

**ANTI-HUMAN TRAFFICKING ACT,
B.E 2551 (2008)**

BHUMIBOL ADULYADEJ, REX.
Given on the 30th Day of January B.E. 2551;
Being the 63rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on measures for the prevention and suppression of trafficking in women and children;

This Act contains certain provisions in relation to the restriction of rights and liberties of person, in respect of which section 29, in conjunction with section 32, section 33, section 34, section 35, section 36, section 41 and section 45 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows.

Section 1. This act is called the “Anti-Human Trafficking Act, B.E. 2551”.

Section 2. This Act shall come into force after one hundred and twenty days from the date of its publication in the Government Gazette.

Section 3. The Measures in Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997) shall be repealed.

Section 4. In this act:

“exploitation” means seeking benefits from prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing

* Translated by Center for Translation and Language Services, Research Institute for Languages and Cultures of Asia, Mahidol University, and reviewed by Associate Professor Noppanit Suriya under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office of the Council of State.

another person to be a beggar, forced labour or services, forced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person's consent.

“forced labour or services” means compelling other persons to work or provide services by putting such person in fear of injury to life, body, liberty, reputation or property of such person or another person, by means of intimidation, use of force, or any other means causing such person to be in a state of being unable to resist.

“organised Criminal Group” means a structured group of three or more persons, whether formed permanently or for a period of time, and no need to have formally defined roles for its members, continuity of its membership or a developed structure, acting in concert with the aim of committing one or more offences punishable by a maximum imprisonment of four years and longer or committing any offence provided in this Act, with the aim to unlawfully obtain, directly or indirectly, property or any other benefits.

“child” means any person under eighteen years of age.

“Fund” means the Anti-Human Trafficking Fund.

“Committee” means the Anti-Human Trafficking Committee.

“member” means a member of the Anti-Human Trafficking Committee.

“competent official” means a senior administrative or police official including a government official holding a position not lower than level 3 of ordinary civil servant rank, appointed by the Minister, from those who possess qualifications specified in the Ministerial Regulation, for the execution of this Act.

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. The President of the Supreme Court and the Minister of Social Development and Human Security 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 and the Minister of Social Development and Human Security 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.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

CHAPTER I
General Provisions

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

(2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harbouring, or receipt of a child; shall be said to be commit an offence of human trafficking.

Section 7. Any person who commits any of the following acts, shall be liable to the same punishment as the offender of an offence of human trafficking:

(1) abetting the commission of an offence of human trafficking;

(2) supporting by providing property to, procuring a place for meeting or lodging for the offender of human trafficking;

(3) assisting by any means in order that the offender of human trafficking may not be apprehended;

(4) demanding, accepting, or agreeing to accept a property or any other benefits from the offender of human trafficking in order to preclude him or her from being punished;

(5) inducing, suggesting or contacting a person to become a member of an organised criminal group, for the purpose of committing an offence of human trafficking.

Section 8. Any person, who prepares to commit an offence under section 6, shall be liable to one-third of the punishment provided for such offence.

Section 9. Any person who, two persons in number or more, conspire to commit an offence under section 6 shall be liable to punishment not exceeding one-half of the punishment provided for such offence.

If any of the conspiring offenders has commenced the commission of the conspired offence, every conspirator shall be liable to the punishment provided for such

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

offence as an additional count.

In the case where the commission of an offence is commenced but, due to an intervention of a conspirator, it cannot be completed, or it is completed but does not achieve the purpose, the conspirator so intervening shall be liable to the punishment as provided in paragraph one.

If the offender under paragraph one changed his or her mind and provided the competent official with true account of the conspiracy before the commission of the conspired offence, the Court may inflict on such person no punishment or lesser punishment to any extent than that provided by law for such offence.

Section 10. In the case where an offence under section 6 is jointly committed by three persons or more in number or by a member of an organised criminal group, the offender shall be liable to punishment by one and a half times greater than that provided by law.

In the case where a member of an organised criminal group commits an offence under section 6, everyone being a member of an organised criminal group at the time of the commission of the offence and has the knowledge of or consents to the commission of such offence shall be liable to a punishment provided by law for such offence even though he or she has not personally committed such offence.

