

# Thailand's progress in combating IUU, forced labour & human trafficking

**EJF observations and recommendations volume 7, spring 2019**

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A Department of Fisheries patrol craft inspects a fishing vessel off the coast of Songkhla. © EJF

## Abbreviations:

CCCIF	Command Centre for Combating Illegal Fishing	LD	Landing declaration
CRA	Common Risk Assessment	MCS	Monitoring, Control, Surveillance
DoE	Department of Employment	MTU	Mobile Transceiver Unit
DoF	Department of Fisheries	NGO	Non Government Organisation
DLPW	Department of Labour Protection & Welfare	PIPO	Port In Port Out
FIP	Forward Inspection Point	RTG	Royal Thai Government
FMC	Fisheries Monitoring Centre	RTN	Royal Thai Navy
GT	Gross Tonnage	Thai-MECC	Thai Maritime Enforcement Coordinating Centre
IUU	Illegal, unreported and unregulated (fishing)	VMS	Vessel Monitoring System
LB	Logbook		

## 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 visits to 29 out of a total 30 'Port In Port Out' (PIPO) centres, all three Thai Maritime Enforcement Coordinating Centre (Thai-MECC) Area Commands, as well as witnessing multiple at-sea patrols conducted by the Royal Thai Navy (RTN), Department of Fisheries (DoF) and Department of Coastal and Marine Resources (DCMR). As a result of these observations, EJF has written detailed reports with recommendations that have been presented to Deputy Prime Ministers Prawit Wongsuwan and Chatchai Sarikulya, the RTN, CCCIF, DoF and other relevant agencies.

It should be noted that EJF observed the majority of these MCS systems while on pre-arranged visits with either the RTN, DoF or Flying Inspection Teams. This means that any observed procedures may not always happen in our absence. Since November 2017, EJF has attempted to conduct unannounced visits alongside to provide a more independent assessment. Further details of this methodology are provided in the appendix and are also available upon request.

Over the last year 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 which continue to impair the MCS management system as a whole. This updated briefing outlines these urgent, ongoing issues identified by EJF staff during the most recent visits throughout 2018 and early 2019 and presents recommendations to address these, notably:

- **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.
- **Over-stretched PIPO centres:** Many centres continue to 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 since 2017 have had at least one certified translator present 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).
- **Inconsistent inspection procedures:** PIPO centres have at their disposal 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 through a system known as the Common Risk Assessment (CRA). 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.
- **Digitization:** 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 are now harmonized through a 'single gateway' so that digitised worker information can be verified using biometric face scans during inspections rather than through physical identification documents.

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

The issues and recommendations identified by EJF since 2016 are grouped into the areas of 1. PIPO centres, 2. Labour inspections, 3. Specialist enforcement teams, 4. Labour screening on arrival into Thailand, 5. Seabook registration, 6. At-sea inspections, 7. Poseidon, 8. VMS & MTUs, and 9. VMS Programming.

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<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.

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 address the Thai distant water fleet. New recommendations as of February 2019 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.

## 1. PIPO centres

In 2018 EJF visited 21 PIPO centres including eight PIPO centres on the east coast of the Gulf of Thailand, seven centres on the west coast and six centres on the Andaman Sea side. For the year of 2019, as of February, EJF has visited 10 PIPO centres. A full list of the PIPO centres visited by EJF is available upon request.



The IUU Hunter team inspect a clam fishing vessel in Samut Songkram (For more information about IUU Hunter please refer to section 3 on page 17).

### 1.1 A move towards digital systems

In November 2017, a new digital PIPO system was launched called ePIPO. This system draws together all the historically paper-based documentation and 'FishingInfo2' database into a 'single gateway' system 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.

EJF has spoken to several PIPO officials and vessel operators who have commended the introduction of the system for its convenience and reduced workload. According to the CCCIF, ePIPO usage now exceeds 90% across the PIPO network.

**Recommendation:** It is vital that the ePIPO system 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.*



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

## 1.2 Overstretched

- Some PIPO centres have reported being over-stretched. For example, out of 29 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:** As part of recent efforts to reduce the strain for the busiest provinces, the CCCIF has introduced a total four new PIPO centres and 21 new Forward Inspection Points (FIPs). **Cha Choeng Sao** PIPO centre was also recently consolidated in with the much busier **Chonburi** providing greater staff capacity. A map of the current total 30 PIPO centres is provided in the appendix.

