

# Pursuing Justice :

## The Struggles of Trafficked Women



Story: Live Our Lives Members  
(Kong, Aw, Dao, Pook, Yune, Ae, Nan, Nee)  
Writer: Napamon Roongwitoo

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# Preface

## *Pursuing Justice: The Struggles of Trafficked Women*

chronicles the real legal struggles of Thai women who were former victims of transnational human trafficking. After returning to Thailand, these women made a decision to bring justice to those who have exploited them and demand compensation for the inflicted physical and psychological damages which continue to hamper their reintegration into their family and community.

Demanding justice is not something that comes easily to former trafficked persons because it requires them to overcome their past experiences as well as prejudices held by family, community and society toward the type of works they were lured into. In 2008, Thailand enacted the Anti-Trafficking in Persons Act B.E. 2551 (2008), which required the establishment of an Anti-Trafficking in Persons Committee chaired by the prime minister, a Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee chaired by the deputy prime minister, and the Anti-Trafficking in Persons Fund to assist trafficked persons and prevent Trafficking in Persons (TIP). In addition, it assigned to government agencies and the police force the mission of preventing and suppressing TIP. Every year

since then, government agencies have organized annual events to celebrate the promulgation of the Act. However, despite the law, designated funds and government mechanisms, Thailand's ranking in the US government's TIP report has yet to improve and the country remains on the watch list under the concerned eye of the international community.

An important challenge in TIP prevention and suppression is the prosecution of traffickers and ensuring access to justice for trafficked persons. The struggles for justice of Live Our Lives (LOL) members show the difficulties trafficked persons face and the negative attitudes toward them, which are prevalent among government officials. These are not conducive for the empowering of trafficked persons who are supposedly the center of assistance and protection. Their experiences also highlight the slow justice process and lack of assurance and guidelines to ensure that justice is not only written words.

As one of the organizations which provide assistance to trafficked persons, Foundation For Women (FFW) supported the forming of LOL. We truly hope that *Pursuing Justice* will create a better understanding of the difficulties trafficked persons face in their fight to bring traffickers to justice as well as the limitations of relevant agencies and assistances

provided. We wish that the attitudes and practices of relevant agencies will improve in order to speed up the justice process for trafficked persons and facilitate their timely return to their families and communities.

We would like to thank Kong, Aw, Dao, Pook, Yune, Ae, Nan and Nee for sharing their experiences in pursuing justice for the benefits of other women; Ms. Naphamon Roongwithu for putting their account into writing; and JICA for sponsoring the publication of this book.

Siriporn Skrobanek  
Chairperson  
Foundation For Women

# Stories of Live Our Lives

We, whose experiences are recounted in this book, are members of Live Our Lives (LOL) – a group created to facilitate healing and provide support for each other after having been exploited by transnational TIP. Each of us decided to press charges against the perpetrators who deceived us for the purpose of exploitation abroad and damaged us both physically and psychologically, which continues to hamper our reintegration into our family and community.

Demanding justice, as we found out, is a taxing experience. We have to fight everything around us, whether it is ourselves, family and community, which often hold negative attitudes toward us. Most people in the society prejudge that trafficked persons like us are bad. When we returned to Thailand – not necessarily rich – we found it very difficult to pursue justice to protect our own rights. We hope that the law will be effectively enforced to punish perpetrators and successfully prevent and suppress TIP.

Our members have been sharing with each other their problems and emotions throughout the struggle for justice. The ordeal we went through and negative attitudes among officials who are supposed to provide assistance to trafficked persons are discouraging. Some of us wonder if it is wrong for a woman to seek better conditions. We also wonder how long it will take until we see the end of the tunnel. Some would not give up

and fight for hope.

*Despite little education I have received, I will fight  
To prove that justice still exists,  
When I am tired, I'll ask my friends to carry me,  
Hopefully the day I look forward to is not beyond my dreams...*

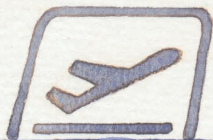
The long and seemingly endless struggle made us think that justice may only be written words for underprivileged women. Poor people like us continued to pursue it with patience, without knowing what it would bring us, but we did our best to see it through. Even after the court handed down the verdict, some of us continue to question...

*What is justice? Does anyone know?  
Can someone tell me?  
I got two pieces of paper from the court.  
But the agent is still out there.  
What is justice? I want to know. Does it exist?  
Or is it just the paper on which the verdict is written and that's it?*

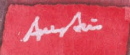
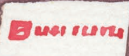






With our painful lessons from long, lonely and seemingly hopeless struggles, we cannot help thinking that justice only exists for the rich. Nevertheless, we hope that stories from this book will help people from all relevant sectors with roles in TIP prevention and suppression to recognize and eliminate existing barriers and allow marginalized women like us to finally be treated with justice.

Kong - Aw - Dao - Pook - Yune - Ae - Nan - Nee  
Live Our Lives





# Departures

STD	FLIGHT	AIRLINES	TO	GATE	REMARKS
08:20	FD 3301		TOKYO	F2	FINAL CAL
08:30	KQ 0531		ROME	E2A	BOARDING
08:50	WS 504		BAHRAIN	E3	OPEN
09:55	QF 0001		SYDNEY	F6	FINAL
10:00	UA 0838		NEW YORK	D1	FINAL
11:00	FD 3501		SINGAPORE	F2A	NEW
12:00	AF 580		PARIS	E2	DEL
13:00	753		DELHI	C1	OP







## List of Acronyms and Abbreviations

BATWC: Bureau of Anti-Trafficking in Women and Children, Thailand

FACE: The Fight Against Child Exploitation Foundation (a Thai NGO)

FFW: Foundation for Women (a Thai NGO)

IOM: International Organization for Migration

JICA: Japan International Cooperation Agency

LOL: Live Our Lives (a peer support group by TIP victims)

MSDHS: Ministry of Social Development and Human Security, Thailand

NGO: nongovernmental organization

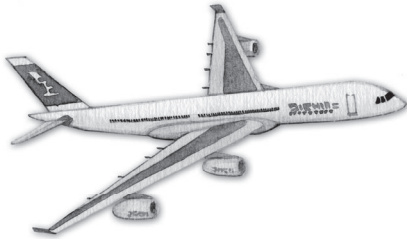
The Anti-TIP Act 2008: The Anti-Trafficking in Persons Act B.E. 2551 (2008), Thailand

The Anti-TIP Fund: The Anti-Trafficking in Persons Fund, Thailand

TIP report: The Trafficking in Persons Report, the Department of State of the U.S. Government

TIP: Trafficking in Persons

# 1. Experiences abroad



## 1.1 Japan

Although prostitution is illegal in Japan, the Department of Consular Affairs of the Ministry of Foreign Affairs, Thailand, estimated at least 6,000 Thai female sex workers are in Japan – most of whom entered the country illegally. Na’s experience is one small voice which reveals the reality of “working abroad” – something that many Thai women dream of. This dream of hundreds or thousands of Thai women, however, turns into a nightmare, when they become trafficked persons.

