

Royal Emblem

The Anti-Trafficking in Persons Act (No. 3)

B.E. 2560 (2017)

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King MahaVajiralongkornBodindradebayavarangkun

Given this on 26 January 2560 (2017)

Being the 2nd year of the present reign

King MahaVajiralongkornBodindradebayavarangkunis graciously pleased to proclaim that:

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

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

Section 1 This Act shall be called “the Anti-Trafficking in Persons Act (No. 3) B.E. 2560 (2017).”

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

Section 3 The legal definition of “exploitation” and “forced labour or service” in Section 4 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) shall be repealed.

Section 4 The provision in Section 6 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) shall be repealed and this new provision shall be replaced:

“Section 6 Whoever does any of the following acts:

(1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, illegal exertion of influence over others on account of their physical, psychological, educational or any kind of vulnerability, threat to take the abusive legal action against others, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or

(2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child;

If such act is committed for the purpose of exploitation, the person who does so is guilty of trafficking in persons.

The exploitation under paragraph one shall mean the exploitation of the prostitution of others, the production or distribution of pornographic materials, the exploitation of other forms of sexual acts, slavery or practices similar to slavery, begging, removal of organ for commercial purpose, forced labour or services, or any other similar forcible extortion, regardless of such person's consent.

Forced labour or service under paragraph two shall mean compelling the other to work or provide service through the following means:

(1) Threaten to cause injury to life, body, liberty, reputation or property of the person threatened or any other person;

(2) Intimidation;

(3) Use of force;

(4) Retention of identity documents or use of the accumulated debt burden incurred by such person or any other person as the unlawful obligation;

(5) Causing such person to be in an irresistible situation.”

Section 5 The provision of paragraph two, three and four in Section 35 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) shall be repealed.

Section 6 The provision in Section 52 and Section 53 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) shall be repealed and this new provision shall be replaced:

“Section 52 Whoever commits an offence of trafficking in persons shall be liable to the punishment of an imprisonment from four years to twelve years and a fine from four hundred thousand Baht to one million and two hundred thousand Baht.

If the offence under paragraph one is committed against a child whose age exceeds fifteen years but not yet reaching eighteen years, the offender shall be liable to the punishment of an imprisonment from six years to fifteen years and a fine from six hundred thousand Baht to one million and five hundred thousand Baht .

If the offence under paragraph one is committed against a child not over fifteen years of age or a person with physical disability or mental infirmity, the offender shall be liable to the punishment of an imprisonment from eight years to twenty years and a fine from eight hundred thousand Baht to two million Baht.

Section 53 Any juristic person commits an offence of trafficking in persons shall be liable to the punishment of a fine from one million Baht to five million Baht.

In case where the offence committed by a juristic person under paragraph one is caused by an order or an act of any director, managing director, or any person responsible for operation of such juristic person, or in case where the said person having a duty to issue an order or to perform an act refrains from issuing an order or performing an act leading to the commission of offence by such juristic person, such person shall be liable to the punishment of imprisonment from six years to twelve years and a fine from six hundred thousand Baht to one million and two hundred thousand Baht, but if the offence is committed against any person under Section 52 paragraph two or Section 52 paragraph three, the offender shall be liable to the punishment as stipulated in such Section, as the case may be.”

Section 7 The provision in (1) of Section 6 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) amended by the Anti-Trafficking in Persons Act (No. 2) B.E. 2015 shall be repealed and this new provision shall be replaced:

“(1) a serious injury or infection with a life-threatening serious disease, shall be liable to the imprisonment from eight years to twenty years and a fine from eight hundred thousand Baht to two million Baht or life imprisonment.”

Section 8 This provision shall be added to be Section 56/1 in Chapter 6 entitled Penalties of the Anti-Trafficking in Persons Act B.E. 2551:

“Section 56/1 Whoever procures, buys, sells, vends, brings from or sends to, detains or confines, harbors, or receives any person not over fifteen years of age for work or service which is seriously harmful and having an impact on body or mind, growth or development, or by its nature or the circumstances in which it is carried out, is likely to harm the safety or morals of such person, shall be liable to the punishment of imprisonment, not exceeding four years and a fine of not exceeding four hundred thousand Baht.

In case where the offence under paragraph one is committed an ascendant against his descendant due to the indigency, or after taking into account the offence-condition, or other extenuating grounds, the Court may not inflict any punishment upon the offender at all.”

Countersigned by

General Prayud Chan-Ocha

Prime Minister

Remark: The reasons for the promulgation of this Act are as follows: Since some of the provisions of the Anti-Trafficking in Persons Act, B.E. 2551 (2008) cannot be properly used to address the problem of trafficking in person of which become more severe and complicated, it is expedient to amend the existing law to make the prevention and suppression of trafficking in person to be more efficient. Definition of “exploitation” and “forced labour or service” are amended to make them clearer. The provision relating to the civil compensation claim is changed. New offence for any person who uses a child not exceeding fifteen years of age for work or service which is likely to cause serious harm and have an impact on body or mind, growth or development of such child is introduced. The related penalties are properly adjusted to make them corresponding to the severity of the acts. As the result, this Act is enacted.

This unofficial English translation is made by:

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