

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

EJF observations and recommendations volume 8, spring 2020



Executive summary

Since February 2016, EJJ 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. EJJ has observed all stages of the monitoring, control, and surveillance (MCS) systems in place with visits to all 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), Marine Police, Department of Fisheries (DoF) and Department of Marine and Coastal Resources (DMCR).

As a result of these observations, EJJ has written detailed reports with recommendations that have been presented to Deputy Prime Ministers Prawit Wongsuwan and Chatchai Sarikulya, the RTN, CCCIF and subsequently now THAI-MECC, DoF and other relevant agencies.

It should be noted that EJJ observed the majority of these MCS systems while on pre-arranged visits with either the RTN, DoF or Flying Inspection Teams (FITs). This means that any observed procedures may not always happen in our absence. Since November 2017, EJJ has attempted to conduct supplementary unannounced visits 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 EJJ 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 EJJ staff throughout 2019 and early 2020 and presents recommendations to address them, notably in the areas of:

- **Fishers lost at-sea:** In the fiscal year of 2019 at least 29 fishers lost their lives whilst working on Thai fishing vessels – less than three months into 2020 there have already been 18 cases. EJJ urgently urges that the Royal Thai Government implement standard operating procedures for search and rescue and subsequent investigation as soon as possible.
- **Premature termination of IUU Hunter:** EJJ recommends reintroducing the specialist enforcement team – IUU Hunter – as quickly as possible to ensure that it can continue serving its important purpose as a vital complementary mechanism alongside the PIPO network and other enforcement mechanisms.
- **Training of trainers:** Without appropriate and consistent training and institutionalization of skills learnt through mechanisms such as IUU Hunter or Flying Inspection Teams (FITs), THAI-MECC and other agencies risk jeopardizing the dissemination of knowledge to future teams – thus threatening the sustainability of Thailand's monitoring, control and surveillance mechanisms.
- **Coronavirus (COVID-19) precautions:** EJJ recommends that PIPO centres take measures to ensure vessel inspections and wider operations do not encourage COVID-19 transmission amongst crews or officials. The DLPW already helps disseminate information on the virus but all agencies should take equal precautions to prevent outbreaks.
- **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.
- **Under-resourced centres:** In October and November 2019 many PIPO centres across the network recorded dramatically reduced vessel inspection rates due to severe budget restrictions as a result of the transition of powers from the CCCIF to THAI-MECC. If such resource restrictions continue in the future it could have drastic consequences for the effectiveness of the PIPO system.
- **Inconsistent inspection procedures including provision of translators and implementation of a victim-centered approach during interviews:**ⁱ Although all PIPO centres EJJ has visited since 2017 have had at least one certified translator present, interviews continue to be carried out using inconsistent methods (especially with regard to separation from the rest of the crew). In addition, PIPO centres continue not to utilise checklists (Sor Jor Ror 1/๑๖.1) and other resources consistently.

EJJ 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 EJJ has observed.

ⁱ 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 EJJ guidelines on conducting interviews with migrant workers.

The issues and recommendations identified by EJJ since 2016 are grouped into the areas of 1. PIPO centres, 2. Fishers lost at-sea 3. Labour inspections, 4. Specialist enforcement teams (FITs), 5. Labour screening on arrival into Thailand, 6. At-sea inspections, 7. Poseidon, 8. VMS & MTUs, and 9. 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 address the Thai distant water fleet. New recommendations as of March 2020 are highlighted in **red**.

EJJ 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. EJJ 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 2019 EJJ visited all 30 PIPO centres whilst in 2020, as of March, EJJ has visited 13 PIPO centres alongside THAI-MECC's FITs. A full list of the PIPO centres visited by EJJ is available upon request.



A DLPW official distributes COVID-19 leaflets to fishermen in their native languages during a PIPO inspection.

The economic stresses caused by the COVID-19 pandemic are likely to be far-reaching and longlasting. PIPO inspections and other elements of MCS explored in this briefing must work to ensure that Thailand's marine resources are sustainably, legally and ethically caught. These mechanisms - if delivered effectively - can ensure that the food security, incomes and livelihoods of fishers and their families are safe from the economic uncertainty that lies ahead.

- Over the past five years a great deal of knowledge and expertise has been accrued across PIPO teams, at-sea patrol vessels and specialist enforcement teams such as Special Arrest Teams and IUU Hunter. Inevitably, this knowledge can become lost as individuals change positions and teams adjust.
- At some centres, officials have reported that finding suitably trained staff replacements can be challenging leading to officials having to temporarily borrow personnel from other agencies to cover for missing inspectors. Without proper training, interim staff could miss crucial inspection details.

Recommendation: THAI-MECC should ensure additional staff from each agency receive adequate training and maintain sufficient reserve lists for replacement staff wherever possible.

Recommendation: Training regimes and curriculums for 'training of trainers' should be implemented for PIPO centres, at-sea inspections and specialist enforcement teams drawing in knowledge and expertise from a wide variety of actors and agencies. This will ensure that recently acquired knowledge is not lost.

- Thailand currently has no searchable, regularly updated database of IUU fishing or human rights related fisheries cases. This would be a key means of deterrence and enable industry to buy seafood from legal and ethical suppliers.

Recommendation: PIPO centres and other agencies would benefit from having news stories and details of vessel arrests and prosecutions published online in a searchable, regularly updated database. Such a database would also enhance transparency in Thailand's fishing industry – giving both seafood buyers, NGOs and indeed vessel owners a platform from which to analyse vessel activity and learn from previous transgressions.

- Over the last three years the DoF, SEAFDEC and ILO have conducted fishing trials with a modified purse seine fishing vessel that can lower the number of crew members by nearly 40% and improve working conditions and pay.¹

Recommendation: The successful pilot vessel should be showcased at ports around Thailand so that vessel operators can see for themselves the benefits and cost-effective modifications that need to be made to their own vessels.

1.1 A move towards digital systems

An electronic version of the PIPO system was launched in November 2017 – 'ePIPO', drawing together all historically paper-based documentation and the 'FishingInfo2' database into a 'single gateway' system. This means that vessel compliance can be checked automatically when a vessel owner requests a PI or PO and includes all relevant vessel and crew information including a digital crew list – significantly reducing workloads for officials. Vessel owners can also submit PIPO requests completely electronically – saving vessel owners time. This represents a great improvement on the traditional paper-based versions and has proven to greatly enhance the inspection capacity of PIPO officials.

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.*



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

1.2 Overstretched & under-resourced

Over the last two years the Thai authorities have introduced four new PIPO centres and 21 new Forward Inspection Points (FIPs) in order to alleviate pressure on several over-stretched PIPO centres. **Cha Choeng Sao** PIPO centre, for example, was consolidated in with the much busier **Chonburi** centre providing greater staff capacity. A map of the current total 30 PIPO centres is provided in the appendix.

