

# Responses to Trafficking in Persons for Forced Criminality in the Thai Context

August 20, 2024 - Bangkok, Thailand. Trafficking victim 'Tower' is photographed anonymously in Bangkok after being rescued from a scam center inside Myanmar in 2023. © Luke Duggleby/Winrock International

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*This report was prepared by Humanity Research Consultancy at the request of the USAID Thailand Counter Trafficking in Persons project. This report was made possible through the generous support of the American people through the United States Agency for International Development (USAID). The contents do not necessarily reflect the views of USAID or the United States Government.*

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## **Acknowledgements**

This report was produced by the Humanity Research Consultancy under the supervision of Meghan MacBain, chief of party of the USAID Thailand Counter Trafficking in Persons project, and Mina Chaing, HRC founder and director.

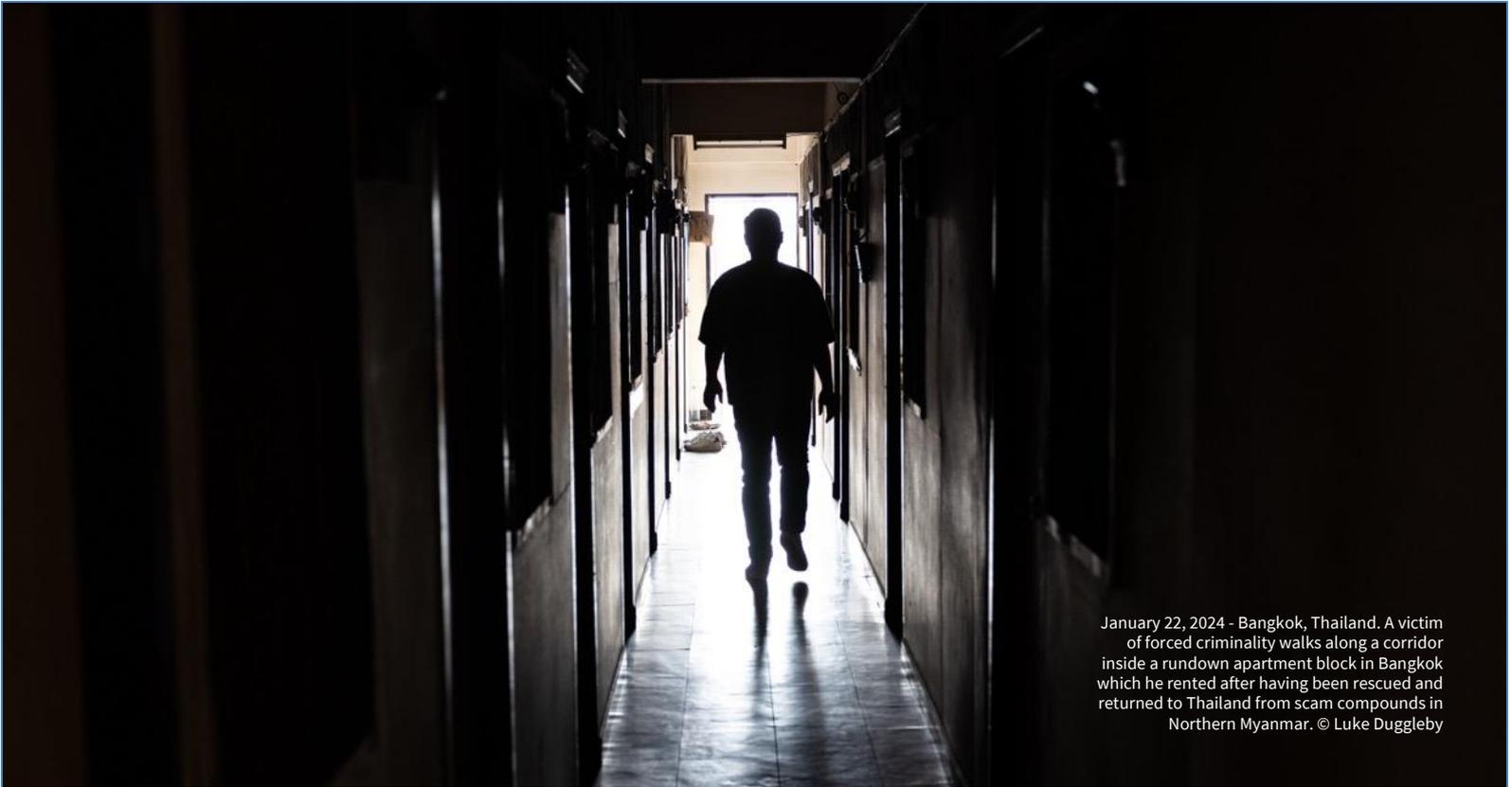
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Valuable technical and editorial inputs were provided by Valentina Casulli, Vilasinee Sukka, Sharlene Chen and Yige Hu. The validation workshop which 70+ stakeholders participated was coordinated by Apiradee Thienthong, Trafficking and Cyber Crime Specialist - USAID Thailand CTIP.

HRC extends its thanks to all survivors, representatives of nongovernmental organizations, and government officials who contributed their time in responding to the interview questions. Without the time and information provided by these individuals, the report would not have been possible.

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January 22, 2024 - Bangkok, Thailand. A victim of forced criminality walks along a corridor inside a rundown apartment block in Bangkok which he rented after having been rescued and returned to Thailand from scam compounds in Northern Myanmar. © Luke Duggleby

# 1. Introduction

In early 2023, campaigners in Thailand, Malaysia, and Indonesia lodged a formal complaint with the ASEAN Intergovernmental Commission on Human Rights, the region's main human rights institution, regarding potentially thousands of victims of trafficking in persons (TIP) for forced criminality in scam compounds, from every single ASEAN country.<sup>1</sup> A 2023 United Nations report also estimates that hundreds of thousands have fallen victim to this growing trend of human trafficking for forced criminality, trapped in scamming compounds across the Asia region and beyond.<sup>2</sup>

According to media reports and previous investigations undertaken by Humanity Research Consultancy (HRC),<sup>3</sup> Thailand has been an important hub for this type of crime, acting as a transit, destination and source country due to its geographical proximity to scamming compound hotspots across the region.

Nevertheless, the extent of Thailand and its citizens' involvement in these crimes, namely Thai authorities' responses to the issue, remain unclear to the public, as well as to counter-human trafficking organisations. This research aims to address this gap, forming a valuable contribution to the current body of knowledge in order to enhance understanding and develop effective strategies, by identifying best practices, to combat human trafficking for forced criminality in Thailand.

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<sup>1</sup> Global Alliance Against Traffic in Women. (2023, February 8). *Complaint to the ASEAN Inter-Governmental Commission on Human Rights re: the trafficking of people for the purpose of forced labour in online criminal activity*. <https://gaatw.org/events-and-news/68-gaatw-news/1270-complaint-to-the-asean-inter-governmental-commission-on-human-rights>

<sup>2</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for South-East Asia. (2023). *Online scam operations and trafficking into forced criminality in Southeast Asia: recommendations for a human rights response*. <https://bangkok.ohchr.org/wp-content/uploads/2023/08/ONLINE-SCAM-OPERATIONS-2582023.pdf>

<sup>3</sup> See: Chiang, M., & Chen, S. (2022). *HRC briefing: cyber slavery in the scamming compounds*. Humanity Research Consultancy. [https://humanity-consultancy.com/wp-content/uploads/2022/09/HRC-Briefing\\_Cyber-Slavery-in-the-Scamming-Compounds.pdf](https://humanity-consultancy.com/wp-content/uploads/2022/09/HRC-Briefing_Cyber-Slavery-in-the-Scamming-Compounds.pdf) and Chiang, M., & Casulli, V. (2023). *HRC briefing: guidance on responding to victims in forced scam labour*. Humanity Research Consultancy. <https://humanity-consultancy.com/wp-content/uploads/2023/04/HRC-Briefing-Guidance-on-Responding-to-Victims-in-Forced-Scam-Labour.pdf>

This report provides an overview of trafficking for forced criminality involving Thailand, covering the trafficking routes, modus operandi and trends related to TIP for forced criminality. It also outlines the legal frameworks in Thailand to address forced criminality at the domestic, bilateral and regional levels. Additionally, the report encompasses a breakdown of demographics and characteristics of vulnerable groups targeted by traffickers, including disaggregated data of Thai and non-Thai victims of TIP for forced criminality in Thailand. Finally, the report outlines the challenges and obstacles faced in addressing trafficking for forced criminality, particularly with regard to the actions of Thai law enforcement and government bodies, as well as local nongovernmental organizations working to counter these crimes in the region.

### **a. An overview of forced criminality in the Thai context**

As explained to the research team by Thai law enforcement officers and NGO workers on the ground, forced criminality in Thailand saw rapid expansion in 2021 and 2022 following the outbreak of COVID-19. The pandemic pushed many businesses to shut down due to economic difficulties, and people increasingly turned to online platforms for services and job opportunities. Criminals mirrored this shift, using online platforms to deceive potential recruits, whom they would previously meet in person.

"As people increasingly turned to online platforms, so did the perpetrators of deceit. There have been advertisements for illegal job placements online, and people have been seeking work abroad in hopes of higher salaries. These individuals focus on easy jobs with high incomes. For example, in Thailand, if you work at 7-Eleven or drive for Grab, your monthly salary is approximately 10,000 baht. However, these fraudulent advertisements claim a wage of around 25,000 baht per month."

– Thai law enforcement officer

Thai nationals are deceived into joining call centre scams, investment scams and other forms of fraud. These schemes offered higher salaries of around 25,000 baht, plus commission. For example, a 4% commission rate could be earned for deceiving a target out of 100,000 baht. In April 2024, Thai authorities estimated that losses from online fraud in Thailand amounted to 110 million baht per day.<sup>4</sup>

Thai citizens have reportedly ended up in compounds in Cambodia, Laos, the Philippines, Myanmar and Dubai working both in scam operations and online gambling, forced to target players in their home countries. Moreover, Thailand is serving as both a transit and destination country. Non-Thai survivors assisted by HRC have shared accounts of being relocated by their employers from Myanmar to Cambodia through Thailand following operations jointly conducted by the Chinese and Myanmar governments to crack down on scam centres in Myanmar.<sup>5</sup> Additionally, numerous victims were lured by employment opportunities within Thailand, subsequently falling prey to trafficking routes that pass through Mae Sot, a

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<sup>4</sup> Tortermvasana, K. (2024, May 3). Online fraud crackdown making headway. *Bangkok Post*. <https://www.bangkokpost.com/business/general/2786014/online-fraud-crackdown-making-headway>

<sup>5</sup> Jungsi, X. (2024, March 1). 中缅警方联合打击跨境电诈犯罪捷报频传 [China and Myanmar police jointly crack down on cross-border telecom fraud] [https://news.cpd.com.cn/yw\\_30937/324/t\\_1125493.html](https://news.cpd.com.cn/yw_30937/324/t_1125493.html)

district near the Myanmar border town of Myawaddy, which holds over 30 scamming compounds,<sup>6</sup> with new ones being built regularly.<sup>7</sup>

In 2021, the Thai government cooperated with Cambodia to assist Thai nationals working in the country, approximately 1,000-2,000 of whom had sought help. These survivors underwent a screening process conducted by Thai authorities, who ultimately determined approximately 200 of them to be victims of human trafficking. The head of the Department of Special Investigation in Thailand's Ministry of Justice, speaking to news platform Nikkei Asia, disclosed that as of August 2022, approximately 1,000 Thai individuals were officially identified as victims of trafficking, having been transported and confined in Cambodia, while another admitted the actual number might be as high as 3,000.<sup>8</sup>

However, in 2023, the national Thai police estimated that 70% of victims returning to Thailand after being trafficked into compounds to conduct online fraud were charged for their alleged crimes.<sup>9</sup> This high conviction rate potentially demonstrates a lack of proper implementation with regard to the non-punishment principle and the notion of forced criminality, which states that victims must not be prosecuted for crimes they had no choice but to commit as a result of their human trafficking situation.<sup>10</sup> The lack of proper implementation of the notion of forced criminality, and the related protection to be awarded to victims, has proven to be a common theme in the growing trend of human trafficking for the purpose of online fraud in the Asia region.<sup>11</sup>

Thailand also acts as a key transit country for people of a range of nationalities trafficked into compounds across Myanmar, Cambodia and Laos.<sup>12</sup> Our team identified victims from 26 different countries across Asia, Africa and other regions who were trafficked into compounds through Thailand (see Figure 4 in section 2). Many foreign victims are lured in by fake advertisements for jobs in Thailand. A broker will arrange their flight to Bangkok, where, upon arrival, the victim will be trafficked overland to neighbouring or nearby countries and ultimately sold to a scamming compound.

