TRAFCORD AND ITS PARTICIPATION IN THE PROMOTION OF HUMAN RIGHTS TO COUNTER HUMAN TRAFFICKING IN THAILAND

DUEAN WONGSA*

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I. THE SOCIAL PROBLEM

Many countries recognize that human trafficking is one of the worst forms of human rights violation. International collaboration has resulted in definitions to measure the problem and legislation in order to punish the perpetrators. The results of these efforts can be seen from the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[1] Thailand has been facing and dealing with human trafficking issues for several years and its problems have been multifaceted. Laborers, especially from Myanmar, Laos, and Cambodia, migrated to Thailand due to socio-economic problems, poverty, social inequality, and political conflicts in their own countries. The demand for cheap labor by Thai entrepreneurs is also one of the factors that contribute to migrant smuggling and other forms of human trafficking.

A major challenge occurs when trafficking victims do not want to report the crimes or identify and testify against the perpetrators because of they fear for their lives. They are also fearful of being deported if they are viewed as illegal migrants instead of victims. Human trafficking problems in Thailand remain severe. Domestic and transnational human trafficking are also tied to other issues such as

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*Duean Wongsa is a Thai attorney who has worked for most of her career for anti-human trafficking NGOs. She was the Legal Officer and Project Manager for TRAFCORD [Anti-Human Trafficking Coordination Unit Northern Thailand] from 2003-2011. She is currently an attorney for the International Rescue Committee in Thailand. Unfootnoted information in this article is based on her own experience or on sources authored by Duean Wongsa in her capacity as Project Manager for TRAFCORD.

[1] *United Nations Convention Against Transnational Organized Crime and Protocols thereto*, UNITED NATIONS OFFICE ON DRUGS AND CRIME (2004), http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf (last visited Dec. 30, 2013).

illegal labor migration, illegal migration, prostitution, sexual exploitation of children, weapons, and drugs trafficking.[2]

A. THE UNITED STATES TRAFFICKING IN PERSONS REPORT

Each year the United States releases the Trafficking in Persons (TIP) Report which rates countries on their quality of participation and effort in combating global human trafficking under a three tier system according to the Trafficking Victims Protection Act of 2000 (TVPA).[3] Tier three is the lowest ranking and can result in termination of US foreign aid. Thailand has been placed on the tier two watch list for the last two years (2010-2011) as a country in danger of slipping into tier three. According to the TIP report, the tier two watch list are countries whose government do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.[4] Following an amendment to the TVPA in 2007, countries which have been placed under the tier two watch list for two years, will be automatically downgraded to tier three. If this happens to Thailand, it will affect the country's image as a whole and may worsen the trafficking situation within the country.[5]

B. DEFINITION OF HUMAN TRAFFICKING

Human trafficking is a crime that involves recruiting, transporting, transferring, or receiving a person through a use of force, coercion or other means, for the purpose of exploiting them for sexual activity or labor. The United Nations Convention against Transnational Organized Crime. Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines "trafficking in persons" as:

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[2] TRAFFICKING AND PROSTITUTION RECONSIDERED: NEW PERSPECTIVES ON MIGRATION, SEX WORK, AND HUMAN RIGHTS (Kamala Kempadoo et al eds., Paradigm Publishers 2d ed. 2011).

[3] Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000) [hereinafter TVPA], as supplemented by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 [hereinafter 2003 TVPRA], and the Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558 (2006).

[4] U.S. Government, *Thailand,* TRAFFICKING IN PERSONS REPORT FOR 2012, at 338, *available at* http://bangkok.usembassy.gov/tip.html.

[5] *Id.*

> the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs . . . the consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used.[6]

According to Thailand's Anti-Trafficking in Persons Act, B.E 2551 (2008), section 6, human trafficking is defined, in a similar way, to include any of the follow acts done for the purpose of exploitation:

> (1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his control; or
>
> (2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child is guilty of trafficking in persons.[7]

Among the most important components of human trafficking, the crimes involve both domestic and international criminal networks which transport the victims.

C. WHY DO WOMEN AND CHILDREN BECOME VICTIMS?

The majority of human trafficking victims are women and children. Though there are some male victims among the labor cases, women and children are at higher risk in becoming victims of human trafficking especially in the form of sexual commercial or sexual exploitation. Women and children become the main target for the seemingly endless need for human trafficking victims. Some women, in a country of origin such as Myanmar or Laos, have to make sacrifices to

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[6] United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, *supra* note 1 at Annex II, art. 3.

[7] Anti-Trafficking in Person Act, B.E. 2552 §6 (2008) *available at* http://www.not-trafficking.org/resources_laws_Thailand.html (last visited 12/30/13).

show gratitude towards their parents by leaving their home at a young age in order to search for a job in neighboring countries. These girls hope to find better lives, but they end up being victims of sexual exploitation and human trafficking.[8]

The two main types of factors contributing to this problem are what are commonly known as "the push factors" and "the pull factors." Factors that push women and children into human trafficking process include political unrest, poverty, economic downturn, the cost of living gap between the country of origin and the country of destination, unemployment, statelessness, denial of civil rights, lack of education, gender discrimination, and discrimination against minorities. The pull factors include better conditions in the country of destination in terms of economic opportunity, social rights, and the need for cheap labors. The aforementioned factors are also factors that pull or attract people to migrate from their home country in order to seek a better life in the country of destination.

