

# Thailand's Progress in Combatting IUU, Forced Labour & Human Trafficking

**EJF Observations and Recommendations Volume 6, Spring 2018**

| FOR INTERNAL USE ONLY |



Functioning and derelict fishing vessels at a pier in Songkhla province. © EJF

## Abbreviations:

CCCIF	Command Centre for Combating Illegal Fishing
DoF	Department of Fisheries
FIP	Forward Inspection Point
FMC	Fisheries Monitoring Centre
GT	Gross Tonnage
DLPW	Department of Labour Protection & Welfare
IUU	Illegal, Unreported, and Unregulated (fishing)

MCS	Monitoring, Control, Surveillance
MTU	Mobile Transceiver Unit
NGO	Non Government Organisation
PIPO	Port In Port Out
RTG	Royal Thai Government
RTN	Royal Thai Navy
Thai-MECC	Thai Maritime Enforcement Coordinating Centre
VMS	Vessel Monitoring System

## Executive summary

Since February 2016, EJF has carried out multiple in-depth observations of the Royal Thai Government's (RTG) initiatives aimed at tackling IUU fishing and human trafficking in the Thai fishing industry. EJF has observed all stages of the monitoring, control, and surveillance (MCS) systems in place with recurring visits to 28 'Port In Port Out' (PIPO) centres, all three Thai Maritime Enforcement Coordinating Centre (Thai-MECC) Area Commands, as well as witnessing five at-sea patrols by the Royal Thai Navy (RTN) and Department of Coastal and Marine Resources (DCMR).

As a result of these observations, EJF has written detailed reports with recommendations that have been shared with the office of Deputy Prime Minister for Public Security, Prawit Wongsuwan, RTN, CCCIF, Department of Fisheries (DoF), and other relevant agencies.

It should be noted that EJF observed these MCS systems while on pre-arranged visits with the Royal Thai Navy (RTN). This means that any observed procedures may not always happen in our absence. Since November 2017, EJF has since switched to conducting unannounced visits. Further details of this methodology are available upon request.

It should be noted that since February 2016, EJF has observed improvements in PIPO inspection procedures, adoption of a risk-based approach to vessel inspections, and the proliferation of translators at PIPO centres. However, issues and concerns remain that continue to plague the MCS management system as a whole. This updated briefing outlines these urgent, ongoing issues identified by EJF staff during the most recent visits in 2017 and presents recommendations to address these, notably:

- **Staff shortages:** These continue at 10 out of the 28 PIPO centres visited by EJF staff. This is resulting in low vessel inspection rates and rushed inspections.
- **Over-stretched PIPO centres:** Many centres have multiple, dispersed piers that come under their jurisdiction. This means that inspecting teams may miss port visits or spend many hours of the day travelling, wasting time and also fuel.
- **Inconsistent provision of translation and a victim-centered approach during interviews:**<sup>1</sup> It should be noted that all PIPO centres visited by EJF staff in 2017 have receiving certified translators from the Department of Labour Protection and Welfare (DLPW). Interviews continue to be carried out using inconsistent methods (especially with regard to separation from the rest of the crew), and in the use of questionnaires or questioning methods.
- **Inconsistent inspection procedures:** PIPO centres now have a universal checklist to use during inspections. However, its usage is inconsistent with staff carrying out different tasks. This could mean that the good work of one PIPO centre is undermined by inconsistent inspections later on.
- **Risk-based inspections:** PIPO centres now inspect vessels by their risk level which is calculated both by the FMC and by individual PIPO centres. This is a marked improvement on the previous requirement to inspect 100% of vessel traffic. This should be monitored closely to ensure that the most accurate vessel information is being passed seamlessly between the two agencies to prevent compatibility issues and data clashes.
- **Multiple databases:** Electronic versions of PIPO documentation are now operational which signifies a marked improvement on the previous reliance on paper-based versions. 'EPIPO' and an electronic version of the Marine Department's 285 Form now incorporate digitised worker information which can be verified using biometric face scans during inspections rather than identification documents.
- **False incentives:** Officials continue to associate the identification of IUU fishing infractions and potential victims of abuse or trafficking as a failure of the system. Inspection teams should be assured that, on the contrary, identifications and proper investigations of such cases are examples of the PIPO network performing successfully.

EJF has produced a separate training guide titled 'Conducting Interviews with Migrant Workers' and is available on request (In both English and Thai). This guide is adapted from Verite's Responsible Sourcing Tool and draw on the PIPO inspections that EJF has observed over the last year.

The issues and recommendations identified by EJF since 2016 are grouped into the areas of 1. PIPO centres, 2. Labour inspections, 3. Seabook registration, 4. At-sea inspections, 5. VMS and MTUs, and 6. VMS Programming. These recommendations are based on Thailand's domestic fishing operations in Areas 1, 2, and 3 and a separate set of recommendations is needed to target the Thai distant water fleet. New recommendations as of March 2018 are highlighted in grey.

EJF has produced a separate set of recommendations (available upon request) to address catch checking procedures and traceability systems both for the domestic fleet and for landings by foreign-flagged vessels. EJF staff are available to provide further detail as required by the RTG. It is important to note that these recommendations are not exhaustive.

<sup>1</sup> A victim-centred approach is one that acknowledges that victims of trafficking or abuse are extremely vulnerable and likely to be fearful of speaking out for fear of retaliation. Inspecting officers should attempt to make victims feel as safe, secure, and comfortable as feasibly possible. For more information, please consult the EJF guidelines on conducting interviews with migrant workers.

## 1. PIPO centres

### 1.1. Understaffed:

- In 2017 EJF has visited 20 PIPO centres including all those on the Andaman Sea coast, four PIPO centres on the east coast of the Gulf of Thailand, and most recently in November eight PIPO centres on the west coast of the Gulf. A full list of the PIPO centres visited by EJF is available in the appendix.



PIPO inspection in Nakhon Si Thammarat. © EJF

Every PIPO centre in Thailand has - as a default - 18 staff regardless of the number of registered vessels or vessel requests per day. Several PIPO centres across the country have reported being understaffed meaning that inspections were either missed or rushed. PIPO centres are able to apply to the DoF to increase this number but due to staff shortages, recruitment has been slow.

**Recommendation:** Current PIPO staff should be redistributed among PIPO centres according to the number of vessel requests per day rather than all centres having the same staff resources. This should happen as soon as possible. One successful example has been the redistribution of staff from the underused PIPO centre in **Cha Choeng Sao** - where there are only one or two vessel PIPOs a month - to neighbouring **Chonburi** - where there can be upwards of 80 vessels per day.