- Even so, some PIPO centres continue to report being over-stretched. For example, out of 30 PIPO centres visited, 10 have an inspection point over 50km away from the centre. This can result in inspection teams missing port visits or spending many hours of the day just by travelling to and from the ports.

Recommendation: With the proven success of introducing new FIPs, THAI-MECC Command and DoF should conduct a renewed assessment of FIP needs across the PIPO network to alleviate any changes in vessel traffic. EJF is ready to provide analysis and recommendations on which PIPO centres should be prioritised.

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.

1.3 Risk-based inspections

Since September 2018 a risk-based approach known as the Common Risk Assessment (CRA) has been used at PIPO centres to prioritise which vessels are inspected. The CRA calculates 12 different vessel metrics to determine whether a vessel should be classified as high risk, 'watchlist', or normal. High risk vessels should in theory be inspected 100% of the time they leave or arrive into port, watchlist – 30%, and normal risk – 10% or proportionally depending on PIPO resources and number of days per fishing trip.

- Fishing vessels involved in missing fisher cases are currently not reclassified on the CRA to either watchlist or high risk. EJF has recently heard reports of three fishermen going missing from the same fishing vessel over the space of just three months with no CRA elevation for the vessel in question or its sister vessels.

Recommendation: Vessels involved in missing fisher cases must be downgraded to watchlist immediately and should remain at this level until the vessel owner can prove that adequate measures have been taken to mitigate future incidents. This should apply to any sister vessels owned or operated by the same family or company. Repeat offenders (vessels losing more than one fisherman at sea within five years) and any sister vessels should be downgraded to high-risk. For more information about fishers lost at-sea and investigation protocols please see section 2.

- In October 2019 the average vessel inspection rate across the PIPO network fell to 75% - a significant drop from a rate of 91% in September 2019. These problems were most acute at PIPO centres across the Upper Gulf of Thailand including centres such as Chantaburi, Samut Prakan, Prachuap Khiri Khan and Phetchaburi.

Table 1 shows the inspection rates for the 10 worst performing PIPO centres for October 2019. Data from October 2018 demonstrates that these centres have in the past posted fairly consistent inspection rates. Narathiwat* is the only centre out of the 10 in Area 2 (Lower Gulf of Thailand PIPO centres). It often has variations in inspection performance as the centre suffers from security concerns due to its location in the restive South.

PIPO centre	Oct 2018	Aug 2019	Sept 2019	Oct 2019	% change between Sept 19 - Oct 19	% change between Oct 18 - Oct 19
Chanthaburi	90%	100%	79%	6%	-92%	-93%
Samut Prakan	94%	92%	92%	20%	-78%	-79%
Prachuap Khiri Khan	91%	99%	99%	26%	-74%	-71%
Narathiwat*	91%	83%	55%	28%	-49%	-69%
Phetchaburi	76%	90%	85%	35%	-59%	-54%
Chumpon	96%	91%	96%	56%	-42%	-42%
Rayong	92%	98%	79%	59%	-25%	-36%
Pra Sae	100%	100%	97%	60%	-38%	-40%
Pranburi	84%	100%	94%	61%	-35%	-31%
Samut Songkram	99%	100%	87%	64%	-26%	-35%

Table 1: Comparison between inspection rates for 10 worst performing PIPO centres between October 2018 and October 2019.

Conversely Area 3's (Andaman Sea coast PIPO centres) performance has largely been consistent over the last 12 months. A full dataset of all centres' performance is available from EIJF upon request.

The drastic inspection rate drops experienced across many of Thailand's PIPO centres in October and November 2019 were the consequence of acute budget shortages including for fuelling inspectors' pickup trucks as well as severe staff shortages of critical PIPO agencies including the Department of Labour Protection and Welfare (DLPW), Department of Employment (DoE) and Marine Department (MD). A full EIJF analysis of these budgeting issues is available upon request.

It should be noted that inspection rates since October 2019 have improved as THAI-MECC, DoF and PIPO centres have implemented new measures to minimise disruption and restore normal operations.

Jurisdiction	October 2018	October 2019	% Change (2018 - 2019)	November 2019	% Change (Oct 19 - Nov 19)
Area 1 (Upper Gulf)	93%	61%	-34%	89%	+28%
Area 2 (Lower Gulf)	94%	73%	-22%	95%	+22%
Area 3 (Andaman Sea)	92%	92%	0%	97%	+5%
Average	93%	75%	-19%	93%	+18%

Table 2: Comparison between inspection rates (%) across different Area commands year-on-year.

Recommendation: THAI-MECC and DoF should have adequate reserve funds made available to ensure that funding gaps such as this cannot occur in the future.

Recommendation: THAI-MECC commanders should coordinate joint actions and interim measures in the future to ensure consistent application of solutions – Area 1 PIPO centre performances were disproportionately affected compared to those of Area 2 and 3 in October and November 2019.

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

	Normal	Watchlist	High-risk	Total
January 2020				
Total vessels	6,695	1,628	181	8,504
Inspections	6,122	1,615	179	7,916
% inspected	98.8%	99.2%	98.9%	98.9%
February 2020				
Total vessels	6,068	1,524	185	7,777
Inspections	6,016	1,519	184	7,719
% inspected	99.14%	99.6%	99.4%	99.2%

Table 3: Nationwide PIPO inspections for the three risk groups for September 2018, January 2019, January 2020, and February 2020 showing the improvement over time in inspection rates as well as changes in vessel categorisation. (Dept of Fisheries, 2019)

Recommendation: The CRA should be further expanded to include various labour indicators such as a failure to record working hours, high-intensity fishing gears in terms of workload, document retention cases and other recorded labour disputes which would provide a broader understanding of labour conditions on-board fishing vessels.

Recommendation: It is vital 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.

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 across PIPO centres and must follow set guidelines as defined in agreement with the Fisheries Monitoring Centre. This will prevent inconsistencies where PIPO centres might categorise infractions differently.

1.4 Procedures and checklists

- A growing number of PIPO centres use a universal checklist (Sor Jor Ror 1/ ศจร.1) for inspections which sets out clearly the roles and procedures for each member of the multidisciplinary team. This is a marked improvement on what EJF has observed in the past.

Recommendation: It is imperative that this universal checklist is stringently applied to all PIPO centres and that all members of the multidisciplinary 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.

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 improves 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 on-board 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.

- During several inspections observed in 2020, female DoF or MD officials were prohibited from boarding the vessel by the owner due to fishing superstitions. Consequently, EJJ has observed male officials from other agencies performing checks onboard the vessel to gather crucial information required by a universal check list on their behalf.

Recommendation: EJJ encourages DoF to provide regular training for all PIPO officials across the multidisciplinary team so that they can perform such checks under such conditions.

- Random catch checking when a vessel ports in is one of the critical procedures required by the PIPO SOP. DoF officials conduct this inspection to verify that the catch on-board corresponds with the amount recorded in the vessel logbook. EJJ has observed recently a random catch checking procedure conducted without such verification taking place.