If the offence under paragraph one is committed to illegally place the victim, who is being brought into or sent out of the Kingdom, under the power of another person, the offender shall be liable to twice the punishment provided by law for such offence.

Section 11. Any person who commits an offence under section 6 outside the Kingdom shall be liable to punishment provided in this Act in the Kingdom. The provisions of section 10 of the Penal Code shall apply *mutatis mutandis*.

Section 12. Any person who commits the offence under this Act by professing himself or herself to be an official and exercising the functions of an official without being an official having the power to do so, shall be liable to twice the punishment provided for such offence.

Section 13. Any person who, in the capacity as a member of the House of Representatives, member of the Senate, member of a Local Administration Council, local administrator, government official, employee of a Local Administration Organisation, employee of a governmental organisation or agency, a director or an executive or an

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

employee of state enterprise, an official, or a director of any organisation under the Constitution, commits an offence under this Act shall be liable to twice the punishment provided for such offence.

A director, a CSATO member, a sub-Committee member, member of any work group and competent official under this Act, who commits an offence under this Act, shall be liable to thrice the punishment provided for such offence.

Section 14. The offences under this Act shall be predicate offences under the Anti-Money Laundering Act, B.E. 2542 (1999).

CHAPTER II

Anti-Human Trafficking Committee

Section 15. There shall be a Committee called an Anti-Human Trafficking Committee, abbreviated as “AHT Committee”, consisting of the Prime Minister as the Chairperson, the Deputy Prime Minister, who is the Chairperson of the CSATO Committee, as Vice Chairperson, the Minister of Defence, the Minister of Foreign Affairs, the Minister of Tourism and Sports, the Minister of Social Development and Human Security, the Minister of Interior, the Minister of Justice, the Minister of Labour, and four qualified persons appointed by the Prime Minister from experts who have had no less than seven years of outstanding and demonstrable professional experiences in the fields of prevention, suppression, rehabilitation and international cooperation on the issues of human trafficking, one from each field, provided that not less than one half shall be appointed from the private sector, as members, and the Permanent Secretary for Social Development and Human Security shall be the Secretary and the Director-General of the Department of Social Development and Welfare and the Director of the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups shall be the Assistant Secretaries.

No less than one half of the qualified members in paragraph one shall be feminine.

Section 16. The Committee shall have powers and duties as follows:

- (1) to make recommendations to the Council of Ministers concerning the policies on prevention and suppression of human trafficking;
- (2) to make recommendations to the Council of Ministers on the revision of

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

laws, rules, regulations or the restructuring of any governmental agency concerning the prevention and suppression of human trafficking to ensure a more effective execution of this Act;

(3) to lay down strategies and measures for the prevention and suppression of human trafficking;

(4) to prescribe guidelines and supervise the observation of international obligations, including the cooperation and coordination with foreign organisations in relation to the prevention and suppression of human trafficking;

(5) to direct and supervise the arrangements for research and studies and the development of an integrated database system for the purpose of prevention and suppression of human trafficking;

(6) to set down regulations relating to registration of non-governmental organisations with objectives to prevent and suppress human trafficking, including criteria to assist such organisations in carrying out their activities;

(7) to set down regulations, with the consent of the Ministry of Finance, concerning receipt of money, payment of money, keeping of money, benefit seeking and the management of the Fund;

(8) to set down regulations concerning financial status reports and the management of the Fund for the execution of this Act;

(9) to direct and supervise the operation of the CSATO Committee;

(10) to perform any other acts as entrusted by the Council of Ministers.

Section 17. A qualified member shall hold office for a term of four years.

A qualified member who vacates office upon the expiration may be reappointed but not for more than two consecutive terms.

Section 18. In addition to vacating office on the expiration of term, a qualified member vacates office upon:

(1) death;

(2) resignation;

(3) being dismissed by the Prime Minister due to deficiency, dishonesty or disgraceful behaviour;

(4) being a bankrupt;

(5) being an incompetent or quasi-incompetent person;

(6) being imprisoned due to a final judgement except for an offence committed through negligence or petty offence;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(7) being absent from more than three consecutive meetings without justification.

Section 19. In the case where a qualified member vacates office before the expiration of the term, the Prime Minister shall appoint another member of the same qualification to fill the vacancy except where the unexpired term of office of the qualified member is less than ninety days, in which case a new appointment may not be required; the appointee shall hold office for the unexpired term of office of the member whom he or she replaces.