Based on the experience of TRAFCORD – a northern Thai anti-human trafficking non-governmental organization (NGO) for which the author worked from 2003 to 2011– many victims say that they understood the risk and danger that they could have faced during their journey and that they had no knowledge regarding the situation at the country of destination. They knew that they could have been arrested by the police for illegal migration or they could have been taken advantage of by the brokers. They were willing to take those risks because their families were suffering from poverty and they had a duty to repay their parents. They did not tell their family about what they did or what they faced during their journey. Some of them went home with broken dreams and having been traumatized physically and emotionally. It was a burden for them knowing that they would go home empty handed. Before their migration to Thailand, some girls had sexual intercourse at an early age and were blamed by their family and community for not keeping their virginity. This stigma is another factor that pushed them into easily accepting work in the commercial sex business, which also led to them being exploited by their brokers.

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[8] Fight Against Child Exploitation (FACE) Foundation, *Multi-Disciplinary Trainng Curriculum to Combat Human Trafficking for Practitioners,* 91-92 (2006) (on file with author).

D. WEAK ENFORCEMENT OF LEGAL PROTECTION AGAINST THE VIOLATION OF HUMAN TRAFFICKING

Victims' protection and criminal prosecution are the two main aspects that need to be considered concurrently when planning a strategy to fight human trafficking. We at TRAFCORD have learned through our experience when working a case that Thai law enforcement remains weak.

The main obstacles are a delay in the prosecution process and the length of time to end a case. Consequently, victims do not want to cooperate nor want to claim any compensation from the offenders. The criminal proceedings were often found to be unsuccessful due to the following factors.

i. Law Enforcement Authorities Lack of Knowledge and Skills to Conduct Human Trafficking Cases

Human trafficking is a complex crime. It requires practitioners such as policemen, investigators and prosecutors, who are already equipped with skills, knowledge in gathering witnesses and evidence, and collaborating between representatives from other related organizations. Consequently, practitioners working in this area must have knowledge regarding human trafficking laws and regulations related to the work to be able to manage the case effectively. Practitioners must also be careful, detailed, and be able to work fast when proceeding human trafficking cases. Investigators also need to obtain good cooperation from eye witnesses of the case because these individuals are one of the key witnesses and they often are vulnerable, afraid, and feel threaten for their lives. Thus, police investigators who can manage the case and have skills in working with the multidisciplinary team will be well supported and assisted by the network, especially those who are social workers, psychologists, and NGO staff.

ii. Government Administrative Structure and the Drawbacks of Governmental Rotations

Victim assistance and prosecution is the primary task of many government sectors such as the Ministry of Social Development and Human Security, the Ministry of Labor, and the Ministry of Interior, Police Department. From our experience, we have found that the length

of time working on a case is affected by the rotation of government officials. The rotation of the government officials every two to four years results in an interruption on the case especially on cases that involve cooperation with other networks. If the responsible department or unit does not have the ability to refer the case or their unfinished tasks, it will cause the next person assigned to the case to start from the beginning again. The success of the case relies on enthusiasm and dedication of officials involved with the case. Therefore, the lack of stability when working a case will lead to lack of confidence in the criminal justice system. In addition, staff development is not consistent with the role staff are playing. For instance, many law enforcement officers are sent to attend many trainings or workshops, but the existing government structure does not allow or truly support them to put training into practice.

iii. Understanding Victims of Human Trafficking and Law Enforcement Officers' Attitudes towards Victims

In our history working with local authorities, we have discovered that some law enforcement officers' attitudes towards trafficked victims influence the way they think about and perceive these victims, especially those who are from ethnic groups, migrant labors, or female. They tend to provide Thai national victims first priority for assistance. Some high ranking officers also have a negative attitude or bias against victims of sexual commercial exploitation. These police officers have the perception that female trafficked victims volunteer or made their own choice to be in this career, which then leads them to be exploited sexually by their employer or traffickers. Some of the law enforcement officers express that sex workers are essential to have in order to prevent the increase in intensity of sexual crimes such as raping. They also do not give enough attention towards sexual exploitation of children and women cases compared to drug related crimes which allow more action and a reward for capture.

