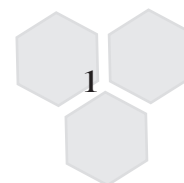


MEMORANDUM OF UNDERSTANDING
on
Operational Procedures for Concerned Agencies in Combatting
Human Trafficking in 19 Northeastern Provinces¹
2006

1. BACKGROUND AND RATIONALE

Even though the National Memorandum of Understanding (MOU) on Operational Procedures for Concerned Agencies in Combatting Trafficking in Women and Children of 1999 was already in operation, the situation of human trafficking, especially in women and children, is still very severe. The operation in full compliance with the MOU still requires more details. The Sub-Committee on Combatting Trafficking in Women and Children has modified and drafted the Second MOU on Operational Procedures for Government Agencies in Trafficking in Women and Children of 2003 and added the following facts:



1.1 The world community has agreed that the problem of human trafficking, especially in women and children, is a severe form of violation of human rights.


1.2 As one of the Mekong Region countries, Thailand has been seriously affected by the human trafficking problem. It has increasingly developed into organized crime corporations that have exploited the country by using it for a place of origin, transit and destination. The impact has occurred not only in one country but also in the region and in the international communities around the world.

1.3 In domestic scene, the problem is still evident but not as severe as it was 20 years ago.

¹ Kalasin, Khon Kaen, Chaiyaphum, Nakhon Phanom, Nakhon Ratchasima, Buri Ram, Maha Sarakham, Mukdahan, Yasothon, Roi Et, Loei, Si Sa Ket, Sakon Nakhon, Surin, Nong Khai, Nong Bua Lam Phu, Udon Thani, Ubon Ratchathani, and Amnat Charoen

1.4 Many countries have paid more attention to the problem and have organized meetings at the national, bilateral and regional levels. Each meeting has resulted in a wide range of suggestions and recommendations. In Thailand, there have been many meetings from 1997 up to present. The outcome from these meetings has been used to improve anti-trafficking operations respectively.

The first global conference emphasizing commercial sexual exploitation was held in Sweden in 1996 and the second one in Japan in 2001. Thailand's representatives participated in both conferences and used the outcomes for further improvement in their work. Many meetings were held afterwards.



1.5 In 1994, a Sub-Committee on Combatting Commercial Sexual Exploitation was established under the National Committee on Women Affairs, the Office of the Permanent Secretary of the Office of the Prime Minister. As the result, the First National Policy and Plan Combatting Commercial Sexual Exploitation was approved by the Council of Ministers in August 1996. In 1999, the said Sub-Committee was renamed the Sub-Committee on Combatting Cross-border Trafficking in Women and Children under the National Youth Bureau and later, in 2003, it was renamed the Sub-Committee on Combatting Trafficking in Women and Children under the Ministry of Social Development and Human Security. Members of the sub-committee consist of representatives from concerned government agencies, non-governmental organizations (NGOs), academics, as well as representatives from concerned international agencies in Thailand who also provide financial assistance in solving the problem.

1.6 In December 1998, police superintendents and their deputies working on trafficking in women and children participated in a workshop and agreed that trafficked victims should be assisted and offenders should be prosecuted by the establishment of joint operational procedures among concerned agencies to be followed all in the same manner according to the Penal Code, the 1979 Immigration Act, the 1996 Prevention and Suppression of Prostitution Act, the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children, and other relevant laws. In order to achieve the goals, the MOU on Operational Procedures for Concerned Agencies in Combatting Trafficked Women and Children Problem was signed in 1999 by



the Permanent Secretary of the Office of the Prime Minister, the Commissioner-General of the Royal Thai Police, the Director-General of the Department of Public Welfare (then), Chairperson of the Sub-Committee on Combatting Trafficking in Women and Children and representatives from the network for prevention and solution for trafficking in women and children.

1.7 The Reorganization of Ministry, Bureau and Department Act was promulgated in 2002. Nearly four years have passed since the 1999 MOU was first implemented, there were some suggestions from various training sessions by provincial, metropolitan, immigration, and border patrol police, officers from the Department of Public Welfare (then), attorneys, judges, physicians, medical personnel from the Ministry of Public Health, representatives from relevant educational offices, representatives from the Ministry of Interior, and representatives from NGOs to revise the first MOU.

The Sub-Committee on Combatting Trafficking in Women and Children gathered these suggestions along with those from operation personnel of the first MOU and further suggestions from various meetings with concerned agencies during the course of one year to draft the Second MOU before the signing on 24 March 2003.



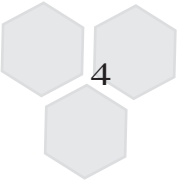
1.8 Later on, the MOU on Operational Procedures for Concerned Agencies in Combatting Trafficking in Women and Children in 9 Northern Provinces (Chiang Mai, Chiang Rai, Lampang, Lamphun, Mae Hong Son, Nan, Phayao, Phrae, and Tak) was signed in Chiang Mai on 21 August 2003 by the provincial governors or deputy provincial governors, chiefs of provincial government offices, and representatives from NGOs.

