

Royal Emblem

The Anti-Trafficking in Persons Act (No. 2) B.E. 2015

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BHUMIBOL ADULYADEJ, REX

Given this on 28 April 2558 (2015)

Being the 70th year of the present reign

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

Whereas it is expedient to amend the Anti-Trafficking in Persons Act;

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 shall be called “the Anti-Trafficking in Persons Act (No. 2) B.E. 2558 (2015).”

Section 2 This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

Section 3 This provision shall be added to be Section 13/1 of the Anti-Trafficking in Persons Act B.E. 2551:

“**Section 13/1**Whoever faithfully reports to the competent official, the administrative official or police, the commission of any offence under this Act, shall be protected and is not liable to any civil and criminal proceedings.”

Section 4 The provision in Section 15 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) shall be repealed and this new provision shall be replaced:

“**Section 15**There shall be an Anti-Trafficking in Persons Committee to be called “ATP Committee” in brief, consisting of the Prime Minister as chairman, the Deputy Prime Minister, who acts as Chairman of the CMP Committee, as vice chairman, the Minister of Defense, 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 demonstrable professional experiences in the fields of prevention, suppression, rehabilitation and international cooperation on the issues of trafficking in persons, one from each field, provided that not less than one half appointed

from the private sector, as members, and the Permanent Secretary for Social Development and Human Security shall act as secretary and shall appoint no more than two officers from the Ministry of Social Development and Human Security as assistant secretary.”

Section 5 This provision shall be added to be (2/1) of Section 16 of the Anti-Trafficking in Persons Act, B.E. 2551(2008):

“(2/1) to make recommendations to the Cabinet in order to prescribe the measure on the prevention and suppression of trafficking in person in business establishment, factory and vehicle and to specify the type of business establishment, factory and vehicle on which such measure shall be applied.”

Section 6 These provisions shall be added to be Section 16/1, 16/2 and 16/3 of the Anti-Trafficking in Persons Act, B.E. 2551(2008):

“**Section 16/1** The Prime Minister, with the approval from the Cabinet, has the power to prescribe the measure on the prevention and suppression of trafficking in person in business establishment, factory, and vehicle and to specify the type of business establishment, factory and vehicle on which such measure shall be applied, in the Government Gazette.

Section 16/2 In case where the competent official finds any violation or non-compliance with the measure on the prevention and suppression of trafficking in person in business establishment, factory and vehicle prescribed in Section 16/1, if the owner, possessor or the operator of such business establishment, factory or vehicle is unable to give reasonable explanation or fails to prove to the Sub-Committee under Section 25 paragraph two that he has already exercised a proper care, the Sub-Committee shall have the power to issue an order as follows:

- (1) to halt the operation of such business establishment or factory;
- (2) to suspend the license of such business establishment or factory;
- (3) to temporarily prohibit the use of vehicle;
- (4) to carry out any necessary measure to prevent the recurrence of the offence.

The order under (1), (2) and (3) shall be issued for each period of not exceeding thirty days as from the date the owner, possessor or operator of such business establishment, factory or vehicle has been notified of the order.

In case there is an issuance of the order under paragraph one, the Sub-Committee under Section 25 paragraph two, shall notify the concerned agency having authorities to monitor the operation of such business establishment, factory or the use of such vehicle to execute the order.

The issuance of an order to halt the operation of business establishment or factory, to suspend the license of business establishment or factory, to temporarily prohibit the use of vehicle or to carry out any necessary measure to prevent the recurrence of the offence under paragraph one and the notification of the concerned agency under paragraph three shall be in accordance with the criteria, procedures and conditions prescribed by the Minister.

Section 16/3 The order under Section 16/2 shall be delivered, in written form, to the owner, possessor or operator of the business establishment, factory or vehicle at his/her domicile within seven days as from the date of its issuance.

In case where there is no recipient, the order shall be placed at the noticeable area at the domicile of such person, and the owner, possessor or operator whose name specified in the order shall be deemed to be notified after a period of fifteen days as from the date when such order has been posted has elapsed.

In case where the owner, possessor or operator disagrees with the order of the Sub-Committee under Section 25 paragraph two, he/she may file an appeal to the Committee within thirty days as from the date of the order notification.

The appeal shall not have an effect on suspension of the execution of the order issued by the Sub-Committee under Section 25 paragraph two.

The decision of the Committee shall become final.”

Section 7 The provision in Section 25 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) shall be repealed and this new provision shall be replaced:

“**Section 25** The Committee and the CMP Committee may appoint a sub-committee or a working group to consider, give advice and execute any matter entrusted by the Committee and the CMP Committee.

The Committee shall appoint the Sub-Committee to undertake the duties stipulated in Section 16/2.

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

Section 8 This provision shall be added to be (6/1) of Section 42 of the Anti-Trafficking in Persons Act B.E. 2551:

“(6/1) Fine, up to the amount approved by the Ministry of Finance, shall be used without being remitted as State revenue.”

Section 9 These provisions shall be added to be Section 53/1 and 53/2 of the Anti-Trafficking in Persons Act B.E. 2551:

“**Section 53/1** Where the commission of the offence under Section 52 or Section 53 paragraph two causes the trafficked victim;

(1) a serious injury, shall be liable to the imprisonment from eight years to twenty years and a fine from one hundred thousand to four hundred thousand Baht;

(2) death, shall be liable to the life imprisonment or the death penalty.

Section 53/2 The owner, possessor or the operator of the business establishment, factory or vehicle who violates or does not comply with the order issued under Section 16/2, shall be liable to the imprisonment of not exceeding six months or a fine from ten thousand Baht to one hundred thousand Baht or both.”

Countersigned by

General Prayud Chan-Ocha

Prime Minister

Remark: The reasons for the promulgation of this Act are as follows: Since some of the provisions of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) cannot be properly used to address the problem of trafficking in person of which become more severe, complicated and being a transnational crime, it is expedient to amend the existing law to make the prevention and suppression of trafficking in person to be more efficient, in addition, to prescribe an incentive and protective measure for the people who report an suspected incident to the authority, to increase the administrative power of the competent official, as well as to adjust the related penalties to make them corresponding to the severity of the acts; therefore, this Act is enacted.

This unofficial English translation is made by:

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