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

**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.

**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.

### 1.3 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.

Since September 2018 this has since been changed in favour of a risk-based approach known as the Common Risk Assessment (CRA) where a calculation of 12 different vessel metrics is used to determine whether a vessel should be classified as high risk, medium risk, or normal. High risk vessels should in theory be inspected 100% of the time they leave or arrive into port, medium risk – 30%, and normal risk – 10% or proportionally depending on PIPO resources and number of days per fishing trip.

	Normal	Watchlist	High-risk	Total
<b>September 2018</b>				
Total vessels	1,852	227	297	2,376
Inspections	1,555	185	276	2,016
% inspected	84.0%	81.5%	92.9%	84.8%
<b>January 2019</b>				
Total vessels	1,441	485	613	2,539
Inspections	1,415	469	599	2,483
% inspected	98.2%	96.7%	97.7%	97.8%

Table 1: Nationwide PIPO inspections for the three risk groups for September 2018 and January 2019 showing the improvement over time in inspection rates as well as changes in vessel categorisation. (Dept of Fisheries, 2019).

**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 should mirror this shift and allow more time for analytical inspections and especially interviews.

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

**Recommendation:** It is equally important that PIPO officials do not automatically assume that because a vessel is classified as normal risk that it does not warrant a thorough inspection. Vessel conditions and labour standards can fluctuate and PIPO inspectors should always maintain their vigilance.

### 1.4 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 EJF has observed in the past. For example, at one PIPO inspection in 2016 EJF 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.

- EJF 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, EJF 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 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 EJF 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.

- At the majority of PIPO centres visited since summer 2017, EJF has 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.



These two photos show the degradation over time of lifejackets stored on-board fishing vessels. It is important that these are checked regularly to ensure that they are still fit for purpose.

- EJF has also observed that some of these lifejackets are succumbing to wear and tear. In several cases the dilapidated state of such lifejackets might inhibit or endanger the wearer.

**Recommendation:** Lifejackets should be thoroughly checked during inspections to ensure that they are fit for purpose and do not have rips, missing features, or other problems.

EJF recommends the following **critical** procedures are carried out **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	On-board inspection for stowaways/hidden crewmembers
2	On-board 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 and that lifejackets are fit for purpose.
5	Check all crew have and understand how to use bank accounts. Verify that these bank accounts have been used updated in recent months.

Table 2

## 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 exemplified by the fact that no cases of serious abuse had been reported or identified by inspections at any of the 29 PIPO centres EJF has visited since their initial creation in mid 2015.

In 2018 the DLPW reported almost 75,000 fishing vessel inspections and almost 880,000 worker inspections.<sup>2</sup> In total 5,800 labour violations were identified across these vessel and worker inspections (an identification rate of 7.7%). The vast majority of these cases were settled through administrative adjudication whilst there were zero prosecutions. The majority of these labour offences were related to ‘payment document issues’ (45%), ‘rest time issues’ (33%), and ‘employment contract issues’ (9%). Zero cases of child labour, forced labour, or human trafficking were identified through these inspections.

<sup>2</sup> Prevention of Human Trafficking on Labor Operation Center (3 January 2019) 2018 Yearly Report of the Prevention of Human Trafficking on Labor Operation Center

- It is currently voluntary for migrant workers to receive their contract in their native language. Many employers already do this however unscrupulous operators who wish to take advantage of vulnerable migrant workers who cannot speak or read Thai may choose to only supply contracts in Thai. This could result in the withholding of contractual terms and workers' rights regarding pay, rest times, sick leave. The 'Announcement of the Department of Labour Protection and Welfare concerning the Establishment of Employment Contract for Employees in the Marine Fishery' (October 2017) sought to establish such mandatory language provision, however, this clause was later removed from the draft.

**Recommendation:** This clause should be reintroduced as soon as possible to prevent the potential exploitation of workers. It is a worker's right to be able to fully understand the conditions of signing an employment contract with their employer. Mandatory dual-language contracts are a basic and cost-free method by which migrant workers who cannot read or understand Thai can quickly determine if their employment contract is suitable or if there are discrepancies. This would help reduce the chances of workers being exploited, and help avoid contractual disputes in the future.