Na decided to work in Japan in 2000, after being recruited by a neighbor known since childhood. She said Na would be working in a restaurant with a salary of 40,000 baht per month – more than enough to save and send for her two daughters in Thailand. Out of trust and financial necessity, Na decided to

leave her family for a better life in Japan. She took out a loan of about 40,000 baht to pay for the processing fees. Upon paying the fees, the agent made her sign a loan contract of 160,000 baht to guarantee that she would not break the agreement.

Once in Japan in March 2000, Na found that she had to work as a sex worker to pay off a debt of 1,280,000 baht. While she suffered through the sex work in Japan, the agent was telling her mother that she was happy. When her mother called, there would be someone standing nearby to make sure that she said the right things. Na had to work everyday. Even when she had a period, she needed to use a tampon so that customers would not notice, otherwise she would be fined.

Five months later, Na overheard that she would be resold to another brothel, even though she nearly paid off her debt. The brothel owner's way of speaking made her feel like she was inanimate merchandise. Na decided to escape with another friend, with the help of a Thai man living in Japan. Although Na managed to escape, her friend was arrested because the rescuer accidentally killed a brothel staff. After being held in custody for 41 days (July 27 - September 6, 2000), Na was released as she was found to have nothing to do with the death, but her friend was given a jail term. Na returned to Thailand on September 6, 2000.

Even though more than ten years have passed, the trauma of being treated inhumanely still festers inside Na. Although she came back empty-handed without the kind of money people would expect, she is relieved that she managed to escape from

hell and wanted to bring justice to those who put her and her friend there.

## 1.2 Italy

Italy is one of the most popular tourist destinations in Europe. It is also a dream country for many Thais, especially those with limited career prospects in Thailand who often look for opportunities to work abroad through the recruitment of “trustworthy” acquaintances with little thought about legality and safety.

Nan came from the Northeast and, like many other women, shouldered heavy family responsibilities. She had five children from her first husband and another three from her current one. Due to a herniated disc, her husband had one atrophied leg, making it difficult for him to work. Therefore, Nan was the breadwinner of the family.

One day, Joy, a relative of her husband, offered her an opportunity to work in a restaurant in Italy. She said Nan would be able to recover all her expenses and even save plenty of money within a year. She also offered to advance the travel expenses of 600,000 baht for Nan, saying that it would be easily paid off within a month because of the extremely high salary.

Nan trusted her husband’s relative and did not think she would be deceived into an illegal work because of her comparatively older age. She also hoped that one year would be enough for her to save money so that she could have a more comfortable

life upon returning to Thailand. She had seen other people in her village who worked abroad and sent home a lot of money to build big houses, so she agreed to Joy's proposal.

Another woman from the same village, Dao, did the same. Dao came from a poor family and worked in a factory in Bangkok. One day, Dao's mother told her on the phone that *"Someone will get you a foreign work with no expenses. The salary is as high as 100,000 baht per month. I want you to go so that we can pay off all our debts."* Dao decided to comply with her mother's suggestion.

Before departing, Nan borrowed a buffalo from her mother-in-law and sold it for 20,000 baht. On top of that, she used her own savings of more than 10,000 baht to get a passport, suitcases and personal items. The agent, who took care of her visa and plane tickets, said that Nan owed her 600,000 baht. Similarly, Dao was told she owed the same amount, without any details of what it was for.

Nan and Dao did not have to do anything because Joy hired a travel agent to arrange their travel documents. It took about one month before the two flew to France and were driven by car to Italy. Upon arriving there on June 2, 2006, they found out that there was no restaurant. They were forced to provide sex to clients in a housing unit which operated as a brothel. They were threatened that if they ventured out too far from the house they would be arrested by the police. They did not even know which part of Italy they were in.

Only six days after their arrival, the brothel was raided by the

Italian police. Nan, Dao and several other Thai women were freed. Nan and Dao were taken to an emergency shelter. Nan said while awaiting repatriation, some of the women tried to go back to work with the brothel owner who arranged a car for their escape. After more than a month, Dao returned to Thailand through the help of International Organization for Migration (IOM) in Italy, while Nan had to stay at the shelter for about three months before repatriation.

Italy has been a destination country for many Thai women who were deceived by other Thais into prostitution. In addition to Nan and Dao, there was also Nokyoong, who decided to “work abroad” in 2006 after the death of her husband and now left with four children and tens of thousands of baht in debt.

She was recruited by Rose, her next-door neighbor. Rose said Nokyoong could get a well-paid job washing dishes and picking papayas in Italy. The job would allegedly earn her a hundred thousand baht within a few months. Rose is a rich and well-respected figure in the community, as she was former chairperson of the Subdistrict Administrative Organization<sup>1</sup>. Nokyoong believed that Rose would not deceive her.

In addition to Nokyoong, Rose also recruited her own sister-in-law, Cheun, to “sell groceries” in Italy and volunteered to make advance payments on Cheun’s behalf. Wanting to save money for her children’s future, Cheun was willing to sacrifice

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<sup>1</sup> Subdistrict is the second smallest administrative unit in Thailand. Every subdistrict’s affairs are governed by the Subdistrict Administrative Organization, and its chairperson is elected by the subdistrict population.



a year or two before returning to unite with them. Therefore, she agreed to Rose's proposal. Another relative of Rose, Kloy, was also recruited at the same time. Kloy's husband saw that Rose always returned from Italy with a lot of money, so he entrusted Kloy into Rose's care without knowing that she and her husband were TIP agents.

Nokyoong, Cheun and Kloy found themselves in an Italian hell and forced to provide sex to clients without a day off, even when they had periods. Should they become pregnant, they would be taken to an abortion clinic and made to work again two days later. Even the wage for those two recovering days would be deducted from their wages. Nokyoong said her life in Italy was no different from that of a slave. Kloy also felt hopeless. She wrote a letter to her children and husband that *"If I die or go missing – in case they hide my body – remember that it's Rose who did it. She may appear an angel in Thailand, but here she's a monster."*

Kloy was told she owed the brothel owner 500,000 baht, without knowing what for. The brothel guard told her, *"If you don't work, then you can't eat"* and ridiculed her *"What can you do? You can't go back."* Kloy learned that the brothel owner had good connection with the police, so she was too scared to escape. She only prayed that someone would rescue her someday. Kloy also found Rose, her relative, to have a completely changed personality once in Italy. *"People there wear masks to each other. Family relationships mean nothing to them."* Kloy really wanted to disown Rose.



Cheun tried to contact her husband back in Thailand, but Rose would intercept and told him that the reason Cheun cried was because she was glad to be in Italy. Cheun was told that she owed the brothel one million baht and had to work from 9am to 10pm without leaving the place. Her passport was taken away.

Nokyoong, Cheun and Kloy arrived in Italy in February 2006. Less than four months later, the police raided the brothel, and they were arrested for illegally entering the country and sent to a shelter in Rome where they stayed for three months before repatriation in August 2006. Kloy said even on the day of their return to Thailand, the agent still sent a car to take her back and threatened her against returning to Thailand. Kloy was afraid that she would be killed before arriving home.

