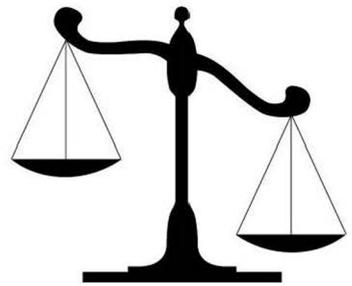


# Undue JUSTICE



**A long journey for the victims of trafficking  
to achieve justice**

Story tellers: Wi, Saa, Karn, Su, Kaew, Duen

Editor: Siriporn Skrobanek (FFW)

# Undue Justice

**A long journey for the victims of trafficking to achieve justice**

Story tellers: Wi, Saa, Karn, Su, Kaew, Duan

Editor: Siriporn Skrobaneek (FFW)

Live Our Lives (LOL)

Foundation for Women (FFW)

Sponsored by Japan International Cooperation Agency (JICA)

# Undue Justice

A long journey for the victims of trafficking to achieve justice

Story tellers: Wi, Saa, Karn, Su, Kaew, Duan

Editor: Siriporn Skrobaneek (FFW)

Translator: Sawanee Nivasabutr

Cover/ Illustration: Karuna Bandasak

Printed by: October Print Co., Ltd.

39/205-206 Soi. Vibhavadi-Rangsit 84, Sanambin,

Don Mueng, Bangkok, 10210

Telephone: +66 (0)2-996-7392-4, +66 (0)8-1492-6868

Email: [octoberprint50@hotmail.com](mailto:octoberprint50@hotmail.com)

The 1<sup>st</sup> Edition: 200 copies, October 2017

Published by: Live Our Lives (LOL) and Foundation for Women (FFW)

295 Charansanitwong 62, Bangplad, Bangkok 10700, Thailand

Telephone: +66 (0)2-433-5149, (0)2-435-1246

Fax: +66 (0)2-434-6774

Email: [info@womenthai.org](mailto:info@womenthai.org)

Website: [www.womenthai.org](http://www.womenthai.org)

Translation and Publishing supported by:

Japan International Cooperation Agency (JICA)

Project on Capacity Development on Assisting Victims of  
Trafficking in the Greater Mekong Sub-Regional Countries

# Foreword

Human trafficking is a serious violation of human rights. It is a crime. It is a global issue which requires regional and international cooperation since most of the human trafficking cases are happening across the borders and involve multiple countries.

Thai government and Japanese government have been working on this issue. They implemented the bilateral technical cooperation project titled “Project on Strengthening MDT for Protection of Trafficked Persons in Thailand” for 5 years from 2009 to 2014. From 2015, “Project on capacity development on assisting victims of trafficking in the greater Mekong sub-regional countries” has been implemented by expanding our target area from Thailand to the greater Mekong sub-regional countries, namely Cambodia, Lao PDR, Myanmar and Vietnam.

We aim to strengthen the assistance system for the victims of trafficking and to improve their social integration through Multi-Disciplinary Team (MDT) approach which includes both government agencies and NGOs. In this connection, we have been supporting Live Our Lives (LOL), the peer support group consisted of trafficked women.

This booklet compiled the real experiences that LOL members went through when they were trafficked and when they sought justice through the prosecution. We can't help but feel infuriated and sympathy to their stories. They hoped for better life for their family, but they were deceived and brought abroad which made them ended in serious troubles. They also suffered, even after they returned to Thailand, in prosecution process.

The victims introduced in this booklet have been grieving and moaning with the serious damage they suffered when trafficked and the fact justice is not achieved yet. However, they helped and encouraged each other with support from LOL to overcome their tragic experiences.

We hope this booklet would reach out to as many readers as possible and contribute to enhance the prevention and prosecution of trafficking in persons.

Hiroo Tanaka  
Chief Representative  
JICA Thailand Office

After having experienced employers' arbitrary treatment, abuse and exploitation, women who voluntarily migrate but end up with nightmares at worksites in destination countries, want to press charge against their traffickers and see justice is done for their plight. FFW has long collaboration with Live Our Lives Group (LOL) in providing social and legal assistance to trafficked returnees especially to those who want to press charge against their traffickers. Prosecution is a key element to suppress human trafficking and legal redress is a crucial factor to ensuring trafficked victims that justice could be done to protect their basic human rights. However, through our work we witness cases of delayed justice that frustrating trafficked women fighting in the criminal justice system.

The legal fights for human trafficking victims and migrant workers are considered as long journeys. Without endurance, the fights would not have reached the end of the process in accessing justice. Although the women have been brave, patient, and determined, it would be extremely challenging for them to be able to fight through on their own. The assistance from different organizations, government, NGOs and private sectors is a prerequisite but resources are still in dire need. Human trafficking victims cannot help but wonder whether a part of the large amount of funds spent in training programs, meetings, awareness raising campaigns to prevent and suppress human trafficking at the national, regional and global levels, could be reserved for funds for the victims, who were desperately in need for the legal battles. They need assistance in seeking justice they deserve, seeing the offenders be duly punished and receiving the punitive damages for their experiences.

Being concerned on this matter, FFW is conscious of a need to publicize the legal cases of human trafficking that women strongly feel the justice is delayed and undone. We have documented for valuable lessons learned and further actions for effective prosecution from the experiences of Wi, Saa, Karn, Kaew and Duan whose nightmares are still haunting as justice has not completely done. If women do not see and/or get benefit from legal complaint and being witness in criminal case it will be difficult to prosecute traffickers and their culprits despite of having good anti-trafficking legislation.

FFW highly appreciates the kind support of JICA for this publication and the long journey of collaboration to fighting against human trafficking.

Siriporn Skrobanek  
Chairperson  
Foundation for Women

# Table of Contents

	Page	
Foreword		
Chapter 1	The Trial Hasn't Begun: A Tale from South Africa	1
Chapter 2	Shattered Dreams at the Labor Count: A Tale from Poland	12
Chapter 3	Silence after the Judgement: A Tale from Italy	26
Chapter 4	Undue Justice: Conclusions and Recommendations	42
Appendix:		
Appendix 1	Live Out Lives (LOL)	
Appendix 2	List of Government and Non-Government Agencies providing assistance for trafficked persons	
Appendix 3	Foundation for Women	



# 1. The Trial Hasn't Begun: A Tale from South Africa

Told by: Wi and Saa



## Why South Africa?

When Saa got separated from her husband, she had to take care of her children on her own. Later, her father fell ill and became unable to even walk. That prompted Saa's decision to go abroad to work to earn more money, and decided to go to South Africa. There, she thought she could earn much higher income than stay in Thailand to work as a traditional Thai masseuse.

Wi, on the other hand, did not want to move anywhere since she was happy with her current job in her community as a healthcare worker. Although Wi's salary was not high enough, she could earn additional income by making handicrafts for the community and for the government offices. However, Wi's younger sister wanted to work abroad, and insisted that Wi go with her. Finally, Wi made up her mind, and decided to accompany her sister to work as a traditional Thai masseuse in South Africa.

### Main Characters

**Ms. Wi** – A community health worker, who went to South Africa as a traditional Thai masseuse. Upon returning from South Africa, she took actions against her former employer, who had exploited Thai workers including herself at his massage parlor.

**Ms. Saa** – A traditional Thai masseuse, who went to South Africa as a traditional Thai masseuse together with Wi and her sister.

**Ms. Pong** – A woman from Issan, who Wi and Saa met in the same massage parlor in South Africa. Her tragic death triggered the subsequent actions taken by Wi, Saa and their friends.

Both Wi and Saa went to work as traditional Thai masseuses through an employment agency licensed by the Employment Department, Ministry of Labour. Since each of them received a proper employment contract, they believed that the agency was a proper and legal establishment, and

their employment arrangements were legitimate. Both Wi and Saa would go to work for a Thai employer, who owned several massage parlors in Cape Town and Johannesburg. Saa went there first, and met Wi and her younger sister when both of them went to work for the massage parlor in Johannesburg. According to their employment contracts, Wi shall work as a trainer and receive a monthly salary of 60,000 Baht (approx.\$1,764)<sup>1</sup>. Saa and other masseuses shall each receive a monthly salary of 40,000 Baht net after deduction of expenses such as lodging, board etc. However, from the first day of work, Wi, Saa and their co-workers did not receive any salary from the employer. Other masseuses, who had come to the same parlor before them told them that they had received nothing but small tip money from their clients, which could amount to approximately 12,000 -14,000 Baht per month. As a matter of fact, Wi, Saa and other masseuses had to walk for long hours to just to get to the place where they worked because the massage parlor was far from their living quarter. They had to work from 11 am until 10 pm.

Soon after Wi started working, she began to wonder why her employer held her passport on the same day she arrived. She knew that the passport was an important document as her Identification Card, and she must have it with her at all time. However, she could not object to her employer. Later, the employer sent one of her staff to report the loss of the employees' passports to the police. Among all the employees, only one employee had a proper working visa. The rest of them entered the country without visa because Thai citizens were permitted to enter South Africa for 30 days without visa. That was the reason why the employer did not arrange the proper visa for his employees. They entered the country as tourists, although each employee was charged for visa fee of 40,000 Baht from the employer.

---

<sup>1</sup> 1 US dollar = 34 baht (as of June 18, 2017)

## Dreadful days

Saa and Wi's life became difficult when no salary was paid contrary to what they were promised. All the women who worked in the massage parlor began struggling and became difficult to take care of themselves. They collected all the tip money they received from their clients, and used it to buy food. If the money was not sufficient to buy food, they picked vegetables and plants that grew along the roadways for cooking and shared food among them. Pong, a woman of about 37 years old from Isaan – the north-eastern part of Thailand – arrived about 3 months earlier than the others. Pong had been saving every penny she earned from her tips so that she could send money to her husband and children, and to pay for her debt she made to cover the travel expenses to come to work in South Africa.

One day, Pong picked some wild mushroom to cook for dinner. After eating the wild mushroom late that evening, she had a severe stomach ache. She was left to lie down and rest in her quarter until she became seriously ill. It took a good while before she was finally taken to the hospital around 8 p.m. According to Saa, doctors and nurses told them that they could save Pong's life if the employer would agree to pay for a gastric lavage - pumping out the poisonous food from the stomach. Unfortunately, the employer refused to pay for her gastric lavage as it was expensive. Without being treated, Pong was transferred to another hospital at midnight. She was admitted to the new hospital and received limited treatment with saline solution for 4 days. Pong eventually passed away.