The Royal Thai government declared human trafficking to be a national issue for the first time in 2004, and enforced relevant legislation such as the Anti-Trafficking in Persons Act which specified policies and strategies in developing mechanisms to prevent and suppress these issues. Even though there are plans, policies, and legislation in place, the government did not seem to put as much attention or effort in solving this problem compared to economic issues. The government pays only

superficial attention to dealing with these issues. Policies and measurements have been released in response only to international recommendation or concern rather than trying to solve the root of the problem or to protect human rights or rights of the children, women, and laborers.

iv. Corruption

Human trafficking in Thailand and overseas can be found in many different types of covert businesses such as trafficking of children and women in response to the demand of commercial sexual business, contract pregnancy, child labor migration for begging, the demand for labor by factories, agriculture, and fisheries, and fake marriages to foreigners in order to make women household servants . These criminal networks would not be able to accomplish the crimes without assistance from corrupt government officials.

Forms of corruption include collecting money at the immigration check points, ignoring trafficking business places, sending signals to the perpetrators to hide before inspection, collecting money for protection, delaying acase, decreasing the severity of the charges against the perpetrator(making less effort in prosecuting the case even though there is enough evidence), and other kinds of assistance to help perpetrators to avoid punishment in court.

E. NEED FOR PROTECTION OF VICTIMS AND STRATEGIES FOR HELPING THEM

The human trafficking situation is still severe and migration by laborers between South East Asian countries continues. At least since 2003, countries that are destinations, places of transit, or a source of victims of human trafficking have found that the transnational crime of overseas labor recruitment involves criminal networks. Many organizations and agencies in the Mekong Subregion have been actively working to join the effort of combating human trafficking. Furthermore, the Thailand Ministry of Social Development and Human Security is assigned to be a key representative in creating networks and mechanisms in planning national policy to prevent and suppress human trafficking issue.

The Ministry of Social Development also works with other related ministries such as Ministry of Interior, the Royal Thai Police

Department, Ministry of Labor, Ministry of Justice, Ministry of Foreign Affairs, and NGOs which develop and create processes and mechanisms in prevention and suppression of human trafficking. These ministries have developed the following processes and mechanisms, listed in chronological order, to prevent and suppress trafficking in person:

The Thai Cabinet passed a resolution on July 1, 2003 in favor of the National Policy and Plan on Prevention, and Combating Domestic and Transnational Trafficking in Children and Women (2003-2012). The document lays out three operational phases: a start-up phase (2003-2004), a three year phase (2005-2007), and a six year phase (2005-2010). It provides a framework for government agencies, non-governmental organizations, and international organizations to develop their operational plans and to establish a systematic operational approach.[9]

The Thai Cabinet's resolution on June 14, 2005 in Payao Province allowed the establishment of human trafficking operation centers at three levels: provincial, national, and at the Thai embassies or consulate offices in foreign countries.[10] The Royal Thai government has declared its intention to fight trafficking in persons, making the prevention and resolution of trafficking in persons part of its national agenda at the National Conference on Human Trafficking held on August 6, 2004 at the government house.[11]

Thailand signed the United Nations Protocol to prevent, Suppress and Punish Trafficking in Persons Especially Women and Children on December 18, 2001. This protocol to the United Nations Convention against Transnational Organized Crime.[12]

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) is an inter- government cooperation between six countries in the Mekong sub-region, including Cambodia, China, Lao PDR, Myanmar, Vietnam, and Thailand. The countries signed the COMMIT memorandum of understanding in October 2004. The COMMIT initiative aims to establish a holistic regional response by

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[9] Saisuree Chutikul and Phil Marshall, *Summary Thailand Country Report on Combatting Trafficking in Persons* (2004) (on file with author).

[10] Bureau of Child Promotion and Prevention, *Memorandum of Understanding on Operational Procedures for Concerned Agencies in Prevention, Suppression and Solutions for Human Trafficking Problems in 17 Northern Provinces (Thailand)* §1.13 (2007).

[11] Fight Against Child Exploitation, *supra* note 8 at 4.

[12] United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, *supra* note 1.

addressing all aspects of trafficking in persons and ensuring the victims are at the center of all interventions.[13]

The Anti-Trafficking in Persons Act B.E. 2551(2008) was enforced on June 5, 2008. It provide many significant aspects such as defining human trafficking, determining that human trafficking victims will be assisted with both social and legal assistance, determining heavier penalties on all offenders involved in human trafficking especially those who are politicians, government officials and related government agencies or organizations.[14] In 2011, the Ministry of Social Development and Human Security has passed the National Policy Strategies and Measures to Prevent and Suppress Trafficking in persons (2011-2016) in order to prevent and suppress human trafficking according to its trend and direction. The policy provides guidelines for different agencies on how to work or assist the following target groups which are traffickers, trafficking victims, group at risk, general public, partner organizations including government agencies, non- government organizations, tourism sector, entrepreneurs, and civil society domestically and overseas.[15]

Finally, strategies and measures to prevent and suppress trafficking in persons include separate strategies for prevention, prosecution, protection and assistance to victims, development of policy, and a strategy for developing and distributing information. Administrative mechanisms includes the Anti-trafficking in Persons Committee; the Coordinating and Monitoring of Anti-Trafficking in Persons Performance; the National Operational Center to Prevent and Suppress Human Trafficking; and the Provincial Operational Center to Prevent and Suppress Human Trafficking.[16]

i. The Multidisciplinary Team Approach

The multidisciplinary team provides holistic protection of victims of human trafficking by utilizing a victim-entered approach that focuses on protecting the rights of the victims. It involves collaboration

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[13] Ministry of Social Development and Human Security, *Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region* (2004).

