

Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) to Combat Human Trafficking in Thailand

Andien Dewi Aulia Zahra¹, Taufik^{2*}, Shylvia Windary³

^{1,2,3} Department of International Relations, Universitas Pasundan, Bandung, Indonesia. Jalan Lengkong Besar No. 68. Bandung, Indonesia

Corresponding Email: taufik@unpas.ac.id

Abstract

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The phenomenon of intra-regional migration has occurred since 1980 in Southeast Asia and continues to increase. One of them is in the sub-region known as the Greater Mekong Subregion (GMS). GMS countries including China (Yunan Province and Guangxi Autonomous Region), Lao People's Democratic Republic (Lao PDR), Cambodia, Myanmar, Thailand, and Vietnam, have different economic conditions. Thailand is a country with the strongest economy, thus attracting migrants to work in Thailand, especially migrants from Cambodia, Lao PDR, and Myanmar. This mobility has opened up opportunities for human trafficking, so the six countries agreed to a memorandum of understanding which continued with the formation of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) and issued the Subregional Plan of Action (SPA). This study aims to determine the implementation of SPA IV carried out by Thailand in the period 2018 - 2022 along with its obstacles. As a result, in implementing the Subregional Plan of Action IV COMMIT, Thailand has focused more on measures to prevent human trafficking, protect victims, and prosecute perpetrators. However, implementation has also encountered obstacles due to the COVID-19 pandemic.

INTRODUCTION

Since the 1980s, migration has been a major transnational phenomenon in Southeast Asia. The level of intra-regional migration increased due to rapid economic growth in several countries in the region which encouraged people from less developed countries in the economic sector to migrate, both skilled or not. Thailand, Malaysia, Singapore, and Brunei Darussalam are destinations countries, while Myanmar, Cambodia, Indonesia, Lao PDR, the Philippines, and Vietnam are countries are sending countries (Larsen 2010).

Southeast Asia is located between China, India, Australia, and the Pacific Ocean. It can be divided into two geographical regions: the Mainland that connected to China and India, stretching south on what is called the Indochina Peninsula, including Vietnam, Lao PDR, Cambodia, Burma (Myanmar), and Thailand; the second is, the islands that located in the South and East which is surrounded by waters. This region includes the Philippines, Malaysia, Singapore, Brunei Darussalam, Indonesia, and Timor-timor (Berglee 2012).

The three longest rivers in the world are in Southeast Asia, specifically in mainland Southeast Asia. Among them are the Mekong River, the Red River, and the Irrawaddy River which the head is in the Himalayas in China (Berglee 2012). The Mekong River is one of the rivers with the most complex river systems in the world. Starting from the Tibetan Plateau in China, it flows into Myanmar, then into the Lao People's Democratic Republic (Lao PDR), into Thailand, and Cambodia, flowing about 795,000 km² of river water to the sea through the Mekong Delta in Vietnam near Ho Chi Minh City (Saigon City) with an average flow of ~15,000 km³/year (Pokhrel and others 2018).

Geographically, this river forms the Greater Mekong Subregion (GMS), a sub-region consisting of countries crossed by the Mekong River, including the People's Republic of China (Yunan Province and Guangxi Zhuang Autonomous Region - which entered in 2005), Laos, Cambodia, Myanmar, Thailand, and Vietnam (Greater Mekong Subregion 2021b). Aware of the potential they have, then in 1992, the six countries received support from the Asian Development Bank (ADB) which introduced the GMS subregional cooperation program to improve their economic relations which until now include 10 priority sectors: Agriculture, energy, environment, health, human resources, information and communication technology (ICT) or information and communication technology, tourism, transportation, transportation and trade facilities, urban development (Greater Mekong Subregion 2021a).

However, because the GMS countries have different economic and political backgrounds they cannot drive them into a free market. Therefore, the development of “hardware” is more important than “software”, meaning that infrastructure improvement is seen as a major prerequisite for achieving the desired market integration. This is the main reason why large infrastructure projects are privileged under the GMS Program, especially for the least developed countries (Oehlers 2006).

Three countries in the Greater Mekong Subregion, Cambodia, Lao PDR, and Myanmar, were previously classified as least developed countries by the UN system, reflecting their relatively poor economic development. Meanwhile, Vietnam, which has been involved in several wars, took a long time for proper economic development. Similarly, Yunnan Province in China, located in the southwestern corner of China, far from the economically prosperous coastal areas, has also not benefited much from the opening up of economic reforms. Like Lao, Yunnan is a landlocked region with no access to the sea. Compared to other GMS countries, Thailand is the only capitalist country in the subregion with a good economic development path (Krongkaew 2004).

Among the countries in the GMS, Thailand is the most economically developed country. All economies in the region are focused on agriculture except Thailand. Structurally, Thailand and Yunnan are more industrialized than the others. All countries in the region are in transition to market economies, but Thailand has been a market economy for a long time. Rapid economic growth, labor shortages, aging populations in destination countries, geographic proximity, and the development of migration networks have been driving factors for people in Cambodia, Myanmar, Laos, and Vietnam to seek employment outside their countries (Marks and Olsen 2015). Dominantly, migration across national borders is conducted by the poor to migrate to Thailand (Latt 2013).

