

# Trafficking Victim Identification and Referral for Assistance Training Manual

(Introduction Training for Frontline Responders)



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.



---

**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.

---

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.

# Trafficking Victim Identification and Referral for Assistance Training Manual

(Introduction Training for Frontline Responders)

# Table of Contents

<b>FOREWORD</b>	<b>1</b>
<b>ACKNOWLEDGMENTS</b>	<b>4</b>

---

## **INTRODUCTION**

<b>1.1 Induction Training on Trafficking Victim Identification and Referral for Assistance</b>	<b>6</b>
1.1.1 Background	6
1.1.2 General Structure and Scope of the Training	6
1.1.3 Key Elements of the Human Rights-Based Approach in Victim Identification and Assistance	7
1.1.4 Objectives	7
<b>1.2 Training Outline and Agenda</b>	<b>9</b>

---

## **UNDERSTANDING TRAFFICKING IN PERSONS**

<b>2.1 What is Trafficking in Persons?</b>	<b>18</b>
<b>2.2 Internationally Agreed Definition of Trafficking in Persons</b>	<b>19</b>
<b>2.3 Trafficking in Persons and Smuggling of Migrants</b>	<b>23</b>
<b>2.4 Trafficking in Persons and Forced Labour</b>	<b>23</b>
<b>2.5 Quiz / Self-Assessment</b>	<b>25</b>
<b>2.6 What are Global Trends in Trafficking in Persons for Exploitation?</b>	<b>26</b>
<b>2.7 Answer Key for Quiz / Self-Assessment</b>	<b>28</b>

---

## **TRAFFICKING IN PERSON IN A NATIONAL CONTEXT**

<b>3.1 Overview of Trafficking in Persons in a National Context</b>	<b>34</b>
<b>3.2 National Legislation for Anti-Trafficking in Persons</b>	<b>35</b>
<b>3.3 Applicable National Legislations and Tools Relevant to Combat Trafficking in Persons</b>	<b>38</b>
<b>3.4 Assistance to and Protection of Victims of Trafficking in Persons</b>	<b>40</b>
3.4.1 International obligation to provide assistance to and protection of victims of trafficking in persons	40
3.4.2 Non-punishment of victims of trafficking in persons	43
3.4.3 National measures to provide assistance to and protection of victims of trafficking in persons	44

<b>3.5 Case Study</b>	<b>45</b>
3.5.1 Discuss and list general elements of trafficking in persons from the case study	46
3.5.2 Checklist for general elements of trafficking in persons the from case study	46

---

## UNDERSTANDING THE BASICS OF TRAFFICKING IN PERSON IDENTIFICATION

<b>4.1 Trafficking in Person Identification and Why It is Important</b>	<b>48</b>
<b>4.2 Trafficking In-person Process</b>	<b>49</b>
<b>4.3 Stages Involve in Trafficking In-Person Identification</b>	<b>52</b>
4.3.1 Nature of Identification of Potential Trafficking Victim	54
<b>4.4 Challenges of Identifying Victims of Trafficking in Persons</b>	<b>62</b>
<b>4.5 General Guidance for the Trafficking Victim Identification</b>	<b>64</b>
4.5.1 Guidance for the Initial Interview	66
<b>4.6 Exercise(s): Identification of Indicators of Trafficking in Persons</b>	<b>71</b>
4.6.1 Exercise(s): Self-Evaluation Checklist	75

---

## UNDERSTANDING WHO CAN IDENTIFY TRAFFICKING VICTIMS IN THAILAND

<b>5.1 Who can Identify Trafficking Victims?</b>	<b>78</b>
5.1.1 Possible scenarios after initial interview by frontline practitioners	81
<b>5.2 Questions for Discussions for a Roundtable Discussion</b>	<b>84</b>

---

## NATIONAL RESPONSIBILITIES TO COMBAT TRAFFICKING IN PERSONS

<b>6.1 An Overview of National Structure On Trafficking In Persons Identification and Protection</b>	<b>86</b>
<b>6.2 Assistance to and Protection of Potential Victims of Trafficking in Rersons in Thailand</b>	<b>89</b>
<b>6.3 The Role of the Key Concerned Agencies in Trafficking in Persons Identification and Protection in Thailand</b>	<b>91</b>
<b>6.4 Guideline for Multi-disciplinary Team (MDT) on Victim Identification and Protection</b>	<b>94</b>

4

5

6

# Table of Contents

## ASSISTANCE TO AND REFERRAL OF VICTIM OF TRAFFICKING IN PERSONS

7.1. Recovery and Reintegration Assistance to Victims of Trafficking in Persons	99
7.2. Judicial and Protection Assistance to Victims of Trafficking in Persons	100
7.3. Remedial Assistance to Victims of Trafficking in Persons	101
7.4. Referral of Potential Victims of Trafficking in Persons for Assistance	104
7.5. Basic Principles in Referring Potential Victims of Trafficking in Persons for Assistance	105

## PRINCIPLES AND APPROACHES IN REFERRAL OF TRAFFICKING VICTIMS FOR ASSISTANCE

8.1. Protection of and Assistance to Victims of Trafficking in Persons	110
8.2. Protection Considerations at the First Point of Contact Principles and Approaches	112
8.2.1. Principles of Protection and Assistance: Key Principles	113
8.2.2. Operationalizing Protection and Assistance: Approaches	114



# Foreword

Thailand has historically been a destination, transit and origin country for trafficking in persons (TIP). According to the National Anti-Human Trafficking Committee, in 2022, Thailand identified over 500 victims of trafficking (VOTs). Among this number, 16 per cent were migrants, mainly from neighbouring countries, while 84 per cent were Thai nationals trafficked within or outside the country.

Victims have been lured and trapped in exploitative situations in various sectors: agriculture, construction, fisheries, prostitution, street begging, to name a few – and recently, illicit crimes such as online scams. Furthermore, with the post-pandemic reopening of borders, there has been an increase in the number of migrants identified as VOTs, coming from various regions around the world.

With the prevalence of TIP cases in Thailand, the Government has taken commendable steps and efforts to prevent and combat trafficking. These include enhancing the screening and identification process, ensuring comprehensive services for VOTs, and strengthening law enforcement and frontline capacities. These efforts are anchored on the establishment and operationalization of the National Referral Mechanism (NRM). Nevertheless, there remain areas for improvement, primarily in reinforcing the non-punishment principle and mainstreaming a victim-centred approach to protection. This gap was highlighted in the United States Trafficking in Persons Report 2023.

The International Organization for Migration (IOM) has been working closely with the Ministry of Social Development and Human Security (MSDHS) to develop standardized training material to enhance the capacities of ‘First Responders’ on victim identification and referral. This training manual was developed to account for various methodologies, principles and techniques to strengthen victim protection under the NRM, as well as to outline roles and responsibilities among various actors.

We hope this training manual serves as a valuable resource for civil servants and civil society organizations who are at the frontline of providing direct services. Through our collective efforts, we can mobilize this training manual to reinforce capacity building at all levels and promote the effective implementation of the NRM nationwide – in pursuit of our shared objective of preventing trafficking and protecting victims.

**Géraldine Ansart**

Chief of Mission  
IOM Thailand



Victim identification in trafficking in persons and forced labor is considered a significant cornerstone. Accurate and swift identification does not only result in delivering protection services to victims of trafficking in persons and forced labor in time, but also helps establish confidence and trust towards officials from the eyes of survivors – which would lead to their readiness and willingness in working with law enforcement against perpetrators.

Thailand has constantly made efforts to streamline the process of identification of victims of trafficking in persons to be more effective. In 2022, the Royal Thai Government (RTG) implemented the National Referral Mechanism (NRM) as a mechanism to identify victims of trafficking in persons and forced labor. The NRM is victim protection-oriented, focusing on providing protection and assistance to survivors in the first place. The mechanism would allocate a sufficient period for survivors to reflect and recuperate before deciding on information-sharing and legal collaboration. The NRM is derived from close coordination among relevant stakeholders from government, non-government and international organizations, under constant support from the International Organization for Migration (IOM) during the past three to four years.

This manual is seen as another attempt in enhancing the capacities of First Responders to better understand the NRM's concept and principles and to incorporate the NRM's implementation into their respective work, with the goal of effectively and unidirectionally protecting victims of trafficking.

**Mr. Pravit Roikaew**

Deputy Director,  
Office of Trafficking in Persons Litigation,  
Office of the Attorney General

Chair of the Sub-Committee on the National Referral Mechanism



# Acknowledgments

IOM would like to thank Mr. Pravit Roikaew, the NRM Steering Committee Chair and Deputy Director General of the Attorney Office; Ms. Pinya Chamroonsat, the Director of the Division of Anti-Trafficking in Persons (DATIP) of the Ministry of Social Development and Human Security (MSDHS); Mr Ractahpon Maneleek, Director, Victim Rights Protection of the Department of Anti-Trafficking in Persons; as well as all NRM Steering Committee members, including the Department of Anti-Trafficking Division of the Royal Thai Police, Thailand Immigration Bureau, Department of Special Investigation of the Ministry of Justice, Ministry of Labour, Ministry of Interior, Ministry of Public Health; who all provided constructive feedback during the development of this training manual. IOM would also like to thank the members of its Protection Unit for their hard work in making this training manual come to light, and to the IOM Development Fund for financially supporting this initiative.



# **INTRODUCTION**

# INTRODUCTION

## 1.1

### Induction Training on Trafficking Victim Identification and Referral for Assistance

#### 1.1.1 Background

The project aims to contribute to capacity building effort of the Royal Thai Government, particularly of the Division of Anti-Trafficking in Persons (DATIP) on victim identification, referral, and protection of trafficking victims. This project will provide an opportunity for the DATIP to determine key components for induction training for frontline officials or responders and civil society organizations on initial trafficking victim identification and referral for assistance following international and national legal obligations.

#### 1.1.2 General Structure and Scope of the Training

The training is designed by considering international commitments and national legal frameworks of Thailand and recommends **a set of topics that are considered keys for induction training for starters on trafficking in persons identification and assistance.**

In general, **the training emphasized on human rights-based approach** in trafficking victim identification and assistance by focusing on responsibilities of the government to protect and identify trafficking victims; the protection needs of the trafficking victims; special rights of children; the implications of traumatic experiences, and gender of trafficking victims; and national and international guidelines concerning trafficking victim identification and assistance.

**The training is intended for two days, corresponding to approximately five hours per day and ten hours in total.**

Specifically, the training consists of ten sessions organized under seven parts: introduction, international and national legal standards on trafficking in persons, basic of trafficking in person identification, day one recap and welcome to day two, national responsibilities

on trafficking in person prevention, principles and approaches in the referral of trafficking victims for assistance, and conclusion.

The training is **targeted for employees of government and civil society organizations who are starters and in frontline positions** with a role to provide direct services to vulnerable populations such as women, girls, migrants, displaced persons, and detainees.

### 1.1.3 Key Elements of the Human Rights-Based Approach in Victim Identification and Assistance

Trafficking in persons is, first and foremost, a serious infringement of the human rights of the adult and child victims affected. The trafficking cycle cannot be broken without attention to the rights and needs of those who have been trafficked.

A human rights-based approach is a methodology that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It ensures compliance with existing State obligations under international and regional human rights treaties; it guarantees that anti-trafficking responses do not undermine or otherwise negatively impact the human rights of trafficked persons or other groups affected by trafficking or anti-trafficking responses or discriminate against women, migrants, or other groups in a vulnerable situation.

In brief, a human rights-based approach is anchored in the principles of:


- Human rights obligations and due diligence of government under international law.
- Non-discrimination, gender implication, and the rights of the child.
- Unconditional access to protection and assistance.
- Provision of support services on a voluntary and consensual basis.
- Mechanisms for early identification, assistance, and support.

These core principles should drive the government's integrated and holistic anti-trafficking responses to extend appropriate protection and support to all trafficked persons without discrimination and combat trafficking in persons effectively.

### 1.1.4 Objectives

Key objectives of the training are:

- To provide an informed overview of trafficking in persons, both in the international and national context, including the distinction between trafficking in persons and other organized crime and trafficking trends through available statistical data and thematic reports.
- To introduce the concept of trafficking victim identification and victims' rights, highlighting recommended principles and standard practices in international, regional, and national guidelines for victim identification and assistance.

- 
- To introduce national responsibilities to identify and protect trafficking victims, covering national anti-trafficking in person structures and key stakeholders, and national laws applicable to trafficking in persons and vulnerable populations.
  - To provide insight into challenges in victim identification, protection, and assistance, highlighting sociological reaction of victims of trafficking in persons, institutional capacity, and the need for coordination between government and civil society organizations for trafficking victim's identification and assistance through practical exercises and discussions.
  - To provide participants with an opportunity to apply relevant principles and standard practices to case studies and practical exercises and exchange experiences and build a network for trafficking victim assistance.

## 1.2 Training Outline and Agenda

### Day 1: 5 hrs. 25 mins. in Total

#### Part One: Introduction

##### Session 1: Welcome and introduction to the training

**PURPOSE:**

Introduction of key objectives and organization of workshop program, presenting methodology and goals.

Introduction of workshop participants and their experience with trafficking in persons and vulnerable populations.

**DURATION: 45 mins.**

#### Part Two: International and National Legal Standards on Trafficking in Persons

##### Session 2: Understanding trafficking in persons

**PURPOSE:**

Setting a sense on the Trafficking in Persons through presentations on an international agreement concerning trafficking in persons and key issues, and a short film on trafficking in persons.

**DURATION: 60 mins.**

**CONTENT:**

- **20 mins.** Presentation on the internationally agreed legal definition of Trafficking in Persons with reference to Article 3 of the Trafficking Protocol and related issues.
- **3 mins.** A short film to be shown on trafficking in persons to introduce key elements involved in Trafficking in Persons.
- **12 mins.** Overview of distinctions between Trafficking in Persons and other organized crime. This will allow participants to understand commonalities and differences between trafficking in persons and other types of organized crime and exploitations.



- **10 mins.** Quiz on trafficking in persons: yes [or] no quiz on trafficking in persons. The quiz will allow participants to check their understanding of trafficking in person crime and interactive communication during the training.
- **10 mins.** The overall presentation of trends in trafficking in persons, drawing on available statistics, underlining trends and challenges at the global and regional level.

### Session 3: Trafficking in persons in a national context

#### PURPOSE:

Focus on the precise definition of trafficking in persons and forms of exploitations recognized in national legislation, covering the rights of the trafficking in persons and national guidelines on trafficking victim identification. The applicable national legislation to protect and assist vulnerable populations will be introduced.

**DURATION: 60 mins.**

#### CONTENT:

- **15 mins.** Overview of trafficking in persons in a national context with reference to a national legal framework and trends in trafficking, drawing on available statistics, underlining trends and challenges at a national level.
- **15 mins.** Presentation on the rights of the individuals recognized in national legislation for anti-trafficking in persons, including special procedures for child trafficking victims. This issue will be touched briefly as day (2) will cover the rights of the victims of trafficking in persons under national law in detail.
- **10 mins.** Introduction to the applicable laws to protect the rights of and assist vulnerable populations. This issue will be touched briefly as day (2) will cover the role of the stakeholder agencies for trafficking in person prevention in detail.
- **20 mins.** Exercises / Case studies. This exercise will allow participants to identify elements concerning trafficking in persons and other types of exploitation involved in case studies and open discussion on them.

## Part Three: Basics of Trafficking in Person Identification

### Session 4: Understanding basic of trafficking in person identification

#### PURPOSE:

Introduction to the concept of trafficking victim identification and recommended principles in identifying, protecting, and assisting victims of trafficking in persons. Factors and challenges in identifying trafficked persons will also be introduced.

**DURATION: 90 mins.**

#### CONTENT:

- **20 mins.** Introduction to the purpose of victim identification and why it is important, and different stages of victim identification with reference to the guidance recognized by governments, the United Nations specialized agencies, international and regional cooperation mechanisms for trafficking in persons, and NEXUS institute – these include but are not limited to ASEAN declarations and guidance, Bali Process Policy Guide on Identifying Victims of Trafficking, IOM Handbook on Providing Direct Assistance to Victims of Trafficking, UNODC training materials, and NEXUS institute publications.
- **20 mins.** Presentations on why victim identification is challenging by highlighting practical barriers – language, cultural differences, lack of information on available assistance, special issues in the identification of trafficked children, etc., and personal experience of trafficking victims – trauma, lack of trust and confident, fear of reprisals, fear of detention, etc.
- **20 mins.** Introduction to recommended principles to guide identification and referral of trafficking victims for assistance, for example, do no harm, informed consent, confidentiality, and privacy, non-judgmental and non-discrimination, safety and security, child protection and best interests of the child, avoiding false promises, providing information on available assistance and conditions associated with the available assistance, etc.
- **30 mins.** Exercise on how to spot trafficking in persons: In this exercise, participants will be given a set of guiding questions for an (initial) victim screening interview and a note on indicators and signs of trafficking in persons. Participants will be asked to interview other participants assigned to act on the role of presumed victims of trafficking in persons in different scenarios. The scenario will be adapted depending on the context of the training location and type of participants. It may include, for example, a visa applicant, a migrant worker, an unaccompanied child, a smuggled migrant, etc. Participants will then be allowed to report back on their experience concerning challenges and lessons learned during the exercise at the round table discussion.

## Session 5: Understanding who can identify trafficking victims in Thailand

### PURPOSE:

Explaining which authorities can identify a trafficking victim in Thailand and the role of civil society organizations in different stages of victim identifications. Specific issues related to the identification of trafficked persons will also be discussed.

**DURATION: 60 mins**

### CONTENT:

- **30 mins.** Introduction to who can identify a trafficking victim in Thailand with reference to a national guideline on trafficking victim identification and civil society organizations' role in trafficking victim identification.
- **20 mins.** A facilitated panel discussion on the experience of victim identification with multi-disciplinary team members. A facilitator will be provided with a set of guiding questions to interview panel members on their experience with victim identification. Each answer will be limited to two minutes maximum, and two questions will be asked for three panel members.
- **10 mins.** Floor for Q&A: The floor will allow participants to interact with expert/experienced practitioners on their observations and seek practical advice on victim screening.

— End of Day 1 —

## Day 2: 2.5 hrs. in Total

### Part Four: Day 1 Recap and Welcome to Day 2

#### Session 6: Recap of day one and welcome to day two

##### **PURPOSE:**

Informing participants with training objectives achieved on day one and training objectives set for day two.

**DURATION: 20 mins.**

##### **CONTENT:**

- **10 mins.** Recap on summary of key objectives and agenda items delivered for day one, for example, read out agenda and summary of a key training concept for day one - overview of trafficking in persons, the concept of trafficking victim identification and victims' rights, national responsibilities to identify and protect trafficking victims, insight into challenges in victim identification, and practical exercises.
- **10 mins.** Overview of day two agenda and objectives.

### Part Five: National Responsibilities on Trafficking in Person Prevention

#### Session 7: National responsibilities to combat trafficking in person

##### **PURPOSE:**

Explaining national structure on anti-trafficking in persons and protecting vulnerable persons, including detailed assistance from government and non-government organizations.

**DURATION: 70 mins.**

##### **CONTENT:**

- **30 mins.** An overview of national anti-trafficking in person structure and key stakeholders, including protection and assistance available to trafficked persons.

- **40 mins.** Introduction to national laws applicable to human trafficking and other types of exploitation, such as national laws applicable to protecting women and children and migrant workers. The role of concerned agencies and key legal safeguards for protecting vulnerable persons will also be discussed. The introduction of applicable laws will allow participants to learn different types of assistance that vulnerable persons may access in Thailand and presumed victims of trafficking in persons.

## Part Six: Principles and Approaches in a Referral of Trafficking Victims for Assistance

### Session 8: Assistance to and referral of victims of trafficking

#### PURPOSE:

Explaining the rights of the victims of trafficking in persons and how to refer them for assistance in a national context. The session will also discuss the criminal justice process for victims of trafficking in persons briefly.

**DURATION: 90 mins.**

#### CONTENT:

- **15 mins.** Presentation on the rights of the victims of trafficking in persons recognized in national legislations, including the provision of assistance available from the government.
- **30 mins.** An overview of steps involved in trafficking in person referral for assistance, including information on the process of victim identification, criminal justice process, temporary protection, and return and reintegration assistance.
- **15 mins.** [Optional] Presentation on different assistance and services available from non-governmental organizations.
- **30 mins.** [Optional] Rapport building exercise. The exercise will allow participants to understand the importance of coordination and rapport building between the government and non-government agencies to refer trafficking victims for assistance (or) Power walk – vulnerability analysis exercise (optional).

## Session 9: Principles and approaches in a referral of trafficking victims for assistance

### PURPOSE:

Explaining special status and protection needs of trafficking victims, including special issues in the case of children.

**DURATION: 60 mins.**

### CONTENT:

- **25 mins.** Presentations on the basic victim protection principles with reference to the trafficking protocol (Art. 2, 6, 7, and 9) and OHCHR recommended guidelines on human rights and human trafficking, including special procedures for child trafficking victims.
- **20 mins.** An overview of potential challenges in victim protection and support, for example, fear of the risk of harm, lack of understanding on protection and support, language and cultural barriers, and psychological reaction of victims of trafficking in persons.
- **15 mins.** Quiz on core principles for trafficking victim's assistance: Quiz will allow participants to understand the stigma of victims and victims' rights to decline assistance, non-punishment provision, additional status-related protection, etc., and feedback for right and wrong answers will be provided. Example of quiz: "Q - What happens when victims of trafficking decline assistance? Ans - a) They shall no longer be recognized as victims nor return for assistance. Ans - b) They shall still be recognized as victims and return for assistance."

## Part Seven: Conclusion

### Session 10: Conclusion and wrap up

#### PURPOSE:

Reflection on the core principles and approaches in victim identification and referral for assistance.

**DURATION: 60 mins.**

#### CONTENT:

- **60 mins.** Facilitated roundtable discussion on practical coordination and core principles involved in trafficking victim identification and referral for assistance. In this session, participants will be asked to reflect on good practices in trafficking victim identification and referral for assistance that they learned from two-days training. The facilitator will be provided a set of talking points to facilitate the roundtable discussion of participants. Facilitated topics may cover but are not limited to:
  - Key issues involved in trafficking in persons [issue of consent and special issues of children]
  - Concept of victim identification and the rights of the victims
  - Principles and approaches in a referral of trafficking victims for assistance.
- End of two-day training.

— End of the Session —



# **UNDERSTANDING TRAFFICKING IN PERSONS**

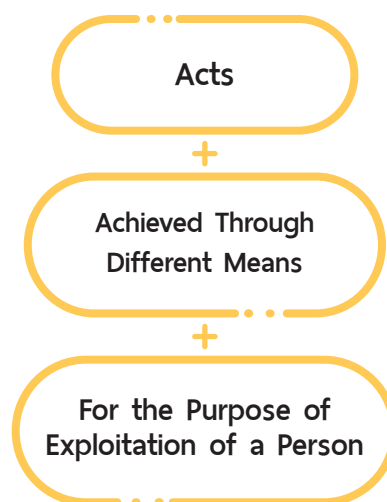


# UNDERSTANDING TRAFFICKING IN PERSONS

## 2.1 What is Trafficking in Persons?

Trafficking in persons is a crime against a person. The purpose of Trafficking in Persons can be for any exploitative purposes of a person. In simple terms, Trafficking in Persons involves the acts of recruiting, transportation, transferring, harbouring, or receiving a person through improper means for any exploitative purpose.

Diagram 1: Trafficking in Persons



**Exploitation can take different forms.** Examples of forms of exploitation include the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices similar to slavery, servitude, or the removal of organs. The people may be trafficked for other forms of exploitation, such as begging or forced criminality.

**Traffickers use different means to place or keep a person / their victim in an exploitative situation.** Examples of different means used by traffickers are false promises, threats or force or violence, physical or psychological pressures, abuse of the position of the vulnerability of a person, giving some benefits to family members, debt bondage, using romantic relationships, kidnapping, blackmailing, using verbal abuses, etc.

**Keynote:**

- Trafficking in persons may happen within one country and does not necessarily involve a person being taken across international borders.
- A person can consent to be exploited, and still be a victim of trafficking in persons when improper means have been used.
- In the case of children, an offence of trafficking in persons is established by the fact of “an act” and “exploitative purpose”. “Means” are not required to establish trafficking in children.
- The purpose of Trafficking in Persons is always for the exploitation of a person. However, not every person who is exploited is a victim of Trafficking in Persons.

## 2.2 Internationally Agreed Definition of Trafficking in Persons

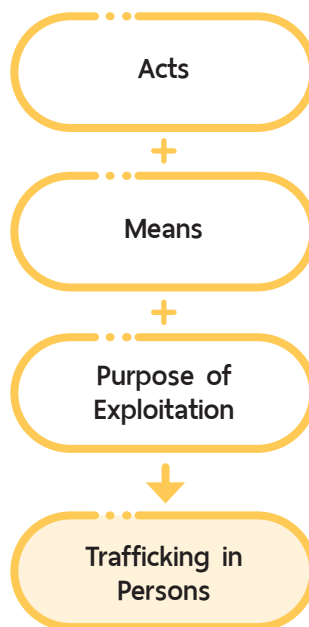
To prevent and combat trafficking in persons, to protect and assist victims of such trafficking, and to facilitate international cooperation to meet such objectives, the international community has adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children [the ‘Trafficking in Persons Protocol’], supplementing the United Nations Convention against Transnational Organized Crime in 2000 that contains internationally agreed definition of trafficking in persons.

Article 3, Subparagraph (a) of the Trafficking in Persons Protocol Defines Trafficking in Persons as Follows:

<b>Actions</b>	“The recruitment, transportation, transfer, harbouring or receipt of persons...
<b>Means</b>	...by means of the threat of 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...
<b>Purpose</b>	...for exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Based on the above definition, for a person to be guilty of trafficking in persons, the elements of **act, mean, and purpose of exploitation** must be present (and substantiated).

**Diagram 2: Basic Elements of Trafficking in Persons  
(The Trafficking in Persons Protocol)**



In cases involving children, Article 3 subparagraph (c) of the Trafficking in Persons Protocol provides that the acts and purpose of exploitation of traffickers are sufficient to establish the crime of trafficking in children. Traffickers use different means to place their victims in an exploitative situation. In the case of adults, it is considered that there is a need to use different means in order to achieve their consent to the acts of traffickers for exploitation.

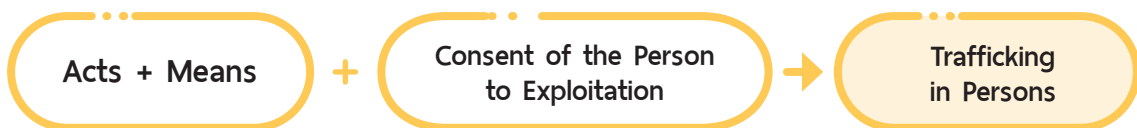
However, in the case of children, it is considered that consent of the children to the acts of traffickers is not necessarily to be negated through different means due to their vulnerable position and stage of development.

**Diagram 3: Basic Elements of Trafficking in Children  
(The Trafficking in Persons Protocol)**



According to Article 3 paragraph (b) of the Trafficking in Persons Protocol, the crime of the trafficking is established regardless of the consent of the trafficking victims to the intended exploitation if any of the means (such as force, coercion, fraud) have been used to recruit, transport, transfer, harbour or receive the victims.

