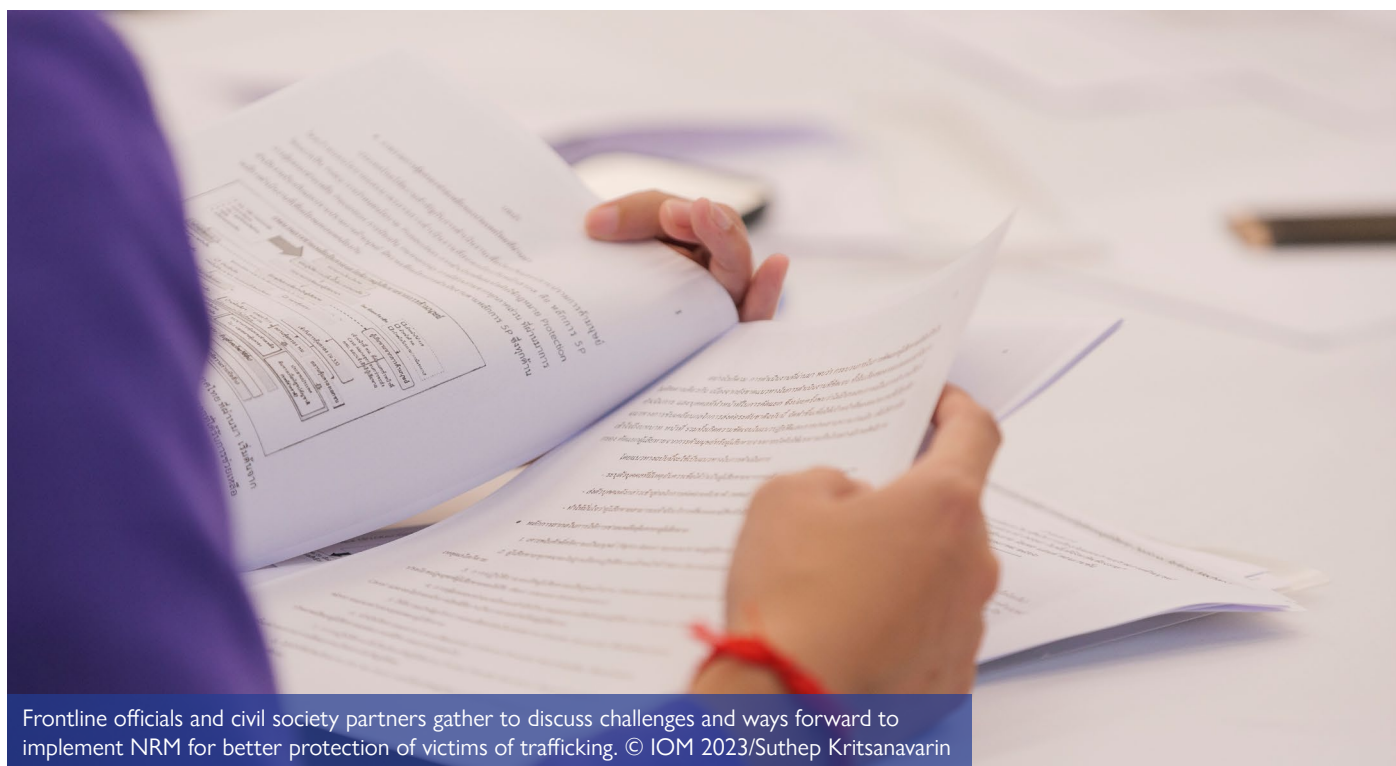
- If the informant is the victim, avoid interrogation methods that may trigger re-traumatisation.
- If the case concerns children, seek direct coordination with the officers responsible for child protection.
- In case of emergency, such as the need for urgent medical treatment or incidents of threat, if the frontline agencies are not the first responders, the first responders must be immediately informed of such matters.
- Maintain confidentiality of coordination and information transfer. Dissemination of information to unrelated parties is strictly prohibited.
- In case of illness, first aid or referral for treatment from a medical facility according to human rights principles should be provided.
- In case foreigners are involved, interpreters should be provided to enable successful communication and exchange of information.