The problem of migration brings social effects such as transnational crime, security, infectious diseases, HIV/AIDS, drug trafficking, and human trafficking (Sarāwut Phaithūnwong and Yongyuth Chalamwong 2012). The Southeast Asian region is known as a source of trafficked people, either as a transit point, sending country, or destination. Intra-regionally, Thailand is the highest destination for human trafficking (Larsen 2010), with the majority coming from neighboring countries such as Laos, Cambodia, and Myanmar (Caballero and Anthony 2018).

In March 2002, migrants registered by the Thai government were 348,747 Myanmar people, 42,085 Lao PDR people, and 37,595 Cambodians. However, the Research Center for Migration (ARCM) of Chulalongkorn University estimates that the actual number of migrants is 2.5 to 3 times greater than that registered, which is around 1.07 - 1.28 million people. Even though Thailand is a destination country for the Greater Mekong Subregion, Thailand is an exporting country of migrant labor that sends about 200,000 people to 20 countries outside GMS countries, such as Taiwan, Japan, Singapore, Brunei, Malaysia, Hong Kong, and Middle Eastern countries (Asian Migrant Centre and Mekong Migration Network 2002).

One of the sectors of the GMS program that discusses migrants is the human resources (HR) sector. However, it should be noted that the Asian Development Bank (ADB) avoids several migrant issues such as rights, protection, and legal status. Even so, all GMS governments can cooperate on issues of slavery and human trafficking, as well as disease control (Latt 2013). In addition, there is no definitive data on the number of human trafficking due to the large number of illegal and undetected cross-border migrations. This sub-region has several forms of human trafficking such as slavery on fishing vessels, slavery in domestic work, and sex work.

The six GMS countries are aware that this human trafficking problem cannot be solved alone. So on October 29, 2004 in Yangon, Myanmar, the leaders of the GMS countries signed an MoU on Cooperation against Trafficking in Persons in the Greater Mekong Subregion, which was followed by the establishment of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) (McMichael and Healy 2017). The MoU focuses on the issue of human trafficking which is directly proportional to the high demand for exploitative labor and sex services. In this context, there is involvement of community members and organized criminal groups. Thus, a response of justice is needed and the role of institutions in preventing human trafficking, protecting victims, and prosecuting perpetrators is important (Torres and Swanström 2014). The main program implemented by COMMIT is the Sub-regional Plan of Action (SPA) which was first launched in 2005, SPA II in 2008, SPA III in 2011 (Asian Migrant Centre and Mekong Migration Network 2013), then, SPA IV was released in 2015.

Then in 2015, . Although SPA V has not been formed since 2018, COMMIT is still active to this day. This is known from the activities of the COMMIT meeting on 15-16 December 2022 in a mixed manner, online or offline, with Thailand as the host of the meeting. During the meeting, each member country exchanged information on the situation and solutions regarding human trafficking. They reviewed the implementation of SPA IV which is in effect from 2015 to the end of December 2022, leading to discussions to establish a framework for the development of the next SPA in phase 5 (Bangkok Post 2022). This means that the validity of SPA IV which was previously planned for 2015-2018, was extended to 2015-2022. This study focuses on the obstacles in the implementation of the Subregional Plan of Action IV in addressing human trafficking in the 2018-2022 period in Thailand.

METHOD

This study uses qualitative research methods to explore and understand the meaning given by individuals or groups to a social or human problem. Meanwhile, the collected information will be interpreted to determine the meaning of the data (Creswell and David Creswell 2018). This approach is used to comprehensively examine how the implementation of the SPA IV program in dealing with human trafficking in Thailand. Overall, the MoU document, Action Plan, government and non-governmental organization reports, and literature reviews are references in examining this issue in more depth. The data is classified to understand each issue in this study. Furthermore, the classified data is analyzed based on the developed concepts, such as cross-border crime and human trafficking. In the final section, the results of the data analysis are concluded based on the main findings, namely the obstacles in implementing the SPA IV program in Thailand.

FINDING AND DISCUSSION

The SPA IV program is a program that specifically addresses the issue of human trafficking, and Thailand has adopted it into various national policies from 2015 to 2018.