[14] Anti-Trafficking in Person Act, B.E. 2552 (2008) *available at* http://www.not-trafficking.org/resources_laws_Thailand.html (last visited 12/30/13).

[15] MINISTRY OF SOC. DEV. & HUM. SEC., THE NATIONAL POLICY STRATEGIES AND MEASURES TO PREVENT AND SUPPRESS TRAFFICKING IN PERSONS 2011-2016 (2011) (THAI.).

[16] Anti-Trafficking in Person Act, B.E. 2552, ch. 2 (2008) *available at* http://www.not-trafficking.org/resources_laws_Thailand.html (last visited 12/30/13).

with victims in order to persuade them to testify as a witness against the traffickers or criminal networks. The protection process includes assuring of victims' and their family wellbeing, preventing victims from being victimized again (re-victimization), and providing capacity building through life skills training in order to prevent the victims from repeating the same cycle.

Based on my own experience working with a multidisciplinary team, the victim-centered approach has been accepted by the team's members because it promotes victim identification and protection. The multidisciplinary team approach to protection and suppression of human trafficking issues has been recognized extensively by governmental, non-governmental, and international agencies working in Thailand.[17]

1. Definition and the Importance of the Multidisciplinary Team

The multidisciplinary team approach has been influenced by the approach to child protection in the United States. The multidisciplinary team approach was brought to and utilized in Thailand in1995 by the Center for the Protection of Children's Rights Foundation (CPCR). CPCR is a Thai Bangkok-based NGO who provides social and medical assistance to children. It is also a key organization which has pushed ofther non-governmental organizations to implement the multidisciplinary team approach in protecting children and managing child exploitation cases. The approach was first used by CPCR for child protection work; but it was adopted later to assist human trafficking cases because trafficking victims are often found to be children and women who were violently traumatized sexually, physically, and emotionally

The multidisciplinary team approach involves cooperation between professionals from diverse disciplines who come together to provide comprehensive assessment and consultation in human trafficking cases. The members of the team include legal professionals – for example policemen, prosecutors, and lawyers; social assistance professionals – social workers, family and children's shelter staff; and medical professionals – such as doctors, forensic pathologists, psychologists and psychiatrists.

The multidisciplinary team operates under policies specified in a Memorandum of Understanding on Operational Procedures for Concerned Agencies in Prevention, Suppression, and Solution for

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[17] Fight Against Child Exploitation, supra note 11.

Human Trafficking Problems negotiated among the agencies which employ these specialists and sponsored by the Thai government.[18] The work of the team includes taking cases, investigating, gathering of evidence, and fact-finding. The multidisciplinary team members meet together to plan and follow up on cases, both domestically and internationally, with an aims towards assisting the victims and bringing the perpetrators to justice.

ii. Working Culture in Thailand

When discussing the multidisciplinary team approach with regards to victim protection in Thailand, it is crucial to understand the working methods and how networks operate within the Thai cultural setting, which may be different from other countries. Networks in this context link the government sector, private sector, and community-based organizations that emphasize solving social issues. There are factors and conditions that lead to the multidisciplinary team's success. Thailand's culture focuses on relationships within networks. The size of the network can consist of three to five organizations or up to thirty to fifty organizations. This especially true for networks which are working towards the same or similar goal. Collaboration through work also allows trust and relationship to grow, which is the most important factor in working as a team. However, trust cannot be built overnight.

Trust is credited towards a person and then the system. For example, during the victims' protection or rescue process, victims often do not trust the police officials because they are afraid that the police may benefit from the case or are involved in the illegal business. Therefore, in order to prevent victims' information from leaking, NGOs must be able to evaluate the situation and trust representatives from the police officials or a key person in order to carry on the case. NGOs are trying to establish a permanent structure which will allow the process to continue even when the other team members are relocated due to routine government rotation or because of the political situation or changing of government parties. NGOs are accomplishing this by forming working groups to operate on the national and provincial levels, establishing key committees which are responsible for children and women and by creating other systems and organizational structures. However, an individual person is still the most important key to collaborating through

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[18] Ministry of Social Development and Human Security, *supra* note 13.

a network . An organization with capable personnel who are equipped with the necessary skills and leadership is most likely to be successful.

Thai culture also pays high respect to elders, which includes paying respect and honor to an organization's leaders. It is also important to give credit to the organizations that are part of the team, which will create a sense of mutual benefit and a win-win situation. However, it is unfortunate that often many international organizations working in Thailand lack an understanding of the nature of Thai culture or working in the Thai context. These groups of people may have high expectation and often assume that every practice should follow the policy or legal system standard based on their knowledge of their home countries. This type of expectation may then lead to conflict, frustration, and misunderstanding between persons and organizations.