**Diagram 4: Basic Elements of Trafficking in Children  
(The Trafficking in Persons Protocol)**



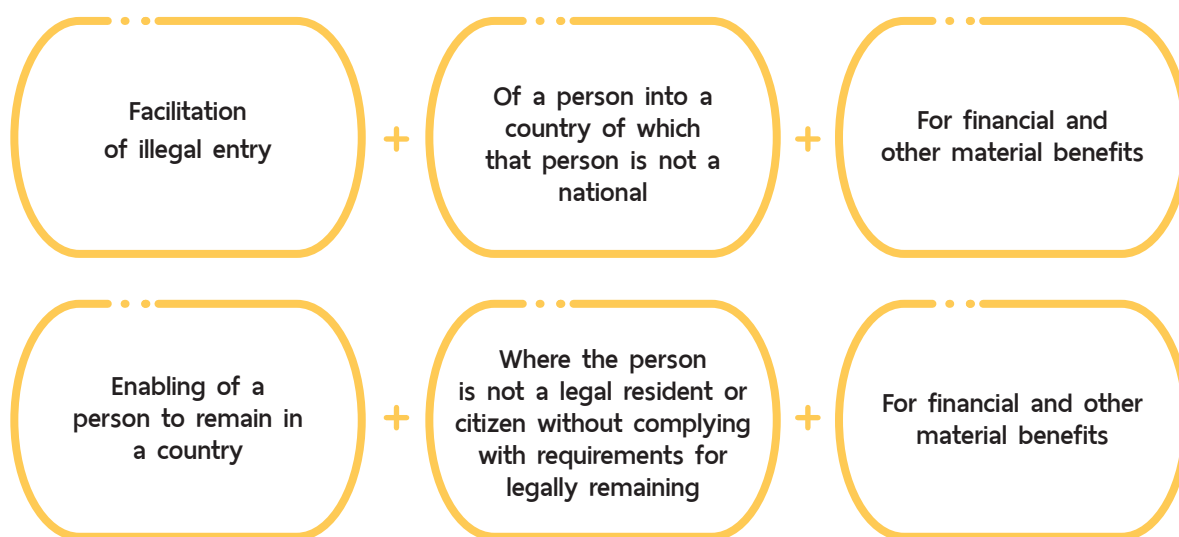
#### **Keynote(s):**

- The Trafficking in Persons Protocol provides minimum forms of exploitation such as the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. National legislation may add additional forms of exploitation.
- National legislation may also introduce other means in addition to those included in the definition of the Trafficking in Persons Protocol and can recognize new forms of coercion. Coercion is understood as the use of physical or psychological pressure, force or threat.
- In addition to the Trafficking in Persons Protocol and national legislation, regional treaties (e.g., The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)), declarations, guidelines, and agreements are important guidance and sources in addressing trafficking in persons.

## 2.3 Trafficking in Persons and Smuggling of Migrants<sup>i</sup>

Simply put, smuggling of migrants is a crime, involving procurement of either illegal entry or illegal residence of a person, into or in a country of which that person is not a national or permanent resident, for financial and other material benefits.

**Diagram 5: Basic Elements of Smuggling of Migrants  
(The Smuggling of Migrants Protocol)**



It may be difficult to distinguish a case of trafficking in person from one of smuggling of migrants for several reasons.

- Traffickers and smugglers may use the same routes and methods of transportation for smuggled migrants and victims of trafficking.
- Traffickers may present an 'opportunity' that sounds more like smuggling to potential victims.
- What begins as a situation of smuggling may develop into a situation of trafficking at some point in the process.

Nevertheless, it is important to distinguish the two crimes because of differences in legal consequences for persons concerned and the assistance needs for trafficking victims and smuggled migrants.

**Keynote(s):**

- In the case of smuggling of migrants, the involvement of cross-border movement and organized crime groups are not always necessary to prove the related offence. Falsification or misuse of travel or identity documents and the enabling of illegal residence of migrants would trigger the application of the internationally agreed definition of smuggling of migrants.
- In the Smuggling of Migrants Protocol, people who support illegal border crossing of migrants for humanitarian reasons are not considered migrant smugglers unless they seek to profit from doing so.

**Matrix of distinction between Trafficking in Persons and Smuggling of Migrants:**

Trafficking in Persons	Smuggling of Migrants
Trafficking in persons is a crime against a person.	Smuggling of migrants is a crime for supporting illegal border crossing or illegal residence of migrants for profit.
Trafficker acts for the exploitation of a person.	Smuggler acts for financial and other material benefits provided by migrants.
A person can consent to be exploited, and still be a victim of trafficking where improper means have been used.	Smuggled migrants are not “victims” of smuggling but may be victims of other crimes while being smuggled.

## 2.4 Trafficking in Persons and Forced Labour

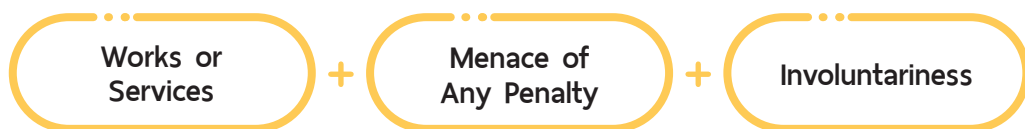
Internationally agreed definition of trafficking in persons recognizes forced labour or services as a form of exploitation. Therefore, trafficking in persons is associated with, or the term is used interchangeably with slavery and forced labour. On the other hand, ILO, C029—Forced Labour Convention, 1930 (No. 29), in part, recognizes debt bondage, human trafficking and other forms of modern slavery as all forms of forced labour. Therefore, exploitative practices recognized in Trafficking in Persons Protocol and ILO Forced Labour Convention, 1930 (No.29) are significantly overlapping. As such, the boundaries of the two concepts are extremely difficult to define.

Nevertheless, national legislation may make a precise definitional distinction between the two concepts for law enforcement purposes and to shape response measures to combat abusive labour practices, for example, setting boundaries for when to apply criminal

charges or labour sanctions to enforce compliance with national labour laws and regulations or a mixture of both.

According to article 2 of ILO, C029- Forced Labour Convention, the concept of forced labour is understood as work that is performed involuntarily and under the menace of any penalty.<sup>ii</sup> In simple terms, forced labour refers to all types of work, service, and employment performed by someone without his or her free and informed consent due to compelling penalties such as physical violence, psychological threats, the non-payment of wages, and the loss of rights or privileges.<sup>iii</sup>

**Diagram 6: Basic Elements of Forced Labour  
(ILO, C029-Forced Labour Convention)**



According to ILO, there are eleven elements that can point to a forced labour situation:

- (a) Abuse of vulnerability.
- (b) Deception.
- (c) Restriction of movement.
- (d) Isolation.
- (e) Physical and sexual violence.
- (f) Intimidation and threats.
- (g) Retention of identity documents.
- (h) Withholding of wages.
- (i) Debt bondage.
- (j) Abusive working and living conditions.
- (k) Excessive overtime.<sup>iv</sup>

**Keynote(s):**

- In the case of children, (a), (b), and (c) are considered to always constitute forced labour of children.
- The existence of forced labour may not necessarily look for several indicators. The existence of only one indicator may imply the existence of forced labour.
- Trafficking in persons and forced labour are closely related, but not identical phenomena. There are forms of forced labour that may not be considered as trafficking in persons, such as forced prison labour and some instances of bonded labour.

## 2.5 Quiz / Self-Assessment

No.	Statement(s)	/	x
1.	Trafficking always involves illegal border crossing and entry into another country.		x
2.	Both trafficking-in-persons and smuggling of migrants are processes almost always involving the cross-border movement of a person for profits and other benefits.		x
3.	Smuggled migrants can become trafficking victims if the smuggler does not accurately portray the risks and conditions of the smuggling route.		x
4.	Trafficking is rendered irrelevant if the victim consented to exploitative conditions.	/	
5.	Only types of exploitation described in the Trafficking in Persons Protocol are relevant for victim identification.		x
6.	Trafficking constitutes when a person agreed to be smuggled into a foreign country for work but is subject to false promise and subsequent exploitation in part of the process.	/	
7.	Trafficking does not constitute if the child's parents give their consent to the use of the child for labour.		x
8.	Bella's case does not constitute trafficking because she knew in advance that she is working in a brothel, although she is forced to work every day and not allowed to leave.		x
9.	Chico's case does not constitute trafficking because he consented to cross the border illegally, although he had to travel in an unsafe vessel and was provided with inadequate food and water throughout his journey.	/	
10.	Guapo's case does not constitute trafficking, although the work condition is harsh and exploitative because he was helped to get a job to pay off debt and earn money for the family.		x



## 2.6

## What are Global Trends in Trafficking in Persons for Exploitation?<sup>v</sup>

Regardless of the existence of substantial international and national legislation concerning Trafficking in Persons, millions of people continue to be trafficked every year. The occurrence of trafficking in persons is explained from different perspectives - for examples: demand of cheap labours, violations of human rights, domestic violence that places victims in a fearful situation to escape from abusive situations, etc.

While each perspective contributes a unique way of looking into the root causes and prevalence factors of the trafficking crime, the United Nations (UN), particularly the United Nations Office of Drug and Crime (UNODC), reported in 2016 that an increase in trafficking in persons is due to an increase in:

- trafficking for forced labor;
- background commonalities between traffickers and victims that help traffickers generate trust to carry out the trafficking crime;
- conflicts, whereas people escaping from conflicts and persecution are particularly vulnerable to becoming victims of trafficking;
- prevalence of impunity (e.g., low rate of crime convictions) and
- evolving forms of exploitation (e.g., trafficking for forced criminality, trafficking of children for illegal adoption, etc.).

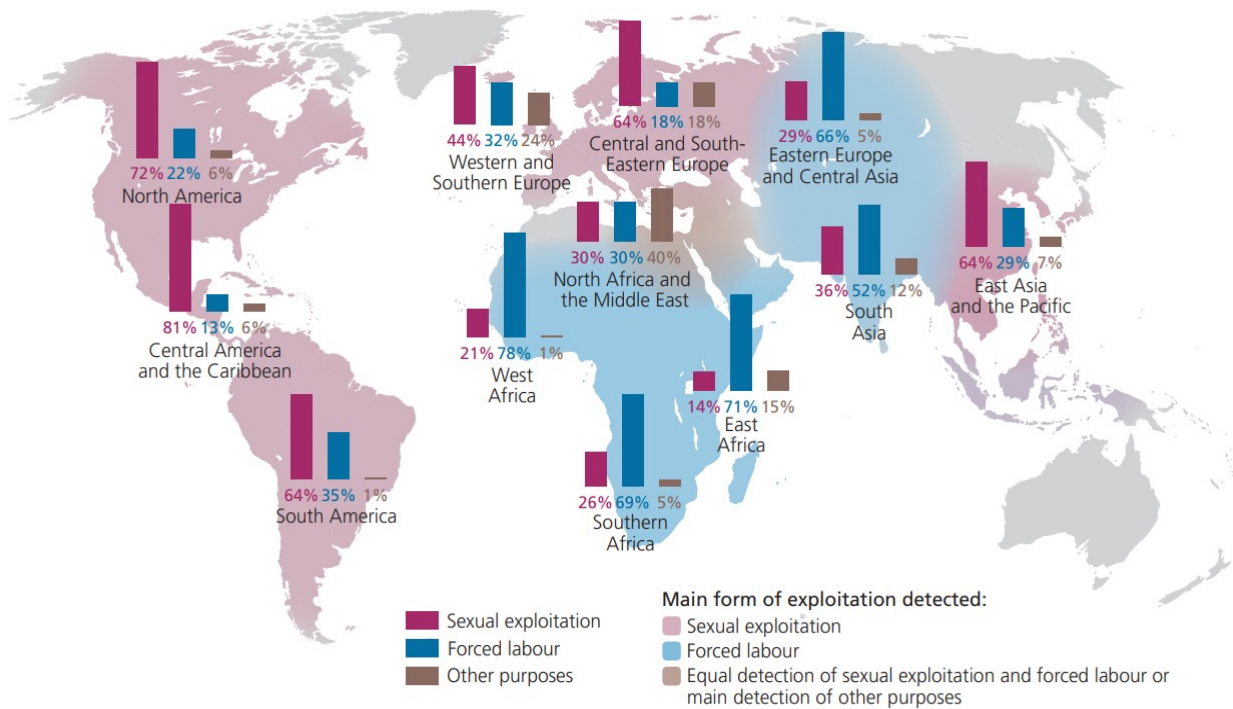
According to UNODC, this trend is unchanged in 2018, except for an overall increase in domestic victims - which might mean either an increase in domestic capacity to detect and identify trafficking victims or an increase in people being trafficked domestically. For example, UNODC reported the “profile of the victims” that adult women and girl comprised more than 70 percent of 26,750 total detected victims in 2016. Geographically, most of the women victims were detected in Europe, Asia, and Americas. Concerning males, most of the boy victims were detected in Africa, whereas adult male victims were often detected in South Asia and the Middle East.

According to UNODC, sexual exploitation and forced labors were major forms of exploitation among detected victims in 2016. For example, 83 percent of the total detected women victims in 2016 were sexually exploited. Like women, the clear majority, 72 percent, of detected girl victims were trafficked for the purpose of sexual exploitation. Concerning male, 82 percent of the detected men were trafficked for forced labor, while 10 percent of detected men were trafficked for sexual exploitation. Similarly, boy victims were mainly detected for forced labour, and many were also detected as trafficked for sexual exploitation and ‘other’ forms of exploitation such as exploitative begging, child soldiering, and forced criminal activities.

Therefore, it is clear that women and girls are vulnerable to the predominant form of trafficking for sexual exploitation. Moreover, the emergency situation such as the COVID-19

pandemic and pandemic control measures have caused economic difficulties worldwide and affect certain categories of people at risk of exploitation. UN specialized agencies such as the United Nations Agency for Women (UN Women) and UNODC have expressed concerns that the pandemic has heightened the gender-specific vulnerability of women and children to domestic violence and sexual exploitation. UN Women has expressed its concerns in the guidance of “Addressing emerging human trafficking trends and consequences of the Covid-19, 2020” that poverty, lack of access to decent work, and an effort to escape from violence may prompt women and girls to take risks that may lead to them being trafficked. According to Interpol, although COVID-19 related measures such as border closures and lockdown may have temporarily stalled opportunities for traffickers, it is highly likely that the pandemic and related consequences will only increase the pool of at-risk persons and the likelihood of their being deceived, exploited, and ultimately, trafficked in the mid-term.

Shares of detected trafficking victims, by form of exploitation, by subregion of detection, 2018 (or most recent)



Source: UNODC elaboration of national data.

*Note: The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.*

## 2.7 Answer Key for Quiz / Self-Assessment

No.	Statement(s)	/	x	Rationale and Background
1.	Trafficking always involves illegal border crossing and entry into another country.		x	<p>Trafficking does not require illegal border crossing as it can occur within the borders of one country even when borders are crossed legally.</p> <p>In the 2018 Global Report on Trafficking in Persons, UNODC reported that detection of domestic victims has increased over the last 15 years.</p>
2.	Both trafficking-in-persons and smuggling of migrants are processes that almost always involve <b>the cross-border movement</b> of a person for profits and other benefits.		x	<p>In the case of smuggling of migrants, the involvement of cross-border movement and organized crime groups are not always necessary to prove the related offence. Falsification or misuse of travel or identity documents and the enabling of illegal residence of migrants would trigger the application of the internationally agreed definition of smuggling of migrants.</p> <p>In the case of trafficking in persons, it is not essential that the victim has been physically moved by the traffickers. For example, at the time of movement or transportation, it can be difficult to determine whether the crime of human trafficking has been made out. Neither the victims themselves nor border officials may know the ultimate purpose for which they are being moved. It is often only at the place of destination, where persons are subjected to exploitation in its various forms, that trafficking can be easily made out. The protocol requires state parties to criminalize any listed acts, accomplished through particular means and is carried out for the purpose of exploitation as trafficking.</p>

No.	Statement(s)	/	x	Rationale and Background
3.	Smuggled migrants can become trafficking victims if the smuggler does not accurately portray the risks and conditions of the smuggling route.		x	<p>Sometimes, conditions for a smuggled person may be so bad that it is difficult to believe they consented to it.</p> <p>Unlike trafficking, migrant smuggling does not involve an exploitive purpose or the elements of force, deception, abuse of power or position of vulnerability, or fraud.</p>
4.	Trafficking is rendered irrelevant if the victim consented to exploitative conditions.	/		<p>Article 3 of the Trafficking Protocol provides that in the case of <b>adult</b> victims, <b>consent to the intended exploitive situations is irrelevant if traffickers use any improper means. In the case of children, consent is irrelevant whether or not any means is used.</b></p> <p>According to Trafficking Protocol, it is clear that <b>no person can consent to an exploitive situation</b>, while on the other hand, <b>the consent of the victims cannot be used as a shield to avoid a person’s criminal liability for trafficking for exploitation.</b></p>
5.	Only types of exploitation described in the Trafficking in Persons Protocol are relevant for victim identification.		x	<p>The Protocol only provides minimum forms of exploitation.</p> <p>Therefore, in addition to the minimum forms of exploitation in the Protocol, one should always refer to (other) forms of exploitation that may be added in the relevant national legislation to ascertain whether a particular circumstance constitutes trafficking in persons.</p>
6.	Trafficking constitutes when a person agreed to be smuggled into a foreign country for work but is subject to false promise and subsequent exploitation in part of the process.	/		<p>In many trafficking cases, a trafficker may make a fraudulent job offer that includes, for example, a promise for work, a residency permit, etc.</p> <p>Sometimes the victim may agree to be smuggled into a country illegally in order to find work.</p> <p>The victims clearly do not consent to the subsequent exploitation.</p>

No.	Statement(s)	/	x	Rationale and Background
7.	Trafficking does not constitute if the child's parents give their consent to the use of the child for labour.		x	<p>Where a child and the child's parents give their consent to the use of the child for labour, the child is still a victim of trafficking—even where they gave their consent without being threatened, forced, coerced, abducted, or deceived.</p> <p>Where the fact of “an act” and “exploitative purpose” is established, the fact that none of the improper means was utilized does not mitigate the crime where children are involved.</p>
8.	Bella's case does not constitute trafficking because she knew in advance that she is working in a brothel, although she is forced to work every day and not allowed to leave.		x	<p>The fact that a victim knew in advance that she was going to work in a brothel does not mitigate the criminal liability of the trafficker—the element of exploitation remains.</p> <p>The gravity of the offence is not diminished because the victim was aware of the work's nature but not aware of the working conditions.<sup>vi</sup></p>
9.	Chico's case does not constitute trafficking because he consented to cross the border illegally, although he had to travel in an unsafe vessel and was provided with inadequate food and water throughout his journey.	/		<p>Sometimes, conditions for smuggled persons may be so bad that it is difficult to believe they consented to it.</p> <p>Unlike trafficking, migrant smuggling does not involve an exploitative purpose of the elements of force, deception, abuse of power or position of vulnerability, or fraud.</p>

No.	Statement(s)	/	x	Rationale and Background
10.	Guapo's case does not constitute trafficking, although the work condition is harsh and exploitative because he was helped to get a job to pay off debt and earn money for the family.		x	<p>Many victims are willing to accept difficult conditions because they want to go to another country to find a job and a better life and hope to send money to their families.</p> <p>When they are recruited, they might suspect that they will be obliged to work very hard or even provide sexual services, but they may think that these conditions are acceptable for some period and that it is worth enduring harsh conditions to earn good money which they can use to pay off debts or cover family expenses.</p> <p>These are some of the reasons why victims may provide consent in the recruitment stage. However, law enforcement officers and practitioners should understand that potential victims are usually subject to deceit and other underhanded recruitment methods during the recruitment stage.</p>



A large, stylized number '3' is positioned on the left side of the page. The number is rendered in a light pink color with a subtle gradient and is set against a dark blue background. The '3' is partially cut off by the left edge of the frame.

# **TRAFFICKING IN PERSONS IN A NATIONAL CONTEXT**



# 03

# TRAFFICKING IN PERSONS IN A NATIONAL CONTEXT

## 3.1

### Overview of Trafficking in Persons in a National Context<sup>vii</sup>

Trafficking in persons is a global phenomenon that affects all countries, with some being countries of origin or transit or destination. **Thailand is one of few countries being regarded as a country of origin, transit, and destination for trafficking in persons.** Traffickers exploit domestic and foreign victims in Thailand and exploit Thai victims abroad. Various evidence and credible reports on the situation of trafficking in persons in 2020 suggest that the corruption and implicit of government officials in trafficking crimes through accepting bribes from business owners and traffickers as well as direct involvement in extortion from victims are major challenges in anti-trafficking efforts in Thailand over the last five years.

**As a source or origin country,** Thai nationals, especially women and LGBTQ+ share the largest portion of the profile of Thai trafficking victims detected in foreign countries such as Japan, the United States, South Africa, Australia, Malaysia, Singapore, as well as countries in the Middle East and Europe. The most frequent destination of Thai victims—is Japan. Each year, approximately 25,000 Thais overstay their tourist visas in Japan, and approximately ninety per cent (90%) of them are women. The majority of Thai nationals are trafficked for exploitation in prostitution. Thai nationals who are women and men are also trafficked to work in the agriculture and fishery sector in foreign territory.

As a country of destination, women and children from neighbouring countries such as Myanmar, Cambodia, Lao PDR as well as from countries such as Sri Lanka, Russia, Uzbekistan and some African countries are trafficked to Thailand for exploitation of prostitution and other forms of sexual exploitation. Royal Thai Government's Country Report on Anti-Human Trafficking Efforts, 2020 reported that exploitation of the prostitution of others is the most prevalent form of trafficking for exploitation in Thailand. Other prevalent forms of trafficking for exploitation in Thailand are forced begging, slavery, extortion, and forced labour (in the fishery and other sectors).

As a regional hub for air and land transportation in South-East Asia, Thailand is also a transit country for trafficking in person. For example, Chinese victims are transported via Myanmar into the northern part of Thailand and then to Bangkok before exploitation in other destination countries, such as in the United States, Canada, Australia, and countries in Europe.

## 3.2 National Legislation for Anti-Trafficking in Persons

National laws criminalizing trafficking in persons is the cornerstone for any legitimate and effective action to prevent and suppress trafficking crimes. For traffickers to be identified, investigated, arrested, prosecuted, and convicted, it is essential that domestic criminal law clearly define the elements of the crime and penalize those for aiding, involving, organizing, attempting, and advising others to commence on these crimes.

### Keynote(s):

Clearly defined elements of trafficking in persons in national legislation are crucial for the identification and prosecution of trafficking in persons.

The national legal instrument that is directly connected with trafficking in persons in Thailand is the Prevention and Suppression of Human Trafficking Act, B.E. 2551 (2008) which was amended in B.E.2558 (2015) and B.E. 2560 (2017) respectively. Section 6 of the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017) defines the offence of the trafficking in persons that consist of three basic elements – the elements of proof which are central in defining and criminalizing trafficking in persons in Thailand.

<b>Act (What is it done?)</b>	“(1) procuring, buying, selling, vending, bringing from or sending to, detaining, or confining, harbouring, or receiving any persons [...]”
<b>Means (How is it done? )</b>	“[...] by means of the threat or use of force, abduction, fraud, deception, abuse of power, illegal exertion of influence over others on account of their physical, educational or any kind of vulnerability, threat to take the abusive legal action against others, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person his control; [...]”
<b>Purpose (Why is it done?)</b>	“[...] If such act is committed <b>for the purpose of exploitation</b> , the person who does so is guilty of trafficking in persons.

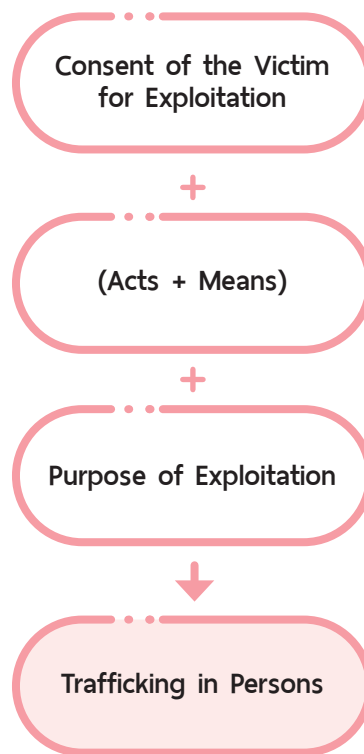
Diagram 7: Matrix of elements of Trafficking in Persons defined by Section 6 of the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017)

Act (What is it done?)		Means (How is it done?)		Purpose (Why is it done?)
Procuring	of a person  +  is achieved through	Threat	+ for	Exploitation
Buying		Use of force		
Selling		Abduction		
Vending		Fraud		
Bringing from		Deception		
Sending to		Abuse of power		
Detaining		Illegal exertion of influence over others on account of their physical, educational or any kind of vulnerability		
Confining		Threat to take abusive legal action against others		
Harbouring		Giving money or benefits to achieve the consent of a person having control over another person		
Receiving				

**Keynote(s):**

Section 6 of the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017) considers individuals are guilty of trafficking in persons, **regardless of the consent of the victims**, if any acts for the purpose of exploitation is carried out through the stated means.

**Diagram 8: Elements of Trafficking in Persons  
(The Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017))**



**Keynote(s):**

- Section 6 (2) of the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017) does not require “means” to establish **trafficking in children**.
- In the case of the children, the act of procuring, buying, selling, vending, bringing from or sending to, detaining, or confining, harbouring, or receiving a child for the purpose of exploitation is considered guilty of trafficking in persons under the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017).

**Diagram 9: Elements of Trafficking in Persons**  
(The Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017))



Forms of exploitation defined under the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017) are:

- The exploitation of the prostitution of others
- Production or distribution of pornographic materials
- The exploitation of other forms of sexual acts
- Slavery or practices similar to slavery
- Begging
- Removal of organs for commercial purpose
- Forced labour or services
- Forcible extortion

### 3.3 Applicable National Legislations and Tools Relevant to Combat Trafficking in Persons

In addition to the major legal instrument to combat trafficking in person, the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017), Thailand uses various legal tools that are applicable to combat trafficking in persons and to protect persons with vulnerable profiles from trafficking for exploitation, for examples:

<b>National Legal Instruments</b>	<b>Aim(s)<sup>viii</sup></b>
The Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017)	The Act defines elements of trafficking crime, penalize forced labour and services as forms of trafficking for exploitation and articulates penalties for aiding, abetting, organizing, and attempting trafficking crimes.
The Human Trafficking Criminal Procedure Act, B.E. 2559 (2016)	To enhance the efficiency and effectiveness of the judicial process to cope with the complex nature of human trafficking.
The Child Protection Act B.E. 2546 (2003)	The law defines the legal age of a child (a person below 18 years of age), protects the best interest of children, recognizes special welfare assistance or protection need of the children, and protects children from sexual abuses and harmful acts, regardless of the child's consent.
Prevention and Suppression of Prostitution Act, B.E. 2539 [1996].	The Act Prohibits prostitution, both male and female. The Act penalizes persons who conduct sexual relations with a prostitute under 18 years of age as well as owners of brothels, parents and legal guardians for prostitution of children.
The Royal Ordinance Concerning Rules on Bringing Migrant Workers to Work with the Employers in the Kingdom B.E. 2559 (2016)	To help improve Thailand's management of recruitment agencies and prevent migrant workers from being exploited and becoming victims of forced labour or debt bondage.
The Labour Protection Act, B.E. 2541 (1998)	To keep Thailand in line with international obligations to protect child labour and to regulate the minimum standard of pay and work hours for employees.
The Beggar Control Act B.E. 2559 (2016)	To regulate the protection and quality of life development of beggars, and to eliminate the threats of exploitation posed to beggars by trafficking syndicates.