In this context, Thailand has taken several steps to implement SPA IV continued consistently until 2022. However, this implementation cannot be enforced holistically because it experiences various obstacles and constraints. This section discusses the obstacles in the implementation. One of the efforts of the Thai government in the first step of SPA IV is to cooperate abroad with fellow COMMIT members, ASEAN, and outside the region. In 2018, the Department of Special Investigation (DSI) Thailand held its 3rd bilateral meeting with the Cambodian Police regarding the investigation of transnational human trafficking cases. The meeting discussed cooperation in combating human trafficking in both countries and investigating transnational human trafficking cases reported by an NGO named the International Justice Mission (IJM), where a human trafficking suspect from Cambodia allegedly brought 12 Cambodians to work on a Thai fishing boat. The collaboration continued with DSI officers together with the Attorney General traveling to Cambodia to consult with various anti-human trafficking agencies in Cambodia such as the Cambodian National Police, the Cambodian Women's Crisis Center, Kampong Cham and Chamkar Leu police stations, and the Royal Thai Embassy in Phnom Penh, to track down the suspects and learn more about the human trafficking syndicate that brings people to Thailand to be forced into extra-territorial begging. Information received from this collaboration led to the issuance of arrest warrants for the suspect (Royal Thai Government 2018).

In 2018, DPI also held its first bilateral meeting with the Philippine National Police to exchange information on the strategic plan for anti-trafficking and implementing the Plan of Action to Protect Women and Children from Violence. This is one form of implementation of cooperation with ASEAN countries. Then, in August 2019, the Ministry of Social Development and Human Security (MSDHS), the Department of Human Trafficking, and other relevant agencies jointly held the third bilateral meeting to discuss the approach to prosecuting human trafficking with the National Steering Committee on Human Trafficking, Ministry of Public Security Lao PDR. The meeting resulted in a shared understanding of protecting victims of human trafficking in their respective judicial processes and providing the fastest and most effective assistance. In addition, in September 2019, Thailand and Lao PDR discussed the preparation of SOPs for Case Management, Repatriation, and Reintegration of Victims of Human Trafficking between the two countries. Thailand is also working with Lao PDR in establishing the Transit and Reception Center for Victims of Human Trafficking and other Vulnerable Groups in Phôn-Hông. The Transit and Reception Center for Victims of Human Trafficking in Phôn-Hông will be the second center in Thailand after 120 million THB support from Thailand for the center in Cambodia.

In 2019, Thailand approved measures to extend work permits for legalized migrant workers from three countries, namely Cambodia, Lao PDR, and Myanmar. The

Thai government continues to promote government-to-government cooperation in recruiting legal migrant workers from Cambodia, Lao PDR, and Myanmar through the MoU ((Royal Thai Government 2019). On January 30, 2019, Thailand became the first country in Asia to ratify the 2007 ILO Convention No. 188 on Work in Fishing Convention, which protects fishermen's living and working conditions on board vessels (Jayangakula 2021). This is part of the country's steps to address illegal, unreported, and unregulated (IUU) fishing since 2015. Thailand is fully committed to improving labor protection standards for both Thai and migrant workers to be in line with international standards.

This was finally outlined in the national policy, namely the Law on Protection of Fisheries Workers BE 2562 (2019), which was enacted on 18 November 2019. This law regulates ship owners and maritime workers to meet international standards, prevent forced labor in the fisheries sector, and protect the rights of fisheries workers whose working conditions differ from those of workers in general due to the risks at sea and long working hours. This law also provides protection measures for fisheries workers, such as protection in incidents outside Thai waters or abroad and providing accommodation on board ships.

Labor Protection Law in Fisheries BE 2562 (2019): Not Implemented Properly

Human trafficking cases are indeed challenging to detect and to know the exact number. This is because human trafficking is a transnational crime that is networked and complex. Through cooperation with non-governmental channels such as NGOs or victims themselves, cases of human trafficking can at least be detected. Although there is no definite data on the number of human trafficking cases because the actual number of cases that occur must be much larger, with good reporting found by the government and from NGOs and victims, it can at least provide an overview of how human trafficking cases occur in Thailand. The following is the number of human trafficking cases entered each year from 2018-2022.

Table 1: Human trafficking cases that reported to law enforcement institutions

Year	Total	Types of Human Trafficking Activities							
		Prostitution	Pornography	Sexual Exploitation	Enslavement	Forced Begging	General Forced Labour	Forced Labour in Fisheries	Extortion/ Other
2017	302	246	7	2	-	26	14	7	-
2018	304	249	4	5	-	8	29	6	3
2019	288	158	15	12	33	9	31	4	26
2020	133	96	17	6	0	2	8 + (2)	2	0
2021	188	136	13	7	2	2	15 + (1)	2	11
2022	248	162	33	9	1	3	35 + (3)	1	1

Source: (Royal Thai Government 2022)

Based on the table data above, reporting cases of labor exploitation in the fisheries sector or forced labor in fisheries is relatively small, and every year, it decreases. Especially in 2019, when Thailand enacted the Law on the Protection of Labor in Fisheries BE 2562, but in 2020, only two reports were received. Cases of labor exploitation in the fisheries sector are relatively complex to reach because the location of the violation is in the middle of the sea for a long time, and ship owners usually do not allow workers to leave the ship even when they are in port. So, the implementation of the Law is experiencing obstacles.