Recommendation: DoF officials must always compare the weight catch in the hold against the vessel's logbook during random catch checking procedures.

- At the majority of PIPO inspections that EJF has observed, workers wear lifejackets. EJF acknowledges that this exercise may only be done for seemingly superficial reasons but it does serve several purposes including: 1) quickly showing inspectors that all crew have access to one, 2) that the crew know where they were located on-board the vessel, 3) showing that lifejackets are in a wearable state, and 4) that the crew know how to put them on.

Recommendation: This practice should be adopted during all PIPO inspections as it is a quick and effective method of ensuring that all crew on-board have access to life jackets. Please consult section 2 on page 11 of this briefing for additional recommendations on protocols for fishers lost at-sea.

- EJF has observed that most inspections will involve a pre-inspection briefing so that officials can discuss tactics and potential lines of enquiry. However, in some cases this takes place in close proximity to the vessel and especially the senior crew.

Recommendation: EJF commends the introduction of this practice. Such a briefing should take place both before and after every vessel inspection. These briefings should be conducted away from the vessel owner or captain to ensure that officials can discuss suspicions or concerns found during the inspection without feeling influenced or pressured.



During this post-inspection debrief in Pattani, the vessel owner (in red circle) and vessel crew were in close proximity. This could adversely influence officials' abilities to freely report their concerns.



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 observed lifejackets and other safety equipment such as life preservers and fire extinguishers succumbing to wear and tear. In several cases the dilapidated state of such lifejackets and equipment might inhibit or endanger the lives of the vessel crew.

Recommendation: Lifejackets and other safety equipment should be thoroughly checked during inspections to ensure that they are fit for purpose and do not have rips, missing features, or other problems. The Marine Department should ensure that regular training sessions are implemented to maintain stringent high standards in inspecting these safety aspects.

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 15 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/life preservers and that these are fit for purpose.
5	Check that fire extinguishers are located in areas that are easily accessible and that they are fit for purpose.
6	Check all crew have and understand how to use bank accounts. Verify that these bank accounts have been used and updated in recent months.

Table 4

2. Fishers lost at-sea

- In the fiscal year 2019, 29 fishermen lost their lives falling overboard from Thai fishing vessels based on compensation claim reports made to the DLPW.² In the first three months of 2020, at least 18 fishermen have already been lost.³ This is compared to 13 cases in all of the fiscal year 2018 (see graph in appendix). EJF has also heard one disturbing report of three fishers recently going missing from the same vessel in the space of just three months with no action taken against the vessel or against the vessel captain and owner.
- This appears to be a serious and growing issue requiring urgent attention. Even though the DoF distributed new at-sea accident and 'man overboard' guidelines for vessel owners and other relevant agencies in January 2020⁴, PIPO centres and across provincial lines there are different mechanisms and procedures in place for investigating such cases. This can result in discrepancies and inconsistencies in procedures and could allow for cases of labour abuse, man-slaughter or murder to remain undetected.

Recommendation: EJF stresses the importance of ensuring all fishers wear life jackets while fishing. They should know where the vessel's lifejackets are at all times, be trained when and how to use them and have easy access to them even when not fishing in case of an emergency.

- Current communications requirements state that all commercial vessels regardless of size must carry a Citizens Band (CB) radio and GPS on-board. Vessels above 30GT are also fitted with VMS.

Recommendation: All Thai fishing vessels must be fitted with some form of communication device to facilitate search and rescue operations as quickly as possible. Vessels under 10GT should be fitted with at least a Very High Frequency (VHF) radioⁱⁱ to contact their local PIPO centre or nearby vessels; Vessels between 10-30GT should be fitted with at least a CB radio and an AIS Search and Rescue Transponder (AIS-SART); Vessels over 30GT should be fitted with at least a CB radio and an Emergency position-indicating radio beacon (EPIRB), AIS-SART or a Generation 2 VMS unit which can broadcast SOS alerts to the Fisheries Monitoring Centre (see appendix for more information).

Recommendation: EJF strongly recommends that all fishers receive basic safety training before they are allowed to start work on-board any fishing vessel. They must be able to use all on-board safety equipment including first aid, life jackets, life preservers and fire extinguishers. This safety knowledge should be periodically verified during inspections.

- Without clear, universally applied procedures for investigating fishermen lost at sea, it is extremely difficult to determine the true cause of such incidents as well as any potential perpetrators. Unscrupulous vessel operators could exploit lax or compromised enforcement practices in certain provinces in such situations, thus being able to avoid thorough investigations or any legal ramifications.

Recommendation: A worrying increase in the number of cases across all three vessel sizes warrants urgent action by THAI-MECC and DoF to introduce a universal investigation SOP as soon as possible. This SOP must be compatible with the DoF's recently introduced guidelines and include step-by-step procedures for members of the multidisciplinary team. EJF provides the following draft set of high-level procedures for consideration below. These should be consulted on with the Royal Thai Navy and other relevant agencies, with operational detail added as required. They should then be finalised and shared with all PIPO centres and relevant agencies.



A worrying spike in the number of fishers lost at-sea warrants urgent revisions to investigation protocols.

ⁱⁱ VHF radio has a shorter operational range than CB however is advantageous for smaller vessels as there is an already existing network of VHF ground stations across Thailand that can receive SOS messages.

Protocols	Vessels under 10GT	Vessels between 10-30GT	Vessels over 30GT
	In event of man overboard or vessel sinking the following should take place...		
1	Vessel should radio an SOS to THAI-MECC and nearby vessels with last known coordinates	Vessel should activate AIS-SART and/or radio an SOS	Vessel should activate SOS mode on their VMS and/or activate their EPIRB/AIS-SART
2	Vessel begins searching for lost fisher using a sector search or if more than 40 minutes has passed an expanded box search.		
3	THAI-MECC dispatches a search and rescue mission and assists in contacting vessels in the vicinity.		
4	THAI-MECC should liaise with the FMC to use the VMS system to identify vessels that can respond fastest to the SOS call.		
5	Search should be called off after 48 hours and vessel returns to port.		
6	An marine safety investigation should be launched by THAI-MECC, the local PIPO centre, police and other relevant agencies.		
7	Vessel crew and vessel senior crew (incl. captain, foreman, engineer) are separated upon arrival pending interviews.		
8	Individual, private interviews are carried out by a representative of the DLPW, a certified translator and local police to establish if the crewmember fell overboard by accident. ⁱⁱⁱ		
9	PIPO officials should liaise with THAI-MECC staff to determine vessel condition at the time of the incident, operational status, time and weather conditions.		
10	Postmortem and toxicology tests should be performed to determine cause of death.		

Table 5: EJF recommends these draft high-level procedures for consideration.