The employer concluded that Pong died because she ate the poisonous wild mushroom. Saa was told that the poison from the mushroom was left in her body too long and destroyed her internal organs until it was too late to save her life.

Wi and Saa knew that Pong had tried to contact the Royal Thai Embassy in South Africa for help. From Pong's tragic death, her husband in Thailand learned about her terrible time working in the massage parlor in South Africa, and became suspicious of her death. He even suspected that she might have been poisoned to death. After Pong's death, everyone was sad and upset. They became suspicious of each other, and stopped sharing their problems with their co-workers for fear that they too would end up dying like Pong if the employer learned about their problems.

After working for 20 days since the death of Pong, Wi's sister got depressed. She began fighting with her co-workers and became aggressive with her sister. She even beat Wi. That made her health condition to worsen; she became ill physically and emotionally. Wi started looking for a way to escape from the strict control she faced and from the dire situation. She came up with an exit strategy. She began to offend the clients intentionally by dripping hot melting wax on their backs or by giving rough massage, so that the clients report her poor performance to the employer. Subsequently, the relationship between Wi and the employer became tense. The employer did not want to keep Wi in his parlor and wanted to send her back to Thailand. But there was a condition for her to return to Thailand. The employer would only agree to send her and her sister back if she could bring 100,000 baht. Wi called her family in Thailand, and asked them to raise money at least for her so the employer would allow her to return home by herself first.

At the end of 2013, the employer finally allowed at least Wi to return home. Wi, having left her sister, Saa and co-workers behind, strongly felt that she needed to help them so that they could escape from the horrible lives in Johannesburg. However, she did not know where to begin. She did not have any idea about any government office that could help her. After contemplating for a month, Wi decided to go to the press and publicly talked about the lives of the women working as masseuses in South Africa. She emphasized the help they desperately needed. After the press report on 22 January 2014, the Royal Thai Embassy in South Africa reached out to

help those Thai women and provided a temporary shelter. Pong's body was transported back to Thailand on 30 January 2014 after her husband decided to sell his land to raise money for the transportation of his wife's lifeless body back home. No one could find out where the money that the employer had collected from his fellow Thai workers went. Upon arrival of Pong's body in Thailand, Pong's husband took her body to a hospital in Bangkok for an autopsy to look for the cause of death.

### **The media reported, the movement begun.**

After the press reported the story of Wi and other female Thai masseuses in South Africa, including Pong's death, the government officials began to respond. Officials from the Royal Thai Embassy in South Africa went to meet with the women in concern and took them out of the situations where they were treated poorly by the employer. The Minister of Social Development and Human Security visited South Africa with representatives from other offices such as the Department of Special Investigations (DSI), and the Bureau of Anti-Trafficking Women and Children (BATWC). In addition to the group of female Thai masseuses, the government officials helped three other women in Cape Town. These women were contracted to work as masseuses, but they were forced to work in prostitution and were confined in a brothel. The rescue became possible as one of the woman managed to contact a government office in Thailand for help. A government officer was sent to the brothel and helped them escape from it. They returned home to Thailand on the same trip with Saa and her co-workers.



## Life after Returning Home

Nine Thai women returned home to Thailand at the end of March 2014. Upon touching their home land, they were surrounded by a troop of reporters. They were offered to be interviewed incognito - with their faces covered, so their privacy was protected. However, those women did not want to hide their identity because they had nothing to hide or to be ashamed of. They spoke up to the press. After that, an officer from BATWC and DSI took those women to a police station to file complaints against the employment agency, which arranged to send them abroad and the employer who owned the massage parlors in South Africa.

Wi, Saa, and friends including Pong's husband filed law suits against the employment agency. After going through numerous processes to be identified as victims of human trafficking by the government officials, they applied for the relief funds for trafficking victims, and participated in a

session for healing process organized by the government together with different groups of women, including the elderly and the mentally-disabled women. In that session, each woman was encouraged to tell her story to other participants, which was considered as a part of their healing process from the traumatic experience. During the process, no one was properly informed of their rights as victims of human trafficking. Instead, they were even recommended not to communicate with the press or any other organizations because it might affect the progress of their filed cases.

A total of nine persons including Wi, Saa, their friends, and Pong's husband, applied for the relief funds so that they could carry on their lives during the long waiting period of their law suits. Only six applicants were granted. The rest of the applicants were rejected without any explanation. Like others who received the relief funds, they also had to take care of their families and they were in need of money. Especially Pong's husband, who had sold his land, with which he earned his living, in order to bring Pong's body home, was in need of such assistance.

Even for those who received the relief funds, it was not sufficient to keep their lives afloat for a long time. They ran out of money soon enough and needed to find jobs so they could earn money to support their families. Saa's situation was not different from the others. After returning to her family home for a brief visit to her disabled father, she had to return to Bangkok to stay with her sister, and worked there to earn money to send to her father. Wi was lucky enough to get her old job back, which she left when she decided to work abroad.

## **Waiting for Justice**

Time went by. It was almost a year since Wi, Saa and their friends filed for legal actions. There was no progress with the case at that time.

It was not until Wi was invited by the members of the LOL (Live Our Lives – a peer support group of victims of human trafficking) to participate in a discussion, in which victims of human trafficking would learn their rights that they did not know because no government official mentioned it to them prior to the discussion. The members of the LOL took Wi and her friends to apply for the relief funds with the assistance from the Rights and Liberty Protection Department, Ministry of Justice, as a victim of the crime. They started telling their stories to the members of the LOL, all of whom had similar experiences working abroad and becoming victims of human trafficking themselves. Many of these women were still waiting to see the offenders be brought to justice and be duly punished. They had a hope to receive some compensation from the offenders as ruled by the court.

The meeting with the members of the LOL encouraged Wi, Saa and their friends to fight against injustice and to demand justice to their case. Both counterparts regretted not knowing each other earlier, since the day they returned home from South Africa. They also wondered why the government officials did not want them to contact other organizations such as the LOL, which would assist victims of human trafficking. The meeting with the members of the LOL and their recommendations to Saa and Wi were like drops of blessed rain that would bring hopes and lives back to the wilted trees.

Again, many months passed without much progress. Wi, Saa and their friends submitted a letter of complaints to the Prime Minister at the Government House. In the meanwhile, the Head of the National Council for Peace and Order (NCPO), the Prime Minister declared their commitment to seriously wipe out human trafficking from Thailand. A representative of the NCPO came to officially receive the letter from the LOL. Yet, silence still remained. There was no progress made as far as the legal actions were concerned.

At any Migration and Human Trafficking Meeting, Wi, Saa and their friends got together and actively appealed to the concerned government offices to expedite their cases. At a meeting in December 2015, Wi, Saa and their friends talked about their work in South Africa, and that no action was taken to punish the employment agency and the employer so far, although it had already been two years since they returned to Thailand. At this meeting, representatives from the DSI participated and responded that they could not take action because the evidence from the Royal Thai Embassy in South Africa was not strong enough to bring the alleged parties to the court.

Wi, Saa and their friends did not understand what evidence meant and why there was no cooperation among the government officials in collecting the necessary evidence. Significant delay in taking any legal action has strengthened their belief that human traffickers must have influenced the parties and networks concerned at all levels, in order to make it difficult for the victims to access justice, and to receive compensation for the damages to their lives. Until now, the employment agency, against which they filed law suits is still recruiting women to work in South Africa.

### **Life must go on**

Back home, Saa had to face the villagers' gossips about her and other Thai women, who had worked in South Africa. Since she returned home together with the other women, who were forced in prostitution, people assumed that Saa as well "sold" her body as a prostitute, and the story about her working in the massage business was nothing but her "cover". Being totally misunderstood, it was extremely difficult for Saa to continue living in her village although she wanted to stay in her village to take care of her disabled father. She was not strong enough to change the beliefs of the villagers. Her debt, which was approximately 60,000 Baht, incurred

from the travel arrangements and expenses to South Africa, made it challenging for Saa to carry on a normal life in her village.

Currently, Saa lives with her younger sister in the capital city, and works as a masseuse earning 250 Baht per hour. In addition to supporting her disabled father, she has to bear the expenses for her on-going case. She is discouraged when she sees no progress in the legal actions, and starts to believe that justice has gone out of reach for a woman like her. Thus, when she was recruited to work as a masseuse in South Korea, Saa even thought about taking a risk again, and going to work there for a better pay. Yet, she still cannot give up her legal case and is worried about what will happen to it. Her friends from the LOL are also worried about a possibility for her to face similar problems since the employment agency will send her on a tourist visa to work as a masseuse. She may potentially face the risk of being arrested and deported again.

Wi, who is spearheading the move to demand for justice, contacting many organizations actively, is also facing some family problems. Luckily, she is supported by people around her. That has strengthened her to face any pain, physically and emotionally, in order to move forward in life.

Both Wi and Saa are still hopeful that her bad times and dreadful long waits will soon pass. Their hope flickers when the government officers promise that their cases will be brought to trial by the middle of this year. They are looking forward to seeing justice after the long struggle and dreadful waiting time, which have brought many changes into their lives.

## 2. Shattered Dreams at the Labor Court: A Tale from Poland

Told by: Karn and Su



## A Way to a Better Life

Karn just recently returned from her work in Taiwan when her friend told her that an employment agency was recruiting men and women to work in Poland, as agricultural workers picking strawberries. They would give her a one-year contract, which could be renewed yearly up to ten years. The contract would state a monthly salary of 22,500 Baht (approximately US \$653)<sup>2</sup> to work for 8 hours a day, six days a week. It would also state that overtime would be paid additionally at 130 Baht (US\$3.7) per hour, and the salary would be paid on the 20<sup>th</sup> of each month. But, each worker is required to pay the service fee of approximately 200,000 Baht to Kitti Company, a broker in Poland for the employment agency in Thailand.

### Main Characters

**Ms. Karn:** She had a prior work experience abroad in Taiwan as factory worker, so she took a chance to go abroad again, to Poland to work as agricultural worker.