The United States annually issues a TIP (Trafficking in Persons) Report for each country to measure progress and rank the country (tier). Tier 1 is for countries that have met the minimum standards of The Trafficking in Persons Act, tier 2 is for countries that have not met the minimum standards but are working towards meeting them, tier 2 watch list is for countries that have experienced a significant increase in the number of trafficking victims and no improvement in efforts from the previous year, and tier 3 is for countries that do not comply with the minimum standards and do not demonstrate significant efforts to meet the standards, which will result in non-humanitarian sanctions or trade sanctions. In this case, the US is the 'self-appointed monitor.' This mandate arises from its domestic Law, namely the Victims of Human Trafficking and Prevention of Violence Act of 2000 (Kneebone and Debeljak 2012).

The TIP report issued in 2020 explains that Thailand is in tier 2, which means that the Thai government has not fully met the minimum standards for the elimination of human trafficking but has made significant efforts to do so. Officials continued to conflate trafficking and smuggling during the reporting period, effective victim identification remained inadequate, and the government did not provide adequate psychosocial services to victims or provide adequate freedom of movement for victims in government shelters.

The 2020 report was criticized by The Seafood Working Group (SWG), a Non-Governmental Organization (NGO) working in employment, human rights, and the environment. They argued that 23 cases had the potential to be human trafficking cases, while investigations into labor, especially in the fisheries sector, were very low (Human Rights Watch 2020), which can be seen in the table above; there were only two (2) reports. So, according to them, Thailand ignored the potential for forced labor cases in the fisheries sector in 2020; Thailand should have been downgraded to tier 3, which is the lowest tier, so that sanctions could be imposed. This is considered an obstacle for Thailand in enforcing the Law on Protection of Labor in Fisheries BE 2562 of 2019, which is part of implementing SPA IV, the Policy and Cooperation step.

Based on these data, it can also be generally known that prostitution cases are still the majority of human trafficking in Thailand. There was a decline from 2019 to 2020, then increased again in 2021. This decline occurred due to the tightening of cross-border movement and restrictions on activities when the COVID-19 outbreak hit, then increased in 2021 after COVID-19, when there was a recovery in cross-border movement and the recovery of the tourism sector.

One of the efforts to prevent human trafficking is regarding migrant recruitment. The Department of Manpower collaborates with the Royal Thai Police, other law enforcement agencies, and local governments to conduct routine inspections of migrant labor recruitment agencies. By the Emergency Decree on Foreign Labor Management in 2018, inspections were carried out on 67 of the 166 agencies, with six agencies found guilty of violating the law (Royal Thai Government 2018). Post-arrival and Reintegration Centers for Migrant Workers were also established in Mukdahan and Ranong Provinces to facilitate the recruitment of workers through Memorandums of Understanding (MoUs) and the provision of training.

The influx of migrants into Thailand, especially from neighboring countries, was high enough that in 1992, migrant workers from Myanmar, Laos, and Cambodia needed to register. Then Thailand also signed bilateral agreements to employ workers between the Thai government and the sending countries. The first Memorandum of Understanding (MoU) was signed with Lao PDR in 2002, Cambodia in May 2003 and Myanmar in June 2003 (Sakulsri 2020).

Recruitment through the MOU is carried out so that migrants who come to Thailand can go through a safe and legal mechanism to prevent them from exploitative work and end up in human trafficking practices. The recruited migrant participants learn about their rights under relevant Thai laws, basic knowledge about human trafficking, and how to use complaint mechanisms. Training documents in the migrant workers' national languages are also distributed to provide important information and advice.

So far, there have been five post centers in five provinces near the border, namely Tak, Nong Khai, Sa Kaeo, Mukdahan, and Ranong. In 2018, 442,736 migrant workers attended training courses at these five training centers, decreasing to 413,536 in 2019 and decreasing again in 2020 to 111,429. The number of participants in the training program decreased mainly due to COVID-19 prevention measures and border controls, as well as a decrease in the number of migrant workers employed (Royal Thai Government 2020). In a study conducted by Thitiwan Sricharoen, it was stated that Myanmar citizens dominate migrant workers. In 2018, among the three CLM countries (Cambodia, Lao PDR, and Myanmar), 67% were Myanmar citizens, 22% were Cambodian citizens, and 11% were Lao citizens (Sricharoen 2020).

In 2020, during the COVID-19 outbreak, when temporary border closures were still in effect, the Thai government granted the extension of migrant worker permits from Cambodia, Lao PDR, and Myanmar. This work permit extension is given to migrant workers whose work permits have expired but cannot return to their country. Two hundred forty thousand five hundred seventy-two migrant workers (70,994 Cambodians, 13,311 Lao citizens, and 156,267 Myanmar citizens) applied for and were granted work permit extensions. Then, in 2020, 2,328,409 migrants extended their work permits. They are entitled to important legal benefits and protections that will reduce their vulnerability to trafficking.

In addition, awareness campaigns and information on human trafficking targeting women and children, migrant workers, and Thai immigrants who will work abroad are preventive measures that Thailand has taken intensively in its efforts to combat human trafficking cases that occur every year.