**Recommendation:** PIPO staff allocations should be made adaptable to account for seasonal and monthly changes in vessel traffic. For example, during the monsoon months many vessels from PIPO centres on the west coast of the Gulf move to ports such as Chonburi and Rayong to escape the prevailing winds. Flexible staff allocations could help accommodate for such fluctuations, helping improve inspection rates.

**Recommendation:** New staff should be recruited to fill the more permanent capacity gaps at the busiest PIPO centres. This recruitment would cover both supervising Navy officers as well as representatives from relevant government agencies including the DoF, and DLPW.

### 1.2 ePIPO:

- In November 2017, a new digital PIPO system was launched – ePIPO. This system draws together all the historically paper-based documentation into the ‘FishingInfoz’ database meaning that vessel compliance can be checked automatically when a vessel owner requests a PI or PO. This system includes all relevant crew information, and identification documentation in a digital crew list. This represents a great improvement on the traditional paper-based versions and should greatly enhance the inspection capacity of PIPO officials.



Eventually, ePIPO will allow vessel operators and owners to submit PIPO requests completely electronically, negating the need to visit PIPO centres for every request.

PIPO officials that EJF spoke to after ePIPO's launch reported that the system saved staff on average 15 minutes in paperwork per vessel. This could save PIPO centres over nine hours per day based on average vessel traffic for October.

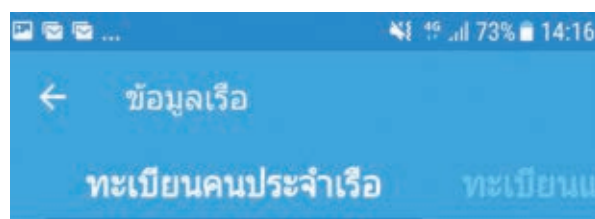
**Recommendation:** It is vital that ePIPO logs any changes made to vessel information, crew documentation, and crew lists in a permanent ledger that cannot be altered, or manipulated. This should include which user made the change, when, where, and what information they altered. This will make sure that officials are held accountable for any changes made and prevent vital information from being permanently erased. *For an example of such a ledger system, the DoF's 'Thai Flag' system already incorporates such a system.*

**Recommendation:** During EJF's November 2017 trip, the ePIPO service suffered an outage which meant that PIPO centres had to switch back to paper-based systems. This provided a reminder that paper-based documentation will need to be available to cross-reference with ePIPO in case there is future service disruption.



#### ข้อมูลทั่วไป

ทะเบียน: 270929721  
ชื่อเรือ: ทวิโชควัฒนา 2  
ขนาดเรือ: 84.32 ตันกรอส  
ใบอนุญาตหมดอายุ: 31/03/2561



ทะเบียน: 270929721  
ชื่อเรือ: ทวิโชควัฒนา 2  
ใบอนุญาตหมดอายุวันที่: 31/03/2561

#### ทะเบียนคนประจำเรือ ทั้งหมด 4 คน

3760200109  
501



ชื่อ-นามสกุล: นายมนัส ดวงสกุล  
Seamanbook:  
สัญชาติ: ไทย  
ตำแหน่งงาน: นายเรือ

3169900110  
157



ชื่อ-นามสกุล: นายสายหยุด ชุมณี  
Seamanbook:  
สัญชาติ: ไทย  
ตำแหน่งงาน: นายเรือ

Screenshots from ePIPO's mobile app show a vessel's details and those of its crew.

## 1.3 Overstretched:

- As well as being understaffed, some PIPO centres have reported being over-stretched. For example, out of 28 PIPO centres visited, 10 had an inspection point over 50km away from the centre. This is resulting in inspecting teams missing port visits or spending many hours of the day just by travelling to and from the ports.

**Recommendation:** New PIPO centres should be considered for provinces where there are many ports over a wide geographical spread. This will relieve the pressure on PIPO centres such as **Chonburi** and **Surat Thani** and improve the inspection rate for fishing vessels in that province. Alternatively,

**Recommendation:** The DoF and Marine Department could also continue consolidating industrial landing sites, reducing the number of locations where it is legal for industrial vessels to land their catch.

- As part of efforts to reduce the strain for the busiest provinces, the CCCIF has introduced four new PIPO centres and 19 new FIPs. A map of these centres is provided in the appendix.

The upgrading of **Kuraburi** (former FIP for **Phang Nga**) and **Pak Bara** (former FIP for **Satun**) in October 2016 to fully functioning PIPO centres has significantly improved vessel inspection rates in both provinces. For example, in Pak Bara inspection rates were as low as 32% in December 2016 but as of January 2017 had improved to approximately 70%. In **Phang Nga** this was even more pronounced with the inspection rate as low as 12% in October 2016, rising to 98% in January 2017.

**Recommendation:** With the proven success of new PIPO centres, the Department of Fisheries (DoF) should speed up the process of implementing new FIPs and PIPO centres for the provinces that still need support. Several PIPO centres on both the Gulf and Andaman coasts submitted requests for additional FIPs in 2016 but are still waiting for a response.

**Recommendation:** Thai-MECC Command should coordinate with the DoF to continue evaluating the performance of PIPO centres to make sure that remaining centres with the greatest vessel traffic or piers receive new facilities urgently. EJF can provide recommendations on which PIPO centres should be prioritised.

- **Chonburi** has two FIPs – one at Mae San (26km away from the PIPO centre) and one at Si Racha (50km). However, no new staff were provided to staff these new FIPs, meaning that PIPO staff from the main office were still having to travel long distances in order to inspect vessels.

**Recommendation:** FIPs should have their own dedicated staff, separate from the 18 staff at the main PIPO centre in order to alleviate the existing pressure. These staff must be independent of the main PIPO centre and able to authorise and inspect vessels of their own accord.

## 1.4 Risk-based inspections:

- In the past, PIPO centres were expected to achieve a 100% inspection target. For many extremely busy ports such as Pattani, Samut Sakhon, and Chonburi this simply was not possible and resulted in many PIPO centres being stretched to their absolute limits. This has since been changed in favour of a risk-based approach where high/medium risk vessels are prioritized and then low risk/normal vessels are inspected on a regular but more sporadic basis. However – as shown in **table 1** – for the first half of November 2017 neither the high-risk or watchlist vessel groups were inspected 100%.

Nationwide PIPO inspections for the three risk groups for 1-15th November 2017 (Dept of Fisheries, 2017).