**Ms. Su:** She wanted to invest some money to her farmland, so she decided to work abroad in Poland. She used her farmland as collateral to get a loan in order to manage the brokerage and travel expenses.

Karn had a positive experience in working abroad, in Taiwan, working in a thread mill factory. Throughout her three-year contract, she did not face any serious problem. She could work and earn enough money to be able to send money home. She sent at least 10,000 Baht each month to her home. Thanks to her remittance, her parents were able to build a new house and could live comfortably. Based on her previous experience, Karn was rather pleased to have found an opportunity to go to work in Poland, thinking that she could again send money home to her parents and save some for herself. Yet, Karn had no money to pay the employment agency

---

<sup>2</sup> 1 US dollar = 34 baht (as of June 18, 2017)

right away, she borrowed money from her acquaintance making her father's land as collateral for her loan.

In the village where Su lived, another broker from the same employment agency also came to recruit agricultural workers to work in Poland. The province where Su was born and raised had a long history of people migrating for work abroad. These migrant workers sent money home to their families in order to build new houses and to live comfortable lives. Su and her husband had an intention to invest money to improve their farmland, so they needed some money. Then, Su decided to go abroad to work in the same company as Karn. In order for her to go abroad, she needed to borrow money from a local money lender, for which she used her farmland as collateral.

At the beginning of October 2009, Karn and Su traveled to Poland with a group of 18 people, mostly women from Isaan.

Each person had a working visa specifying that they would be working in a fruit preserving factory for a period of one year. According to the contract, each worker was to receive a monthly salary of approximately 23,000 Baht, working 6 days a week, 8 hours a day. Overtime pay would be paid additionally at 100 Baht per hour. Although the working conditions were the same in each contract, these workers found out that each one of them had paid different service fee to the broker ranging from 180,000 - 280,000 Baht, after sharing each other's experience when they met. They did not understand why the service fees varied so much. Those who paid the high service fees were worried about whether or not they could manage to repay the debt they created for the service fees to the broker, after working for one year in Poland.

The workers did not fly into Poland directly. They landed in Germany first and they were taken by a long bus ride to cross the border into adjacent Poland, passing through the cold weather. After the long journey, they

reached the destination. There, Karn, Su and their fellow workers were assigned to work in a farm.

Later, the company sent Karn, Su and seven other female workers to work in a mushroom cultivating farm in the town of Zielona Gora in Lubuszkie province near the German border. Karn, Su and their fellow workers faced a sever working condition and they had to work in the extreme coldness of the snowy winter. The Thai workers began to understand that the Thai company that hired them was only a broker to supply workers to any company in need of foreign laborers. The broker did not give any consideration to the type of work or the place of work, which was specified in the working permit stamped on the worker's passport.

At the beginning of February, 2010 seven Thai female workers were arrested by the Polish border patrols and were immediately detained. None of them did not understand why they were arrested nor could communicate with any officer to ask. They all believed that they did not do anything against the law of the country. Each of them had a valid passport with an official work permit. At that time, no one knew that their employer had sent them to work in the area outside of what indicated in the passport, and that was against the very strict Polish law, which rules foreigners working in the country.

After being detained for two days, the seven Thai workers were brought to trial in the Lubuszkie Provincial Court. The court ruled that the immigration office ought to deport these workers back to Thailand within three months. After the judgement, these workers were divided into three groups and detained separately. Each of them tried to contact the Royal Thai Embassy in Warsaw, the capital city of Poland, but they did not succeed. No one answered their calls. Karn and Su had been detained in the same facility with other foreign workers, both men and women, for almost two weeks before an officer from the Royal Thai Embassy came to visit all the workers separately detained in three facilities.

## **Together we fight**

Karn, Su and seven workers were arrested because they were engaged in types of work different from the originally specified, and they worked at the locations different from the originally indicated in their work permits. Accordingly, the employer had to send eighteen workers back to Thailand prior to the end of their contracts. They traveled on the same flight with a stop-over and change of plane in Ukraine, before arriving at Suvarnabhumi Airport in March 2010. Regardless of their one- year contract, these workers lived in Poland for five months and worked there for four months. Unfortunately, no one has received any payment, salary or overtime pay, for the work they did in Poland. Their hard and harsh work, assigned to them with sweats on their back did not yield any money. Thus, they became desperate and worried about the large amount of debt they owed from the brokerage fee to work abroad.

When the workers returned to Thailand, the Labor Union, which was contacted by the friends and relatives of the returning workers, lent their helping hands. They guided the workers to report their cases to the Employment Department, Ministry of Labor, and to file their cases for protection and compensation. All 18 workers submitted their complaints to the Employment Department. Karn and Su were not fully aware of what they put themselves into in advance, but they started to realize their rights as workers and protested to the Ministry of Labor, by carrying banners of protest asking responsible actions by the Ministry of Labor, which had authorized the irresponsible employment company that had recruited them to work in Poland.

The press got interested in their stories and started to report them. It was a big surprise for many workers, as most of the workers did not tell anyone including even their families about their experience in Poland. They felt embarrassed to share their stories and to let anyone know that they had been in jail in Poland, even though it was not their fault. After the news

broke out, everyone including the family members and villagers got to know all about their harsh experiences during the time they worked abroad. Karn and Su were among the workers, who had not told the family anything until all people in the village learned about what had happened to them in Poland. They did not think that the press would disclose their stories to the public without informing them first. What made things worse was that the officials in Bangkok sent a request to the Provincial Labor Offices to investigate their stories without informing the workers ahead of time. In doing so, the officials violated the workers' rights to privacy, and caused deep embarrassment to the family members and neighbors in the village.

Each worker wanted to file a lawsuit against the employment agency that recruited them. However, they were skeptical about receiving sincere assistance from the government officials concerned. They did not even know where to begin until they met some friends who had experienced similar cases working abroad. Later, they were introduced to some members from the LOL (Live Our Lives), a peer support group of women who are victims of human trafficking. Most members of the LOL themselves experienced human trafficking cases and forced into prostitution.

Until they met the LOL, Karn, Su and other workers from Poland did not realize that they too were victims of human trafficking. Originally, they understood that human trafficking meant those who were forced into prostitution only, and they felt ashamed of being associated with human trafficking. Prostitution was and still is not acceptable in the society, and they would have lost their self-respect. However, once they talked to the members of the LOL, their understanding of human trafficking became much clearer, and they understood that human trafficking occurs not only with forced prostitution. Labor exploitation cases could be identified as victims of human trafficking if the workers were cheated or their labor was taken advantage of and not getting paid. Even then, Karn, Su and other workers, especially the male workers, did not want others to look at them

as victims of human trafficking, even though the work experience in Poland could be considered as human trafficking cases.

## **Lessons Learned**

After filing complaints to the Ministry of Labor, their cases must proceed according to the Ministry of Labor's procedures. Yet, no worker was investigated by the officers involved to determine whether or not they were victims of human trafficking. In the meanwhile, the information from the LOL encouraged Karn, Su and the 18 workers to apply for the relief funds of the Ministry of Justice for crime victims. They received some money, but all was spent in hiring lawyers to handle the case. Each worker wanted to receive compensation for the damage they experienced in Poland to cover the debt, and expected not less than 200,000-300,000 Baht per person. To this end, the Foundation for Women and the LOL took care of hiring lawyers, who could handle cases for victims of human trafficking.

After filing complaints with the Ministry of Labor, the workers learned that the employment agency had a security deposit of five million Baht at the Ministry of Labor. They thought this amount could be utilized as compensations to the victims, such as Karn and Su. In fact, there were a lot more workers who were hired by this agency. Thus, when the Employment Department decided to equally divide the security deposit of five million Baht, the money was divided among the 70 workers. Each worker received approximately 71,428 Baht as compensation. It was enough only to pay the interests accumulated from the debt that Karn and Su had.

The legal proceedings for their cases began. The employment agency proposed to pay Karn, Su and other workers a total amount of 100,000 Baht if they would agree to remove their cases from the Labor Court. It was their decision whether they would take it or leave it. No one advised

them on what they should do. The proposed amount by the employment agency was much less than what the workers had expected. It was much less than the fees they paid for the travel arrangements to Poland, not to mention that it did not include compensations for their unpaid wages and overtime pays. Therefore, Karn, Su, and the fellow workers decided to refuse such proposal by the employment agency. Instead, they were hoping to receive a fair judgement by the court to make the employment agency to provide due compensation for the damage they face.

## **The Judgements**

In 2011, the Labor Court officially accepted the cases submitted by Karn, Su, and 16 other workers. The plaintiffs claimed compensations for their damage from the employment agency. During the course of the trial, Karn, Su and the other workers had to follow every step of their case proceeding by themselves. It was disheartening for the plaintiffs, not only because they had to pay for the traveling expenses, but also, they had to interrupt their work, which was desperately needed to carry on their lives, and to pay the ever-increasing debt they had.

By the end of February, 2012, the Central Labor Court reached a decision for all 18 cases together. In the judgement, the Court argued the plaintiffs' cases from three different perspectives:

- 1) Whether the employment agency disobeyed and violated the Employment and Labor Protection Act, B.E. 2528 (1985) amended by the Employment and Labor Protection Act (2<sup>nd</sup> Issue) B.E. 2537 (1994); whether they were guilty of not registering their employees or representatives to the Registrar of the Central Employment Office; and whether the employment agency charged or received the service fees or expenses over the standard limit set by the Ministerial Regulations.

2) Whether the employment agency in Thailand, as the representative of the employer in Poland, is responsible for paying all the unpaid wages and overtime pay according to the contract;

3) Whether the employment agency should be the one to pay compensation for the group of seven workers, who were arrested and detained by the border patrols in Poland, as the employer company in Poland was the one that had sent them to do the types of work different from what was originally specified, and sent them to work outside of the area stated in the worker's work permits.

After considering the above, the Court issued a judgement as summarized below:

1) The employment agency disobeyed and violated the Employment and Labor Protection Act B.E. 2528 (1985), amended by the Employment and Labor Protection Act (2<sup>nd</sup> Issue) B.E. 2537 (1994).