Inflexibility of Legal Recruitment Channels

In the Prevention of Human Trafficking, Thailand also experienced obstacles when implementing the recruitment of migrants through the MoU through the Post-Arrival and Reintegration Centers for Migrant Workers. Where every year, from 2018 to 2020, there was a decrease in the number of migrants recruited, namely 442,736 people (2018), 413,536 people (2019), and 111,429 people (2020) (Royal Thai Government 2018, 2019, 2020). The decrease in safe route recruitment occurred due to preventive measures in dealing with COVID-19 that hit Thailand. In the 2022 report, the Royal Thai Government (RTG) summarized trafficking victims based on their nationality, as seen below:

Table 2: the Number of human trafficking cases based on CLMV and Thailand from 2017 – 2022

Year	Total	Gender		Nationality				
		Male	Female	Thai	Myanmar	Cambodian	Laotian	Others
2017	455	88	367	327	53	26	30	19
2018	631	282	349	345	205	28	14	39
2019	1,821	1,158	663	251	1,306	96	38	130
2020	231	66	165	162	5	5	46	13
2021	424*	154	270	322	94	0	2	6
2022	543	206	337	477	8	4	33	21

Note: *The statistic of number of victims were updated after the release of the RTG's 2021 Country Report and RTG's Progress Report (January – March 2022)

Source: (Royal Thai Government 2022)

Based on the data, it can be seen that in 2019, trafficking victims increased significantly. According to a report from the U.S. Department of State regarding the Office to Monitor and Combat Trafficking in Persons, throughout 2018-2022 (except 2021), Thailand was at Tier 2 level, which means that the Thai government has not fully met the minimum standards for the elimination of human trafficking but has made significant efforts to achieve it. In the 2021 TIP report, Thailand was downgraded to tier 2: watch list. The decline in ranking experienced by Thailand indicates that there are obstacles in the steps taken by the Thai government in tackling human trafficking cases.

Thailand's tier downgrade was also previously recommended by The Seafood Working Group (SWG). They noted several reports and investigations criticizing Thailand for labor and trafficking violations, especially in the fisheries, seafood, and garment sectors, in April 2021. Rather than addressing the more vulnerable status of migrants during the pandemic, the government has exacerbated the vulnerability of migrant workers by increasing its (GoT) operations to crack down on undocumented workers and workers with invalid documents to demonstrate its efforts to combat COVID-19 (Seafood Working Group 2021). The COVID-19 problem has disrupted the implementation of anti-trafficking measures.

In addition, although, in theory, migrants recruited through safe channels or MoUs allow them to work legally with complete protection from relevant labor laws, this does not necessarily make their lives better than migrants who work in Thailand through illegal channels. Historically, Thailand has been a migrant-sending country, not a migrant-receiving country. The Ministry of Labor manages the development of MOU agreements in consultation with the Ministry of Foreign Affairs. However, the initial

impetus for the MOU came mainly from the National Security Council of Thailand, resulting in a highly security-driven approach to labor migration. Therefore, priorities focused on admission procedures, preventing irregular migration, repatriating migrant workers rather than on labor market efficiency or enforcement of migrant workers' rights. Recruitment through the MoU route was also considered more complex due to the bureaucratic red tape involved (Nations 2019).

Meanwhile, migrant workers who choose the irregular route have several advantages, including choosing their employers, changing employers (with the employer's permission), and staying in Thailand for a more extended period without being forced to return. Irregular workers have trusted friends or family who can explain in detail the conditions of work and accommodation and the costs and benefits of work explicitly. Irregular migrants can look for work near friends and family or in locations where their communities work. In contrast, migrant workers who work through the MoU recruitment route rely on recruitment agents who may have incorrect information about working conditions and benefits and are incentivized to deceive workers. Even if they have friends or family in Thailand, they are unlikely to be able to request placement in the same or nearby location (Bylander 2019).

Most importantly, they cannot easily change jobs after arriving in Thailand, even when their contract requirements are unmet. Even after two years of work, migrants who work through the MoU route must return to their country (Bylander 2019). Based on the explanation above, although Thailand has tried to provide formal migrant labor channels to protect migrants from human trafficking, some of the flexibility of irregular channels means that many migrants still choose illegal channels that have the potential to make them victims of human trafficking.

Then, one of the protection efforts made by Thailand is to establish and provide shelters for victims of trafficking. One of them is for refugees from Rohingya. The Thai government identified Rohingya refugees who arrived between 2013 and 2015 as victims of human trafficking. They will be placed in shelters owned by the Ministry of Social Development and Human Security (MSDHS) and are under formal protection status by the Anti-Trafficking in Person Act 2008 and will be witnesses in court for human trafficking cases (Kaewkuekoonkit and Chantavanich 2018). While waiting for a legal decision at the MSDHS shelter, New Rohingya refugees are occasionally taken to court by social workers to speak up and seek justice. However, not all refugees dare to do that. Because if the court decision is announced, they will get compensation and have to be sent back to their home country, which they also feel unsafe. Therefore, some of them choose to be accommodated in a third country.