Section 20. In the case where a qualified member vacates office at the expiration of the term of office but a new member has not yet been appointed, such vacating qualified member shall be in office to continue to perform his or her duties until a new qualified member has been appointed.

Section 21. At a meeting of the Committee, the presence of not less than one-half of existing members is required to constitute a quorum.

In the case where the Chairperson of the Committee does not attend the meeting or is unable to perform the duties, the Vice Chairperson shall preside over the meeting. In the case where the Vice Chairperson does not attend the meeting or is unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

A resolution of the meeting shall be made by a majority of votes. Each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

The Committee shall hold at least three meetings a year.

Section 22. There shall be a Coordination and Supervision of Anti-Human Trafficking Operation Committee, abbreviated as "CSATO Committee", consisting of the Deputy Prime Minister, entrusted by the Prime Minister, as Chairperson, the Minister of Social Development and Human Security, as Vice Chairperson, the Permanent Secretary for Foreign Affairs, the Permanent Secretary for Tourism and Sports, the Permanent Secretary for Social Development and Human Security, the Permanent Secretary for Interior, the Permanent Secretary for Justice, the Permanent Secretary for Labour, the Permanent Secretary for Education, the Permanent Secretary for Public Health, the Attorney General, the Commissioner-General of the Royal Thai Police, the Director-General of the Department of

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Provincial Administration, the Director-General of the Department of Special Investigation, the Secretary-General of the Anti-Money Laundering Board, the Secretary- General of the National Human Rights Commission, the Secretary- General of the National Security Council, the Governor of Bangkok Metropolitan Administration, and eight qualified persons appointed by the Minister from experts who have had no less than seven years of professional experiences in the fields of prevention, suppression, rehabilitation and international cooperation on the issues of human trafficking, two from each field, provided that no less than one half shall be appointed from the private sector, as members, and the Deputy Permanent Secretary for Social Development and Human Security shall be a member and the Secretary.

The CSATO Committee shall have power to appoint a government official or anyone from the private sector to serve as assistant secretary of the Committee.

No less than one half of the qualified members under paragraph one shall be feminine.

Section 23. The CSATO Committee shall have powers and duties as follows:

(1) to formulate and supervise the operation and coordination plans of the agencies concerned, whether they are at the central, regional or local level, or in the community and civil society, to ensure consistency with the policies, strategies and measures on the prevention and suppression of human trafficking;

(2) to formulate and supervise the operational plans and guidelines for the potential development of personnel concerning with the anti-human trafficking operation;

(3) to provide and supervise campaigns to inform and educate the public for the purpose of prevention and suppression of human trafficking;

(4) to prepare reports on monitoring and evaluation of implementation of policies, strategies, measures, and compliance with this Act and submit them to the Committee;

(5) to follow up and prepare reports concerning the observation of international obligations, cooperation and coordination with the foreign organisations concerning the prevention and suppression of human trafficking and submit them to the Committee;

(6) to set down criteria and to approve spending of money and property of the Fund under section 44 (4);

(7) to prepare and supervise the operational plans under this Act to achieve highest efficiency of law enforcement and be in line with the law on the anti-money laundering, the law on national counter corruption and other related laws, including

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

international obligations.

(8) to perform any acts as entrusted by the Committee.

Section 24. The provisions of section 17, section 18, section 19, section 20, and section 21 shall apply to the assumption of office, vacation of office, and meetings of the CSATO Committee, *mutatis mutandis*.

The CSATO Committee shall hold at least six meetings a year.

Section 25. The Committee and the CSATO Committee may appoint a sub-committee or a working group to consider and give advice in any matter or to take any action as entrusted by the Committee and the CSATO Committee.

The provisions of section 21 paragraph one, two and three shall apply to the meetings of the sub-committee or working group, *mutatis mutandis*.