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

- 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.

## 2.1 Electronic payment system

- 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 has the potential to greatly enhance transparency in what was historically largely an informal, unaccountable process.

However, EJF has observed numerous vessel inspections throughout 2018 and early 2019 which have highlighted several issues regarding potential cases of document retention. These include:

- Bank account books not being regularly updated, often for several months. It is important that frequent records are kept so that authorities can accurately assess discrepancies in payments.
  - Vessel owners or captains holding workers' bank account books and ATM cards at their home or office, and also knowing or writing down workers' PIN numbers. Both these measures have the potential to allow vessel operators complete control over workers' funds, defeating the purpose of the system;<sup>3</sup>
  - Workers never having seen their ATM cards or unable to recollect the colour of their ATM card. This is despite ATM cards being defined as 'personal property' rather than 'identity documents or other important documents'. These are possible indicators that workers lack financial access and are not being included in how to use the system correctly.
- Between 3<sup>rd</sup>-11<sup>th</sup> January 2019 EJF observed a total 12 cases of workers' ATM pin numbers being written down on the ATM cards themselves or vessel operators having access to these documents. These cases were identified in provinces including: **Cha Choeng Sao, Rayong, Samut Sakhon, Samut Songkram, Songkhla, and Trat.**

**Recommendation:** PIPO officials should ensure 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.



This worker's bank book was last updated in January 2018 whilst attached to their ATM card is a slip of paper with their ATM Pin number. This photo was taken on 10<sup>th</sup> January 2019 in **Rayong**.

<sup>3</sup> EJF acknowledges that although the practice of holding bank account books on behalf of workers is technically legal under Article 131 of the Migrant Worker Management Act, such tactics could be used to limit workers' financial access and be possible indicators of document retention and labour exploitation.



This photo (taken on 28<sup>th</sup> May 2018) shows a worker's bank book with its last and only update being the initial 500 baht deposit made on 10<sup>th</sup> October 2017.

- Article 131 of the Royal Ordinance Concerning the Management of Employment of Foreign Workers (No.2) B.E. 2561 allows for the practice of vessel captains or owners holding workers' bank account books and ATM cards. This could allow unscrupulous operators to exploit the system and retain documents under this pretense.

**Recommendation:** EJF urges the DLPW to amend the 'Announcement of the Department of Labour Protection and Welfare concerning the Establishment of Employment Contracts for Employees in the Marine Fishery' to **mandate** that workers' bank account books and ATM cards **must** be kept on-board the vessel and **should not** be held at the house or office of the vessel owner, captain, or broker.

**Recommendation:** During inspections, DLPW inspectors must verify that regular monthly payments are being made into workers' bank books and that relevant payment documents and ATM cards are present. Workers should be aware of where their payment documents are held, and be certain they have easy access to them at all times. If these documents and personal property are not present on-board the vessel, this should be investigated and appropriate action taken.

**Recommendation:** If workers have indeed surrendered their bank books and ATM cards to the vessel owner or operator, it is imperative that DLPW officials ask appropriate questions to determine whether or not workers know where their documents are kept and whether or not they have unrestricted access to these.

- EJF has observed several examples of the electronic payment system being adopted fully and welcomed by vessel owners. These have been observed in provinces including **Prachuap Khiri Khan** and **Ranong**. Examples include ensuring workers' bank books are up-to-date and maintaining regular payment receipts that are available for inspection.

**Recommendation:** Such examples of good or best practice should be shared and showcased in order to demonstrate that the system can work if appropriate training and guidance is provided.

- Through EJF's ongoing observations, EJF has heard detailed positive feedback from numerous vessel owners of how the system could become a truly powerful tool in combating illegal salary deductions, however without adequate training on how to operate the system, it is difficult to implement at this time.

**Recommendation:** Vessel owners who exhibit such best practices could be incentivized to train other vessel operators who require additional training. Such dissemination of information and techniques between vessel owners would be an effective means of transferring and improving understanding on how to fully utilise the payment system.

## 2.2 Victim-centred approach



PIPO inspection in **Pra Sae** where the crew are provided with chairs so that they feel more comfortable during the inspection.

- 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 **Pra Sae** and **Songkhla** PIPO inspection points 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 negative 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 chances 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.