The international airport in Bangkok serves as a major travel hub in Southeast Asia, and its function has been exploited by some criminals. Testimonies have revealed that corruption occurring at the airport plays a critical role in facilitating human trafficking. One interviewed victim recounted: "A police officer in full

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<sup>6</sup> TODAY - สำนักข่าวเดย์. (2024, April 4). 'โรม' พาด นายกฯ ไร้ประสิทธิภาพ ปกป้องแก๊งคอลเซ็นเตอร์ยึดชายแดน หวังแม่สอดเป็นประตูนรก ['Rome' criticizes ineffective Prime Minister for allowing call center gangs to take over border, concerned Mae Sot is a gateway to hell] [Video]. Youtube. [https://www.youtube.com/watch?v=xkuyrN\\_MJ18](https://www.youtube.com/watch?v=xkuyrN_MJ18)

<sup>7</sup> Quinley, C., & Kali, K. (2024, May 1). A sanctioned strongman and the 'fall' of Myanmar's Myawaddy. *Al Jazeera*. <https://www.aljazeera.com/news/2024/5/1/a-sanctioned-strongman-and-the-fall-of-myanmars-myawaddy>

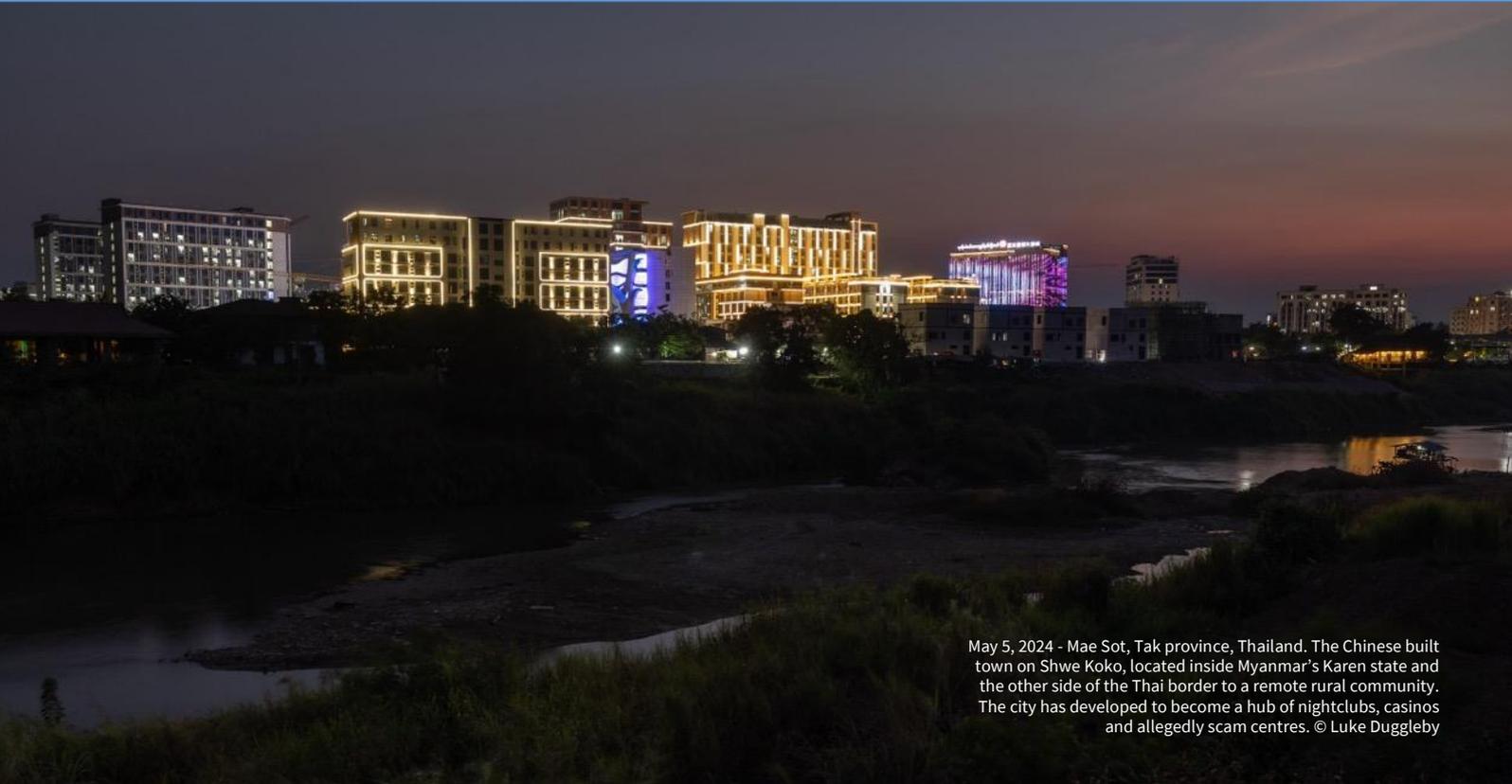
<sup>8</sup> Faulder, D. (2022, November 16). *Asia's scamdemic: how COVID-19 supercharged online crime*. Nikkei Asia. <https://asia.nikkei.com/Spotlight/The-Big-Story/Asia-s-scamdemic-How-COVID-19-supercharged-online-crime>

<sup>9</sup> Reddick, J. (2023, August 30). Hundreds of thousands trafficked into cyber scamming in Southeast Asia, UN says. *The Record*. <https://therecord.media/human-trafficking-cyber-slavery-asia-un-report#>

<sup>10</sup> UNODC. (2020). Non-punishment of victims of trafficking. ICAT. [https://www.unodc.org/documents/human-trafficking/ICAT/19-10800\\_ICAT\\_Issue\\_Brief\\_8\\_Ebook.pdf](https://www.unodc.org/documents/human-trafficking/ICAT/19-10800_ICAT_Issue_Brief_8_Ebook.pdf)

<sup>11</sup> Chiang, M., & Casulli, V. (2023). *HRC briefing: guidance on responding to victims in forced scam labour*. Humanity Research Consultancy. <https://humanity-consultancy.com/wp-content/uploads/2023/04/HRC-Briefing-Guidance-on-Responding-to-Victims-in-Forced-Scam-Labour.pdf>

<sup>12</sup> UNODC. (2023, September). Casinos, cyber fraud, and trafficking in persons for forced criminality in Southeast Asia. [https://www.unodc.org/roseap/uploads/documents/Publications/2023/TiP\\_for\\_FC\\_Policy\\_Report.pdf](https://www.unodc.org/roseap/uploads/documents/Publications/2023/TiP_for_FC_Policy_Report.pdf)



May 5, 2024 - Mae Sot, Tak province, Thailand. The Chinese built town on Shwe Koko, located inside Myanmar's Karen state and the other side of the Thai border to a remote rural community. The city has developed to become a hub of nightclubs, casinos and allegedly scam centres. © Luke Duggleby

uniform was waiting for us, showed us our pictures to confirm the pickup, and escorted us to the immigration desk. Our documents were stamped without any questions being asked.”

## **b. Legal framework in Thailand on non-punishment principle**

Thailand’s legal and policy framework for addressing human trafficking spans the domestic, bilateral, regional and international levels. The specific issue of forced criminality is provided for slightly differently at each level, if at all. Such provision is mostly underpinned by the principle of non-punishment – that is, the idea that trafficked persons should not be detained, charged, or prosecuted for their illegal entry or residence in transit or destination countries, or for their involvement in criminal activities as long as said involvement is a direct result of their situation as a victim of trafficking.<sup>13</sup>

The Prevention and Suppression of Human Trafficking Act B.E. 2551 (2008) (“2008 Act”) sets out Thailand’s current anti-trafficking framework domestically and is supplemented by the Human Trafficking Criminal Procedure Act B.E. 2559 (2016). It is a comprehensive anti-trafficking legislation that criminalises trafficking of all human beings, for any purpose, and has been amended in 2015, 2017, and most recently in 2019. Prior to this Act, anti-trafficking efforts in Thailand focused only on women and children.<sup>14</sup>

The 2008 Act was drafted based on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (2000) (“Palermo Protocol”) – though Thailand had not yet ratified it at the time<sup>15</sup> – and effectively translates

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<sup>13</sup> As set out by the UN OHCHR in its Principles and Guidelines for Human Rights and Human Trafficking (2002).

<sup>14</sup> See: Measures in the Prevention and Suppression of Human Trafficking in Women and Children Act (1997), which was repealed and replaced by Section 3 of the 2008 Act.

<sup>15</sup> Thailand signed the Palermo Protocol on 18 Dec 2001 but did not ratify until 17 Oct 2013. Please see: United Nation Treaty Collection. [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en)

the widely accepted UN definition of trafficking in persons provided in that protocol into various offences of human trafficking.<sup>16</sup>

The 2008 Act also closely follows the aims and purposes of the Palermo Protocol by focusing on providing effective protection and assistance to trafficking victims. Notably, the non-punishment principle is absent from the protocol, but remains essential to its object and purpose, namely, to protect and assist trafficking persons with full respect of their human rights.<sup>17</sup> Of most relevance, Section 41 of the 2008 Act provides that, unless the Minister of Justice permits it in writing, victims of trafficking should not be prosecuted, and the inquiry official is indeed "barred from taking legal proceedings against any victim" on named offences such as immigration violations and prostitution. Online fraud is, however, not expressly mentioned.

In the validation workshop, a law firm said that the Thai Criminal Code already addresses cases of human trafficking in online fraud. If individuals are indeed victims of human trafficking, the code provides appropriate measures. If they are not considered victims, the law includes mechanisms for either exemption from punishment or reduced penalties. Thailand has several legal mechanisms in place to address these situations.

Besides the 2008 Act, Thailand's domestic legal framework consists of many laws that work to combat TIP and other subsidiary offences. The most relevant of these for present purposes is the Prevention and Suppression of Prostitution Act B.E. 2539 (1996), which replaced the Suppression of Prostitution Act B.E. 2503 (1960) and continues to deem prostitution a criminal offence punishable by imprisonment or fine. Notably, Section 6(2) of this Act specifically states that if prostitution is committed "on account of compulsion or under an influence which cannot be resisted or avoided", as would be the case if the accused was trafficked for the purpose of committing this crime, then that person is not guilty.

Also relevant for present purposes is the necessity defence to criminal liability under Article 67 of the Thailand Criminal Code B.E. 2499 (1956). According to this provision, "any person shall not be punished for committing any offence on account of necessity", where necessity encompasses situations of "compulsion" or the "influence of a force such that such person cannot avoid or resist", or where that person acts in order to enable themselves or another person to escape imminent danger that could not be avoided by any other means. As such, this can be applicable in human trafficking cases where forced criminality exists. For the defence to be valid, the provision stipulates that only what is reasonably necessary in the circumstances should be done.

Although these domestic provisions do not specifically mention forced criminality<sup>18</sup> or the non-punishment principle by name, references to liability exceptions for victims in circumstances that would apply in the forced criminality context (i.e. compulsion, influence that cannot be avoided or resisted, or escaping imminent danger) imply that the principle nonetheless underpins them.

Thailand is also party to a number of bilateral agreements and Memoranda of Understanding (MOUs) with other Southeast Asian countries regarding human trafficking,<sup>19</sup> though there is no mention of forced criminality in any of them. There is, however, some mention of the non-punishment principle, albeit in

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<sup>16</sup> Section 6.

<sup>17</sup> <https://www.ibanet.org/document?id=IBA-BIICL-Non-punishment-principle-report> (page 10).

<sup>18</sup> Except where such criminality takes the form of prostitution, which is explicitly provided for under Section 41 of the 2008 Act.

<sup>19</sup> Namely, Cambodia, Laos, Myanmar, Malaysia, and Vietnam.

contexts not strictly relevant to forced criminality or, more specifically, online fraud. The applicability of such provisions in this context is therefore less certain. See, for example:

Trafficked women and children shall be considered victims, *not violators or offenders of the immigration law*. Therefore,

1. Trafficked women and children *shall not be prosecuted for illegal entry to the country; ...*<sup>20</sup>

and

The Parties shall make all possible efforts towards the safe and effective reintegration of victims of trafficking into their families and communities in order to restore their dignity, freedom and self-esteem. For this purpose, the Parties shall take appropriate measures to fulfil the following objectives:

1. *Trafficking victims shall not suffer any further victimisation, humiliation, stigmatisation or traumatisatisation in the judicial procedure; ...*<sup>21</sup>

Both of these examples are taken from the same agreement, though similar examples appear in the other agreements as well. Provisions to protect victims from further victimization are consistently broad across the MOUs where they exist. Insofar as prosecution for a crime they were forced to commit can be considered further victimization of trafficking victims, these provisions might be presentations of the non-punishment principle and thus applicable in the forced criminality context. This is not made clear from a plain reading of the provisions themselves, though, and would depend on such an interpretation being accepted by the relevant authority.