Cheun said that while they were at the shelter in Rome, Rose still sent a car to pick up those who were willing to return to sex work. Even after returning to Thailand, people still came to ask Cheun to find “work abroad” for their daughters or other family members, or to ask Rose on their behalf. Cheun was apprehensive about telling them about the TIP gang. Nokyoong, on the other hand, was accused by Rose that she framed Rose for an arrest and people in the community turned against Nokyoong.

Prostitution in general is not illegal in Italy, but it is illegal to pay for sex from those under 18 years old or to run a brothel. The country seems to have a good support system for trafficked persons. IOM provides assistance, shelter and some money. In Dao’s case, IOM provided the airfare for repatriation and 400

Euros pocket money (approximately 19,200 baht.)

However, it is complicated to pursue justice across borders. Without good coordination, trafficked persons are likely to lose their cases when trying to bring perpetrators to justice, like in the cases of these five Thai women (more details in the next chapter). It is clear that even though Italy provided good assistances to trafficked persons and facilitated their repatriation, once they were back in Thailand they had to start from zero to bring the traffickers to justice.

### 1.3 Bahrain

There are more than one thousand Thai women working as sex workers in Bahrain. Although prostitution is illegal according to Bahraini law, a Thai can enter the county for 30 days without a visa. The ease of travel combined with financial opportunities has lured many Thais to work in Bahrain, and some will be unwillingly deceived into prostitution. Because most people jump to the conclusion that Thai women who go to work in Bahrain are voluntarily entering sex work, these deceived women are often deprived of justice.

Fon came from a rather well-to-do family. She is well-educated and had her own business and a decent income. One day, a friend and business partner, Kaew, suggested going to Bahrain on a business trip together. Everything went well in that first trip in February 2008, so Fon did not hesitate when Kaew suggested another trip in October of the same year.

Things went horribly wrong this time. Fon was locked up and

forced to provide sex to clients. She unwillingly did it for four months in a completely distraught condition. In January 2009, Fon managed to escape and called a taxi to the Thai Embassy. Luckily the taxi driver was Thai and helped her escape. Although the stay at the embassy was neither very comfortable nor free, Fon was grateful she had escaped from hell. After 28 days at the embassy, Fon returned to Thailand in January 2009. She had to reimburse the embassy for her airfare and food expenses while staying at the embassy. Fon said the embassy did not give her any pocket money, so she could not even buy food at the airport.

Oa was also deceived into prostitution. She was ordered to carry a package into Bahrain and not to open it. She had no idea that there were two kilograms of “Ice” (crystal meth, a type of narcotic) in it.

Oa decided to go to Bahrain after being recruited by Nooch, who said Oa would work as a nanny in Bahrain and would be paid 35,000 baht per month. Oa signed a written contract and was also told that she can return to Thailand 15 days per year. Before departure, Oa borrowed 100,000 baht from her brother to pay for expenses. An agent took care of all the travel arrangements. Everything went so smoothly that Oa was surprised.

On the day of travel, the agent gave detailed instructions such as which immigration counter to go through. Oa arrived in Bahrain in June 2008. At the airport, she was found in possession of drugs and her suitcase with the work contract in it was stolen. Despite all that, she managed to go through the

immigration process and was sent to a brothel to do sex work. She still questioned how she could have gone through immigration despite being discovered in possession of drugs.

After two days, Oa was arrested and imprisoned for about seven months, without being informed of her charges. In the beginning, she was put in a solitary cell. She said her mental conditions became so bad that she almost needed to be institutionalized. She was thoroughly interrogated and body-searched. The Bahraini police said that Thai women working in Bahrain must be either prostitutes or drug dealers. This kind of prejudgment destroys whatever spirit a trafficked person like Oa may have left. Even though they are victims, they are branded as criminals who deserve no justice.

Another case in Bahrain is that of Aw, who was also deceived into prostitution. She was recruited by a transgender woman called Muai. Aw came from a poor Northeastern family. When told that she would earn a lot of money as a masseuse in Bahrain, she agreed to the offer and went to Bahrain in March 2009 without knowing that she would become a trafficked person. Once in Bahrain, she was locked up in a room and was ordered to provide sex to clients. Aw dissented and asked to return to Thailand because it was not the work she signed up for, but the brothel owner had a Bahraini man rape her and force her to work. Aw said she was treated inhumanely, starved and beaten. She was miserable and wanted to escape whenever an opportunity arose. But another Thai woman in the same situation said the agent had money and connections, and Aw had no way to win. She said if Aw reported it to the

police, she would end up in jail herself.

Despite that warning, Aw finally made up her mind to risk an escape, thinking it would be better to die in jail. After one month, she jumped from the brothel to the street below and managed to get to the police. But the brothel owner and other accomplices had already fled before the police arrived. The case ended up only as a police record without being forwarded to the Thai Embassy. So Aw was left with no evidence whatsoever about what was done to her.

Aw said while the police asked her to identify her trafficker in their file, she saw pictures of other agents who trafficked other Thai women into prostitution there. But because she was not party to those cases, there was nothing she could do about them. Aw knew many other Thai women who were suffering from the same fate and could not escape. Therefore, she decided to tell her story as a cautionary tale for those who may imagine “working abroad” as a rosy path.

As she could not bring the brothel owner and others to justice, Aw decided to return to Thailand in May 2009. The Thai Embassy in Manama, the capital of Bahrain, contacted Foundation For Women (FFW) to pick her up at the airport. FFW also helped Aw press charges against the agent in Thailand the same month.







## 2. Pursuing Justice



Trafficked persons are often so traumatized that they cannot describe their experiences in words. Nothing can replace or compensate what has been taken away from them. Many trafficked persons choose to remain in isolation without pressing charges or coming forward for help. Some are too embarrassed to let others know about their bitter stories. Others fear reprisals from the traffickers who are often well-respected figures in the community. Sometimes there are also threats against their family members if they tell their stories.

For a trafficked person, finding the strength to seek justice requires bravery and patience. Only a small percentage of trafficked persons actually decide to press charges against those who trafficked them into prostitution. With determination to bring perpetrators to justice and prevent others from falling into the same situation, some women decided to pursue justice.



However, what happens in the course of prosecution often make them suffer more. One even said *“If I had known, I wouldn’t have press charges in the first place.”*

## 2.1 From embassy to motherland

Once freed, the first place every Thai woman goes to is the Thai Embassy in that country. In theory, the embassy has the duty to assist Thais with their welfare and safety. However, trafficked persons are often treated badly by embassy staff members due to prejudice that they are bad women who tarnish the country’s image.

Kloy felt that female sex workers are similarly stigmatized whether they entered sex work by choice or not. When she was at the Thai Embassy in Italy, a Thai interpreter insulted her by saying that *“You’re old enough to know better. Why did you come here in the first place, if you are going to cause problems like this?”* Although she was hoping to find comfort from the embassy and share her feelings to someone who speaks the same language, this kind of prejudice only rubbed salt into her wound.

