

**EMERGENCY DECREE AMENDING THE ANTI - HUMAN TRAFFICKING
ACT, B.E. 2551 (2008),**

B.E. 2562 (2019)

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;

Given on the 6th Day of April B.E. 2562;

Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on anti-human trafficking;

Be it, therefore, by virtue of section 172 of the Constitution of the Kingdom of Thailand, enacted by the King as follows:

Section 1. This Emergency Decree is called the “Emergency Decree Amending the Anti-Human Trafficking Act B.E. 2551, B.E. 2562 (2019)”.

Section 2. This Emergency Decree shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The provisions of section 5 of the Anti-Human Trafficking Act B.E. 2551 shall be repealed and replaced by the followings:

“section 5. The President of the Supreme Court, the Minister of Social Development and Human Security and the Minister of Labour shall have charge and control of the execution of this Act, in relation to their respective powers and duties.

The President of the Supreme Court shall have the power to issue the Regulations, the Minister of Social Development and Human Security and the Minister of Labour shall have the power to appoint competent officials and issue the Ministerial Regulations and the Rules for the execution of this Act.

The Regulations of the President of the Supreme Court, the Ministerial Regulations and Rules shall come into force upon their publication in the Government Gazette”

Section 4. The provisions of section 6 of the Anti-Human Trafficking Act B.E. 2551 as amended by the Anti-Human Trafficking Act (No. 3) B.E. 2560 shall be repealed and replaced by the followings:

“section 6. Any person who, for the purpose of exploitation, commits any of the following acts: (1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of any person, by means of threat or use of force, abduction, fraud, deception, abuse of power, or giving money or benefits to a guardian or caretaker of the person to achieve the consent of the guardian or caretaker of such person to allow the offender to exploit the person under his or her control; or

Translated by Ms. Natthanicha Lephilibert

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(2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of a child;

If such act aims for exploitation of persons, such person commits an offence of human trafficking.

The exploitation under paragraph one means the exploitation of prostitution, the production or distribution of pornographic materials, the exploitation of other forms of sexual acts, slavery or practices similar to slavery, exploitation of begging, removal of organs for commercial purposes, forced labour or services under section 6/1, or any other similar forcible extortion regardless of such person's consent".

Section 5. The followings shall be added as section 6/1 and section 6/2 of the Anti-Human Trafficking Act B.E. 2551:

"section 6/1. Any person who compels another person to work or to provide services by one of the following means:

- (1) threatening to cause injury to life, body, liberty, reputation or property of the person threatened or any other person;
- (2) intimidating;
- (3) using force
- (4) confiscating identification documents;
- (5) using debt burden incurred by such person or any other person as the unlawful obligation;
- (6) using any other means similar to the above acts.

If such act is committed to another person to be in the situation where he or she is unable to resist, such person commits the offence of forced labour or services.

Section 6/2. The provisions of section 6/1 shall not apply to:

- (1) work or services under the law on military service for the work under the official duties;
- (2) work or services which is a part of the normal civic obligations or state government under the Constitution or under the law;
- (3) work or services as a result of the Court judgment or work or services performed during the period of sentencing under the Court judgment;
- (4) work or services for the purpose of disaster prevention or in the case of emergency situation or war or battle".

Section 6. The provisions of section 14 of the Anti-Human Trafficking Act B.E. 2551 shall be repealed and replaced by the followings:

"section 14. The offence under section 6/1 which results in a person being seriously injured or death is a predicate offence under the law on anti-money laundering".

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Section 7. The followings shall be added as section 14/1 of Chapter I General Provisions of the Anti-Human Trafficking Act B.E. 2551:

“section 14/1. For the purpose of suppressing and preventing human trafficking, forced labour or services and protection of victims, the word “human trafficking” in Chapter III and Chapter IV shall include “forced labour or services”.

The law on procedures for human trafficking cases shall apply to the procedures for forced labour or services cases *mutatis mutandis*.”

Section 8. The followings shall be added as section 52/1 of the Anti-Human Trafficking Act B.E. 2551:

“section 52/1. Any person commits an offence under section 6/1 shall be liable to imprisonment for a term of six months to four years or to a fine of fifty thousand to four hundred thousand Baht per one injured person or to both.

If the offence committed under paragraph one results in the victim being seriously injured or having a fatal disease, such person shall be liable to imprisonment for a term of eight years to twenty years and a fine of eight hundred thousand Baht to two million Baht or to life imprisonment.

If the offence committed under paragraph one results in the victim’s death, such person shall be liable to life imprisonment or death penalty.

If the offence committed under paragraph one, two and three is the case where an ascendant forcing a descendant to work or provide services due to poverty or upon considering the offence or other ruthless circumstances, the Court may impose, against a defendant, a lesser sentence as provided by the law or may rule not to impose sentences on the defendant”.

Section 9. The provisions of section 53 of the Anti-Human Trafficking Act B.E. 2551 as amended by the Anti-Human Trafficking Act (No. 3) B.E. 2560 shall be repealed and replaced by the followings:

“in the case where an offender under paragraph one or under section 6/1 is a juristic person, if the commission of such offence comes from the order or act of a member of the Board, manager or any person who is responsible for the execution of such juristic person, or in the case where such person has the duties to order or act and fails to order or act resulting in the commission of the offence of such juristic person, such person shall also be liable to the sentences as provided for such offence”.

Countersigned by
Prayut Chan-O-Cha

Prime Minister

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