II. THE TRAFCORD PROJECT

The TRAFCORD Project, the full name of which is the Anti-Human Trafficking Coordination Unit Northern Thailand, is a non-governmental agency which was established to solve human trafficking issues in the upper Northern region of Thailand. TRAFCORD was founded in August 2002 through the initiative of the committee members of the Chiang Mai Coordination Center for the Protection of Child and Women Rights. After several years of experience working with the Chiang Mai Coordination Center for the Protection of Child and Women Rights, we have discovered that children and women from ethnic minority groups, Myanmar, Laos, and China are brought into the Northern region of Thailand for the purpose of sexual exploitation. These children and women will also be transferred to other regions in Thailand and overseas. As a result, the TRAFCORD project was established in order to prevent, suppress, and protect victims of human trafficking in this area.

Ms. Rotsukon Tariya, a senior social worker who has more than twenty years of experience in protecting children and women's rights in Chiang Mai, is one of the key people in driving this organization forward. Ben Svasti, TRAFCORD's executive director, and an honorary consul of the British Consulate, Chiang Mai, is also another key person who helped establish TRAFCORD. He also has a great wealth of experience working with non-government organizations in assisting refugees and HIV patients near the Thailand-Cambodia border. Mr. Svasti in cooperation with Ms. Tariya founded TRAFCORD and

presented the project proposal to the United States Embassy in order to raise funds for the project.

Mr. Svasti and Ms. Tariya have worked on many cases alongside of law enforcement and government officials to rescue children and women from Myanmar that were lured into prostitution in Chiang Mai and Chiang Rai. They were also running rescue operation with the CPCR to rescue children and women from brothels. The rescue operation was leaded by Ms. Vasana Gaonopparat, an occupational therapist who specialized in child development. She is also a director of the child protection department of CPCR. Their experience working on many cases together helped them to gain knowledge and technical skills needed for assisting trafficked victims and also to create relationship among networks across the countries.

A. TRAFCORD'S OBJECTIVES AND TARGET GROUPS

The TRAFCORD project is operating in nine provinces in Northern Thailand: Mae Hong Son, Chiang Mai, Chiang Rai , Phayao, Lamphun, Lampang, Phrae, Nan, and Tak. The project also operates outside of this area, such as in Malaysia, but this depends on the requirements of the particular case.[19] The project has four main objectives, which are:

> To serve as a coordinating unit connecting government organizations and non-government organizations in order to provide aids to victims of human trafficking and victims of child abuse.
>
> To provide legal and social welfare assistance services to victims of human trafficking.
>
> To create, promote, and develop the capacity of partners' network engaging in protecting and rescuing victims of human trafficking utilizing multidisciplinary approach.
>
> To promote public awareness among community and networks' organization regarding children's rights violation, human trafficking issues, child abuse and violence against women and children.

The project targets the following groups for assistance and support:

> Trafficked victims, predominantly women and children who are forced or lured into sexual exploitation and labor.

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[19] FOCUS FOUNDATION, http://www.trafcord.org/ (last visited Mar. 7, 2014).

> Disadvantaged children, especially those who are living along the borderline and are at risk of being abused for their rights and who have been abused physically, sexually and emotionally.
>
> Governmental organizations, community-based organizations, and NGOs which will benefit from our operational support, human resources developmental support and capacity building support program.

B. TRAFCORD'S STRUCTURE

TRAFCORD has eight staff members which include a project manager, lawyer, social worker, investigator, public relation staff, trainer, and general manager. Our mission requires cooperation with other networks to work towards the goal of protecting the rights of the victims and prosecuting the perpetrators. Each organization is different in terms of its operational methods and culture; therefore, being able to work as a team and being able to be flexible is highly important.

TRAFCORD's steering committees consists of six members. There are two members from the private sector – Mr. Ben Svasti and Mr. Suriya Kasemsirisawat (former manager of TRAFCORD) – with the rest of the members from the government sector– Ms. Rossukhon Tariya (social worker), Dr.Sidtnat Praputthanitisarn from Chiang Mai University, Dr.Manoch Chockchamsai from Medical Faculty, Chiang Mai University and Pol.Col Montri Sumboonnanondha from the Royal Thai Police Region 5. The steering committee members play many major roles such as raising support, coordinating with international agencies, providing guidance and direction for the project, consulting, and making sure the team can achieve the objectives of the protect. It is beneficial for TRAFCORD to have the majority of the steering committee members from the government sector in terms of being able to support and connect the networks to work with the government agencies.