Na faced a similar experience at the Thai Embassy in Japan. Because she went to Japan with forged documents under someone else’s name, they were seized by the Japanese immigration. The Japanese immigration officer in Osaka asked if she wanted to contact the Thai Embassy. She was hoping to get help from her compatriots. However, when the embassy staff member arrived, he insulted her by saying *“It serves you*

*right. You are all the same. When you run into trouble, you always say you have been deceived. Everybody knows what kind of work Thai women will do in Japan.”* So Na said to him that if he had such an attitude, she would not need his help.

The Thai Embassy in Bahrain, according to Fon, provides assistance and shelter, but trafficked persons must pay for all the expenses, which can amount to a large sum. In addition, it takes a long time before they are cleared to return to Thailand. This is despite the fact that Section 42 of the Anti-Trafficking in Persons Act B.E. 2551 (2008) provides that a Fund be established for the prevention and suppression of TIP and for the assistance of trafficked persons, and Section 44 provides that the Fund shall be used to assist trafficked persons, including the repatriation of trafficked persons abroad.

## 2.2 Pressing charges: The first step to justice

For many trafficked persons, the most difficult thing is putting up with insults from people around them – relatives, neighbors or family members. Dao said that once back in Thailand, neighbors made condescending comments that she had known from the beginning what kind of work it would entail and she voluntarily signed up for it. The same thing happened to Nan who was thought of as a bad woman. Dao and Nan returned to Thailand with an officer from Bureau of Anti-Trafficking in Women and Children (BATWC), Thailand, picking them up at the airport. Dao said she was not informed about her rights as a trafficked person to make her confident enough to press charges against the agent. *“A BATWC officer asked me about*

*the details of the case. Who took me there, how I managed to come back, who I stayed with there, etc. But she didn't tell me about what options were available next. No information about prosecution, vocational training, career support or safe shelter in case I didn't want to go home."*

In the beginning, Dao did not want to press charges, because the agent was an acquaintance and a well-connected figure. But the BATWC officer advised her to press charges. Similarly, Nan decided to bring the agent to justice. But the action made Nan and Dao worry about their own safety.

Kloy was also advised by a BATWC officer to press charges. Since the day she arrived in Italy, Kloy was determined to bring her relative Rose to justice for deceiving her into prostitution if she survived. But once in the justice process, Kloy felt discouraged and hopeless about delays, the inefficiency of the system, and insults from those around her, especially her own family.

Nokyoong and Cheun, two other women trafficked by Rose, also decided to press charges. But their determination to seek justice was met with so many discouraging obstacles that they asked themselves, *"Is it true that the police work for justice?"*

Dao, out of embarrassment, first told the policeman that she had not been engaged in sex work. And the police officer said, if she had not done it, she could not press charges. So Dao decided to tell the truth that she had sex with two customers. Upon hearing this, the social worker who accompanied her to the police station changed her tone and said to the police

officer, *“First she said she didn’t do it and now she went back on her own words.”* This shows the lack of sensitivity on the part of the social worker.

Dealing with TIP cases is indeed very delicate and requires the use of sensitivity because most trafficked persons are psychologically traumatized and are reluctant to speak about their experiences or do not know how to articulate them. Therefore, relevant personnel must be mindful not to say something to make trafficked persons feel worse.

Aw said she was asked many upsetting questions which demoralized her. *“I was asked how many times I had sexual intercourse and how many rounds and how long each lasted. I was speechless. I was forced to recall the experience and tell it to a man. My friends who heard this decided not to press charges.”* Aw added that the police also had an assumption that all trafficked persons entered sex work voluntarily.

Oa, on the other hand, did not want to press charges in the beginning because she was threatened. Nevertheless, after being intimidated and blackmailed, she changed her mind. However, Oa was in the same mental state as almost all trafficked persons. She was not mentally prepared to talk about everything, because it was a very traumatic experience. In addition, after being deceived into prostitution in Bahrain, she felt she no longer could trust anyone, so she could not tell the whole story when she went to the police to press charges.

The police is the first stop that trafficked persons will go to in order to seek help. However, the police often lack the

knowledge and understanding on how to help trafficked persons or what to say. The prevalent prejudice against trafficked persons among the police also causes negative feelings toward the justice system.

Na said the Japanese police told her about her rights to remain silent and defer any answers until trial. She was also informed of her other rights at every step of the process. Fon said she had more confidence to speak with the policewoman who questioned her politely in Bahrain. Both agreed that if the Thai Police can replicate these examples, there will be more people willing to come forward to press charges and strengthen the suppression of TIP cases.

Na felt lucky to meet a police officer who was very active in investigating her case. He found evidence against the agent after discovering that she made unusually frequent calls to Japan, costing tens of thousands of baht per month. This kind of evidence must rely on the police's help, because a regular person cannot obtain telephone records from a telephone company. This shows how the police's efforts strongly influence the success of the case.

Every trafficked person wants a police officer who is active in investigating cases and all police officers – at least in theory – are supposed to use the same standard in this respect; however, in practice it depends on the trafficked persons' luck whether they will get an enthusiastic officer. The lack of standard among police officers is one of the injustices in the system that trafficked persons face.

Aw's experience is a case in point. At the time she pressed charges, Aw informed the police that the agent had a garment business at a location well-known by everyone. But after pressing charges, the case went nowhere. *"There was no actions after I pressed charges. So what's the point? I am too scared to confront her by myself and wanted the police to accompany me to make an arrest. Now she's gone."* A few years have already passed, but the only thing that came out of Aw's case was an arrest warrant. There has been no actual arrest made and the case has not reached the public prosecutor. Aw has no idea whether there would be any action after this.

## 2.3 Lawyers for hire: the power of money

Most trafficked persons have little money, so hiring a lawyer is not an option. They mostly have to depend on volunteer lawyers who often are not very enthusiastic about the case. On the other hand, the perpetrators are often well-off and can afford lawyers who know legal loopholes to help them get away. Kloy said the agent's lawyer even insulted her by saying that, *"Why are you doing this to your own relative? How old are you to be so gullible?"* It really hurt Kloy's feelings.

Dao felt that her volunteer lawyer was doing it just out of duty, not for her best interest. *"He didn't ask any questions. When I gave him evidences, he didn't bother to look at them. When we were at the court, he then turned to ask me what the million-baht remedy was for."* Dao felt that her lawyer was not dedicated to the case, and cases with nongovernmental organization (NGO)'s supports are more likely to succeed than

those depending entirely on volunteer lawyers.

All trafficked persons whose stories are published in this book agreed that the merits of their cases as well as the verdicts would be more favorable if they could afford to hire their own lawyers. Another shared opinion is that some of the government's budget used for TIP awareness campaigns or trainings of the police force should be diverted to pay lawyer fees. If the prosecution of the perpetrators is more effective, there will be fewer victims.