The employment agency was charged for:

1. not registering their employees or representatives to the Registrar of the Central Employment Office; and
2. over-charging or receiving the service fees or expenses above the standard limit set by the Ministerial Regulations.

The above-mentioned disobediences and violations resulted in revoking the employment agency's license to recruit workers to work abroad for 120 days. The employment agency was also liable to repay all the service fees and expenses they charged the workers. The Central Registrar took the security deposit from the employment agency, and used it to pay the 18 workers. However, the security deposit was divided among 70 workers, the compensation was not even enough to cover the migration costs. In addition, the employment agency ought to pay the difference between what had been paid from the security deposit, and what the compensation for the 18 workers. The compensation includes their unpaid salary,



overtime pay and other benefits stated in the contract, and the emotional damage caused by arrest and deportation. The court also set the interest rate of the defendant's payment to the plaintiffs at 7.5 percent since the day their cases were officially filed according to the Civil and Commercial Law.

2) The defendant (the employment agency) represented the employer in Poland, and was authorized to sign the contract with 18 plaintiffs, so they ought to be responsible for what happened to the plaintiffs in Poland, according to the Civil and Commercial Law. If the employer in Poland did not pay the unpaid salary as per their contract, the defendant must be responsible for the unpaid amount to all the 18 workers with interests at 15 percent according to the Labor Protection Act. However, since the plaintiffs requested the court for their compensation and its interests at 7.5 percent, the plaintiff can be paid with the interests at 7.5%, instead of 15 %.

3) The defendant (the employment agency in Thailand) had no knowledge, or intention, or careless mistake with regards to the seven female workers' (plaintiff No. 4 to Plaintiff No. 10) arrest and detention in Poland. Therefore, the employment agency was found not responsible for the arrest and detention of the plaintiffs in Poland.

Based on the Labor Court judgement, the employment agency must pay 220,000 Baht to Karn and 190,000 Baht to Su with interests at 7.5 percent interest rate. However, since the employment agency was found not responsible for the arrest and detention of Karn, Su, and 7 other female workers, the defendant was not charged for compensation, which they demanded for their emotional damage and stress caused by being detained with other workers for months. Unfortunately, Karn, Su and their fellow workers could not file lawsuits against the employer in Poland. Their emotional scar remains and keeps reminding them of their sour labor migration experience. At least, they learned a lesson, which was that even a properly and legally arranged labor migration case with official documents and visa could end up human trafficking case. All the paperwork did not guarantee their decent work abroad where there would be no problem in terms of their earning and physical/emotional wellbeing.

### **Silence after the judgements**

Although four years had passed since the court judgements, Karn and Su did not receive any money from the employment agency. The lawyer, who was sponsored by the Ministry of Justice to follow up their cases, informed them that all the executing procedures were completed, but no asset of the defendant were found. No further information was given to the 18 plaintiffs in detail. Thus, they did not understand what the executing processes entailed. Nor did they understand how the procedures could be completed without their receipt of compensation as ruled by the court. Who, or which office, is responsible for seriously enforcing the court

judgements, to help the victims of the crimes receive long-due justice they deserve?

Out of all the victims returned from Poland, Su seemed to be particularly concerned about her not receiving any compensation. Since she used her family land as collateral for the loan she made in order to go to Poland, she was worried about losing the land. Her loan contract clearly indicated that her collateral was for conditional sale with right to redemption. She had been continuously paying the interest of the capital of 100,000 Baht. Thus, Su believed that her accumulated payment could have summer up to approximately four times of the amount she originally borrowed. Her family had attempted to negotiate with the lender so that they could get their land back, but it was not successful. Eventually, Su submitted a request to the Office of the Ombudsman, the Provincial Justice Office, to help her negotiate with the loaner. But, again she could not succeed.

In December 2015, the lender at least agreed for Su and her father to pay the total amount of 220,000 Baht in cash for the land in order for them to get the deed back. Even though it was a large amount of money for Su and her family, they were relieved to learn that they could keep the family land after complying the lender's terms.



For Su, labor migration to Poland was a very expensive lesson. She thought that they may have won the legal battle, but it was not worth the financial and emotional damage she faced. Even if the compensation is duly paid (which is not the case), the amount ruled by the court is not enough to pay her debt. Until today, provision for the compensation ruled by the court exists only in the judgement as an “empty” promise.

Karn feels the same way as Su. They did not receive long-due justice from their lengthy legal process as the defendant had not paid any compensation to the workers. She thinks that if there is an organization directly responsible for legal advice and process in filing law suits and seeking justice, it will help the workers tremendously to understand how justice is accessed, then she would have used it instead of protesting in front of the press. The responsible organization should continue helping the workers with the process, and enforcing the judgements of the court so they can receive duly compensation. Karn has a debt of approximately 300,000 Baht. After paying part of her debt, she still owes approximately 220,000 Baht. What worries her now is that even if she is to receive compensation, it may not be enough to pay the debt she has and to get back her 2-rai land that she has used as collateral.

Both Karn and Su mutually agreed that their failed migration have worsened the already difficult lives they had prior to the decision to go abroad. In order to protect the potential overseas workers, the government organizations, which promote Thai workers to work abroad, should disseminate correct information and prepare them with proper knowledge so that the workers can make their informed decisions, in addition to learning some tricks that the agents use to recruit people to work abroad in the employment process. There should be an effective mechanism to protect Thai workers in other countries, considering the interest of the workers, who send money home and take care of their families.

Karn, Su, and other workers who share the same experiences have been the victims of migration to work in Poland. When the difficulty stood in their way, they were not deterred from fighting for justice, and chose to be identified as damaged workers rather than as victims of human trafficking. The employer company in Poland was actually an employment agency, and even mistreated them according to the foreign migrant workers' employment policy of Poland. They sent the Thai workers to do the types of work other than what was specified, at the location outside of the area specified in the labor permit visa. The employer exploited the Thai workers by paying no wage or overtime pay during the four-month work experience under the very cold weather. This kind of mistreatment can be considered as human trafficking as they took advantage of their rights as workers.

Both Karn and Su were wondering if they should choose to be identified as victims of human trafficking. By disclosing their privacy, they might have received more help from many concerned organizations. They believe that the employer should be punished more seriously, and even strongly. Late found out that there were more than one hundred workers affected by the same employment agency. The employment contract was made to other workers continuously and systematically. Both Karn and Su have no way to know whether this company has re-registered under a new name, and is still recruiting Thai workers to work abroad. How many more workers will be affected the same way they had been? How can the government work more efficiently to stop the fraud and corrupt employment companies from sending Thai workers abroad?

### 3. Silence after the Judgment: A tale from Italy

Told by: Kaew and Duan



## Destination: Italy

Kaew and Duan came from the same province, but they had never met before. They both had a dream of improving their lives, and that of their families by going abroad to work. Because of her dream, Kaew decided to go to Italy with Kularb, her relative from the husband's side. Kularb was the first one in Kaew's village to go abroad to work in Italy. There she married to an Italian man, and started to take many young women from the village to work with her as traditional masseuses, or to work as helpers at fruit and vegetable farms. Thus, Kularb was the one who had arranged the passports and visas for Kaew and two of her friends to enter Italy. Pon, Kaew's childhood friend, and Chan, her sister-in-law tagged along with Kaew on this journey.

### Main Characters

**Ms. Kaew:** She went to Italy with the help from her relative, Kularb. She thought that she would be working as a traditional Thai masseuse.

**Ms. Kularb:** She acted as a recruiting agent to lure women in her village to work in Italy. Kaew was one of her victims.

**Ms. Duan:** She went to Italy around the same time as Kaew to work in a Thai restaurant. Duan and Kaew eventually met in a shelter in Italy after being rescued.

**Ms. Jom:** She acted as a recruiting agent to help her daughter, Jun who became a trafficker after settling in Italy with her Italian husband.

The three women started their journey in early February 2006 from Bangkok to Milan, Italy via Vienna, Austria. After arriving in Italy, they traveled by car to a town of Asti in the northwestern part of Italy. As soon as they arrived at the destination, Kularb informed them that each of them was in debt of 500,000 Baht and they would need to work for her to repay the debt. Contrary to her promise, Kularb sent Kaew and her friends to

work in prostitution. All three of them together needed to stay in a room, and wait for a client to choose one (or some) of them. Sometimes, they were even taken to other towns to be engaged in prostitution. Kularb used another woman named Bua to guard Kaew and her friends. Bua frequently threatened to send Kaew and her friends to the “south”, where they would face even worse situations, if they did not obey her to perform sexual services.

Working as prostitutes, their life was very tough. Pon even got pregnant while working, and she was forced to get an abortion. Even during that time, Pon could not take a break, and forced to work. Out of desperation, Kaew tried contacting her husband for help. Her husband accused Kularb of what was going on with Kaew. However, he was told to raise enough money to repay Kaew’s debt if he would like his wife to return home.

On June 6<sup>th</sup>, 2006, Kaew and her friends got arrested by the police for over-staying in Italy. At that time, although Italy had an anti-human trafficking law in place, Kaew and her friends were not identified as victims of human trafficking. Nonetheless, they were assisted by the International Organization for Migration (IOM). The IOM staff took them to a shelter run by a religious organization and let them stay there for two months until they traveled back to Thailand on 24 August 2006.

On the same day they returned to Thailand, Kaew and her friends went straight to the Police at the Children, Juveniles and Women Division to report what had happened in Italy and how they got forced into prostitution. Subsequently, Kularb got arrested in Thailand in July 2007. According to Kularb, Kaew and her friends demanded money from her, and they even tried receiving compensation of 50,000 Baht each from the government. Even during the trial in the Lower Court, Kularb was permitted to leave the country. Since then, she has never returned to Thailand to appear in court.

Duan also went to Italy in the same year as Kaew, through a broker named Jom, who lived in the same province. Jom had a daughter, who had migrated to work in Italy since 2002. Jom's daughter married to an Italian man, and started recruiting Thai women to work in Italy. Jom told the potential workers that they would work in a restaurant, and if they wouldn't like their jobs, they could even change their jobs to pick fruits in a farm. Furthermore, Jom would pay for their travel expenses in advance including passport fees, visas, and airline tickets. All they had to do was to repay her later.