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.

## 2.3 Translation provision

- Translators were present at all 21 PIPO centres inspected in 2018 showing a marked improvement compared to translation provision as observed in previous years. For example in 2017 only 16 out of 19 PIPO centres had at least one translator. In the three 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 Stella Maris), or use video/voice call functions with translators at other PIPO centres.

## 2.4 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, even as of early 2019 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 reaffirming 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 at least been conducted separately from the rest of the inspection, however their thoroughness and quality continues to vary in other areas.

**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.

**Recommendation:** Several PIPO centres already utilize the centre's pickup truck as an interview location while **Songkhla** PIPO has retrofitted a portacabin into an interview room. These spaces provide 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.



**Songkhla** benefits from having a ‘chokepoint’ all fishing vessels must pass through for PIPO inspections. This has allowed them to retrofit a porter-cabin into a permanent interview room.



An interview with three crew members takes place in the back of a PIPO centre’s pickup truck.

- EJF and other organisations such as the ILO advocate that a sample of crew is taken to interview rather than one individual. In the past, EJF has observed multiple PIPO inspections where only one individual was selected for an interview. This practice 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.

**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 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 issues 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.

## 2.5 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" – ‘แบบรายการข้อบังคับการใช้แรงงานเด็ก 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. Specialist enforcement teams



The IUU Hunter team observe a PIPO inspection in **Rayong** port.

Several monitoring and enforcement taskforces have been established over the last three years in order to complement existing PIPO operations and provide assistance and training in how to improve procedures. These include the IUU Hunter team – under the jurisdiction of the DoF and formed in March 2018 under the order of Deputy Prime Minister Chatchai Sarikulya - and the Flying Inspection Teams (FITs) – formed in February 2018 under the jurisdiction of the CCCIF. For further information about these two specialist programmes please refer to the appendix.

EJF has conducted several port visits with both teams and provides the following recommendations on how to improve operating procedures.

**Recommendation:** Both teams are designed to facilitate improved vessel inspections, both from a fisheries and labour perspective. It is important that a multi-disciplinary approach is consistently applied so that both issues receive equal attention during either IUU Hunter or FIT visits.

**Recommendation:** It is important that for IUU Hunter trips that there is consistent and thorough recording of identified infractions and subsequent investigations. This should include detailed analysis of how issues were identified and how they were resolved. Without such data collection, it could result in the team's collective knowledge from dissipating if the team is dissolved.

**Recommendation:** To ensure the future survivability of the IUU Hunter and FITs it is important that training schemes are established so that future team leaders can rise through the ranks and become accustomed to adopting an investigative mindset during vessel inspections.



Officers from the FIT discuss the findings of a PIPO inspection in **Chantaburi**.

**Recommendation:** FITs can further ensure the survivability and longevity of the programme by incorporating local civil society organisations (CSOs) into the training section of each FIT visit. Local CSOs would benefit through involvement in the enforcement and information exchange whilst FITs would benefit from having access to invaluable local context and expertise provided by the CSOs.

**Recommendation:** Local CSO involvement in PIPO operations could also work to reinforce relations between the authorities and civil society in general, whilst also providing a mutual learning and sharing of skills, expertise, and knowledge. Local CSOs could for example provide translation services to PIPO centres which are understaffed. They could also begin to address inherent trust issues that PIPO centres might be facing when interacting and communicating during interviews with workers.

## 4. Labour screening on arrival into Thailand

For workers arriving into Thailand through the Memorandum of Understanding (MOU) recruitment channel, migrant workers are first screened by officials from the Department of Employment (DoE). This is carried out to ensure that they are operating of their free will and are not under duress or being coerced into work. This is normally done through an interview using a certified translator.



Migrant workers wait to be screened at the newly opened **Ranong** migrant worker processing center which was officially opened on 23<sup>rd</sup> September 2018.

It should be noted that EJF has only observed the screening process at the newly opened Ranong 'Post-Arrival and Reintegration Center for Migrant Workers' port in September 2018. However, based on these limited observations EJF provides the following recommendations:

- Arriving workers were interviewed as a group and not individually. Multiple uniformed and armed police and other officials were also present during the interview process. These factors have the potential to intimidate workers and make it unlikely that they will speak out about their experience or indeed if they were a victim of forced labour or trafficking.