As a member of ASEAN, Thailand's legal framework also consists of regional anti-trafficking provisions. This includes the ASEAN Human Rights Declaration (2012) and ASEAN Declaration against Trafficking in Persons, Particularly Women and Children (2004), which, together, establish the foundation for a regional approach to combating human trafficking in Southeast Asia. Most importantly for the context of forced criminality, Thailand is also a Party to the ASEAN Convention against Trafficking in Persons, especially Women and Children (2015) ("ACTIP"), which provides:

"Each Party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking."<sup>22</sup>

This is a clear presentation of the non-punishment principle, with almost no conditions set for the type of criminal activity or particular "unlawful acts" it applies to. As such, victims of trafficking for the purpose of forced criminality might rely on this provision to protect them from being prosecuted for the crimes they were forced to commit, including online fraud, despite the offence not being specifically named. As explained above, this has been reflected in Thailand's domestic law too, though in more prescriptive terms. That is, under the domestic law, victims must show an element of "compulsion" or "necessity" in order to

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<sup>20</sup> Agreement Between Thailand and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008), Article 6. (Emphasis added).

<sup>21</sup> Agreement Between Thailand and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008), Article 17. (Emphasis added).

<sup>22</sup> Article 14(7).

trigger the non-punishment principle, whereas the ACTIP requires only that the unlawful activity in question be "directly related" to the trafficking. There is therefore a lower threshold to meet at the regional level.

The ACTIP also states protecting and assisting victims of trafficking, "with full respect for their human rights" as one of its objectives,<sup>23</sup> much like the Palermo Protocol as discussed above. Insofar as implementing the non-punishment principle can be considered necessary to properly respect victims' human rights, then, this too may be relevant in cases of forced criminality.

In conclusion, the legal framework for human trafficking in Thailand does not explicitly refer to the non-punishment principle, forced criminality, or online fraud, nor is it properly consistent in its provisions across the domestic, bilateral and regional levels. Nonetheless, the non-punishment principle appears to implicitly underpin each level of Thailand's frameworks through the wording of the respective provisions, many of which could be broadly construed to encompass situations of forced criminality in scamming compounds. This being so, more can – and should – still be done to specifically address the issue of forced criminality and online fraud and make these protections clearer for victims.

## 1.1. Methods and Limitations

In order to provide a comprehensive overview of the responses to human trafficking for forced criminality in the context of Thailand our research team employed a mixed-methods approach including desk review, key informant interviews and field work observation. The investigation was conducted in Chinese, Thai and English.

The team conducted the desk review from early April to mid-May 2024. It included an analysis of media, NGO reports and academic papers. The team gathered information from sources closest to the situation, using social media posts, user-generated content and other online sources such as conversations on Telegram, Douyin and WeChat groups as contextual to ground the findings in the broader digital environment. While these sources helped to inform the understanding of the context, specific content from social media platforms was not directly quoted or captured in the report, in alignment with the limitations and ethical considerations discussed during the research meetings. The team followed guidelines such as the UK National Police Chief Council Guidance on Open-Source Investigations / Research throughout the investigation.

To provide comprehensive insights into Thailand's involvement in forced criminal activities, encompassing the roles of Thai citizens and Thailand's significance as a pivotal transit country for scam companies, HRC conducted detailed semi-structured interviews with 11 key informants in late April 2024. These informants included two foreign survivors (Chinese and Malaysian) and one Thai survivor of human trafficking, two individuals on rescue teams, representatives of three grassroots NGOs, two Thai law enforcement officers, and one immigration officer from a foreign country. The team selected the informants based on HRC's existing connections. Informants met the HRC team during the field trip and were willing to be part of this research. Only a limited number of respondents participated in interviews due to the sensitivity of this topic. The team conducted field work in the Mae Sot border area to gain insight into the situation on the ground. This location serves as a trafficking route and a destination for victims upon exiting or escaping compounds in Myanmar.

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<sup>23</sup> Article 1(1)(c).

The team organized an online validation workshop to ensure the relevance of the findings on July 17, 2024. This workshop reviewed preliminary results, gathered feedback and refined the conclusions. It was well-attended, with 109 registrants including law enforcement officials, representatives from the Ministry of Social Development and Human Security (MSDHS), shelters for victims of trafficking, the Ministry of Labour, the Ministry of Foreign Affairs, international NGOs and foreign embassies.

While this research provides valuable insights into the issue of human trafficking for forced criminality in Thailand, several limitations should be noted:

 <p><b>Limited access to victims:</b> Direct access to victims for interviews was constrained by their availability, willingness to participate, and safety concerns. Particularly for Thai victims, many were under protection in government shelters, and HRC was unable to conduct interviews within these shelters due to security policies. Consequently, the number of interviews conducted was insufficient for a generalised analysis, which may not capture the full extent of victims' experiences.</p>	 <p><b>Stakeholder representation:</b> Efforts were made to include a diverse range of stakeholders, including law enforcement, NGOs and international organisations. However, certain perspectives, particularly from UN agencies and major technology companies such as Meta, may not have been fully captured.</p>	 <p><b>Limited time:</b> The research was conducted within a limited timeframe, which may have restricted the depth of analysis and the ability to follow up on emerging issues or recent developments in human trafficking for forced criminality.</p>
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These limitations highlight the need for ongoing research and adaptive strategies to effectively combat human trafficking for forced criminality in Thailand and the broader region.



May 1, 2024 - Nan Province. A man shows a screenshot of the message from a cyber scammer, sent via Facebook Messenger, which ultimately landed his relative to be trapped in a scam compound in northern Myanmar. © Luke Duggleby

## 2. Victim Profile and Routes

### 2.1 Thai Nationals

#### a. Victim profile

Thai nationals make up a significant portion of the cyber scam workforce, especially in neighbouring Cambodia and Myanmar, but Thais are also present in scam compounds elsewhere in Southeast Asia and the Middle East. Though the exact count of Thai victims remains uncertain, records indicate that since 2022, a staggering 2,512 Thai nationals sought assistance from just one of the NGOs interviewed.

The severity of the situation is also evident in media reports. In September 2023, a large-scale crackdown on online fraud commenced in Wa State, Myanmar. Authorities picked up compound workers of various nationalities. According to a report from the Wa State Judicial Committee in January 2024, authorities handed over a total of 1,156 Thais to the Myanmar Government during the crackdown.<sup>24</sup> Not long afterward, conflict encircled the Kokang Self-Administered Zone further north in Myanmar, leading to the collapse of the Kokang Border Guard Force and the crime families that controlled the zone. As scam compound workers fled and compounds were raided, people from various countries became trapped. At least 525 Thais were evacuated through China or across the border into Chiang Rai.<sup>25</sup> In February, Thai media reported that authorities detained 689 people in a raid in Tachileik, the majority of whom were Myanmar nationals, with 148 Thais included.<sup>26</sup>

Both media reports and our interviews consistently indicate that the typical age range of Thai victims falls between 17 and 30 years old. Initially, criminal syndicates targeted people with limited education, many of whom were in dire need of quick cash. However, the focus has recently shifted to victims with a certain educational level, many holding bachelor's degrees and actively seeking job opportunities online.<sup>27</sup> According to some of HRC interviews with survivors and law enforcement, the gender distribution among Thai victims was estimated to be 60% male and 40% female.

Recent reports reveal an increasing number of underage victims being recruited. For instance, on March 27, 2024, reporters from Pathum Thani province uncovered a distressing case involving five Thai nationals who were deceived into working at a call centre in O Smach city, Cambodia.<sup>28</sup> These included teenagers between 15 and 17 years old, who were tragically sold by their own parents to agents for sums ranging from 70,000 to 80,000 baht each.

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<sup>24</sup> 佤邦富强之音. (2024, January 7). 关于打击电信网络诈骗的工作成果及今后工作计划 [Results of work on combating online scamming and future work plans]. <https://mp.weixin.qq.com/s/onKU6-ulpJFqjUWQ5ZJriw>

<sup>25</sup> Myanmar's online scam industry shakeup (part 3): nationals from various countries flee Northern Myanmar. (2024, February 16). *Cyber Scam Monitor*. <https://cyberscammonitor.substack.com/p/myanmars-online-scam-industry-shakeup-8e6>

<sup>26</sup> Nearly 150 Thais held in Myanmar call centre raids. (2024, February 24). *Bangkok Post*. <https://www.bangkokpost.com/thailand/general/2747724>

<sup>27</sup> BBC. (2023, September 1). ยูเอ็นพบคนนับแสนถูกบังคับให้ทำงานกับแก๊งอาชญากรรมออนไลน์ในอาเซียน รวมถึงไทย [The UN found hundreds of thousands of people forced to work with online crime gangs in ASEAN, including Thailand.] <https://www.bbc.com/thai/articles/cgxc7lqnv4no>

<sup>28</sup> เขี่ยอ้อมมนุษย์หนีพินนรกคอลเซนเตอร์กัมพูชา วอนช่วยอีก 70 ชีวิตที่ติดค้าง [Human trafficking victim escapes the hell of a Cambodian call center, begs for help for another 70 people who are stranded] (2024, March 27). *Matichon Online*. [https://www.matichon.co.th/region/news\\_4495858](https://www.matichon.co.th/region/news_4495858)

A member from a Thai NGO based in Northern Thailand highlighted a new trend discovered during their study in Chiang Rai at the validation workshop. They found that children and youth in border areas are being lured into forced criminal activities, starting with selling bank accounts for 3,000 to 4,000 baht each. Once involved, they join gangs and engage in activities like chatting with targets for purposes such as gambling or romance scams. This practice, known as "working for the boss," involves children crossing the border to Myanmar and returning every seven days.

## b. Recruitment methods

Thai victims are frequently lured by deceptive job postings on Facebook. While these once mirrored conventional job announcements, an interviewee told the researcher that after monitoring closely these Facebook pages, he noticed that the number of direct job advertisements had dropped, perhaps due to Thai authorities' calling on Meta to ban misleading scam ads.<sup>29</sup> Now, traffickers adopt a stealthier approach, infiltrating Facebook groups or closed job search communities across various provinces and even overseas.

**FIGURE 1: A JOB ADVERTISEMENT FROM A PRIVATE JOB-HUNTING GROUP FOR THAIS TO FIND JOBS IN POIPET ON FACEBOOK.**

(See original in Thai beside the translated version.<sup>30 31</sup>)

**รับสมัคร**

**พนักงานการตลาด**  
5 ตำแหน่ง มีคนสอนงานให้ หน่วยงานมีระบบเฟสบุ๊ค ไลน์แอด อีเมล อีทีอีที กวีเอสเอส

เงินเดือนสตาร์ท 18000  
ค่าคอม 10,000++

- ▷ เพศ : หญิง อายุ 20-30 ปี
- ▷ ทำงาน 12 ชั่วโมง
- ▷ อาหารฟรี
- ▷ ที่พักฟรี
- ▷ ค่าคอมมิชชั่น ทุกเดือน

สถานที่ทำงาน ปอยเปต(ตึกพาราแมค)  
สนใจติดต่อ :  
@ [redacted]

**บอสนคนไทยใจดีมากกก** ! ไม่ใช่แก๊งคอลเซ็นเตอร์หลอกลวงใช้ยี่สิบถึง

**Recruiting**

**Marketing Staff**  
5 positions available with people to teach you. Working on Facebook, Line Ads, Tik Tok, Twister.

Starting salary: 18,000  
Commission 10,000++

- ▷ Gender: Female, age 20-30 years
- ▷ Work 12 hours
- ▷ Free food
- ▷ Free accommodation
- ▷ Commission every month

Work location: Poipet (Paramack Building)  
If interested please contact:  
@ [redacted]

**The Thai boss is very kind** ! This is not a scam call center gang. No detention or confinement.

<sup>29</sup> Thailand threatens to ban Facebook over misleading scam ads (August 2023). CSC news, from <https://www.cbc.ca/news/business/thailand-facebook-1.6943669>

<sup>30</sup> The group this post was taken from has since been deleted. However, numerous similar groups can be found on Facebook. See: คนไทยในปอยเปตหางาน [Thais in Poipet search for jobs]. (n.d.). Home [Facebook page]. Facebook. Retrieved May 13, 2024, from <https://www.facebook.com/groups/138471999063367/> and หางานปอยเปต [Searching for jobs in Poipet]. (n.d.). Home [Facebook page]. Facebook. Retrieved May 13, 2024, from <https://www.facebook.com/groups/6208277865900309/>

<sup>31</sup> Please note, "Twister" is referring to "Twitter". The Thai text includes a typo, which was translated as such in the English version.