	Normal	Watchlist	High-risk	Total
Total vessels	3,489	1,183	267	4,939
Inspections	2,360	924	216	3,500
% inspected	68%	78%	81%	71%

**Recommendation:** EJF commends the transition towards a risk-based inspection system. It is important that now that the focus is on quality rather than quantity, inspection regimes also mirror this and allow more time for analytical inspections and especially interviews.

**Recommendation:** Vessel risk calculations must be made systematically by PIPO centres and must follow set guidelines. This will prevent inconsistencies where PIPO centres might categorise infractions differently.

**Recommendation:** Although low risk vessels are inspected on a less frequent basis, it is important that these inspections are carried out randomly to prevent vessel owners or operators from anticipating inspections and subsequently ensuring potential infractions remain hidden.

**Recommendation:** It is important that the risk-based system employed at PIPO centres is interoperable with the current FMC risk grading system so that accurate and up-to-date information can be transferred seamlessly between the two agencies.

## 1.5 Procedures and checklists:

- A growing number of PIPO centres use a universal checklist for inspections which sets out clearly the roles and procedures for each member of the multi-disciplinary team. There is also a signature box that the member of the multi-disciplinary team can fill in to indicate they carried out their duties accordingly. This is a marked improvement on what EJJ has observed in the past. For example, at one PIPO inspection in 2016 EJJ observed and documented the vessel owner himself reading out the names of the crew, and handing the ID cards to the worker as he passed, **without the DLPW representative verifying the information.**

**Recommendation:** It is imperative that this universal checklist is stringently applied to all PIPO centres and that all members of the multi-disciplinary team sign-off their corresponding sections. This will ensure all PIPO centres follow the same procedures, and that there is accountability for subsequent investigations.

**Recommendation:** This checklist should also be digitised so that an electronic copy of every completed PIPO inspection can be incorporated into the ePIPO system and 'FishingInfo2' database. This will also enhance transparency and accountability throughout the inspection and investigation process.



A PIPO official inspects the anti-tampering device fitted to the vessel's VMS unit – an integral part to any PIPO inspection. © EJJ

- EJJ has observed that inspectors will often not know detailed information about the vessel they are due to inspect ahead of time. This can waste time during inspections and could potentially allow IUU or labour infractions to go undetected.

**Recommendation:** Before every vessel inspection, the multi-disciplinary team should hold a briefing so that each official knows what aspects of the vessel s/he must check and how to explore particular lines of enquiry.

**Recommendation:** To enhance the investigative mindset of PIPO officials, EJJ suggests that officials be asked to identify at least one issue with the vessel relevant to their jurisdiction. This could be a useful training exercise for officials as it will improve their questioning abilities. Just before the end of the inspection, the team should hold a de-briefing session to discuss the potential suspicions they have identified and decide what action should be taken.

- At several inspections that EJJ has observed no member of the inspection team boarding the vessels. This could allow potential infractions such as the use of illegal gears, tampering with the VMS, or hiding of stowaways and unregistered migrant workers onboard to continue unnoticed.

**Recommendation:** Boarding the vessel during a 'port in' or 'port out' inspection should be a universally adopted procedure and even for 'low risk' vessels should be seen as an important part of the inspection process. This is not only essential for checking for labour violations but also to check the Mobile Transceiver Unit (MTU) on-board the vessel has not been tampered with, and gears are in accordance with regulations.





A vessel crew lines up in their lifejackets during a vessel inspection in Prachuap. © EJF

EJF recommends the following **critical** procedures are carried out during inspections **regardless** of vessel risk category. Please note that these should take place **alongside or in addition** to the 14 existing PIPO inspection procedures:

Number	Procedure in order of importance
1	Onboard inspection for stowaways/hidden crewmembers
2	Onboard inspection for MTU check, food and water provisions
3	Interviews with proportion of the crew (typically 3-4 crewmembers)
4	Check that all crew have and know how to use lifejackets
5	Check all crew have and understand how to use bank accounts. Verify that these bank accounts have been used in recent months.

- At the majority of PIPO centres visited since Summer 2017, EJF observed that all workers wore lifejackets. This was done for several purposes: 1) to clearly show that all crew had access to one, 2) that the crew knew where they were, and 3) that the crew knew how to put them on.

**Recommendation:** This practice should be adopted all PIPO centres as it is a quick and effective method of ensuring that all crew on-board have access to life jackets.

## 2. Labour inspections

Although there has been considerable progress in the structured approach towards inspections, labour checks continue to vary considerably between PIPO centres. This is emphasised by the fact that no cases of serious abuse had been reported or identified by inspections at any of the 28 PIPO centres EJF has visited since their initial creation in mid 2015.



An inspector uses a face scanning function to verify this crew member's identity. © EJF

- Identification checks are carried out at PIPO inspections, however the speed and rigor of these checks can vary hugely. At overloaded PIPO centres where staff are attempting to inspect upwards of 50 vessels a day, these checks can amount to a quick glance at workers' ID cards but with no close inspection to verify the ID information against the crew manifest. It should be noted that ePIPO should alleviate many of these concerns but it is still too early to determine the impact this new electronic system will have on such checks.

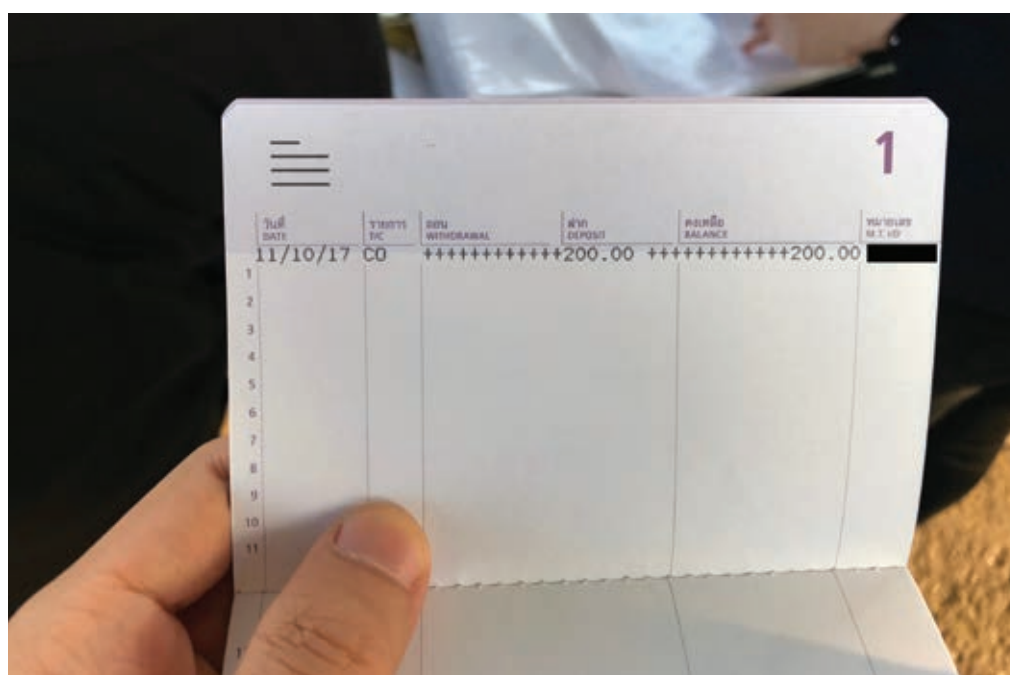
**Recommendation:** It is important that all PIPO centres follow the same strict protocols when carrying out labour checks. Only the trained DLPW representative as part of the multidisciplinary team should be the one to carry out the procedure.