## STAGE 2 SCREENING PROCESS

During the screening process, first responders interview to screen information from the person referred by frontline officers. The process involves collecting information/primary facts from the incident/the encounter, taking into account indicators of human trafficking, forced labour or services to determine whether the person is a presumed victim. The process ensures that the presumed victim is effectively referred and transferred to the victim identification process.

The screening process is where interviews are conducted to obtain as much primary information/facts as possible from a person/group of persons. The information is then considered with the indicators of human trafficking or forced labour or services to determine whether the person is a potential victim of human trafficking or forced labour or services.



Frontline officials and civil society partners gather to discuss challenges and ways forward to implement NRM for better protection of victims of trafficking. © IOM 2023/Suthep Kritsanavarin

# 1. FIRST RESPONDERS

**First Responders** are agencies responsible for the prevention and suppression of human trafficking, forced labour or services, as well as providing assistance and protection to vulnerable persons. First responders comprise the following agencies:



## 1. Royal Thai Police (RTP)

including the Metropolitan Police Headquarters, the Provincial Police Regions 1 – 9, the Central Investigation Bureau, Immigration Office, Cyber Crime Investigation Bureau or other agencies under the Royal Thai Police.

## 2. Ministry of Social Development and Human Security (MSDHS)

including Provincial Social Development and Human Security, Social Assistance Centre, Shelter for Children and Families, Division of Anti-Trafficking in Persons or other agencies under the Ministry of Social Development and Human Security

## 3. Ministry of Labour (MoL)

including the Command Centre of Prevention on Labour Trafficking (CCPL), Women and Child Labour Operation Centre, Provincial Labour Protection and Welfare Office, Labour Protection Office and Department of Labour Protection and Welfare

## 4. Ministry of Interior (Mol)

including departments of the Ministry of Interior in the provincial areas assigned by the governor, Bureau of Investigation and Legal Affairs, Department of Provincial Administration.

## 5. Ministry of Justice (MoJ)

including the Department of Special Investigation

## 6. Ministry of Foreign Affairs (MFA)

including embassies/consulates

7. Ministry of Public Health (MoPH)

including Support Centre for Children and Women in Violence Crisis (One Stop Crisis Center)

8. Thai Marine Enforcement Command Centre (THAIMECC)

including provincial THAIMECC, THAIMECC Regions 1-3 or other agencies under THAIMECC for at-sea screening

## 2. DUTIES AND POWERS OF FIRST RESPONDERS

---

First Responders are responsible for receiving reports/persons from the frontline agencies to conduct preliminary screening interviews from which information/facts are obtained. The information acquired is then taken into consideration along with human trafficking indicators, forced labour or services to determine whether there are reasonable grounds to believe the person is a potential victim. The information is then transferred to the relevant agencies.



## 3. FIRST RESPONDERS OPERATIONS

---

3.1 Provide channels for receiving information/persons from the frontline officers.

3.2 Organise teams to assist the victim if the frontline agencies have transferred information and the victim requires assistance

3.3 The head of the first responders or the designated person is responsible for the initial screening process by assigning personnel from the agency trained in human trafficking or forced labour or services operations to conduct interviews or obtain additional information for consideration.

3.4 Preparing the site for a screening interview. The screening interview should be in a comfortable environment with facilities such as a waiting room, toilets, etc., to accommodate the person. The site of the screening interview must not be the place of detention.

3.5 Prepare a list of interdisciplinary teams/interpreters who will participate in the interview if the frontline

agency requires the assistance of a multidisciplinary team/interpreter in the screening interview. If an interpreter is required for a screening interview, the first responders receiving the matter shall also be responsible for the expenses for the interpreter.

3.6 Arrange expenses during screening and provide essential services for people entering the screening process, such as food, drinking water, personal necessities, etc.

3.7 Conduct a screening interview and refer the person who has completed the screening interview to the responsible agency.

3.8 First responders collect screening statistics and report to the Provincial Anti-Human Trafficking Operations Centre monthly.

3.9 Expenses for screening by first responders shall be reimbursed from the Anti-Human Trafficking Fund, Ministry of Social Development and Human Security.