While the perpetrators can afford to hire lawyers who know loopholes, trafficked persons struggle even to pay for transportation to arrive at the court – often to find that the accused has asked to postpone the trial date. For example, although the judge told Rose's lawyer to not delay again after missing several court dates, the trial was still postponed several times, until Kloy, Cheun and Nokyoong became hopeless and exhausted travelling to the court in vain. They also heard that while the case was ongoing, Rose was still trafficking Thai women to Italy. Worse, she even hired some women to give false testimonies that they were living comfortably in Italy without being forced into prostitution as charged.

It is another injustice against trafficked persons that rich people can access good lawyers while poor people cannot afford one. Justice should mean that everyone – regardless of socioeconomic status – is treated equally under the law. However, these cases show the obvious reality that high lawyer fees can change the verdicts from guilty to not guilty, from grave offense to mild offense, or from a heavy sentence to a lighter sentence. Perpetrators

can use money to get away with their crimes.

## 2.4 Challenges with evidence

Trafficked persons rarely anticipate that they would need evidence for the prosecution against the traffickers who also know how to shield themselves from the law. Therefore, most trafficked persons have no evidence to support their cases.

Even with evidence, there is no guarantee that they will win the case. When Fon escaped, she tore the identity page off the brothel owner's passport and took it with her. She pressed charges at a police station in Bahrain and her case became famous when dozens of Bahraini policemen raided the brothel. But she said *"My case is a good example. It was famous all over Bahrain and there was plenty of evidence. But when I arrived in Thailand, the Thai legal system said that the evidence was inadequate and I had to follow up on everything myself."*

It is unfortunate that even in a case with solid evidence like Fon's, the court acquitted the accused because of "lack of solid evidence." Although Fon thought that she had plenty of evidence, the Bahraini authority did not forward the evidence to the Thai court, despite requests by the Thai authority. *"The judge said that I should have won, but for lack of solid evidence I lost. Even the public prosecutor questioned the verdict... I was devastated. I could identify the location. The perpetrator was arrested. But because they didn't send us the evidence, and there's nobody to follow up, Kaew was acquitted. Even cases with less evidence have won in the past. I also made*



*clear testimony, down to her name and last name. If the evidence were there, we would already have won in the Court of First Instance.”* Fon suspected that the Bahraini authority was not cooperative because the perpetrator was powerful and well-connected with the police.

Worse, the fact that Fon was educated made the police think that she went there voluntarily due to the general impression that trafficked persons must be uneducated. Fon said some police officers made insulting comments, based on external appearance rather than careful investigation. It almost made her give up. They questioned her intention, even though she had solid evidence that she was trafficked. *“They saw that I was educated, therefore I couldn’t have been trafficked. One even asked whether I was sure I was a trafficked person. He had no right to say or ask something like that.”* Fon said this is also the reason her case experienced delays.

On the other hand, Na was luckier because there was a signed contract showing that the agent was involved in her trafficking. This helped her case go through the court faster. From these cases, we can see that the amount of evidence does not necessarily guarantee victory. Still, trafficked persons must gather as much evidence as possible to increase their chance of winning the fight to defend their rights.

The lack of evidence on what happened in the destination country is another challenge for trafficked persons. Witness testimonies from others who have been in the same conditions are useful. However, regardless of witnesses and evidence, if the personnel in the justice system is biased, it is unlikely to

dispense justice to the trafficked persons.

## 2.5 The long and winding road through the justice system

It is well known that trials take a long time. For TIP cases, this long period is demoralizing for the trafficked persons and negatively impacts their lives – whether it is the long travel to the court (which often turns out useless as the accused miss the appointment), travel expenses, document fees, lawyer charges and other expenses. Worst of all is the devastation brought about by insults from others in their society such as *“It serves you right for pressing charges. What good can come out of it? They helped you go work abroad, and now you’re so ungrateful as to press charges against them.”*

As mentioned before, stories in this book happened some time ago, and each took years for the court to reach a decision. Na’s case happened in 2001, but 10 years later the case is still in the Supreme Court. Other cases also took as long. Delays are injustice against trafficked persons who often become desperate and quit along the way, as they no longer can put up with the pressure, the financial burden and the waiting. Sometimes they waste years only to find out that the trial has gone nowhere.

Kloy said about her case, *“The judge postponed it again and again, until I almost lost heart. Nothing can fight the power of money. I don’t even have the bus fare to go to court and have to take a free train, but the agent goes by plane. It’s painful but I won’t give up.”* While the case dragged through court, Kloy and her husband had to put up with gossips and insults.

*“When I go out to buy food, Rose’s mother would make insulting comments on how shabby I look because I don’t have money to buy nice clothes like her daughter.”* Nokyoong, also trafficked by Rose, said she wished the trial would move faster as she saw no ending in sight after five years.

On June 5, 2008, Thailand enacted the Anti-Trafficking in Persons Act B.E. 2551 (the Anti-TIP Act 2008), replacing the Act to Prevent and Suppress Trafficking in Women and Children 1997. The new law prosecutes unlawful exploitations of all humans not limited to women and children, and includes forms of exploitations such as transportation of persons into or out of Thailand for the purpose of prostitution, forced labor, services or beggary, and removal of human organs for trade. It aims to enhance the level of assistance and welfare protection provided to trafficked persons, as well as to set up anti-TIP preventive measures.

Although there are efforts to battle TIP in an integrated manner from prevention, provision of assistance, suppression and repatriation to ensure that trafficked persons do not become victims again, in practice, it is difficult for trafficked persons to demand their rights because of red tape, inadequate legal provisions and enforcement inefficiency due to lack of knowledge among police officers. Although the legal provisions may sound impressive and beneficial in theory, in practice they are not conducive for the trafficked persons to access their rights. Moreover, resources still concentrate in Bangkok or some selected provinces, despite the fact that TIP happens in all

regions of the country.

TIP problems are sensitive because the perpetrators are often powerful figures in the community. As rural communities often operate on “might makes right,” laws are often inefficient in assisting the trafficked persons. In addition, trafficked persons are often unaware of these assistances provided by the law. Therefore, the government should also educate the population on what to do when in trouble, what sources of assistance are available, what organizations should be contacted, etc.

Another important thing is the training of relevant officials to ensure that they understand the problem and know how to assist trafficked persons. Regardless of whether they go abroad voluntarily or not, everyone should receive the same level of assistance. Even those who go knowingly to do sex work cannot be subjected to detention or exploitation. Many people have the attitude that if a woman is aware that they will be doing sex work, they should put up with their situations, however unjust, and deserve no help from the law. Such prejudice among relevant officials is a big obstacle in the fight against TIP. Because they cannot distinguish between sex work and TIP, these officials decide that those willing to do sex work have no rights whatsoever. A right attitude, therefore, is very important.

Sensitivity is also required when contacting or visiting a trafficked person at home. A government car arriving unannounced at their house only causes unwanted curiosity and questions. Trafficked persons are often in difficult situations where they

want to hide their past. Such unannounced visits impact their mental health. Sometimes an officer makes a telephone call to the house of trafficked persons to ask questions, and accidentally exposes their secrets.

