

# MATRIX 2: SUGGESTED LEGISLATIVE REQUIREMENTS NECESSARY FOR SUCCESSFUL PROSECUTION, PROTECTION OF VICTIMS AND EXTRA-TERRITORIAL COOPERATION IN RELATION TO PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

## KEY

Interception strategies (column 4) includes listening devices or other special investigation techniques

## THAILAND

CRIMINALISATION OF PS AND PT		EXTRADITION and MUTUAL ASSISTANCE LEGISLATION		INTERCEPTION STRATEGIES	CRIMINALISATION OF PROCEEDS OF CRIME AND MONEY LAUNDERING	CRIMINALISATION OF THE PROCUREMENT AND/OR PRODUCTION OF FRAUDULENT DOCUMENTS
PS	PT	Extradition legislation	Mutual Assistance legislation	Special investigation techniques including listening devices	POC	ML
Conspiracy	Conspiracy					
Attempting	Attempting					
Aiding/Abetting	Aiding/Abetting					
Organised crime	Organised crime					
Commercial carrier responsibility	Commercial carrier responsibility	Treaty required	Treaty required			
Extra-territoriality	Extra-territoriality	Nationals	Dual Criminality	Application to trafficking/smuggling	Application to trafficking/smuggling	Application to trafficking/smuggling
PENALTY	PENALTY	Any bars to PS and/or PT	Any bars to PS and/or PT			
C	C	The Extradition Act of 1929	The International Cooperation in Criminal Matters Act of 1992	Y for trafficking - wiretapping can be used only in the investigation and the gathering of evidence in the laundering offence of the proceeds of		Money Laundering Control Act 1999
N	Y					
Y	Y					
Y	Y					
N	N					
Y	N					
Penal Code, section 264: it is an offence to fabricate false documents or otherwise alter a genuine document in order to cause any person to						



<p>Transnational Crime Tactical Intelligence Centre</p>	<p>No legislation that authorises or provides the sharing of information on traffickers and smugglers and other related information</p> <p>Can be done on an informal basis only</p> <p>Cooperation can be done through INTERPOL, immigration officers and foreign liaison officers posted in Thailand and through any other appropriate means</p>	<p>Constitutional law</p>	<p>There is no legislation as such – it depends upon the discretion of the relevant authorities and the cooperation of the victims of trafficking or smuggling</p>	<p>Victims of trafficking are not charged and prosecuted for prostitution and illegal entry in accordance with the MOU agreement among relevant government agencies</p> <p>Victims of migrant smuggling do not enjoy the privileges under the MOU and can be prosecuted on charges of prostitution, other criminal activities or illegal entry however the immigration authority has the power to use its discretion for not charging them with the offence of illegally entering into the country</p>	<p>Trafficking Act, Immigration Act and Constitution Law</p> <p>IOM Return and Reintegration of Trafficked Women and Children project (funded by AusAID)</p>	<p><b>National Plan on the Prevention and Solution</b></p> <p>Mandate for amending and issuing laws to combat trafficking in persons. Emphasis is on the effective presentation of perpetrators and criminal syndicates. Provision for the building of networks of coordination for the prevention and solution of cross-country trafficking both at policy and implementation levels internally and internationally.</p> <p>MOU on Common Guidelines of Practices among Concerned Agencies in Case Women and Children are Victims of Human Trafficking</p>			<p>Network with NGOs has been promoted for the purpose of providing protection to victims of trafficking</p> <p>Developing computerised border management systems linking 54 domestic entries and exit points in Thailand</p> <p>Bureau of Immigration Police run series of workshops around the country to improve the capacity of local implementing personnel and agencies ranging from general knowledge on various aspects of PS and pt to a more specific and technical training on document and identity fraud</p> <p>Department of Social Welfare and Development offer a range of services</p>
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	<p>Law enforcement cooperation in the form of requesting, providing and sharing of information for the purpose of prevention and suppression of trafficking and migrant smuggling can be done however it is informal only</p> <p>Cooperation can be done through Interpol, immigration officers and foreign liaison police officers posted in Thailand and through any other appropriate agencies and means</p>	<p>Art 11 Trafficking Act provides assistance to the victims of trafficking but not for smuggled migrants – covers only women and children</p>							<p>on return of persons alleging sexual servitude and trafficking – ensuring such people have access to appropriate counselling, support and a range of programs offered by DSWD including vocational training and assistance to return to home villages</p>
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