**Recommendation:** With the advent of ePIPO, there is decreased reliance on manual identification checks. However, officials should still carry out sporadic checks to ensure that the information is up to date and matches up correctly. DLPW representatives should continue to cross-reference the new ePIPO results with paper-based versions to make sure that there are no errors in the system.

**It should be noted** that even if crew members are in possession of official identification documentation they **may** still be a victim of abuse or trafficking. In-depth interviews using certified translators should **always** be used alongside labour checks to identify cases of abuse or trafficking.

- All workers onboard fishing vessels are required to be paid at least once per month and through using electronic bank accounts as opposed to traditional cash payment methods. EJF commends this move as it will greatly enhance transparency in what was historically largely an informal, unaccountable process. However, EJF has observed in several cases bank account books having not been updated since their initial set-up in November 2017, workers reporting still being paid in cash, and vessel owners or captains holding not only workers' bank account books but also their PIN numbers as well - effectively giving them complete control of the funds.

**Recommendation:** PIPO officials should ensure not only that workers have access to their bank account books but also that regular monthly payments are documented within. EJF has produced a detailed set of recommendations on improving the electronic banking system and this is available upon request.



A worker's bank account book (photographed in early February 2018) shows no records of monthly salary payments. In fact, this book was only ever updated with the initial 200 baht deposit made when the bank account was established. © EJF



## 2.1. Victim-centred approach:

- The majority of PIPO centres are adopting a victim-centred approach towards inspections whereby they make crew feel as safe and comfortable as possible during the process. This is very encouraging to see. In the past EJF has observed the foreign crew being asked to kneel on the ground while the Thai crew remained standing at the back. This could make the inspection process intimidating and make it less likely that they will feel comfortable speaking out if they have been abused.

**Recommendation:** All PIPO centres must adopt the same stringent victim-centered approach to ensure that the crew feel safe and comfortable during the inspection process. For example, at the **Songkhla** PIPO inspection point there are chairs for the crew to sit on.

- At many PIPO inspections DLPW officials and indeed many other members of the multi-disciplinary team have worn military-style uniforms during inspections. This practice can be intimidating to workers because of the association with the military and law enforcement. This could mean that workers are less inclined to speak out, especially if they have been trafficked into Thailand and are therefore in the country illegally.

**Recommendation:** DLPW officials and translators should wear civilian clothes so that they can be disassociated from law enforcement and increase the likelihood that workers will speak freely.

EJF has produced a separate training guide titled 'Conducting Interviews with Migrant Workers' (In both English and Thai) as well as a dedicated training programme for labour inspections and how to apply 'soft skills' in the field. Both are available on request.



PIPO officials wear civilian clothing that can appear less threatening and imposing during an inspection and interviews. © EJF

Anything that has the potential to make crew members feel more **vulnerable** or **intimidated** such as the overbearing presence of military officials, or a large group of interviewers or listeners during interviews can **greatly decrease the chances** of workers trusting authority figures and sharing their abuse or trafficking experiences.

## 2.2. Translation provision

- Translators were present at 16 out of the 19 PIPO centres inspected in 2017 showing a marked improvement on translation provision observed in 2016. In PIPO centres without a translator this was due to translators coming to the ends of their contract or being temporarily shared between brand new centres (Kuraburi and Pak Bara on the Andaman Sea coast).

**Recommendation:** Translator contracts should be fixed term wherever possible and provide adequate advance time so that replacement translators can be found if contracts must be terminated early.

**Recommendation:** While PIPO centres are waiting for translators they should request temporary support from the provincial DLPW office, local NGOs (eg: IOM), or use video/voice call functions with translators at other PIPO centres.

## 2.3. Interviews

- The interviews carried out during PIPO inspections are one of the most important aspects of an inspection. They provide probably the only time available for workers to voice concerns and speak to officials about potential labour exploitation or abuse. Therefore it is vital that interview procedures are conducted thoroughly and to strict universal standards. It should be noted that interview procedures have improved greatly since February 2016, however, as of late 2017 they are also the inspection component that requires the most attention.
- Although EJF has not witnessed group or collective questioning of crew since early 2017, it is worth stating that such a practice is not recommended during PIPO inspections.

**Recommendation:** Asking questions to an entire assembled crew about their experiences onboard is very unlikely to uncover cases of abuse as crew members may be worried of being singled out as the informant and potential retribution from their employer. Interviewees must be separated from the rest of the inspection.

- All interviews observed since July 2017 have been conducted separately from the rest of the inspection, but this can vary between PIPO centres.

**Recommendation:** DLPW officials and translators should endeavor to separate interviewees at least so they are out of sight and out of earshot of the rest of the rest of the crew and especially the vessel captain, foreman, and other senior crew. The chances of crewmembers speaking out about abuse or labour exploitation if the potential perpetrator is present are remote.



Interviews like this are unlikely to yield useful results because: 1) It takes place too close to the rest of the inspection, 2) The interview is not out of sight or earshot of the rest of the crew, and 3) There is only one interviewee making it very easy to identify the whistleblower. © EJF

**Recommendation:** Several PIPO centres already utilize the centre's pickup truck as an interview location. This provides a private and comfortable location for interviews to take place and is available for all PIPO centres. **Prachuap** PIPO centre has even fitted their pickup truck with additional privacy blinds on the inside that can be drawn down, increasing interview privacy. EJF recommends that this becomes standard procedure.





An interview with three crew members takes place in the back of the PIPO centre's pickup truck – a practice that EJF recommends is followed at other PIPO centres. © EJF

- EJF and other organisations such as the ILO advocate that a sample of crew is taken to interview rather than one individual. Two PIPO centres in November 2017 were observed only interviewing one individual – a practice that is **extremely unlikely** to make workers feel comfortable enough to speak about their experiences.