Recommendation: In the event fishers are lost at-sea, PIPO centres must coordinate an investigation with THAI-MECC to establish the circumstances of the incident to determine whether the cause was accidental or not. This investigation should follow the guidelines set out in the IMO's Casualty Investigation Code.⁵

- The DoF's new at-sea accident and 'man overboard' guidelines for vessel owners dictate that interviews must be conducted when the vessel returns to shore however these guidelines focus only on collecting key details of the incident and rescue effort and do not examine underlying issues or causes of the incident.
- EJF is aware that DPLW officials are present during interviews at PIPO centres, however there are no clear protocols for their involvement nor are there official question guidelines that could help identify potential issues or underlying causes.

Recommendation: The DLPW should introduce interview guidelines for accident and missing fisher cases with emphasis placed on questions that could facilitate identification of underlying issues on-board the vessel; i.e. living and working conditions or labour abuse.

Recommendation: Interviews with the captain and all crewmembers should always be conducted individually, according to a victim-centred approach and always involve a DLPW official and certified translator. If there is adequate suspicion, then the multidisciplinary team and police inquiry officers should become involved.

ⁱⁱⁱ It is imperative that the same victim-centred approach is employed during these interviews as for regular vessel inspections.

Recommendation: A full incident report should be completed that lays out the factual information, analysis, actions to be taken and recommendations for mitigating similar incidents in the future. For good practice examples of similar reports please consult the UK Marine Accident Investigation Branch's website.⁶

- EJF has recently heard reports of three fishermen going missing from the same fishing vessel over the space of just three months with no action taken against the vessel or against the vessel captain and owner.

Recommendation: Where the same vessel or group of vessels owned by the same family or company loses more than one fisherman at sea within five years, all vessels should be downgraded on the CRA to high-risk and the Royal Thai Police should undertake a detailed investigation including forensic examination of the vessel alongside detailed private interviews with all crew members. Vessel licences should be suspended for at least three months to allow these investigations.

Recommendation: All vessels within the same ownership group should have their risk level elevated during such an investigation. For more information about risk calculations please see section 1.3.

- EJF understands that there is no systematic electronic recording of missing fisher cases with PIPO centres only retaining paper-based records and submitting these to DoF HQ. Relevant investigations are only available at respective PIPO centres and in the archive of that specific port-in inspection on FishingInfo2 without any distinguished label.

Recommendation: Thailand should consider recording missing fisher cases in a centralised, online database similar to the IMO's existing SOLAS framework for accidents and casualty reporting for merchant shipping vessels utilizing similar techniques as described in the FAO's accident and fatality reporting system for fisheries in the Caribbean.^{7/8}

Recommendation: Vessels with missing fisher cases must be identifiable on both the ePIPO system and Fishing Info 2 database so that all relevant agencies are notified of their history. Information should include details of the incident(s) and subsequent investigation conclusions.

- In the event of work-related cases, EJF has heard reports of fishers' next of kin not being contacted or not receiving compensation from the Workmen's Compensation Fund. As for cases that are not work related, the regulation does not require fishers to enroll in the Social Security Fund.

Recommendation: In the event of work-related cases, DLPW officials should ensure that the fishers' next of kin are notified and follow up with vessel operators to ensure that compensation payments have been made and have been received within an appropriate amount of time. As for the non work related cases, all fishers should be required to register with the Social Security Fund.

"She [the vessel owner] gave me 30,000 baht [approximately 850 Euros] while the captain also gave me 10,000 baht [approximately 280 Euros]. They said this is not a compensation but a bonus. They said that no one has any accountability over the lost of my husband. ... In order to receive this money I was asked to sign a settlement letter to declare there would be no further legal action taken."

- A wife of a Burmese fisher lost at-sea

3. 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 30 PIPO centres EJF has visited since their initial creation in mid 2015. This is despite findings from an ILO endline research report stating that almost 14% of 219 fishers interviewed in 2019 had experienced some form of forced labour.⁹

- EJF has heard reports that even minor labour violations identified during PIPO inspections are not being reported back to THAI-MECC in Bangkok or recorded in a centralised system making it all but impossible to monitor the labour situation.

Recommendation: THAI-MECC and DLPW must **immediately** coordinate actions to ensure that all labour violations identified during PIPO inspections are recorded in a centralised, electronic database accessible by all relevant agencies.

- It is currently voluntary for migrant workers to receive their contract in their native language. The ILO's 2020 endline research report found that only 51% of 112 fishers surveyed reported their contract being in their native language – a decline from 66% of respondents when a similar survey was conducted in 2017.¹⁰ This loophole could be exploited by unscrupulous operators who wish to take advantage of vulnerable migrant workers who cannot speak or read Thai. 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.

- On 1st January 2020, the Employment Wage Committee published the 'Announcement on Minimum Wages No.10' in the Royal Gazette¹¹ which detailed an increase in minimum wage rates across the country. EJF has observed several inspections since then where employers still either haven't updated the minimum wages in worker's contracts or haven't begun paying the additional wage rates to the crew.

Recommendation: DOE officials should check employment contracts to make sure that written salaries correspond with the new minimum wage requirements of that province. DLPW should also carefully cross-check payment transfer records to ensure that additional wages are being paid.



An inspector uses 'Face Scan' to verify this crew member's identity.

The 2014 Protocol to the Forced Labour Convention (P29):

EJF remains concerned that current implementation efforts for the ILO's 2014 Protocol to the Forced Labour Convention (P29) – ratified in June 2018 – are being hampered by overlapping responsibilities and lack of clear guidelines. This could result in forced labour cases being overlooked or investigated ineffectively. As part of government efforts to implement P29 into domestic legislation, an amendment to the Prevention and Suppression of Human Trafficking Act was filed. This Act falls under the jurisdiction of the Ministry of Social Development and Human Security (MSDHS). At present however, most forced labour cases are identified and processed by the DLPW under the Ministry of Labour.

EJF and other local organisations have long advocated that in order to avoid potential gaps in victim identification and case investigation there must be appropriate supporting regulations that sufficiently layout responsibilities for each relevant agency. Without such regulations in place, it could result in cases being stalled as it is unclear whether or not it is the responsibility of the DLPW or MSDHS to pursue individual cases. It may also lead to MSDHS shelters - built and managed to house victims of human trafficking - becoming overwhelmed with an influx of victims of forced labour.

Standard Operating Procedures (SOP) for the implementation of P29 are urgently needed. For example, current victim identification forms used by the DLPW and other relevant agencies have not been updated to allow for the identification of forced labour as a standalone offence - they still rely heavily on existing human trafficking identification forms. Without clear SOPs in place it could result in victims of forced labour either being overlooked or being misidentified as victims of human trafficking.

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.

- At several PIPO centres, MD officials have reported struggling with connecting to 'Face Scan' when in areas with unreliable cellular service. Some officials have taken to using their mobile data to address this.

Recommendation: MD should ensure that PIPO centre devices are registered under cellular providers that provide the strongest signal in that particular province.

Recommendation: Even with the advent of ePIPO, 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 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.

3.1 Electronic payment system



A member of staff from a vessel hands out identity documents retained by the vessels owner to workers before a port-in inspection.