**FIGURE 2: A DISCREET ADVERTISEMENT IN A FACEBOOK GROUP TITLED “LOOKING FOR JOBS IN POIPET”.**

The text translates to: “First come, first served. We are open for applicants for grey work. Grey work refers to illicit jobs in the online scamming and gambling industry. The user has used the letter ‘n’ in Roman script in the place of Thai script when typing the words ‘grey work’ in Thai, likely to avoid detection by the platform’s screening processes. It is close to the border gate only 200 metres away. Please contact LINE

Within these virtual domains, traffickers masquerade behind fake accounts, preying on individuals seeking employment. They strategically target those vulnerable to their schemes, often assuring them that limited education or experience poses no obstacle to the opportunities. For instance, they might pose as recruiters offering positions in Yangon, Myanmar, accompanied by enticing photos and promises of substantial salaries. Jobs in construction or the gambling industry in Myanmar or Cambodia were also frequently found as a cover. High salary claims — typically around 30,000 baht for Thai workers, along with accommodation and full meals for four meals a day — further entice unsuspecting candidates.

“At first, they said they were going to Lashio township (Myanmar) because at that time Lashio had a gambling den. At that time, I was looking for a job on Facebook. I followed a page about working abroad. Because I want to work abroad, preferably Korea or Japan because my business failed during COVID [...] last year (2023), around June, an admin greeted me and told me about a job where I would take care of online orders. I agreed because I have experience in online shops as I owned my shop before. I have always worked honest jobs and do not know those grey industries. I used to sell things in Burma. I've been to Mae Sai and crossed the border to Myanmar several times, so I didn't feel scared or suspicious when he told me the job was in Myanmar.”

– Testimony from a Thai survivor

In the validation workshop, a member from a Thai NGO based in Northern Thailand also revealed the same story. In July 2024, a job advertisement appeared on the “Looking for a Job – Chiang Rai” page on social media, seeking a Chinese interpreter, offering a salary of 100,000 baht per month for bilingual candidates and 40,000 baht for those proficient in only one language. The post generated significant interest initially, but it was later revealed to be a deceptive job posting. According to Ministry of Labour regulations, such misleading advertisements are illegal and can easily deceive job seekers.

### c. Routes

Thai nationals have been rescued from northern Myanmar, including from parts of Shan State and Wa State. According to a June 2023 Bangkok Post article, since 2022 over 140 Thais have sought help after being duped by online scam gangs to work in Shan State.<sup>32</sup> The police attaché of the Thai Embassy in Myanmar

<sup>32</sup> Escaping Myanmar scam gangs a challenge. (2023, June 8). *Bangkok Post*. <https://www.bangkokpost.com/thailand/general/2587961/escaping-myanmar-scam-gangs-a-challenge>

explained to our research team that many fall for ads on social media recruiting people to work in the border town of Tachileik, but are then sent to Shan State.

“He paid all expenses. He sent me money by LINE application to buy a bus ticket from Phrae to Bangkok, he also booked a flight ticket for me [...] to Mandalay. Before I went, I stayed in a hotel [...] for 3 days, then three people joined me to the airport, I don’t know them, they stayed in another hotel [...] They give me 300 baht every day for living costs [...] I started to feel suspicious after I arrived in Mandalay [...] the next day, he drove us into the forest and then another car came to pick us up. I lied down secretly under the passenger seat, and I was covered with cloth. Another young woman sat in the back storage area of the car. I realised that I had probably been tricked.”

– *Testimony from a Thai survivor*

Neighbouring Cambodia also hosts a large number of Thai nationals working in online gambling and scam compounds. Given its proximity to the Thai border, there is a large population of Thai nationals in Cambodia’s Poipet City, which is a major hub for online scam operations. Regular reports of gang violence have emerged from Poipet over the years, as well as multiple reports of deaths, often of young men working in “online casinos”, including Thais. These deaths are usually ruled suicides or heart attacks. Thai nationals have been rescued or arrested at compounds elsewhere in the country, including Pursat, Koh Kong, Sihanoukville, Oddar Meanchey and Svay Rieng. A number of raids have occurred in recent years, with several involving cooperation between Thai and Cambodian law enforcement, to arrest or rescue Thai nationals and repatriate to Thailand. The Aranyaprathet-Poipet border area allows for easy illegal passage of individuals from Thailand into Cambodia, as traffickers can lead individuals through the forest or drive over the border. In this case, many Thai victims may not even be aware they have crossed the border. Locals in the Aranyaprathet province are allegedly recruited to facilitate the illegal crossing of victims into Cambodia.

“These people usually receive a fee per person to cross to Cambodia, typically 1,000 baht each,[...]. In the natural passage areas, mostly belonging to the villagers of Aranyaprathet district, if landowners adjacent to the border want to bring people in or out in that area, they can do so. In cases like this in the Aranyaprathet area, there are many such cases... The locals know the schedule of border patrol police, so they can manage easily.”

– *Anonymous rescuer*

Elsewhere in Southeast Asia there have been reports of Thais working in the Philippines. During a massive raid on Xinchuang Network Technology in Las Piñas City in 2023, authorities picked up 2,700 workers, including 81 Thais.<sup>33</sup>

Away from the region, Thai nationals work in scam compounds in Dubai. In March 2024, the Thai consul-general in Dubai said that more than half of the 12,000 Thais employed in Dubai are illegal workers lured with promises of high pay, with only 4,500 fully and correctly documented.<sup>34</sup> Some are duped into sex work, while others work in online gambling and scams, often lured with the promise of work in oil fields.

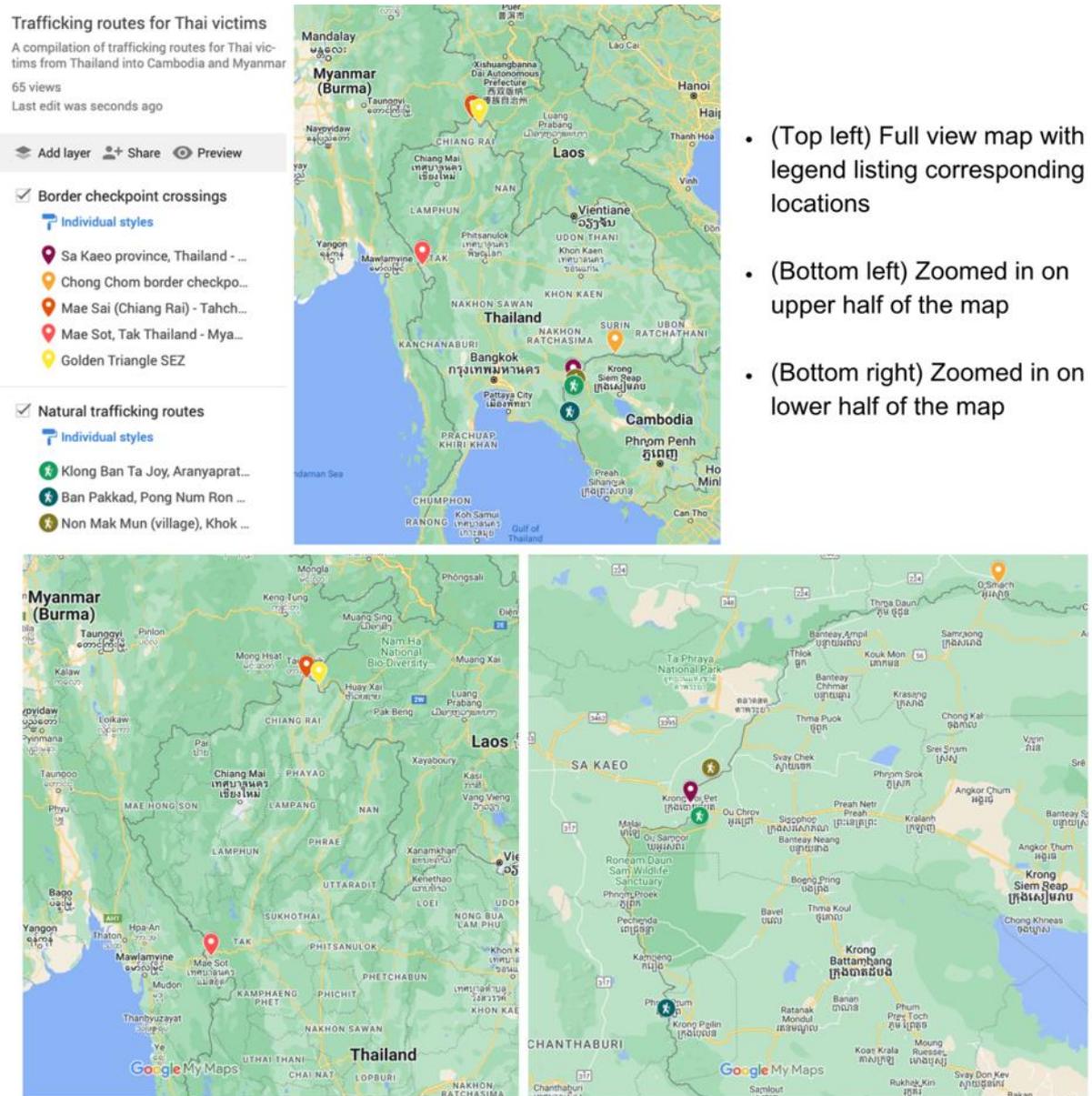
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<sup>33</sup> Philippines Offshore Gaming Operators Continue to Come Under Fire. (2023, June 30). *Cyber Scam Monitor*. <https://cyberscammonitor.substack.com/p/philippines-offshore-gaming-operators>

<sup>34</sup> Majority of 12,000 Thais in Dubai are working illegally – Thai consul general. (2024, March 10). *Thai PBS World*. <https://www.thaipbsworld.com/majority-of-12000-thais-in-dubai-are-working-illegally-thai-consul-general/>

Based on our interviews and media analysis, the following image (see Figure 3) illustrates the primary land routes frequented by Thai victims trafficked to scam compounds in Myanmar, Cambodia or Laos. The marked locations are divided into trafficking routes over official border crossings, and trafficking routes over "natural" routes. Different viewpoints of the map are provided for ease of interpretation.

**FIGURE 3: FREQUENTLY USED ROUTES FOR TRAFFICKING THAI VICTIMS.**



**Sa Kaeo Province, Thailand (Poipet, Cambodia):**

This checkpoint is located in the Sa Kaeo province in eastern Thailand, near the town of Poipet in Cambodia. It's a major crossing point for both legitimate travel and trafficking due to its busy border market and casino zone, which can provide cover for illegal activities.

**Chong Chom Border Checkpoint (Thailand - Cambodia):**

Situated in the Surin province of Thailand, this checkpoint connects with O Smach in Cambodia. It's less busy than some other crossings but is used by traffickers taking advantage of lower scrutiny and the rural surroundings.

**Mae Sai (Chiang Rai) - Tachileik (Myanmar):**

This checkpoint links Mae Sai in the northern Thai province of Chiang Rai with Tachileik in Myanmar. It's a well-known route for trafficking due to its porous border and the presence of various illicit activities on both sides.

A member from a Thai NGO based in Northern Thailand highlighted concerns about human trafficking indicators in Chiang Rai in the validation workshop. He noted the presence of 4-5 checkpoints and questioned whether there is adequate monitoring, particularly from community leaders.

**Mae Sot, Tak (Thailand) - Myawaddy (Myanmar):**

Located in western Thailand, the Mae Sot-Myawaddy checkpoint is a critical crossing due to its connection to a significant trade route between Thailand and Myanmar. The area's economic activity provides cover for trafficking operations.

**Golden Triangle Special Economic Zone:**

This area spans parts of Thailand, Laos, and Myanmar, and is notorious for various illegal activities, including human trafficking. The SEZ's remote location and special economic regulations make it a hotspot for illicit activities.

## Natural trafficking routes:

**Klong Ban Ta Joy, Aranyaprathet (Sa Kaeo):**

This natural route in the Aranyaprathet district of Sa Kaeo province is used by traffickers to move people across the border through less monitored paths, bypassing official checkpoints.

**Ban Pak Kad, Pong Nam Ron (Chanthaburi):**

Located in Chanthaburi province, this route has rural characteristics and has been identified by victims that it was a natural route which crossed into Cambodia.

**Non Mak Mun (Village), Khok Sung (Sa Kaeo):**

This village in the Khok Sung district of Sa Kaeo province is another known route for trafficking.

These checkpoints and routes are chosen for their strategic locations and the level of border control enforcement, with traffickers often preferring less monitored or rural areas to avoid detection.

## 2.2 Foreign Nationals

### a. Victim profile

Early reporting on the region's scam industry focused on Chinese nationals and to a lesser extent people from Taiwan. Soon this coverage expanded to Vietnamese, Filipinos, Indonesians and Malaysians. Later, stories emerged about people from all over the world trapped in compounds. Figure 4 reveals the list of nationalities of victims previously trafficked through Thailand into compounds as compiled by our research

team. The age spectrum of victims varies widely, spanning from as young as 14, observed in several cases involving Chinese and Malaysian victims, to as old as 58, as evidenced in a case originating from Kenya. On average, victims fall within the range of their early 20s to mid-30s. According to the NGOs, who work to support victims, most victims are men.