When Fon was sent to the Thai Embassy in Bahrain, someone had to co-sign the guarantee that she would reimburse the embassy for all expenses. A phone call was made to her family and her secret was exposed to them without her prior consent.

Aw said she was paranoid every time the post arrived, because she was afraid that it might expose her secret to her family members.

## 2.6 Verdict and reality

From the above stories, we hope many will sympathize with the trafficked persons and hope that the justice system would finally make things right for them. However, there are many steps in the justice process in which the perpetrators can find a loophole to slip away from the hand of justice.

In Kloy, Cheun and Nokyoong's case, the Court of First Instance, Thailand, decided that Rose was guilty under the Act to Prevent and Suppress Prostitution, Thailand, and handed her an 18-year imprisonment as well as an order of compensation to the aggrieved for the amounts of 631,740 baht, 434,740 baht and 431,675 baht respectively, since October 12, 2007. But in reality, Rose had escaped from Thailand before the verdict was handed down.

In Dao and Nan's cases, the court gave Joy a jail term but she jumped bail. Besides, Dao did not get any assistance from the government fund because she was not informed of its existence and did not apply for it. Almost another year passed, and Dao felt hopeless as there seemed to be no progress in her case. Nan said the wait was so long that her documents had already been eaten by mice.

In Oa's case, the police recorded that Nooch, the agent, was guilty for procuring, deceiving or inducing a person into prostitution, but no arrest has been made. According to the Department of Special Investigation, Ministry of Justice, Thailand, there are dozens of arrest warrants out for Nooch on TIP and money laundering charges. The Immigration Bureau, Thailand, also stated that she would be arrested if she stepped foot into Thailand. However, FFW has been informed that Nooch has already entered Thailand and remains free, despite many warrants out for her arrest. In this case, no more actions can be taken as the accused is still at large. This shows that if the police do not make efforts to make an arrest, the perpetrator finds legal loopholes to remain free and there is little that a trafficked person can do.

In Na's case, the Court of First Instance, Thailand, handed the accused a 13-year jail term. In her civil case, Na sued for 908,133 baht in remedy, pending the final verdict in the criminal case. Na's case was decided in 2004, but she has not received any remedy.

Nokyoong said the only thing she got from the struggle of several years was just a piece of paper which meant nothing to her. Worse, Nokyoong and her friends learned that Rose still lives a comfortable life in Italy, respected by the Thai community there who are oblivious to the fact that she is a TIP agent. She continues to traffic Thai women into prostitution in Italy. Kloy suspects that Rose must have a strong connection with the police both in Thailand and Italy because she once overheard Rose asking a relative on the phone to bring her passport to Italy. Kloy later saw the passport delivered and wondered how Rose had travelled to Italy without a passport in the first place.

Kloy said she knew from the beginning that Rose would escape from Thailand, so she petitioned the judge to reject Rose's bail request. But her petition was unsuccessful because the judge considered Rose to be innocent until proven otherwise and because she had never missed a court appointment before. Although Kloy, Nokyoong and Cheun won the case, in reality nothing changed because people in the community still ridicule them, saying *"You won and so what? What have you done for the village, comparing to what Rose did? Did you make any money?"*

Aw's case was unfortunate that the responsible police officer was transferred and the documents in her case were lost. So the case had to start again from zero. In addition, the accused also escaped arrest. Although Aw pressed charges on February 9, 2009, the case has hardly made any progress.

Many of these cases made big headlines in newspapers and talks of the town. However, in the end, some were dismissed, while arrests could not be made. Even for those decided by court, no compensation has been received by the trafficked persons despite the verdicts. All trafficked persons whose stories are published in this book felt that they have not been fairly served by the justice system. Even when the verdicts sound favorable, in practice, if the perpetrators can escape from being punished and paying compensations, it means that they have effectively gotten away with their crimes.

Dao said that she wanted to win the case because the perpetrators and other community members have made many insults against her. For example, Joy, the trafficker, ridiculed her, saying *"You don't have enough money to fight me."* Dao only hoped for the compensation which would ease the large amount of debts she incurred when deceived by Joy.

Nokyoong said that even though the court decided in her favor, five years later the perpetrator still lived a normal life, while she had lost everything including money. She was exhausted with the long struggle which yielded nothing in return. She said Rose was a powerful figure who can buy the respect of the village. *"People can be paid to forget everything including their conscience. We have lost so much, and all we got is a piece of paper. She caused us so much pain and escaped with impunity."* Dao added that people value only money. Even if you win the case, but if you do not get money, they think of it as useless.



Na said that the compensation was not worth the damage that she and other trafficked persons suffered. She paid her own airfare and was not compensated for it. She added that leniency would allow perpetrators to repeat their crimes as they know their way around the system. In Na's case, the court reduced the jail term by half from 13 years to six years and four months, which Na thought could not match what happened to her. She said, *"The trafficker should not get even one-day reduction. Thirteen-year jail term is really not much for the crime she committed against fellow human beings."*

In summary, Thailand's justice system cannot be considered a success in terms of efficiency in rehabilitating trafficked persons. The reasons are:

1. Shortcomings in providing assistances to trafficked persons due to lack of understanding and negative attitudes among responsible officials
2. Legal loopholes which allow perpetrators to escape or refuse to appear in court, causing delays
3. Lengthy trials, causing trafficked persons to become demoralized and give up
4. Sentence reduction for perpetrators, causing a sense of injustice
5. Lack of knowledge among trafficked persons about their rights in all steps of the process – from pressing charges, investigation to testifying – as well as about the laws and sources of assistances. Trafficked persons alone can not

navigate the justice system which requires a large amount of time and legal knowledge

6. Lack of solid evidence – as they are difficult to obtain in cases which happen abroad – putting trafficked persons at a disadvantage
7. Compensation and remedy often not being paid out, even though ordered by the court
8. Compensation from the government Fund (the Anti-TIP Fund, the establishment of which is specified in the Anti-TIP Act 2008) being complicated and imposing various conditions which often disqualify trafficked persons

According to the Trafficking in Persons Report (TIP report) 2011 from the Department of State of the U.S. Government, Thailand is in the Tier 2 Watch List, meaning that it is one of the countries which failed to maintain the minimum standard despite significant efforts. Countries in this group have a large number or sharp increase of trafficked persons as a result. Other countries in this group are Brunei, Malaysia, Vietnam and China. This report indicated the reason for keeping Thailand in the Tier 2 Watch List as being that Thailand has yet to show adequate evidence of increased anti-TIP efforts, especially in the following areas:

1. Law enforcement, prosecution and punishment of traffickers (both for forced labor and forced prostitution)
2. Punishment of corrupt government officials involved in TIP

### 3. Protection of trafficked persons

The same report indicated that independent organizations reported problems undermining Thailand's anti-TIP efforts.