## 4. OPERATIONAL GUIDELINES ON SCREENING PROCESS

---

The first responder agency assigns a person responsible for conducting the screening interview. The assigned person must either be a knowledgeable person with an understanding of human trafficking, forced labour or services or be a person of authority, such as a competent official under the law.

The person in charge of screening shall proceed as follows:

4.1 Conduct the screening interview by taking into account the physical and mental readiness of the person, treating the person as a “protected person”, and operating under confidentiality measures.

4.2 Consider the preliminary behaviour report from the frontline agency as part of the screening interview.

4.3 Conduct fact-finding inquiries. If interpretation is required, the first responders shall consider, as their first option, an interpreter trained in Anti-Human trafficking and laws related to the judicial process. Do not rely on an accompanying passenger as an interpreter.

4.4 If a multidisciplinary team is required for screening interviews, the first responders shall involve multidisciplinary teams only as necessary.

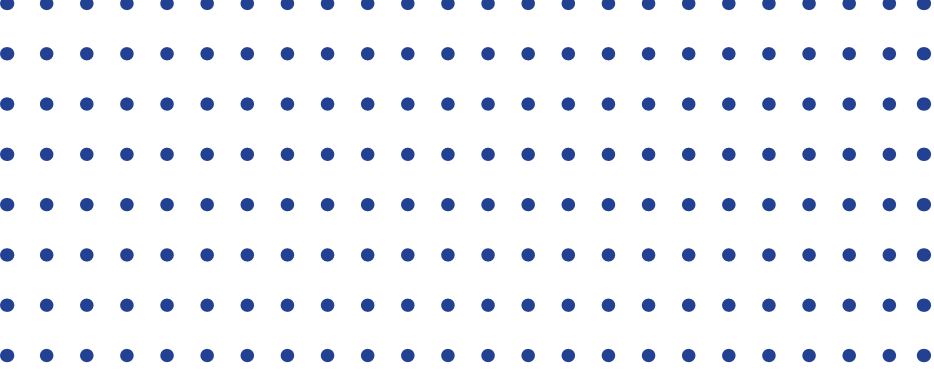
4.5 Before the interview, the interviewer shall clarify the rights and procedures of the operation according to the mechanism of the person who will be interviewed.

*(For more details on the operation, consult Attachment 2: PEACE Model Interview in the Appendix.)*

4.6 Consider conducting a screening interview following the interview using the form prescribed by the agency or approved by the Anti-Trafficking in Persons Committee or the interview form specifically prepared with indicators of human trafficking or forced labour included. *(See Attachment 3 for details on Indicators of human trafficking and forced labour or services and Attachment 5 for Interview forms that may be used in the initial screening)*

4.7 An official from the local immigration office must attend every screening when irregular migrants are being interviewed. In the case of an alien who has escaped into the city by sea, first responders must seek coordination with the Thai Marine Enforcement Command Centre (THAIMECC) to participate in the screening.

4.8 During the screening interview, the interviewer must act following international protection principles, such as the Do-No-Harm approach, taking into consideration the victim's psychological trauma, preventing repeated psychological trauma and maintaining sensitivity to the person's differences in terms of gender, language, culture, beliefs and customs, etc.

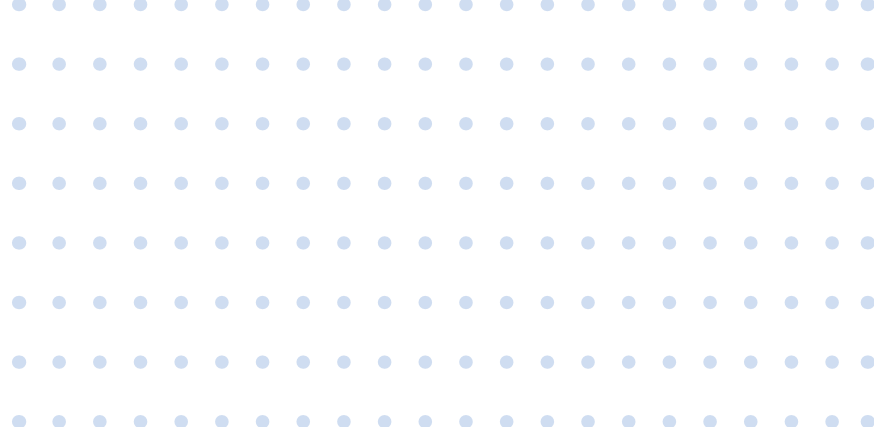


4.9 During the screening interview, unrelated persons are not allowed in the interview areas, especially persons presumed to be controller, broker, the owner of the business, or persons suspected of being the offender or may be related to the offender, such as an individual assigned by the offender to disguise among persons being interviewed. The screening should be conducted in the form of individual interviews.