Duan made up her mind to go to Italy. She went with Noi, who had to leave her infant baby with her husband. Jom and her son went to see both Duan and Noi off at the airport on 2 June 2006. They travelled to Paris, where they were picked up by a Thai woman named Bu-nga, who came with two foreign men. At the airport, Bu-nga asked them about the kind of work they thought they would be doing in Italy. Duan and Noi thought that they would be working in a restaurant, just like what Jom told them. Then, Bu-nga explained to them that the only job available in Italy was the job in bed. What made it worse was that when they met Jun, Jom's daughter, they learned that they had owed Jom 50,000 Baht each for their travel arrangement. Jun told Duan and Noi to learn how to sexually serve the clients from other women. Duan started to work. But on the second day after Duan was forced to serve the clients, undercover policemen came where they were, pretending to use their services, yet they arrested all the women. Duan and her friends were taken to the police station, and were assisted by the IOM. Later, the IOM took them to the same shelter where Kaew and other women stayed. There, Duan and Kaew got to know each other.

Duan traveled back to Thailand at the end of July 2006. After her relatives learned about what had happened to Duan in Italy, they made Duan realize that her human rights had been violated, and Duan decided to file a lawsuit against Jom at the beginning of September 2006. In the meantime, Jom was arrested in August 2007. She denied all the charges

against her, and accused Duan and Noi of their intention to claim compensations of 50,000 Baht each from the government. Jom was bailed out just like Kularb, and continued to live in the same village comfortably while defending her case.

## **Fight for justice**

Kaew and Duan were received at the airport by a NGO, which gave them valuable information and advice in filing complaints against those who deceived them, and in accessing several services by the government for their healing process and possible compensations. Without the support from the NGOs, Kaew and Duan would not have been able to even hire lawyers to follow their cases, nor to work with the police and the public prosecutor, not to mention to have filed law suits against Kularb and Jom. They could receive compensations from the government office responsible for victims of human trafficking; however, they were not enough for them to take care of the family. Both Kaew and Duan felt that the steps to follow in investigating the cases, and sending them to trials were too complicated and took too long. It would have not been possible for them to understand such complicated procedures, and the justice that they were looking for seemed to be beyond their reach, if those NGOs did not support them in every step of the way.

### **1. The case of Kaew and her friends**

A Public Prosecutor filed a case of Kaew at the beginning of October 2007, accusing Kularb of sexual offences according to the Prevention and Suppression of Prostitution Act B.E. 2539 (A.D. 1996) and the Measures in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997). Kaew and her friends filed law suits against Kularb, demanding her to pay compensations for their loss of regular income approximately 31,675 – 37,800 Baht, and additionally demanding the

compensation of 1,000,000 Baht each for ruining their reputation and liberty, and for their emotional distress. Kularb defended her case by accusing Kaew and her friends of demanding money from her. She also denied any wrongdoings in Italy as she did not get arrested or brought to trial in the Italian court.

While the Lower Court had seriously considered the Kaew's case, it had to postpone the verdict several times. Kularb's lawyer claimed that Kularb, who was allowed to leave the country during the trial, got seriously ill, and was admitted to the hospital in Italy, thus she was unable to attend the court. Kaew and friends protested against such delay in reaching the verdict, claiming that it was Kularb's tricks to prolong the process to the final verdict. In May 2009, the court reached the verdict without the presence of Kularb. The court ruled that Kularb was guilty of the crimes of the following offences:

- 1: recruited, lured or solicited women for indecent sexual services using tricks, threats, forces etc.; and
- 2: recruited, lured or solicited any person to be involved in prostitution by using tricks, threats or forces, etc.

For the offence against the Measures in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997), the Lower Court issued a judgment that there was no evidence to prove that the defendant performed an act of conspiracy. The charge against two or more persons who were suspected to conspire trafficking of women with Kularb was also dismissed due to insufficient evidence.

The Lower Court issued a judgement that Kularb had committed an offence against Kaew and her friends, and she would be punished according to the following law:

1. Criminal Code, Section 283, paragraph one, with maximum punishment in the Criminal Code; and

2. Prevention and Suppression of Prostitution Act B.E. 2539 (A.D. 1996), Section 9, Paragraphs 1 and 4.

Having considered that Kularb had violated multiple Acts, the Court sentenced Kularb to the maximum punishment according to the Criminal Code, section 90. In addition, Kularb intended to cause further damage to each plaintiff. Thus, the Court decided that she was convicted for multiple offences, and ought to be punished against each count, according to the Criminal Code, section 91. Kularb will be imprisoned for 6 years per count. As she was convicted for three counts, she will stay in prison for a total of 18 years. Furthermore, Kularb was sentenced to pay the punitive damages to three plaintiffs as follows:

- 1) Pon: 634,740 Baht;
- 2) Kaew: 434,740 Baht; and
- 3) Chan: 431,675 Baht

7.5 percent interest per year will start accruing on the nonpayment of the punitive damages from the day that Kaew and her friends filed lawsuits against Kularb in October, 2007. Unfortunately, the amount of the punitive damages was lower than the amount requested by the plaintiffs.

On the day when the Court issued the judgment, Kaew, Pon and Chan felt that the world was bright and beautiful for the first time since they returned to Thailand from Italy. Each of them was relieved to see justice be brought to them at last, and they expected the Court judgment help bring their families back together just like before. Finally, those people in the community, who used to blame Kaew and her friends for filing lawsuits against Kularb, would realize the atrocity of Kularb, whom they had admired as a good person, who loved to help people in the community.

However, few months later, the Kularb's lawyer appealed against the judgment of the Lower Court. The Appeal Court accepted the case in

November 2006. The fight in the Appeal Court took two years, which was a long time. There had been changes in the lives of Kaew and her friends, who had not only struggled to bring justice, but also struggled with survival of themselves and their families.

Pon had to leave her village to work in the South due to the malicious gossips from the villagers. Kaew and Chan too had problems in maintaining their marriages. Both of their husbands, who initially supported them to bring justice to their cases, began criticizing them for the long-lasting fight for justice that had been no use for their lives. In addition, they had to spend more and more money into traveling expenses to follow their trials. Although the Lower Court had already convicted Kularb, she still lived a comfortable life, with money to support her children and relatives. She was well known, and even praised by the people in the village, while Kaew and her friends were looked down upon. It was a very difficult situation for Kaew and her friends. So, they had to go through the healing process both physically and emotionally. When they contacted the government organizations in order to secure some travel expenses, they received unfriendly treatment, which made them feel discriminated. After all that, they even started regretting that they had filed lawsuits. Had they accepted the money offered by Kularb in the beginning, their lives might have not become this difficult.

As their patience was running out, their hopes were dimming down. The Appeal Court issued a judgement on the case of Kaew and her friends in December 2011. Around this time, Kaew knew that Kularb was scheduled to meet her family in a neighboring country. Kularb might even come to a wedding ceremony of a woman to an Italian man in the village. Thus, Kaew thought that it would be a good opportunity to capture Kularb, who were still enjoying her liberty even after being convicted. Kaew tried contacting the police officers responsible for the arrest of Kularb but of no avail. She was suggested to just wait for the judgment by the Appeal Court. If the Court again issued the judgement that Kularb was guilty, then, and only then, the authority could issue a warrant to arrest her.

The Appeal Court considered the cases and issued a judgement that Kularb was guilty as charged. Her argument that the plaintiffs had agreed to perform acts of prostitution with their consents was in conflict with the fact that the plaintiffs went to Italy without paying any travel expenses. It showed that Kularb used tricks to lure the three plaintiffs to perform acts of prostitution in Italy. That was considered as an offence as judged by the Lower Court. Therefore, Kularb's appeal was untenable.

However, the Appeal Court considered that the judgment by the Lower Court that Kularb was guilty of three charges was beyond what the plaintiffs requested to punish the defendant for, and the party in conspiring human trafficking was a divisible offence (one count against multiple codes of law). The Court was not in favor of punishing the defendant on multiple offences against multiple codes of law according to the Criminal Code, Section 91. Furthermore, to punish the defendant on three counts was more than what was requested by the plaintiffs, which was against the Criminal Code, Section 192, paragraphs 1 and 4, a problem of public peace and order according to the Criminal Code, Section 195, paragraph 2. The Appeal Court, therefore considered correcting the judgment by the Lower Court, and decided to punish Kularb for one count according to the Criminal Code, Section 283, first paragraph, with the maximum imprisonment for 6 years. Other judgments remained as decided by the Lower Court.

Reduction of punishment by the Appeal Court must have lit the light of hope for Kularb and encouraged her to continue her fight to the Supreme Court. At the same time, Kaew and her friends felt dissatisfied with the sentence that Kularb received, as it was not even close to compensate for the damages (both physical and emotional) that the plaintiffs and their families had experienced. Therefore, both the plaintiffs and the defendant decided to carry on the fight and to bring the case to the Supreme Court. Subsequently, the Supreme Court accepted the case in May, 2013.

Later in June 2015, the Supreme Court issued an order that the case had been considered and decided that the plaintiffs' charges were intended for the Court to punish the defendant against the multiple offences. At the same time, the Court also considered the defendant's appeal to dismiss the charge against her for recruiting and luring the plaintiffs for the acts of indecency and prostitutions, and the Court decided that there was no reason to overrule the judgment by the Appeal Court on this point. Appeals by the plaintiffs and defendant to the Supreme Court are found unreasonable to be considered. Thus, the Supreme Court did not accept the case for further consideration, and ordered to dismiss the case from the Supreme Court system.

The reading of all the judgments by the Lower Court, the Appeal Court and the Supreme Court was completed in absence of the defendant, who still resided in Italy. Only her lawyer represented Kularb at the reading. After the reading of the Supreme Court's judgment, the case was dismissed. Subsequently, the original warrant to arrest the defendant was revoked. A new warrant to arrest the defendant to enforce the civil case (paying punitive damages as sentenced by the Lower Court) and to enforce the sentence by the Appeal Court was issued by the Appeal Court (to imprison Kularb for 6 years.)

A year had passed since the Supreme Court made the judgment and the arrest warrant was issued. Kaew and friends have still been waiting for the arrest of and payment by Kularb. They can't help but wonder if their fights that lasted for eight years were worth fighting for, and their hopes for justice were blown away in the wind.