National Legal Instruments	Aim(s) <sup>viii</sup>
Ministerial Regulations on the Protection of Labour in Sea Fisheries (No. 2), B.E. 2565 (2022)	To amend certain provisions in accordance with current conditions of employment and working conditions on fishing vessels, and to provide protection for workers in the fishing sector to meet international standards in order to prevent and solve the problem of illegal fishing workers and labor trafficking which is an important and urgent policy of the government. While this ministerial regulation is part of the law on labor protection, which is the law on public order, if the agreement/employment/contract/regulation concerning the work of employers is contrary to this Ministerial Regulation, it shall be void and unenforceable.
Department of Labour Protection and Welfare Regulations on Labour Inspections and the Criminal Procedures in Cases Related to the Ministerial Regulations on the Protection of Labour in Sea Fisheries (No. 2), B.E. 2561 (2018)	The regulations authorize labour inspectors to prosecute employers who fail to pay wages on time, violate the laws enforcing minimum wages, or confiscate documents belonging to employees in the sea fishing sector

For matters of criminalization and international cooperation to combat trafficking in persons, Thailand also uses the Penal Code, the Anti-Money Laundering Act, the Witness Protection Act, Extradition Act and the International Cooperation in Criminal Matters Act.

## 3.4

# Assistance to and Protection of Victims of Trafficking in Persons

### 3.4.1. International Obligation to Provide Assistance to and Protection of Victims of Trafficking in Persons<sup>ix</sup>

Victims of trafficking in persons who are identified and escape their trafficking situation may have no means of subsistence and may need immediate assistance for accommodation, food, medical care, and may require protection from their traffickers. While trafficked, victims may have sustained physical injuries and psychological or emotional trauma because of the abuse suffered at the hand of traffickers such as torture, deprivation of food or sleep or both, degrading living and working conditions, rape, threat, violence, and isolation. In fact, many traffickers instil or perpetuate the fear of victims, which gives them greater control

over their victims and facilitates their exploitation. In the case of children, their age makes them even more vulnerable to the detrimental consequences of abusive practices.

**Keynote(s):**

Trafficking in persons is always a crime against a person. Therefore, trafficking victims play key roles in providing evidential information of the crime to the authorities for investigation and prosecution. Victims are key witnesses of the trafficking crime.

Article 6 of the **Trafficking in Persons Protocol requires state parties to conder certain forms of assistance to provide and to protect trafficking victims** from further harm and retaliation, help their recovery, minimize stigmatization, protect their privacy, and assist in their rehabilitation and reintegration.

**Keynote(s):**

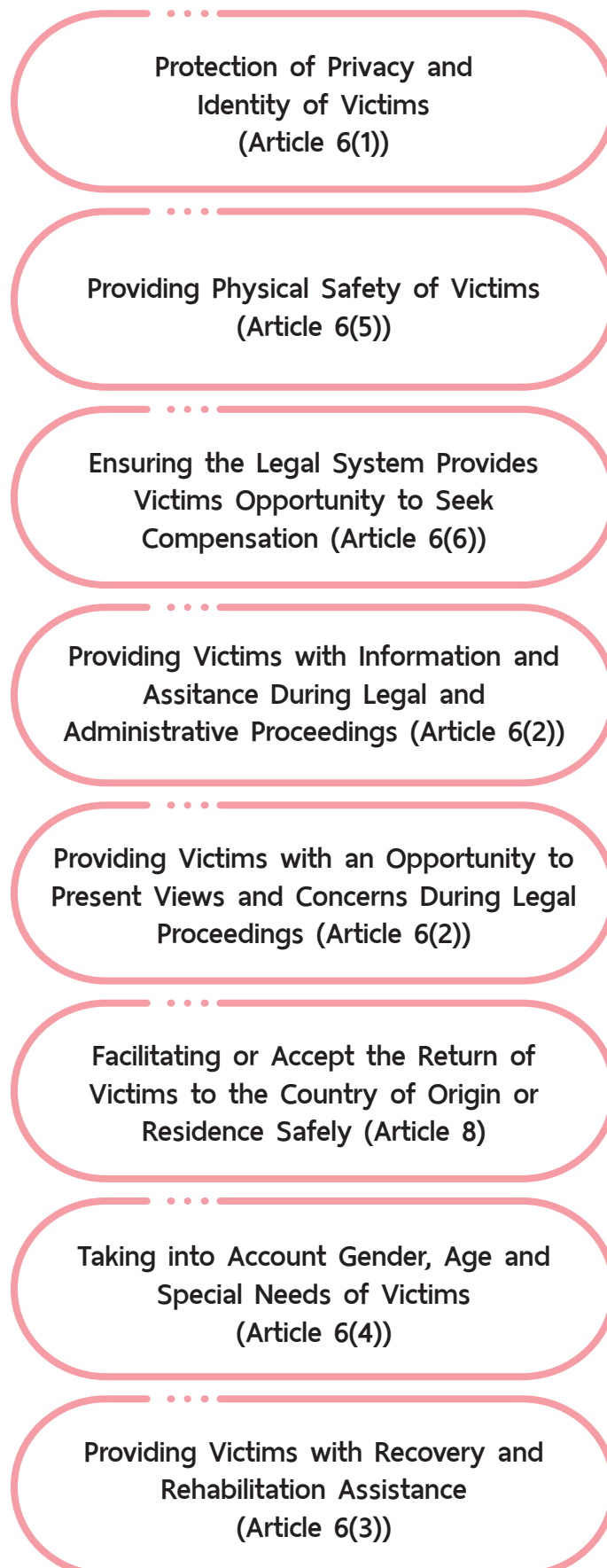
- On 17 October 2013, Thailand has ratified and became a state party to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (the 'Trafficking in Persons Protocol).
- On 24 July 2016, Thailand has ratified the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), which reaffirms Thailand's commitment to combat trafficking in persons in accordance with international obligations.<sup>x</sup>

A state party to the Trafficking in Persons Protocol has an international obligation regarding protection and assistance to victims of trafficking in persons as followings:

- Protection of privacy and identity of victims (Article 6, Paragraph 1)
- Providing physical safety of victims (Article 6, Paragraph 5)
- Ensuring the legal system provides victims opportunity to seek compensation (Article 6, Paragraph 6)
- Providing victims with information and assistance during legal and administrative proceedings (Article 6, Paragraph 2)
- Providing victims with an opportunity to present views and concerns during legal proceedings (Article 6, Paragraph 2)
- Facilitating or accept the return of victims to the country of origin or residence safely ( Article 8)
- Adopting measures to allow victims to remain temporarily or permanently in the country (Article 7)
- Taking into account gender, age and special needs of victims ( Article 6, Paragraph 4)
- Providing victims with recovery and rehabilitation assistance (Article 6, Paragraph 3)



**Diagram 10: International Obligation Regarding Protection and Assistance to Victims of Trafficking in Persons (Trafficking in Persons Protocol)**



### Keynote(s):

- The protection measures in the Trafficking in Persons Protocol are not exhaustive and victims of trafficking have rights available to all human beings as stated in other relevant binding and non-binding human rights instruments and guidelines.<sup>xi</sup>
- Traffickers often control victims by convincing them that they will be arrested and prosecuted or deported if they approach authorities to complain or ask for help. Therefore, the victims may prefer to approach non-governmental organizations rather than State-based agencies to seek help. For these reasons, authorities and frontline practitioners are encouraged to engage with non-governmental organizations and other elements of civil society to support victims with rights-based assistance measures.
- Evidence suggests that providing support, shelter, and protection for victims increases the likelihood that they will be willing to cooperate with and assist investigators and prosecutors. However, any assistance and protection provided to victims should be given with their consent and should not be made conditional on a victim's willingness to cooperate in legal proceedings.
- The victims have the right to decline the assistance, and the protection measures must not adversely affect victims' human rights, dignity, and welfare.

### 3.4.2. Non-Punishment of Victims of Trafficking in Persons.<sup>xii</sup>

The focus of the Trafficking in Person Protocol was to criminalize traffickers and to provide assistance to and protection of victims of trafficking in persons. As a result of their victimization, victims of trafficking in persons may have been compelled to commit unlawful activities or offences such as using false documents or passports, working without authorization, working in prostitution, illegally entry of or residence in a country, and committing a crime.

### Keynote(s):

- The purpose of the non-punishment principle is to encourage victims to seek protection, assistance, and justice, and their identity without fear of prosecution and punishment.
- Victims should not be detained, charged or prosecuted for irregularly entering or maintaining in a State, or for other illegal acts or for crimes they have committed as a direct result of being trafficked.<sup>xiii</sup>

Though the Trafficking in Persons does not explicitly state non-criminalizing of an offence committed by trafficking victims during the course of their victimization, a number of international guidelines recommended that trafficked persons should not be held responsible for offences that they are compelled to commit and that is directly related

to their situation as trafficked persons. The purpose of the non-punishment principle is to encourage victims to seek protection, assistance, and justice, and their identity without fear of prosecution and punishment.

**Keynote(s):**

- The United Nations High Commissioner for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Principle 7 provides that “trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.
- The Working Group on Trafficking in Persons of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime views the non-punishment of victims of trafficking as an extension of the principle to “protect and assist the victims of such trafficking, with full respect for their human rights” set out in article 2 subparagraph (b) of the Protocol.

**3.4.3. National Measures to Provide Assistance to and Protection of Victims of Trafficking in Persons.**

According to the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017), victims of trafficking in Thailand are entitled and provided with the following assistance and protection for their safety:

- Food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, the return to the country of origin and to claim compensation (section 33).
- The permission to stay and work in the country temporarily (section 37).
- An exemption of victims from criminal and administrative liabilities from the offences during their victimization such as leaving, entering or residing in the country without legal permission, giving false information to the official, forging or using a forged travel document, prostitution, and working without permission under the law on working of the alien (section 41).

Besides, section 33 of the Act guarantees to respect human rights, views, culture, age, race, nationality, sex of the trafficking victims while providing assistance; section 35 provides the rights to compensation to victims for the harm they suffered; section 36 requires officials to provide safety protection of victims prior to, during and after prosecution; and section 56 penalizes whoever disclose identity and history of trafficking victims without their honest consent.

## 3.5 Case Study<sup>xiv</sup>

### 3.5.a. Case Study: Nok






Nok is a 20-year-old woman from South-East Asia. She is widowed and supports her two small children by selling vegetables. One day, her friend Patnaree approaches her. Patnaree says she can find Nok a job as a domestic worker in another South-East Asian country where she can make 10 times her current monthly earnings. Patnaree also promises to make all her travel arrangements and to pay for her trip if Nok agrees to repay her once she starts her new job in the destination country.

Deciding that the extra income will benefit her family, Nok leaves her children in the care of her mother and begins her journey by bus in the company of Patnaree. Nok has no passport, but Patnaree assures her that she will not need one since she has friends at the border. Some miles before the border, they leave the bus and wait at a roadside cafe until they are joined by a truck driver called Than. Nok is surprised to see Patnaree pay Than a significant sum of money before they both get into the truck with him and continue their journey to the border. They cross the border without any problems, as Patnaree promised. It is the only time Nok knowingly crosses a border on her trip to the destination country. The truck driver Than is friendly but asks that Nok travels in the truck's closed rear compartment to avoid problems at the next border. It is dark, hot, and very uncomfortable in the back of the truck, but Nok agrees since she has no passport and can only rely on his advice and goodwill and Patnaree's friendship. It is a long trip, and Nok's journey in the rear compartment of the truck comes to an end in an empty field beside a wide river where Patnaree and the driver Than meet four men who are a citizen of the destination country.

The four men then take Nok across the river. Nok is told that she is now in the destination country. She is ordered to get in the back of a truck that is waiting at the side of the river. In the back of the truck are seven other women. Nok is afraid, no longer believing that she is to be given the job she was promised. When she refuses to get into the vehicle one of the men threatens her with a gun. The four men travel together in the cab of the vehicle.


Nok and the other women are taken to a private house in a major city. Over a period of several weeks, the four men repeatedly physically and sexually abuse the women. They do not allow them to leave the premises. One man tells Nok that if she escapes, the police will put her in prison for being in the country without a passport and that she will never see her children again. He also threatens to locate and traffic her children if she even tries to escape. Other men visit the house, and Nok is forced to have sex with them, for which her four captors receive payment. She is not allowed to retain any of the money and is not allowed to leave the building.

3.5.1. Discuss and List General Elements of Trafficking in Persons from the Case Study:

Acts (What is it done?)	Means (How is it done?)	Exploitation (Why is it done?)
		
		
		
		
		

3.5.2. Checklist for General Elements of Trafficking in Persons from the Case Study:

Acts (What is it done?)	Means (How is it done?)	Exploitation (Why is it done?)
Recruitment of a person	Deception of the victim for a well-paid job	Sexual exploitation of victim (forced to have sex with men for payment)
Transfer of a person	Threat to harm victim's children if escape	Not allowing the victim to retain any money or victim does not receive any payment
Transportation of a person	Not allowing the victim to leave the building	
	Threaten victim with a gun	



**UNDERSTANDING  
THE BASICS OF  
TRAFFICKING  
IN PERSONS  
IDENTIFICATION**

# 04

# UNDERSTANDING THE BASICS OF TRAFFICKING IN PERSONS IDENTIFICATION

4.1

## Trafficking in Persons Identification and Why it is Important

Trafficking in persons is always a crime against a person. Unless trafficked persons or trafficking victims are identified, they could not be assisted nor protected or provide evidence to authorities to establish the crime for investigation and prosecution of trafficker. **Identifying trafficked persons is, therefore, the first step towards anti-trafficking in person efforts and recognizing victims' human rights and the harms they suffered for remediation.**

### Who are traffickers?

- Traffickers can be anyone.
- While many traffickers have criminal backgrounds and use trafficking as a direct source of income, there are also business owners, intimate partners and other family members involved in human trafficking. Court cases reveal instances of parents facilitating the sexual exploitation of their children or forcing them into street begging. Other cases involve business owners exploiting victims into forced labour.

However, trafficked person identification can be challenging due to various reasons, for example, fear of victims of authorities, fear of victims for the criminalization of offences committed during their victimization, control methods used by traffickers, the age of the victim, trauma and memory loss of victims, sense of shame and fear of stigmatization of victims, the similarity of trafficking crime with other crimes, limited knowledge of frontline practitioners or authorities on trafficking in-person process and victim identification, and lack of knowledge of trafficked persons that they are entitled to assistance.

For the frontline practitioners or authorities, victim identification could be even more challenging when potential victims who are at the stage of transportation are unaware of the exploitative intent of their traffickers in a final destination. To overcome these challenges and successfully identify trafficked persons, frontline practitioners or authorities need to understand the process and stages involved in trafficking in person crime and victim identification as well as the needs and concerns of trafficked persons.

## 4.2 Trafficking in Person Process

**The primary purpose of trafficking in persons is always for the exploitation of a person or a victim.** From the definitional perspective, trafficking in persons **begins with the activities of traffickers** such as recruitment, transportation, transferring, harbouring, or receiving a person **by using various means** such as the threat of 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.

Simply put, the process of trafficking in persons involves two stages: stage one or the stage of actions in which traffickers recruit, transport, transfer, harbour, or receive a person by using various means; and stage two or the stage of exploitation in which traffickers keep that person in different forms of exploitation.



Diagram 11: Stages of Trafficking in Persons (The Trafficking in Persons Protocol)

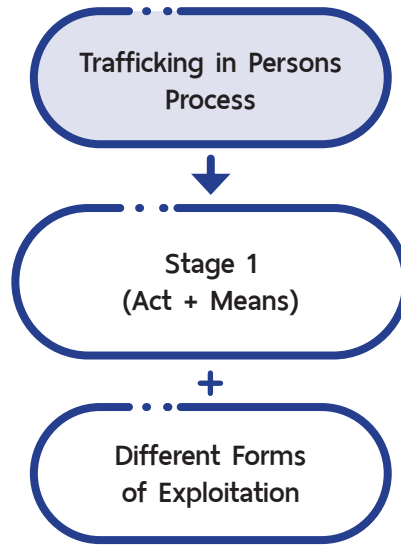


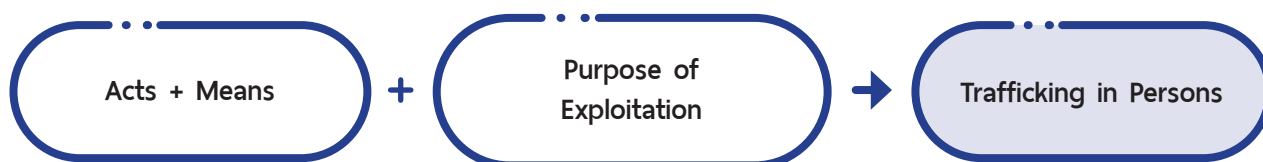
Table 4.1. Trafficking in Persons Process

Stage 1: Actions Achieved Through Various Means (Acts + Means)		Stage 2: Exploitation (Non-Exhaustive Forms)	
Recruitment	+	The threat of use of force	Sexual exploitation
Transportation		Coercion	Forced labour or services
Transferring		Abduction	Slavery or practices similar to slavery
Harboring		Fraud	Servitude
Receiving		Deception	The removal of organ
		Abuse of power or position of vulnerability	
		Giving or receiving of payments or benefits to achieve the consent of a person having control over another person	

As mentioned earlier, at the time of movement or transportation, it can be difficult to determine whether the crime of trafficking in persons has been made out. Neither victims themselves, nor the border officials or anti-trafficking frontline practitioners, may know the ultimate purpose for which they are being moved. It is at the place of destination, where persons are subject to exploitation in its various forms, that trafficking can be easily made out. Therefore, the meaning of the trafficking in persons or trafficking crime does not necessarily require or focus on actual exploitation that has been occurred.

In the Trafficking in Persons Protocol and many domestic laws, it is considered that the crime of the trafficking in persons has been made out of any listed acts, accomplished through particular means and is carried out for the purpose of exploitation. **The trafficker cannot avoid criminal responsibility simply because they were not achieving their criminal objectives.** Preliminary determination of trafficking in persons is therefore made on the signals and indicators of exploitation rather than on the occurrence of actual exploitation.

Diagram 12: Trafficking in Persons (The Trafficking in Persons Protocol)



#### Keynote(s):

- Article 5, paragraph 2 of the Trafficking in Persons Protocol, requires States Parties to criminalize the actions of those who assist the principal offender in the commission of trafficking in person offences, provides that : (a) “attempting” to commit trafficking in persons (where doing so is possible within their legal system), (b) participating in a trafficking in person offence as an accomplice, and (c) “organizing or directing other persons to commit” trafficking in person offence [...].
- Similarly, section 7 of the Anti-trafficking in Persons Act of Thailand, B.E 2551 (2008) punishes whoever supporting; aiding; and assisting the offender of trafficking in persons as the offender of an offence of trafficking in persons. Moreover, section 7 also punishes whoever accepts a property or any other benefits in order to help the offender; and induces, suggests, or contacts a person to be part of the purpose of committing an offence of trafficking in persons.

Throughout the trafficking process and at the stage of exploitation, traffickers may use one or a combination of various means or control methods to keep their victims under an exploitative situations.

Some examples of indicators of control methods at the stage of exploitation include:

- Debt bondages;
- A restriction on leaving a job;
- Non-payment or withholding of wages;
- Retention of identity or travel documents;
- Restriction of movement;
- Solation, confinement, or surveillance;
- Deprivation of food or sleep or medical care;
- Substance abuse or drug addiction;
- Religious belief;
- Witch crafting;
- Emotional relationship;
- Blackmailing, etc.

**Throughout the trafficking process, traffickers may also commit other crimes such as rape and murder of the victims, etc.** Though the basic obligation of the state parties to the Trafficking in Persons Protocol is to criminalize trafficking as a combination of constituent elements and not the elements themselves, traffickers may be charged for other crimes committed during the trafficking process.

### 4.3

## Stages Involve in Trafficking in Person Identification<sup>xv</sup>

Victim identification is the process through which an individual is screened as a trafficking victim by relevant authorities. Potential victims may come to the attention of relevant authorities and frontline practitioners in many different ways, for example, when victims seek assistance (through self-identification) or authorities and frontline practitioners identify trafficking victims in the course of their work (through proactive identification) such as labour inspection, border operation and control, complaint or distress calls, report, and referral.

In practice, it can be challenging for frontline practitioners and authorities to distinguish trafficking in persons from smuggling of migrants and other stand-alone unlawful conduct such as forced labour or labour exploitations that may intersect with trafficking crime in complex ways. Irrespective of the challenges, understanding basic processes of trafficking victim identification is essential for frontline practitioners and border authorities to identify victims of trafficking quickly and effectively. Generally, the trafficking victim identification process involves different stages that should be linked with referral processes where particular protection needs are identified (for instance, where potential victims of trafficking are children or asylum seekers):

- **Stage 1 – First Contact:** assessing signals and indicators relevant to elements of trafficking around a person encountered before asking the person any trafficking-related questions. Initial screening at first contact can be done by frontline practitioners or anyone who encounters the person and may result in (referral of relevant authorities for) initial interview. At the point of the first contact, frontline practitioners may conduct screening of potential trafficking cases through conversation and observation of behavior, appearance, or circumstances of the person. In the case of children who may be in age dispute (for example, a child who may lie about their age or a child who may not appear to be a child), the presumption that the person is a child should be applied and treated as a child until another determination can be made.
- **Stage 2 – Initial Interview:** Suppose there are indicators to presume that the person may be a potential victim of trafficking at the first contact and screening. In that case, the presumed victim should be further assessed for risks of trafficking, including safety and security, through an initial interview by relevant authorities. At this stage, the presumed victim should be informed about the purpose, procedure, and consequences of the interview. In the case of children, an initial interview should be administered by specially trained officers, if possible. Based on identified needs and concerns, presumed victims should also be given access to initial assistance and protection. If the initial interview suggests sufficient trafficking indicators, the person should be referred to a formal identification procedure with their informed consent. For the persons who could be at risk of persecution or serious harm in their country of origin, access to asylum procedures administered by UNHCR or asylum authorities should be given.
- **Stage 3 – Formal Identification:** Verification by competent authorities that the person is a victim of trafficking, and this may result in the person being entitled to more comprehensive assistance and protection services according to domestic laws. The process and requirement with formal identification vary substantially from country to country, as do the rights and protections afforded to trafficking victims.
- **Stage 4 – Protection and Assistance:** Formal interview will provide the opportunity to refine the assistance and protection services for trafficking victims based on specific needs that may be identified. It is important to note that in most countries, the assistance to and the rights of the victims are not contingent on victims' cooperation to the prosecution and the successful prosecution of traffickers.

Diagram 13: Basic Process of Trafficking Victim Identification



**Note for the trainer:**

For the purpose of training for frontline practitioners, this training manual only discusses stage 1 and 2, first contact and initial interview, together it is known as identification of potential trafficking victim.

#### 4.3.1 Nature of Identification of Potential Trafficking Victim:

Many victims come into contact with authorities at various stages of trafficking. Some victims may be unidentified or misidentified by authorities as irregular or smuggled migrants or involving in illegal activities. Some victims may avoid identification intentionally or decline to be identified for different reasons - those who decline identification and assistance may change their minds at a later stage again.

Therefore, at the first contact, relevant authorities, especially frontline practitioners, need to be aware that **an initial interview is non-conclusive and an examination of various indicators around a person that may be relevant to a potential trafficking situation**. In brief, the key objective of the initial interview is to identify possible trafficking situations and determine immediate assistance and protection needs of a presumed victim of trafficking in persons and refer them for formal identification.

Generally, the authorities or frontline practitioners may use the following **general indicators to detect a potential trafficking situation** of a person:

- **Age and Gender:** Depending on the purpose of exploitation, specific age group and gender can be targeted by traffickers. For example, children are considered easy targets for traffickers. In many parts of the world, girls account for a large share of victims of sexual exploitation. In 2020, UNODC reported that one in every three victims detected around the world is a child, and in low-income countries, most of the child victims identified are trafficked for forced labour. As the COVID-19 crisis continues, families in dire need may encourage their children to work and children may feel the pressure to economically contribute to the family, leaving them vulnerable to potentially harmful practices and exploitation. Some social norms, such as the practice of parents sending their child to work to sustain the family income, may provide fertile ground for the trafficking of children, with traffickers taking advantage of the situation of extreme poverty.
- **Travel Route and Experience:** Given the process of trafficking in persons that involves recruitment, transportation, transferring, harbouring, or receiving a person by using various means for exploitation, specific information relating to a person's travel

experience is particularly relevant for trafficking person identification. A person's origin and destination countries, transit route; travel companions; arrangements in a destination country may trigger a further question on the means used by the recruiter, receiver, or their financial ability to afford travel. For example, if children are being accompanied by non-family members for travel, or if young girls and adults are transported to work in an unknown location or promised well-paid jobs in other countries. Some traffickers may use recruitment agencies as a cover. Many migrant workers fall victim to debt bondage when they take on an initial debt for the migration journey. Recruitment agencies sometimes induce people to believe that it will be easy for them to repay the debt based on the salaries promised in destination countries, but this is often not the case.

- **Documentations:** Trafficking for forced labour is more commonly identified among non-citizen or migrants than citizens. Traffickers abuse different vulnerabilities of migrants, starting with the fact that migrants need travel documents and legal permission to live and work in a country of exploitation. Retention of documents is one of the commonly used control methods of traffickers to keep their victims under an exploitative situation. A trafficker may frog identity and travel documents of child victims for sexual and other forms of exploitation. Lack of access to travel documents and possession of fraudulent documents are therefore strong indicators of trafficking or forced labour situation.
- **Language and Local Knowledge:** Migration status is not the only risk factor that may expose a worker to labour exploitation. Migrants are also targeted because they are generally unfamiliar with their labour rights, are unaware of available support mechanisms and/or are unable to understand the language of the countries where they are exploited.
- **Location or Condition of the Place:** Economic and labour conditions in a country may increase the number of people at risk of being deceived by job opportunities or recruited into abusive working conditions. Taking the advantage of a situation of economic needs, traffickers may act with impunity to exploit their victims in remote and isolated locations. For example, where migrants trafficked in the agriculture sector are found to live in rudimentary accommodation close to the fields and isolated from local communities. The same method may be used in fishing, mining and construction sectors, and domestic works.
- **Sign of Mistreatment and Physical Condition:** Traffickers could threaten the families of the victims or even impose physical harm to secure the victims' obedience. In domestic servitude cases, victims experience extremely high levels of violence, abuse, and exploitation at the hand of members of the household where the victims are employed and exploited. The Special Rapporteur on Trafficking in Persons reports that victims of domestic servitude experience food deprivation, beatings with electrical wires or scalding with hot water. Traffickers may also involve intimate relationships to control their victims. For example, young men traffic female victims with difficult family backgrounds and who lack affection by enticing them into a romantic relationship. Often, these traffickers operate alone, trafficking one victim at a time. By means of emotional manipulation with an increasing level of physical threat or mistreatment, traffickers may perpetuate the sexual abuse and exploitation of their

partners. The level of manipulation often leads the victims to not perceive the situation as abusive, nor be willing to report partner abuse. Therefore, the relationship between the victim and her exploiter makes this form of trafficking more similar to domestic violence than to a typical form of organized crime.

- **Sign of Mental and Psychological Harm:** While all forms of trafficking are physically violent, lack of physical injuries or abuse does not mean there is no sign of trafficking. People can also be exploited in plain sight, especially when they are marginalized, discriminated against and/or are afraid of being reported because they have an irregular migration status and high level of dependency on their traffickers. Traffickers may threaten to harm or report victims to immigration authorities if they do not comply with exploitative working conditions. The fear of being harmed or returned to their country of origin may discourage migrants with irregular residence status from seeking support or justice, even in extremely exploitative situations.
- **Context:** Circumstances leading up to the individual coming to the notice of the frontline practitioners or authorities also serve as key indicators of the trafficking situation. For example, border patrol or control, labour inspections, raids on entertainment businesses, beggar control operations, etc. Overall, knowledge of the modus operandi of traffickers in the region and being a key country of origin for victims of transnational trafficking also play a critical role in the ability of frontline practitioners or authorities to evaluate all above general indicators to presume a situation of trafficking in persons.