4.10 Upon the completion of the interview, the first responders or the person in charge of the screening interview shall conclude and provide opinions (or reach a consensus in case more than two agencies are involved) to determine whether there is reasonable ground to believe that the screened person is a presumed victim.

4.11 First responders must provide initial assistance to presumed victims by considering moving them out of the potentially dangerous to a safe place. In case there is a potential risk of danger, immediately seek coordination with police officers. If the victim is a child, immediately contact the agency responsible for child protection. The operations must strictly adhere to the principle that one must not be in detention by respecting the right to privacy, ensuring data confidentiality, and avoiding causing repeated psychological trauma (re-traumatisation).

4.12 First responders must cooperate with relevant agencies in informing the presumed victim of procedures and timeframe of NRM assistance (officer's knowledge of NRM procedures and services the presumed victim is entitled to during the NRM will help reassure the presumed victim. First responders must explain the operation procedures and the rights the presumed victim shall be provided during the NRM, such as various services, period of operation, etc.)



4.13 First responders must coordinate with the agency responsible for opening Temporary Protection Centres<sup>2</sup> for the referral of a presumed victim to proceed with the identification process.

- In cases where the presumed victims are Thai nationals or legal migrants, they shall be inquired and asked to sign a consent form to enter the NRM. In the case of a child, refer to the NRM in all cases. (The children and families shelter shall be used for NRM implementations.)
- If the presumed victims are irregular migrants or irregularly stay in Thailand, they shall be referred to the NRM in all cases and kept under custody while awaiting confirmation of their victim status. In this case, authorities under the Immigration Act B.E. 2522 (1979) shall be exercised.

4.14 If there are no reasonable grounds to believe the screened person is a victim, first responders shall coordinate with authorised agencies for referral and further actions.

- Coordinate with the immigration office for cases related to irregular immigration.
- Coordinate with the Ministry of Labour for cases related to labour.
- Coordinate with the Ministry of Social Development and Human Security for cases related to children.

#### Factors that may prevent the individuals from entering NRM

- Apprehensive of officers
- Distrust of the safety assurance
- Threatened by exploiters
- Unaware or in denial of their victim status
- Concerned about the immigration situation

#### Considerations and precautions during the initial screening

1. Any inquiries are intended to provide appropriate assistance to that person. It is not an investigation or interrogation, both as a witness and a victim.
2. If the police were not involved in the first place, coordinate and notify the police of such assistance without delay.

## 5. OPERATIONAL GUIDELINES ON TRANSFER OF INFORMATION

---

First responders implementing the screening shall store the information obtained from the screening.

Suppose there are reasonable grounds to believe the person is a presumed victim. In that case, first responders must coordinate with the agency in the Temporary Protection Centres for referral and transfer the information obtained from the screening to the agency responsible for identification. If the first responders are a part of the Temporary Protection Centres, seek approval for the opening of the centre to proceed with the identification process and to be taken into consideration for the identification process.



If no circumstances related to human trafficking/forced labour or services are found, first responders must store information at their agencies for future background checks and report the screening statistics to the Provincial Operation Centre for Prevention and Suppression of Human Trafficking for data collection.

# STAGE 3

## VICTIM IDENTIFICATION

This is a formal identification process where agencies with duties in the Temporary Protection Centre have received information with reasonable grounds to believe that the person is a presumed victim from the first responders to proceed with the Reflection Period. This is to grant the presumed victim sufficient time to reflect on what had happened so they are confident to provide information to the officers, which can be used for formal identification of the victim

**Competent Authority** is the person/a group of persons responsible for formal identification under the National Referral Mechanism. The competent authority's decision is essential in determining whether the presumed victim is an official victim before proceeding with other relevant steps.