**Recommendation:** Labour screening procedures must follow the same victim-centred approach as advocated for at PIPO centres and during at-sea inspections. It is vital that these procedures are conducted at the highest possible standard to prevent workers from henceforth associating Thai labour and law enforcement officials with discomfort and intimidation.

**Recommendation:** DoE officials should ensure that workers are interviewed individually and that interviews take place in a private, comfortable setting. Only DoE officials should be present to minimise the chance that workers feel intimidated by the process. Inspection teams should acknowledge that workers – especially migrant workers – may already 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. DoE officials should be aware of unrelated agencies or individuals and should be assertive in telling them to leave the interview area.

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

## 5. Seabook registration

EJF has only witnessed the 'seabook' registration process whilst in **Phang Nga** in early 2017 and again by chance in December 2017. This is because the initial registration process for existing migrant workers was completed in March 2017 with sporadic seabook registration continuing for new migrant workers as and when they arrived into Thailand. Once the process is complete for each migrant worker they are not required to renew for another year. EJF plans to conduct a renewed assessment of the seabook registration process over the course of 2019.

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.



A seabook interview takes place in **Songkhla** in December 2017.

EJF was especially concerned by the methods used during the seabook interview observed 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 out of 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.

## 6. At-sea inspections



A fishing vessel is inspected by the Department of Fisheries off the coast of **Songkhla**.

Since 2016 EJF has taken part in 10 at-sea patrols on-board vessels from the Royal Thai Navy, Department of Marine and Coastal Resources (DMCR), and DoF – all agencies with patrol capabilities under the jurisdiction of Thai-MECC. These patrols have taken place in **Phuket, Songkhla, Sattahip, Samut Songkram, Phetchaburi**. This has allowed EJF to assess a wide variety of at-sea inspections and differing methodologies over the years, agency, and region.

- 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.

- Labour inspections are insufficient and are not conducted according to universal procedures. In addition, the level of scrutiny during at-sea inspections varies considerably compared to PIPO inspections.

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

- Labour inspections can also vary in their approach with some officials 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 and DoF inspections, the fishing vessel senior crew were taken on-board 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.

- 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 and not a member of the Thai crew such as the vessel captain, or foreman. It is understood that multi-disciplinary teams are used for some at-sea inspections but these are sporadic.

- On the at-sea patrol 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.
- On the patrol conducted by the DoF, officials inspected the gears of each fishing vessel to ensure that they were in accordance with the regulations. This is an important measure to ensure ongoing fisheries compliance.

**Recommendation:** Catch checking and gear verification should be part of standard operating procedures for Thai-MECC at-sea inspections and catch checking procedures in general. Training on gear specifications and what species should be classified as ‘suspicious’ could be provided by relevant agencies 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.



A DoF official measures the mesh size of the net to ensure it is in accordance with the regulations.

## 7. Poseidon

In April 2018 EJF also undertook a separate at-sea patrol on-board *Poseidon*, a covert patrol vessel coordinated by the Royal Thai Police (RTP) and DoF. *Poseidon* – launched in October 2017 – is different to conventional patrol vessels in that it is in fact an old fish carrier vessel converted into an undercover police patrol vessel.



*Poseidon* pictured alongside five recently impounded Vietnamese fishing vessels in April 2018.

Poseidon carries a crew comprising RTP and DoF officials, sophisticated radar technology, and a speedboat. Once within range, the speedboat is deployed and sent in for the final interception. Poseidon will often radio a Navy or DoF vessel to rendezvous with the impounded vessel and escort it back to shore, allowing Poseidon to resume its patrol and minimise wasted time in transit back and forth.

Poseidon's success is demonstrated by its remarkable capture rate. In 2018 it was responsible for impounding a total 89 vessels: 22 Thai boats and 67 foreign- flagged vessels.

**Recommendation:** Poseidon should carry at least one interpreter on-board who can speak commonly spoken languages amongst the foreign-flagged vessel crews. This would facilitate immediate communication and information gathering.

**Recommendation:** Poseidon is not built for speed or agility and so relies on its speedboat for quick vessel interceptions when it is within range. Additional on-board fixed wing drone technology which could be launched from the front deck of the vessel would facilitate the identification of potential suspect vessels outside of visual range of Poseidon, thus enhancing its operational intelligence.