**FIGURE 4: FOREIGN NATIONALITIES OF VICTIMS REPORTED TO HAVE GONE THROUGH THAILAND TO SCAM COMPOUNDS IN NEIGHBOURING COUNTRIES.<sup>35</sup>**

East Asia	Africa	Central Asia	Southeast Asia	South Asia	Other regions
China Taiwan	Ethiopia Kenya Madagascar Morocco Nigeria Rwanda South Africa Uganda Zimbabwe Burundi	Kazakhstan Uzbekistan Tajikistan	Indonesia Malaysia Philippines Vietnam	Bangladesh India Nepal Pakistan Sri Lanka	Brazil Turkey

Total figures of people known to have been trafficked via Thailand are hard to acquire. Media reports frequently quote officials from various countries who state the number of their citizens known to be trapped and/or rescued, but these figures vary over time and across reports. When such figures are provided, they relate to the destination, and generally do not specify the trafficking route. Furthermore, they only include cases that have been reported, and true numbers are likely much higher. According to one of the grassroots NGOs based in Thailand that facilitate the victim identification of foreign victims of human trafficking for forced criminality, since 2022, they alone have dealt with more than 580 foreign cases.

### **b. Recruitment methods**

Where people claim to have been tricked into the industry, they often report being offered jobs in information technology, administrative and customer service work. Many who were trafficked to Myanmar say they accepted jobs in Thailand but were then taken to Myanmar. Some say they believed they would be working in an online casino but found out on arrival they would be required to work scams.

“A friend I've known for more than 10 years invited me to Thailand as an event planner. I had heard about the human trafficking issue, so I was alarmed. But he told me that the location of the event was in Central Thailand, I thought it was not the Thai-Myanmar border. And my friends and I had done a lot of planning together before, so I was relieved [...] [In Thailand], my friend and I sat in the car together. On the way, I was so tired that I fell asleep. After waking up, I found that there was a soldier with a gun in the car and said: “On the way Myawaddy.” That’s when I realised that I was trafficked. After a while I was handed over to another soldier. After crossing some bridges and gates, which may be the checkpoints, I arrived in Myanmar. Later, I learned that my friend had been in the compound for more than a year and tricked me into entering while he was away on vacation.”

– Testimony from a female Malaysian victim

<sup>35</sup> This table is based on our review of media reporting since the start of 2023.

People are often required to sign contracts on arrival that state they must pay a fee if they want to leave before the end of the contract period. This is the case both for those who enter the industry willingly and those who are coerced or tricked. There are reports of people not being allowed to leave even after their contract has ended and still having to pay a ransom.<sup>36</sup>

“After I entered the manager’s office, they asked me to sign a so-called “contract”. However, it lacked any mention of a company name or specifics regarding the scope of work. Instead, the document simply asserted that I owed the company \$30,000 and I had to work for the company for 2 years to pay back my debt. I asked them what the money was for, they told me it was the price of buying me. I refused to sign, they beat me hard and forced me.”

– Testimony from a Chinese victim

Such contracts have a significant negative impact on victims' willingness to go through the National Referral Mechanism system. As a Ugandan victim interviewed by the HRC explained: "They asked us to sign a contract, but it was all in Chinese, and I couldn't read anything. A translator was there, but he just told us to say yes to everything. He emphasised that one important clause in the contract was to admit that we came to work voluntarily. When I tried to say I did not agree, they threatened to beat me." He then added: 'So after I got out, I did not know if I should go to the police to report myself as a victim. I am so scared that the contract would be used as evidence against me.'"

### c. Routes

Many victims enter Thailand via Bangkok airport, then travel overland to their final destination. Those without passports travel overland or by boat to Thailand and then onwards. The table below highlights some of the main routes identified by the research team, however, this list is not exhaustive and it is worth noting that many border crossings occur overland in remote areas, thus making the location difficult to pinpoint (See Figure 5).

**FIGURE 5: POSSIBLE ROUTE OF HUMAN TRAFFICKING FOR FORCED CRIMINALITY OF FOREIGN VICTIMS.**

ROUTE	AFFECTED PEOPLE
Cambodia – Thailand – Myanmar/Laos (all overland).	People of all nationalities moving between compounds in Cambodia, Myanmar and Laos (in both directions).
Various departure airports – Bangkok via air – overland to Myanmar/Laos border.*	People of various nationalities.
Dubai – Bangkok via air – overland to Myanmar/Laos border.	People of all nationalities working in Dubai, some already involved in the cybercrime industry, some not.
China – Bangkok via air – overland to Myanmar/Laos/Cambodia border.	Chinese nationals.
Indonesia – Bangkok via air – overland to Myanmar/Laos border.	Indonesian nationals.
Malaysia – across Golok River to Thailand, overland to Myanmar/Laos border.	Malaysian nationals.
Malaysia – Bangkok via air – overland to Myanmar/Laos border.	Malaysian nationals.

<sup>36</sup> Remoto, D. (2023, May 13). Down and out in Myanmar. *The Manila Times*.  
<https://www.manilatimes.net/2023/05/13/opinion/columns/down-and-out-in-myanmar/1891250>

ROUTE	AFFECTED PEOPLE
Philippines <sup>†</sup> – Bangkok via air – overland to Cambodia (Oddar Meanchey, Koh Kong, Poipet) / Myanmar/ Laos border.	Predominantly Filipinos, but others working in online gambling/scam operations may also follow this route.
Philippines – Malaysia via air – overland to Thailand – overland to Myanmar/Laos border.	Predominantly Filipinos, but others working in online gambling/scam operations may also follow this route.
Philippines southern islands – smuggling boats to Malaysia/Thailand – overland to Myanmar/Laos border.	Predominantly Filipinos, but others working in online gambling/scam operations may also follow this route.
Sri Lanka – Bangkok via air, – overland to Myanmar/Laos border.	Sri Lankan nationals.
Nepal – by air or overland to India – Bangkok via air – overland to Myanmar border.	Nepali nationals.

\* Common crossing points on the Myanmar border are Mae Sot, where boats take people across the Mae Sai River to Myawaddy (Kayin State), or across the land border at Mae Sai to Tachileik (Shan State).

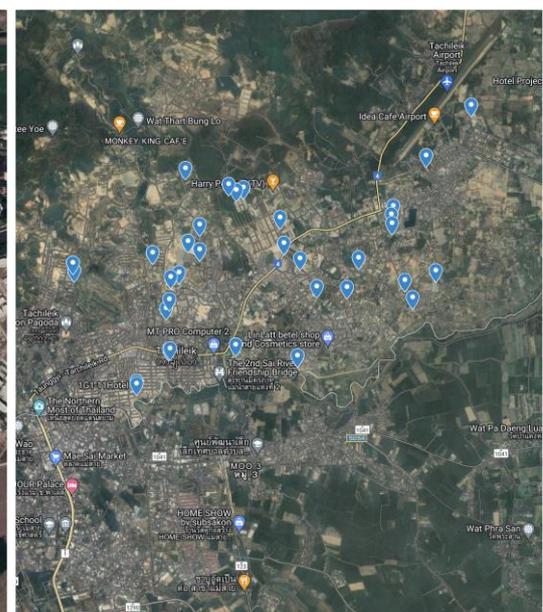
<sup>†</sup> People fly from various airports in the Philippines, not only Manila.



Moei River, a serene border landmark, overshadowed by scamming compounds situated along the Myanmar-Thailand border. Source: Google Earth.



Along Moei River, massive scamming compounds sprawl across the Myanmar-Thailand border, highlighting the scale of cross-border criminal activity. Source: Google Earth



Along Mae Sai and Tachileik border, scamming compounds sprout. Source: Google Earth with compounds mapping down by HRC

Once people have entered the scam industry, whether willingly or not, they may move overland between countries within Southeast Asia. If they have their documents this will be via formal channels, and for those who never had passports or have had them seized – this will involve illegal border crossings. For those coming into the industry from outside of mainland Southeast Asia, flights into Bangkok appear to be the most common entry point. From there they are picked up and moved overland to their destination.

Smugglers in the country where trafficked people are coming from often play an important role in recruiting people and organising the logistics of their trips to Thailand. This has been reported in cases involving Sri

Lankans,<sup>37</sup> Malaysians,<sup>38</sup> and Kenyans,<sup>39</sup> for example. In several countries, law enforcement action has been taken against such brokers. People smugglers have also been apprehended and prosecuted in China,<sup>40</sup> Taiwan,<sup>41</sup> Pakistan<sup>42</sup> and Nepal.<sup>43</sup>

Those departing from the Philippines, China and Taiwan face closer scrutiny at airports due to those countries' policies related to protection of overseas workers. Immigration officers require that those travelling for work produce documents proving the work is legitimate. Because of this, people are coached by recruiters to give fake reasons for travelling, usually claiming to be tourists.

In the validation workshop, a member from the Human Trafficking Suppression Division of the Royal Thai Police, stated: "Victims who intended to work should have applied for business visas, but they used tourist visas instead. With 40,000-80,000 tourists arriving each day, it is impossible to screen all of them. Thailand has been proactive in assisting victims, both foreign and Thai nationals, as the country serves as a transportation hub. In 2022 and 2023, we denied entry to about 2,000 and 4,000 foreigners, respectively." He also emphasised that the source countries of the victims need to make greater efforts to prevent their citizens from becoming victims of human trafficking.

An African diplomat to Thailand replied to this comment, stating that African countries are making efforts to regulate visa issuing, subjecting tourists to many questions and requiring bank statements. However, the travel agencies often work with visa office insiders, which adds to the difficulties. Some victims bypass formal visa applications altogether; the perpetrators or the traffickers work with bribed agents who get them passports. Upon arrival in Thailand, victims were requested to take selfies for identification by their handlers in Bangkok. They are picked up by prearranged vehicles and driven across the border, often avoiding law enforcement and sometimes being hidden for a day. Meanwhile, controlling Thailand's 2,000-kilometre border with Myanmar is nearly impossible.

The Philippines Bureau of Immigration posts press releases frequently on incidents where officers have intercepted such people.<sup>44</sup> With heightened scrutiny at official ports of entry and exit, officials have noted that traffickers are exploiting the "southern backdoor" or "southern corridor" to move people. This refers to

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<sup>37</sup> Sri Lankan graduates lured to work in online dating scams in Laos. (2023, February 8). *Daily Mirror Online (Sri Lanka)*.

<https://www.dailymirror.lk/recommended-news/Sri-Lankan-graduates-lured-to-work-in-online-dating-scams-in-Laos/277-253733>

<sup>38</sup> Important to recognise red flags to avoid falling for job scams overseas. (2023, March 10). *The Sun (Malaysia)*.

[https://thesun.my/home\\_news/important-to-recognise-red-flags-to-avoid-falling-for-job-scams-overseas-KF10731759](https://thesun.my/home_news/important-to-recognise-red-flags-to-avoid-falling-for-job-scams-overseas-KF10731759)

<sup>39</sup> Ombati, C. (2023, May 12). Police hunt for man linked to human trafficking claims to Far East. *The Star (Kenya)*. <https://www.the-star.co.ke/news/realtime/2023-05-12-police-hunt-for-man-linked-to-human-trafficking-claims-to-far-east/>

<sup>40</sup> Supreme People's Procuratorate of the People's Republic of China. (2023, September 12). 依法从重打击境外电信网络诈骗和境内协同犯罪人员 最高 [Crack down on overseas telecommunications network fraud and domestic synergistic criminals in accordance with the law] [Press release]. [https://www.spp.gov.cn/xwfbh/wsfbt/202309/t20230912\\_627903.shtml#1](https://www.spp.gov.cn/xwfbh/wsfbt/202309/t20230912_627903.shtml#1)

<sup>41</sup> Man gets over six years in jail for Myanmar job scam. (2023, July 3). *Taipei Times*.

<https://www.taipeitimes.com/News/taiwan/archives/2023/07/03/2003802569>

<sup>42</sup> Transnational human trafficking network busted in Islamabad operation. (2023, August 10). *24 News HD*.

<https://www.24newsHD.tv/10-Aug-2023/transnational-human-trafficking-network-busted-in-islamabad-operation>

<sup>43</sup> Two Nepalis involved in taking hostages in Laos and forcing them into "crypto" transactions arrested. (2023, June 22). *Khabarhub*.

<https://english.khabarhub.com/2023/22/308240/>; Samachar Samiti, R. (2023 July 14). *The Himalayan Times*.

<https://thehimalayantimes.com/kathmandu/chinese-national-held-for-duping-hostage-taking>

<sup>44</sup> See for example: Republic of the Philippines Bureau of Immigration. (2024, April 23). *BI intercepts 'backpacker' who paid 30k to illegally work in online gaming company in Thailand* [Press release].