1. Corruption among local police officials
2. Prejudices against migrant workers (for TIP cases taking place in Thailand)
3. Lack of comprehensive monitoring system to monitor the government's efforts
4. Lack of understanding of TIP among local officials
5. The court's failure to use a "human-rights based" approach in deciding labor exploitation cases
6. Lack of incentives for trafficked persons to identify perpetrators (entry point into the justice system)

In addition, this report also states that Thailand has made a progress in creating an integrated anti-TIP effort through training the police force, labor inspectors, public prosecutors, social workers, and immigration officers to identify trafficked persons. However, there is little progress on prosecution, and very little on investigation, arrest and trial in transnational labor exploitation cases.

Other points addressed by this report are delays in the justice system, frequent changes of responsible officers, corruption among officers, and bailing of the accused while the case is being appealed.

In the book *"Trafficking in Persons: Concept, Mechanism and*

*Challenges,”* Siriporn Skrobanek, Chairperson of FFW, stated that similar problems were identified by FFW through the lessons learned from its experiences in solving and prevention of TIP, especially that of women and children:

- Lack of understanding and acceptance of the universal definition of TIP, causing confusion between illegal immigration and TIP
- Lack of understanding on TIP and lack of enthusiasm for serious enforcement of the Anti-TIP Act 2008 among government officials who may also be involved in TIP
- Lack of efficient tools at international, regional and national levels to punish traffickers and protect and rehabilitate trafficked persons
- Lack of measures to ensure that trafficked persons receive compensations for their TIP-caused damages

Evidently, these reports identify problem areas, similar to actual experiences of trafficked persons. Therefore, it can be concluded that Thailand's justice system has failed to effectively combat TIP and truly protect trafficked persons.



### 3. Life after the verdict



To most people, “court verdict” sounds like the end of all problems when all the right things follow and the problem is solved in a just manner. But in reality the execution of the court order leaves much to be desired. There are loopholes for perpetrators to avoid paying out the compensations for physical and psychological damages as ordered by the court. In the end, all trafficked persons mentioned in this book ended up with pieces of paper with no effects whatsoever to their lives, because they cannot be executed. The perpetrators can, for example, transfer their assets to others to avoid paying damages to trafficked persons. In Rose’s case, although it was known that she had land, rubber plantations and a lot of assets, they had long been transferred to her relatives.

Demanding justice is a life-changing experience because it has strong – often more negative than positive – impacts on the lives of trafficked persons, especially in their relationships with those around them including family members, relatives, neighbors and other parties.

### 3.1 Relationships with family members

The long justice process is often discouraging to trafficked persons and impacts their family life. Cheun's family broke up when Cheun pressed charges against her husband's sister. According to Cheun, in the beginning her husband supported her. However, as time passed with no hope of winning, he lost hope and began to believe what other people said. *"First he was on my side. But they kept telling him that the court verdict would bring nothing. He would still have to borrow people's money. So our relationship broke down. In the end, he accused me of framing his sister. People said he shouldn't have believed me in the first place."*

In addition, those with small children find it difficult to find babysitters or to bring the children along to the court. The children themselves suffer from hearing stories about their mothers. Other family members are also impacted. Because the perpetrators are often well-respected figures, trafficked persons who press charges against them along with their family members are perceived as bad people. This causes tensions among family members who often have to live alongside



the perpetrators. Sometimes the perpetrators threaten the trafficked persons to hurt their family members to force them to drop the cases.

When the judge dismissed Fon's case, not only that justice was not served and she did not get any compensation, but she also lost other opportunities. For example, she had lost freedom of movement because she was blacklisted from travelling abroad until she paid up the full amount owed to the Thai Embassy in Bahrain. Therefore, she could not find employment in other countries, which can help ease her situation. Fon said it was also difficult for men to accept her past. *"Can a man accept the fact that I was deceived into this line of work? Even when he says he can, there's still an internal struggle. One day when we fight, he will bring it up and what can I do then?"*

### 3.2 Relationships with neighbors and people in the community

The mental health of trafficked persons is strongly affected by the opinions of those around them, especially if they live in rural areas. Aw said most rural people respect those who have money to bring developments to the community such as raising funds to benefit a temple or building big houses. Therefore, most TIP perpetrators are well-respected by the community, while trafficked persons who press charges against them are seen as ingrates.



Na said the people in her community said to her, *“You wouldn’t have been able to go abroad without her help. What an ungrateful thing to press charges against her!”* Such an attitude is caused by the widespread belief that “going abroad” is always a good opportunity to be grateful of. Most people have no idea what terrible things can happen in the destination country. This is partly because many trafficked persons choose to put up with their conditions and remain silent. Some even manage to earn enough money to build houses or to buy cars for their families. Therefore, many people believe that “working abroad” always brings money and success.

That is why when charges are made against perpetrators, the community is often upset. Nokyoong said she would not go home until she won the case and the trafficker was brought to justice, because she was apprehensive about other community members who take the perpetrator’s accusations against her at face value. Even after she won, Nokyoong felt it unfair that the trafficker still lived a normal life without having to pay her any compensation despite the court decision. Nokyoong said if she could turn back time she would not press charges in the first place because in the end, all she got from her sweat and tears was a piece of paper. It was a completely different feeling from the start when she felt compelled to fight the case to establish a precedent and inspire other trafficked persons to similarly bring those who wronged them to account and demand remedy.

Oa similarly felt that people often respect traffickers as those who have “made it” abroad, while she herself became the target of their insults. Not long after her return, Oa decided to become a teacher, but one relative said to her, *“How can we make a teacher out of a whore?”* Oa no longer wanted to live in the same province and decided to move.

Dao explained that in rural societies many people only care about money. Winning a case does not mean anything to them if there is no monetary compensation. *“If we win but don’t get any money, they think it’s useless.”*

Even those who do not want other people in the same community to find out are sometimes inadvertently exposed. When Oa returned home, she did not tell the truth to her family. A month later, some officials came in a government vehicle to visit her and took photographic evidence. People became curious and eventually found out the truth. Although seemingly trivial, such actions are insensitive and strongly impact the mental health of trafficked persons; therefore, relevant agencies must be more careful about such matters.

### 3.3 Relationships with organizations and service providers

In their interactions with trafficked persons, government officials often hold negative attitudes, resulting in unfair treatments. For example, when a trafficked person applies for assistance from the government fund, some government

officials may hold a view that she was not trafficked but voluntarily entered sex work. Therefore, they are reluctant to help and use inappropriate, often insulting, language such as, *“Are you sure that you were trafficked?”*

Even when trafficked persons receive physical examinations to get corroborative evidence or for personal reasons, some doctors or nurses may look at them in a negative light. Kloy said when she had a blood test after returning to Thailand, she was looked down as a “hooker.” Kloy had a uterine cyst and fungal infection as a result of her terrible experience in Italy, but the healthcare personnel did not give her equal treatment because they thought prostitutes were not to be respected.

Other agencies which can influence the outcome of the prosecution are those in destination countries, such as embassies, police stations and other organizations, which provide assistance to trafficked persons. These agencies may have seen many prostitution cases, which may shape a view that most trafficked persons enter sex work voluntarily and have no right to demand justice. But in reality, even voluntary sex workers should not be subjected to torture, detention and exploitation.