However, other victims of human trafficking have the right to choose to stay in shelters provided by the government under the Ministry of Social Development and

Human Security (MSDHS), shelters managed by NGOs, or return to their families or places they consider safe. All victims of human trafficking, especially those who choose to receive protection under MSDHS. Under this government-owned shelter, they are provided with protection services, mental and psychological rehabilitation, residence permits in Thailand for foreign nationals, and other types of assistance according to their needs, including court assistance, until they can be returned to society or their home country. The victims will be repatriated after receiving the necessary assistance and protection services. Victims can also work at the shelter.

In 2018, there were 401 victims of human trafficking in the MSDHS shelter, and 290 people got the opportunity to work at the shelter. In 2019, the number of registered victims of human trafficking reached 1,818, and 1,560 people chose to be in the government-owned shelter. In 2020, the shelter received 229 people, and 148 people chose to stay in government shelters, followed by 148 people in 2021 and 202 in 2022. In addition to the number of people living in shelters, there was also a decrease in the average time people lived in shelters until they were returned to the community or their home country, namely 2018 with an average of 288 days, 2019 with an average of 178 days, 2020 with an average of 158 days, 2021 with an average of 143 days, and 2022 with an average of 129 days (Royal Thai Government 2018, 2019, 2020, 2021; Royal Thai Government 2022). Under the protection of the MSDHS shelter, refugees primarily receive basic and sufficient necessities from the Thai authorities as formal security providers.

The Ministry of Social Development and Human Security (MSDHS) is vital in handling human trafficking cases, especially with a victim-centered approach. At the provincial level, the MSDHS office is an operational center with a supporting network: Police offices that handle planning, arrests, prosecutions, investigations, inspections of areas and businesses; Provincial Labor Protection and Welfare Offices that handle labor welfare and protection in businesses, and child labor; Provincial Labor Offices that handle employment and registration of foreign workers; Provincial Health Offices that handle victims and affected persons. In addition, the MSDHS arranges training sessions for staff from all related agencies (Santad and Ratchadapunnathikul 2018).

In addition, providing information on human trafficking is also one of the protection efforts of SPA IV. In 2018, MSDHS, in collaboration with the United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT), produced a handbook and videos on the rights of trafficked persons and how to assist trafficking victims in seven languages of COMMIT member countries: Thai, Lao, Mandarin, Khmer, Tiếng Việt, Burmese, and English (Royal Thai Government 2018).

In 2019, MSDHS also launched a mobile application, “PROTECT-U,” on March 15 as an additional channel for trafficking victims to access protection and support

services. Victims and witnesses can notify MSDHS of the situation, submit additional information, and allow victims or reporters to submit their GPS location via Google Maps (Charoensuthipan 2020).

MSDHS officers will then coordinate with local authorities to expedite assistance. The application is available in six other languages besides Thai: Lao, Mandarin, Khmer, Tiếng Việt, Burmese, and English. In 2020, the application was downloaded 720 times. A total of 32 suspected trafficking cases were reported through the application, up from seven cases (357.14 percent) in 2019. All of these cases were referred to relevant agencies for investigation. Other popular uses of the app include searching for products made by victims of human trafficking and exploited labor and service providers (1,047 times), referring victims' rights (1,022 times), and requesting translation services (53 times) (Royal Thai Government 2020). As of 2022, the app had been downloaded by 941 users, totaling 2,720 users. 2022 was the year with the highest downloads due to MSDHS' collaboration with the UK Order Force to promote the app through online platforms and billboards on popular website (Royal Thai Government 2022).

Exclusivity of the shelter

In the Victim Protection step, based on a report issued by the Royal Thai Police, one of them is data on shelters provided by the Ministry of Social Development and Human Security (MSDHS), which shows a decrease in the number of people displaced and a decrease in the time needed for victims to be able to return. As previously explained, in 2018, there were 401 people with an average stay of 288 days. Even in 2019, when human trafficking victims increased rapidly (can be seen in the Table of Number of Human Trafficking Victims), the shelter received 1,560 people with an average stay of 178 days. In 2020, the number of people accommodated was 148 people, with an average stay of 158 days. In 2021, the shelter accommodated the same number with a stay of 143 days. Then, in 2022, the shelter received 202 people with an average stay of 129, which is the lowest record in the last five years.

Although in the process of repatriation from the shelter, the Thai government has been successful in its efforts to implement protection for victims, criticism of the MSDHS shelter itself remains. Through the TIP (Trafficking in Person) report issued by the United States in 2019, it was stated that the shelter provided by MSDHS did not provide exceptional care for boys and LGBTI victims. In addition, transgender victims must live in shelters based on their sex assigned at birth (U.S. Department of State 2019). In its national law, the prohibition of racial discrimination is regulated in the Gender Equality Act of B.E. 2558 (2015) or The Gender Equality Act of B.E. 2558 (2015) (Winrock International and USAID 2022).