**Recommendation:** A single interviewee may be anxious about speaking out about potential infractions as s/he can easily be singled out by the captain and may face retribution. A proportional sample of (on average) three to four crew members should be taken so that there is less concern that they will be singled out as the informant.

**Recommendation:** Before an interview takes place, DLPW officials should explain fully the purpose of the interview, what will happen to them if they do speak out about their experiences, and what action will be taken. This should reassure the interviewee and make it more likely that they will speak frankly during interviews.

**Recommendation:** Only DLPW officials should be present during interviews to minimise the chance that workers feel intimidated by the process. Inspection teams should acknowledge that workers – especially migrant workers – may fear authority figures. In the event that they have been trafficked or entered Thailand illegally, they may be fearful of punishment if this is discovered. DLPW officials should be aware of unrelated agencies or individuals and should be assertive in telling them to leave the interview area.



During this interview in Chumpon the individual (left) encroached on the conversation – potentially decreasing the chances of these interviewees from feeling comfortable enough to speak freely. To her credit, the translator did tell him to leave the area shortly after this photograph was taken. © EJF



**Recommendation:** DLPW officials and translators should be provided with appropriate training in the identification of victims, application of 'soft skills' and a victim centred approach to make crew members feel more comfortable and safe during interviews and inspections. For more information on this please consult EJF's 'Conducting Interviews with Migrant Workers' guide which is available in English and Thai.

- At some PIPO centres DLPW officials have stated that because the majority of their vessels' fishing trips last only one day or night and/or because they know the fishing crews on-board intimately, labour checks can be quicker.

**Recommendation:** Although this is true to a certain extent, DLPW officials should understand that relationships amongst fishing boat crews and with their captain can change rapidly. Officials should remain vigilant and utilise their close relationships with fishing boat crews so that potential victims feel more inclined to alert them about abuses.

- Many PIPO centres stated that in the event of a potential issue being identified during interviews, follow up with the vessel captain or owner would immediate. DLPW officials would then carry out a follow-up survey or interview either within 15, 30 days, or on the 'port in' day for that vessel. In the event no progress had been made, a criminal case would be filed with local police.

**Recommendation:** Immediate follow up could mean that workers are less likely to speak out as they may fear punishment from their employer after the inspection. This is especially the case for 'port outs' where workers may then face several weeks or months at-sea with little chance of rescue. DLPW officials should explain to the worker that if a potential infraction is identified an investigation will occur and the issue will be raised with the vessel owner after their subsequent 'port in'. This should minimise the chances that the vessel crew would face retribution for 'whistle blowing'. Every attempt should also be made to keep interview results anonymous and private. If the 'port out' identifies a serious issue or any evidence of the captain threatening or using violence, the vessel should not be allowed to exit the port and an investigation should be launched with protection provided for workers.



This interview taking place in Sichon should be commended for 1) taking place out of sight and out of earshot of the rest of the vessel inspection, 2) using a comfortable & private setting to make the crew feel safe and secure, 3) only allowing the DLPW inspector and translator to be present, and 4) taking a proportional sample of the crew to be interviewed. © EJF

## 2.4. Department of Labour Protection & Welfare Surveys

During interviews, EJF has observed DLPW inspectors using various questionnaires and surveys to gather information. Some centres have adopted their own survey forms whilst others use forms such as the “Indications of the use of child labour and forced labour” – ‘แบบรายการขอเบ่งชี้การใช้แรงงานเด็ก และแรงงานบังคับ’ - survey (ตร๑ form). Based on EJF’s observations, the following recommendations can be made:

- Centres have reported asking survey questions to the entire assembled crew whilst others would take a small sample of three to five crewmembers. Answers have either been taken collectively (the crew raise their hands and take a majority answer) or individually with inspecting officers pointing at random crewmembers to answer each question. Other centres only asked questions to crewmembers who spoke Thai meaning that foreign crews would be left out of the inspection process.

**Recommendation:** Collective answers to sensitive questions asking about labour conditions are unlikely to identify abuses. Some PIPO centres reported that if the majority of the sample answered one way they would mark the survey accordingly, potentially ignoring minority cases.

**Recommendation:** Workers may also feel uncomfortable speaking out amongst their peers, or the vessel captain and so will answer along with the majority for fear of retribution from their employer.

**Recommendation:** Labour abuses and working conditions onboard fishing boats are complex issues and are difficult to accurately read from a ‘yes, no’ answer. Abuse can take many forms so questionnaires should be designed to factor this in.

**Recommendation:** Many surveys in use by DLPW officials are robust tools that should be standardised across all PIPO centres. A universal survey should be digitised and distributed amongst DLPW representatives at PIPO centres as soon as possible.

## 3. Seabook registration

EJF has only witnessed the ‘seabook’ registration process whilst in Phang Nga in early 2017 and again in December 2017. Seabooks are issued to all migrant workers which contain biometric data, their photo, and a record of their employment while in Thailand. Thai fishers are issued with a similar document which is known as a ‘seaman book’ – this process is being carried out by the Marine Department. For more information about the seabook registration process, please see the appendix.

Although the initial registration process for existing migrant workers was completed by the end of March 2017, seabook registration continues for new migrant workers arriving into Thailand. EJF observed the interview process for a new migrant worker in Songkhla in December 2017.



A seabook interview takes place in Songkhla in December 2017. © EJF

EJF was very concerned by the conduct of the seabook interview observed in Songkhla in late 2017, which was contrary to the practices advised by EJF and other agencies. It failed to apply a victim-centred approach by taking place 1) in front of an ongoing PIPO inspection, 2) with multiple officials present and listening in, 3) with the vessel owner present (yellow shirt, far right), and 4) with the vessel captain present (chequered shirt, right). The situation proved so intimidating for the interviewee that even when the translator asked his name and age he could not speak.

Such procedures will not provide accurate or useful information and will actively make it more difficult for inspectors to identify potential cases of human trafficking or abuse in the future.

**Recommendation:** Seabook interviews are an important screening procedure to evaluate whether or not migrant workers are being subjected to abuse or human trafficking. Interviews must take place in private, away from unrelated individuals, and especially out of sight and earshot of the vessel owner and vessel captain. Interviews such as those EJF witnessed in December 2017 will not yield useful results.

**Recommendation:** The use of a translator was encouraging. However, in order to be truly effective, interviews should be held in a private setting. Only officials from the DLPW should be present as to prevent the process from seeming intimidating.

**Recommendation:** As with PIPO interviews, the purpose of the interview, seabook registration process, and possible actions if abuses are identified should be discussed before the process begins so that crewmembers feel more comfortable.