- 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 firmly recommends maintaining this system as it is a vast improvement on historically informal and unaccountable cash-based processes.

Nevertheless, EJF has observed numerous vessel inspections since the system's introduction which have highlighted several critical issues that require urgent attention. These include:

- Workers and vessel owners complaining about a lack of ATMs within the vicinity of their port limiting their access to funds and warranting vessel captains or owners accessing workers' funds supposedly on their behalf.
- Vessel owners or captains have been documented holding workers' bank account books and ATM cards at their home or office – often having workers sign a 'surrender' form, and also writing down workers' PIN numbers. These measures could allow vessel operators complete control over workers' funds, defeating the purpose of the system.^{iv}
- 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. Workers have reported never having seen their ATM cards and bank account books after the bank accounts have been opened. 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.

Recommendation: In order to improve worker financial access to their funds, the Royal Thai Government, THAI-MECC and DLPW should expedite trials and eventual rollout of using readily accessible convenience stores counter services as complementary alternatives to ATMs.¹²

^{iv} 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.

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: 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.

Recommendation: As a bare minimum, DLPW inspectors must verify that regular monthly payments are being made into workers' bank books and/or there are valid payment receipts as proof of this. This proof of payment should be corroborated through crew interviews.

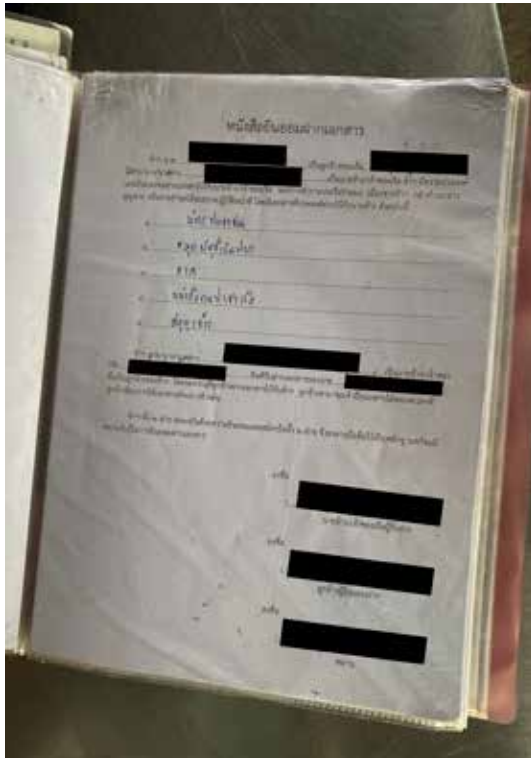
- Between January 2019 and February 2020 EJF observed a total 15 cases of workers' ATM pin numbers being written down on the ATM cards themselves or vessel operators having access to these PIN numbers. These cases were identified at over nine PIPO centres.

Recommendation: PIPO officials should ensure that workers have sole access to their PIN number and must brief vessel operators against such practices. PIN numbers should not be written on records kept by the vessel owner or captain.

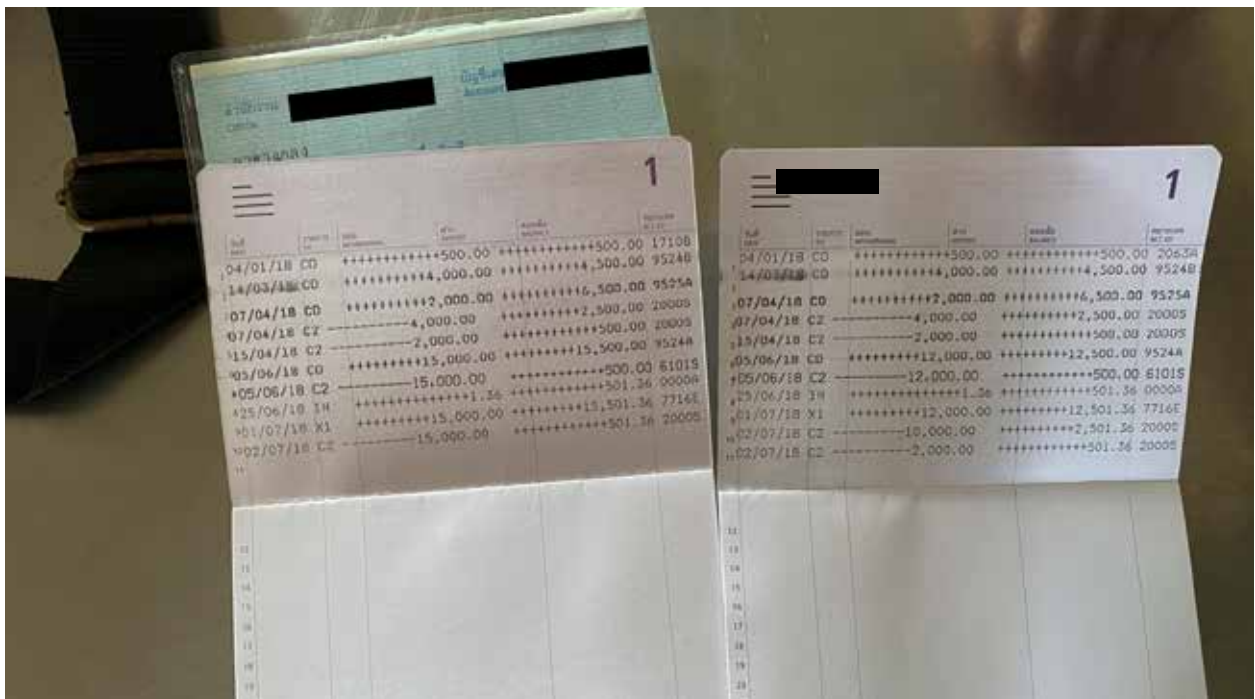
Recommendation: PIPO officials should coordinate with local organisations to ensure that fishers recognise that ATM cards are their personal property. They should also advise workers that the practice of holding ATM cards and signing surrender forms are discouraged no matter how many times they may have come across this arrangement with the same workers.



Left: The vessel owner takes out workers' bank account books and ATM cards for an inspection **Right:** A plastic box labelled 'Workers' identification documents' was brought down from the vessel during the inspection



Left: A surrender form signed by a worker indicating rights for employer/vessel owner to retain his ID card, bank account book, employment contract, and seaman book. **Right:** ATM cards of workers with names and ATM PIN numbers written on the cards (taken on 25th February 2020). These cards were surrendered to vessel owners and were provided to DLPW officials during the inspection.



This photo (taken on 25th February 2020) shows two worker bank books with the last updates written on 2nd July 2018, only seven months after the account has been opened

- 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.

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.

EJF has produced a detailed set of recommendations on improving the electronic banking system and this is available upon request.

3.2. Victim-centred approach



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

- Encouragingly, the majority of PIPO centres are adopting a victim-centred approach during inspections whereby they make crew feel as safe and comfortable as possible during the process.

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.