C. HOW WE CREATED A NETWORK

TRAFCORD gives high priority to building networks and connecting different networks to work together to prevent and suppress human trafficking issues in the Upper Northern Region of Thailand. TRAFCORD started to build the network in 2003. Initially, we started the network by hosting training for practitioners working in related fields. We trained policemen, prosecutors, social workers, medical experts, shelters staff, and NGOs staff to utilize a multidisciplinary team

approach and to gain more knowledge about legislation related to combatting human trafficking issues. The work was expanded and the training was organized extensively in all the provinces in the Northern region of Thailand.

The main network building project started in 2004. TRAFCORD, in coordination with a private network, organized a training called "Training for Trainers" in order to raise awareness and to provide practice in working to combat human trafficking problems. Key people for the training were recruited from law enforcement officials, social workers, and from non-governmental staff that were senior-level, well-respected, and had responsibilities related to the mission. These key people were to utilize the knowledge gained from the training to train people in their area of supervision. This training also motivated many working teams to work even harder to assist children and women who are sexually exploited.

The results from this training included rescue operations in Lampang, Tak, Chiang Mai, Prae, Maehongsorn, Payao, and Prae during 2004-2011.[20] The training also resulted in TRAFCORD becoming better known among partner networks who also worked to assist trafficked victims. Collaboration was made possible by the training through operational meetings, consulting, and solution planning.

D. TRAFCORD'S ROLE IN FIGHTING AGAINST HUMAN TRAFFICKING

TRAFCORD's main role is to protect children whose rights are violated, especially those who are trafficked or treated violently. It is crucial for TRAFCORD to work closely with government agencies in order to protect the children, expecially by working with amultidisciplinary team and through cooperation with other networks. TRAFCORD joined with government and non-government agencies to draft the Memorandum of Understanding for Concerned Agencies in Protecting and Suppressing Trafficking of Children and Women in the upper Northern region of Thailand in 2007. TRAFCORD was also invited to join organizations from other regions, and was invited to share its regarding drafts of the Anti-Human Trafficking Act of 2008. On the provincial level, TRAFCORD was authorized by the Chiang Mai governor to become one of the committee members for the Child Protection Unit, and a committee member of the Anti-Human Trafficking

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[20] Fight Against Child Exploitation, supra note 11.

Coordination Unit in Chiang Mai, which has a role in reporting the current situation and planning operations on the provincial level in conjunction with governmental organizations and NGOs.

Over the past ten years TRAFCORD has developed many projects and programs as follows:

> Protecting Children Victims of Abuse and Human Trafficking Victims Program: this includes hotline number, investigation, and rescue.
>
> Legal Assistance Program: provide assistant to trafficked victims through preparation of victims before entering prosecution process, monitor, damage compensation, and also reflect on law enforcement for government sector and private sector to improve how they operate.
>
> Capacity Building Program for Multidisciplinary Team Practitioners from Government and NGOs: we organize meetings and train practitioners, law enforcement officials, social workers, and NGOs' staff in order to gain more knowledge and change attitude in working together to plan and create coordination among networks organizations.
>
> Awareness Raising Program on Human Trafficking Issues: different types of media were produced and distributed for target group who are at risk, such as minority groups, migrant labors, children, women, and labors who plan to work oversea. We also explored and created watch persons in communities and at risk areas. Our hope is to raise awareness among community members who can properly identify, report, and assist victims of human trafficking.
>
> Child protection in the Case of Emergency Program

TRAFCORD's lead role as a coordination unit in discovering and investigating cases has been accepted by many network organizations. Cases were reported and referred through the government's hotline number. TRAFCORD has played a role in presenting and gathering initial evidence to the police officers. This role encourages police officers to understand the importance of protecting human trafficking victims' rights and especially protecting children. For example, when TRAFCORD receives a report about suspected locations of human trafficking or when it learns that someone needs to be rescued, it we will send skilled investigators to conduct an initial investigation, gather all the data, and coordinate with the police officers informally. TRAFCORD also consults with the multidisciplinary team, the provincial Office of Social Development and Human Hecurity, and family and children shelters who then prepare social workers, housing,

and other facilities to assist after a rescue. Related NGOs will also provide support by supplying translators who work with us in the field.

Evaluation is also conducted in order to prevent corrupt government officials from obtaining information. This is a very important process because we have to protect all the data from leaking. We must coordinate with police officers who are already part of the network and focus on one who has worked with us before, has knowledge about human trafficking issues, and understands how to work within the multidisciplinary team approach. Police officers are a crucial part of the process because they provide authority for our work , and we must be able to trust that he or she will carry through with the rescue and prosecution.

Besides a coordination unit, TRAFCORD also plays a role as a case manager in protecting and assisting victims of human trafficking, which is a crucial role. A case manager needs to have technical skills and the ability to see the overall picture of the whole process in assisting and protecting victims and prosecuting the perpetrators. A case manager should be able to help the team to work together and to solve problems with collaboration. It is challenging to work with people who come from various backgrounds. Sometimes, it is important that related personnel must comply with their own organization's policies, especially those who are from the government sector. TRAFCORD must have the ability to coordinate and make sure that everyone is working towards the same goal under the law and under the Memorandum of Understanding. We will consult from prosecutors or policemen who are expert in this area, and bring the information to the case conference table in order to find common solution. But it is very challenging for us to work with partners with whom we are in conflict or have disagreements.