**Recommendation:** Scars, injuries, or other distinguishing features may be a personal or sensitive issue for some workers. Photography of these should take place in a private location to make the worker feel more comfortable.

Anything that has the potential to make crew members feel more **vulnerable** or **intimidated** such as the overbearing presence of military officials, a large group of interviewers or listeners during interviews, or open photography of sensitive scars or injuries can **greatly decrease the chances** of workers trusting authority figures and sharing their abuse or trafficking experiences.

## 4. At-sea inspections



A fishing vessel inspection takes place off the coast of Sattahip. © EJF



EJF has observed four at-sea patrols in **Phuket, Songkhla, and Sattahip** with the RTN through 2016 and 2017 and one at-sea patrol in **Phuket** with the Department of Marine and Coastal Resources (DMCR) in January 2017. On each trip two fishing vessels were inspected. For more information on at-sea inspections please refer to the appendix. From these five trips the following recommendations can be made.

- Thai-MECC enforcement vessels do not have reliable access to VMS data or fishing vessel information before conducting an inspection. They are able to check the system through mobile phone networks but this is unreliable at sea.

**Recommendation:** Before an inspection, the Thai-MECC regional office should be able to send the enforcement vessel information about the fishing vessel including; 'port out' documents, crew lists, and VMS tracking information. This information should then be cross-referenced with the documentation held of on the fishing vessel to minimise the risk of counterfeit documents, altered crew lists.

**Recommendation:** Thai-MECC patrol vessels should have access to the VMS system. This is a recommendation that has been echoed by Navy and DMCR officials on all at-sea inspections observed by EJF since February 2016. This could work as either a less data-intensive version of the full system or as an offline version where patrol vessels can download vessel tracks to devices before setting out to sea.

- Inspections need to be thorough and systematic. Sometimes the fish holds are not checked or only some of the holds are checked. Net mesh size and other specific details of fishing gears are also not checked systematically.

**Recommendation:** Inspecting officers must carry out consistent gear and hold inspections and check catch quantities are verified with logbook data as well as the VMS track. Fish quantities should match those recorded in the logbook and match the approximate fishing effort recorded on VMS. Gears should be checked against the fishing license and ship registration and specific details of gears such as mesh size or number of hooks should also be checked in accordance with the regulations.



Phuket at-sea inspection: Hold inspections like this should be a universal procedure for at-sea inspections. © EJF

- Labour inspections are insufficient. Inspections consist of checking the crews' ID cards against the 'port out' documentation held by the vessel captain. On one inspection, only five out of 26 ID cards were checked.

**Recommendation:** Officers should conduct a full labour inspection to verify worker IDs, crew lists, and working permits with crew present on the vessel. This process should also involve conducting in-depth interviews with crew (in their native language) to establish living and working conditions onboard.

- Labour inspections also vary hugely in their approach with some Navy officers adopting an overbearing and intimidating position whilst others appearing more amicable and engaging towards workers.

**Recommendation:** Inspections should attempt to follow a victim-centred approach as much as possible or employ ‘soft skills’ to make crew members feel comfortable. For example during the DMCR inspections, the fishing vessel senior crew were taken onboard the patrol boat so that the crew members felt more comfortable and could speak more freely.



Chonburi at-sea inspection: Two aspects of the same vessel inspection show two different approaches to engaging with fisher workers. © EJJF

- Inspecting officers often experience translation issues communicating with predominantly foreign crews. Interviews are short, and held in close proximity with the vessel captain or foreman.

**Recommendation:** Inspections should involve independent translators (not a member of the Thai crew such as the vessel captain, or foreman) for at-sea inspections to facilitate communication. It is understood that multi-disciplinary teams are used for some at-sea inspections but at the moment these are sporadic.



- On the at-sea inspection conducted by the DMCR, officials inspected the species of fish that were caught and a sample of different species was also taken to be inspected back at the Marine Research Centre. DMCR officials explained that if 30% of catch composition is made up of reef fish species or those that live near the shore then the vessel would be suspected of illegal fishing and there would be an investigation.

**Recommendation:** Catch checking as carried out on this at-sea patrol should be part of standard operating procedures for at-sea inspections and catch checking procedures in general. Training on what species should be classified as 'suspicious' could be provided by provincial DMCR offices at PIPO centres and Thai-MECC Area Command Centres.



DMCR officials inspect the catch for fish species that might indicate illegal fishing. A sample is also taken for further tests. © EJF

## 5. VMS and MTUs:

After observations of the Thai VMS system both at the Royal Thai Embassy in London and at the FMC, and CCCIF in Bangkok over the past two year EJF provides the following recommendations that are aimed at improving the VMS system and should facilitate the identification and analysis of suspicious vessel behaviour.

EJF is encouraged by the DoF's progress in increasing transmission frequency for the most destructive fishing gears. As these can involve significant costs for operators, steps should be taken over time to secure bulk-purchase discounts to lower costs. For more information on VMS, please refer to the appendix.

- Vessels under 30GT are exempt from having VMS installed. The total commercial fleet as defined by the RTG is comprised of 11,026 vessels measuring from 10GT and above (as of January 2018). VMS is currently compulsory only for vessels over 30GT – an approximate total of 6,100 vessels. This means that approximately 45% of the Thai commercial fleet is currently unmonitored. There are preliminary plans to extend VMS requirements to vessels over 20GT and eventually to vessels over 10GT however progress has been slow.

**Recommendation:** Plans to extend VMS registration to smaller vessels should be prioritised with the aim of starting VMS installations for vessels over 20GT by **2018** and for vessels over 10GT by **2019**. The more common gear types such as trawlers should be prioritised to help control current levels of fishing.

- EJF understands that certain fishing gears including anchovy purse seiners are now required to transmit VMS signals every 15 minutes once they leave port. At present this switch is not automatic and relies on ongoing communication between the vessel operator and his respective VMS provider in order to manually switch transmission frequency.

**Recommendation:** The transmission frequency switch must be made automatic in order to prevent unmonitored fishing activity as well as to reduce the chance for human errors which could lead to undue financial penalties borne by the vessel operator. An automatic switch could activate when the FMC detects the vessel leaving and arriving back into port.



- MTUs have been known to be easily removed from vessels. This could allow IUU operators to transfer their MTUs to other vessels and then continue fishing without being monitored by the Thai authorities. As of April 2017, reportedly all MTUs had been fitted with tamper-proof seal and locking devices (see below). However, EJF has recently observed that although MTUs are secured with a locking device, some units could still be easily removable as they are only being secured to the vessel superstructure with rope or string.