1.9 On 1 July 2003, the Thai Cabinet approved the revised the first national plan and policy which is now known as the National Policy and Plan on Prevention, Suppression, and Solution of Domestic and Cross-border Trafficking in Women and Children. The National Commission on Promotion and Coordination of Youth Affairs of the Ministry of Social Development and Human Security, chaired by the Deputy Prime Minister, further approved the operation plan.

1.10 The MOU between the governments of the Kingdom of Thailand and the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking was signed on 31 May 2003 in Siem Riep, Kingdom of Cambodia.

1.11 The MOU on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region, consisting of the Kingdom of Cambodia, the Lao People's Democratic Republic, the Union of Myanmar, the Socialist Republic of Vietnam, the People's Republic of China and the Kingdom of Thailand, was signed on 29 October 2004 in Yangon, Myanmar.

1.12 The MOU between the governments of the Kingdom of Thailand and the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, Especially Women and Children was signed on 13 July 2005 in Bangkok, Thailand.



1.13 The Thai Cabinet's resolution on 14 June 2005 in Phayao Province allowed the establishment of human trafficking operation centers at 3 levels: provincial, national, and at the Thai embassies or consulate offices in foreign countries.

1.14 The participants of the two workshops in Sa Kaeo and Ubon Ratchathani in 2005 on empowering local agencies concerned with trafficking, human rights, child rights, and woman rights, agreed to prepare two MOUs: one for the eastern provinces and another for the northeastern provinces, to establish a mechanism and operational procedures for concerned agencies to efficiently implement the existing national and international MOUs as well as the National Policy and Plan.

The Sub-Committee on Combatting Trafficking in Women and Children and the Ministry of Social Development and Human Security, in coordination with provincial working group from 19 northeastern provinces including Amnat Charoen, Buri Ram, Chaiyaphum, Kalasin, Khon Kaen, Loei, Maha Sarakham, Mukdahan, Nakhon Phanom, Nakhon Ratchasima, Nong Bua Lam Phu, Nong Khai, Roi Et, Sakon Nakhon, Si Sa Ket, Surin, Ubon Ratchathani, Udon Thani, and Yasothon, agreed to sign the MOU on Operational Procedures for Concerned Agencies in Combatting Human Trafficking in 19 Northeastern Provinces to prevent, suppress, and solve human trafficking problems on 3 July 2006 in Khon Kaen Province.



2 SITUATIONS

2.1 The 19 provinces of the northeastern region have the status of origin, transit, and destination for human trafficking.

2.2 Victims or those at risk of being victims are Thais, foreigners, and non-Thais.

2.3 Human trafficking occurs in the form of exploitation of labors inside and outside the system and illegal sexual services in any forms.

2.4 A multi-disciplinary approach is used for the prevention and the solution for trafficking.

2.5 Details on the overall trafficking situation in each province appear in the Appendix.

3 PRINCIPLES

3.1 The operation of human trafficking prevention and solution shall be in compliance with the provisions of this MOU, taking into account the best interest of the victims of human trafficking.

3.2 The principle of human rights shall be in compliance with the 1997 Constitution of the Kingdom of Thailand, the Convention on the Rights of the Child, the Convention on Elimination of All Forms of Discrimination Against Women, and any other conventions or protocols relating to human rights of which Thailand is a member.

3.3 The Penal Code, the Criminal Procedure Code, the 1929 Extradition Act, the 1979 Immigration Act, the 1992 Mutual Assistance in Criminal Matters Act, the 1996 Prevention and Suppression of Prostitution Act, the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act, the 1998 Labor Protection Act, the 1999 Anti-Money Laundering Control Act, the 2001 Act on Compensation to the Injured Person and Restitution and Expenses to the Accused in Criminal Cases, the 2003 Witness Protection Act, the 2003 Child Protection Act and other relevant laws or rules shall be adopted and complied with.



3.4 Any operation relating to combating human trafficking shall take into account the relevant domestic MOU, and also bilateral and multilateral MOUs.

4. MEANINGS RELATING TO HUMAN TRAFFICKING

4.1 "Human Trafficking" means willful action to a person or persons for the purpose of exploitations for one(s) own or others' unlawful benefits whether such exploited person(s) give consent to do so or not, by the following means:

(1) Recruiting, purchasing, selling, distributing, transporting, detaining, confining, accommodating or harboring of a person or persons; and

(2) By means of threat, use of force, abduction, fraud, deception, abuse of power or a position of vulnerability or inexperience, or giving or receiving of payments or benefits to achieve the consent of a person or persons' parents or caretakers.

Any action taken against children shall be deemed the human trafficking with or without (2).

4.2 "Exploitation" means taking advantage of another person or other persons for unlawful benefits from prostitution; production, distribution or dissemination of pornography materials; other forms of sexual exploitations; forced labor or services; servitude; force a child to commit crimes or similar actions or more violent actions; use of force or deception to remove organs from others without medical indication.