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) that provides further information and explanation of how to implement a victim-centred approach. This is available upon 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.

3.3. Interviews and translators

- 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 2020 they are also the inspection component that requires the most attention.
- Although EJP 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 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 porter-cabin 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.



Interviews are the best opportunity available to authorities for identifying cases of labour abuse and should be conducted according to strict universal procedures.

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.

Recommendation: DLPW officials should ensure that they ask non-leading interview questions or closed 'yes or no' questions to gather a more detailed understanding of the actual situation on-board fishing vessels.

- Translators were present at all 30 PIPO centres inspected in 2019 and 2020 showing a marked improvement compared to translation provision as observed in previous years. However, in some cases smaller inspection teams still report lacking translator capacity for some migrant worker languages. This is especially concerning for high-risk vessels which are required to undergo fisher interviews at each inspection. Without available translators this could result in incomplete inspections for these vessels.

Recommendation: Each centre should have sufficient translator capacity to ensure that worker interviews can be conducted properly at all times. PIPO centres should request temporary support from their provincial DLPW office, local NGOs (eg: IOM or Stella Maris), or use video/voice call functions with translators at other PIPO centres.

Recommendation: If PIPO inspections cannot conduct interviews due to lack of translation services this should be flagged on the ePIPO system so that PIPO teams are reminded to conduct followup interviews when translators are available but not in excess of 30 days after.

- 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, sometimes without interviews taking place.

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, always conduct interviews and utilise their close relationships with fishing boat crews so that potential victims feel more inclined to alert them about abuses.



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.

- 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 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 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.

4. 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 Flying Inspection Teams (FITs) – formed in February 2018 under the jurisdiction of the CCCIF and subsequently continued under THAI-MECC and the IUU Hunter team – under the jurisdiction of the DoF and formed in March 2018 under the order of Deputy Prime Minister Chatchai Sarikulya. As of February 2020, the IUU Hunter programme has since ended due to overlaps with the DoF patrol division.

For further information about these two specialist programmes please refer to the appendix.

Recommendation: EJF strongly believes that although Thailand has made significant progress to eradicate IUU fishing and associated labour abuses from its fishing industry, specialist teams such as IUU Hunter will always be an important and complimentary asset for enforcement and implementation of fisheries and/or labour regulations. EJF urges the RTG to reintroduce IUU Hunter as soon as possible to ensure that strict inspection standards can be maintained.

Recommendation: EJF strongly encourages FITs to introduce unannounced inspections alongside its regular announced training components. This will give FIT teams a more accurate assessment of day-to-day operations of PIPO centres and will ensure that centres adhere to consistently high operational standards. EJF believes that unannounced inspections are critical to determining if improvements are truly being made or not.

Recommendation: Specialist enforcement teams are adept at complementing existing vessel inspection procedures whilst also providing surgical, relevant recommendations for improvement - both from a fisheries and labour perspective. It is important that a multidisciplinary approach is consistently applied so that both issues receive equal attention during such visits.

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

Recommendation: To ensure the future survivability of FITs and similar enforcement mechanisms it is important that formalized 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 components of each trip. 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.

Recommendation: Local CSO collaborations with PIPO centres and involvement in port-side inspections could also enhance other aspects of centre operations in general. Local CSOs could provide translation services to PIPO centres which are understaffed. They could also begin to address inherent trust issues that PIPO centres might be facing and help inform fishers of their rights to prevent labour abuses from occurring.

5. 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 own 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 23rd 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:

- EJF has observed arriving workers being 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.

- Workers may feel uncomfortable speaking out amongst their peers and may answer along with the majority for fear of retribution from their employer.

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.

- Seabooks are issued to all arriving 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.



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.

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 a Department of Fisheries vessel off the coast of Songkhla.

Since 2016 EJF has taken part in 15 at-sea patrols on-board vessels from the Royal Thai Navy, Department of Marine and Coastal Resources (DMCR), Marine Department 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.

Recommendation: In order to maximize the effectiveness of patrols, THAI-MECC should analyse the planned routes of all agencies alongside previous known IUU fishing hotspots in order to avoid overlapping patrol routes.

- THAI-MECC enforcement vessels do not have reliable access to VMS data, Common Risk Assessment database or fishing vessel information before conducting an inspection meaning that they may not know the reasons for a vessel's risk classification during inspections. They are able to check some aspects 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 on-board 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 hold inspections in order to approximately match catch quantities against logbook data and the VMS track.



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

- 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 should be part of standard operating procedures for THAI-MECC at-sea inspections. 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.

- 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.

Recommendation: 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.

- 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 DMCR and DoF inspections, EJF has observed fishing vessel senior crew being taken on-board the patrol boat so that 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 multidisciplinary teams are used for some at-sea inspections but these are sporadic.

7. Poseidon

Since 2018 EJF has undertaken several at-sea patrols 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's success is demonstrated by its remarkable capture rate. In 2018 alone it was responsible for impounding 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 should carry basic information collecting surveys on-board which can be distributed to foreign-flagged vessel crews. These surveys should also provide an explanation as to why the crew have been detained and how they will be processed and repatriated back to their home countries. EJF already utilises such a survey for engaging with Vietnamese fishers and this is available upon request.

Recommendation: DoF should expand its IUU fishing reporting system so that patrol vessels such as Poseidon can receive near real-time updates from fishing vessels that suspect IUU fishing is taking place.

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.



A Vietnamese fishing vessel attempts to outrun Poseidon's speedboat after being caught fishing illegally within Thailand's EEZ.

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 combatting IUU fishing can adopt this highly effective and cost-efficient enforcement mechanism.

8. VMS and MTUs

EJF has provided recommendations on improvements to the Thai VMS system since February 2016 designed to facilitate the identification and analysis of suspicious vessel behaviour.

- Vessels under 30GT are exempt from having VMS installed. As of February 2020 the total commercial fleet as defined by the RTG was comprised of 10,448 vessels measuring from 10GT and above. VMS is currently compulsory only for vessels over 30GT – 5,603 vessels – meaning that approximately 46% of the Thai commercial fleet is currently unmonitored. There have in the past been preliminary plans to extend VMS requirements to vessels over 20GT and eventually to vessels over 10GT however progress has been slow.

Recommendation: Plans to trial and eventually extend vessel tracking technologies 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. This should include trials of both VMS and GSM (cellular-based) services.

Recommendation: Monitoring trials – using cellular based systems which are much cheaper than satellite-based solutions - should be prioritised on high risk vessels or on high fishing intensity gears such as bottom trawlers or anchovy purse seine vessels.

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 these locks checked regularly during both PIPO and at-sea inspections.

- Since September 2017, all new installations or replacements of MTUs have been in accordance with a new 'VMS Standard' and requirement to install 'Generation 2' VMS MTUs. These new MTUs include features such as an independent power supply which can last up to 30 days in the event the vessel loses power and an ability to alert the FMC in case of emergencies. For more information on the new VMS Standard and Gen 2 MTUs, 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.