The above general indicators or signs may apply to identify potential aspects of the trafficking situation around persons at the first contact before asking them any specific or trafficking-related questions. **Frontline practitioners or authorities could use the general indicators above and in the table (4.2) as a guide, for the initial examination of a situation of a person at the first contact. If any suspicion of a situation of trafficking arising from the first contact, authorities or frontline practitioners could be aided with the common indicators of trafficking in-person elements in the table (4.3) and key indicators specific to forms of exploitation in the table (4.4) for further investigation and interview with a person to screen a situation.** In this regard, authorities or frontline practitioners should adapt the indicators to a specific situation they encounter in the course of their work for screening of potential trafficking victims and forms of exploitation.

**Diagram 14: General Indicators of Trafficking in Persons:**



**Table 4.2: General Indicators of Trafficking in Persons:**

General Indicators	Children
<p><b>People who have been trafficked may:</b></p> <ul style="list-style-type: none"> <li>• Believe that they must work against their will</li> <li>• Be unable to leave their work environment</li> <li>• Show signs that their movements are being controlled</li> <li>• Feel that they cannot leave</li> <li>• Show fear or anxiety</li> <li>• Be subjected to violence or threats of violence against themselves or their family members and loved ones</li> <li>• Suffer injuries that appear to be the result of an assault</li> <li>• Suffer injuries or impairments typical of certain jobs or control measures</li> <li>• Suffer injuries that appear to be the result of the application of control measures</li> <li>• Be distrustful of the authorities</li> <li>• Be threatened with being handed over to the authorities</li> <li>• Be afraid of revealing their immigration status</li> <li>• Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else</li> <li>• Have false identity or travel documents</li> <li>• Be found in or connected to a type of location likely to be used for exploiting people</li> <li>• Be unfamiliar with the local language</li> <li>• Not know their home or work address</li> <li>• Allow others to speak for them when addressed directly</li> <li>• Act as if they were instructed by someone else</li> <li>• Be forced to work under certain conditions</li> <li>• Be disciplined through punishment</li> <li>• Be unable to negotiate working conditions</li> <li>• Receive little or no payment</li> </ul>	<p><b>Children who have been trafficked may:</b></p> <ul style="list-style-type: none"> <li>• Have no access to their parents or guardians</li> <li>• Look intimidated and behave in a way that does not correspond with behaviour typical of children their age</li> <li>• Have no friends of their own age outside of work</li> <li>• Have no access to education</li> <li>• Have no time for playing</li> <li>• Live apart from other children and in substandard accommodations</li> <li>• Eat apart from other members of the “family”</li> <li>• Be given only leftovers to eat</li> <li>• Be engaged in work that is not suitable for children</li> <li>• Travel unaccompanied by adults</li> <li>• Travel in groups with persons who are not relatives</li> </ul> <p><b>The following might also indicate that children have been trafficked:</b></p> <ul style="list-style-type: none"> <li>• The presence of child-sized clothing typically worn for doing manual or sex work</li> <li>• The presence of toys, beds and children’s clothing in inappropriate places such as brothels and factories</li> <li>• The claim made by an adult that he or she has “found” an unaccompanied child</li> <li>• The finding of unaccompanied children carrying telephone numbers for calling taxis</li> <li>• The discovery of cases involving illegal adoption</li> </ul>



General Indicators	Children
<ul style="list-style-type: none"> <li>• Have no access to their earnings</li> <li>• Work excessively long hours over long periods</li> <li>• Not have any days off</li> <li>• Live in poor or substandard accommodations</li> <li>• Have no access to medical care</li> <li>• Have limited or no social interaction</li> <li>• Have limited contact with their families or with people outside of their immediate environment</li> <li>• Be unable to communicate freely with others</li> <li>• Be under the perception that they are bonded by debt</li> <li>• Be in a situation of dependence</li> <li>• Come from a place known to be a source of human trafficking</li> <li>• Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination</li> <li>• Have acted on the basis of false promises</li> </ul>	

**Table 4.3: Common Indicators of Trafficking in-Person Elements:**

Indicators of “Means” Used by Traffickers
<p><b>Threats</b></p> <ul style="list-style-type: none"> <li>• The person (or his or her family, friends or community) is threatened</li> <li>• The person (or his or her family, friends or community) is threatened with force</li> <li>• The person is threatened with deteriorating living or working conditions</li> <li>• The person is threatened with being turned over to authorities</li> <li>• The person is threatened with force</li> </ul>
<p><b>Use of force</b></p> <ul style="list-style-type: none"> <li>• The person displays signs of physical harm.</li> <li>• The person shows signs of mental and psychological harm.</li> <li>• The person shows signs of sexual assault and / or rape.</li> </ul>

## **Coercion**

- The person has familial or economic problems.
- The person has a history of crime or is otherwise known to authorities.
- The person has irregular migration status and / or is undocumented.
- The person's documents, money or other possessions have been confiscated.
- The person has entered into an unfair debt arrangement.
- The person is isolated, confined, and/or under surveillance or supervision.
- The person's cultural or religious beliefs have been manipulated.

## **Fraud / Deception (False, Inaccurate, Incomplete, or Misleading Information) relating to:**

- The person's migration process or prospects (including destination).
- The person's travel and recruitment conditions.
- The person's employment conditions including type, pay, wages, income, earnings.
- The person's access to educational opportunities.
- The person's housing and location or living conditions.
- The legality of the person's documents, migration status, work, or contract.
- The laws, attitude or conduct of authorities in relation to the person.
- The person's prospects of family reunification, marriage, or adoption.

## **Abuse of power or of a position of vulnerability, through the abuse of:**

- The person's economic, psychological, or emotional dependency on, or relationship with the exploiter/employer/family member
- The person's romantic or emotional attachment with the exploiter / employer / family member / other
- The person's migration documentation and/or status
- The person's social, cultural, or linguistic isolation
- The person's unemployment or economic destitution
- The person's mental or physical disability
- The person's age (young or old), sex, gender, sexual orientation, nationality, ethnic or social origin, and disability
- The person's cultural or religious beliefs, rituals, or practices
- The person's drug or alcohol dependency or addiction

## **Giving or receiving of payments or benefits to achieve the consent of a person in having control over another person:**

- The person is placed in a situation through payment of fees, dowry or giving or receiving of gifts to third persons.

**Table 4.4: Key Indicators of specific forms of exploitation listed in the Trafficking in Persons Protocol:**

<b>Key Common Indicators of Exploitation</b>
<ul style="list-style-type: none"> <li>• The person is forced/coerced to enter into or remain in the situation.</li> <li>• The person is deceived about the nature/location of the situation.</li> <li>• The person’s working days or hours are excessive.</li> <li>• The person’s living or working conditions are inhumane and / or degrading.</li> <li>• The person is under the control of/heavily dependent on others.</li> <li>• The person is subject to threats or use of violence.</li> <li>• The person is in a situation that is inappropriate for his or her age.</li> </ul>
<b>Indicators of Exploitation of the Prostitution of Others and Forms of Other Sexual Exploitation</b>
<ul style="list-style-type: none"> <li>• The person cannot refuse to service clients, to carry out specific sexual acts or to have unprotected sex. The person does not receive money directly from clients / receives only a small portion of the fee paid by clients to employers or intermediaries.</li> <li>• The person is forced / coerced to use or not use specific types of contraception. The person is forced / coerced to receive medical / pregnancy testing.</li> <li>• The person is underage.</li> </ul>
<b>Indicators of Trafficking for the Purpose of Organ Removal</b>
<ul style="list-style-type: none"> <li>• The person is forced / coerced into agreeing to organ removal.</li> <li>• The person is deceived about the procedures involved or the compensation to be received for organ removal.</li> <li>• The person does not know where or when the transplant procedure is to take place.</li> <li>• The person does not understand the transplant procedure and associated risks.</li> <li>• There appears to be a third-party procurer.</li> <li>• There are indications that the intended recipient is intending to travel overseas with the person.</li> </ul>
<b>Indicators of Domestic Servitude</b>
<ul style="list-style-type: none"> <li>• The person receives poor quality / substandard food and shows signs of malnourishment.</li> <li>• The person works excessive hours.</li> <li>• The person has no private space, or private space is inadequate.</li> <li>• The person is confined or denied social interaction and/or never leaves the house without their employer.</li> <li>• The person is subject to insults, abuse, threats, violence and/or assaults.</li> <li>• The person pays a recruitment fee.</li> <li>• The person is underage.</li> </ul>

### Indicators of a Forced, Servile or Early Marriage.

- Cash or other 'gifts' were paid to a third party to bring about the marriage.
- A marriage contract was negotiated by people other than the married parties and / or without their involvement or agreement.
- The person is forced into a situation of labour, domestic servitude, or sexual exploitation.
- The person has received/is to receive virginity testing.
- The person's relatives were forced into marriage.
- The person displays signs of depression, self-harm, social isolation, or substance abuse.
- There are signs of family discord, violence, or abuse.
- The person is underage.

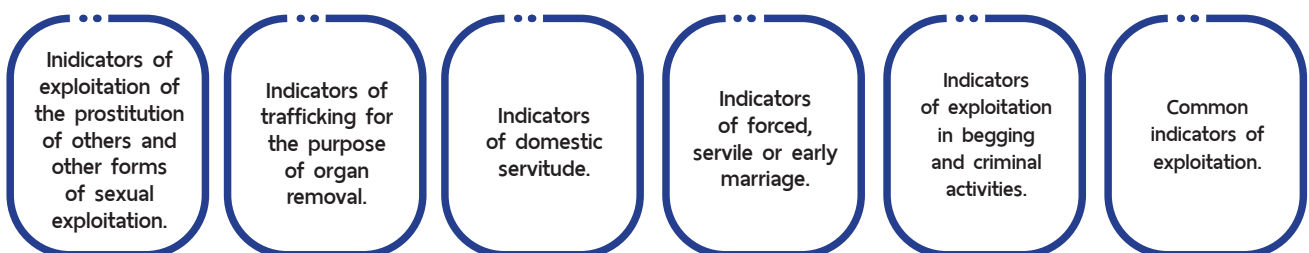
### Indicators of Exploitation in Begging and Criminal Activities.

- The person is punished if he or she does not collect or steal enough.
- The person lives with others who perform the same activities.
- The person does not understand the purpose of activities or their illicit nature.
- The person is underage, elderly or disabled.

[The International Labour Organization \(ILO\)](#), the ILO has developed lists and explanations for indicators of trafficking for forced labour and sexual exploitation and they are available for download in the following links:

- [Operational indicators of trafficking in human beings.](#)
- [Lists of indicators of trafficking in human beings.](#)
- [Explanations for indicators of trafficking for sexual exploitation.](#)
- [Explanations for indicators of trafficking for labour exploitation.](#)

Diagram 15: Key Indicators of Specific Forms of Exploitation  
(The Trafficking in Persons Protocol)



#### Limitation of Indicators:

- Indicators are non-exhaustive lists and offer a **guide** for frontline practitioners or authorities to screen “the person” encountered as the potential victim of trafficking.
- Indicators are **not proof of trafficking** but can be used to justify a presumption in favour of the victim for assistance and protection purposes.
- Some indicators will point to **signs of exploitation** and others will suggest **signs of control** that the trafficker may have over the potential victims.
- Indicators are **most effective when they are adapted to the specific situations** authorities encounter in the course of their work.
- Given the different ways people are trafficked, **the absence of certain indicators does not necessarily mean the situation is not trafficking in persons**. For example, traffickers may allow victims access to their travel and identity documents while passing the border so as not to raise the suspicion of authorities.
- Indicators are more insightful when they are used in a combination than reliance on one type of indicator because an indicator may indicate something else.

## 4.4

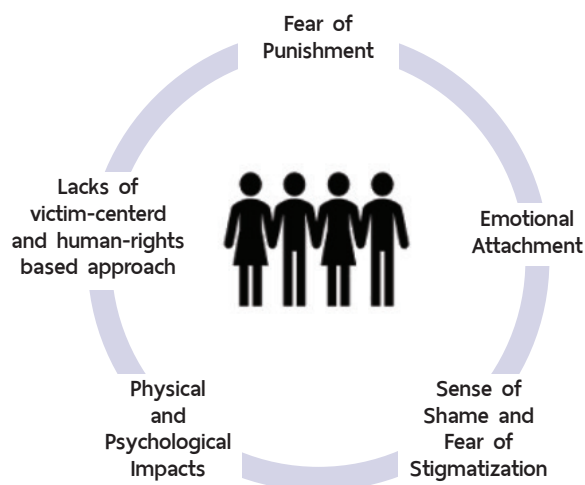
### Challenges of Identifying Victims of Trafficking in Persons

Trafficked persons may never be recognized as such or, even where they are identified, may still be treated as criminals rather than as victims, whether in countries of destination, transit, or origin. In countries of destination, they may be prosecuted and detained because of their irregular migration or labour status. Alternatively, immigration authorities may simply deport them to the country of origin if their immigration status is irregular. Some victims are fearful of traffickers and authorities and may avoid identification. Some trafficking victims have gone through a traumatic or disturbing experience during their victimization, and such traumatic experience causes them unable to cope with their emotions and these victims refuse to be identified by the authorities. Therefore, it is important to understand the negative experience of victims to understand why victims of trafficking may be reluctant to identify themselves and to tackle multiple challenges to identify trafficking victims.

- **Fear of Punishment:** traffickers use intimidation, threats, and violence against their victims to keep them in an exploitative situation and stop them from seeking help. While trafficked, traffickers may isolate and limit the freedom of movement of their victims, to keep them out of sight and limiting their contact with others. Where victims are migrants or non-citizens in an irregular situation in a country of exploitation, traffickers may threaten to report them to immigration authorities if they do not comply with exploitative working conditions. Fear of both traffickers and authorities may lead victims to avoid identification or refuse it once identified.

- **Emotional Attachment:** victims can be emotionally attached to their trafficker when traffickers involve intimate relationships to traffic and control their victims. For example, young men traffic female victims by enticing them into a romantic relationship for the exploitation of the prostitution of their partners or other sexual exploitation. Often time, trafficked children and adult victims emotionally attached to their traffickers can develop a type of Stockholm Syndrome - where victims develop a false emotional or psychological attachment to their controller and may refuse help.
- **Sense of Shame and Fear of Stigmatization:** Many victims may feel uncomfortable and ashamed of what they have been forced to do while trafficked. For example, the use of false documents, engage in sexual acts or criminal activities. Many victims may have substantial migration debt and are ashamed because they failed to earn money. Consequently, many victims do not want to disclose to anyone the fact that they are trafficked because they do not want to be stigmatized as trafficking victims in their family or community.
- **Physical and Psychological Impacts:** The experience of trafficking victims during their victimizing has a negative impact on their physical and psychological well-being. Trafficking victims may have been exposed to hazardous and unhealthy living and working conditions, physical and sexual violence, deprivation of medical care, substance abuse and sexually transmitted infections. As a result, many victims suffer symptoms of post-traumatic stress disorder (PTSD) such as memory loss, depression, anxiety, self-harm, anger, eating disorder, combativeness, and lack of confidence. Many victims suffer complex trauma that they do not want to talk about their trafficking experience and so refuse to be engaged in an identification.
- **Lack of Victim-Centred and Human-Rights Based Approach:** Identification as a trafficking victim does not always offer what trafficking victims want and need in their lives after trafficking. When identification procedure exposes victims to discomfort and stressful condition and does not lead to assistance, it is not an advantage for the victim to be identified. Compulsory assistance and criminal justice cooperation are associated with trafficking victim identification, for example, living in closed shelters away from family and without the option to work, some victims may opt for deportation as irregular migrants rather than being forcibly assisted in this way. In some countries, victim's rights and assistance may be conditional upon cooperation in investigations and prosecutions. In such cases, there may be no advantage or incentive to being identified as a trafficking victim when available assistance is not what victims need or want.

Diagram 16: Negative Experience that Influences Victims' Feeling and Decisions at Identification



## 4.5

### General Guidance for the Trafficking Victim Identification<sup>xvi</sup>

A key objective of the initial interview is to assess possible trafficking situations of a person at the first contact and to determine the assistance and protection needs of a potential trafficking victim. In conducting an initial interview, there are some important considerations to take into account, such as to do no harm and to create an atmosphere that makes a potential victim comfortable enough for communication. When an initial contact and screening triggers a further investigation and initial interview with a potential victim, the interview should be administered by well-trained authorities or frontline practitioners by providing information on the purpose, the procedure, and the consequences of the interview – with the use of well-trained interpreters, if necessary. Ideally, the Interviewer should understand and has the skill to address challenges associated with the negative and traumatic experience of trafficking victims in identifying. In brief, a victim identification interview should be appropriate to the personal characteristics of potential victims and should consider the following basic elements for a better outcome:

- **Language Consideration:** Language barriers can impede identification, with trafficking victims often unable to understand what is happening and what authorities may be able to do to help them. For authorities, language barriers can affect the ability to apply indicators and assess whether a victim has been trafficked and what interventions they need. This can be amplified in the case of children who have different language literacy, as well as comprehension, especially in relation to complex topics.

**Considering the impact of linguistic issues, authorities and frontline practitioners:**

- Should prepare a list of well-trained interpreters who can assist at short notice.
- Should not rely on those around the potential victim (often traffickers) to interpret, which may lead to missed identification.
- Should explain the role of interpreter to potential victims who will be interviewed.
- **Should establish a relationship of trust and build a rapport with potential victims before any intended interactions.**

- **Age Consideration:** Identification of trafficked children involves specific vulnerabilities and requires additional measures and protections, including child-friendly interviewing technique and the presumption of minority age until proven otherwise.

**Considering specific vulnerabilities of children, authorities and frontline practitioners:**

- Should establish a relationship of trust and build a rapport with children before any intended interactions.
- Should allow children to tell their stories in their own way, before asking explicit questions.
- Should use the term and language that the children can easily understand.
- Should not criticize the actions of children and their answers during the interview.
- Should not engage children in a lengthy interview to avoid tiring them.
- Should be trained to talk with children (or) should engage someone who is trained to work with children for an interview.
- Should engage practitioners of the same sex with a child for an interview (if possible).

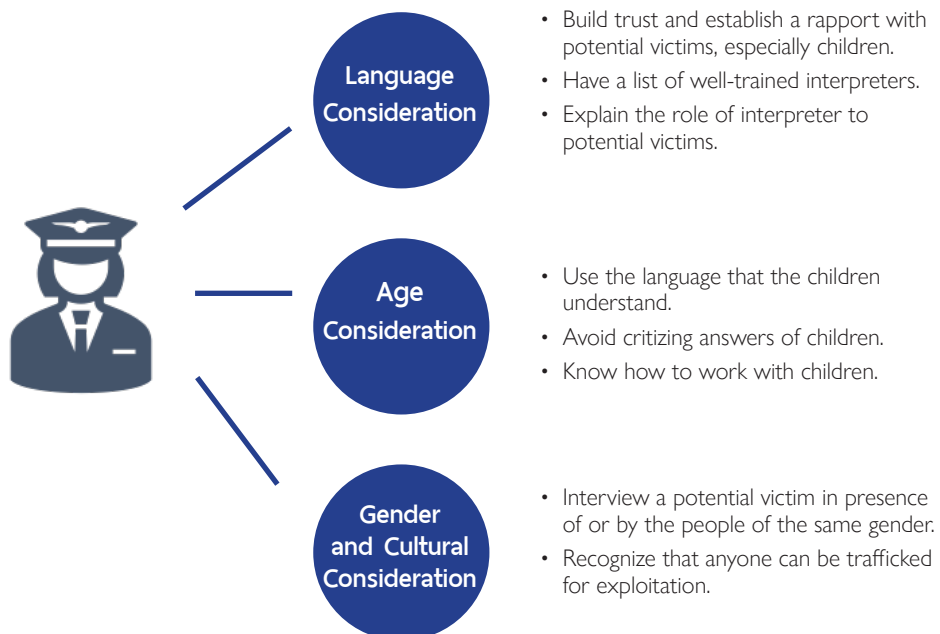
- **Gender and Cultural Consideration:** Victims may feel uncomfortable and be ashamed of talking about their experience, for example, the experience of engagement in sexual acts or of criminal activities. Gender consideration is critically important when trafficking involves sexual exploitation. Trafficked women and children frequently suffer sexual abuse and violence and may be reluctant to seek assistance because of the shame and stigmatization which may flow from disclosing their experiences. Men, particularly those from a culture with a traditional view of masculinity, may not want to admit their victimization because they fear that their disclosure of losing control of their lives may lead to perceptions of diminished masculinity.



### Considering the importance of gender and cultural-sensitive approaches in identifying trafficking victims, authorities and frontline practitioners:

- Should interview a potential victim in the presence of the same gender (or) should engage practitioners of the same sex with a potential victim for an interview (if possible).
- Should recognize that anyone, male, female, LGBTQI (lesbian, gay, bisexual, transgender, queer or questioning, intersex and self-identified sexual orientations and gender identities) and girls and boys can be trafficked for exploitation, including sexual exploitation and exploitation in prostitution.
- Should recognize that a potential victim may or may not feel comfortable being interviewed in the presence of a person from the same community.
- Should allow time and space to a potential victim to disclose their experience.

Diagram 17: Basic Elements to Consider for a Better Outcome of Trafficking Victim Identification



#### 4.5.1 Guidance for the Initial Interview<sup>xvii</sup>

The following five stages **PEACE model** can be applied to plan for an initial interview with a potential victim if the initial contact triggers a further investigation. PEACE is an interview model used in a number of countries around the world that is applicable to interviewing trafficking victims and witnesses.

PEACE is an acronym that stands for Planning and Preparation, Engage and Explain, Account, Closure and Evaluate.

- **Planning and Preparation:** Involve pre-interview arrangements such as arranging interpreters, social supporters and appropriate space or location for an interview.

#### **Good practices for planning and preparation of screening interviews:**

- Assessing the physical and psychological condition of potential victims to establish if they are physically and mentally well-enough for an interview.
- Providing immediate assistance that a potential victim may need such as health care, clothing, and meals.
- Having a screening guide and a practical method of recording the interview.
- Having appropriate, clean and comfortable setting / space for an interview.
- Having a lead interviewer and an assistant.

- **Engage and Explain:** Involve rapport building with a person who is going to be interviewed and explaining to the person what is going to happen in the interview, how information obtained might be used, and their rights.

#### **Good practices for engagement in and explanation of screening interview:**

- Introducing a lead interviewer, their role and experience.
- Explaining the purpose of the interview and receiving informed consent to proceed with an interview.
- Introducing the role of an interpreter, assistant interviewer, and others who might present during an interview.
- Explaining how the interview will be recorded and what are the rights of the person being interviewed (for example, the right to terminate an interview, the right to ask questions and clarifications).

- **Account:** Involves obtaining a “free and uninterrupted narrative” from the person being interviewed initially. Then the lead interviewer seeks clarification by asking expanded and follow-up questions to the person on any inconsistencies in the free narrative.

#### **Good practices for obtaining account in screening interview:**

- Using open-ended questions (that will allow the person being interviewed to provide free and uninterrupted narrative).
- Using specific questions (that are relevant to clarify and add information that is only relevant to trafficking in person situations).

- **Closure:** Involves giving an opportunity to the person to add anything to summarize the content of the interview and telling the person what will happen next.

#### **Good practices for closure of screening interview:**

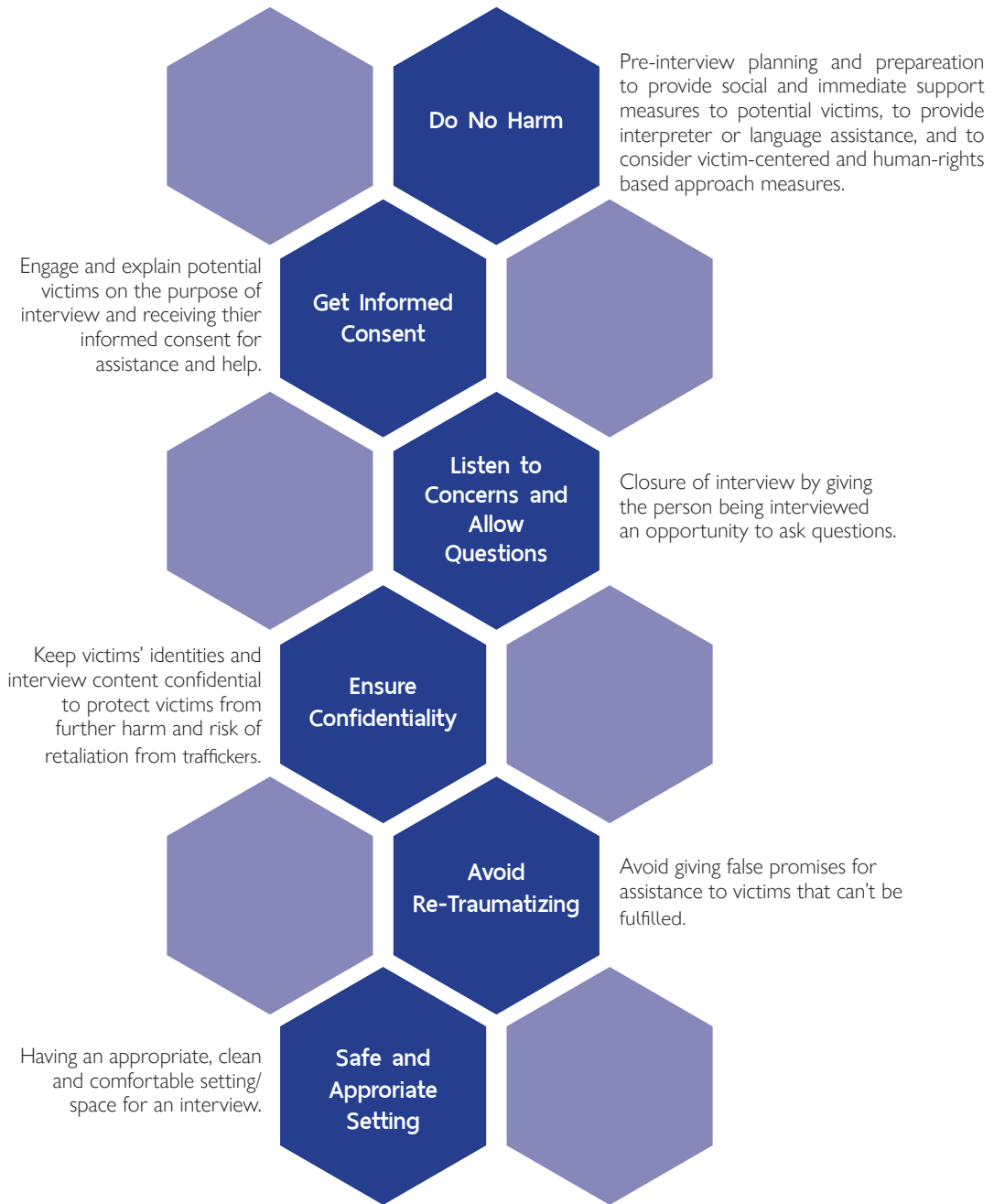
- Giving the person being interviewed an opportunity to ask questions, and to communicate their concerns.
- Providing information about further help and assistance available, and any condition and administrative procedures associated with such assistance.
- Assessing the physical and mental condition of the person after the interview and check if the person need any assistance.
- Avoid giving false hope and promises to the persons concerning the assistance that can't be fulfilled.

- **Evaluate:** When the interview is concluded, evaluate any new information obtained in the interview to establish presumption and to decide for the next step such as asking for additional information, planning for necessary assistance and referral.