4.3 "Forced Labor or Services" means coercion for another person or other persons to work or give services by putting in fear of injury to life, body, liberty, reputation or property of herself or themselves or other persons, by means of threat, use of force, or when the person is unable to resist.

4.4 "Damaged Party" means a person who suffers from human trafficking.

4.5 "Children" means a person under 18 years old but not including ones who achieve the age of maturity through marriage.



5. FOUR CATEGORIES OF HUMAN TRAFFICKED VICTIMS²

5.1 Thais who are victimized by being trafficked inside or outside Thailand's territory;

5.2 Foreigners who legally enter and reside in Thailand but later become trafficked victims;

5.3 Foreigners who illegally enter and reside in Thailand and become trafficked victims; and

5.4 Non-Thais who reside in Thailand or had been or had resided in the country and are victimized by human trafficking inside or outside the country's territory.

6. OPERATIONS TO ASSIST TRAFFICKED VICTIMS PRIOR TO THE RESCUE

6.1 Creating mechanisms to rescue and protect trafficked victims.

6.1.1 Establishment of Provincial Operation Center on Prevention and Suppression of Human Trafficking (POCHT).

Each province shall establish a Provincial Operation Center on Prevention and Suppression of Human Trafficking (POCHT), chaired by the Provincial Governor or the assigned Deputy Provincial Governor. The POCHT Operation Committee shall be composed of Commander of Provincial Police, Director of Provincial Public Health, Provincial Chief Public Prosecutor, Deputy Governor, Chief of Provincial Employment Office, Chief of Provincial Labor Protection and Welfare, representative(s) from Immigration Bureau (if any), Chief of Community Development Provincial Office, Director of Provincial Agriculture Office, Director of Provincial Institute for Skill Development, Superintendent of Provincial Welfare Shelter (if any), Director of Educational Service Area, representative(s) from provincial administrative offices, representative(s) from NGO(s), representative(s) from provincial business sectors, other concerned agencies and individuals, and the Provincial Social Development and Human Security, serving as a committee and secretarial office.

² Including offences against children and women by purchasing, selling, distributing, recruiting, or by any means for one(s) own or others' sexual benefits, sexual abuse or unlawful benefits, or by selling, forced begging or working in savage conditions (from principles and rationales of the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act and the 14th Amendment of 1997 Penal Code.



6.1.2 The Provincial Operation Center on Prevention and Suppression of Human Trafficking (POCHT) shall have the following duties:

a) Coordinating the concerned governmental and non-governmental organizations to receive information, rescue and provide protection, recovery and repatriation to victims of human trafficking.

b) Providing temporary safe shelters for human trafficked victims.

c) Taking legal action, investigating and prosecuting persons engaged in any part of the trafficking process.

d) Coordinating governmental and non-governmental organizations to enhance the capacity of their personnel in raising knowledge and awareness on trafficking issues, equipping them with technical skills to perform efficiently in all aspects such as rescue and protection of victims, suppressing and solving the problems of human trafficking.

e) Collecting and storing data, IT system, and trafficking indicators to establish strategies, monitor and assess programs for the purpose of data exchange at national and international level, including individual's report relating to rescue, protection, recovery, social reintegration, repatriation, and legal action taken against offenders.

f) Establishing provincial strategies and coordinating the operations to protect, suppress, and combat the problems of human trafficking, in accordance with national plans and strategies with participation from every region.

g) Promoting research and dissemination of knowledge to concerned agencies and people who are interested in the trafficking issue.

h) Coordinating the provision of funding to support operations on prevention and suppression human trafficking.

i) Monitoring and evaluating the results from the operations and submitting a formal annual report to the national committee.

j) Appointing necessary sub-committees or working groups at different levels.

k) Performing other duties as deemed appropriated by the POCHT.



6.1.3 The Provincial Social Development and Human Security shall serve as a secretarial office for the POCHT and serve as a coordinating center in receiving and disseminating data and knowledge, and carrying out campaigns to increase people's understanding of POCHT's status and duties.

6.1.4 POCHT shall organize a "Multi-disciplinary Operation Team," composed of public prosecutors, police, administrative officers, social workers, psychiatrists (from GOs and/or NGOs), physicians, interpreters and other concerned personnel to rescue trafficked victims in accordance with relating MOUs especially this MOU.

Any province found appropriate to organize the Multi-disciplinary Operation Team in the district level may do so.

The Multi-disciplinary Operation Team shall have the following duties:

a) Receiving, investigating and collecting data and evidence. If there is a reasonable ground to believe that there is a person or there are persons at risk of or being trafficked, the rescue must be carried out immediately.

b) Organizing a meeting for planning and preparing before the rescue as a multi-disciplinary team, headed by a police or a person with authority according to law assigned by the POCHT.

c) Investigating data to screen trafficked victims and collecting data systematically networking with related agencies.

d) Coordinating the delivery of trafficked victims into the protection, assistance, recovery and social reintegration system.

e) Submitting a summary report to the POCHT.