## 2. The Cases of Duan and Noy

The Public Prosecutor filed charges submitted by Duan and Noy against Jom to the Bangkok Criminal Court on several offences; sexual offence, freedom offence, the offence against Measures in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997), and an offence against the Prevention and Suppression of Prostitution Act. The prosecutor requested the Court to punish the defendant according to the Criminal Code, Sections 6,7,8,83,91,283,320; and the Prevention and Suppression of Prostitution Act B.E. 2539 (1996) Section 4.9; and Measures in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997), section 5,7. The Lower Court accepted the charges and issued a judgment combining both cases of Duan and Noy in the middle of June 2008. The judgement stated that Jom and her party committed multiple offences against following law:

- 1) The Prevention and Suppression of Prostitutions Act, B.E. 2539 (1996) section 9 paragraphs 1 and 4;
- 2) Measures in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997), Sections 5, 7, paragraphs 1 and 2; and
- 3) Criminal Code, Section 283, First paragraph; Section 320, Paragraph 1, Appurtenant; and Section 83.

The Court considered that Jom committed offences against multiple counts, and decided to sentence her for each count in series according the Criminal Code Section 91. The Court sentenced her of imprisonment for two years for her using tricks to take away or deliver a person out of the Kingdom of Thailand (a divisible offence.) Accordingly, the Court sentenced Jom to the maximum punishment according to the Criminal Code, Section 90. She was convicted for two counts, imprisonment for 6 years for each count plus two years, in total 14 years of imprisonment.

After the judgment of the Lower Court was issued, Jom appealed to the Appeal Court. In June, 2009, the Appeal Court concurred with the sentence by the Lower Court and did not consider Jom's appeal. The detailed evidence that Jom's lawyer submitted did not make any difference in the case. The Court did not entertain Jom's appeals as it found her blames on plaintiffs about demanding compensations of 50,000 Baht each from the Department of Social Development and Welfare untenable.

The legal fights continued to the Supreme Court, which accepted Jom's appeal at the end of December 2009, regardless of the judgement by the Appeal Court and the Lower Court. Four years later, in June 2013, the Supreme Court found Jom's evidences suspicious in many instances, thus Jom's appeal was unsubstantial. The Supreme Court did not find it worthy of consideration; therefore, it dismissed the case for further consideration. However, the Supreme Court corrected the sentences by the Lower Court and the Appeal Court against multiple offences at multiple times. Indeed, the Supreme Court considered Jom's case as a divisible offence (one count against multiple Acts), thus charging her on multiple counts against Measures in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997) Section 7, paragraphs 1 and 2; and other offences to Duan and Noy was duly corrected.

These legal problems were concerning to the law of peace and order, even though Jom did not appeal to the Supreme Court on this matter, the Supreme Court still had the power to judge the case correctly. The court judged that the new Anti-Trafficking in Persons Act B.E. 2551 (2008), issued during this trial rescinding the Law on Measures in the Prevention and Suppression of Trafficking in Women and Children Act, B.E. 2540 (1997), was too harsh for the defendant. The court, therefore, used the law that existed during the time the offence took place for the benefit of the defendant. Subsequently, Jom's offence was considered as a divisible offence, and the Court convicted her for two counts according to the Criminal Code, Section 283, first paragraph, together with the Criminal Code, Section 90. The sentence given to her was to be imprisoned for 12

years, which was two years shorter than the original punishment of imprisonment for 14 years. Other judgments remained the same as ruled by the Appeal Court.

Jom was absent at the reading of the judgment by the Court. Even after the judgment was issued on 2 June 2013, no official was to follow the arrest of Jom in order to execute the Supreme Court's judgment. She continued to reside in the village. Duan and Noy filed a formal request to the Special Criminal Prosecutor, expecting the issuance of a warrant for the Chief of Srisaket Provincial Police to arrest Jom. Very unfortunately, as of now Jom is not yet arrested, and no follow-up action was taken to punish her according to the sentence by the Court.

In filing lawsuits against Jom, the Public Prosecutor did not include the request for punitive damages for Duan and Noy in the Criminal justice system. Thus, both of them had to find their own lawyer to file a lawsuit separately in the Civil Court, during the same time as they fought the trial in the Supreme Court. They managed to receive financial support to cover legal expenses and lawyer's fees from the Justice Fund, Ministry of Justice. But eventually, Duan and Noy will have to repay the amount they received from the Justice Fund after they are finished with their Civil cases, and all the compensations are paid.

In the civil lawsuits, Duan and Noy requested the Court to force Jom to pay their punitive damages of 500,000 Baht each with an annual interest of 7.5 per cent from the day they left Thailand for Italy, and to repay the amount of funds they received from the Ministry of Justice to cover the lawyer's fees and court fees.

The Court considered their requests from the point of views of two issues:

- 1) Whether Jom tricked Duan and Noy to be involved in prostitution; and
- 2) Whether Jom had to pay for the punitive damages for Duan and Noy, and if so, how much.

Jom argued that the punitive damages that Duan and Noy had demanded were too expensive, and that there was no document to support such demand. She did not think that the punitive damages for each plaintiff could be no higher than 5,000 Baht.

In June 2015, the Srisaket Provincial Court issued a judgment on this case, concurring the fact appeared in the Criminal Court, and considering that the punitive damages should be paid to the plaintiffs as Jom intentionally caused damages to Duan and Noi, which was against the Criminal Code. Accordingly, Jom was ordered to pay the punitive damages according to the Civil and Commercial Code, Section 420. Also, according to the Criminal Code, Section 446, the punitive damages could be paid for other forms of damages. Since both Duan and Noy experienced severe emotional stress, which could not be erased from their memories, no matter how long ago they were, the Court issued the order for Jom to pay Duan, who was forced into prostitution, an amount of 400,000 Baht. And for Noy, who was narrowly escaped from being engaged in prostitution due to her recent birth to a child, 300,000 Baht was ordered as the punitive damages. Additionally, 7.5 per cent interest will accrue for both cases from the day the offences took place. As far as the repayment of the money supported by the justice fund, the Court had no power to interfere. However, the Court ordered Jom to reimburse 15,000 Baht for the lawyer's fees and the legal expenses of 4,000 Baht to Duan; and to reimburse 12,000 Baht for the lawyer's fees and legal expenses of 3,000 Baht to Noy.

The day Noy and Duan heard the judgments both from the criminal and civil courts, they felt that finally the wings of justice had spread out to protect them, after the long journey of 8 years in court. The Supreme Court sentenced Jom to be imprisoned for 12 years, and the Civil Court ordered Jom to pay 419,000 Baht as the punitive damages to Duan and 315,000 Baht to Noy.



However, even after 6 months since the day the Civil Court issued the judgement, both Duan and Noy had received no money at all. More than a year had passed since the Court issued a warrant to arrest Jom, who had fled away, Jom have not been arrested and brought to receive her punishment. The victory they thought they finally gained from the long legal fights was nothing but a piece of paper, in which the details of the cases of Duan and Noy were officially recorded.

Ten years ago, Duan and Noy were too young to know how to protect themselves from the preys in the village. At that time, Duan only thought that working abroad would give her an opportunity to gain handsome income, and if she was lucky, she might marry to a foreigner just like Jun, the daughter of Jom. Duan did not even think of her countryfolks being able to trick their friends in the village into devastated situations just for the sake of gaining their own wealth. Duan would never forget what had happened to her just as stated in the judgment – no matter how long the time would pass, their horrible memories would never be erased from the

hearts. Both Duan and Noy finally gained justice that they deserved from their legal fights and from the judgments they received. But they still have to wait until the wings of justice would bring Jom to be punished, and to compensate for the horrible things that happened to Duan and Noy in Italy.

## **Waits and Hopes**

Both Kaew and Duan have been in the same situation. They both won their cases in the legal system. The offenders, Kularb and Jom, were sentenced to be jailed, and ordered to pay the punitive damages to five women. But their victory seemed to be only words on paper, since both Kularb and Jom fled away from the cases and they did not even attend the readings of the judgments. The authorities have not been able to bring the offenders to justice. What hurts Kaew most is to know that Kularb still freely travels in and out of Thailand, and is regarded highly by the others in the village thanks to the donations she made to the local temples. Kularb still continues to recruit other women to work abroad.

Kaew and Duan do not understand why they are the only ones that go after the offenders. The government offices responsible for anti-human trafficking announced that anti-human trafficking was the national agenda, and should be its priority to eradicate it. Nonetheless, it took Kaew and Noy seven to eight years to bring the offenders to justice. How long more will they need to wait before they can see the offenders punished? Both Kaew and Duan can't help but think that had they accepted the money that Kularb and Jom offered for them to dismiss the cases from the beginning, it might have been more advantageous for them and their families. Kaew and Duan had to fight for almost 8 years in the legal system and had to endure the mocks and disrespects from the others. After all of that, they see nothing happen to the offenders. They are not punished by the Criminal Code, nor payment to the plaintiffs is not made regardless of the sentences they received.

## 4. Undue Justice

### Conclusions and Recommendations



The legal fights for human trafficking victims and migrant workers are considered as long journeys. Without endurance, the fights would not have reached the end of the process in accessing justice. Although the women have been brave, patient, and determined, it would be extremely challenging for them to be able to fight through on their own. There should be some assistance from different organizations, government, NGOs and private sectors. Human trafficking victims cannot help but wonder whether a part of the large amount of funds spent in training programs, meetings, awareness raising campaigns to prevent and suppress human trafficking both at the national and regional levels, could be reserved for funds for the victims, who were desperately in need of

assistance. They need assistance in seeking justice they deserve, seeing the offenders be duly punished and receiving the punitive damages for their experiences. We can learn some valuable lessons from the experiences of Wi, Saa, Karn, Kaew and Duan. Based on their experiences, recommendations are summarized below:

## **Recommendations**

### **1. To the Social Development and Human Securities and the National Police Department with regard to the victims' rights and the procedures in filing complaints against the offenders.**

- The victims should be properly informed of their legal rights, to be relieved and compensated, and of the procedures in filing a lawsuit, by the responsible offices on human trafficking, and by the responsible offices involved in sending people to work abroad;
- The victims should get legal advice during the rehabilitation process so they would be aware of the legal procedures in order for them to decide whether or not they would take legal actions against the offenders;
- The decisions by the victims to take legal actions against the offenders or not should be respected as well as their right to privacy;
- Special considerations should be given to the victims to protect their right to privacy when they expose their stories to the press, and they should be properly informed of possible consequences of such exposure in advance as it could affect their reintegration process upon return;

- The victims should be continuously advised and assisted by officials from governmental or non-governmental organizations, who have knowledge and experiences in handling cases of human trafficking, during the legal process in order to follow up and expedite the trial;
- In order for the victims to see through their trails from the start to the end, they should have access to relief funds and/or alternative financial support to cover the legal expenses, including travel and lodging of the plaintiffs; and
- Filing a law suit should not be considered as a condition for their access to any kind of relief funds for victims.