Section 26. The Office of the Permanent Secretary for Social Development and Human Security shall be the Secretariat Office of the Committee and the CSATO Committee and shall have powers and duties as follows:

(1) to perform administrative tasks of the Committee and the CSATO Committee;

(2) to be a central agency for coordination and cooperation with other government agencies, public and private organisations concerned, both within and outside the country, in connection with the execution of this Act;

(3) to organise a system of prevention and suppression of human trafficking, including to effectively provide remedies and safety protection to the victim;

(4) to set up the compilation, study and analyses of data and information for the purpose of prevention and suppression of human trafficking and to conduct research and studies for the purpose of the execution of this Act;

(5) to make available information and information technological database system interconnection for the prevention and suppression of human trafficking;

(6) to implement the resolutions of the Committee and of the CSATO Committee or to perform any acts as entrusted by the Committee and the CSATO Committee.

The Office of the Permanent Secretary for Social Development and Human Security shall sufficiently arrange for budget and personnel to carry out the duties prescribed under paragraph one.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

CHAPTER III
Powers and Duties of the Competent Official

Section 27. For the purpose of prevention and suppression of the commission of the human trafficking offence, the competent official shall have the following powers and duties:

(1) to summon any person to give statements, or submit documents or evidence;

(2) to conduct bodily examination on any person, with his or her consent, where there is a reasonable ground to believe that such person is a victim of human trafficking offence, in case such person is a woman, the examiner shall be a woman;

(3) to search any conveyance with a reasonable ground to suspect that there is evidence of human trafficking offence or a victim thereof within;

(4) to enter any dwelling place or a premise, to search, seize or attach, when there is a reasonable ground to believe that there is evidence of human trafficking or to find and rescue a victim of human trafficking offence therein, and that by reason of delay in obtaining a search warrant, such evidence is likely to be removed, concealed or destroyed, or such person is likely to be assaulted, relocated or concealed.

When exercising the power under clause (4), the competent official shall manifest that he has nothing concealed prior to the search and shall report the searchable reasons and search results in writing to his or her superior and shall also make a copy of such report and give it to the occupier of the searched dwelling place or premise. In the event there is no occupier, the competent official shall deliver the copy of such report to the occupier as soon as it can be done. If the search takes place between sunset and sunrise, the competent official who leads the search shall hold a position of Chief District Officer or a Deputy Police Superintendent or higher, or an ordinary civil servant holding a position of not lower than level 7. In this regard, the competent official leading the search shall submit a copy of the report describing reasons and results of the search, a list of evidence or the person who is the victim of the human trafficking offence and a list of seized or attached property to the Provincial Court having jurisdiction over the area in which the search was conducted or to the Criminal Court within forty-eight hours after the completion of the search, as evidence.

In carrying out the operation under (2) and (3), the competent official may order his subordinate to perform in his or her stead.

In performing the duties under this Act, the competent official may request

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

the assistance from any person who is nearby to carry out the operation under this Act, but he or she shall not compel such person to assist if harm may occur to him or her.

Section 28. In performing the duties under this Act, the competent official shall present his or her identification card to the persons concerned.

The identification card of the competent official shall be in conformity with the form stipulated by the Minister as published in the Government Gazette.

Section 29. In case of necessity, for the purpose of fact finding in relation to human trafficking and security protection of a person, where there is a reasonable ground to believe that he or she is a victim of human trafficking offence, the competent official may temporarily take such person into his custody which shall not be longer than twenty four hours and shall report to the Commissioner-General of the Royal Thai Police, the Director-General of the Department of Special Investigation, the Director-General of the Department of Social Development and Welfare or the Provincial Governor, as the case may be, without delay.

In case it is necessary to provide protection to a person who may be a victim for a longer period of time than provided under paragraph one, the competent official shall file a petition to the Court for an order of permission. Permission granted by the Court shall not be longer than seven days and with or without any conditions imposed thereon.

The temporary custody of the person who may be a victim under this section shall be made in an appropriate place which shall not be a locked-up room or a detention place, which shall be in accordance with the regulations prescribed by the Minister.

In performing the duties under this section, principle of human rights shall be strictly taken into account.