Although without specific reference to gender identity, the law was expanded to protect transgender people. Thus, under this regulation, an LGBTQI person who faces discrimination can file a complaint with the Ministry of Social Development and Human Security (MSDHS). Thus, the implementation of protection for trafficking victims is considered not to be able to cover all groups, especially gender groups. In terms of prosecution of perpetrators, in 2018, Thailand initiated 304 cases of human trafficking, with 631 victims rescued and 532 perpetrators. The time required by prosecutors and judges in 2018 for the investigation, prosecution, and sentencing process averaged 68 days (Royal Thai Government 2018).

In 2019, Thailand initiated 286 cases with 1,818 victims and 552 perpetrators. This year, the time required for prosecution and sentencing increased to 72 days (Royal Thai Government 2019). In 2020, there was a significant decrease in the COMMIT process. One hundred thirty-one cases were initiated, with 229 victims rescued and 179 suspected perpetrators. The time required for the legal process for human trafficking perpetrators in 2020 was 70 days (Royal Thai Government 2020).

Although statistically, human trafficking cases have decreased due to restrictions on activities due to the COVID-19 outbreak, cases of human trafficking in the form of sexual exploitation of children through online media have increased. In response to this, the Thailand Internet Crimes Against Children Task Force (TITAC) has successfully made 44 arrests and managed to uncover more than 150,000 files of child sexual abuse material involving more than 100 children. In 2021, an increase in cases was initiated, namely 182. With the number of victims being 354 people and 356 alleged perpetrators, the time required for prosecution decreased by an average of 67 days (Royal Thai Government 2021). This is a record low in the average length of time used by investigators to resolve human trafficking cases since 2016. Then, in 2022, Thailand initiated 248 human trafficking cases, with 543 victims and 399 perpetrators arrested. The time required for the legal process against human traffickers was 68 days (Royal Thai Government 2022).

In addition to prosecution efforts, another effort in the prosecution steps undertaken by Thailand is establishing the Child Advocacy Center (CAC). 2018, the 4th and 5th CACs were established in Ubon Ratchathani and Kanchanaburi. The mission of the CAC includes providing protection, assistance and rehabilitation for child victims, bringing perpetrators to justice, supporting vulnerable children, and raising awareness of human trafficking and sexual abuse. In addition to state efforts, Thailand also involves NGOs (non-governmental organizations) to combat human trafficking. Thailand Internet Crimes Against Children Task Force (TITAC), in collaboration with NGOs including HUG Project, Zoe International and One Sky Foundation, and Thailand Anti-Trafficking in Persons Task Force (TATIP), has established 5 CACs across significant regions in

Thailand, namely Chiang Mai (North), Ubon Ratchathani (Northeast), Chonburi Province in Pattaya City (Southeast), Phuket (South), and Kanchanaburi Province in Sangkhlaburi District (West) (Royal Thai Government 2019; The HUG Project 2020).

The activities carried out include training programs for related officers at CAC, support and assistance for case investigations, prevention activities for children, home visit programs for children, bringing children/victims to trials and/or preparing them to give testimony, and other activities. The basic principles applied at CAC include providing coordinated care, working together between the public and private sectors, creating a child-friendly environment, focusing on prevention, and using a victim-centered approach, which is the general focus of CAC (The HUG Project 2020).

Then, another prosecution step is a case that also involves cooperation with Lao PDR. Several Lao citizens were invited to work on fishing boats in Pattani Province; local police eventually rescued them. On their way back to their home country, they were interviewed and questioned by immigration officers in Ubon Ratchathani Province. It was discovered that they were victims of human trafficking in the fisheries sector. This case was referred to the ATPD (Anti-Trafficking in Person Division, a division within the RTP or Royal Thai Police) to begin legal proceedings against the perpetrators while the victims were repatriated. ATPD coordinated with Lao PDR anti-human trafficking police so that the victims could cooperate with the investigation officers on October 28, 2016. An arrest warrant was issued for the two perpetrators; they were arrested on January 11, 2017. The victims were brought to the Court to testify again on January 30, 2018. On March 14, 2018, the criminal Court sentenced the two perpetrators to nine years, four months in prison, and a fine of 68,000 THB (2,131.66 USD). Later, the Lao PDR police contacted the Prosecutor General's Office to request a copy of the verdict to be used as evidence for arresting the suspects who were intermediary agents in Lao PDR.

Covid-19: Increased Prosecution Period in Courts

In the Prosecution of Perpetrators step, the obstacles can be seen from the "Table of the Number of Reports of Human Trafficking Cases Entered into Law Enforcement Agencies" regarding the number of reports of human trafficking cases entered into law enforcement agencies, especially in 2019 and 2020, where the number of cases initiated decreased from the previous year, namely 2018, as many as 304 cases; 2019, as many as 288 cases; and 2020, as many as 133 cases. Then, if elaborated with the time required by the prosecutor and judge in the investigation, prosecution, and average sentencing process discussed in the implementation section, 2018 it was 68 days (Royal Thai Government 2018). 2019, the prosecution and sentencing time increased to 72 days (Royal Thai Government 2019). In 2020, the time required for the legal process of human trafficking perpetrators 2020 was 70 days (Royal Thai Government 2020).