**Recommendation:** The RTP and DoF should expedite plans to acquire a second vessel that can either compliment Poseidon's efforts in the Gulf of Thailand or patrol the Andaman Sea instead.

**Recommendation:** Thailand should coordinate with neighbouring countries to disseminate knowledge of Poseidon and ensure that other countries combating IUU fishing can adopt this highly effective and cost-efficient enforcement mechanism.

## 8. 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 three 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. As of October 2018 the total commercial fleet as defined by the RTG was comprised of 11,521 vessels measuring from 10GT and above. VMS is currently compulsory only for vessels over 30GT – 6,259 vessels – meaning that approximately 46% 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 revisited as soon as possible to identify cost-effective solutions that could facilitate the installation of tracking devices on-board vessels over 20GT and eventually vessels over 10GT. 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 error 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.



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.

- Mobile transceiver units (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. However, EJF has 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.



These photos show the steel locking mechanism attached to a VMS MTU (left) and a degraded lock (right).

- EJF has also observed that MTUs are succumbing to wear and tear which is resulting in the steel cable locking mechanisms breaking and rusting.

**Recommendation:** New high quality weather-proofed locking mechanisms should be designed and fitted as soon as possible to prevent unscrupulous operators from exploiting the natural degradation of existing mechanisms.

**Recommendation:** PIPO centres and Thai-MECC patrol craft must be briefed about the degradation of these locking mechanisms and locking mechanisms checked regularly during both PIPO and at-sea inspections.

- 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 should aid greatly in 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>4</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.

<sup>4</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)

## 9. 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 VMS operator and vessel owner are alerted.
- Implement a geo-fence alert system which will notify VMS operators 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.
- 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.

## APPENDIX

### Common Risk Assessment:

The Common Risk Assessment was first introduced in January 2018. It was designed to harmonize the existing risk calculation systems used by the Fisheries Monitoring Centre, Thai-MECC and those of individual PIPO centres. All three of these systems are now part of the CRA.

Under the CRA there are 12 vessel criteria that contribute to a total risk 'score' for each individual vessel. These criteria are provided below:

Risk Number	Risk Description	Contributing Factors
R1	Violation of PIPO reporting requirements	<b>R1-1:</b> Ship has no tracking device; <b>R1-2:</b> Number of times the vessel has 'ported out' without being inspected
R2	Risk of committing labour violations	<b>R2-1:</b> Number of prosecutions; <b>R2-2:</b> Number of fishing days; <b>R2-3:</b> Number of rest hours for the crew; <b>R2-4:</b> Actual 'Port in' time is different from the declared 'port in' time
R3	Having the wrong number of crew on-board	<b>R3-1:</b> Number of crew is not consistent with DoF records
R4	Assuming a fake registration or registration tampering	<b>R4-1:</b> Vessel is on the watchlist, are in the medium or high risk vessel category, or are listed as damaged or sold abroad; <b>R4-2:</b> Vessel owner has previously sold other vessels in order to absorb/merge fishing licenses
R5	Fishing in coastal areas	<b>R5-1:</b> Vessel has a history of coming within reserved coastal areas; <b>R5-2:</b> Vessel owner or captain has a history of coming within reserved coastal areas; <b>R5-3:</b> Vessel has a history of missing VMS signals near coastal areas
R6	Anchovy purse seine vessel with risk of operating at night	<b>R6-1:</b> Vessel has a history of fishing at night; <b>R6-2:</b> Vessel owner or captain has a history of fishing at night; <b>R6-3:</b> The length of time used to fish; <b>R6-4:</b> Anchovy purse seine vessel owner owns light generating or squid light boats; <b>R6-5:</b> Distance from shore that vessels are fishing
R7	Falsifying logbook data	<b>R7-1:</b> Difference between logbook (LB) data and VMS; <b>R7-2:</b> Difference in weight of catch between landing declaration (LD) and LB; <b>R7-3:</b> Top three species differ between LD and LB; <b>R7-4:</b> Number of times that there have been unreported species between LD and LB; <b>R7-5:</b> Number of times vessel owner has misreported catch; <b>R7-6:</b> Number of times reason for 'port in' has suddenly changed to 'unloading of catch'; <b>R7-7:</b> Vessel that unloads its catch at multiple piers.
R8	Removing of VMS or turning off VMS	<b>R8-1:</b> Number of VMS faults; <b>R8-2:</b> Number of vessels a vessel owner has registered but have never once requested 'port out' clearance; <b>R8-3:</b> Number of times that a vessel has been called back due to VMS issues; <b>R8-4:</b> Number of cumulative VMS signal outages.
R9	Illegal or undocumented crew	<b>R9-1:</b> Vessel crew list has changed by more than 30% in the last three months.
R10	Using fishing gears not specified in their registration document	<i>The contributing factors for these three risk categories are still being finalised.</i>
R11	Captain or owner has previous offences or criminal records	
R12	Vessel has a recorded smuggling offence	