Working as a team is difficult and rewarding at the same time. Our success can be seen at every step of the process. The process includes planning a rescue operation, victim identification, victim protection, perpetrator prosecution and victim recovery. These success stories help our members feel proud of themselves about what they have done. They also create the energy and motivation for our team members to try to learn new things. We have observed that some team members, especially from government and private sectors who were well supported by their organizations, have even developed to the point that they have become trainers. We believe that these stories are success stories of the multidisciplinary team. They are not stories of the success of an individual person or individual organization but of the team.

E. A SAMPLE OF TRAFCORD'S CASES

i. Rescued Children and Women in Malaysia in 2005

The Payao Social Development and Human Security Office referred a case to TRAFCORD involving a fifteen year old girl who needed urgent assistant because she was lured into prostitution in Johor Bahru, Malaysia. She was detained and had to work to pay a debt of 70,000 baht ($ 2,333 USD) to the trafficker. The multidisciplinary team meeting was called shortly after we received the referral. Team members consisted of social workers, local policemen, and leaders from a women's group. We started to investigate the case by sending a TRAFCORD investigator to conduct fact-finding from the girl's family. The police members of the team helped to contact the national police and immigration police in the Southern Thailand in order to investigate the trafficking route.

In the meantime, TRAFCORD sent another undercover staff member to investigate the location and brothels that the girl was suspected to be held or forced to work through the assistance of a NGOs network in Malaysia. After we received all the data, TRAFCORD in coordination with FACE, an NGO network in Bangkok, contacted the Ministry of Foreign Affair for assistance. TRAFCORD and FACE's representatives traveled together to Malaysia to meet with Malaysian federal police in order to submit the report gained from the initial fact-finding. The police were able to rescue ten children and women who were from Thailand, Myanmar, and China three weeks later. One of the TRAFCORD staff was sent to interview the victims for fact-finding at one of the NGOs' shelter in Malaysian and then coordinated with the Center for the Protection of Children's Rights and the Bureau of Anti-Trafficking in women and children, which is a government agency to prepare and assist all the victims for repatriation. All the women and children victims were sent home to Thailand, Myanmar, and China for protection two months after the rescue.

One year later, the police were able to arrest an agent of Thai nationality, who lured and brought these children to a Malaysian broker. The offender was sentenced to twenty-five years in jail; however, the offender accepted the allegation, so the judge reduced the sentenced to twelve years and six months in jail. TRAFCORD also assisted the victim to file a lawsuit against the offender for compensation. The judge

sentenced the offender to compensate the victim and plaintiff for 200,000 baht.

ii. A Case Involving Children and Women in the Upper Northern Region in 2008

In June 2008, TRAFCORD received a reported that a girl was lure to work as a prostitute in one of the Karaoke bars in the city. The information gained from an investigation showed that girl's age was between fifteen and eighteen years old, and Thai and minority women from Myanmar were working as prostitutes. We discovered an important piece of information from investigation. The owner of the brothels had a close relationship with one of the local police investigation officers, and he was also a relative of one of the police officers. This was one of our major obstacles; TRAFCORD had to bring this case to the senior police officer's attention and explained the delicacy of the case. One of the senior police officer, who was the director of the Division of Investigation and Suppression Bureau of the Police Region 5 and whose jurisdiction covered eight provinces in the Northern Region of Thailand, was a great assistance in the success of this case.

This senior police officer had worked with TRAFCORD for several years, and had also attended the "Training for Trainers" workshop in 2004. He had many years of experience working with children and women cases and human trafficking cases. He was also well-respected by the government and NGOs' agencies working with children. His role in this case were to assign his trustworthy subordinates to conduct an investigation, plan a rescue operation, and coordinate with the superintendent of the local police station and insist that they take the case seriously.

After TRAFCORD received information that the police were planning to inspect the suspected brothel, we arranged to meet with the team of police responsible for the case, and officials from the Office of Social Development and Human Security and Family and Children Shelter and local NGOs; a total of representatives from five organizations. TRAFCORD, for this case, focused on criminal proceedings, planning for rescue operation, and arresting the perpetrators. It is extremely important for us to have enough, strong evidence to file the case against the perpetrators. It is crucial for us to ensure that the charges are in agreeable with how we gather evidence. The meeting took about two hours, and the policemen, who were

disagreeing from the beginning, were willing to continue the case with TRAFCORD suggestions. The rescue operation was planned together, and it was it decided to delegate and define responsibility among the policemen and social workers when raiding the brothel. TRACFCORD also sent its staff to join this operation.