The **Case Manager** is responsible for the additional interview to obtain further information from the presumed victim during the reflection period.

### 1. Persons responsible for victim identification (Multidisciplinary Team) comprise the relevant agencies as follows:

1. The Royal Thai Police Headquarters: RTP), including the Provincial Police Commander/Metropolitan Police Commissioner/ Anti-Human Trafficking Commander/ Head of Provincial Immigration or the person assigned as the case may be.

2. Ministry of Social Development and Human Security (MSDHS), including Provincial Social Development and Human Security, Director of the Anti-Human Trafficking Division, Head of Provincial Shelter for Children and Families or the person assigned as the case may be.

3. Ministry of Labour (MoL), including Provincial Labour Welfare and Protection, Head of the Labour Trafficking Prevention Command Center (CCSA), Director of Labour Protection Bureau, Department of Labour Protection and Welfare or the person assigned as the case may be.

4. Ministry of Interior (Mol), including Provincial Secretary or the person assigned by the governor, Director of Bureau of Investigation and Legal Affairs, Department of Provincial Administration or the person assigned as the case may be.

5. Ministry of Justice (MoJ), including Director of Division of Anti-Trafficking in Persons, Department of Special Investigation or the person assigned as the case may be.

6. Representatives of private sector organisations that have assisted in that case since the onset.



## 2. Duties and Powers of Competent Authority (Multidisciplinary Team)

**Competent Authority** is responsible for determining whether the presumed victim referred by the first responders is the victim of human trafficking. The consideration is based on the information obtained from the interview and other information acquired during the reflection period. The victim of human trafficking or forced labour is referred to other protective procedures.

## 3. Operational Guidelines on Temporary Protection Centres

### For cases in other provinces

3.1 Temporary Protection Centres, by the power of the governor is responsible for determining the location of the Temporary Protection Centre as follows

- 1) The Centre must be in a usable building with proper ventilation, electricity and water supply. The building must be equipped with accommodation areas with bedding, separate male and female toilets and shower rooms with toiletries, available spaces for dining and laundry, a basic security system as well as counselling rooms for those in the Temporary Protection Centres.
- 2) Be responsible for setting security measures by assigning administrative officers/volunteer officers to supervise the security around the area outside the centre, granting permission, and inspecting any entry exit of the centre.
- 3) Be responsible for expenses related to the building and security officers.

3.2 Ministry of Social Development and Human Security by the Provincial Office of Social Development and Human Security is responsible for managing, supervising and assisting the persons in the Temporary Protection Centres as instructed below:

- 1) Appoint an office as a case manager of the Temporary Protection Centre, responsible for managing, supervising and assisting the persons in the Temporary Protection Centre.
- 2) Prepare the budget to cover expenses such as food, necessary utilities, and essential medical expenses, including other necessary expenses.
- 3) Arrange for officers and coordinate with relevant agencies in arranging for officers to participate in the inquiries, collection of facts and assessment of the referred person's preparedness regularly to determine if the person is ready for the identification process
- 4) Seek coordination from the competent authority and arrange for a formal victim identification process once the person is ready or at the end of the reflective recovery period (15 days).

If the competent authority deems the victim identification cannot be completed within 15 days due to an emergency, the said reflection period can be extended as necessary. However, the reason for the extension must also be recorded.

3.3 Ministry of Labour by Provincial Labour Protection and Welfare Office, in collaboration with the Provincial Employment Office, Provincial Labour Office has the same duties as the Office of Social Development and Human Security as prescribed in 3.2, especially regarding labour trafficking and forced labour or services.

3.4 Royal Thai Police is responsible for:

1) Immigration Bureau by the Provincial Immigration Checkpoint or Provincial Immigration Bureau as a competent official under immigration laws.

- Performing operations under immigration laws
- Referral of aliens who are presumed victims to the centre
- Admitting aliens who have undergone official victim identification and determined as non-victim to enter legal actions as authorised by Immigration Act B.E. 2522 (1979)

2) Police station in the jurisdiction of the concerned area must conduct investigations to obtain facts and gather preliminary evidence by seeking information transferred from the multidisciplinary frontline agencies.