Table 3

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

The survey known in Thai as ‘แบบรายการข้อบ่งชี้การใช้แรงงานเด็ก และแรงงานบังคับ’, or commonly the ๓๖๑ 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.

### **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 ๓๖๑ 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.

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.

## **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:

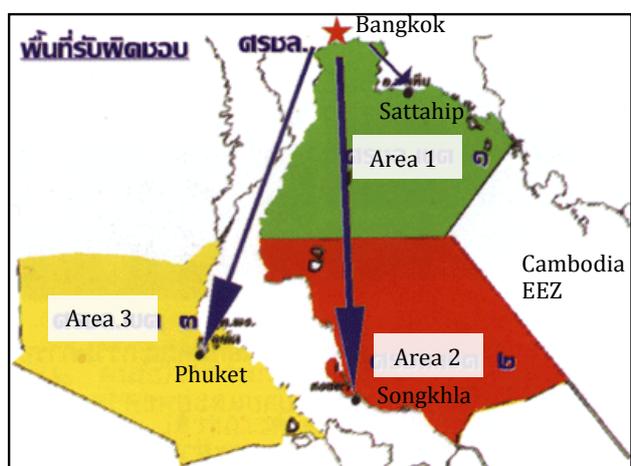
- Restrictions on data tampering, data transmission, and transmission frequency
- New standards for MTU installation location, fixings, and seals as well as tamper-proof locking mechanisms
- If the MTU is opened or tampered with, the system will send a signal to the FMC to say so
- Independent power 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.
- **IUU Hunter:** In March 2018 IUU Hunter – under the jurisdiction of DoF and by order of Deputy Prime Minister Chatchai Sarikulya – was launched. It is comprised of four investigators and operates based on intelligence gathering and specific investigations of vessels of interest. The team carries out unannounced port visits to identify issues and potential vessel infractions whilst also working alongside PIPO centres to investigate subsequent cases.
- **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.

- **Flying Inspection Teams (FITs):** These specialist teams are coordinated by the CCCIF and are comprised of several Royal Thai Navy officers and experts in vessel inspections, labour investigations, and other relevant fields. FITs carry out two trip elements with the first being the training portion of the trip where FITs carry out announced port and PIPO visits in order to provide training and support to officials. The second portion of the trip usually follows one or two weeks later and incorporates unannounced visits to ports in order to assess the overall performance and progress since the training trip. Each PIPO is scored and given an final report which identifies any gaps that should be addressed.
- **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>5</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.