6.2 Rescue operations for trafficked victims.

6.2.1 In case human trafficking involves more than one province and it is necessary to coordinate the operations in different provinces, the POCHT shall coordinate with the Children, Juvenile and Women Protection Center, Provincial Police Region, the Children, Juvenile and Women Protection Center of the Royal Thai Police or any other concerned agencies, depending on each case.



In an urgent case and there is a reasonable ground to believe a trafficked victim may be transported to another location or her safety may be jeopardized, the Operation Team shall immediately rescue the victim and inform the POCHT as soon as possible.

6.2.2 Prior to any attempt to rescue trafficked victims from an entertainment place or a place where sexual services are provided or any other place, on whom information is reported, through surveillance process or, from any reasonable ground to believe that the person is trafficked, the Operation Team shall investigate and immediately rescue the person. The police shall collect as much evidence as possible to further prosecute traffickers.

6.2.3 During the course of rescuing a person who may be the victim of human trafficking, there shall be restrictions on the following actions:

a) Photographing, disseminating or printing of photographs, recording or disseminating voice of the victim.

b) Advertising or disseminating, by any media, documents relating to the officers' investigation or court's contents which reveals name(s) or surname(s) of the victim or victim's family members.

c) Advertising or disseminating audio or visual documents, by any media, revealing history, place of residence, workplace or educational institution of the victim. The aforementioned restrictions are not applicable when it is deemed necessary to act in the best interest of the victim, the damaged party, or the witness, for protection and rescue, or for official purposes, or by the victim's, the damaged party's, or the witness's consent.

6.2.4 After Article 6.2.2 rescue, it is the Operation Team's duties to screen victims and to coordinate with investigating officers for further operations.

In case the trafficked victim requests rescue by herself or is transported by another person, procedures in Article 6.2.2 shall be taken.

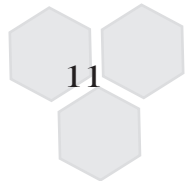


6.2.5 Investigating officers have the duty to identify if the person is a trafficked victim or not according to evidence collected, witnesses, especially opinions and reasoning from social worker(s) and psychiatrist(s) either from GOs or NGOs whose victim is in care of.³

In case of conflict of opinions, or if necessary, advice should be sought from the Multi-Disciplinary Operation Team and by the use of majority votes to decide on the matter.

6.2.6 In protecting a witness or any person who may be a witness residing in a reception center, a welfare shelter of the Department of Social Development and Welfare, or a NGO's shelter approved by Ministry of Social Development and Human Security, or elsewhere, when there is a reasonable ground to believe that she may not be safe, the secretary of the POCHT shall request protection from police as necessary or according to the 2003 Witness Protection Act.

6.2.7 Operations on prevention, rescue and protection of the trafficked victim, including assistance during legal actions by any agencies, inside or outside Thailand, shall be in accordance with this MOU by coordinating with the POCHT.



7. OPERATIONAL PROCEDURES FOR THAI TRAFFICKED VICTIMS, INSIDE OR OUTSIDE THAILAND

7.1 In the case where there is a reasonable ground to believe that a person is a trafficked victim, when she is rescued from an entertainment place, a place where sexual services are provided, or when she requests rescue, investigating officers must immediately interrogate the victim for evidence and coordinate with public prosecutors to further request the court to permit further investigation according to Article 237 bis of the Criminal Procedure Code or Article 12 of 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act, even where the investigation has not been completed.⁴

³ Referred to an appendix on the summary of questions from the meeting on the 1999 MOU on Operational Procedures for Trafficking in Women and Children.

⁴ Particularly applying to the trafficked women case only. In case the trafficked victim is a child, the 20th Criminal Procedure Code of 1999 shall be applied.

During a preliminary interrogation⁵ and an investigation, the investigating officers shall notify the Provincial Social Development and Human Security or NGOs to provide or coordinate to provide social workers, psychiatrists and/or any officials experienced in working with children or assisting trafficked victims.

In a case where the victim is a child, the Criminal Procedure Code No.20 of 1999 shall be applied.

7.2 The Multi-disciplinary Operation Team shall question the victim for additional detailed information, systematically store data, and coordinate in sending this information to the investigating officers for further use in the prosecution process.

In interrogations according to paragraph 1, the victim is able to ask the police to contact the concerned agencies to send representatives to participate in the interrogation.

7.3 The police shall prosecute persons involved in human trafficking on recruitment, deception, accompaniment, purchase, sale, distribution, delivery, harboring, confinement, detention, concealment, lure, threat, violence, abuse of power, or by other means of coercion to another person. Offenders also include operators, supervisors, managers, controllers or any provider who has the victim comply with others' sexual desires, sexual abuse, or for other unlawful benefits to himself or others. Also customers for whose sexual services are provided by victims not over 18 years of age in a place where sexual services are provided, are considered criminals according to the Penal Code, laws on prevention and suppression of prostitution, laws on children and youth welfare, laws on prevention and suppression of women and children trafficking, or laws on prevention and suppression of money laundering.