## **2. To the Department of Justice, the Office of the Attorney General, the Department of Special Investigation, with regard to the process in filing lawsuits**

- Offices directly responsible for the trials in human trafficking should be separately assigned, in order to provide legal consultations and to coordinate with other organizations in collecting evidences, both in Thailand and abroad, and to file legal actions without delays;
- It should be considered to include the statement for the punitive damages to be paid to the plaintiff by the defendant in the complaint submitted by the plaintiff in the criminal trials;
- The defender's assets should be frozen during the trial so that it could be utilized to pay the plaintiff if and when the court would issue a judgement and close the case;

- During the trials, the defendant should not be permitted to leave the country or to apply/renew for his/her passport;
- Standardize the level of awareness, knowledge and experience regarding TIP and VoT of the professionals involved in the judiciary process such as judges, lawyers and officials. The lawyers should be gender sensitized, be sensitive to VoT and their needs, be experienced in handling TIP cases, and be able to handle the case without interruptions/changes;
- Coordinate with the third country for capture, arrest and/or deportation of the defendant who has escaped from Thailand and found in that country;
- Arrest the defendant as soon as he/she is found guilty of charge. If the defendant flees after the court judgement, arrest warrant should be arranged and issued without delay; and
- Consider the concern of victims and allow them to contribute to the arrest.

**3. To the Anti-Human Trafficking Fund, the Ministry of Social Development and Human Security Regarding with regard to the set-up of Relief Fund to follow up the case. A proposal to**

- Set up permanent relief fund to help human trafficking victims so that the non-governmental organizations and legal assistances services can have access when the victims decide to press charges against traffickers or to pursue legal complaints.
- Develop programs to train lawyers, government officials and private sectors to enhance their skills, knowledge, and the level of gender sensitivity, in dealing with human trafficking cases; and

- Information with regard to the number of cases that have received support from the relief funds, the results of the cases, and the duration required for the trials, should be made available to the Public as well as to the offices involved in the human trafficking cases.

**4. To the Department of Justice and the Office of the Attorney General, with regard to sensitize the judiciary professionals to the new TIP law and related laws**

- Provide assistance and encouragement to any person involved in the judiciary process to deepen his/her understanding of the principles in identifying the case as one-count or multiple-count offences according to the Criminal Code, Section 90 and 91, and to set standard in making deliberate judgments and sentencing the offenders in human trafficking cases.

## **10 questions to be discussed after reading the stories of Wi, Saa, Karn, Kaew and Duan:**

1. What kinds of exploitation did they experience in working abroad?
2. How did they get out the exploitative situation and who helped them?
3. What are the pros and cons of the media involvement?
4. What is the role of LOL? How did LOL influence their decisions and lives?
5. Is it worth indebting herself heavily to go to work abroad? Is it a good choice to put her family assets (such as farmland) at risk?
6. Their trails took long time to be concluded. What could have done to expedite the judiciary process? What kind of judiciary assistance did they need?
7. How were their lives upon return? Was it easy to find a job? Was it easy for them to go back to their villages? What kind of assistance did they need to return to their normal lives?
8. After winning the legal battle, what happened to them? Was the offender duly punished? If not, what do you think we can do to change it?
9. How do you think we should do to reduce the number of victims like Wi, Saa, Karn, Kaew and Duan?
10. What type of opportunity and economic activities should be provided to prevent women from being lured into this kind of situation abroad?

# Appendix

## Appendix 1

### Live Our Lives (LOL)



#### Background

Everyone wants opportunities for better works with higher wages-especially for women whose career options are limited in Thailand due to low education. Therefore, they desire to seek employment in the hope that they will earn money to buy houses, cars and other necessities for their families – especially their children-as well as pay off their debts. But not all will be met with the success they hope for. Many may find themselves exploited or deceived by traffickers and face terrible experiences in foreign countries. Some may not get to return to Thailand, while others may come back with broken wings and large amount of debts.

Upon their return, these women will need assistance and moral support to help them to get back on their feet and start a new life. But this is not easy, especially for those return empty-handed or, worse, in debt. Starting a new life is horribly difficult, even with the assistance provided by government agencies and NGOs. Still, some women have to start a new life completely by themselves, because they do not know about these sources of assistances, do not want to reveal themselves or are unsure about the help they will be able to get.

Another obstacle that returnees face is social isolation. Particularly, sexually-abused women are reluctant to seek assistance because they are afraid of being found out and rejected by their family and community. They have no one to turn to. Most importantly, they also have to repay a large amount of debt which they had borrowed.

## **First step: Collaboration with FFW**

Foundation For Women (FFW) provides assistance to women and children who experience violence and other forms of human rights violations. It also raises awareness in community and the public to combat problems besetting Thai women and children. FFW has a strong focus on transnational trafficking of women and children. In its early days in 1984 as the Women's News Center, it disseminated information among Thai women who sought foreign employments to prevent them from falling victims to frauds and exploitation by TIP criminal organizations.

Recognizing the importance of direct involvement by trafficked women themselves in the prevention and suppression of increasingly intensifying and complex TIP, FFW with BATWC's support organized a meeting for returnees for the first time in 2006. Allowed to meet and talk about their experiences in a judgment-free environment, the participants found out that their experiences did not happen to them alone but to many other women, due to the gender inequality inherent in the economic structure. They also learned about their rights as trafficked persons.

As a result of that meeting, the returnees founded their own group called "Live Our Lives" with the aim to provide moral support to each other as well as inform and help recent returnees to start a new life and organize campaigns for safe migration. According to a member's definition, *"LOL members are those who have gone through hell but survived to tell their stories to support others in their struggles. It is Live Our Live's mission to spread their voices as well as assist other returnees."*

From then on, LOL worked with FFW in the Women's News Center project from 2007-2008. Funded by the International Labor Organization (ILO), the project aimed to create and strengthen a returnees' network to give advices to Thai women seeking foreign employments, as well as recent returnees. The project allowed LOL members to learn how to work shoulder-to-shoulder with FFW staff. Those who have fought to demand justice as trafficked persons used their experiences to advise and assist other trafficked women with understanding and empathy.

## **Strengthening the Migrant Women's Network**

The Women's News Center's activities helped to expand the network, connect with returnees and increase number of LOL members. These activities were, for example, domestic field trips and foreign study trips, welcome events for new members and production and dissemination of newsletter as a communication channel among LOL members.

## **Forming a network to assist recent returnees' reintegration**

Recognizing the potentials of LOL members in reaching out to the target group and effectively provide assistance to trafficked persons, FFW is further strengthening LOL's capacity with the project to strengthen the role of Live Our Lives in providing assistance to recent returnees (2010 - 2012). Funded by JICA and supported by BATWC, it aimed to support LOL's roles assisting recent returnees with reintegration.

## **LOL's roles in protecting the rights or trafficked persons are:**

- providing assistance to victims of labor exploitation
- providing assistance to victims of sexual exploitation
- providing information on how to prepare for employments abroad
- training members on counseling skills and the Anti-TIP Act 2008
- visiting recent returnees and LOL members who missed group meeting
- providing professional seed funds and vocational training
- disseminating labor-related information to prevent TIP, in collaboration with government agencies, namely the Home for Children and Families of the Provincial Office for Social Development and Human Security
- conducting drama workshops with Gabfai Community Theatre Group (a Thai civic group) to facilitate self-healing among members and encourage the members' role in awareness raising activities

Eleven years have passed since the first day that the thirteen of us met for first time and founded Live Our Lives. Today we have 95 members who walk hand-in-hand. We always welcome new members, and are ready to share our friendship and provide counseling. We can be reached at...



### **Live Our Lives**

Tel: +66-2-433-5149, +66-2-435-1246

Mobile: +66-81-908-8483, Fax: +66-2-434-6774

Address: 295 Charansanitwong 62,  
Soi Wat Paorohit, Bangkok Noi, Bangkok 10700 Thailand

E-mail: janchida008@gmail.com

Facebook: Liveourlives, LINE ID: 081-9088483

You can support the activities of LOL through monetary donations  
by bank transfer to the saving account of

‘Live our Lives Group (กลุ่มหญิงสู้ชีวิต)’

No. 021-2-89185-1 Kasikorn Bank, Saphan Krung Thon Branch.



Please send fax to LOL no. +66-2-434-6774 if you transfer money.

LOL will send you a receipt.

## Appendix 2

### List of Government and Non-Government Agencies providing assistance for trafficked persons

#### Rights of trafficked persons

In case you have never heard about Trafficking in Persons (TIP), TIP is modern-day equivalence of the slave trade and a serious violation of fundamental rights. If you have been deceived into sex works in a foreign country to pay off a large amount of debt you are not responsible for, or if you are forced to work like a slave without rest or pay, exploited, coerced, detained, beaten or treated inhumanely, you are trafficked person. As such, you have the right to various assistances from government agencies and NGOs listed below. You also have the rights to receive safe and confidential services, to be treated with justice according to the law, to get compensations for damages, to receive physical and psychological rehabilitation as well as moral support to help you start a new life.

#### 1. Legal Aid

You can press charges against those who deceived you as well as those who forced you to work in the destination country. You can get legal advices and supports from the following organizations.