Section 30. In the case where there is a reasonable ground to believe that any other documents or information sent by post, telegram, telephone, facsimile, computer, communication device or equipment, any electronics media or information technology media, has been or may have been used to commit human trafficking offence, the competent official, with written approval given by the Commissioner-General of the Royal Thai Police or the Director-General of the Department of Special Investigation or the Provincial Governor, as the case may be, may submit an *ex parte* motion to the Criminal Court or the Provincial Court of competent territorial jurisdiction requesting for an order permitting him or her to obtain such document or information, in accordance with the criteria and procedures prescribed in the Regulations of the President of the Supreme Court.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

In granting permission under paragraph one, the Court shall consider the effect on individual rights or any other rights in conjunction with the following reasons and necessities:

(1) there is a reasonable ground to believe that a human trafficking offence has been committed or is going to be committed;

(2) there is a reasonable ground to believe that an access to the information will result in obtaining the information on commission of human trafficking offence;

(3) there is no other appropriate or more efficient method.

Each permission granted by the Court under paragraph one shall not exceed ninety days and which may be granted with or without any conditions imposed thereon. Any person concerned with the documents or information pursuant to such order shall cooperate in order to be in compliance with the provisions of this section. After the permission order has been given, if it appears that the reason of necessity is not as cited or the circumstances have changed, the Court shall have power to revise the order as deemed fit.

In carrying out the Court order, the competent official may request any person to assist him or her in performing the duties. After the competent official has carried out the operation as permitted, he or she shall make a detailed memorandum of the results of the operation and submit the same to the Court issuing the order without delay.

The documents or information acquired under paragraph one shall be kept and used only for the purpose of investigation and as evidence in the legal proceedings against human trafficking offence in accordance with the regulations prescribed by the Minister.

Section 31. In case of necessity for the purpose of prevention and suppression of human trafficking, before initiation of an action in the Court, the public prosecutor, by himself or herself or by receiving a request from an inquiry official, may bring the victim or a witness to the Court and file a petition mentioning all the acts alleged that an offence has been committed and the reason of necessity that a testimony be taken at once.

In the case where the victim or a witness by himself or herself wishes to give testimony to the Court, after the victim or the witness has informed the public prosecutor, the public prosecutor shall file a motion to the Court without delay.

After having received the motion under paragraph one or paragraph two, the Court shall take the witness testimony promptly. In this event, if an interested person in the case files a motion to the Court citing reasons and necessity for a cross-examination or an

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

appointment of a lawyer for cross-examination, the Court may grant permission if it deems fit, and the provisions of paragraphs three and four of section 237 bis of the Criminal Procedure Code shall apply *mutatis mutandis*.

If the alleged offender is later prosecuted as a defendant with the charge of any of the offences provided in CHAPTER I the testimony of the witness shall be taken as evidence in the trial and adjudication of that case.

Section 32. In performing the duties under this Act, the competent official shall be the official under the Penal Code.

CHAPTER IV

Provisions of Assistance and Protection of Safety for Victims of Human Trafficking

Section 33. The Ministry of Social Development and Human Security shall be an agency to consider providing appropriate assistance to a victim of human trafficking concerning food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, repatriation to the country of origin or domicile of that person, legal proceedings to claim for compensation in accordance with the regulations prescribed by the Minister, taking into account human dignity and the differences in sex, age, nationality, race, and culture of the victim, the informing of the rights of the victim to receive protection at each stage, whether before, during or after the provisions of assistance including the timeframe in giving assistance at each stage. Under these circumstances, the opinion of the victim shall be taken into consideration beforehand.

The competent official, in providing assistance under paragraph one, may place the victim in the care of a primary shelter provided by the law on prevention and suppression of prostitution, or a primary shelter provided by the law on child protection, or other government or private welfare centres.

Section 34. For the purpose of providing assistance to the victim, the inquiry official or public prosecutor shall, at the first opportunity, inform the victim of his or her right to claim for compensation due to the commission of human trafficking offence and the right to receive legal aid.

Section 35. In the case where the victim has the right and wishes to claim

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

for compensation due to the commission of human trafficking offence, the public prosecutor shall, on behalf of the victim, claim for compensation, to the extent as notified by the Permanent Secretary for Social Development and Human Security or any person entrusted by him or her.

In making a claim for compensation under paragraph one, the public prosecutor may include it in the criminal prosecution or file it in the form of a motion at any stage during the trial of the criminal case in the Court of the First Instance.

The judgement concerning the claim for compensation shall be given as a part of the judgement in the criminal case. In the case where the Court orders that compensation be made, the victim shall be regarded as the judgement creditor and the Director-General of the Legal Execution Department shall carry out the execution of the judgement in such a case.