<https://immigration.gov.ph/bi-intercepts-backpacker-who-paid-30k-to-illegally-work-in-online-gaming-company-in-thailand/>

the use of sea routes from the Philippines, often in small boats, to get people out of the country and on to Malaysia and Thailand, then onwards to Cambodia and Myanmar.<sup>45</sup>

Another member of the Royal Thai Police believes that while Thailand's geographical location makes it a hub, this should not mean Thailand must shoulder all the burdens. Minimal discussion about the issue currently takes place among ASEAN countries, and although some bilateral talks between Thailand and Myanmar, Thailand and Laos, and Thailand and China have occurred, no concrete mandate or comprehensive regional strategy has been developed. More serious and systematic discussions are needed both regionally and internally.

At the regional level, ASEAN agencies have not systematically addressed this issue, and tangible outcomes from discussions are lacking. The management processes involved in tackling human trafficking require extensive joint planning and cannot be resolved quickly.

According to this police official, the issue of cyber scams or cyber security has not been systematically addressed either. Agencies such as the Ministry of Digital Economy and Society have not coordinated with law enforcement teams on human trafficking cases, and the police, cybercrime units, and other related agencies are not closely collaborating. Establishing mutual understanding and effective collaboration between law enforcement agencies, private sector organisations, and NGOs is necessary. Multidisciplinary teams need to come together to discuss their different needs, plan collectively, address the challenges each agency faces and learn from collective experiences.

#### **d. Beyond human trafficking for forced criminality**

Generally, the victims of online scams are targeted online and extorted in their own homes. However, one type of scam that has received more attention over the past year is that of “fake kidnapping” targeting overseas Chinese students. This is an elaborate extension of the common official impersonation scam which involves people receiving calls from individuals posing as police or other officials, convincing them to transfer money by claiming they are under criminal investigation.<sup>46</sup> The fake kidnapping scams, on the other hand, involve manipulating targets to travel to Southeast Asia, upon which they are checked into a designated hotel and forced to take photos and videos of themselves pretending they have been kidnapped. The scammers then use these photos to extract ransoms from family members. In most of the reported cases the victims were tricked into travelling to Cambodia. However, a disturbing case emerged recently in Thailand involving a Chinese student who was studying in Australia.<sup>47</sup> She was lured to Bangkok and subsequently actually kidnapped. The perpetrators then threatened her parents, demanding a ransom of \$1.1 million (U.S. dollars). They also warned that if the ransom was not paid, the girl would be sold to Cambodia for organ harvesting.

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<sup>45</sup> Immigration bureau urges enhanced vigilance in PH waters against human trafficking. (2023, August 4). *Palawan News*.

<https://palawan-news.com/immigration-bureau-urges-enhanced-vigilance-in-ph-waters-against-human-trafficking/>

<sup>46</sup> Scams Target Chinese Overseas Students. (2024, March 25). *Cyber Scam Monitor*. <https://cyberscammonitor.substack.com/p/scams-target-chinese-overseas-students>

<sup>47</sup> Scammers lure an Australian-based Chinese student to Thailand for ransom. (2024, April 22). *Khaoso English*.

<https://www.khaosodenglish.com/news/2024/04/22/scammers-lure-an-australian-based-chinese-student-to-thailand-for-ransom/>

## 3. Thai Law Enforcement Responses to Human Trafficking for Forced Criminality

### 3.1. Responses to Thai Trafficking Victims

#### a. Treatment of victims

Our research found that the processing of Thai nationals appears to commence quickly after they return to the country. When the crackdown in Wa State and armed conflict in Kokang led to hundreds of Thai scam industry workers fleeing, police began to investigate as soon as they entered Thailand. For instance, for the 553 Thais who had been rescued from Kokang's capital Laukkai via flights through China, authorities quickly recognised 174 as victims of human trafficking, while others remained under investigation.<sup>48</sup> Of 179 who crossed the land border in the last few months of 2023, at least 10 were arrested as they were subject to warrants, while others were sent to temporary shelters for processing.<sup>49</sup>

Whilst Thai authorities may have a comprehensive understanding of the current laws in place with regard to human trafficking and forced criminality in Thailand, the implementation of such regulations varies across provinces leading to inconsistent treatment and screening of victims. Furthermore, the notion of forced criminality does not always extend to the illicit activities victims from scamming compounds were forced to be involved in, resulting in many victims being charged as criminals, as will be explored further in the following section.

#### b. The National Referral Mechanism (NRM) and understanding of the non-punishment principle

Thai victims who exit the compounds must be processed through the NRM, used to determine whether they are a victim or not. However, gaps in implementation have been revealed with regard to the screening of victims of human trafficking for the purpose of forced online fraud.

Indeed, the NRM has demonstrated its professionalism in the victim identification process, as highlighted by a member from the Human Trafficking Suppression Division, Royal Thai Police, during the validation workshop. The NRM involves not only the police but also a knowledgeable multidisciplinary team, including the Ministry of Social Development and Human Security, to screen potential victims. A member from Thailand Internet Crimes Against Children, a member from the Human Trafficking Suppression Division, and a police officer attending this validation workshop expressed concerns about identifying "real victims." They noted that sometimes individuals appear to go to work voluntarily and may also be involved in criminal activities. Those who claimed to be victims need more evidence to prove their innocence. He specifically clarified that among more than 2,500 individuals mentioned in the research, a significant majority were volunteers, with only about 20% being non-volunteers.

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<sup>48</sup> Ngamkham, W. (2023, December 29). 174 of 525 rescued Thais "trafficked". *Bangkok Post*. <https://www.bangkokpost.com/thailand/general/2714859>

<sup>49</sup> 111 Thais stranded in Myanmar arriving in Chiang Mai today. (2023, December 15). *The Nation (Thailand)*. <https://www.nationthailand.com/thailand/general/40033840>

This concern can be answered in the following paragraphs. First, from a legislative perspective, despite the notion of forced criminality being covered in Thailand’s current legal framework, as set out in section 1, through our research it became apparent that forced online fraud is often not regarded as a form of forced criminality by Thai authorities.

“There's a question of how much leniency we should afford them or if we should exempt them entirely. For instance, what about individuals who deceive others to the point where others are harmed to the extent of suicide? Should we consider those individuals or not? Or in cases where someone is coerced into trafficking drugs, should we exempt them as well? This has sparked conflicting ideas.”

– *Testimony from Thai law enforcement*

Therefore, Thai victims going through the NRM process will often be up against personal biases from the individual officers conducting their screening, many of whom may perceive them as a criminal from the outset. Beyond personal bias, if the individual has been involved in online fraud, they are initially viewed as a criminal until it can be proven that their actions were appropriate considering their situation, in line with Article 67 of the Criminal Code.

“So, the term 'forced criminality' must not have an impact on others. If it does, action must be taken according to Article 67 of the Criminal Code. This article is used to analyse and determine whether your actions were appropriate considering what was done to you, in order for you to receive exemption or not.”

– *Testimony from Thai law enforcement*

In this case, the burden of proving their innocence falls on the victims under the current circumstance. In human trafficking cases involving forced criminality, victims must demonstrate that they were beaten, attempted to escape, or were coerced. This is particularly challenging because most victims have had their phones, which contain crucial evidence, confiscated by the traffickers. In terms of marks of physical abuse, an NGO explained: “You know some people will fight and make it clear that they don't want to be there, so they got beaten. Others will see what happens to everyone else and just comply because they don't want to get tortured. It is indeed important for law enforcement to consider physical abuse as significant evidence but should not be the only one.”

A Thai law enforcement officer interviewed for this research raised an issue with individuals who go to the compounds “willingly”, or take illegal routes to reach their destination, such as crossing rivers or walking through forests (so-called “natural pathways”). However, victim testimonies suggest that many are forced along these illegal routes or are sometimes unaware that they are crossing a border. In addition, if an individual is in a vulnerable situation, it is likely that they will be more willing to take riskier routes and put themselves in vulnerable positions if there is a lucrative job prospect on the other end. For example, in the Aranyaprathet-Poipet border area between Thailand and Cambodia, the border crossing is not obviously defined, with only a small canal marking the border between the two nations. People working with victims on the ground have reported that many Thai victims who are not local to the area will not be aware which territory is Thai and which is Cambodian and will ultimately be likely unaware they have crossed the border illegally.

“What are the motives of those who sneak across natural pathways when there are legal checkpoints? If you argue that because natural pathways aren't guarded by officials, it allows people to be deceived and taken across, then the question is, if you didn't go there in the first place, there wouldn't be an incident. But you went and you agreed.”

– *Testimony from Thai law enforcement*

Different officers might have different opinions on how much an illegal border crossing affects the victim identification process. As another law enforcement officer told the researcher:

“There are other factors to consider, such as whether the individual acted alone or not, do they have intentions. This can lead to disagreements how to determine victims' motivations and whether they were willing to participate in scam work”.

– *Another Thai law enforcement officer*

In response to such questions, the Malaysian victim recounted that when she awoke in the car, a man in camouflage, armed with a gun, threatened her to stay quiet. Later, she was handed over to another individual dressed in a “military-like” manner, wearing a blue or red scarf (victim cannot remember clearly). She was too afraid to resist and obeyed the order to cross the border illegally.

When asked why Thai authorities focus more on criminality than on the victims, one assumption is that they are more concerned with apprehending the scammers. Over the past few years, Thailand has experienced widespread scams that have defrauded many Thais, leading to significant public and governmental frustration. As a result, the primary focus appears to be on eliminating these scammers rather than addressing the needs of the victims.

### **c. Example cases of victim experience**

One Thai victim, Min (pseudonym), exited the compound after Burmese soldiers came to the compound and asked if anyone wanted to leave or was there through deception. Once the soldiers took the victims from the compound, they were taken to the Immigration Office and the police station. They were then detained at a military camp due to the state of armed conflict in Myanmar. Min stayed at the military camp for about one month, which was next to the compound they had previously been trapped in.

"There was no rice to eat. Drinking water was in short supply. I had to help the soldiers in the camp build bunkers. It was like trading labour for food."

– *Testimony from Min*

Whilst in the military camp, Min heard rumours that Thai authorities would send escort vehicles to take them to the China-Myanmar border. The vehicles eventually arrived, although the authority to which they belonged is unknown, and attempted to escort the individuals to the border. However, they were forced to turn back due to road closures caused by the ongoing conflict in the area. On the second attempt, a total of 200 people were escorted to the border checkpoint between China and Myanmar. From there, they boarded

a bus to a city, name unknown, and proceeded to fly to Kunming. Finally, they travelled from Kunming to Bangkok, with the whole journey taking one day. Once in Bangkok Min began the screening process.

People questioned were given documents that explained the meaning of the green, red, and blue-colored statuses. The system was also explained verbally during the questioning.

“There were documents in green, blue, and red. Those who received a red document were individuals with criminal cases, green documents were for the innocent but not a [human trafficking] victim, while blue documents were for victims<sup>50</sup>... The blue document for victims indicated individuals who were deceived into work, minors under 18, or those harmed by Chinese gangs, as far as I remember. The green document I received could signify innocence, being a victim, or being deceived.”

– Testimony from Min

Min was given green status, signifying they were innocent, but not identifying them as a victim. After receiving the green status, they were interrogated by Metropolitan Police Officers in Thailand, whereas individuals identified as victims were to instead meet with officers from the Central Investigation Bureau. During the interview with our research team, Min expressed confusion at the fact that their friend, who had a similar experience to them, had been granted blue status and identified as a victim.

"They asked me the same questions as before, similar to the previous interrogation. But this time, I overheard them discussing where to detain the suspects. I asked why I should be detained if I hadn't done anything wrong. At that moment, I felt like the officers weren't prepared, and some didn't understand what they were supposed to do next."

– Testimony from Min

Min received 460 baht from the Ministry of Social Development and Human Security to cover their bus ticket back to their hometown. Min received no further compensation from the authorities for the losses they had incurred during their trafficking experience, such as the loss of their passport or money they had left behind in the compound. Before returning home, Min received 500 baht from a local NGO.

"No, there was no compensation. I still don't understand why there was no compensation. They didn't return our passports or the money we left at the office. We lost a lot."

– Testimony from Min

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<sup>50</sup>According to the law enforcement we interviewed, the three coloured document mechanisms were used only for victims from Laukkai. Green means the person is innocent. It recognizes the nature that the individual was deceived to work in a scam company but they will be released without any compensation. Blue means the person is a victim and thus, entitled with certain compensation or support from the ministry. Red means the person is a criminal that joined the scam industry voluntarily. The usage of such documents needs more investigation.

## 3.2. Responses to Foreign Trafficking Victims in Thailand

### a. Treatment of victims

Non-Thai citizens who escape or buy their way out of compounds in Myanmar that are close to the Thai border are generally detained by Thai immigration officers and processed. Regardless of nationality, processing is likely complex, as people who escape the compounds will include a mix of people who were, at least at some stage, willing participants, along with people who were tricked or forced into the industry.