So, the time required for prosecution reached its highest peak in 2019, which took 72 days, then in 2020, it took 70 days. According to the Royal Thai Police's annual report on human trafficking, the reason for the statistical decline in the number of cases initiated and the increase in the time required was also due to restrictions on activities due to the COVID-19 outbreak.

The pandemic that hit the world at that time, including Thailand, caused the results of the 2021 Trafficking in Person (TIP) report, the U.S. Department of State regarding the Office to Monitor and Combat Trafficking in Persons, Thailand was downgraded to tier 2: watch list, after previously remaining in tier 2, which means that the Thai government has not fully met the minimum standards for the elimination of human trafficking, but has made significant efforts to make it happen. What caused Thailand to be downgraded to the watch list was the lack of overall improvement in efforts compared to the previous reporting period; even the impact of the COVID-19 pandemic affected the capacity for anti-human trafficking (Office to Monitor and Combat Trafficking in Persons 2021). This can be seen through the presentation based on data taken from the RTP (Royal Thai Police) reporting during the pandemic years, namely the 2019-2021 period; many obstacles were encountered in implementing their policies, with the COVID-19 outbreak being the reason.

In terms of monitoring and evaluation, engaging survivors of trafficking and vulnerable people to provide feedback on plans and policies through ethical and rights-based channels is one of the ways outlined in SPA IV. Victims of trafficking are key to the success of trafficking investigations and prosecutions, as only victims can best provide first-hand information about the incidents and abuses that occurred. While guidelines on a victim-centered approach for officers responding to trafficking exist, they are primarily aimed at social workers and shelter staff. The lack of understanding by law enforcement officers in dealing with trafficking victims has resulted in victims losing trust in officers and the justice process. To address this issue, the Thailand Internet Crimes Against Children Task Force (TICAC), in collaboration with the HUG Project (NGO), published the first Child Victim-Centred Approach Guidelines for Thai Law Enforcement in 2019.

The purpose of these guidelines is to minimize the impact on the physical and mental health of victims, especially child victims, through collaboration between law enforcement and civil society in all steps of the prosecution process (Royal Thai Government 2019). In addition, security officers and investigators often visit human trafficking victim advocacy centers. For example, since the first Child Advocacy Center (CAC) was established in Chiang Mai in 2016, police officers have come to the CAC to build victims' trust in police officers, be more child-friendly, and focus on victims (FBI (Federal Bureau of Investigation) 2016).

Low Monitoring and Evaluation

Reporting on the implementation of Monitoring and Evaluation is challenging to find or receives minimal attention. Both in literature sources and annual reports issued by the Thai Government. One of the efforts that has been made is the arrival of police officers to the Child Advocacy Center (CAC), which is an effort by law enforcement to build victims' trust in police officers and focus more on the victim's approach. In addition, Thailand also carries out efforts, as stated in SPA IV, in the form of making routine reports on human trafficking every year.

The implementation of SPA IV COMMIT into national steps taken by Thailand in the 2018-2022 period, most of which are not new policies but rather policies that have existed from the previous year that continue to be implemented. Some of the steps taken are implemented more in steps to prevent human trafficking, protect victims, and prosecute perpetrators. Therefore, based on the annual report by the Thai government, they only divide their activity reports into three large parts: prevention, protection, and prosecution.

However, this is also understandable. COMMIT is described as a process that adopts a more comprehensive approach to human trafficking, focusing on the trafficking of women, men and children for all types of exploitation. The COMMIT framework is more profound than the Trafficking in Persons Protocol because it has a broader understanding of human trafficking issues. In theory, COMMIT also has flexibility. This Protocol responds to empirical evidence recognized by the countries themselves, so the task force between one GMS country and another will be different.

CONCLUSION

Through the Subregional Plan of Action (SPA) IV COMMIT implemented in 2018-2022, Thailand, the center of human trafficking in the Greater Mekong Subregion (GMS), has made efforts to combat human trafficking cases. However, Thailand has encountered several obstacles during its implementation. Among others, the Law on the Protection of Fisheries Workers BE 2562 (2019) was not appropriately implemented, recruitment through legal channels was considered inflexible, shelters did not protect all groups, the time for prosecution in court increased on the grounds of COVID-19, and minimal attention was paid to the monitoring and evaluation of policies and efforts that had been made other than the annual report on anti-trafficking.

It can be concluded that Thailand has made efforts to combat human trafficking through the COMMIT Process of the Subregional Plan of Action (SPA) IV but has also encountered obstacles, as mentioned. Thailand's anti-trafficking efforts experienced many obstacles in 2019 and the following year, namely when the COVID-19 outbreak

occurred. This also caused the Trafficking in Person (TIP) report issued by the United States in 2021 Thailand to be downgraded to tier 2: watch list because it was considered that there was no increase in efforts from the previous year and that efforts to combat human trafficking were disrupted due to the COVID-19 outbreak.

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