According to paragraph one for the criteria of the age of the children, the time of the first incident is to be used. In the case where the incident took place when the child was not over 18 years old, but it was discovered when she is over 18, the offenders are to be prosecuted for their crime against a child whose age is not over 18 years old.

⁵ Preliminary interrogation means to ask a woman or a child if she is a victim or an object of illegal actions according to MOU, article 1 (5).



In the case where labor laws are applicable, concerned officials shall participate in any legal actions by the provisions of the labor laws, including rescue and protection of trafficked victims.

7.4 If Articles 10 and 11 of the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act are to be applied to the case, within 24 hours after the interrogation, the trafficked victim must immediately be transferred to a reception center or a welfare shelter of the Department of Social Development and Welfare, or a NGO's shelter approved by the Ministry of Social Development and Human Security. In all cases, full physical and psychological examinations shall be provided for the victim and collected as evidence.

In case the initial inquiry or interrogation could not be completed within 24 hours, upon approval of the Governor at a request of the POCHT, the victim shall be transferred to a reception center or a welfare shelter of the Department of Social Development and Welfare or a NGO's shelter approved by the Ministry of Social Development and Human Security.

If there is no such facility available in the said province, an alternative shelter deemed to be most appropriate and safe shall be arranged and provided with the approval of the POCHT.

7.5 In the case where the victim is over 18 years of age, she can voluntarily join the occupational training sessions provided by the Department of Social Development and Welfare after the interrogation. In the case where the interrogation is not completed and the prosecution according to Articles 10 and 11 of the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children needs to be proceeded with, the victim shall be transferred to a reception center or a welfare shelter of the Department of Social Development and Welfare or a NGO's shelter approved by the Ministry of Social Development and Human Security.

7.6 The officials of the Ministry of Social Development and Human Security shall examine the population registration, registration of the person's identification card, or examine from concerned agencies in case the victim has no identification (ID) card, the photo on the ID is not identical with the user, or there is a reasonable ground to believe that the ID is not hers, or there is an alteration with the ID, or there is

an official temporary ID. The officials then shall inform the investigating officers of the examination results.

7.7 In case the victim claims she is over 18 years of age without any proof of ID card or any other forms of identification, and there is reasonable doubt that she is under 18, the investigating officers or the officials of the Ministry of Social Development and Human Security shall arrange a medical examination, by dental or other physical examinations. In case the officials of the Ministry of Social Development and Human Security arrange the examination, they shall inform the investigating officers immediately of the results.

In case the result of the examination is not completed or is still unclear, it shall be presumed that such person is not over 18 years of age. The investigating officers shall interrogate the person in accordance with the child investigation section of the Criminal Procedure Code.

7.8 While under the custody of the Department of Social Development and Welfare or NGOs, the trafficked victim shall be provided with a safe and appropriate place, food, clothing, as well as physical and psychological recovery and occupational training, and assistance for welfare and legal processes prior to the repatriation to her domicile.

7.9 The Department of Social Development and Welfare's shelters or the NGO's shelters approved by the Ministry of Social Development and Human Security used to care for the trafficked victims shall not be deemed as a detention centre under the authority of either the investigating officers or the court.

7.10 In the repatriation process of the trafficked victim who has a domicile within Thailand's 19 Northeastern provinces, when the POCHT of the province where the victim has resided or has requested to be transferred to, is informed about the trafficking incident from other POCHTs, it shall investigate and gather additional information, visit her residence, assess the readiness of her family and community and report to the POCHT of the incident to prepare the victim for the safe repatriation back to her domicile or take other appropriate measures.

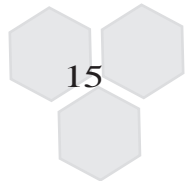


When the victim arrives to her domicile, the POCHT shall equip her with the ability to live in the society and prevent her from returning to trafficking, and shall monitor and report results to the POCHT of the incident.

The POCHT, if requested, shall urgently collect additional evidences and information useful for prosecuting the offenders.

7.11 In the repatriation process from another country of trafficked victim who has a domicile within Thailand's 19 Northeastern provinces, when the Thai embassy or the consulate has rescued and returned the person to the country, the Ministry of Foreign Affairs shall coordinate with the Immigration Bureau, the Royal Thai Police, Ministry of Social Development and Human Security, and other concerned agencies to inform about the process and the information about the trafficking. The Ministry of Social Development and Human Security shall send social workers in cooperation with officers from the Royal Thai Police to get the person from the airport or border checkpoint and to preliminarily interrogate, assess the problems, security and needs to prepare for further assistance.

The Ministry of Social Development and Human Security shall co-ordinate to return the victim, together with information so received from preliminary assessment, to the POCHT from the province where her domicile is or as requested, to assist, protect, and provide social reintegration by her consent according to standards. Such information shall be used for setting up prevention and suppression measures. The POCHT shall immediately collect additional evidence or information useful for prosecuting the offenders as requested.