Those escaping from Myanmar into Thailand will either be detained or surrender themselves, after which they may face charges, fines, and a travel ban due to immigration offences. They can attempt to register as trafficking victims, but this can result in weeks or months of investigation. People who wish to return home as soon as possible simply accept the charges and leave with a criminal record.<sup>51</sup>

“No one can rescue me. I contacted my embassy and Malaysian NGOs, but no one was able to help. I was lucky that I had money, so I paid \$3,509 USD for my freedom (details shown in Figure 6). The criminals dropped me in a random place in Mae Sot. I wanted to go back home directly but got caught by the police when I tried to buy bus tickets [...] I tried to tell the police I was confined in a scam compound, but they ignored me, I was detained for 11 days and paid 3,000 baht as an overstay fine. No one told me I can apply for victim identification.”

– Testimony from a Malaysian victim

FIGURE 6: THE DEBTS A VICTIM HAD TO PAY TO LEAVE THE SCAM COMPANY<sup>52</sup>

Repayment (USD)	
Transportation	\$453
River crossing fee (go)	\$390
Food and accommodation	\$1,176
Introduction fee <sup>53</sup>	\$1,100
River crossing fee (return)	\$390
<b>In Total</b>	<b>\$3,509</b>

Processing the thousands of people that have passed through immigration after escaping the compounds is likely highly time consuming and expensive for Thai law enforcement, and detention centres are reportedly overflowing in Mae Sot. Various reports indicate that the International Organisation for Migration (IOM) provides support to local law enforcement and directly to survivors when it is involved in a case. For

<sup>51</sup> McCready, A., & Mendelsohn, A. (2023, July 22). Survivors of Myanmar’s scam mills talk torture, death – and the battle to escape. *South China Morning Post*. <https://www.scmp.com/week-asia/economics/article/3228549/survivors-myanmars-scaml-mills-talk-torture-death-organ-harvesting-and-battle-escape>

<sup>52</sup> This information was provided by a victim interviewed by the research team.

<sup>53</sup> This is a fee to pay to the person who sold to survivor to the compound, in this case, this money was paid to her friend who brought her to Thailand/

example, in a recent case of eight Sri Lankans rescued from Myanmar, the IOM provided accommodation, meals, flight tickets and supported onward travel.<sup>54</sup>

The above situations were also confirmed by another African diplomat to Thailand. According to him, out of 140-150 rescued individuals, only three Kenyan victims went through the NRM process in Bangkok for about three weeks before requesting to return home. These victims, traumatised by their experiences in Myanmar, preferred to be with their families rather than stay in Thailand and go through the whole process to be identified as victims. He also pointed out the high costs and logistical challenges of the NRM process, and the expenses involved in feeding, hospitalising, and repatriating victims are significant.

In addition, although the victims were rescued and processed through local Thai courts, they faced charges for illegal entry due to the lack of passports, which were confiscated by traffickers. As a result, the representative requested that victims be repatriated without court procedures, emphasising that the current process, which involves fines (2,000 Thai baht) and detainment in the Immigration Detention Center (IDC), is akin to criminal treatment. He suggested that Thai authorities could help expedite the repatriation process, allowing embassies or families to cover travel expenses without involving the court or IDC.

A member from the Ministry of Social Development and Human Security, acknowledged the lengthy NRM process, which includes a 15-day reflection period, in which the presumed victims are given time to reflect and cooperate with police.<sup>55</sup> He explained that victims, once identified, must go through immigration procedures for repatriation, which may take more time. However, Thailand coordinates quickly with embassies to facilitate this.

He also noted that not all cases require court involvement, especially if victims do not wish to pursue legal action. However, this situation may be complex in practice. For example, according to the interviews with a Malaysian female survivor, she was not told what options she had, especially in the absence of guidance and help from the NGOs and embassies.

In addition, since implementing the NRM in 2022, Thailand has made progress in securing government budget support for victim services. Recent discussions with the central government budget office have resulted in approved funding for relevant agencies, ensuring ongoing support for NRM-related expenses.

Once identified as victims, Thai authorities spare no effort in providing assistance, as emphasised by members of Royal Thai Police, and Ministry of Social Development and Human Security, in the validation workshop. An African diplomat to Thailand corroborated this, highlighting that rehabilitation programs provided by the Thai government help victims recover from trauma and reintegrate positively into society after enduring severe hardships.

While Thai authorities play an important role in processing and supporting the repatriation of trafficking victims, they have also been implicated in the trafficking of people. The U.S. State Department TIP report published in June 2023 found that corruption and official complicity perpetuated the problem and contributed to impunity. It stated that Thailand's status as a transit country has grown as corrupt

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<sup>54</sup> 8 Lankans rescued from cyber slave camp in Myanmar: new update. (2024, April 11). *NewsWire*.

<https://www.newswire.lk/2024/04/11/8-lankans-rescued-from-cyber-slave-camp-in-myanmar-new-update/>

<sup>55</sup> This statement was also made by Royal Thai Police in the validation workshop.

immigration officials facilitate trafficking by accepting bribes from brokers and smugglers crossing its borders.<sup>56</sup>

“The manager informed me that due to armed conflict, the company intended to relocate from Myanmar to Cambodia. He cautioned us to maintain silence during our journey through Thailand, warning that he will kill us if we try to flee. At one point inside Thailand, our vehicle was halted by an individual in uniform, I thought my escape came. However, the trafficker simply handed over some money, and the officer waved us through without verifying our identities or asking any questions.”

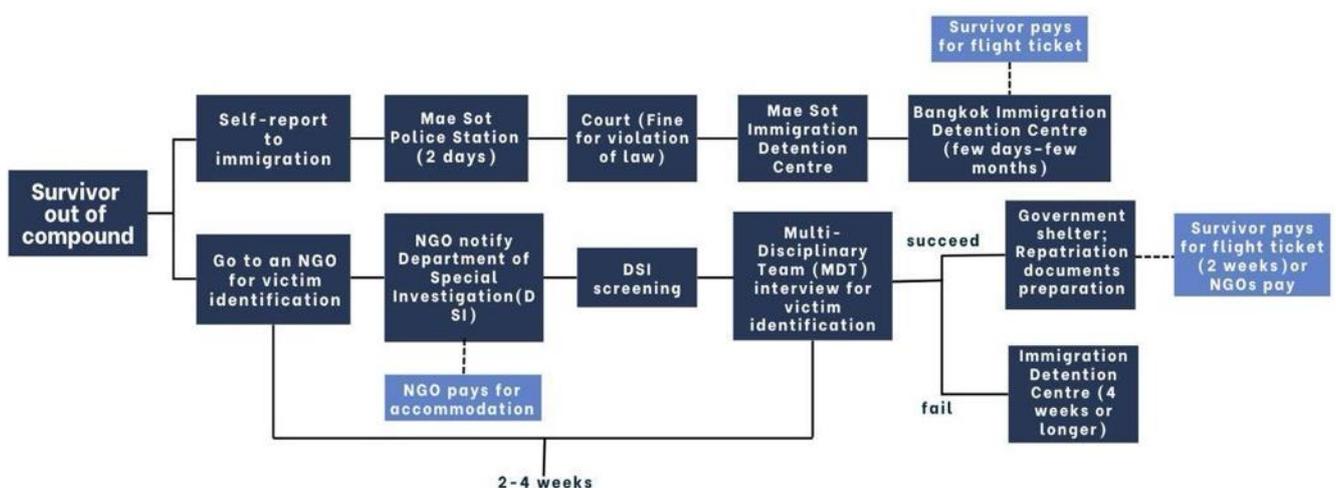
– Testimony from a Chinese survivor

### b. NRM and understanding of the non-punishment principle

Around 2022, the most common practice when victims were rescued or managed to escape from Myanmar to border cities in Thailand involved a specific procedure: if the victim had overstayed their visa by less than a certain duration, they could approach immigration authorities and settle their overstay fines. The government would grant a 7-day visa extension, allowing the individual to return home.

However, this dynamic has since gradually shifted. Presently, victims are faced with two options. First, they may opt to self-report to immigration, acknowledging their visa violation, thereby accepting culpability and initiating legal proceedings. This entails appearing in court, paying a nominal fine (with the immigration fee waived), and subsequent detention by immigration authorities. From there, the onus is on the individual to arrange and finance their flight back home. Alternatively, victims can choose to go through the NRM and attempt to have themselves identified as a victim of human trafficking. However, this process can be lengthy. From the moment they were investigated by the Department of Special Investigation to they could go back to their country, the process can last 1-2 months. If unsuccessful, they risk facing immigration detention (see Figure 7).

**FIGURE 7: GENERAL PROCESS OF A FOREIGN VICTIM TO RETURN HOME.**



<sup>56</sup> Office to Monitor and Combat Trafficking in Persons. (2023). *2023 Trafficking in persons report: Thailand*. U.S. Department of State. <https://www.state.gov/reports/2023-trafficking-in-persons-report/thailand>

The success rate varies across different regions in Thailand. This discrepancy is largely attributed to how the enforcement authorities understand human trafficking for forced criminality, their interpretation of laws, and the level of empathy they extend towards victims. Unfortunately, without encountering officers who approach their duties with sensitivity to trauma, victims face an elevated risk of re-traumatisation and unfavourable outcomes.

Meanwhile, the other issue affecting the success rates is the absence of standardised procedures, notably in the screening process. First, each department employs its own screening form with varying questions and formats, lacking uniformity across the nation. This lack of consistency not only hampers the efficacy of forced criminality screening but also undermines the overall integrity of the process. Second, the screening criteria predominantly focuses on forced labor rather than forced criminality. It is very common for individuals to be evaluated using forced labor screening forms, which may not always be applicable or sufficient for identifying cases of forced criminality. Figure 8 shows some examples of how forced labour criteria is not sufficient in the case of human trafficking for forced criminality.

**FIGURE 8: EXAMPLES OF WHY FORCED LABOUR INDICATORS MIGHT NOT BE ACCURATE IN THE CASES OF HUMAN TRAFFICKING FOR FORCED CRIMINALITY.**

Indicator of forced labour (ILO standard)	Condition in forced criminality in scam industry
Restriction of movement	Confined in the compound but can move around inside the compound
Isolation	Has access to a phone but it is for scamming purposes and is monitored
Withholding of wages	Has a contract and a salary but it is to feign legitimacy

Consequently, the combination of a strong desire among victims to return home swiftly, coupled with apprehension regarding the prospect of immigration detention and the financial strain incurred during the waiting period, leads the majority of victims to opt for the first method.

“We will not recommend victims to do the NRM because the success rate is very low. The abuse happened in a third country, how can Thai police help or investigate? Also, you need to understand that victims and their families just want them to return home once they are safe.”

– Testimony from an immigration officer from a foreign country

However, many victims do not realise beforehand that the process can be arduous and lengthy. A Ugandan victim who went through immigration detention described his journey: "We were first brought to the police station in Mae Sot, where we slept on the floor with no blanket or mattress. The next day, we went to court, but we did not see a judge. We were just kept in a cell, and a translator later informed us that the judge had decided we needed to pay 1,500 baht and would be banned from entering Thailand for one year. We stayed there for a week before being transferred to Bangkok. No one explained the process to us, and we couldn't contact the outside world. I wrote letters requesting to be allowed to use my phone so I could communicate with my family but received no reply. I stayed in the detention centre for close to a month. It was really thanks to the two girls I was taken in with who apparently had access to their phones and an NGO that had tried to help us in the beginning. I was told they tried to reach me but the Immigration

officials were reluctant to let them. It was after the girls got out that they informed my family who were then able to buy for me a ticket back home. Without them, I would still be in jail today."

A similar situation occurred with the female Malaysian victim. After paying a ransom, she was dropped off on the Thai side of the border. When she attempted to buy a ticket to Bangkok, she was stopped by the Thai police. She explained to them that she was a victim, but they advised her not to mention this to immigration. Instead, they suggested she pay a fine to expedite her return to Malaysia. In the end, she paid the fine and went back home.

In some cases, criminal charges leave trafficking victims in limbo, as was the case with a group of Indonesians who were finally repatriated from Thailand in August 2023. They were arrested in Thailand over a year prior for illegal entry and violating health protocols. However, after this they were apparently trafficked to locations on the Myanmar–Thailand border, and failing to show up in court, the Chiang Rai court issued an arrest warrant. After escaping to Mae Sot, they were determined by Thai authorities to be trafficking victims but could not be immediately repatriated because the arrest warrant was still active, and their repatriation had to be delayed until the court revoked the warrant.<sup>57</sup>

Despite the challenges outlined above, it's important to acknowledge the commendable level of understanding demonstrated by the Thai police regarding existing laws and their working approaches with human trafficking victims. As one NGO interviewee emphasised, "Officers in Mae Sot for example, in any department, are the most highly trained officers in Thailand. For years, NGOs have been pushing training the provinces, training the regions [...] The police understand how to approach situations from a trauma-informed perspective; I've witnessed it in some cases".