#### For cases in Bangkok/Central Administration

1) The Royal Thai Police Headquarters and Bangkok Metropolitan Administration are responsible for specifying the location, management, and supervision of the centre's safety and related expenses.

2) Division of Anti-Trafficking in Persons (MSDHS) and the Command Center of Prevention on Labour (MoL) take joint responsibility in terms of assistance to the presumed victim and related expenses.

3) Immigration Bureau supports the exercise of legislative powers if the presumed victim is an irregular migrant.

4) Bureau of Investigation and Legal Affairs, Department of Provincial Administration (Moi) supports personnel in fact-finding for victim identification.

5) Division of Anti-Trafficking in Persons, Department of Special Investigation (MoJ) supports personnel in fact-finding for victim identification.

## 4. Target Groups for Temporary Protection Centres

4.1 Cases involving persons without legal status, no identity documents or entering the country irregularly.

4.2 Cases involving Thai nationals or aliens with legal identity documents (in case of requests).

## 5. Operational Guidelines for Victim Identification

5.1 Case manager or an assigned person admits the presumed victim in the Temporary Protection Centre and grants the person the reflection period<sup>3</sup>.

5.2 Case manager or an assigned person provides essential services during the reflection period, such as the four requisites (food, accommodation, clothes and medications), counselling, primary medical care and preparedness assessment for the presumed victim.

5.3 Case manager may conduct additional inquiries with the presumed victim. The information/facts obtained from the screening process must be considered to determine further interview topics or issues that require

additional information. In this regard, the person's preparedness must be assessed before proceeding with the additional interview to obtain more facts. Interviews are conducted only on issues used in victim identification based on the law on the prevention and suppression of human trafficking. It must be noted that additional interviews intend to obtain more facts, not investigations.

5.4 Consider conducting the additional interview in the same way as the screening process in 4.6. (*See Attachment 4: Sample Questions for Screening and Identification in the Appendix.*)

<sup>3</sup>The Reflection Period under NRM is 45 days in total.

5.5 Once the case manager has obtained complete information from the additional interview, and the person in the protection is prepared or the reflection period has ended (15 days), a meeting is scheduled for victim identification by involving the case manager and the competent authority (CA) in the meeting.

If the competent authority deems the victim identification cannot be completed within 15 days due to an emergency, the said reflection period can be extended as necessary. However, the reason for the extension must also be recorded.

5.6 Participants in the victim identification meeting comprise competent authority (CA), case manager (CM) and experts in various matters to provide additional insights; for instance, in cases where the person undergoes psychological assessment, during the reflection period, a psychiatrist or psychologist in charge may be involved to offer their opinions, etc.

5.7 Formal victim identification must be conducted based on information obtained from the frontline, screening, additional interviews by case managers (CM) and/or other documents or evidence obtained.

Suppose the formal victim identification cannot be conducted within the concerned area. In that case, the case manager or the competent authority must seek consultation with Anti-Trafficking in Persons Committee (according to the ATP Plan) on further actions.

5.8 Upon the formal identification of the victim, the case manager shall declare the victim's rights and inquire about the victim's consent to receive protection. (*Sign in Human Trafficking Victims' Rights Declaration Forms as shown in Attachment 9 in the Appendix*) and take further actions according to 6.

5.9 Case manager prepares a report summary on formal victim identification with signatures of the competent authority and submits it to agencies for protection and law enforcement for further actions.

5.10 Case manager prepares a report summary on victim identification, gathers information from provincial of the province, presents it to the meeting of the Provincial Human Trafficking Prevention and Suppression Operation Center for acknowledgement and submits the information to the Sub-Committee on National Transmission Mechanism for further collection.

## 6. Operational Guidelines on Victim Referral after the Formal Victim

### 6.1 Victims of Trafficking

#### When the victim DESIRES TO obtain protection

The case manager shall refer the victim to the protection centre under the Ministry of Social Development and Human Security as specified in Section 33 of the Anti-Human Trafficking Act B.E. 2551 (2008) or a private protection centre, depending on the case, according to the NRM protection procedures.