8. OPERATIONAL PROCEDURES FOR FOREIGNERS LEGALLY ENTERING THAILAND AND LATER BECOMING HUMAN TRAFFICKED VICTIM AND FOR FOREIGNERS ILLEGALLY ENTERING THAILAND AND LATER BECOMING HUMAN TRAFFICKED VICTIM

8.1 When there is a reasonable ground to believe that a trafficked foreigner has been rescued from an entertainment place or a place where sexual services are provided, or any other place; or a victim has requested for assistance; or there is evidence the person has been trafficked; or as deemed appropriate by the POCHT, the

investigating officers shall immediately interrogate the trafficked victim and coordinate with the public prosecutor to apply to the court for an early deposition according to Article 237 bis of the Criminal Procedure Code and Article 12 of the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act, though the investigation is not completed.

During a preliminary interrogation and an investigation, the investigating officers shall notify the Provincial Social Development and Human Security or NGOs to provide or coordinate to provide social workers, psychiatrists and/or any officials experienced in working with children or assisting trafficked victims.

The interrogation and investigation of the victim shall be completed as soon as possible and the POCHT shall transfer the victim safely back to her country of origin. If the victim has to be detained in Thailand for a period of time for the purpose of tracing the offenders, the process must be done urgently. The victim shall be detained in a reception center, a welfare shelter of the Department of Social Development and Welfare or a NGO's shelter approved by the Ministry of Social Development and Human Security.

In a case where the victim is a child, the 20th Criminal Procedure Code of 1999 shall be applied.

8.2 The Multi-disciplinary Operation Team shall question the victim for additional information to assess her physical, mental and social conditions. Officers shall then categorize the victim, systematically collect and store all information about the victim and the trafficking and coordinate to send information so received to the investigating officers for prosecution process.

The interrogation according to paragraph 1, the victim is able to ask the police to contact the concerned agencies to send representatives to participate in the interrogation.

8.3 The police shall prosecute the offenders involved in human trafficking, persons who recruit, lure, accompany, purchase, sell, deliver, harbor, confine, detain, conceal, threat, harm, abuse his/her authority or other means of coercion to other persons; persons who are entrepreneurs, caretakers, managers, supervisors, controllers or ones who arrange for other persons to commit illegal actions for other



persons' sexual desires, sexual abuse, or for one's own or others' unlawful benefits; or persons who receive sexual services from children under 18. These are considered crimes according to the Penal Code, laws on prevention and suppression of prostitution, laws on children and youth welfare, laws on prevention and suppression of women and children trafficking, or laws on prevention and suppression of money laundering.

According to paragraph one for the criteria of the age of the children, the time of the first incident is to be used. In the case where the incident took place when the child was not over 18 years old, but it was discovered when she is over 18, the offenders are to be prosecuted for his crime against a child whose age is not over 18 years old.

In the case where labor laws are applicable, concerned officials shall participate in any legal actions by the provisions of the labor laws, including rescue and protection of trafficked victims.

8.4 After the interrogation of a foreign trafficked victim, the investigating officers shall propose to the law officers⁶ the authority to make legal allowance according to Article 54 of the 1979 Immigration Act and shall rescue the victim according to Article 11 of the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act. The officers shall then transfer the victim to a reception center or a welfare shelter of the Department of Social Development and Welfare or a NGO's shelter approved by the Ministry of Social Development and Human Security. In all cases, the shelter shall arrange physical and mental examinations of the victim as evidence.



In case there is a reasonable cause or the initial inquiry or interrogation could not be completed within 24 hours, the POCHT shall propose to the Governor to transfer the victim to a reception center or a welfare shelter of the Department of Social Development and Welfare or a NGO's shelter approved by the Ministry of Social Development and Human Security.

If there is no such facility available in the said province, a safe and appropriate shelter shall be arranged with the approval of the POCHT.

⁶ Means officers according to the Ministerial Announcement of the Ministry of Interior, No.11, dated 2 June 1998. Authorities and duties of the officers may be modified later to cover works for foreign children and women of human trafficking

8.5 In the case where the victim has no ID card or there is reasonable doubt concerning the authenticity of the ID card, the POCHT or the concerned agencies shall check with the embassy of the country to which the victim claims that she belongs. The result of the examination is to be reported to the investigating officers.

8.6 In the case where the victim asserts that she is over 18 years of age without any proof of ID card; or there is a reasonable doubt that her ID card is fake, modified, or not the one issued to her; or there is a reasonable doubt that she is not over 18 years old, the investigating officers or the Ministry of Social Development and Human Security officials shall arrange a dental or physical examination to rule if the victim is 18 years old or younger. In the case where the Ministry of Social Development and Human Security officials arrange the examination, the investigating officers should be informed of the results.

In the case where the examination is not completed or the result is still unclear, it shall be presumed that the person is not over 18 years of age and the officers shall proceed the interrogation according to child investigation section of the Criminal Procedure Code.

8.7 While the foreign victim is under custody of the Department of Social Development and Welfare or NGOs, she shall be provided with a safe and appropriate place, food, clothing, as well as with physical and psychological recovery, occupational training, and assistance for welfare and law procedures prior to the repatriation to her domicile.