Given this recognition, establishing a standardised process and ensuring consistent practices across all law enforcement agencies becomes paramount in addressing this issue effectively.

### 3.3. Action Targeting (Key) Criminals

Through 2023, Thailand implemented a crackdown on the “grey industry”, including online gambling and scam operations. Many raids have been conducted inside Thailand on online scam and gambling operations, but these operations are on a much smaller scale than in neighbouring countries, with the number of arrests usually no higher than 20 per raid. Raids have also hit the luxury properties of Chinese nationals linked to regional cybercrime and money laundering networks. For example, in May 2023, police arrested a Chinese man in Pattaya on charges of laundering over \$71.7 million USD for a scam call centre gang based in Cambodia, following a tipoff from the Chinese Embassy.<sup>58</sup>

Some major industry actors have been arrested. This includes Chinese-born She Zhijiang, whose Yatai Holdings Company is behind the Yatai New City scam complex in Shwe Kokko.<sup>59</sup> Authorities arrested him on a warrant from China, and according to the most recent reporting is in jail in Thailand fighting his extradition

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<sup>57</sup> Ministry of Foreign Affairs of the Republic of Indonesia. (2023, August 10). *Six Indonesian victims of online scam human trafficking repatriated from Chiang Rai, Thailand* [Press release]. <https://kemlu.go.id/portal/en/read/5068/berita/six-indonesian-victims-of-online-scam-human-trafficking-repatriated-from-chiang-rai-thailand>

<sup>58</sup> Westwood, N. (2023, May 31). Money laundering mastermind nabbed: Chinese man busted in Pattaya for multibillion-baht scam operation. *The Thaiger*. <https://thethaiger.com/news/national/chinese-man-arrested-for-laundering-2-5bn-buying-gold-and-property-for-drug-smugglers-2>

<sup>59</sup> Thai police arrest suspected Chinese gambling kingpin. (2023, August 16). *Reuters*. <https://www.reuters.com/world/asia-pacific/thai-police-arrest-suspected-chinese-gambling-kingpin-2022-08-15/>

to China. Authorities arrested Taiwanese citizen Kuo Che-min, also known as Pauly Kuo, in Thailand and repatriated him in connection to investigations into money laundering and other offences.<sup>60</sup> He is allegedly linked to regional crime syndicates involved in online gambling.

In May 2024, Thai authorities took a number of actions to disrupt the scam compounds operating across the border in Myanmar, including cutting power<sup>61</sup> to the area and dismantling mobile telecommunication towers located inside Thailand but pointing at scam hotspots in Myanmar<sup>62</sup> and Cambodia.<sup>63</sup> At the same time, it is widely believed that complicity between powerful actors in Thailand offers protection for the kingpins behind some of the major scam compounds in Myanmar.

“All our salary is paid in Thai baht, and in the shops [in a scam compound in Myanmar], you can use both Thai baht and Chinese yuan. We are definitely using a Thai network, I checked all the sim cards that linked to my working devices, all from Thai operators.”

– Testimony from a Chinese survivor

### 3.4. Treatment of Women and Children

Although Thai law aims to provide more support to women and children victims, in practice, no significant difference in treatment between male, female, and child victims has been observed, according to survivor and NGO interviews. Additionally, there appear to be stricter rules for admission into women's shelters, likely due to the presence of young female sex trafficking victims. This has resulted in female survivors of human trafficking for forced criminality being subjected to the same stringent shelter rules and standards.

“In terms of victim identification, there have been fewer females than males go through the NRM process from our pool of FL/LT [forced labor/labor trafficking] cases as seen in the numbers above. We recall a Ugandan lady who was seven months pregnant who the victim ID multi-disciplinary team did not pass and did not hesitate to send her to IDC. There was a Filipino lady in IDC that passed the MDT after being put in IDC Bangkok and remained there until she was deported. But overall, we do not see any difference in terms of support to women or children in contrast to men from our experience.”

– Testimony from an NGO

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<sup>60</sup> Key suspect in money laundering case repatriated back to Taiwan. (2023, October 8). *Focus Taiwan (CNA English News)*. <https://focustaiwan.tw/society/202308100028>

<sup>61</sup> Phaicharoen, N. (2023, June 1). Thai authority plans power shutdown to 2 areas in Southeastern Myanmar. *Benar News*. <https://www.benarnews.org/english/news/thai/electricity-shutdown-06012023145408.html>

<sup>62</sup> Cellular stations, possibly linked to call centre gangs in Myanmar, shut down. (2023, September 23). *Thai PBS World*. <https://www.thaipbsworld.com/cellular-stations-possibly-linked-to-call-centre-gangs-in-myanmar-shut-down/>

<sup>63</sup> Koemsoeun, S. (2023, August 21). Banteay Meanchey police tighten security along Thai border. *Khmer Times*. <https://www.khmertimeskh.com/501345962/banteay-meachey-police-tighten-security-along-thai-border/>

## 4. NGOs' Response to Forced Criminality in the Thai Context

### 4.1. Exclusion of NGOs from the Screening Process

Thai authorities have a cautious view of NGO involvement. In the validation workshop, a member from the Human Trafficking Suppression Division, Royal Thai Police, stated that while it is good to have NGO engagement, not all NGOs are good. Another member from the Division of Anti-TIP, Ministry of Social Development and Human Security, also noted that under the NRM mechanism, working with NGOs is not mandatory. However, the exclusion of NGOs from the screening process poses a significant challenge and has detrimental consequences for victims. Instances have been reported where the appropriate translators were not provided, leading to ineffective communication during crucial assessments. Instead of utilising available embassy-provided translators, the Multidisciplinary Team opted for less reliable options such as Google Translate, which can compromise accuracy and understanding. Despite efforts to facilitate proper training and certification for NGO-provided translators, arbitrary restrictions are imposed, barring their participation based on geographical location. This exclusionary approach not only undermines the expertise and resources that NGOs bring but also perpetuates a cycle of inadequate support for victims. By sidelining NGOs from the screening process, opportunities for comprehensive victim assistance and advocacy are lost, ultimately leading to negative decisions for their identification as victims. The importance of the participation of NGOs, was also emphasized by the ambassador from the Uganda Government. She noted that NGOs are vital as they directly interact with victims.

However, it is not a uniform issue across all provinces in Thailand. Testimonies reveal that in certain regions, such as Chiang Rai, a collaborative approach between government entities and NGOs has yielded positive outcomes. In Chiang Rai, despite the initial unfamiliarity with the NRM, local NGOs actively enforced its principles upon encountering cases of human trafficking. This collaborative effort led to successful MDT assessments, with NGOs invited to participate in interviews and provide valuable input during result deliberations. This cooperative model facilitated a symbiotic relationship between government agencies and NGOs, enhancing the effectiveness of victim identification and support. In contrast, the government in some provinces have opted to exclude NGOs from the screening process entirely. This unilateral decision limits the breadth of expertise and resources available for victim assistance and advocacy, potentially resulting in suboptimal outcomes for victims.

### 4.2. Lack of Resources on the Frontline

Frontline NGOs and civil society organizations in Mae Sot encounter significant hurdles in directly assisting victims of human trafficking, primarily due to resource constraints. A prominent challenge highlighted by local NGOs is the scarcity of funding earmarked for direct victim support. Big donors often fail to materialise on the ground, leaving frontline organisations to navigate the complexities of victim care alone. A critical issue exacerbating this challenge is the allocation of funding to intermediary NGOs, which gather information from grassroots organisations but may not funnel resources directly towards victim assistance or addressing their immediate needs. This practice not only misrepresents the collaborative spirit but also diverts resources away from frontline efforts, impeding the adoption of survivor-centred approaches that prioritise the well-being and empowerment of trafficking survivors.

While research and advocacy play crucial roles in combating human trafficking, all interviewed NGOs emphasised the importance of tangible support for victims and their community. The frustration stems from instances where organisations convene in Mae Sot for workshops and seminars, discussing issues and potential solutions collaboratively, only to leave without implementing concrete actions or support mechanisms for victims. Despite these gatherings being ostensibly aimed at addressing local challenges, the absence of follow-through leaves frontline NGOs grappling with the persistent demands of victim care without adequate support or collaboration.

### 4.3. The Need for Awareness Raising Among Foreign Embassies

For many foreign victims, their first port of call when in need of assistance abroad will be their embassy. However, throughout HRC’s research into this emerging trend of human trafficking for forced criminality, a lack of awareness amongst embassies regarding this issue has become clear. Many embassies are unaware of the necessary steps that must be taken to ensure their citizens are correctly identified as victims and receive appropriate support. With many victims facing visa fines or immigration charges, embassies have the power to communicate with the local authorities to support their citizens, yet often fail to do so. Furthermore, embassies should support victims financially in their repatriation.

“I do not speak Thai, so the first supporter I contacted was the Ugandan consulate in Bangkok who then told me that they couldn’t help and to contact the Uganda High Commission in Malaysia. I explained that I was trafficked and I demonstrated that I experienced violence. However, the High Commission told me that I should turn myself in to the immigration as an illegal cross border. I did not understand, I am not a criminal, I am a victim.”

– *Testimony from a survivor*

On the contrary, if the embassy demonstrates a willingness to participate in the cases, the entire repatriation process can proceed much more smoothly.

“There were 23 Ugandans cases, and we were surprised that they all passed the NRM. Maybe one of the factors is that the Ugandan ambassador was personally involved in there [...] it's important because many coming out of the scam compounds don't have their passports anymore. So just to get home they need assistance from the embassy for a temporary travel document. The embassy involvement also puts some pressure on local authorities to handle these in a better way.”

– *Testimony from an NGO*

However, attention also needs to be paid on the lack of training in trauma-informed approaches among embassy officials, which might pose a significant challenge in effectively supporting victims of human trafficking. One distressing example mentioned by one interviewee involves the assignment of male officers to interview female victims who have suffered gender-based violence. This oversight in matching interviewers with appropriate backgrounds or sensitivities disregards the vulnerability and discomfort experienced by victims, potentially retraumatizing them in the process.

Survivor testimonies also indicated that some embassy officials exhibit a disposition towards treating victims as criminals rather than offering them the support and compassion they desperately need. This misguided approach not only fails to address the underlying trauma but also perpetuates feelings of shame and mistrust among victims, hindering their willingness to seek assistance or report their experiences.

## 5. Recommendations

### 5.1. For Thai law enforcement

- Establish a standard questioning process and format within the NRM to ensure uniformity and uphold the integrity of the screening process, regardless of location or administrative jurisdiction.
- Ensure victims are fully aware of their rights, including the process of victim identification, as well as the benefits and risks they are facing.
- Broaden authorities' understanding (especially at the frontline level) of forced criminality to include forced online fraud so that they may recognise victims from scamming compounds as victims, rather than criminals.
- Work more closely with NGOs, international organisations, academics, and other legal entities to support the modification of victim identification processes by including indicators of forced criminality.
- Establish communication networks between foreign embassies and local law enforcement in Thailand to ensure foreign victims are properly advised and supported upon exiting the compounds.
- Establish formal working relationships between local NGOs and authorities to ensure NGOs are involved in the screening process and able to offer support where needed. With this, NGOs must receive appropriate funding and resources to carry out their work effectively.
- Prioritise enhanced attention and resources for female and child victims by ensuring tailored support services. Given their heightened vulnerability and specific needs, it is crucial to develop and implement policies that address the unique challenges faced by women and children in trafficking situations.

### 5.2. For the international anti-TIP community

- INGOs should prioritise funding for NGOs providing direct support to survivors of human trafficking, prioritising grassroots organisations with a track record of effectively aiding trafficking victims.
- Raise awareness among embassy personnel (from both source and destination countries) about the dynamics and prevalence of human trafficking for forced criminality.
- Provide training on trauma-informed approaches to embassy personnel from source countries on interacting with potential trafficking victims.
- Call for more cooperation among the CSOs and NGOs to share non-sensitive survivor data (regionally) in a standardised structured format to facilitate the understanding of trends of victim profile, trafficking routes and difficulties in victim support.

- Increase support to groups aiding survivors so that survivor experiences can be better documented and feed into analysis and understanding of techniques used by recruiters/traffickers in order to guide activities to disrupt these networks.
- Continue to develop relationship with regional law enforcement and actively identify progressive units/individuals for channelling/gathering information. Identify opportunities to provide information/capacity building/awareness raising that will contribute to improved victim identification.
- Call for research on the recruitment methods and develop better understanding of factors that make people especially vulnerable to online recruitment, so that campaigns to dissuade people from taking these jobs can be better targeted.



May 5, 2024 - Mae Sot, Tak province, Thailand. The Chinese built town on Shwe Koko, located inside Myanmar's Karen state and the other side of the Thai border to a remote rural community. The city has developed to become a hub of nightclubs, casinos and allegedly scam centres. © Luke Duggleby

This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of Winrock International and do not necessarily reflect the views of USAID or the United States Government.