**Recommendation:** It is imperative that seals, locking devices, and indeed the MTU itself are checked regularly during both PIPO and at-sea inspections to make sure MTUs are not being tampered with and are not easily removable. As per DoF regulations, if such an infraction is identified during an inspection and especially a 'Port Out', the vessel should not be allowed to resume fishing until the issue has been rectified.



Two examples of MTUs showing a well-fixed MTU with steel locking mechanism (left) and on the right, an MTU which is only loosely secured with string. © EJF

- Since September 2017, all new installations or replacements of MTUs have been in accordance with the new 'VMS Standard' which includes a selection of new requirements including the need for an independent power supply which can last up to 30 days. For more information on the new VMS Standard, please see the appendix.

**Recommendation:** Independent power supply is an incredibly important development which will significantly strengthen uninterrupted monitoring. However, it is important that the VMS system and batteries are regularly inspected to ensure the installed parts are in line with regulations.



A new BlueTraker unit that is designed to be installed in the bridge. This unit includes port, fishing, and SOS alert functions.

- EJF understands that part of the new VMS Standard is a new 'In port' function that will reduce signal transmission time from the current one hour frequency to between four and eight hours – The exact time can vary according to provincial DoF requirements.

**Recommendation:** 'In port' signal transmission frequency should be standardised across the entire Thai fishing fleet to four hours. This will eliminate inconsistencies and issues that could arise if vessels move or reregister elsewhere.

**Recommendation:** If the MTU detects that the vessel begins to move while in 'port' mode, it should automatically switch back to the regular hourly broadcast schedule to prevent loss of data. A similar system is already in place for the UK's VMS+ system.<sup>2</sup>

- On-going communication and collaboration issues between the FMC and the regional PIPO and Thai-MECC centres are proving a major hindrance in addressing IUU fishing. VOI information is not being passed on effectively which is having a detrimental effect on enforcement efforts.

**Recommendation:** Agencies should have direct lines of communication so that VOI information can be relayed between them effectively. This interoperability should be applied to risk-based vessel monitoring and PIPO inspection regimes as discussed earlier in this briefing.

**Recommendation:** Vessel data should be seamlessly integrated into 'FishingInfo2' and accessible by all agencies. The database needs to easily edited and updatable in real-time to allow the most effective use of data for VMS analysis as well as PIPO inspections.

## 6. VMS Programming:

- Add a new speed category to show speeds consistent with fishing. For example: Speeds between 2-6 knots should show as a new colour distinct from green to help identify possible fishing activity. VMS transmission frequency could be automatically increased from every hour to every 15 minutes while the vessel is at these speeds.
- Add a 'shaded' colour to differentiate vessels that have observers on-board or are fitted with ERS/EM.
- Add in more search filters for fishing gear/speed/risk category and make search fields non case sensitive to make it easier to find vessels.
- Add more customisable layers such as inshore areas that can vary between 3km and 3NM depending on the province.
- Implement a warning system so that if a vessel is approaching its 'Port in' date the FMC and vessel owner are alerted.
- Implement a geo-fence alert system which will notify the FMC if a vessel enters Marine Protected Areas during closed seasons.
- Use geo-fencing to automatically switch VMS transmission frequency from every hour to every 15 minutes when vessels are near or inside sensitive or restricted areas, MPAs, or foreign EEZs. This should apply for all fishing gears.
- Use geo-fenced polygons set around vessels to automatically detect potential transshipment activity if another vessel approaches.
- When on the tracking page, have the ability to click on the vessel track and see corresponding data in the table. This should work with the new 'three hour' tracking function as well to quickly gather data for specific points in time.
- The 'Tracking' and 'Watch' pages should be integrated and display the same information.
- On the 'Tracking' and 'Watch' pages, vessel information should include a note that explains why a vessel has a certain risk status and when a vessel changed risk status.
- Have the ability to change map style to full satellite photo rather than hybrid style.

<sup>2</sup> MMO (November 2013) Vessel Monitoring System (VMS+) Guidance, Marine Management Organisation, available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315662/vmsplus.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315662/vmsplus.pdf)

## Appendix

### “Indications of the use of child labour and forced labour” survey:

The survey known in Thai as ‘แบบรายการข้อบ่งชี้การใช้แรงงานเด็ก และแรงงานบังคับ’, or commonly the ตร๑ form, was commissioned by the CCCIF shortly after the agency was formed. It was designed for use during at-sea and PIPO inspections, asking questions about all aspects of an individual’s experience on a fishing vessel. Answer options are either ‘yes’ or ‘no’ and cover areas such as:

- A worker’s wages, and how often he is paid
- Whether he has a contract, and whether he is able to terminate it
- Whether or not he has ever had wages deducted, delayed, or taken away
- The provision of food, water, shelter, and rest periods at-sea
- What his mental and physical health is like
- What his relationship is like with the captain, foreman
- Where his documentation is held such as ID card, contract, or passport
- Whether he is free to go ashore when the vessel docks, and for how long
- Whether he has been abused or threatened by anyone
- Whether he has been a victim of trafficking

The survey was used primarily by the DLPW in the months of November and December to uncover cases of abuse on fishing vessels.

### PIPO centres visited by EIJ staff:

PIPO centres highlighted in green indicate those visited more than once.

PIPO Centre	Thai-MECC Area	Date Visited
Samut Sakhon	1	05/02/16
Songkhla	2	16/02/16
Phuket	3	17/02/16
Samut Prakan	1	12/05/16
Chonburi	1	12/05/16
Samut Songkram	1	14/05/16
Phetchaburi	1	14/05/16
Pranburi	1	25/07/16
Prajuab	1	25/07/16
Bangsapan Noi	1	25/07/16
Chumpon	1	26/07/16
Langsuan	1	26/07/16
Surat Thani	2	27/07/16
Sichon	2	27/07/16
Nakhon Si Thammarat	2	28/07/16
Pattani	2	29/07/16
Songkhla	2	29/07/16
Khlong Yai	1	06/08/16
Trat	1	06/08/16
Chantaburi	1	07/08/16
Prasae	1	07/08/16
Rayong	1	07/08/16



Ranong	3	24/01/17
Kuraburi	3	25/01/17
Phang Nga	3	25/01/17
Krabi	3	25/01/17
Kantang	3	26/01/17
Pak Bara	3	26/01/17
Satun	3	26/01/17
Phuket	3	27/01/17
Chantaburi	1	24/07/17
Prasae	1	25/07/17
Rayong	1	25/07/17
Chonburi	1	26/07/17
Nakhon Si Thammarat	2	21/11/17
Sichon	2	21/11/17
Surat Thani	2	22/11/17
Chumpon	2	22/11/17
Bang Saphan	2	23/11/17
Prachuap	2	23/11/17
Pranburi	2	24/11/17
Songkhla	2	07/12/17

### Seabook Registration Process:

When migrant workers register for a seabook they are often brought to their respective PIPO centre by their employer/broker. The crew are then separated from their employer/broker and one by one called forward for an interview by DLPW representatives along with a translator. A DLPW questionnaire (often the ๓๕๐ form) is used to ask them questions about how they arrived in Thailand, their time on-board fishing boats, living/working conditions, and employment conditions. In Phang Nga, this did not take place in private (see photo below).