The hearing proceedings of claim for compensation under paragraph one and the execution of judgement under paragraph three shall be exempted from any fees. The provisions of the Criminal Procedure Code shall apply *mutatis mutandis* as far as they are not contrary to or inconsistent with the provisions of this Act.

Section 36. The competent official shall provide safety protection to the victim under his or her care regardless of the residing place of such person, whether before, during or after the legal proceedings. In so doing, the safety of the family members of victim shall also be taken into account.

In the case where the victim is to make statement or testify as a witness regarding the human trafficking offence under this Act, the victim, as a witness, shall be under the protection according to the law on protection of witness in criminal case.

If the victim has to return to the country of residence or domicile or if the family members of the victim live in other country, the competent official shall coordinate with the agencies in such country, whether governmental or private, and whether or not it be done via the embassy or the consular office of such country, in order to continuously provide safety protection to the victim and family members in that country.

Section 37. For the purposes of taking legal proceedings against the offender under this Act, the provision of medical treatment, the rehabilitation, or the claim for right of the victim, the competent official may assist the victim to obtain a relented temporary stay in the Kingdom and a temporary work permit in accordance with the law, doing so by taking into account the humanitarian reasons.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 38. Subject to section 37, the competent official shall repatriate the victim who is an alien to the country of residence or domicile without delay except where such person is permitted to have permanent residence in the Kingdom according to the law on immigration or has been granted, as a special case, a relented stay in the Kingdom by the Minister of the Interior, with evidence and documents under the law on residential inhabitant registration or the law on alien registration.

In taking actions under paragraph one, the safety and welfare of such person shall be taken into account.

Section 39. In the case where a person of Thai nationality who falls a victim to human trafficking offence in a foreign country, if that person wishes to return to the Kingdom or residence, the competent official shall verify whether or not such person has Thai nationality. In the case where such person has a Thai nationality, the competent official shall undertake to do whatever is necessary, to have such person returned to the Kingdom or residence without delay and shall accordingly take into account the safety and welfare of such person.

In the case where the victim in a foreign country is an alien permitted to have residence in the Kingdom under the law on immigration, or being granted, as a special case, a relented stay in the Kingdom by the Minister of the Interior, and prior to leaving the Kingdom, the status of the temporary residence permission has not yet terminated, upon the verification of the facts regarding the victim who is the bearer of the documents, if he or she wishes to return to the Kingdom, the competent official shall undertake to do whatever is necessary, to have such victim returned to the Kingdom without delay and shall accordingly take into account the safety and welfare of such person who shall be considered and allowed to continue the stay in the Kingdom under the status and duration existing prior to leaving the Kingdom.

In case where the victim in a foreign country is an alien and has no identity document, but there is a reasonable ground to believe that such person lawfully has, or used to have domicile or residence in the Kingdom, when the status of domicile or residence of the said person has been verified, if he or she wishes to return to the Kingdom, the competent official shall undertake to do whatever is necessary, to have such victim returned to the Kingdom without delay and shall accordingly take into account the safety and welfare of such person who shall be considered and allowed to continue the stay in the Kingdom under the status and duration existing prior to leaving the Kingdom.

Section 40. The Ministry of Social Development and Human Security shall

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

prepare an annual report regarding the situation, number of cases, the operation of various agencies concerned and guidelines for the future operation in relation to the prevention and suppression of human trafficking and submit it to the Council of Ministers.

Section 41. Unless a written permission is granted by the Minister of Justice, the inquiry official shall be barred from taking legal proceedings against any victim on the offence of entering, leaving, or residing in the Kingdom without permission under the law on immigration, the offence of giving false information to the official, the offence of forging or using a forged travel document under the Penal Code, the offences under the law on prevention and suppression of prostitution, particularly on contacting, persuading, introducing, soliciting or pestering a person for the purpose of prostitution and assembling together in the place of prostitution for the purpose of prostitution, or the offence of being an alien working without permission under the law on working of alien.

CHAPTER V The Anti-Human Trafficking Fund

Section 42. There shall be established a Fund under the Ministry of Social Development and Human Security which shall be called the “Anti-Human Trafficking Fund” to be used as expenditure funds for the prevention and suppression of human trafficking and for the management of the Fund. The Fund shall consist of:

- (1) initial fund allocated by the Government;
- (2) Government subsidy allocated from the annual budget;
- (3) money or property received as donation;
- (4) money received from foreign countries or international organisations;
- (5) interest or other benefits accruing to the Fund;
- (6) money received from sale of property of the Fund or by means of fund raising;
- (7) money or property vested in the Fund or received by the Fund under other laws.