8.8 The Department of Social Development and Welfare's shelter or NGOs' welfare shelters approved by the Ministry of Social Development and Human Security used to care for the victim shall not be deemed as a detention center under the authority of the investigating officers or the court.

8.9 In the case where the nationality of the foreign victim who legally enters the country is unknown, the first place she had resided shall be considered her domicile. If the embassy or government of the country of origin disagrees, verification of nationality is to be conducted instead.



In the case where the officers identify the domicile of the victim who illegally enters the country, the officials of the Provincial Social Development and Human Security shall collect all evidence and interrogation the victim as well as record her testimonials for details needed for the nationality verification.

8.10 The Ministry of Social Development and Human Security, the Royal Thai Police, Immigration Bureau or border checkpoints, the Military Border Affairs Department, Ministry of Foreign Affairs and NGOs shall coordinate to obtain information about the foreign victim as well as details or evidences to detect and prosecute the offenders and shall inform the country of origin to prosecute the offenders. This will help suppressing the organized human trafficking in that country.

8.11 The Ministry of Social Development and Human Security shall coordinate with the Immigration Bureau or border checkpoints, the Military Border Affairs Department, Ministry of Foreign Affairs, and NGOs to safely return the foreign victim to her country of origin or domicile. The Ministry shall also coordinate with concerned government agencies, NGOs of the country of origin or of her domicile for efficient and successful repatriation, harboring and social reintegration according to standards, and also for exchange of information among countries to further assist the victim and prosecute the offenders. The POCHT shall apply the Thailand-Cambodia (or Thailand and other countries') operational procedures, regarding the repatriation and social reintegration of trafficked victim.

9. OPERATIONAL PROCEDURES FOR A NON-THAI WHO LIVES OR USED TO HAVE HER DOMICILE OR RESIDENCE IN THAILAND AND IS VICTIMIZED BY TRAFFICKING BOTH INSIDE AND OUTSIDE THAILAND⁷

9.1 In the case where there is a reasonable ground to believe that a person is a trafficked victim, when she is rescued from an entertainment places or a place where sexual services are provided, or any other place; or a victim has requested for assistance; or there is evidence the person has been trafficked; or is deemed appropriate by the POCHT, the investigating officers shall immediately interrogate the trafficked victim and coordinate with the public prosecutor to apply to the court for an early deposition according to Article 237 bis of the Criminal Procedure Code and Article 12 of the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act, though the investigation is not completed.⁸

During a preliminary interrogation and an investigation, the investigating officers shall notify the Provincial Social Development and Human Security or NGOs to provide or coordinate to provide social workers, psychiatrists and/or any officials experienced in working with children or assisting trafficked victims. The police, officers from Ministry of Social Development and Human Security, and NGOs shall coordinate in sending the victims back to the appointed area of residence.

In a case where the victim is a child, the 20th Criminal Procedure Code of 1999 shall be applied.

The interrogation according to paragraph one, the victim is able to ask the police to contact the concerned agencies to send representatives to participate in the interrogation.

The interrogation and investigation of the victim shall be completed as soon as possible and the POCHT shall transfer the victim safely back to her domicile.

⁷ Including any person belonging to 1 of 15 categories registered and issued of identification documents by the Ministry of Interior, according to the Letter of the Bureau of Registration Administration No. 0310.1/8, dated 31 march 1995. The following are considered non-Thais who have their domicile in Thailand but do not have Thai nationality: 1. hill tribes (blue cards) 2. Former Nationalist Chinese Soldiers (white cards) 3. Civil Chinese Haw Displaced Persons (yellow cards) 4. Independent Chinese Haw (orange cards) 5. Burmese Displaced Person (pink cards) 6. Illegal Burmese Immigrants (orange cards/with permanent residence) 7. Illegal Burmese Immigrants (purple cards/living with employers) 11. Former Member of Communist Party of Malaya (green cards) 12. Tai Lue (orange cards) 13. Mlabri (same as hill tribes/blue) 14. Ethnic Thais from Koh Kong, Kingdom of Cambodia (green cards) 15. persons who are registered from hill tribes survey (green cards with red border).

⁸ For woman victim only. if the victim is a child, the 20th Criminal Procedure Code of 1999 shall be applied.

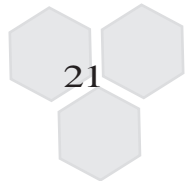


If the victim has to be detained for a period of time for the purpose of tracing the offenders, the process must be done urgently. The victim shall be detained in a reception center or a welfare shelter of the Department of Social Development and Welfare or a NGO's shelter approved by the Ministry of Social Development and Human Security.

9.2 The Multi-disciplinary Operation Team shall question the victim for additional information to assess her physical, mental and social conditions. Officers shall then categorize the victim, systematically collect and store all information about the victim and the trafficking and coordinate to send information so received to the investigating officers for prosecution process.

The interrogation according to paragraph one, the victim is able to ask the police to contact the concerned agencies to send representatives to participate in the interrogation.