Seabook registration process being carried out in Phang Nga. The crowded environment with multiple military officials present created an intimidating atmosphere in which to carry out a sensitive interview with a potentially abused or trafficked worker. © EJF

After the interview they are photographed, and any distinguishing scars or injuries are also photographed and noted so that there is a historical record. Their fingerprints are then taken in preparation for the future roll out of biometric finger print sensors to be used during PIPO and at-sea inspections.



Foreign workers stand with their completed seabooks. © EJF

## VMS Standard 2:

From September 2017 all new VMS installations or replacements have been in accordance with the new 'VMS Standard'. Some of the key requirements as per the standard are detailed below:

- Restrictions on data tampering, data transmission, and transmission frequency
- New standards for MTU installation location, fixings, and seals as well as tamper-proof locking mechanisms
- If the MTU is opened or tampered with, the system will send a signal to the FMC to say so
- Independent power supply that will allow VMS transmissions for at least 30 days
- Additional functions including an SOS button that can alert the authorities if a vessel is in distress
- A 'fishing' function that will be activated either by pressing a corresponding button or whenever the vessel is at a speed between 2-6 knots
- An 'in port' function that would signal that the vessel was moored up at port. Whilst in port, the MTU automatically reduces transmission frequency to either every four to eight hours. This will pass on significant cost savings in monthly air time payments to fishing boat operators.
- Indicator light to signal to the vessel captain that the MTU is functioning correctly or not.

## Key departmental agencies:

- **Department of Fisheries (DoF):** The DoF coordinates the Fisheries Monitoring Centre (FMC) in Bangkok with two VMS operators and two analysts at any one time. The FMC is open 24 hours a day. If a vessel is seen to be operating suspiciously, the vessel owner is notified and details are sent to Thai-MECC in the form of a daily report.

There are 13 VMS operators (all Thai, private companies) who provide the bandwidth and data service for the Thai VMS system. These operators receive the VMS data from fishing vessels and then send this onto the VMS centre in Bangkok.

Vessel owners have the option to buy the actual MTU from five different companies referred to as 'suppliers'. MTU price is on average 20,000 baht. Vessel owners then pay a monthly fee for 'air-time' that averages 1,000 baht per MTU per month.

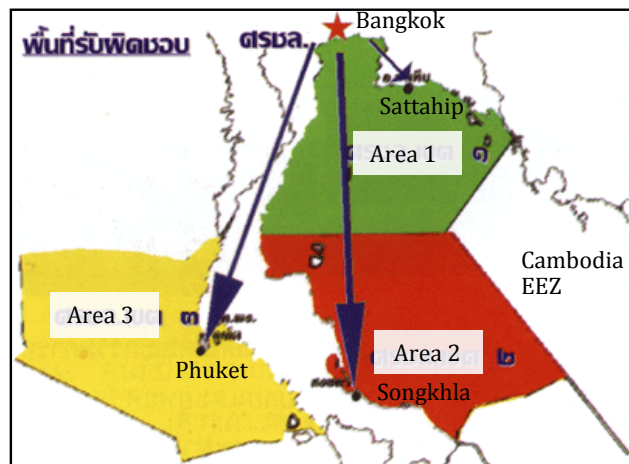
- **Command Centre for Combating Illegal Fishing (CCCIF):** Joint Navy and government agency set up 11 days after the EU warned Thailand that it was at risk of becoming an uncooperative country in its fight against IUU fishing. The CCCIF brings together representatives from various government agencies including Customs, Department of Marine and Coastal Resources, Department of Fisheries, Immigration, Department of Labour Protection & Welfare, and Marine Police.
- **Thai-MECC (Maritime Enforcement Coordinating Centre):** Royal Thai Navy division responsible for enforcement and interceptions at-sea. Thai-MECC has its headquarters in Bangkok, based currently at the CCCIF's command centre.

Thai-MECC is responsible not only for enforcing IUU prevention but also patrols the Thai EEZ for drug and contraband smugglers, illegal immigration, search and rescue, and national security protection.

It has three regional offices that cover:

- The Upper Gulf of Thailand (Area 1)
- The Lower Gulf of Thailand (Area 2)
- The Andaman Sea (Area 3)

Map shows boundaries for Areas 1, 2, and 3 along with the locations of command centres.<sup>3</sup>



Each Thai-MECC Area Command has 20 vessels and one aircraft under their jurisdiction that can be used for maritime patrols and inspections. These vessels come from six different agencies including the RTN, Customs Department, Department of Fisheries, Department of Marine and Coastal Resources, Marine Department, and Marine Police.

Thai-MECC vessels typically have a minimum patrol quota of five days a month. This means that if every vessel under Thai-MECC inspects its full monthly quota they should be able to carry out a minimum of 1,500 inspections per month across the three Areas.

Thai-MECC vessels also respond to urgent requests for inspections including cases of VMS issues, missing 'port out' documentation, crew discrepancies on the manifest, and reports from other 'informant' fishing vessels of potentially illegal activities.

- **PIPO Centres:** There are now a total of 32 centres (an increase from 28 in early 2016) in 22 coastal provinces split into 12 in Area 1, 12 in Area 2, and 8 in Area 3.

Every vessel wanting to leave or arrive into port must submit a request to the PIPO centre a minimum of four hours before departure or arrival. This is usually carried out by the vessel owner who brings with him the relevant information about the fishing vessel including the vessel's documents, crew lists, and fishing information (for port ins). The information from these requests is then fed into a central web-database called 'Fishinginfo2'. This is accessible by the DoF's VMS staff, Thai-MECC, and other PIPO offices.

<sup>3</sup> Royal Thai Navy (2016) Thai-MECC Jurisdictions:  
[www.civil.navy.mi.th/sornchon/sonchon001.html](http://www.civil.navy.mi.th/sornchon/sonchon001.html)





Boats moored up in Nakhon Si Thammarat. © EJF