Section 43. Money and interest received by the Fund under Section 42 shall not be remitted to the Ministry of Finance as state revenue.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 44. Money and property of the Fund shall be used for the following affairs:

- (1) providing assistance to the victim under section 33;
- (2) providing safety protection to the victim under section 36;
- (3) providing assistance to the victim in foreign country to return to the Kingdom or residence under section 39;
- (4) preventing and suppressing human trafficking in accordance with the regulations prescribed by the CSATO Committee;
- (5) management of the Fund.

Section 45. There shall be a Fund Management Committee consisting of the Permanent Secretary for Social Development and Human Security as Chairperson, the Permanent Secretary for Foreign Affairs, the Permanent Secretary for Justice, a representative from the Bureau of the Budget, representative from the Comptroller General's Department, and three qualified persons appointed by the Committee, of which at least two must be representatives from private sector involving in the fields of social development, social work, prevention and suppression of human trafficking, or financing, as members, and the Deputy Permanent Secretary for Social Development and Human Security assigned by the Permanent Secretary shall be a member and Secretary.

Section 46. The provisions of section 17, section 18, section 19 section 20, section 21 and section 25 shall apply, *mutatis mutandis*, to the assumption of office and vacation of office of qualified members, meetings of the Fund Management Committee and appointment of any sub-committee of the Fund Management Committee.

Section 47. The Fund Management Committee shall have powers and duties as follows:

- (1) to consider the approval of payments provided under section 44;
- (2) to manage the Fund in accordance with the regulations prescribed by the Committee;
- (3) to report to the Committee on the financial status and the management of the Fund in accordance with the regulations prescribed by the Committee.

Section 48. The receipt of money, payment of money, keeping of money, benefit seeking, and management of the Fund shall be in accordance with the regulations set forth by the Committee, with the consent of the Ministry of Finance.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 49. There shall be a Monitoring and Evaluation of Fund Performance Committee consisting of five members, as follows: a chairperson and qualified members appointed by the Committee from those with knowledge and experiences in the fields of finance, social work, and evaluation, one from each field, and the Deputy Permanent Secretary for Social Development and Human Security assigned by the Permanent Secretary shall be a member and Secretary.

The provisions of section 17, section 18, section 19, section 20 and section 21 shall apply *mutatis mutandis* to the assumption of office, vacation of office and meetings of the Monitoring and Evaluation of Fund Performance Committee.

Section 50. The Monitoring and Evaluation of Fund Performance Committee shall have powers and duties as follows:

- (1) to monitor, inspect and evaluate the performance of the Fund;
- (2) to report to the Committee on the performance of the Fund with any recommendations;
- (3) to demand submission of documents or evidence in connection with the Fund from any person or to summon any person to give statement of facts to supplement its evaluation of the Fund.

Section 51. The Fund Management Committee shall prepare and submit the balance sheet and working accounts to the Office of the Auditor-General of Thailand for audit and certification within one hundred and twenty days from the end of each accounting year.

The Office of the Auditor-General of Thailand shall prepare a report on the audit and certification of the accounts and finances of the Fund for submission to the Committee within one hundred and fifty days from the end of the accounting year in order for the Committee to submit the same to the Council of Ministers for information.

The Minister shall present the audit report under paragraph two to the Prime Minister for further submission to the House of Representatives and the Senate for information and publication in the Government Gazette.

CHAPTER VI
Penalties

Section 52. Any person who commits an offence of human trafficking shall be liable to imprisonment for a term of four years to ten years and to a fine of eighty thousand baht to two hundred thousand baht.

If the offence under paragraph one is committed against a person over fifteen years but not yet over eighteen years of age, the offender shall be liable to imprisonment for a term of six years to twelve years and to a fine of one hundred twenty thousand baht to two hundred forty thousand baht.

If the offence under paragraph one is committed against a person not over fifteen years of age, the offender shall be liable to imprisonment for a term of eight years to fifteen years and to a fine of one hundred sixty thousand baht to three hundred thousand baht.