9.3 The police shall prosecute the offenders involved in human trafficking, persons who recruit, lure, accompany, purchase, sell, deliver, harbor, confine, detain, conceal, threat, harm, abuse his/her authority or other means of coercion to other persons; persons who are entrepreneurs, caretakers, managers, supervisors, controllers or ones who arrange for other persons to commit illegal actions for other persons' sexual desires, sexual abuse, or for one's own or others' unlawful benefits; or persons who receive sexual services from children under 18. These are considered a crime according to Penal Code, laws on prevention and suppression of prostitution, laws on children and youth welfare, laws on prevention and suppression of women and children trafficking, or laws on prevention and suppression of money laundering.



According to paragraph one for the criteria of the age of the children, the time of the first incident is to be used. In the case where the incident took place when the child was not over 18 years old, but it was discovered when she is over 18, the offenders are to be prosecuted for their crime against a child whose age is not over 18 years old.

In the case where labor laws are applicable, concerned officials shall participate in any legal actions by the provisions of the labor laws, including rescue and protection of trafficked victims.

9.4 After the interrogation, the trafficked victim must be immediately transferred to a reception center or a welfare shelter of the Department of Social Development and Welfare, or a NGO's shelter approved by the Ministry of Social Development and Human Security. In all cases, full physical and psychological examinations shall be provided for the victim and collected as evidence.

In case the initial inquiry or interrogation could not be completed within 24 hours, upon approval of the Governor at request of the POCHT, the victim shall be transferred to a reception center or a welfare shelter of the Department of Social Development and Welfare or a NGO's shelter approved by the Ministry of Social Development and Human Security.

9.5 The Department of Social Development and Welfare's shelter or NGOs' shelter approved by the Ministry of Social Development and Human Security used to care for the victim shall not be deemed as a detention center under the authority of the investigating officers or the court.

9.6 In the case where the victim has no ID card or there is a reasonable doubt concerning the authenticity of the ID card, the officials of the Ministry of Social Development and Human Security shall examine the registration evidence or registration of person's ID card (colored cards) or other relating evidence with the Ministry of Interior or other concerned agencies and shall immediately report the results to the investigating officers.

The officers of the Ministry of Social Development and Human Security shall investigate evidences and witnesses according to what the non-Thai trafficked victim, who has had a domicile or residence in Thailand, has reported and whose information has been verified by governmental officials or concerned local agencies. All information shall be reported to the investigating officers or the Ministry of Interior and the Ministry of Foreign Affairs for further operations in accordance with the Resolution of the Thai Cabinet, dated 14 June 2005.

9.7 In the case where the victim asserts that she is over 18 years of age without any proof of ID card; or there is a reasonable doubt that her ID card is fake, modified, or not the one issued to her; or there is a reasonable doubt that she is not over 18 years old, the investigating officers or the Ministry of Social Development and Human



Security officials shall arrange a dental or physical examination to rule if the victim is 18 years old or younger. In the case where the Ministry of Social Development and Human Security officials arrange the examination, the investigating officers should be informed of the results.

In the case where the examination is not completed or the result is still unclear, it shall be presumed that the person is not over 18 years of age and the officers shall proceed with the interrogation according to child investigation section of the Criminal Procedure Code.

9.8 While the trafficked victim is under custody of the Department of Social Development and Welfare or NGOs, she shall be provided with a safe and appropriate place, food, clothing, as well as physical and psychological recovery, occupational training, and assistance for welfare and law procedures prior to the repatriation to her domicile.

9.9 In the repatriation process of the trafficked victim who has a domicile within Thailand's 19 Northeastern provinces, when the POCHT is informed about the trafficking incident from POCHT which has given the primary assistance, it shall investigate and gather additional information, visit her residence, assess the readiness of her family and community and report to the POCHT of the incident to prepare the victim for safe repatriation back to her domicile or take other appropriate measures.

When the victim arrives at her domicile, the POCHT shall equip her with the ability to reintegrate into the society according to standards and prevent her from returning to trafficking, and shall monitor and report results to the POCHT of the incident.

The POCHT shall, as requested, immediately collect additional evidence or information which is useful for prosecuting the offenders.



10. The Provincial Operation Center on Prevention and Suppression of Human Trafficking (POCHT) or other concerned agencies shall arrange the exchange of experiences and trainings among provinces, regions, and countries to increase their special knowledge and knowledge of cooperation among multi-disciplinary teams including networking, and especially to select appropriate personnel to prevent, suppress, and solve the trafficking problem for efficient and successful operation according to this MOU.

11. The relevant government agencies shall apply for government funding from the Budget Bureau, or other sources, for example, integrated provincial budget, local administrative offices, foreign funding, for the operational expenses required to implement this MOU and shall inform the Ministry of Social Development and Human Security for due support in applying for funding for each agency.



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12. The concerned agencies, both government agencies, local administrative offices, and NGOs, shall promulgate necessary internal criteria and regulations according to this MOU and related laws.

13. This MOU may be amended if necessary or there are many changes of situations, by an agreement among the 19 Northeastern provinces.

This MOU was signed on 3 July 2006.