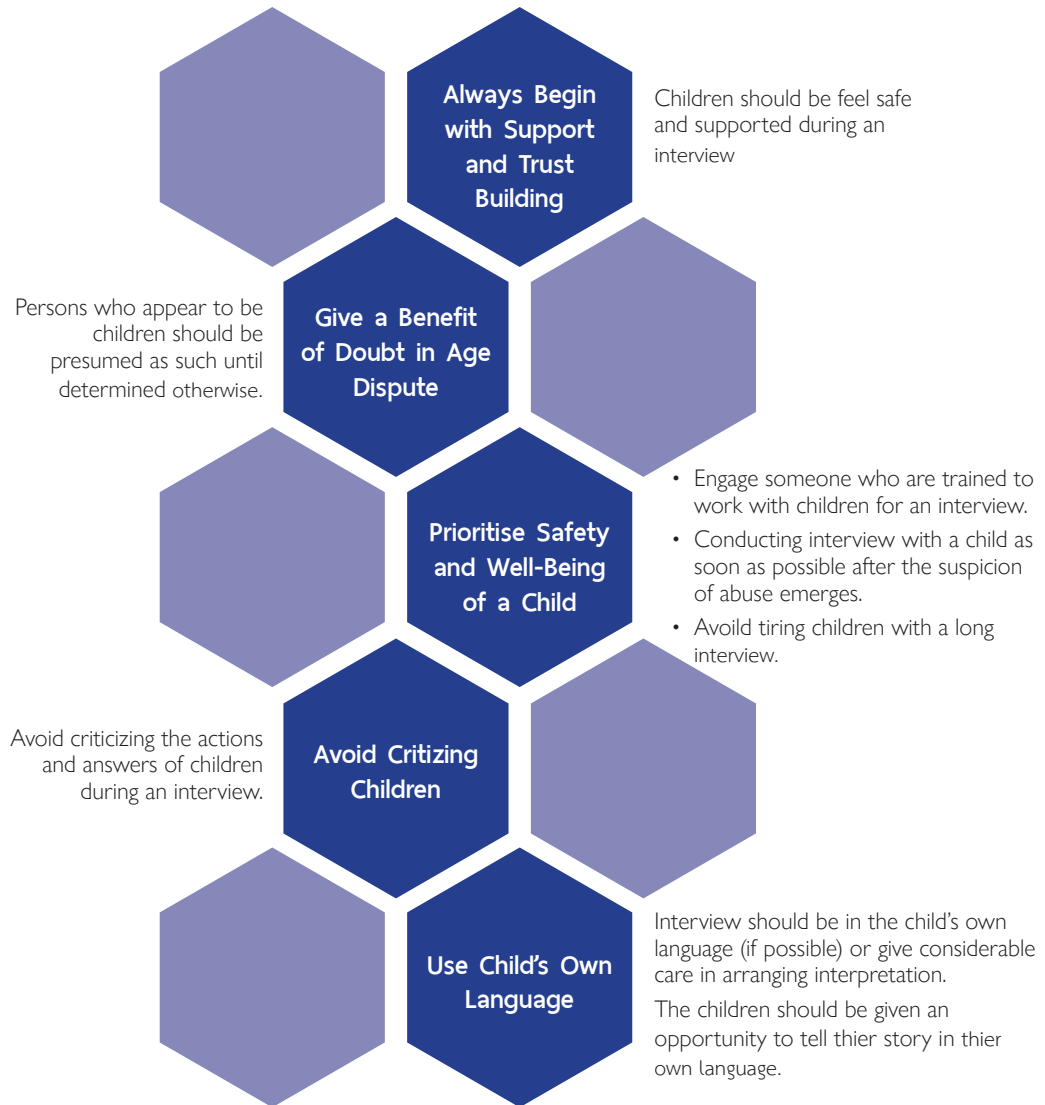
#### **Good practices for evaluation of screening interview:**

- Evaluating the interview content in an interview team, including risk associated with a trafficking victim.
- Having a list of referral agencies and their contact details.
- Recognizing and respecting a person's right to decline assistance and other fundamental human rights, such as the rights to privacy and confidentiality, the right to freedom of movement, the right to return home or habitual residence, and the right to reunite with family.

**Diagram 18: Ethical and Safe Interview Considerations in Identifying Victims of Trafficking in Persons<sup>xviii</sup>**



**Diagram 19: Special and Additional Considerations in Identifying Child Victims of Trafficking in Persons<sup>xix</sup>**



## 4.6

## Exercise(s): Identification of Indicators of Trafficking in Persons

### Case Study 1: A's Story<sup>xx</sup>

A and her boyfriend B are migrants who are from country C. C struggled to find a permanent job in country C and would help out at A's family farm on occasion. The labour on the land plot generated just enough income to get by and mostly went towards A's family's general expenses. One day after a few months, B proposed to A who happily accepted. B promised they would save enough money to get married soon and told A that he had a good idea to save a lot of money quickly.






The idea was for A to take a short-term job in country D (a neighbouring country) where A could earn much more money. B had been told by his friend about a job in a massage parlour in a city of Country D. The salary promised was good – 20 USD per day with tips. B convinced A to migrate to take the job just for a few months to save money for their marriage. A was nervous to leave her family behind and take a job in country D by herself, especially as she had heard some clients at massage parlours expected sexual favours.

B assured her she wouldn't have to do anything she didn't want to, but that it could bring in more money if she were willing to provide additional services for the clients. When A arrived at the massage parlour she soon realised it was not what she had been promised. The owner was a cruel woman who made her attend to many clients a day and forced her to provide sexual services without being able to refuse customers. She was not allowed to use a condom and was very concerned for her health. The owner gave her many pills and made her drink alcohol which caused her to feel drowsy and vague. She called B continuously to ask for his help. At first, he was very sympathetic and told her not to worry because it would be over soon, but after a while, B stopped answering the calls. After about six months, the phone number disconnected entirely.

A became desperate and wanted to escape, but the owner kept her locked in a room at all times and she was under constant surveillance. Even though she had her phone, she was too ashamed to call her parents and tell them about her situation and didn't know where else to turn. After almost a year, A started throwing up in the morning and became very concerned that she had fallen pregnant to one of the clients.

## Case Study 1: Indicators of Trafficking in Persons

Trafficking Person: **Yes/No**

General Indicator	Means Indicators	Exploitation Indicators	Other Means or Control Methods
			
			
			
			
			

### Case Study 2: Nok's Story<sup>xxi</sup>

Nok is a 20-year-old woman from South-East Asia. She is widowed and supports her two small children by selling vegetables. One day, her friend Patnaree approaches her. Patnaree says she can find Nok a job as a domestic worker in another South-East Asian country where she can make 10 times her current monthly earnings. Patnaree also promises to make all her travel arrangements and to pay for her trip if Nok agrees to repay her once she starts her new job in the destination country.

Deciding that the extra income will benefit her family, Nok leaves her children in the care of her mother and begins her journey by bus in the company of Patnaree. Nok has no passport, but Patnaree assures her that she will not need one since she has friends at the border. Some miles before the border, they leave the bus and wait at a roadside cafe until they are joined by a truck driver called Than. Nok is surprised to see Patnaree pay Than a significant sum of money before they both get into the truck with him and continue their journey to the border. They cross the border without any problems, as Patnaree promised. It is the only time Nok knowingly crosses a border on her trip to the destination country. The truck driver Than is friendly but asks that Nok travels in the truck's closed rear compartment to avoid problems at the next border. It is dark, hot, and very uncomfortable in the back of the truck, but Nok agrees since she has no passport and can only rely on his






advice and goodwill and Patnaree’s friendship. It is a long trip, and Nok’s journey in the rear compartment of the truck comes to an end in an empty field beside a wide river where Patnaree and the driver. Than meet four men who are a citizen of the destination country.

The four men then take Nok across the river. Nok is told that she is now in the destination country. She is ordered to get in the back of a truck that is waiting at the side of the river. In the back of the truck are seven other women. Nok is afraid, no longer believing that she is to be given the job she was promised. When she refuses to get into the vehicle one of the men threatens her with a gun. The four men travel together in the cab of the vehicle.

Nok and the other women are taken to a private house in a major city. Over a period of several weeks, the four men repeatedly physically and sexually abuse the women. They do not allow them to leave the premises. One man tells Nok that if she escapes, the police will put her in prison for being in the country without a passport and that she will never see her children again. He also threatens to locate and traffic her children if she even tries to escape. Other men visit the house, and Nok is forced to have sex with them, for which her four captors receive payment. She is not allowed to retain any of the money and is not allowed to leave the building.

## Case Study 2: Indicators of Trafficking in Persons

Trafficking Person: **Yes/No**

General Indicator	Means Indicators	Exploitation Indicators	Other Means or Control Methods
			
			
			
			
			



### Case Study 3: Gigi's Story<sup>xxii</sup>






Gigi is 35 years old and lives in the capital of County E. He has been without a job for several years. He has already gone to County H looking for a job three times. Twice he was apprehended when crossing a border and sent back. Another time he managed to enter the envisaged destination country H irregularly and worked there for one and a half years. Then he returned to his country.

In 2000, since his savings from his time in country H were running out, he decided to leave his country again. He obtained a visa for the neighbouring country of H, county J and travelled to county J's capital by bus. From there, he travelled by bus to the border with country H, which he crossed on foot without any assistance. Gigi could not find any work in country H and decided to go to another neighbouring country of H, country K.

Fearing that it was too dangerous to attempt to enter the country K illegally on his own, Gigi decided to enlist the services provider. After a few days of searching, he met a fellow citizen from country E who assured him that he knew the border area very well. He paid a fee of approximately \$150 to the fellow. The fellow citizen drove him close to the border and guided him over the border on foot. Immediately after crossing the border, he was apprehended by a border police patrol while the fellow citizen managed to escape.

### Case Study 3: Indicators of Trafficking in Persons

Trafficking Person: **Yes/No**

General Indicator	Means Indicators	Exploitation Indicators	Other Means or Control Methods
			
			
			
			
			

#### 4.6.1 Exercise(s): Self-Evaluation Checklist

<b>Case Study 1: A's Story</b>			
<b>Trafficking Person: Yes</b>			
<b>General Indicator</b>	<b>Means Indicators</b>	<b>Exploitation Indicators</b>	<b>Other Means or Control Methods</b>
Recruitment (of a person for the purpose of exploitation)	Deception: (false information)	Sexual exploitation	Locked in a room
Transferring: (of a person for the purpose of exploitation)	Abuse of vulnerability: (a person's emotional attachment)		Constant surveillance
			Alcohol abuse

<b>Case Study 2: Nok's Story</b>			
<b>Trafficking Person: Yes</b>			
<b>General Indicator</b>	<b>Means Indicators</b>	<b>Exploitation Indicators</b>	<b>Other Means or Control Methods</b>
Recruitment (of a person for the purpose of exploitation)	Deception: (a promise for 10 times paid job)	Sexual exploitation	Keeping victim out of sight (not allowing the victim to leave the premises)
Transferring: (of a person for the purpose of exploitation)	Threat: (the use of gun)		The threat of arrest and detention by authorities (if victim try to escape)
			Retaining any payments
			Threat to harm victim's family members (to her children)

### Case Study 3: Gigi's Story

Trafficking Person: **No**

General Indicator	Means Indicators	Exploitation Indicators	Other Means or Control Methods
Transportation: (of a person for financial benefit)	No mean presence	No exploitation presence	No other means or control method presence
Facilitation of illegal border crossing: (of a person for financial benefit)			

A large, stylized number '5' is positioned on the left side of the page. The number is primarily orange, with a blue section at the top and a blue section at the bottom. The background is a solid blue color.

# **UNDERSTANDING WHO CAN IDENTIFY TRAFFICKING VICTIMS IN THAILAND**

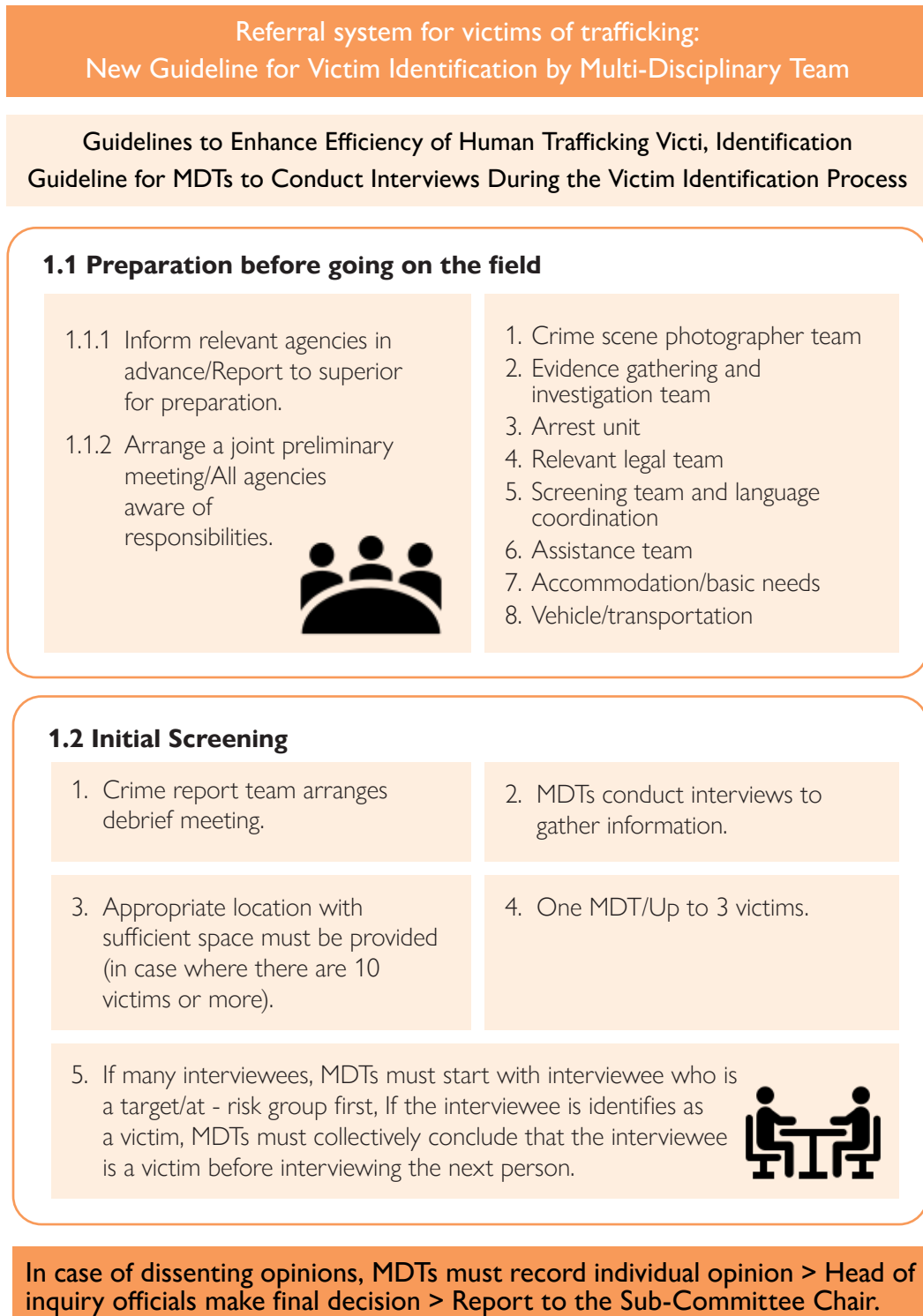
# UNDERSTANDING WHO CAN IDENTIFY TRAFFICKING VICTIMS IN THAILAND

## 5.1 Who Can Identify Trafficking Victims?<sup>xxiii</sup>

It is the primary responsibility of government authorities to identify victims of trafficking crime – known as competent officials in Thailand (any superior government and police officials who hold a position not lower than level 3 according to Section 27 of the Anti-Trafficking in Persons Act, B.E 2551 (2008)). In Thailand Multi-Disciplinary Team (MDT) that composed of competent officials from different Ministries such as labour, social, medical, legal and law enforcement officials and practitioners from non-government organizations is responsible for formal or official screening and identification of presumed victims of trafficking.

MDT members collectively interview and decide if the person being interviewed is a victim of trafficking and the next step for referral for immediate assistance and protection. MDT can be formed at district and provincial levels. MDT uses an eight-page long standardized screening tool that provides a clear definition of trafficking in person in accordance with domestic legislation, questions for interviewing potential trafficking victims, and information on anti-trafficking in persons legislation.

**Diagram 20: A Guideline for Victim Identification by Multi-Disciplinary Team**



### Keynote(s):

- The identification process leads to the recognition of a person's victim status and consequently, the provision of immediate assistance and protection services, such as medical and other health services, accommodation, food and basic needs, counselling and psychosocial care among others.
- In some countries, a formal verification as a victim of trafficking entitles the person to additional benefits and services, such as temporary or permanent residency.

Unlike formal victim identification or formal verification by MDT, initial interview of a potential trafficking person can be conducted by anyone who has foundational knowledge of elements and indicators of trafficking in persons and basic principles concerning trafficking victim interview. For example, anyone who is in junior government positions, border polices, immigration officers, health workers, labour inspectors, hotline operators, practitioners from non-governmental and international organizations—known as frontline practitioners.

In Thailand all categories of vulnerable migrants, including potential victims of trafficking, may come to contact with potential victims in many different ways, for example:

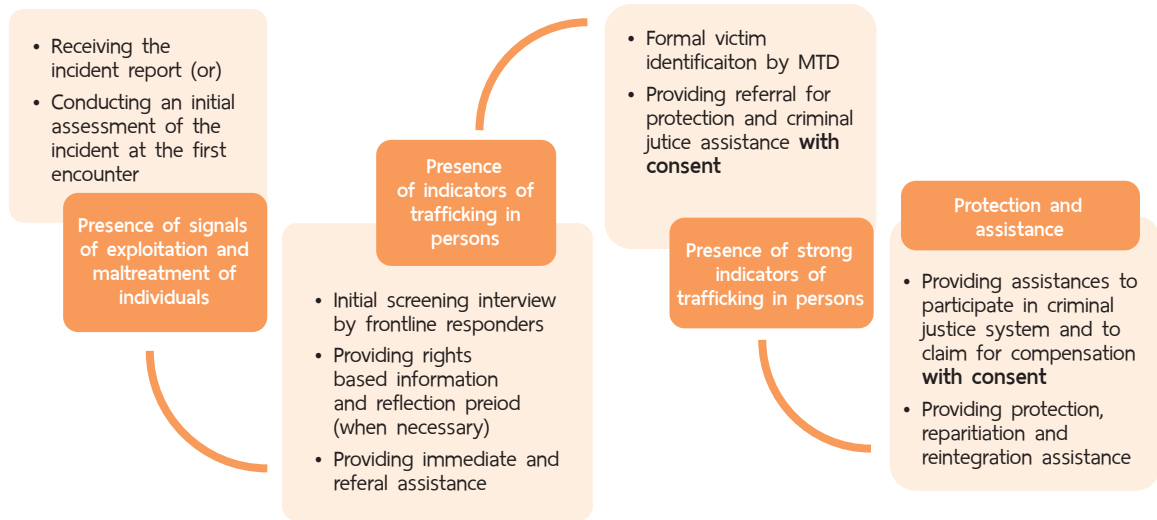
- Port-in port-out inspection of fishing boats
- Labour inspections at factories
- Raids and inspections of brothels and illegal entertainment businesses
- Border checkpoints and patrol
- Migrant Assistance Centers
- Ministry of Social Development and Human Security (MSDHS), call centre hotline (1300)
- Report of non-governmental organizations
- Police call centre hotlines (1191, and 191)

### Note for the Trainer:

A national expert practitioner or members of MDT should be invited to explain the victim identification process by MDT.

A wide range of stakeholders can involve in identifying potential trafficking victims to ensure that victims are identified when they wish to be so and also so that they receive assistance and/or referrals without gaps and delays.

**Diagram 21: Possible Outcome After Initial Assessment and Screening of Trafficking in Persons**



### 5.1.1 Possible Scenarios After Initial Interview by Frontline Practitioners<sup>xxiv</sup>

**Scenario #1:** The person is an adult and there are indicators of trafficking in persons present. In this case, frontline practitioners should:

- Explain what human trafficking is and what the reasons are that suggest they may have been trafficked.
- Explain the option of an official interview and identification by MDT including the associated pathways and assistance.
- Inform the person about the rights and assistance available to them as a victim of trafficking.
- Confirm the person's consent that if he or she would wish to be referred to be officially identified as a trafficking victim by MDT.
- If undecided by the person to receive the assistance, prepare them for a reflection period of no longer than 15 days and immediate assistance.
- When consented by a person to receive the assistance, refer them to an official victim identification interview by MDT for assistance.

**Scenario #2:** The person is an adult and there are indicators of trafficking in persons present but does not consent to further assistance and referral for formal identification by the MDT. In this case, frontline practitioners should:

- Respect the person's decision to not be officially identified.
- Offer any assistance available and an option for referral for assistance by non-government organizations or other sources, e.g. (access to anti-trafficking in persons fund).
- Invite the individual to reflect on this decision and to contact the authorities in the event that the person changes his/her mind.



- Refer to other related authorities for further assistance in accordance with their specific needs and domestic laws.

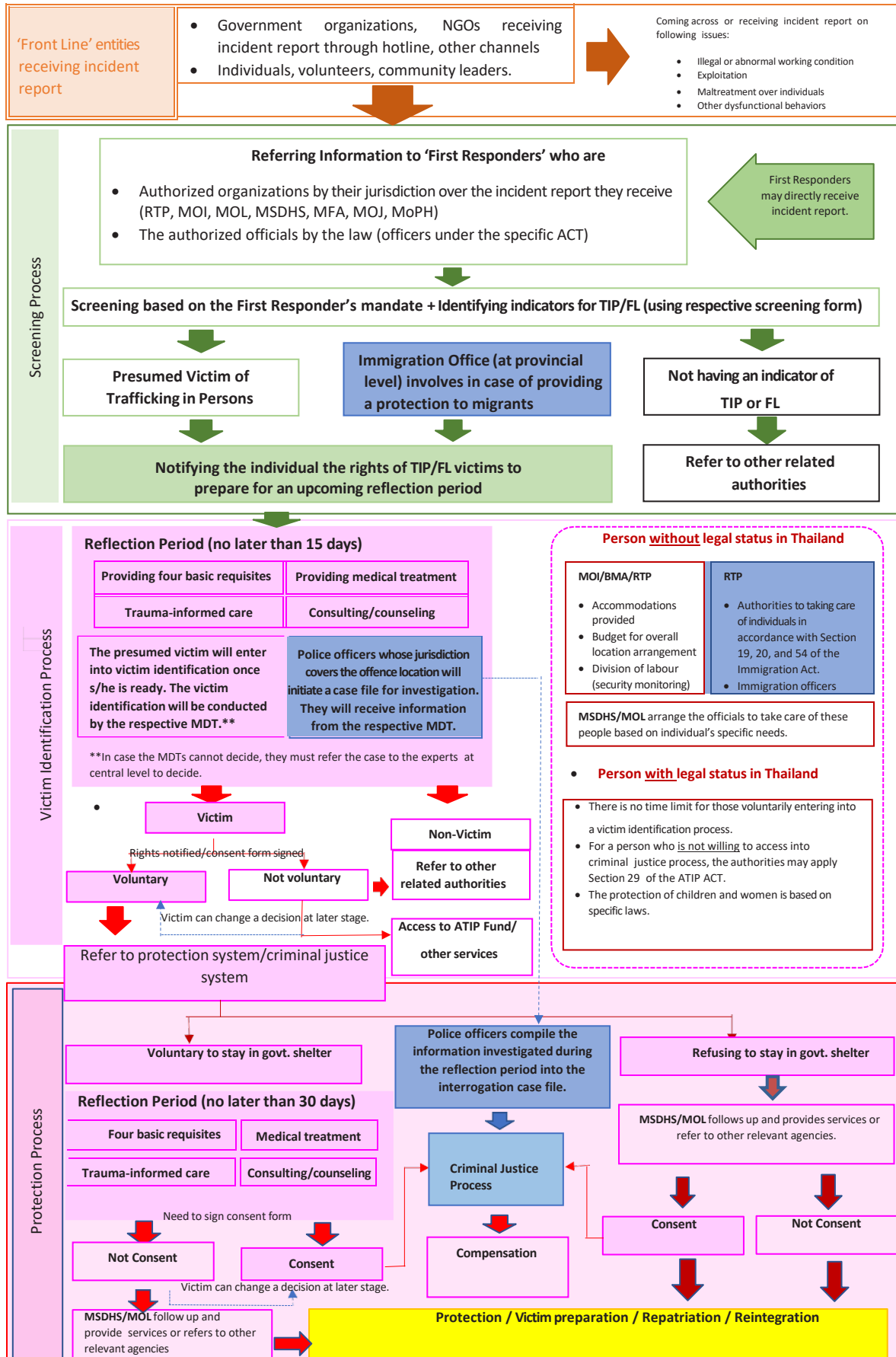
**Scenario #3:** The person is an adult and the frontline responders assume that he or she was not trafficked but nevertheless needs support and assistance. In this case, the frontline responder should:

- Provide information about various assistance and support available that the person may benefit from
- Provide referral assistance (by referring to other related authorities) and connect the persons in need with assistance, if available.

**Scenario #4:** A potential victim is a child under eighteen (18) years of age. In the case of a child, frontline practitioners should:

- Contact child protection/social workers or agencies.
- Work with professional social workers who are certified in child protection issues to identify the child's parents or caregivers (or) to assist the child, if the child's parents or caregivers are suspected to be involved in the trafficking.

Diagram 22: Different Scenarios and Pathways Associated with Identifying Trafficking Victims



## 5.2

## Questions for Discussions for a Roundtable Discussion:

- How do frontline responders usually encounter potential trafficking victims in the course of work?
- What are prevalent forms of exploitations for which people are trafficked – in a particular location?
- What generalisations can be made about the profile of trafficked persons – in a particular location?
- What indicators usually suggest a potential situation of trafficking in persons – in a particular type of exploitation?
- How do frontline responders respond to different scenarios after initial assessment and interview?
- What are examples of best practices for initial assessment and interview (also reference to PEACE model)?

### Note for the Trainer:

The above questions should guide the facilitator for a panel discussion (with experienced practitioners or members of MTD). The questions should be adapted to a particular context and time limitations. At the end of the discussion, the facilitator should allow participants questions time to clarify their concerns and any matters of interest concerning potential victim identification, protection and assistance.



**NATIONAL  
RESPONSIBILITIES  
TO COMBAT  
TRAFFICKING IN  
PERSONS**

# 06

# NATIONAL RESPONSIBILITIES TO COMBAT TRAFFICKING IN PERSONS<sup>xxv</sup>

## 6.1 An Overview of National Structure on Trafficking in Persons Identification and Protection

A trafficked person may come to the attention of both government and non-government agencies through various reporting methods and at different stages of trafficking. From the point that they came to contact and after the initial interview, potential trafficking victims may have different protection and immediate assistance needs, including their safety and security. Ideally, every stage of victim identification should be linked with referral processes where particular needs for protection and assistance are identified. For example, potential victims of trafficking are children or persons who wish to return home or persons with international protection needs or migrants.

### Keynote(s):

In particular, protection and assistance measures at every stage of victim identification are crucial in establishing trust and cooperation between trafficking victims and authorities or service providers.

In Thailand, potential victims may submit a complaint themselves, or family members or friends may submit a complaint on their behalf to government agencies. Potential victims may also approach non-governmental agencies or organizations (NGOs) for assistance, and NGOs may subsequently alert the relevant government agencies of a report of mistreatment or trafficking situation. Reports of potential victims may also come from the Migrant Assistance Centre, Royal Thai police, 1300 centers, labour inspector, immigration detention centers, the private sector (e.g., airline cabin crew), and the embassies or consular offices.