#### When the victim DOES NOT DESIRE TO obtain protection from the agencies

For victims of Thai nationals and regular migrants with a permanent address, the Ministry of Social Development and Human Security or the Ministry of Labour must keep track of and assist according to the problem and related legal rights.

Victims who are irregular migrants shall obtain protection from protection centres under the Ministry of Social Development and Human Security (MSDHS) for the time being. MSDHS shall seek coordination regarding victim repatriation.

## 6.2 Non-victims of Trafficking

1. In cases of violation of labour laws such as Labour Protection Act B.E. 2541 (1998), Employment and Job Seeker Protection Act B.E. 2528 (1985), etc., the agencies under the Ministry of Labour shall provide immediate assistance in accordance with their powers and duties.

2. In cases of violation against the Prevention and Suppression of Prostitution Act, B.E. 2539 (1996), first responders must coordinate with the Ministry of Social Development and Human Security to provide assistance and support recovery in accordance with their powers and duties.

3. In cases where children require protection, first responders must coordinate with the officers under Child Protection Act B.E. 2546 (2003) to protect them, considering their best interest.

4. In cases of irregular migrants, first responders must inform the Immigration Bureau of the concerned area to take further actions in accordance with immigration law.

---

# STAGE 4

## PROTECTION PROCESS

The protection Process is the last step of the National Referral Mechanism (NRM), which focuses on providing protection to the victims of human trafficking or forced labour or services. The Ministry of Social Development and Human Security is responsible for protection according to the law and the victim's consent.

### 1. Agencies providing protection

The Ministry of Social Development and Human Security (MSDHS) is the leading agency protecting trafficking victims.



- Eight Welfare Protection Centres for Victims of Trafficking and Pakkred Reception Home for Boys (Baan Phoomvet) for victims that desire to obtain protection and victims awaiting repatriation.
- Private protection centres registered with the Ministry of Social Development and Human Security for victims who desire protection from private protection centres.
- Provincial Anti-Human Trafficking Operations Centre for victims who do not desire protection and stay in the concerned province.
- Division of Anti-Trafficking in Persons for victims who do not desire protection and stay in Bangkok.

Suggestions: For victims of labour trafficking, forced labour or services, coordination with the Ministry of Labour is required to assist in victim protection.

## 2. Powers and Duties of Protection Agencies

Protect victims of human trafficking, or forced labour or services. Both in cases where the victim desires and does not want protection.

## 3. National Referral Protection Guidelines

3.1 Admit victims transferred from the victim identification process When the Welfare Protection Center for Victims of Human Trafficking has admitted the victim for protection, it shall proceed with protection measures according to the international principles on victim protection<sup>4</sup>.

3.2 Protect during the reflection period at the Welfare Protection Centre for Victims of Human Trafficking Actions taken during the reflection period after the victim is admitted for protection will take not more than 30 days (from the day the victim is admitted to the Welfare Protection Centre) to ensure that the victims are provided with appropriate services to fulfil their needs before deciding to cooperate in the fact-finding process, legal assistance and criminal prosecutions, taking into account their physical and mental traumas. The said period could take longer or less than 30 days on a case-by-case basis, depending on the person's preparedness. The activities under the recovery and reflection period are divided into four weeks:

- 1) Admission,
- 2) Adaptation and learning,
- 3) Building immunity, and
- 4) Preparing for decision-making.

*(See Attachment 10 for details on Handbook on Reflection Period in Appendix.)*

3.3 Assess the victim's preparedness in decision-making The Welfare Protection Centre shall assess the victim's preparedness two times; the victim is assessed for the first time during the first 15 days and the second time in the 30 days to enable the victim to decide to cooperate and enter the justice process for further protective actions to be taken. In this regard, the victim may be prepared to join the process "before" the completion of the reflection period. In such cases, the Welfare Protection Centre for Victims of Trafficking in Person must immediately assist the victim according to the welfare protection process for their best interests.

3.4 Seeking the victim's willingness to participate in the justice process

### Unwilling victim

Suppose the victim wishes to "withdraw" from assistance during the reflection period. In that case, the Welfare Protection Centre for Victims of Trafficking in Persons must report the withdrawal to the Division of Anti-Trafficking in Persons to coordinate with the victims' countries of origin for deportation. In the case of the foreign victim, the victim can apply for repatriation support from the Anti-Human Trafficking Fund. In the case of a Thai national, assist according to their rights and refer the victim for further services as appropriate.