The rescue operation occurred on a rainy night, but because we had planned this operation carefully, the mission was accomplished and ten women and children were rescued and two perpetrators were arrested. The victims' identification process suggested that five victims were between the ages of fourteen and eighteen years old, and were victims of human trafficking case. The prosecutor of the case gave extra attention towards this case because he recently went through training about human trafficking, and he had always supported the use of the multidisciplinary team approach. The first perpetrator was sentenced to sixteen years in jail, but the second perpetrator passed away before he was sentenced. We were not able to prosecute the police involved due to the lack of evidence.

The most important lesson learned through this experience is the importance of working as a multidisciplinary team at the provincial level. TRAFCORD, in accordance with the multidisciplinary team, held the case conference in order to summarize and evaluate what we have learned from conducting this case. Most of the members involved in the case admitted that this case was their first experience in planning the rescue operation, victims' identification, case management, and prosecution. The experience and information gained and/or learned from this case was used and shared with the multidisciplinary team in other provinces in Northern Thailand.

F. Sources of Funding and the Effects of Funding on TRAFCORD's Work

One of TRAFCORD's sources of support is the US Department of State, which channels funds through the Asian Foundation and the US Agency for International Development. These sources of funding are not only our donor, but also our partners in some projects. For example, TRAFCORD and the Asia Foundation, in coordination with the Center of Protection of Child's Tights, FACE, the Royal Thai Police, and the Office of the Attorney General, developed a curriculum for training of trainers on human trafficking topic in Chiang Mai. The curriculum was intensive and was further developed to utilize for training of personnel or

government officials working to combat human trafficking issues in Thailand up until today.

This type of collaboration allows donor organizations and TRAFCORD to exchange knowledge and experience gained from the project. TRAFCORD has learned a great deal from the Asia Foundation, which promites human rights and gender rights projects, while the Asia Foundation has learned from TRAFCORD's experience about obstacles to work carried in the field tp protect victims of human trafficking. Other sources of funding include the United Nations Children's Fund, New Zealand Aid Programme, Diakonia, and World Vision Foundation.

i. Support from the Government

The Royal Thai government agencies such as the Bureau of Anti-Trafficking in Women and Children, the Ministry of Foreign Affairs, are not only our partners, they are also our supporter since 2006. Both of these government agencies support our work in raising awareness among people in communities in an at risk area.

ii. Direct and Indirect Effects of Donors

Each donor often has goals and expectations forour operations which sometimes can create indirect pressure. For example, during his administration, former US President George W. Bush gave great emphasis to sex slave or sex trafficking issues; however, President Obama's administration is more interested in labor and migration issues. Many other international organizations believe that migration is one of the root factors that leads to labor trafficking, and they emphasize protection of migrant. In reality, our project mostly deals with sex trafficking issues, because they occur more often than labor issues in the area of our responsibility. The uncertainty of funding is also another factor that many NGOs face. Some sources of funding only last for one to two years. Short term funding makes it difficult for us to measure the results of the funded projects.

TRAFCORD's sources of funding are critical to accomplishment of our goals. They not only support our administration and projects, but they also support development of our technical knowledge and skills. While funders have their own goals, and for this reason have an indirect influence on us, they are one the main factors that contribute to our organization's success.

III. RECOMMENDATIONS

A. MORE EFFECTIVE LAW ENFORCEMENT MECHANISM

Law enforcement agencies, especially those who are involved at the national level, should review the Thai Anti-Trafficking in Persons Act of 2008 and the prosecution process, which needs to be better developed. Delays in prosecution cause the trafficked victims to lose trust in the justice system and to not want to cooperate. Victims do not want to stay in government shelters for a long time while they wait for the prosecution process to come to a conclusion. Finally, the victims' protection process must be more efficient. Currently, victims still fear for their own wellbeing as a result of threat or violence from the perpetrators.

B. MORE FINANCIAL SUPPORT

Governments should support the NGOs working to combat human trafficking issues and also help to make the funding request process more flexible, up-to-date, and compatible with contemporary needs.

C. GREATER INTERNATIONAL COOPERATION

Thailand should coordinate with neighboring countries especially those located in the Mekong Subregion. The policies, legislation, and memorandums of understanding between these countries should be reviewed. Cooperation among countries working along the border should also be encouraged and supported, especially referral mechanisms. Information obtained from investigation or intelligence information in one country should be forwarded to law enforcement officials who are prosecuting the traffickers in another country, and an information database should be created for use during the investigation and prosecution process, and to assist follow up after the return and reintegration of the victims.

D. GOVERNMENT SHOULD EMPHASIZE HUMAN TRAFFICKING AND HUMAN RIGHTS ISSUES

The Royal Thai Government should seriously review and stipulate the resolution in solving human trafficking issues. From our point of view, violence against children and women should be renewed as a national issue (it was declared to be on the national agenda in 2004). The government should also provide all resources needed to make the work of every related department to more efficient. Corruption should also be dealt with effectively. The awareness of local NGOs and the general public should be raised, and considered as an important means of addressing human trafficking. The Royal Thai Government should focus on changing the attitude of the people to have more respect for human rights.