#### Thai government agencies providing counseling and legal support

Division of Anti-Trafficking in Persons (DATIP), MSDHS	Tel: 02-202-9070
One Stop Crisis Center (OSCC)	Tel: 1300 (domestic call only)
Anti-Trafficking in Persons Division, the Royal Thai Police	Tel: 1191 (domestic call only)
Rights and Liberties Protection Department, Ministry of Justice	Tel: 1111 ext. 77 (domestic call only)
Labor Hotline	Tel: 1506 (domestic call only)
Department of Welfare and Labour Protection, Ministry of Labour	Tel: 1546 (domestic call only), 02-245-4310~1,02-245-4313~4
Office of Financial Assistance for the Injured Person and the Accused in Criminal Cases, Ministry of Justice	Tel: 02-141-2838~99

## Thai NGOs offering counseling and legal support

Foundation for Women	Tel: 02-433-5149
Friends for Women Foundation	Tel: 02-513-1001
Lawyers' Council	Tel: 02-522-7124~27, 02-522-7143~47
The Fight Against Child Exploitation	Tel: 02-509-5782
Foundation of Child Understanding (FOCUS)	Hotline: 087-174-5797 Tel: 053-212-754

## 2. Psychological rehabilitation

It is normal to be unable to speak about the horrible experiences that we have gone through in other countries. We often keep it to ourselves. Therefore, many of us are worried, tense, having low self-esteem, paranoid, insomniac, despaired, depressed, suffering headaches, stressed, or even suicidal. If left untreated, these built up feelings will cause emotional turmoil, depression and severe health impacts.

A simple way to address this is to talk to someone you trust. If you are not ready to tell anyone even your close friends, you can simply make an anonymous telephone call. The following organizations have staff ready to listen and give you advices in confidentiality.

## Thai NGOs providing phone counseling

Hotline Center Foundation (Mon-Sat 8.30-18.00)	Tel: 02-276-2950, 02-277-2699, 02-277-8811
Friends of Women Foundation (Mon-Fri 9.00-17.00)	Tel: 02-513-1001
Foundation for Women (Mon-Fri 9.00-17.00)	Tel: 02-433-5149, 02-435-1246
Live Our Lives (through Foundation for Women)	Tel: 02-435-1246
Kanitnaree Center/ Emergency Shelter	Tel: 02-929-2222 (24 hrs.)

### **3. Organizations providing assistance to trafficked persons**

#### **3.1. Thai government agencies**

##### **Division of Anti-Trafficking in Persons (DATIP)**

Tel: 02-202-9070

Location: C.P.Tower 3, Building A, 6<sup>th</sup> Floor, 34 Phayathai Road, Ratchathewi District, Bangkok 10400

This main coordinating government agency for the prosecution of TIP also provides protection and assistance to trafficked persons including shelter, compensation for damages, vocational training and education, and safe return to domicile.

##### **One Stop Crisis Center (OSCC), MSDHS**

Tel: 1300 (domestic call only)

Location: 1034 Krung Kasem Road, Pomprab District, Bangkok 10100

The official hotline of MSDHS to receive incident reports, complaints related to any social issues such as human trafficking, domestic violence, and unplanned teenage pregnancy (teen mom), then OSCC will operate further with relevant agencies. OSCC is available 24-hour through phone call, website: [www.osccthailand.go.th](http://www.osccthailand.go.th) and 20,000 OSCC centers throughout the country.

##### **Anti-Trafficking in Persons Division, the Royal Thai Police**

Tel: 1911 (domestic call only), 02-511-0731, 02-511-0724

Location: Paholyothin Road, Chomphon, Chatuchak, Bangkok 10900

This law-enforcement agency is specialized in prevention, suppression and investigation of TIP and labor scams. It collaborates with partners in other

government agencies, private sector as well as international organizations with the shared goal of human rights protection, to maintain peace and order at national and international levels.

### **Rights and Liberties Protection Department, Ministry of Justice**

Tel: 1111 ext. 77 (domestic call only)

Location: Chalerm Phrakiat Compound, Ratburi Direkkit Bldg. A, 120 Moo 3, Chaengwattana Road, Laksi District, Bangkok 10210

The Ministry of Justice service center which receives complaints and provides counseling, protection and legal support to people who experience justice from the justice system.

### **Department of Labour Protection and Welfare, Ministry of Labour**

Tel: 1546 (domestic call only), 02-245-4310~1, 02-245-4313~4

Mediates labor disputes between employers and employees, and provide protection to both formal and informal sector employees to ensure labor rights and benefits, as well as good quality of life for employees as provided by law.

## **3.2. Thai NGOs**

### **Lawyers' Council**

Tel: 02-522-7124~27, 02-522-7143~47

Location: 249 Phahonyothin Rd, Bang Khen District, Bangkok 10220

A professional organization which provides legal counseling and volunteer lawyers to assist people who cannot afford a lawyer. When the Council agrees to assist people who cannot afford a lawyer. When the Council agrees to assist, all services will be free. Those outside Bangkok can request assistance from the Council at every provincial courthouse.

### **The Fight Against Child Exploitation Foundation (FACE)**

Tel: 02-509-5782

Location: PO Box 178, Klong Chan District, Bangkok 10240

An NGO which provides assistance to children and women and helps them seek justice in TIP cases, through collaboration with government agencies and other NGOs.

### **Child's Rights Protection Foundation**

Tel: 02-412-1196, 02-412-0739

Location: 979 Soi Wat Deedua, Charansanitwong 12, Bangkok Yai District, Bangkok 10600

An NGO which, through collaboration with other agencies, provides protection and assistance to children from birth to 18 years old who have been subjected to physical abuse, prostitution, or intensive labor.

## **Friends of Women Foundation**

Tel: 02-513-1001

Location: 386/61-62 Soi Ratchadapisek 42, Chatuchak District, Bangkok 10900

An NGO which, through collaboration with government agencies, provides counseling and assistance to women deceived into prostitution.

## **Foundation For Women**

Tel: 02-433-5149, 02-435-1246

Location: 295 Charansanitwong 62, Soi Wat Paorohit, Bangkok Noi District, Bangkok 10700

An NGO which provides assistances to trafficked women and children through coordination with government agencies and other NGO both domestically and internationally. Available assistances are, for example, airport pickups, temporary shelters, legal counseling, supports in obtaining educational scholarships and professional funds, and peer group support for returnees.

## **Live Our Lives**

Tel: 02-433-5149, 02-435-1246

Location: 295 Charansanitwong 62, Soi Wat Paorohit, Bangkok Noi District, Bangkok 10700

A peer group formed by trafficked women who returned from destination countries in Asia, Europe and Africa. LOL has representatives in all regions of the country who are ready to provide assistance and moral support to other returnees.

## **Foundation of Child Understanding (FOCUS)**

Hotline: 087-174-5797

Tel: 053-212-754

Location: Chiang Mai City Hall, 5<sup>th</sup> Floor, Chotana Road, Muang District, Chiang Mai 50300

The main body which coordinates government agencies and NGOs to provide assistance to trafficked persons. It is responsible for 9 provinces in the Upper North region, namely Maehongson, Chiang Mai, Chiang Rai, Phayao, Lamphoon, Lampang, Prae, Nan and Tak.

## **The Mirror Foundation**

Tel: 02-941-4194~5 ext. 104

Location: 8/12 Soi Wipawadee 44, Wipawadee-Rungsit Road, Jatujak District, Bangkok 10900

Role and responsibilities of the Anti-Trafficking in Persons Center, the Mirror Foundation are notification receiving, coordinating to support trafficked victims, reflecting the fact of human trafficking problems, gathering information about human trafficking and pushing the issue of trafficking in the policy level.

## Appendix 3

### Foundation for Women



Foundation For Women (FFW) is an NGO whose mission is to promote the human rights of women and children by providing assistance to women and children in trouble, as well as, raising awareness about the problems faced by women in today's society such as domestic violence and other forms of gender-based violence.

Foundation For Women was registered in 1987 and declared as a public interest organization (No 605) in 2005.

#### Background

In March 1984, a small project titled “Women’s News Center” was founded with the aim to provide information among women seeking foreign employments to prevent them from being deceived into prostitution. In addition, the project also produced educational materials for women in different professions.

#### Objectives

1. To provide assistance to marginalized women and women in trouble.
2. To provide education and produce educational materials for women in different professions.
3. To promote women’s rights as provided in the Universal Declaration of Human Rights.

4. To research and disseminate women-related information, and conduct capacity-building projects for women.
5. To promote consumers' rights, public relations and the use of the media for public interest.
6. To collaborate with other public interest organizations.

At the moment, FFW is conducting the following projects to support women and children:

1. Project to assist women who experience gender-based violence – such as domestic violence, rape, harassment, forced prostitution in Thailand and abroad – and unwanted pregnancies, as well as provide counseling, legal aid, temporary shelter and medical treatment.
2. Mae-Sot Women and Children's Shelter Project. In 2008, FFW opened a shelter for Myanmar women and children in Tak Province's Mae-Sot District to provide counseling and protection to women and children at risk of being trafficked, as well as to assist them in bringing the perpetrators to justice, reintegrating into family and society, and becoming self-dependent.
3. Project to protect the rights of migrant workers, especially children, in relation to TIP. FFW has been providing assistance to migrant women through collaboration with the Immigration Bureau of Thailand for more than 10 years. Most of these women and children are Myanmar, Laotians and Cambodians who have been exploited or trafficked into Thailand. FFW notifies the police when receiving information about their detention, and provides them with emergency support after their rescue. FFW also produces and distributes materials in Myanmar, Lao and Cambodian languages with information about their rights under Thai laws, facilitates transfers to government protection facilities and provides legal aid if they decide to press charges against traffickers.

FFW has been mentoring and supporting Live Our Lives (LOL) from its inception in 2006 until present. FFW also provides assistances to trafficked Thai women

by organizing activities to give them moral support in their fight for justice and compensation. LOL now has around 95 members who provide information and counseling to women seeking foreign employments to prevent them from falling victims to trafficking, as well as give each other moral support to overcome obstacles and start a new life.

You can support the activities of Foundation For Women (FFW)  
through monetary donations.

Donations could be made by bank transfer to the saving account of

**'Foundation For Women'**

No. 038-2-18085-2 Kasikorn Bank, Sathorn Branch.



Live Our Lives (LOL), Foundation For Women (FFW)

Sponsored by Japan International Cooperation Agency (JICA)