Consequently, many stakeholders may be involved **in trafficking in person identification and protection, especially at an initial stage** in Thailand. For examples:

- Police officers (Royal Thai Police).
- Immigration officers (Immigration Bureau).
- Labour officer and labour inspection officers (The Ministry of Labour in particular of Department of Employment (DoE) and Department of Labour Protection and Welfare (DLPW)).
- Social workers (The Ministry of Social Development of Human Security in particular of 1300 call centers).
- Consular officers (The Embassies); and
- Employees of Non-governmental Organizations (NGOs).

The first contact government agencies with potential trafficking victims (or) presumed trafficking victims might refer potential victims to the Provincial Office of the Ministry of Social Development and Human Security (POSH) and non-governmental organizations for immediate assistance and protection. POSH requires potential victims to provide their consent by signing the “Form of Temporary Protection for Trafficked Persons” (Table 7.1) in receiving immediate protection and assistance.

Table 7.1: Form of Temporary Protection for Trafficked Persons

**Form of Temporary Protection for Trafficked Persons  
As per the Anti-Trafficking in Persons Act B.E. 2551 (Article 29)**

Place of the writing .....

Date ..... Month ..... Year .....

Today at ..... am/pm ..... (Organization) .....  
 Transferred potential trafficked victims Name .....  
 Age ..... years old Nationality ..... Domicile .....  
 Is protected at (organisation) ..... Address no .....  
 Village ..... Road ..... Sub-District .....  
 District ..... Province ..... Which is an  
 appropriate place where the Minister for the Ministry of Social Development and Human  
 Security guarantees in order to find more fact and protect for .....  
 As the Anti-Trafficking in Persons Act B.E 2551 Article 29.

The transferring organization will find the fact together with the receiving organization within  
 24 hours from Date ..... Month ..... Year ..... Time ..... am/pm. In case  
 the process takes time over 24 hours, a competent official of transferring organization may  
 submit a request letter on temporary protection extension to the court. If the court has an  
 order, the competent official will inform the receiving organization with a copy of the order  
 letter. But if the court does not order anything, the person will be sent back to the transferring  
 organization.

Please be informed as the evidence.

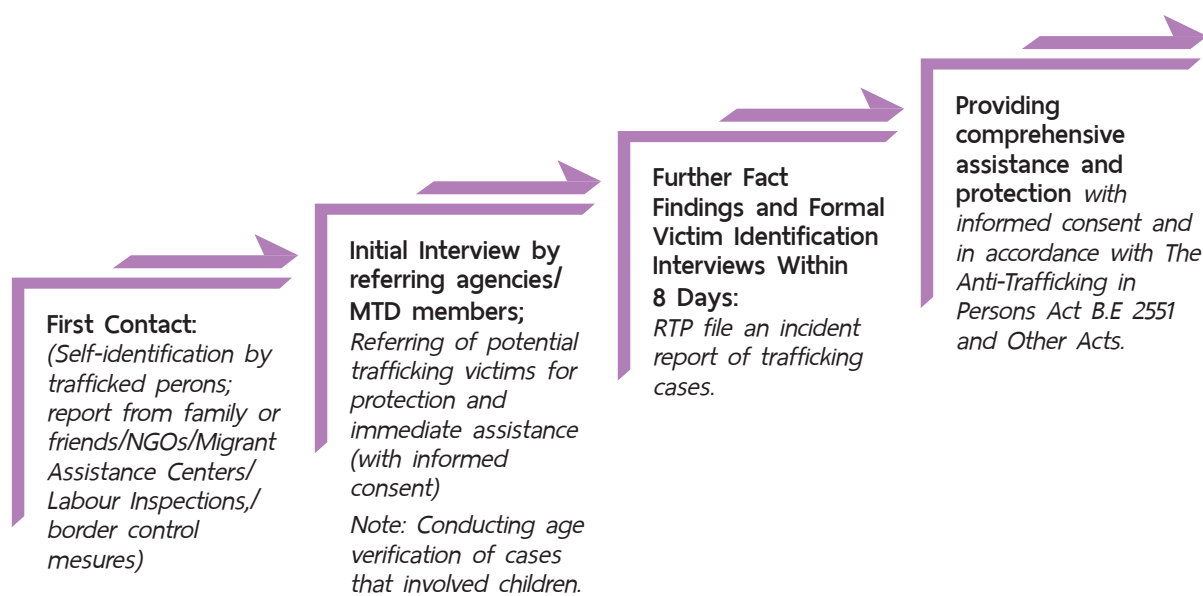
(Signature) ..... Transferor  
 (.....)

(Signature) ..... Receiver  
 (.....)

(Signature) ..... Witness  
 (.....)

(Signature) ..... Witness / Typing  
 (.....)

Diagram 23: An Overview of Process of Identifying and Protecting Potential Victims of Trafficking in Persons in Thailand



6.2

## Assistance to and Protection of Potential Victims of Trafficking in Persons in Thailand

In Thailand, the recognition of the status of a person as potentially trafficked persons by (competent) authorities will consequently trigger the provision of immediate assistance and protection services for potential victims as per Section 29 of the Anti-Trafficking in Persons Act B.E 2551. The immediate assistance and protection under the Anti-Trafficking in Persons Act B.E 2551 may cover but not limited to medical and other health services, temporary protection (for twenty-four hours and an extension of seven more days, if necessary), food and basic needs, counselling, and psychosocial care and among others.

Following an initial interview or preliminary interview of potential trafficking victims, the authorities **or members of the MDT** will report to the provisional governor to place potential victims under temporary protection for further fact findings (**Annex I: Preliminary Interview Form for Screening of Victims of Trafficking**). If necessary, the authorities may extend temporary protection of potential trafficking victims to another seven (7) days with the court's permission. In the case of children, or if there is a doubt that potential victims are under 18 years of age, the authorities will coordinate with hospitals for age verification. According to the Child Protection Act BE 2536 (2003), the authorities may place children under temporary protection (including boys) in primary shelters for not longer than seven days, with the possibility of extending this period to no more than 30 days.

Fact findings that the Royal Thai Police carry out may include but are not limited to crime sense identification, alleged offender identification, and formal victim interviews in close coordination with designated case managers of POSH or non-governmental organizations



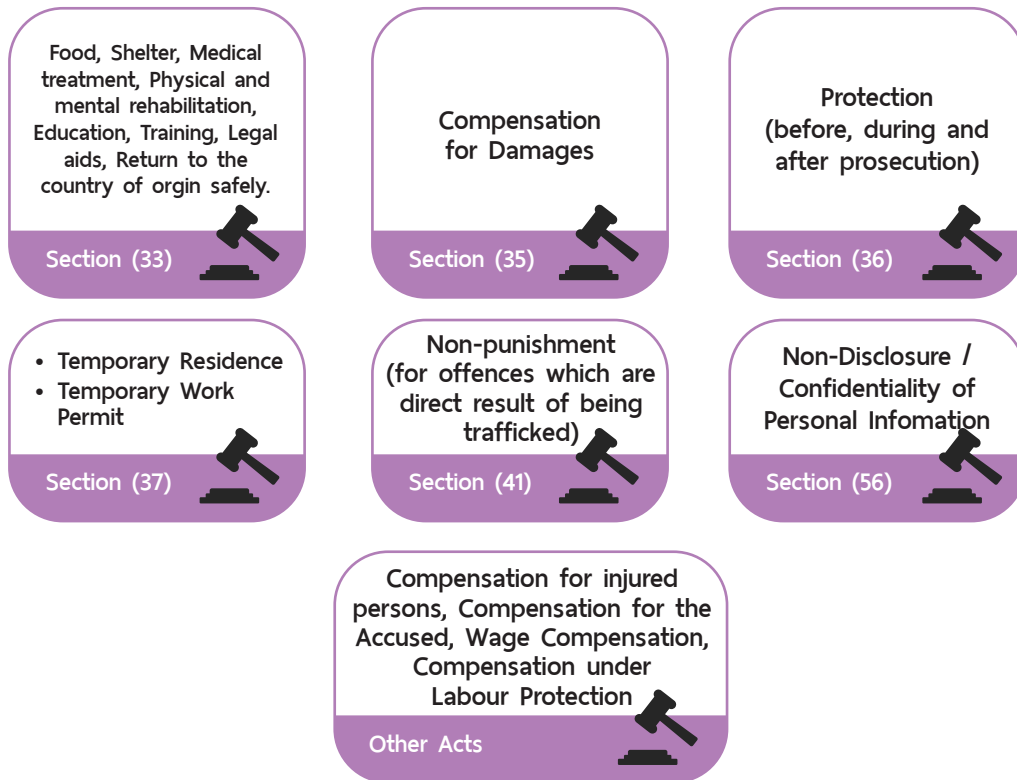
(if NGOs are referring agencies). Once the Royal Thai Polices or competent authorities conclusively decide that there are sufficient indicators of trafficking in persons, the victims will be afforded comprehensive protection services and rights following the Anti-Trafficking in Persons Act B.E 2551 and other domestic acts.

According to the Anti-Trafficking in Persons Act B.E 2551, formally recognized victims are entitled to and afforded the following rights:

- The right to receive assistance such as food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, and safely return to the country of origin. (Section 33)
- The right to receive compensation for damages as a result of the commission of human trafficking. (Section 35)
- The right to receive protection, whether it be prior to, during, and after prosecution (Section 36)
- The right to contact the embassy or consulate whose task is to protect the safety of trafficked persons and family members of their citizens (Section 36)
- The right to be granted a temporary residence and temporary work permit prescribed by the law. (Section 37)
- The right to be exempted from the offences which are a direct result of being trafficked, for example, leaving, entering, or residing in the Kingdom without permission under the law on immigration; giving false information to the official; forging or using a forged travel document under the Penal Code; offence under the law on prevention and suppression of prostitution, particularly on contacting, persuading, introducing and soliciting a person for the purpose of prostitution and assembling together in a place of prostitution for the purpose of prostitution; of the offence of being an alien working without permission under the law on working of the alien. (Section 41)
- The right to non-disclosure of personal information or confidentiality without honest consent (Section 56)

Additionally, trafficking victims have the right to compensation under other relevant acts such as compensation under the Damages for the Injured Persons and Compensation and Expense for the Accused in Criminal Case Act B.E. 2544 (2001) and wage compensation and court proceedings against employers under Labour Protection Act B.E. 2541 (1998), etc.

**Diagram 24: Rights of the Victims of Trafficking in Persons  
(The Anti-Trafficking in Persons Act B.E 2551 and Other Acts)**



## 6.3 The Role of the Key Concerned Agencies in Trafficking in Persons Identification and Protection in Thailand

To respect and protect the rights of trafficking victims and refer them to the correct agencies for assistance and services, understanding the role and responsibilities of the agencies involved in trafficking in persons identification and protection is of critical importance. The following are the key government agencies involved in Trafficking victim identification and protection in Thailand.

### **Ministry of Labour (MoL):**

Both labour inspection officers from the Department of Labour Protection and Welfare (DLPW) and labour officers from the Department of Employment (DoE) of the Ministry of Labour of Thailand involve in the inspection of work sites. The purpose of labour inspection is to ensure that labour standards are being strictly adhered to, punish employers that violate labour standards, and identify and protect exploited workers, including regular and irregular migrant workers. Officers from both Departments may inspect work sites on land and sea and investigate the complaint

on the alert of labour exploitation. Any alerts on labour exploitation can be made in person or through hotline No. 1546 operated by DLPW, Hotline No. 1694 operated by DoE, and in case of migrant workers through the walk-in service at the Migrant Assistance Centers operated by DoE. Following the alert on labour exploitation, labour inspection officers from DLPW may conduct an initial interview with labours and employers to investigate the complaint. Though, the role of the labour officers from DoE is restricted to the inspection of evidence concerning employment and recruitment (for example, an inspection of work permits, license of recruitment agencies, etc.).

If DLPW identifies a potential trafficking case, it liaises with other government agencies to organise a Multi-Disciplinary Team (MDT) and refers the case for formal victim identification. MDT usually involves competent officials from DLPW, Royal Thai Police, officials from the Ministry of Social Development and Human Security, and the other relevant agencies. DoE refers any potential trafficking cases to the Royal Thai Police and the provincial office of MSDHS for immediate assistance and protection. DLPW usually conducts labour inspection at sea in partnership with the Command Centre for Combating Illegal Fishing (CCCIF). Similarly, DoE's inspections often involve collaborative inspections with the Royal Thai Police, and in coastal areas, with the CCCIF.

***Royal Thai Police, (RTP):***

Royal Thai Police that includes officials from the Police Stations, Anti-Trafficking in Persons Division, Immigration Bureau, may come to contact with potential trafficking victims through a direct complaint from a person or through the RTP hotlines (1191 and 191) or border control measures. If necessary, RTP may carry out rescue missions of persons being exploited through a raid of the location where the exploitation of persons occurred. Depending on the raid location, such as factories, construction sites, brothels, etc., several government agencies may be engaged in the raid in the form of MTD. RTP may also involve in inspections of fishing vessels at sea with other government agencies such as the Navy and DLPW. RTP refers potential trafficking cases to POSH, MSDHS, and NGOs for immediate assistance and protection.

***Ministry of Social Development and Human Security (MSDHS):***

The Ministry of Social Development and Human Security operates 1300 Center and hotline. Anyone, including migrants, may submit a complaint to the 1300 Centre by phone, by walking into the Bangkok 1300 Centre, via Facebook, written letter, or the Line app. For potential trafficking cases, 1300 Centre staff will refer the cases to the appropriate agency, for example, Royal Thai Police and to the Division of Anti-trafficking in Persons of MSDHS or Provincial Office of MSDHS or Department of Children and Youth of the MSDHS or Ministry of Foreign Affairs of Thailand for follow-up and further investigation of the case. According to the Anti-Trafficking in Persons Act B.E 2551, MSDHS is the principal agency in assisting the victims of trafficking in persons in Thailand. It runs nine (9) Protection and Occupational Centers for Victims of Trafficking in Persons and seventy-seven (77) Shelter for Children and Family or the Reception Home, giving temporary accommodation to Thai and non-Thai children needing protection.

### ***Embassies and Consulates Offices::***

In addition, Diplomatic representatives or consular officials can be considered the first contact point for victims of trafficking in persons who are non-citizens of Thailand. Consular may come to contact with potential trafficking victims of their nationals through in-person complaints, distress calls, reports, and referrals from governmental and non-governmental organisations or during their services for nationals, for example, while visiting immigration detention centers (IDCs) etc. Similarly, consular officials may coordinate with International Organizations or concerned agencies in Thailand to provide protection and immediate assistance once they identify potential trafficking in persons of their nationals.

### ***Non-governmental Organizations (NGOs):***

In addition to the above key governmental agencies, **NGOs** also play a critical role in providing potential victims access to immediate assistance in Thailand. For example, NGOs may report potential victims of trafficking cases to the authorities by sharing information that they collected from potential trafficking victims' experience, including a description of the location of the exploitation and description of what happened, and personal information (name, nationality, etc.) for immediate assistance and protection, and for rescues of the persons being exploited if necessary. In Thailand, NGOs operate safe houses and orphanages to provide accommodation assistance to potential trafficking victims and children who need assistance.

### **Keynote(s):**

In Thailand, a Multi-disciplinary Team (MDT) composed of competent officials from MSDHS, MOL, RTP, the Ministry of Public Health (MoPH), and other relevant government agencies is engaged for a preliminary victim identification process in line with the Guideline to Enhance Efficiency of Human Trafficking Victim Identification.

Following preliminary interview, members of MTD collectively decide if interviewee is a (potential) victim of trafficking in persons.

Experts and practitioners from non-governmental organizations may be invited to observe and assist MDT's victim identification process time by time.

### **Note for the Trainer:**

Experts from concerned agencies should be invited to explain about their roles for victim identification.

## 6.4

# Guideline for Multi-Disciplinary Team (MDT) on Victim Identification and Protection

On 21 December 2016, the Human Trafficking Prevention and Suppression Committee, chaired by Deputy Prime Minister General Prawit Wongsuwan approved and issued an order instructing all concerned agencies to implement the Guideline to Enhance Efficiency of Human Trafficking Victim Identification. The Guideline comprises two sections, including a Guideline for the MDT to conduct interviews during the victim identification process and a Guideline to improve the efficiency of interviews during the victim identification process.

The Guideline consists of 1) Preparation before going on the field such as convening a debrief meeting between relevant agencies 2) Initial screening of victims prior to interview such as preparing the MDTs and guidelines to interview 3) Actions to be taken after an interview, in particular, identifying whether the interviewee is a victim or not and allocating appropriate shelter/housing for the interviewee 4) Appoint or assign focal contact point both at the agency and the provincial level 5) Prepare interpreters and 6) Improve training course.

According to the Guideline, the MSDHS is responsible for providing appropriate temporary shelters for victims and witnesses of trafficking while awaiting interview, while the Royal Thai Police (RTP) is responsible for providing appropriate housing for those whose identification process was inconclusive. For victims and witnesses living in the temporary shelters, the MSDHS will provide all necessary protection assistance equivalent to those already identified as victims, whereas the RTP will provide security protection, including recording all information of visitors and background checks on all visitors. For those whose identification process was inconclusive, the RTP will provide assistance and protection inside and outside the temporary housing.

Diagram 25: Overview of the Guidelines for the Multi-Disciplinary Team (MDT) to Conduct Trafficking in Persons Identification

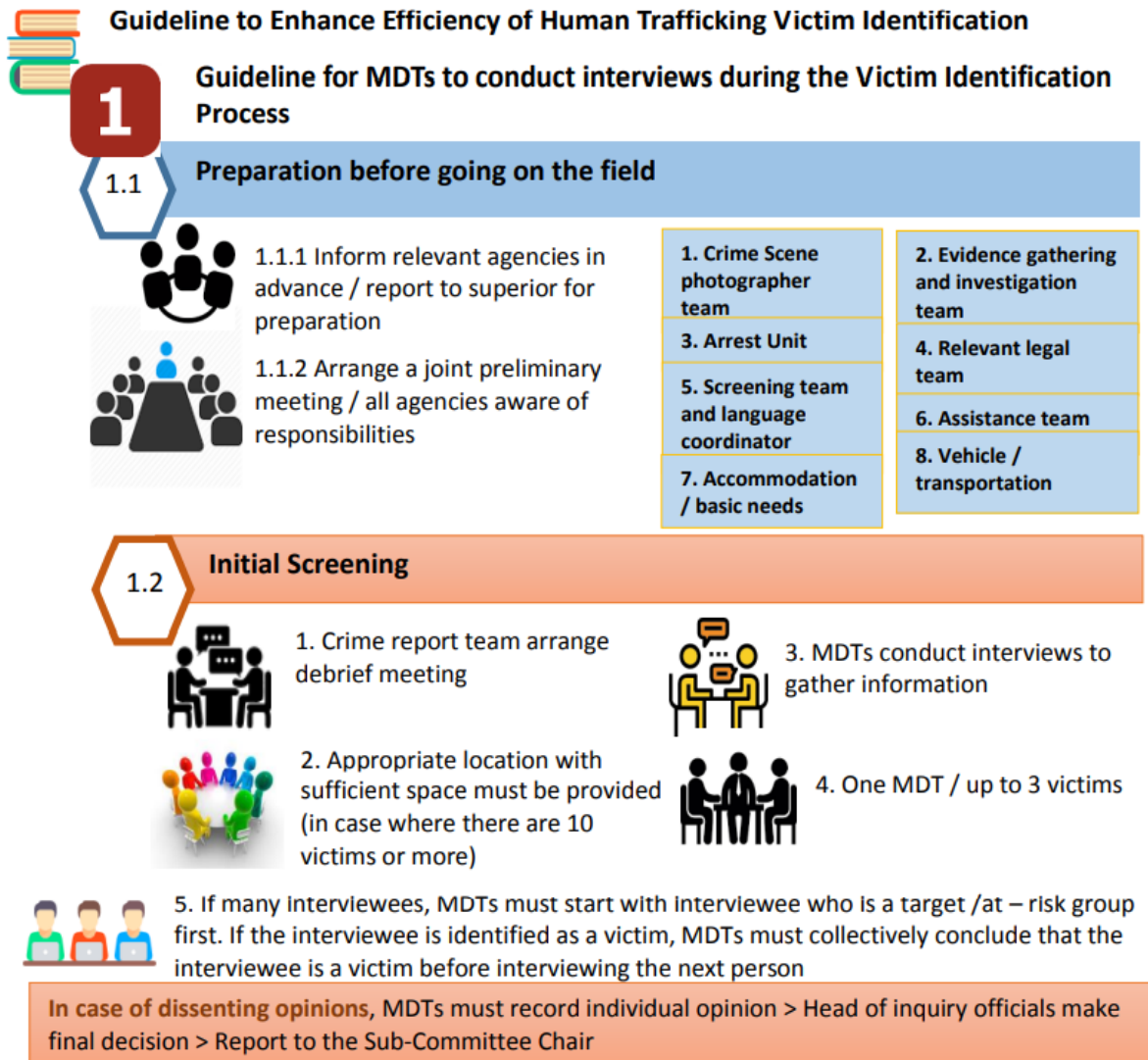
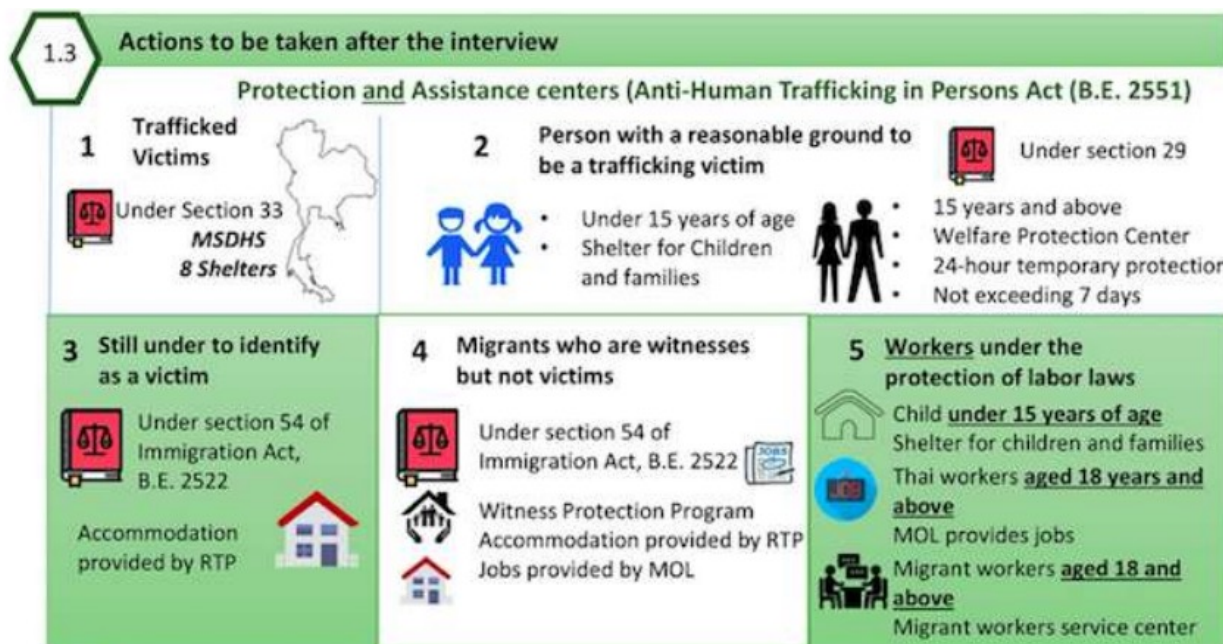



Diagram: 26: Overview of the Guideline to Improve Efficiency of Interviews of Trafficking in Persons and Actions to be Taken After Interview by Competent Authorities in Thailand



**2 Guideline to improve efficiency of interviews during Victim Identification Process**



Notes: MSDHS: Ministry of Social Development and Human Security); RTP: Royal Thai Police; MOL: Ministry of Labour



# **ASSISTANCE TO AND REFERRAL OF VICTIMS OF TRAFFICKING IN PERSONS**



# ASSISTANCE TO AND REFERRAL OF VICTIMS OF TRAFFICKING IN PERSONS<sup>xxvi</sup>

The Anti-Trafficking in Persons Act B.E. 2560 (2017) the Amendments (No. 3) allows authorities to take persons reasonably suspected of being trafficked into temporary custody for a period of 24 hours (section 29) that may exceptionally be extended for seven days. Section 33 of the Anti-Trafficking in Persons Act B.E. 2560 (2017) the Amendments (No. 3) mandated the Ministry of Social Development and Human Security (MSDHS) for providing temporary protection and assistance to victims of trafficking in persons in Thailand. To fulfill its mandate, MSDHS operates nine “Welfare Protection Centers for Victims of Trafficking,” and they are placed under the supervision of the Division of Anti-Trafficking in Persons (DATIP).

Of the nine Welfare Protection Centers, four are located in Phitsanulok, Nakhon Ratchasima, Nonthaburi, and Surat Thani Provinces and provide services for female victims of trafficking in persons. Four other Welfare Protection Centers are located in Chiang Rai, Pathum Thani, Songkhla, and Ranong, and provide services for male victims of trafficking in persons. One of the nine Welfare Protection Centers, the Pak Kred Reception Home for Boys, also known as Baan Phumvet, is designated to provide services to male victims of trafficking who are children. Additionally, MSDHS operates shelters for children and families across 77 provinces of the country that provide emergency assistance and protection to both Thai and non-Thai victims of trafficking in persons before they are referred to one of the nine Welfare Protection Centers for Victims of Trafficking.

- Persons suspected of being trafficked are placed in temporary custody for a period of 24 hours that may exceptionally be extended for seven days in accordance with Section 29 of The Anti-Trafficking in Persons Act B.E. 2560 (2017) the Amendments (No. 3).
- Persons who are conclusively or formally identified as trafficking victims are referred to MSDHS for temporary protection and assistance with their voluntary consent, which include shelter, food, clothing, medical treatment, occupational training, psychosocial support, legal aid, reintegration and repatriation, in accordance with Section 33 of The Anti-Trafficking in Persons Act B.E. 2560 (2017) the Amendments (No. 3).
- In Thailand, Victims of trafficking are also referred to Government certified NGO shelters for temporary protection and assistance. While shelters operated by NGOs may allow survivors more freedom and mobility than government shelters, they may have limited amenable resources.

## 7.1

# Recovery and Reintegration Assistance to Victims of Trafficking in Persons

Being identified as trafficking in persons by competent authorities or MTD will allow the victims to receive a recovery, rehabilitation, and protection assistance from MSDHS, including legal aid to secure the prosecution of traffickers and compensation in accordance with the Anti-Trafficking in Persons Act B.E. 2560 (2017) the Amendments (No. 3). In the case of the adult, Section 33 offers the following services to trafficking victims while accommodating at one of the MSDHS's Welfare Protection Centers for Victims of Trafficking for a period not exceeding two years:

- Shelter
- Food
- Clothing
- Medical treatment
- Occupational training
- Psychosocial support
- Legal aid, and
- Reintegration and repatriation

In the case of children, they are protected at the MSDHS shelter until 1) the court case is completed and 2) family tracing is completed.

Article 37 of the Anti-Trafficking in Persons Act refers to assistance for the victim to obtain permission to stay and work in Thailand while taking part in legal proceedings. On 13 December 2016, a Cabinet Resolution extended the stay permit for migrant trafficking victims, their dependents, and witnesses of trafficking to two years and allowed migrant trafficking victims and witnesses to work in all sectors (rather than only labor-intensive sectors, including domestic work).