- EJF understands that only 29 % of the Thai commercial fishing fleet currently has Gen 2 units installed. These units are designed to reduce data costs as well as improve safety whilst at-sea by giving vessels the ability to alert the authorities in case of emergencies.

Recommendation: The DoF should expedite efforts to install Gen 2 units on vessels as soon as possible. DoF should prioritise vessels classified as high-risk and/or vessels with large numbers of crew.



This is one example of a new Gen 2 unit that is designed to be installed in the bridge. This unit includes port, fishing, and SOS alert functions.

- On-going communication and collaboration issues between critical agencies, the FMC, regional PIPO centres and THAI-MECC commands are proving a major hindrance in addressing IUU fishing. Incompatible vessel databases contain conflicting data or VOI information is not being passed on effectively - having a serious 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 this should be made accessible by all agencies. This should also be the sole database used by key agencies to limit compatibility issues. The database needs to be easily edited and updatable in real-time to allow the most effective use of data for VMS analysis as well as PIPO inspections.

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, are fitted with ERS/EM or have a Gen 2 VMS unit installed.
- 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.
- Implement a geo-fence or proximity alert system which will notify VMS operators if a vessel enters Marine Protected Areas during closed seasons.
- Use geo-fencing or proximity alerts 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*.



Gen 2 units which incorporate SOS alert capabilities could help save lives if rolled out consistently across the current commercial fishing fleet.

APPENDIX:

Common Risk Assessment:

The Common Risk Assessment was first introduced in late 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 nine current vessel criteria that contribute to a total risk 'score' for each individual vessel. Three additional criteria are still under revision. These criteria are provided below:

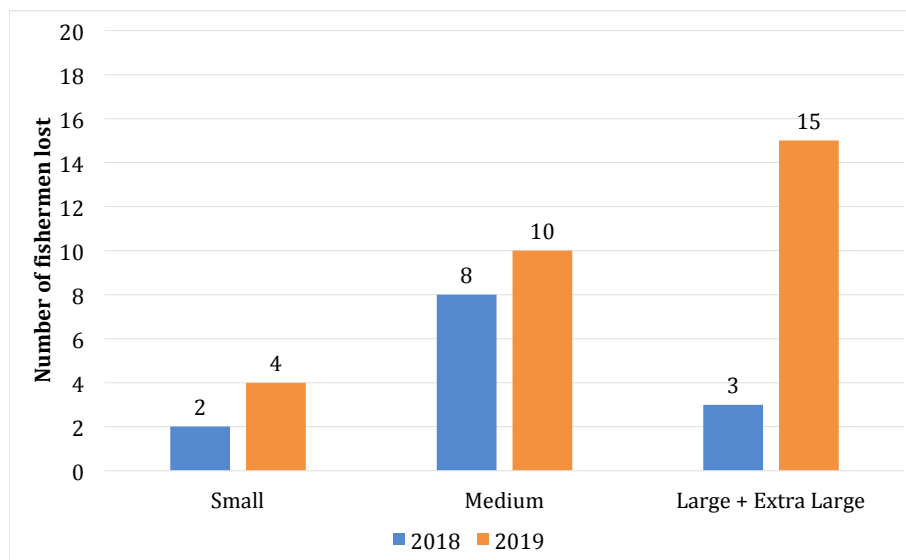
Risk Number	Risk Description	Contributing Factors
R1	Violation of PIPO reporting requirements	R1-1: Ship has no tracking device; R1-2: Number of times the vessel has 'ported out' without being inspected
R2	Risk of committing labour violations	R2-1: Number of prosecutions; R2-2: Number of fishing days;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

Fishers lost at-sea in 2018 and 2019:

The below graph compares the number of fishers falling overboard between the fiscal years 2018 and 2019 for Thai commercial fishing vessels based on size (Small = lower than 30 gross tonnes; Medium = 30-60 gross tonnes; Large = 60-150 gross tonnes).

**Number of fishers lost at-sea from commercial fishing vessels
by vessel size category (2018 - 2019)**

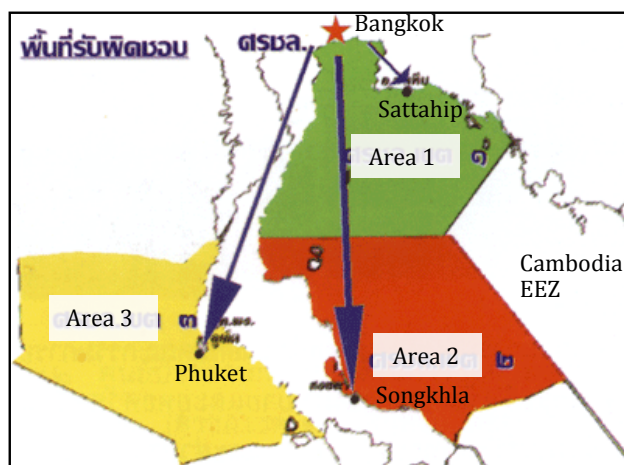


Number of fishermen falling overboard according to vessel size between 2018 and 2019.

Key departmental agencies:

- **THAI-MECC (Thai Maritime Enforcement Coordinating Center):** A Royal Thai Navy coordinated body responsible for enforcement and interceptions at sea. Other agencies involved include DoF, DMCR, Customs Department, Marine Department and Marine Police. It assumed all responsibilities and powers of the CCCIF in late 2019.

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 its headquarters in Bangkok and three regional offices that cover:

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

Map shows boundaries for Areas 1, 2, and 3 along with the locations of command centres.¹³

Each THAI-MECC Area Command has various patrol vessels pooled from different agencies that can be called upon to conduct at-sea patrols and inspections where necessary.

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 – Thai MECC Collaborative Chart