### Willing victim

If the victim is willing to participate in the justice process, coordinate with police officers to prepare investigation reports and prosecution reports and further actions to be taken to protect the victim of human trafficking.

<sup>4</sup>See introduction for International Principles on Victim Protection.

3.5 Transfer the information to law enforcement agencies During the victim's admission to Welfare Protection Centre, if the centre's officers receive any information that may be useful for legal proceedings, both from the victim or observation, more facts must be sought. The officers of the Welfare Protection Centre shall forward the valuable information to the investigating officer in charge of the case.

### 3.6 Provide legal and social protection

- If the victim decides to join the welfare protection process, the Welfare Protection Centre must assist by following the Anti-Human Trafficking Act B.E. 2551 (2008) and its amendments and provide assistance according to human rights principles without violating the law.
- In case the victim is a child, the operations should follow the Minimum Standards for Parenting as prescribed by Child Protection Act B.E. 2546 (2003) and the Convention on the Rights of the Child, namely the right to survival, the right to protection, the right to development, and the right to participation.
- Responsible officers "shall" take all necessary measures to ensure safety, confidentiality and privacy, healing and recovery services, life skills training or tailor-made services for victims of trafficking until the victims can return to society.

### 3.7 Coordinate for repatriation to domicile/country of origin

- Foreign victims of trafficking Welfare Protection Center for Victims of Human Trafficking must submit the investigation history (case report) to the Division of Anti-Trafficking in Persons to be forwarded to the country of origin, complying with bilateral cooperation frameworks. In addition, operations should adhere to the Transnational Referral Mechanism. If there is no agreement with the country of domicile, seek coordination with the embassy or consulate to proceed with the repatriation.
- Thai national victims of trafficking Welfare Protection Center for Victims of Human Trafficking coordinate with the Provincial Social Development and Human Security, Shelter for Children and Families and non-governmental organisations to seek and assess the preparedness of the victim's family and planning to prepare before sending the victim home.

### 3.8 Follow-up Assessments

- If the foreign victim of trafficking has been repatriated to the country of origin, assessments will be followed up via Case Management Meeting (CMM). Alternatively, relevant international agencies could be coordinated to assist in follow-up on the results of the victim's social reintegration.
- If the victim is of Thai nationality, the Welfare Protection Center shall conduct the follow-up or may coordinate with the Provincial Office of Social Development and Human Security, Shelter for Children and Families and non-governmental organisations in following up on the results of the victim's social integration regularly. Once the victim's reintegration suggests everyday living, the services can be withdrawn.

*(For details, see Attachment 7: Guidebook of Welfare Protection to Victims of Trafficking in Welfare Protection Centre for Victims of Trafficking in Persons in the Appendix.)*

# APPENDIX

[ATTACHMENT 1](#) Introduction to Human Trafficking

[ATTACHMENT 2](#) PEACE MODEL Interviewing Techniques

[ATTACHMENT 3](#) Indicators of Human Trafficking and Forced Labour or Services

[ATTACHMENT 4](#) Sample Questions for Screening and Identification

[ATTACHMENT 5](#) Sample Screening and Identification Forms

[ATTACHMENT 6](#) FRONTLINE Contact Channels

[ATTACHMENT 7](#) Laws and Manuals on Implementations

[ATTACHMENT 8](#) Institutions for Protection of Presumed Victims of Human Trafficking in 76

[ATTACHMENT 9](#) Human Trafficking Victims' Rights Declaration Forms in 7 Languages

[ATTACHMENT 10](#) Handbook on Reflection Period

Scan this QR  
to access the Attachments









International Organization for Migration (IOM) in Thailand  
18th Floor Rajanakarn Building, 3 South Sathorn Road, Sathorn, Bangkok 10120 Thailand  
Tel: +66 2 343 9300 | Web: [thailand.iom.int/](http://thailand.iom.int/) | Email: [iomthailand@iom.int](mailto:iomthailand@iom.int)