In case of victims of Trafficking in Persons who are from neighboring countries, for example, Cambodia, Lao PDR, and Myanmar, MSDHS closely collaborates with the government of the country of origin of the victims through various frameworks and channels, such as the Memorandum of Understanding (MoU) and border cooperation mechanism to assist victims with repatriation and reintegration. To date, Thailand has active MOUs with neighboring countries such as Myanmar, Cambodia, and Lao PDR on cooperation to combat trafficking in persons.

## 7.2 Judicial and Protection Assistance to Victims of Trafficking in Persons

The Human Trafficking Criminal Procedure Act, B.E. 2559 (2016) came into effect on 25 May 2016 and introduced key judicial procedural measures. They are allowing the court to use video conference in witness cross-examination and obtaining testimony, to order the defendant to pay compensation to the victims even if the original case filing does not contain a compensation request, and to order compensation if the offence includes torture, detainment, causing of bodily harm, or gross ill-treatment. In addition, the Act mandates and allows the court in Thailand to conduct witness cross-examination in absentia if the defendant flees or is unable to attend the hearing due to sickness. Additionally, all witnesses (who are not victims of trafficking, including informants) for human trafficking cases, identified by the Royal Thai Police, are automatically entitled to full protection under the witness protection scheme of the Rights and Liberties Protection Department, Ministry of Justice.

Diagram 27: Protection Measures for Victims and Witness of Trafficking in Persons



## Remedial Assistance to Victims of Trafficking in Persons

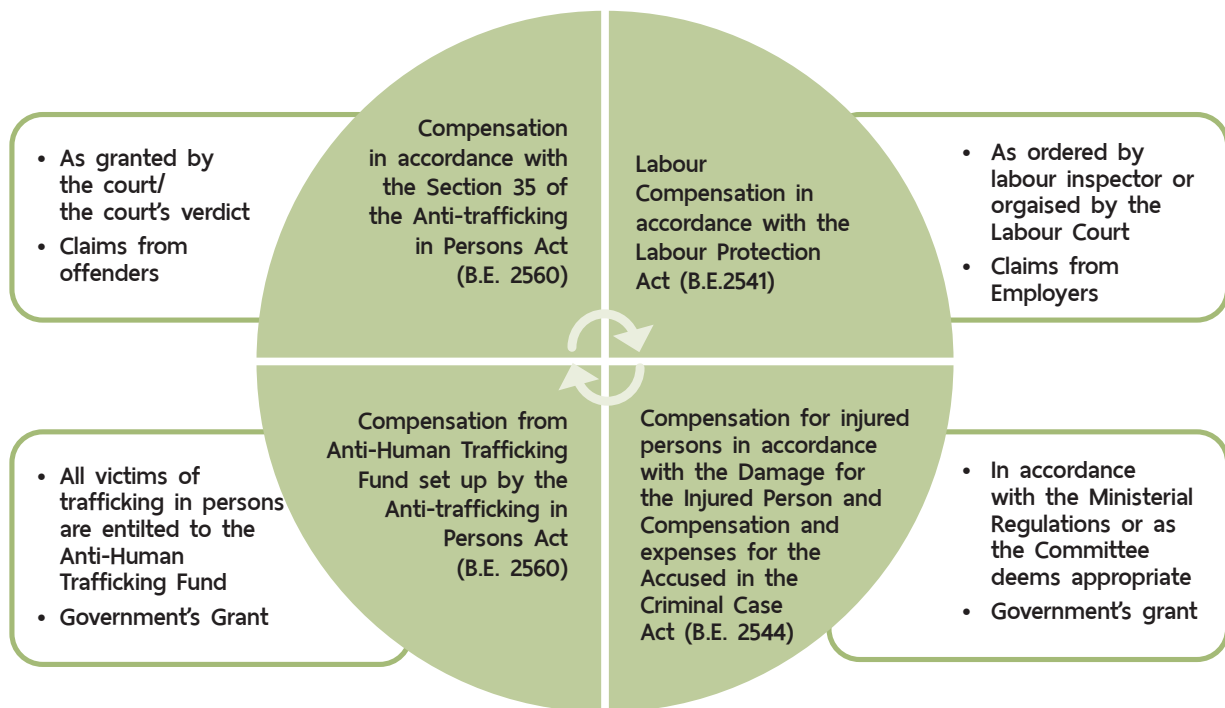
In Thailand, remedies for victims of trafficking in persons are available through four different channels: the Anti-Human Trafficking Fund, the Labor Compensation, the Compensation of Injured Person, and the Compensation in accordance with Section 35 of the Anti-Human Trafficking Act (B.E. 2560). The Anti-Human Trafficking Fund and the Compensation of Injured Person are remedies granted by the Royal Thai Government (RTG), whilst the Labor Compensation and the Compensation in accordance with Section 35 of the Anti-Human Trafficking Act (B.E. 2560) are claims from employers or perpetrators.

In brief, any person formally identified as a victim of trafficking is automatically entitled to the Anti-Human Trafficking Fund. The Anti-Human Trafficking Fund covers the following expenses of trafficking victims:

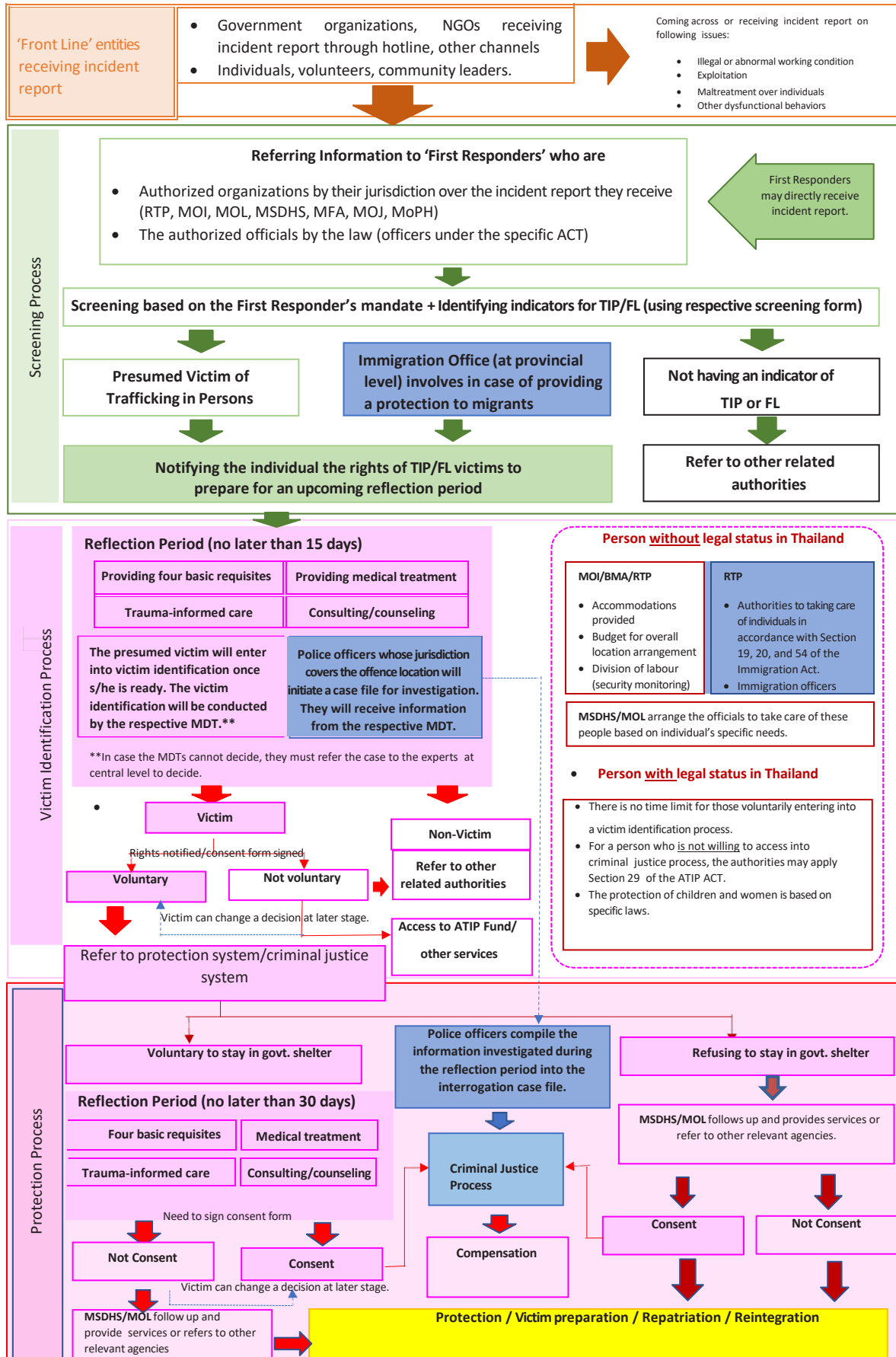
- Living expenses of 3,000 Baht (3 times/year)
- Medical treatment
- Rehabilitation expense
- Lost wages
- Consumer goods
- Accommodation
- Education/Training
- Legal assistance
- Repatriation expense
- The expense for the return to Thailand

For victims of trafficking for labor exploitation, any unpaid wages or labour compensation are claimed and compensated through the labor court in accordance with the Labour Protection Act B.E.2541. While the compensations of Injured Person and Section 35 of the Anti-Human Trafficking Act (B.E. 2551) are granted depending on the court's verdict.

Diagram 28: Remedial Measures for Victims of Trafficking in Persons



**Diagram 29: National Referral Mechanism to Protect and Assist Survivors of Trafficking in Persons**



**Note for Trainer:**

Experts from MSDHS such as senior social worker, legal experts should be invited to explain the process of identification of assistance to and protection of Victim of Trafficking in Persons in Thailand that covers 8.1, 8.2 and 8.3.

**7.4**

## Referral of Potential Victims of Trafficking in Persons for Assistance

There are no legally binding procedures or guidelines for the frontline or first responder agency in Thailand on the referral of potential trafficking cases to MTDs or POSH/MSDHS for protection and assistance. The frontline responders or first entities responder agency may include a wide range of government agencies, private sector, and non-government agencies (NGOs), individuals, community leaders, and volunteers that who first encounter or receive a report on the suspected trafficking cases or the incidents.

**Some Examples of the Incident Reports are:**

- Unlawful or irregularities in working conditions
- Exploitation
- Maltreatment of individuals
- Other dysfunctional behaviors

Trafficking victims may have immediate protection and assistance needs as they emerge from abuse and exploitation while being trafficked. However, trafficking victims may be reluctant to receive protection and assistance offered to them for similar reasons that they do not wish to be identified (as described in Section 4). Many (potential) victims come into contact with counter-trafficking responders shortly after exiting trafficking when they are in shock and even traumatized. As a result, they cannot always comprehend what is happening, including the assistance being offered.

In some cases, the assistance is not required or wanted by the trafficking victim, contradicting the commonly held assumption that all trafficking victims require (and want) some forms of assistance or support to recover and reintegrate into society. For example, some victims may not need assistance because they can cope on their own. Some victims may decline formal assistance because they have access to alternative forms of support, for example, family-based support (e.g., support from parents and siblings), support from social networks (e.g., friends, colleagues, neighbors, and acquaintances), community-based support (e.g., an

informal mechanism in the community that provides job placement or vocational training), and non-trafficking related assistance (e.g., emergency assistance available from different sources).

Therefore, as a first responder, it is important to accept that:

- Some victims may not need assistance,
- Some victims may decline assistance from confusion and trauma (distress responses) as a result of trafficking, and
- Some victims who initially decline assistance for various reasons may change their minds later and may need assistance.

#### Some Examples of Distress Responses (Trauma) are:

- Physical symptoms (for example, shaking, headaches, feeling very tired, aches and pains)
- Crying
- Sadness
- Anxiety
- Fear, worry that something really bad is going to happen,
- Anger
- Guilt, shame (for example, for being trafficked, for failed migration, for prostitution)
- Confused
- Not responding to others, not speaking at all, disorientation (for example, not knowing their own name, where they are from, or what happened)
- Not being able to care for themselves or their children (for example, not eating or drinking, not able to make simple decisions).

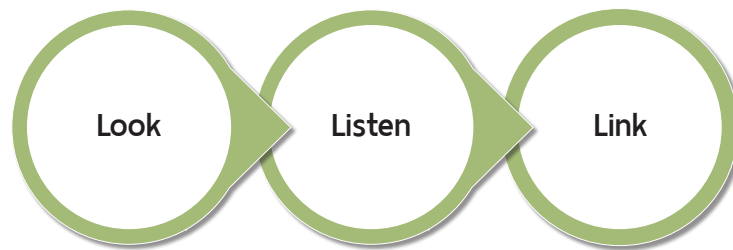
7.5

## Basic Principles in Referring Potential Victims of Trafficking in Persons for Assistance

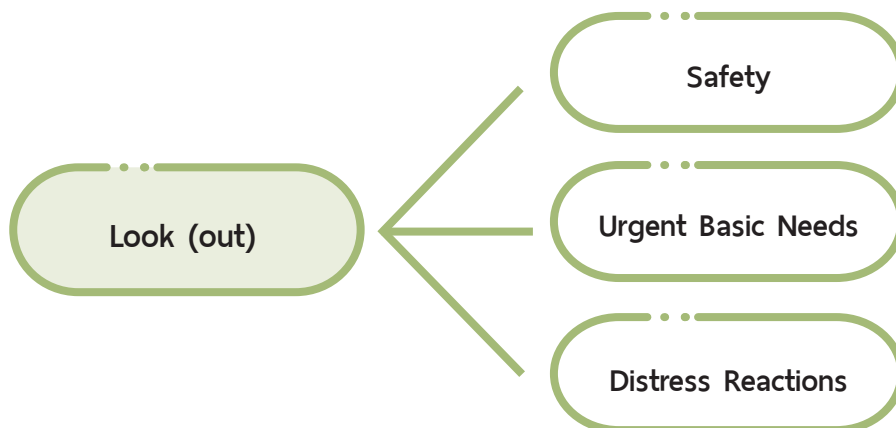
While providing assistance to trafficking victims, it is important to understand their specific needs and link them with practical support and information. In this regard, the three basic action principles of Psychological First Aid (PFA) - **“look, listen, link”** - can help guide frontline responders in providing assistance to or referral of trafficking victims for assistance safely.



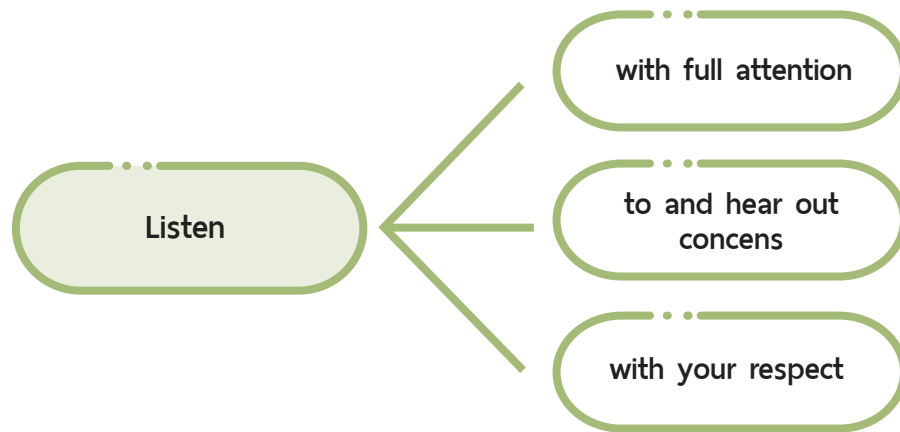
Diagram 30: The three basic action principles of Psychological First Aid (PFA)



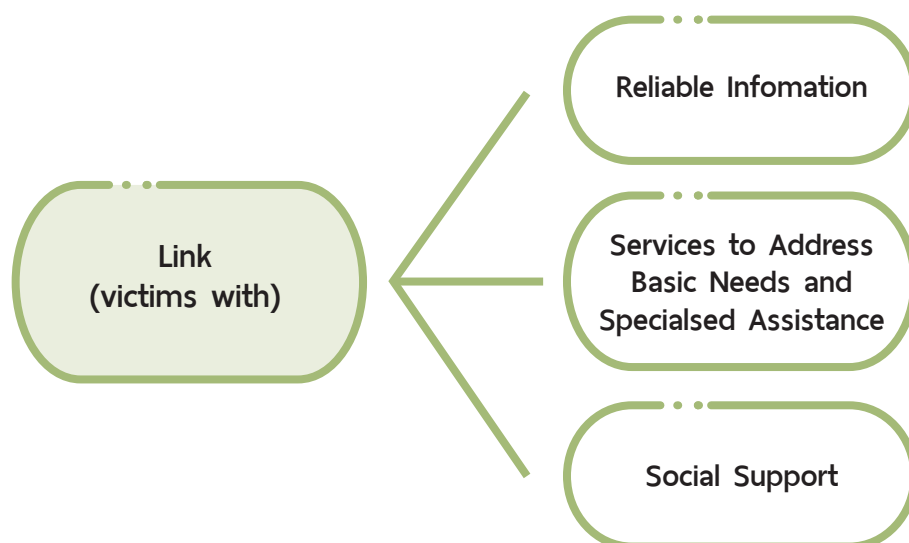
**Look:** It is important to take a moment and look around before you offer help to someone who has experienced a distressing event as a result of trafficking in persons. This may be just a quick scan of the safety, urgent basic needs, and distress reactions of (potential) trafficking victims you encountered. Your role as a first responder is trying to get help for people who need special or urgent assistance. Many victims and their families face different safety risks, such as the risk of retribution by traffickers, the threat of traffickers to physically being harmed, and the risk of corrupt legal and administrative authorities. You should not take any further actions until you are certain about safety or adequately evaluate the safety risk of the person you are helping.



**Listen:** It is essential to listen to and ask about the need and concerns of people in distress or people who are exiting trafficking to calm them and offer them appropriate assistance. If possible, find a safe and quiet place to talk. However, do not pressure the person to talk – thereby causing discomfort. Some victims may be ashamed to talk about their trafficking experience, uncomfortable with needing support and protection (for example, men), confused or upset as a result of the trafficking experience. Giving the person full attention, showing respect according to their culture, and listening in case they want to talk about what happened will help them comfortable in their interactions with you. It is important that you, as anti-trafficking responders understand the different reasons for victims' feelings so that you can address their concerns. Often, when victims received the first concrete and specific assistance, they started trusting service providers, this being more convincing than assurances of good intentions.




**Link:** An important step in building trust is providing the provision of reliable information and assistance. Many trafficking victims do not fully understand what protection and assistance mean, nor their right to access it. They are also often uncertain of where they can find this support. Trafficking victims cannot make decisions about their future, including whether to accept protection and support, until they fully understand their rights and the options available to them. **Linking trafficking victims with practical support and specialized assistance is a major part of the referral process.** Remember that as a first responder, you are there often for one-time intervention or to help trafficking victims for a short period of time. Trafficking victims may need time and reflection to recover from the immediate shock and consider information and options. **Some victims may decline or avoid protection and support because they want to solve their problems themselves.** In the case of children, additional and specialized assistance may be needed in the decision-making process to ensure their best interests.



### Keynote(s):

- Although protection of and assistance to trafficking victims is the state's responsibility, civil society actors may also play a role to offer protection and support, given their expertise in the protection and support of trafficking victims.
- Although each trafficking victim's situation is different, victims often need the following basic assistance:
  - Basic needs, such as shelter, food, and water, and sanitation
  - Health services for injuries or help with medical conditions.
  - Understandable and correct information about the event and available services.
  - Being able to contact loved ones, friends, and other social supports.
- Be aware that women and girls may have typical barriers to access to services and report on the crime or violence due to shame associated with certain violence (e.g., rape), concerns for not being believed by family and/or authorities, concerns for family (e.g. they may have caring responsibilities for family), negative attitudes of officers, and the issue of privacy for reporting or accessing services.
- As a frontline responder, although you are there to help victims just in the first instance, your role is particularly important in safeguarding and enabling them to report on the crime and violence by removing them to a place of safety, or perhaps a shelter or victim-friendly facilities, and from the alleged perpetrator.



**PRINCIPLES AND  
APPROACHES IN  
REFERRAL OF  
TRAFFICKING  
VICTIMS FOR  
ASSISTANCE**

# 08

# PRINCIPLES AND APPROACHES IN REFERRAL OF TRAFFICKING VICTIMS FOR ASSISTANCE<sup>xxvii</sup>

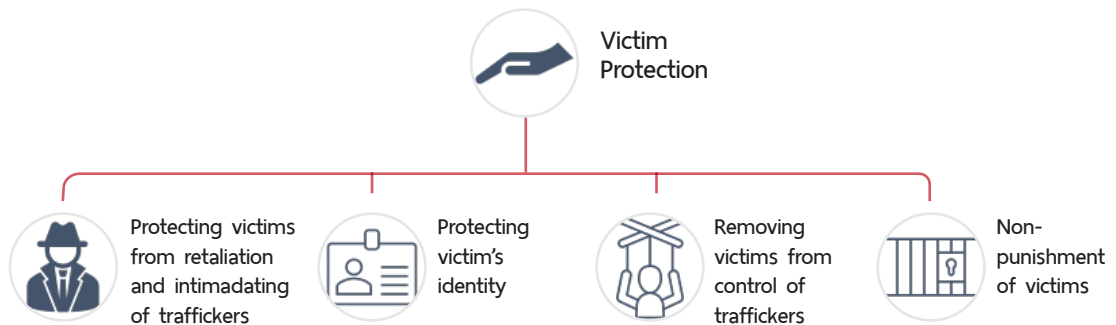
8.1

## Protection of and Assistance to Victims of Trafficking in Persons

Protection of and assistance to trafficking victims is an essential part of a comprehensive response to combat trafficking in persons crime. Simply put, victim protection and assistance refer to:

**“Victim protection:** measures that guarantee safety and security of victims, for example, protecting victims from retaliation and intimidating of trafficker; protecting victim’s identity (victims’ privacy); removing victims from the control of traffickers; and protecting victims from punishment for unlawful acts committed by them as a direct result of being trafficked.”

Diagram 31: Victim Protection Measures



**“Victim assistance:** measures that address victims’ concerns and immediate needs, as appropriate to the victim’s age, gender and special needs, for example, temporary shelter; counseling and information; medical care; psychological support; material assistance; and legal support”.

Diagram 32: Victim Assistance Measures



Victims of trafficking in persons may require protection and assistance from first contact and trial processes until their integration or reintegration. Some protection needs and concerns of victims that have been identified at the point of first contact may need to be continually addressed, such as ongoing accommodation, medical and psychological attention and counseling, and guarantees for the safety and security of the victim.

In summary, victim protection and assistance require cooperation between and among the authorities or different service providers to ensure that appropriate services are given in a timely manner and made available to trafficking victims through referral for assistance.

When trafficking occurs across borders, such coordination and cooperation may require between the authorities or service providers of two or more countries to ensure that victims are protected from retaliation of trafficker or re-trafficking, especially when they return home in their country of origin and during the reintegration process.

### **Keynote(s):**

- In principle, states of destination, origin, and transit where victims of trafficking are identified are obliged to provide protection assistance to the victims as part of their international obligations.
- Though protection is the state's responsibility, civil society organizations also play an important role in providing protection and support, given their expertise in the protection and support of trafficking victims.
- UN Trafficking Protocol (2000) calls on states, in Article 2, to protect and assist trafficking victims with full respect for their human rights. This includes protecting privacy (Article 6(1)); ensuring victims receive information on court proceedings (Article 6(2)); measures to provide for physical, psychological and social recovery of trafficking victims (Article 6(3)); providing for physical safety of victims (Article 6(5)); measures to allow victims to seek compensation for damages (Article 6(6)); and temporary or permanent stay (Article 7).
- ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015) call on states to establish measures to allow victims to stay temporarily or permanently (Article 14(4)); ensure the physical safety of victims (Article 14(5)); protect the privacy and identity of victims (Article 14(6)); not hold victims liable for unlawful acts directly related to their trafficking (Article 14(7)); not hold victims in detention or prison (Article 14(8)); communicate information about protection and assistance (Article 14(9)); provide compensation for damages (Article 14(13)); and establish a victim fund for care and support (Article 14(14)).

## **8.2**

### **Protection Considerations at the First Point of Contact: Principles and Approaches**

The protection and assistance provided once a presumed victim of trafficking is identified are crucial in establishing a relationship of trust and cooperation between the victim of trafficking and service providers. Beyond the initial challenges of identifying potential victims of trafficking, multiple challenges may arise in providing protection and assistance to victims of trafficking in persons linked to the experience of victims. Therefore, understanding victims' experiences and flexible measures that meet victims' specific needs are critical in successfully protecting and assisting trafficking victims.

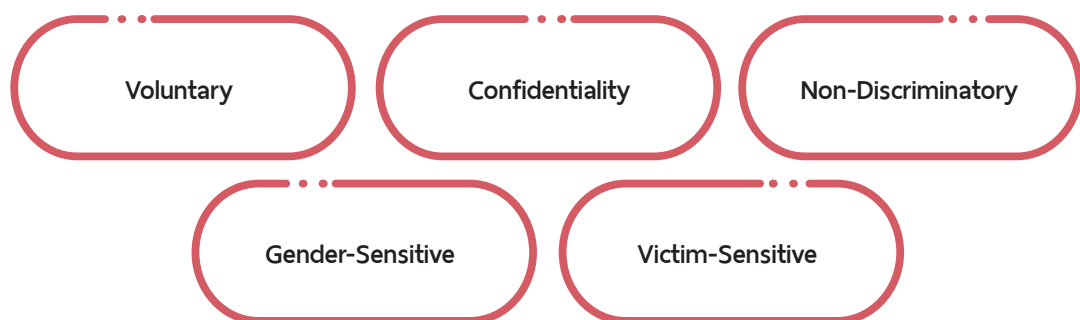
### Keynote(s):

- The main objective of victim assistance and protection is to ensure that assisted victims of trafficking can come to terms with what they have experienced and regain their autonomy to fully participate in an economic and social life again. The failure to meet this objective may further increase vulnerability and could result in a cycle of re-victimization.

### 8.2.1 Principles of Protection and Assistance: Key Principles

In principle, service providers or authorities should adhere to the following code of conduct for protection and assistance to ensure the safety and well-being of victims, to improve the prospect of their recovery from trafficking experience, and trust in protection services:

Diagram 33: Key Principles of Protection and Assistance



- **Voluntary:** Throughout the assistance process, from initial contact and screening to the final social reintegration, the victim will be required to make decisions. By respecting the right and enabling victims to make their own choices, service providers and authorities should restore victims' autonomy in decision-making for matters and actions affecting them.
- **Confidentiality:** Breaches of confidentiality of victim information may compromise the safety and well-being of victims. For example, in cases involving sexual exploitation, the victims may fear stigmatization by the public and their families. The information of the victims, when they give their consent, should be shared for further assistance purposes only, and the specialized agencies involved in victim assistance should be informed about the confidentiality of the victim information.
- **Non-Discriminatory:** As trafficking in itself constitutes a serious human rights violation, all assistance and protection efforts should aim to restore the victims' rights and prevent further human rights violations. Discriminatory measures taken by service providers or authorities can perpetuate discrimination or violate the prohibition against discrimination as stated in the human rights instruments and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This is particularly acute in cases involving non-nationals and in the



context of gender-based discrimination. In brief, victim protection and assistance should be extended to all victims, and service providers should effort non-discriminatory practices in victim protection and assistance.