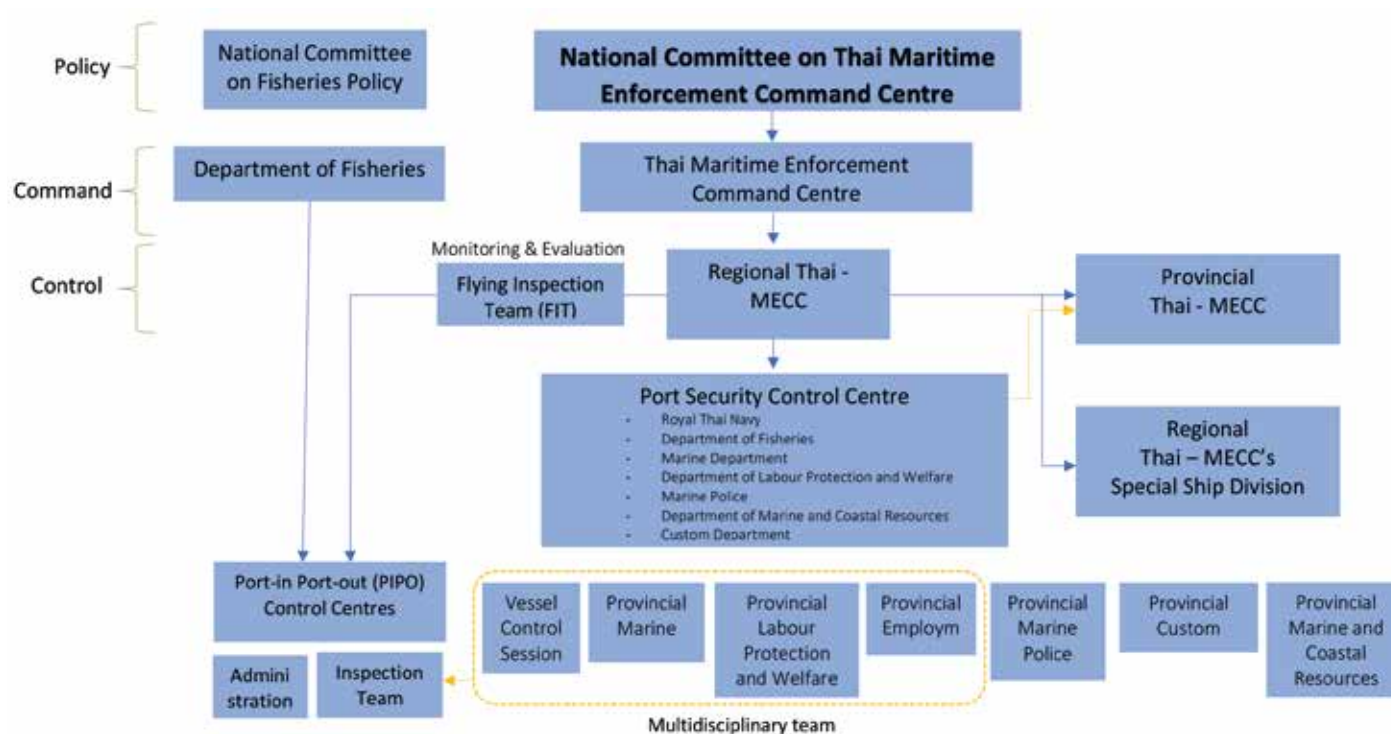


Table 7: Organisational chart for THAI-MECC, FITs and PIPO centres.

- **Department of Fisheries (DoF):** The DoF coordinates the Fisheries Monitoring Centre (FMC) in Bangkok alongside operations of all 30 PIPO centres across Thailand. DoF is also responsible for managing the 'Fishing Info 2' database.
- **Fisheries Monitoring Centre (FMC):** The FMC houses Thailand's VMS and is responsible for monitoring the activity of almost 5,500 fishing vessels 24 hours a day. The FMC divides this task across four desks; Upper Gulf of Thailand, Lower Gulf of Thailand, Andaman Sea; and Distant water fleet. 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. At the time of writing, IUU Hunter had been dissolved.
- **Flying Inspection Teams (FITs):** These specialist teams were initially formed under the CCCIF and subsequently now – THAI-MECC. FITs are comprised of Royal Thai Navy officers, DoF officials, 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 port 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 announced PIPO assessments in order to examine 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. EJF strongly recommends that FITs utilise unannounced inspections as these will provide a more accurate assessment.
- **Special Arrest Teams (SAT):** Royal Thai Police division responsible for investigating high-priority IUU and human rights related cases. SAT was formed in late 2018 and continues to carry out surgical field investigations across Thailand.
- **PIPO Centres:** There are a total of 30 PIPO centres (an increase from 28 in early 2016) across Thailand's 22 coastal provinces. Every vessel wanting to leave or arrive into port must submit a request on the e-PIPO system a minimum of two hours before departure or one hour before arrival. This is usually carried out by the vessel owner sending all relevant information about the fishing vessel including the vessel's documents, crew lists, and fishing information (for port ins) to their local PIPO centre. This information is accessible by the DoF's VMS staff, THAI-MECC, and other PIPO offices.

VMS Standard 2 & Generation 2 MTUs:

From September 2017 all new VMS installations or replacements have been in accordance with a new 'VMS Standard' and requirement to install Generation 2 units. Some of the key features 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 or if a fisher falls overboard.
- 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.

Abbreviations:

AIS-SART	AIS Search and Rescue Transponder	LB	Logbook
CB radio	Citizen Band radio	LD	Landing declaration
CCCF	Command Centre for Combating Illegal Fishing	MCS	Monitoring, Control, Surveillance
CRA	Common Risk Assessment	MD	Marine Department
DoE	Department of Employment	MSDHS	Ministry of Social Development and Human Security
DoF	Department of Fisheries	MTU	Mobile Transceiver Unit
DLPW	Department of Labour Protection & Welfare	NGO	Non Government Organisation
DMCR	Department of Marine & Coastal Resources	PIPO	Port In Port Out
EPIRB	Emergency position-indicating radio beacon	RTG	Royal Thai Government
FIP	Forward Inspection Point	RTN	Royal Thai Navy
FIT	Flying Inspection Team	SAT	Special Arrest Teams
FMC	Fisheries Monitoring Centre	SOP	Standard operating procedures
GT	Gross Tonnage	THAI-MECC	Thai Maritime Enforcement Coordinating Centre
ILO	International Labour Organisation	VHF	Very High Frequency radio
IMO	International Maritime Organisation	VMS	Vessel Monitoring System
IUU	Illegal, unreported and unregulated (fishing)		

Endnotes:

- 1 ILO (2019) How a simple upgrade to Thai fishing vessels can help reduce forced labour https://www.ilo.org/asia/media-centre/news/WCMS_732612/lang-en/index.htm
- 2 DLPW (31 October 2019) 2018-2019 fiscal year table comparing number of fisher compensation cases
- 3 EJF (March 2020) EJF investigations at PIPO centres and confidential sources.
- 4 DoF (January 2020) At-sea accident & fishers falling overboard action guidelines https://www4.fisheries.go.th/local/pic_activities/202002081357411_pic.pdf
- 5 IMO (2008) Adoption of the code of the international standards and recommended practices for a safety investigation into a marine casualty or marine incident (Casualty investigation code) [http://www.imo.org/en/OurWork/MSAS/Casualties/Documents/Res.%20MSC.255\(84\)%20Casualty%20Investigation%20Code.pdf](http://www.imo.org/en/OurWork/MSAS/Casualties/Documents/Res.%20MSC.255(84)%20Casualty%20Investigation%20Code.pdf)
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- 10 ILO (2020) Endline research findings on fishers and seafood workers in Thailand https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_738042.pdf
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- 12 Ono, Y. (9 July 2018) Thailand's 7-Eleven stores to offer banking services <https://asia.nikkei.com/Business/Companies/Thailand-s-7-Eleven-stores-to-offer-banking-services>
- 13 Royal Thai Navy (2016) THAI-MECC Jurisdictions: www.civil.navy.mi.th/sornchon/sonchon001.html