Section 53. Any juristic person that commits an offence of human trafficking shall be liable to a fine of two hundred thousand baht to one million baht.

In the case where the offender is a juristic person, if the commission of the offence of such juristic person is originated by an order or an act of any person, or by omission of an order or an act, which is the duty of the managing director or any person who is responsible for the business operation of such juristic person to do, such person shall be liable to imprisonment for a term of six years to twelve years and to a fine of one hundred twenty thousand baht to two hundred forty thousand baht.

Section 54. Any person who obstructs the process of investigation, inquiry, prosecution or legal proceedings on the offence of human trafficking in order that the process cannot be orderly carried out, if done by any of the following acts, shall be liable to imprisonment for a term of not exceeding ten years and to a fine not exceeding two hundred thousand baht, or to both:

(1) giving, offering or agreeing to give property or other benefit to a victim or witness to induce such person not to visit the competent official, inquiry official, public prosecutor, or not to attend the court to give statement of facts or testimony, or to give false statement of facts or testimony, or not to give statement of facts or testimony at all, in the legal proceedings against the offender under this Act;

(2) using of force, coercing, threatening, compelling, deceiving, or using any

other illicit means to prevent a victim or witness from visiting the competent official, inquiry official, public prosecutor, or not to attend the court to give statement of facts or testimony, or to give false statement of facts or testimony, or not to give statement of facts or testimony at all, in the legal proceedings against the offender under this Act;

(3) damaging, destroying, causing disappearance or rendering useless, taking away, altering, changing, concealing or hiding of any document or evidence, or falsifying, making or using any false document or evidence in the legal proceedings against the offender under this Act;

(4) giving, offering or agreeing to give property or other benefit to the Committee member, the CSATO Committee member, sub-committee member, any member of the work group or to the competent official under this Act, or to judicial official, public prosecutor, or inquiry official, or demanding, accepting, or agreeing to accept a property or any other benefit in order to induce such person to take or not to take or to delay the taking of any action which is a malfeasance of duty of such person under this Act; or

(5) using force, coercing, threatening, compelling, deceiving, or using any other illicit means against the Committee member, the CSATO Committee member, sub-committee member, any member of the working group, or the competent official under this Act, or judicial official, public prosecutor, or inquiry official, to induce such person to take or not to take or to delay the taking of any action which is a malfeasance of duty of such person under this Act.

Section 55. Any person who commits the following act shall be liable to imprisonment for a term of not exceeding five years and to a fine not exceeding one hundred thousand baht, except it is done as a disclosure in the performance of duties or in compliance with the law;

(1) knowing that an application to obtain document or information under section 30 has been made and disclosing to a person who has no duty in that connection to let it be known to him or her that an application to obtain such document or information has been or is going to be made, doing so in such a manner likely to deprive the applicant of an opportunity to obtain such document or information; or

(2) knowing of or having obtained the document or information under section 30 and disclosing to a person who has no duty in that connection to let the same be known to him or her.

Section 56. Any person who commits or causes to have the following acts committed shall be liable to imprisonment for a term of not exceeding six months or to a

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

fine not exceeding sixty thousand baht, or to both:

(1) taking picture, propagating picture, printing picture, or recording, broadcasting voice or other thing which may disclose the identity of the victim, regardless at which stage;

(2) publishing or disseminating the contents emerged in the course of inquiry of the inquiry official or in the court hearings which may cause others to be aware of the first and last names of the victim of the commission of human trafficking offence, or the family members of such victim, through whatever type of information media;

(3) publishing or disseminating the contents, picture or voice, through whatever type of information media, thereby disclosing history, dwelling place, work place, or place of education of the victim of the commission of human trafficking offence.

The provisions of paragraph one shall not apply to the act of the doer who is required to do so for the interest of the government in protecting and assisting the victim or the victim has sincerely consented thereto.

Transitory Provisions

Section 57. The welfare fund relating to the prevention and resolving of human trafficking problems in accordance with the Regulations of the Anti-Human Trafficking Committee on the Operation and Money Spending for the Prevention and Resolving Human Trafficking Problems, B.E. 2550 (2007), shall be transferred to be an initial fund for the Fund under this Act.

Countersigned by:

General Surayud Chulanont

Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.