- **Gender-Sensitive:** Gender-sensitive approach is particularly important where victims have experienced sexual exploitation. However, it is equally important to note that trafficking in persons involve a vast ray of forms of exploitation, not only sexual exploitation. Many trafficking victims are male in different industries, for example, in construction, fishing, and farm, etc. Due to the fact that gender dimension may involve in detection of trafficking victims, it is important for the frontline responders to recognise special vulnerability of victims to certain forms of exploitation. For example, globally, most victims detected for sexual exploitation are women and girls, and for forced labours are men. Therefore, It is important for frontline responders to take into account of personal and situational vulnerabilities of individual encountered in relation to identification process and provision of tailored support and assistance offered to them. Personal and situational vulnerabilities involve in trafficking in persons in different contexts are, for example, age, gender, poverty, mental and physical disability, culture, language, belief, family situation or irregular status, (drug) dependency, and emotional attachment which is used in the trafficking of women and children.
- **Victim-Sensitive:** Protection and assistance to victims of trafficking is the cornerstone of an effective anti-trafficking response. However, when victim identification does not lead to support and assistance that the trafficking victims need in their lives after trafficking or that does not align with their personal and family situation (for example, in a shelter, for a long period of time, away from family, unable to work, compulsory criminal justice cooperation), the victims may avoid identification (or) opt to stay in exploitative situation (or) decline such assistance. Therefore, it is important for frontline responders to understand various concerns of victims and their view about victim identification. Approaches such as gender and age-sensitive, trauma-informed, culturally appropriate are particularly relevant in supporting victim-centered responses and better identification outcomes. Victims are better able to trust and willing to cooperate with the anti-trafficking responders who are sensitive to their feelings and concerns, safety and well-being.

### 8.2.2 Operationalizing Protection and Assistance: Approaches

Accepting assistance means accepting the identity of the trafficking victim. While this status affords certain rights, it may also be at odds with how individuals view themselves. Some victims may also want to distance themselves from the traumatic experience and move on with their lives, thus declining assistance. Though some victims may decline assistance because they do not want or feel discomfort or shame (that accepting it is not a real option for them), quite often victims decline assistance because they do not have clear and realistic information, mistrust and disbelief in assistance, and conditional or forms of assistance is not what they need or want.

Therefore, protection and assistance measures provided by service providers or authorities should be trauma-informed, victim-sensitive, in the best interest of the victim (and in the best interest of a child), gender-sensitive, and culturally appropriate to achieve its primary objective. **Especially at the point of first contact or initial stage, the main objective should be to identify and address victims' immediate needs and concerns.**

Ideally, it is essential to provide (potential) victims with information of their rights, nature, and scope of available assistance, including responsibilities upon accepting such assistance.

Diagram 34: Non-Exhaustive Forms of Initial Assistance



**At an Initial Stage, Immediate Needs and Concerns of Victims May Include:**

- **Safety and Security Risk of Victims:** There is a risk that traffickers may seek to obtain information about assistance programs or a victim's location. Service providers should remain alert to this risk and not disclose any information to people whose identities are unknown.
- **Basic Needs (e.g., Food, Clothing, Accommodation, Urgent Medical Attention):** While building trust takes time, an important step in this direction is providing reliable information and assistance. Thus, the first step would be to identify and solve some of the victims' immediate needs – for instance, nutrition or health concerns – thereby affirming that assistance is real, efficient, and reliable.
- **Family Tracing (If There is No Reason to Suspect Family's Involvement in Trafficking):** Family has significant impacts on victims' decisions about declining or accepting the assistance. Victims are often away from home while trafficked. After exiting or escaping from trafficking, victims may wish to return home or contact their families. When protection and assistance interfere with victims' ability to see or contact their family, this could become a source of mistrust of the victim and their family about the assistance from stress and anxiety. Though, it is important to note that family tracing should be done without breaching the confidentiality of the victims.
- **Migration Advice:** In some environments, options at home or country of origin may be extremely limited, and migration is a normative economic strategy. In such cases, victims may try to migrate again for work. In some cases, victims may even decline assistance because they want to continue to work to provide for their families or pay off their migration debt. In these cases, trafficking-specific assistance may not suit their plans or self-perception, given that the protection and assistance may need them to leave employment opportunities. This is the group that is very vulnerable to re-trafficking, without

the support network, perhaps without legal status in the country that they are identified and may need information on safe migration or to migrate safely by using different strategies.

- **Legal Advice:** Victims are an important source of evidence for successfully prosecuting trafficking cases. However, they are often worried about being criminalized for illegal activities related to trafficking (for example, irregular migration, prostitution, or working illegally). Therefore, victims should be provided with information, in a language that they understand, about their rights and responsibilities for decision-making to participate in criminal proceedings. Access to information is an important starting point for gaining meaningful informed consent of victims to receive protection and assistance, including participating in the criminal process.
- **Information:** After trafficking, many victims are shocked, confused and traumatized, and unable to understand and process information about protection and assistance. Moreover, victims may have different levels of education and literacy and do not always fully understand the trafficking designation nor their right to protection and assistance. Some victims may need time (reflection period) to recover from the immediate shock and/or to comprehend information and options. In brief, service providers should explain what protection and assistance entail, including their rights and responsibilities to trafficked victims in a format and language that victims can understand. In the case of trafficked children, the service provider should consider providing information with extra care and adjustment.

### 8.3

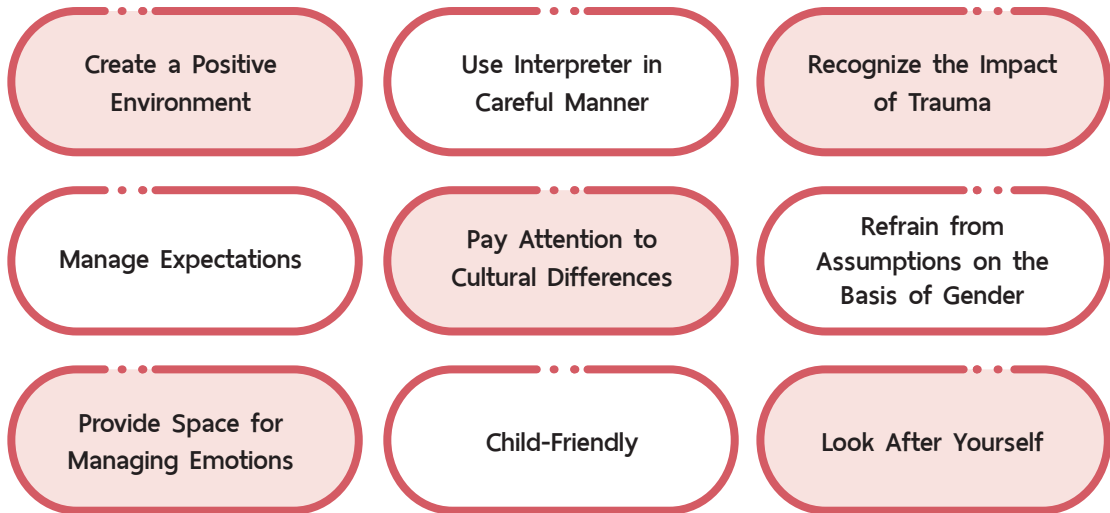
## Getting Ready to Help: Key Considerations and Tips

For the purpose of protection and assistance, victims and service providers may require to communicate with each other in a formal and informal setting, for example, interviews, needs assessments, and other interactions. **Therefore, a significant issue in protection and assistance is the interactions between victims and service providers that need careful consideration and attention.**

Especially, it is not always easy to remain friendly, patient, and attentive in communication and interactions when both service providers and victims are under pressure. For example, a service provider may feel responsible for victims' safety and care or may have overwhelming responsibilities or lack clear guidance for assistance or referral of victims for assistance. Victims may also have different feelings and concerns that may require attention and considerations from service providers, such as trauma, shame, pressing priority, or disbelief in protection and assistance. These conditions may negatively impact communication between victims and service providers and create tensions.

In this regard, the following approaches may help service providers in managing effective communication and increase the ability of victims to express themselves:

Diagram 35: Key Considerations for Initial Protection and Assistance (Approaches)



- **Create a Positive Environment that Fosters Trust, Safety, and Respect:** Due to the sensitive nature of interactions (such as the presence of risk of traffickers, elements of sexual exploitation and abuses), victims might be reluctant to speak about their experience and concerns in an open setting. As a service provider, it is your responsibility to create a positive speaking space and a relaxed atmosphere to foster a relationship of trust and respect.

**Tip (s):**

- When possible, secure a private space where you can conduct sensitive exchanges, and nobody else can overhear the conversation.
- At the beginning of interactions, make the victims comfortable by greeting them and having an informal exchange, for example, asking about their well-being before starting any specific interaction.
- Keep warmth in tone of voice and moderate speech pace. Communicate in a clearly audible voice but not too loud.
- Victims might be distrustful of people they do not know. Therefore, introduce any other people presence, such as interpreter or your colleagues, and explain their roles and why they are present to create trust.
- Sometimes, victims may feel more comfortable speaking with persons of their own gender. Therefore, if possible, consider speaking to them with or with the presence of the same gender.
- During interactions, allow victims to take a break or offer them water at any point to put them at ease.

- **Use Interpreter in a Careful Manner:** Service providers may need the presence of an interpreter to facilitate an exchange of information with victims in case they are minorities, foreign nationals, or speak different languages. Given different ethnic or social backgrounds, the interpreter may have biases that would influence their interpretation. On the other hand, victims may not trust interpreters and may be reluctant to engage in a meaningful conversation.

**Tip (s):**

- Whenever possible, use certified or trained interpreters with appropriate language skills and interpreters of the same gender as victims to encourage more open communication.
- Before the Interaction, brief the interpreter on the nature of the encounter and discuss the importance of confidentiality, neutrality, and impartiality.
- At the beginning of the Interaction, introduce the interpreter, and explain his or her role to the victim.
- Do not place the interpreter directly between you and the victim who are communicating; instead, place the interpreter to the side. The interpreter should not block the line of vision between you and the victim.
- Avoid talking to victims “through” the interpreter. Address and make eye contact directly with the victim, not with the interpreter.
- Use simple language that is easy to translate into other languages. Avoid using acronyms.
- Always pay attention to signs of potential problems with the quality of interpretation to address the concerns immediately (for example, if the victim’s response does not answer your question; the interpretation is significantly longer or shorter than appears appropriate; exchanges between the interpreter and the refugee are not interpreted etc.).
- If you have sufficient time, apply triangulation techniques in communication (for example, rephrasing or summarizing what was discussed) to avoid missing information or misunderstandings.
- Do not ask more than one question at a time.

- **Trauma-Informed or Recognize of the Impact of Trauma:** Throughout the Interaction, keep the impact of trauma and concerns of the victim in mind. People who have been trafficked may be very upset, anxious, or confused. Some people may blame themselves for things that happened. Remember that victims may need time before revealing their true concerns.

**Tip (s):**

- Access what type of information, advice, and assistance they are looking for and their concerns.
- Do not force victims to tell you what they have been through or traumatic events. Allow for silence and give victims space. Let them know that you are there if they want to talk or offer practical support like a meal or a glass of water.
- Be patient and calm. Show respect to make victims feel more safe and secure.
- Do not judge what they have or haven't done or how they are feeling. Do not say: "You should not feel that way," or "You should feel lucky you survived."
- Assess whether or not you are well placed, or have enough expertise, to respond to the victim's needs. If not, identify colleagues who are better suited and arrange a meeting with them.

- **Managing Expectations:** For some, victim identity was at odds with their self-image perception. Others had problems relating to the role as "trafficking victim," not seeing their own exploitation as "bad enough" to seek assistance. Yet others embraced the victim role. However, this sometimes led to very high expectations of what should be provided and subsequent disappointment and frustration if a solution to their specific problems is not found immediately.

**Tip (s):**

- Establish clear expectations and explain what (assistance) is possible or available and what is not, taking into consideration of your own limitations such as logistic challenges, regulations, information, and resources.
- Refrain from making promises. Instead, provide factual information if you have it. Be honest about what you know and don't know. And let the victims know that you will try your best to find out about that for them.

- **Culturally Appropriate or Pay Attention to Cultural Differences:** Beyond the language barriers, the service provider needs to acknowledge that cultural norms also influence behavior and the way of communication. Culture determines how we relate to people and what is all right and not all right to say and do. For example, in some cultures, it is not customary for a person to share feelings with someone outside their family. Moreover, it may only be appropriate for women to speak with other women, or perhaps certain ways of dressing or touching are very important. As a service provider, it is important to be aware of cultural differences and other factors that may influence communication and victims' trust and comfort.

### Tip (s):

- Consider the age, gender, and characteristics of the persons you are speaking with. For example, Interaction with women and girls may require applying specific cultural norms of communication (for example, in some cultures, touching hands or shoulders when speaking may not be appropriate).
- Depending on the cultural context, the victim may prefer to talk to someone of the same or different ethnic, religious, or linguistic background. This is also applicable to the choice of the interpreter.
- Evaluate your own non-verbal behavior and ensure that your body language and physical actions are culturally sensitive. Do not generalize across groups or persons you encounter.
- Evaluate what types of questions are appropriate and address sensitive issues in a culturally respectful, gender-sensitive, and age-appropriate way.
- Be aware that a smile, laughter, and direct eye contact have different purposes in different cultures.

- **Gender-Sensitivity or Refraining from Stereotypes or Assumptions on the Basis of Gender:** When providing assistance, be aware that some victims may feel that the service or assistance is “unfriendly” or “discriminated”, especially when the service providers have biases on their needing supports by gendered assumptions. For example, women are commonly offered assistance with a focus on psychological support and limited options for employment. By contrast, men are offered assistance with little attention to counseling or psychological support and more options for employment. It is important to recognize that in some contexts, women can be the sole or primary caretaker for children or other dependents in the family. Moreover, in the context of trafficking for sexual exploitation, victims are more likely to suffer discrimination upon receiving assistance due to social stigma and a challenge on a burden of proof for sexual exploitation and abuses. In summary, gender stereotypes and biases in providing assistance and communication can negatively impact victims’ recovery, sense of safety, and autonomy.

### Tip (s):

- Though the majority of victims of trafficking for sexual exploitation are women and girls, keep in mind that not only women and girls, men and boys can also be trafficked for sexual exploitation.
- Similarly, keep in mind that both men and women can be primary caretakers depending on different contexts.
- Use non-judgmental and respectful phrases when conveying information to and during interactions with victims.
- Provide a range of options for solving victims’ most pressing needs, especially to women, that increase their chances of childcare and employment and reduce socio-economic vulnerability.

- **Provide Space for Managing Emotions:** The experience of human rights abuses and exploitations may increase victims' feelings of insecurity, fear, distrust, anger, or frustration. It may also reduce their ability to state how they feel or express themselves clearly. Be understanding: many victims may be struggling with different emotions in response to the traumatic experience. Dealing with emotions can be difficult and takes time. In providing assistance and protection, the overall goal should be to respect and allow the expression of different emotions but not to suppress them. Remember that acceptance of the other's emotions can create trust.

**Tip (s):**

- Remember that different emotions such as anger or frustration are likely aimed at the situation and not at you.
- Be patient and allow time for victims to express their feelings and to deescalate their emotions.
- Ask questions purposefully to facilitate communication and to clear up any misunderstandings.

- **Child-Friendly:** Dealing with trafficking victims who are children needs special attention and consideration due to their age and development stage. Similar to an adult victim of trafficking in persons, a child victim experiences a range of emotions after trafficking. They may have been subjected to physical and sexual abuse while being trafficked. These children may also be combative and aggressive in interactions with others in response to their trauma. After trafficking, children may face a vast array of harms – from traffickers, family, community members, and service providers like yourself. For example, some children come from an abusive family environment. Children can also be further traumatized if service providers or authorities do not believe their expressions. Some children are perceived as “trouble” and are looked down on in the community due to the impact of trafficking. In fact, risks of harm in family, community, and in interactions with service providers can seriously impede their recovery, return, and reunification with families.

**Tip (s):**

- First and foremost, a child should be treated as a child until his/her age is proven.
- Be aware that a small child (3-6 years of age) cannot be interviewed without support from an adult with whom the child has a personal relationship. From the age of (7-11 years), the child is capable of concrete, but not abstract, thinking. At this age, keeping the rules is important, so give rules to the child. Starting from the age of 12 years, the child can evaluate experiences and make an individual statement. However, depending on the situation and experience, a child may be either more mature or less mature than his/her peers.



- If a child is unaccompanied or there is reason to believe that family members are implicit in child's trafficking, work with social workers or trained service providers/authorities to work with children to assist the child (or) follow the tips closely until appropriate social worker or trained service provider or a legal guardian is identified.
- Before any interactions, build trust and rapport with children by establishing some common ground and introducing yourself to the child directly. For example, you could begin with phrases like "I have a child/nephew near your age, he/she likes to...", "I'd like you to teach me how to say in your language: "My name is.... "What is your name?"
- Agree on clear working rules with children at the beginning of any interactions. For example, explain to them how you will proceed, what you expect of the child, how to express when the child does not feel up to talking about some topics, etc.
- In principle, children are entitled to victim protection and assistance just like their adult counterparts. Explain and allow children to share their views on options of assistance in a manner that is appropriate for their age and stage of development.
- Use simple languages. Ensure that the child understands what you are saying by clearing up the confusion. For example, you could say, "Let's see if I've explained you properly," "You tell me what I have just said about (X)," "I'll go over it again if it is not clear" (or) ask the child to define a term/phrase to check his/her understanding of it.
- Use neutral questions such as "what, when, and how" during interactions. Avoid using the "why" question with children as much as possible. "Why" might be interpreted by the child as suggesting he/she has done something wrong.
- Avoid criticizing children during interactions, for example, their answers and behaviors.
- With younger children, if at all possible, do not take notes during interactions. Taking notes may deter children from talking.
- Demonstrate to the child that it is "OK" to say "I do not know" for questions and any interactions that expect their answers/responses to create a positive atmosphere.
- Be initiative to the child, if he or she is silent, to ask you some questions or leave the difficult topic for a while and get back to it later or stop the interactions altogether and use child protection experts.
- Unless it is in their best interest, you should force or coerce children into receiving care, including medical assistance and testing.
- Recognize the risk of stress and burnout in your work. Develop strategies to cope in your daily work and seek out support and care to prevent burnout and vicarious trauma.

- **Look After Yourself:** A main source of stress for service providers, frontline responders, or authorities is day-to-day stress, particularly in managing the duty of care and safety and security of victims. As a service provider or frontline responder, you may feel responsible for people's safety and care. You may witness or experience terrible things, such as injury, abuse, or violence. You may also hear stories of other people's pain and suffering. Even more than that, your safety and security may be directly affected by the assistance provided for trafficking victims to escape from their exploiters. Therefore, it is particularly important to pay extra attention to your own well-being and be sure that you are physically and emotionally able to help others. Take care of yourself so that you can best care for others.

**Tip (s):**

- Talk about your experience of assisting trafficking victims with your supervisor or colleague you trust.
- Learn to reflect on and accept what you did well, what did not go very well, and the limits of what you could do in the circumstances.
- Take some time, if possible, to rest and relax before beginning your work and life duties again.



- i <https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/migrant-smuggling-issue-papers.html>
- ii C029 - Forced Labour Convention, 1930 (No. 29), Available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)
- iii ILO, Ending forced labour by 2030: A Review of policies and programmes (2018), P.26, 27, Available at [wcms\\_653986.pdf](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/other/comm-dp/publication/wcms_653986.pdf) (ilo.org)
- iv The Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2020), Para. P.131, 132
- v United Nations Human Rights Office of the High Commissioner, Human Rights and trafficking in persons, Overview, Available at <https://www.ohchr.org/EN/Issues/Trafficking/TiP/Pages/Index.aspx>; The United Nations Office for Drug and Crime, The 2016 Global Report on Trafficking in Persons: Executive Summary, P.6, 7, 8, 10, 12, Available at [https://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf) ; The United Nations Office for Drug and Crime, The 2018 Global Report on Trafficking in Persons: Preface, P.3, Available at [https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_BOOK_web_small.pdf); The United Nations Office for Drug and Crime, Chapter I- Global Overview, The 2018 Global Report on Trafficking in Persons: Preface, P.25, 28, 29; UNODC, Preliminary findings and messaging based on rapid stocktaking, Impact of the COVID-19 and trafficking in persons, P.2, Available at [https://www.unodc.org/documents/Advocacy-Section/HTMSS\\_Thematic\\_Brief\\_on\\_COVID-19.pdf](https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf); United Nations Agency for Women, Guidance, Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic, P.6, 2020, Available at <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/guidance-addressing-emerging-human-trafficking-trends-and-consequences-of-the-covid-19-pandemic-en.pdf?la=en&vs=5353> ; Interpol, COVID-19 impact on migrant smuggling and human trafficking, 11 June 2020, Available at <https://www.interpol.int/en/News-and-Events/News/2020/COVID-19-impact-on-migrant-smuggling-and-human-trafficking>
- vi UNODC, Key differences between trafficking in persons and migrant smuggling, Toolkits to Combat Trafficking in Persons, P.6
- vii Roujanavong, W., Human Trafficking: A Challenge to Thailand And The World Community, Available at [https://www.unafei.or.jp/publications/pdf/RS\\_No87/No87\\_11VE\\_Wanchai.pdf](https://www.unafei.or.jp/publications/pdf/RS_No87/No87_11VE_Wanchai.pdf) ; US Department of States, 2020 Trafficking in Persons Report: Thailand, Retrieved from Thailand - United States Department of State
- viii Royal Thai Government, Country Report on Anti-Human Trafficking Efforts (1 January – 31 December 2018), available at <http://www.thaianti-humantraffickingaction.org/Home/wp-content/uploads/2019/07/Royal-Thai-Government-Report-2018.pdf>
- ix UNODC, Legislative Guide for The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2020)
- x อ่างแก้ว
- xi The Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2020), Para 194
- xii CTOC/COP/WG.4/2010/4, Working Group on Trafficking in Persons, Background paper prepared by the Secretariat, Non-punishment and non-prosecution of victims of trafficking in persons: administrative and judicial approaches to offences committed in the process of such trafficking, 9 December 2009; UNODC, Legislative Guide For The Protocol To Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, Supplementing The United Nations Convention Against Transnational Organized Crime, P.48-49
- xiii The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, Policy Guide on Protecting Victims of Trafficking, P.3
- xiv UNODC, Issue Paper, A short introduction to migrant smuggling (2020), P.11
- xv UNODC, Global Report on Trafficking in Persons (2020); UNODC, Legislative Guide for The Protocol to

Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2020); The Bali Process, Policy Guide on identifying Victims of Trafficking; The Bali Process and NEXUS Institute, A practitioner guide on trafficking victim identification

<sup>xvi</sup> อ้างแล้ว

<sup>xvii</sup> UNODC, Module 8, Interviewing victims of trafficking in persons who are potential witnesses, Anti-human trafficking manual for criminal justice practitioners, IOM, A handbook on direct assistance to victims of trafficking

<sup>xviii</sup> อ้างแล้ว

<sup>xix</sup> อ้างแล้ว

<sup>xx</sup> International Organization for Migration (IOM), Thailand

<sup>xxi</sup> UNODC, Issue Paper, A short introduction to migrant smuggling (2010)

<sup>xxii</sup> อ้างแล้ว

<sup>xxiii</sup> International Organization for Migration (IOM), the Study on referral mechanisms for vulnerable migrants in Thailand, 2018

<sup>xxiv</sup> Adapted from Identification and Referral of Trafficking Victims in Indonesia, Guideline for Frontline Responders and Multi-Disciplinary Teams at the Village Level (2018), prepared by the Nexus Institute, P.33

<sup>xxv</sup> The Bali Process and NEXUS Institute, A practitioner guide on trafficking victim identification

<sup>xxvi</sup> The Anti-Trafficking in Persons Act B.E 2551 (2008); Royal Thai Embassy Brussels, CCCIF Press Release: Thailand's Progress in Combating IUU Fishing, Available at CCCIF Press Release: Thailand's Progress in Combating IUU Fishing – Royal Thai Embassy Brussels; IOM Thailand, Final Report of the Study on referral mechanisms for vulnerable migrants in Thailand, 28 September 2018 ( Internal Document); Bureau of Anti-Trafficking in Women and Children and Japan International Cooperation Agency, MDT Operational Guideline for the Protection of Victims of Human Trafficking (2nd edition), March 2013, Available at คู่มืออังกฤษ.indd (jica.go.jp); Marika McAdam, Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy, and practice in the ASEAN Region, P.49, Available at [https://www.aseanact.org/wp-content/uploads/2021/04/Freedom-of-movement\\_with-disclaimer.pdf](https://www.aseanact.org/wp-content/uploads/2021/04/Freedom-of-movement_with-disclaimer.pdf); Royal Thai Government, Thailand's Country Report on Anti-Human Trafficking Response, (1 January – 31 December 2016), P.88-89

<sup>xxvii</sup> Thailand's Country Report on Anti-Human Trafficking Response (1 January – 31 December 2016), P.20, 32, 33, 57, 86, 88, 89; Anette Brunovskis and Rebecca Surtees, Leaving the past behind? When victims of trafficking decline assistance (Summary report), A research cooperation between Fafo AIS (Oslo) and NEXUS Institute (Washington), 2012, P.13, 14, 15, 16, 38; Surtees, Rebecca and Laura S. Johnson (2021) Trafficking Victim Protection and Support: A Practitioner Guide. Bangkok: Regional Support Office of the Bali Process (RSO) and Washington, D.C.: NEXUS Institute; World Health Organization, War Trauma Foundation and World Vision International (2011). Psychological first aid: Guide for field workers. WHO: Geneva; David Rousseau, Review of Models of Care for Trafficking Survivors In Thailand, WINROCK and USAID Thailand Counter-Trafficking In Persons, 2019, P.10, 12, 13; Marika McAdam, Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy and practice in the ASEAN Region, Australian Aid ASEAN-Australia Counter Trafficking (2021), P.49

<sup>xxviii</sup> Brunovskis, Anette and Surtees, Rebecca Surtees, Leaving the past behind? When victims of trafficking decline assistance (Summary report), A research cooperation between Fafo AIS (Oslo) and NEXUS Institute (Washington) (2012), P.2, 8, 9, 19, 23; The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, Policy Guide on Protecting Victims of Trafficking, An Introductory Guide for Policy Makers and Practitioners, P.9, 14; Surtees, Rebecca and Laura S. Johnson (2021) Trafficking Victim Protection and Support: A Practitioner Guide. Bangkok: Regional Support Office of the Bali Process (RSO) and Washington, D.C.: NEXUS Institute, P.2, 5, 9, 12, 23, 28, 36, 39; Surtees, Rebecca and Laura S. Johnson (2021) Special and Additional Measures for Child Trafficking Victims: A Practitioner Guide. Bangkok: Regional Support Office of the Bali Process (RSO) and Washington, D.C.: NEXUS Institute, P.9; IOM, The IOM Handbook on Direct Assistance for Victims of Trafficking (2007), P.57; UNODC, Legislative

Guide for The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing The United Nations Convention Against Transnational Organized Crime (2020), P.22; UNODC, Toolkit to Combat Trafficking in Persons, Justice for Victims, Tool8.16, Access to Information and legal Representation,P.430; UNHCR, Effective and Respectful Communication in Forced Displacement; WHO, Psychological first aid: Guide for field workers (2011), P.14-15; Directorate of Immigration Finland, Guidelines for Interviewing (Separated) Minors (March 2020), P.6, 8, 9, 12, 14





© 2022 International Organization for Migration (IOM)

18<sup>th</sup> Floor Rajanakarn Building, 3 South Sathorn Road,  
Sathorn, Bangkok 10120 Thailand

Email: [iomthailand@iom.int](mailto:iomthailand@iom.int)

Website: [www.thailand.iom.int](http://www.thailand.iom.int)

The Sub-Committee on the National Referral Mechanism