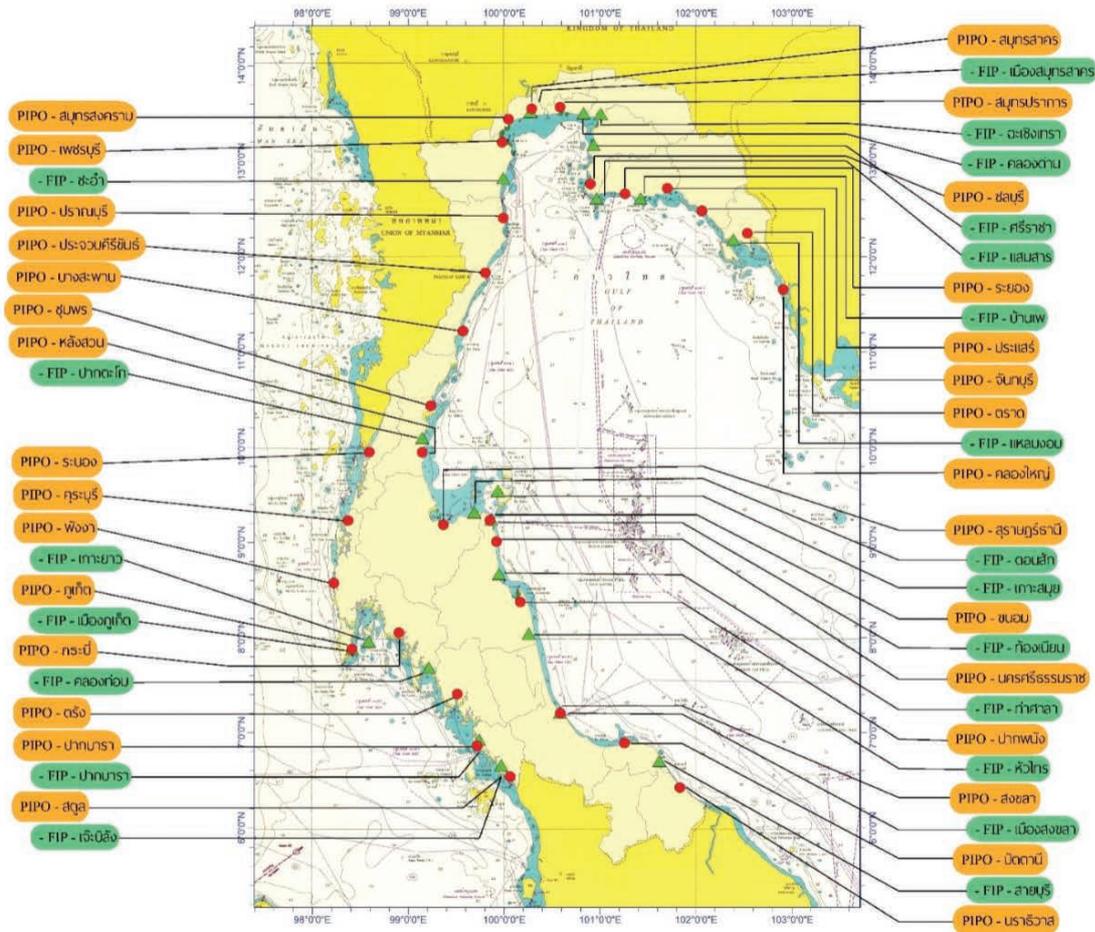
- **PIPO centres:** There are now a total of 30 PIPO centres (an increase from 28 in early 2016) across Thailand's 22 coastal provinces.

Area	PIPO	FIP
Area 1 (Upper Thai Gulf)	15	9
Area 2 (Lower Thai Gulf)	7	7
Area 3 (Andaman Sea)	8	5
Total	30	21

Table 4

<sup>5</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)

## แผนที่ที่ตั้ง PIPO&FIP



ศูนย์ควบคุมการแจ้งเรือเข้า – ออก (PIPO) ทั้งหมด 30 ศูนย์  
จุดตรวจเรือประมงส่วนหน้า (FIP) ทั้งหมด 21 แห่ง

ศรีชล.เขต.1 ประกอบด้วย  
ศรีชล.เขต.2 ประกอบด้วย  
ศรีชล.เขต.3 ประกอบด้วย

ศูนย์ PIPO 15 ศูนย์ และ FIP 9 แห่ง  
ศูนย์ PIPO 7 ศูนย์ และ FIP 7 แห่ง  
ศูนย์ PIPO 8 ศูนย์ และ FIP 5 แห่ง

This map shows the locations of each PIPO centre (red circles) and each FIP (green triangles) around Thailand's 22 coastal provinces.

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.

### **PIPO centres visited by EJF staff:**

Since February 2016 EJF has conducted over 80 visits to PIPO centres across Thailand's 22 provinces. EJF has visited 29 out of a total 30 PIPO centres with the only one never visited being Narathiwat in the restive south of Thailand. 21 of these centres have been visited more than once, ensuring that any positive progress can be recorded on a recurring basis.

A full list of PIPO centres visited by EJF is available upon request.





A fishing vessel comes alongside a DoF patrol vessel off the coast of Songkhla. © EJF