The roles of these organizations are to provide assistances to trafficked persons according to their duty without any bias. Embassy staff must provide comprehensive and timely assistance. Police officers must give full collaboration in

handing evidence and arresting perpetrators. The Anti-TIP Act 2008 clearly states in its Section 39 that “the competent official<sup>2</sup> shall undertake, whatever as necessary, to have such person return to Thailand without delay.” However, as can be seen in the cases above, it often takes a long time before repatriation is possible. Moreover, in case of Fon, she had to pay a fine for overstaying her visa in Bahrain, even though she was locked up against her will. This all adds to the debts of trafficked persons.

Most important is the corruption among competent officials who play a part in trafficking Thai women. The Anti-TIP Act 2008 stipulates that competent officials or government agencies who violate the Act shall receive two times the punishment. But in practice, there are many government officials involved in every step of TIP from issuing fake travel documents and allowing trafficked persons to leave Thailand and enter the destination country with those documents. There are also corrupt police officers in the destination country who refuse to prosecute traffickers, as well as unscrupulous lawyers. These people, because of money, violate the law and cause many trafficked persons to suffer and experience injustice.

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<sup>2</sup> Competent official, according to the Section 4 of the Anti-TIP Act 2008, means “a superior administrative or police official, including a government official holding a position not lower than level 3 of an ordinary civil servant, appointed by the Minister (of Social Development and Human Security, Thailand), from the person who possesses qualifications specified in the Ministerial Regulation, to perform the duty under this Act”.

### 3.3.1 Government assistances

Although the government has established the Anti-TIP Fund to assist trafficked persons, this policy has met with many challenges in practice. For example, government officials often reject requests made by trafficked persons out of their misunderstanding of the Fund's conditions. Fon said she did not get any assistance from the Anti-TIP Fund because she was told that those returning to Thailand before October 28, 2009 were ineligible. But in fact, legal provisions can be applied retrospectively if beneficial. Due to this lack of clarity about the regulations, government officials are hesitant to make a decision because they do not understand the process. In the end, only a small fraction of trafficked persons can access the Fund. Most do not even realize it exists.

Another barrier in accessing the Anti-TIP Fund is the condition that a claimant must present police documents to confirm the charges and be identified as a trafficked person. In reality, some trafficked persons lack faith in the government mechanism, while others may have different reasons for not pressing charges. These trafficked persons effectively lose their access to the Fund.

Another issue is the definition of "trafficked persons." Some government officials use personal attitudes to rule out assistance to some trafficked persons because they are judged to have voluntarily entered sex work. They often say *"It's hard to believe you didn't know what kind of work you'll be doing. The only work available to Thai women abroad is sex*

*work.*” The reality is that many trafficked persons have no idea about transnational TIP.

For example, Na said she had never been to Bangkok and did not know anything about the outside world before being trafficked. Aw said sometimes government officials judged her from external appearance that she was assuming the guise of a trafficked person only for the purpose of claiming government money. These attitudes are serious obstacles in accessing help for trafficked persons because it is difficult to prove oneself as a trafficked person even in normal circumstances. Negative attitudes of government officials only make it even worse.

All trafficked persons in this book felt that the government should provide more monetary assistance to trafficked persons. Perpetrators often pay hundreds of thousands of baht in bail without paying compensation to trafficked persons. So when they skip bail, the bail guarantee should be used for the benefits of the trafficked persons. Fon said after going through the difficulties of proving herself as a trafficked person, she found the amount of assistance pitiful, compared to the almost two million baht she lost from being trafficked. She said at least some of the bail guarantee should be used to help trafficked persons.

### **3.3.2 Assistance from NGOs**

An organization with an important role in helping the trafficked persons in this book is International Organization for Migration

(IOM). With offices in several countries, it works with emergency shelters to provide accommodation for trafficked persons. Dao was placed in an emergency shelter in Italy for more than one month. Dao also received legal aid from a Thai NGO called FACE (The Fight Against Child Exploitation Foundation). In Nan's case, she received 50,000-baht professional seed fund from IOM in Italy, in addition to 2,000 baht payments for transportation to court from the Department of Social Development and Welfare, Ministry of Social Development and Human Security (MSDHS), Thailand.

Although many organizations provide assistances for trafficked persons, the major problem is the lack of information among trafficked persons. Na said that without information about these assistances, they are lost when they run into trouble. For example, she did not realize that IOM had been present in Japan for more than 30 years because her access to information while there was limited.

In addition, everyone in this book agreed that it is almost impossible for trafficked persons to find justice without help from NGOs, because most trafficked persons neither have the knowledge about the laws, source of assistances and the justice process, nor the money to hire a lawyer.

FFW is another organization which helps trafficked persons to navigate the justice process as well as provide basic assistances. However, even with such support, trafficked persons may still find it difficult to overcome barriers. Despite FFW's help, some cases, such as Fon's, may still fall through. Even though Fon



had a lot of evidence in Bahrain, for the Thai legal system it turned out to be inadequate. She felt lucky that FFW was there to help her throughout the prosecution process.

Fon hopes that all agencies would increase the level of efficiency of their assistance to help trafficked persons start a new life. She also requests legal experts identify and close the legal loopholes which allow perpetrators to get away from justice. She also wishes that volunteer lawyers for trafficked persons' cases are as dedicated as those hired by the perpetrators.

### **3.4 Reflection on the justice system**

After a long struggle, Kloy said if she were the judge she would not have granted bail to the perpetrator. Fon said the punishment should be harsher because traffickers commit inhumane crimes. As her case suffered long delays due to the lack of coordination between the Ministry of Foreign Affairs, Thailand, and MSDHS, Thailand, she said government officials should also be more active in providing assistances.

In summary, everyone in this book felt that justice had not been served in their cases and felt disappointed with the final results of the justice process. Even in the cases that were won, trafficked persons never received any remedy, despite their loss of time, efforts and money. While some regretted their decision to seek justice because the results were not worth the efforts, others still felt glad they pressed charges to show

their determination to defend their own rights.

The justice system, in principle, has the duty to dispense justice to the people. TIP is a criminal offense. That means that those TIP criminals must be prosecuted in the interest of public order. If the justice system cannot effectively punish perpetrators and truly rehabilitate trafficked persons, its duty to maintain public order is not fulfilled.

Na said even though the verdict in her case was favorable, it was not worth the time she spent. She also felt terrible that the perpetrator got a sentence reduction, because leniency would encourage perpetrators to continue their criminal acts. She hoped law enforcement would become more effective and suggested that the judge should seize the assets of the accused from the beginning to prevent transfers to other people. *“The offenders are still at large and well. We can’t touch them because of this legal loophole,”* she said.

The government often focuses on campaigns to raise awareness about the Anti-TIP Act 2008, but since it does not address the root cause of TIP, it cannot effectively break the TIP’s vicious cycle. In addition, assistances offered to help in trafficked persons’ physical and psychological rehabilitation and in prosecution are still inadequate compared to the level of need. If punishment remains lenient, there will be many more people who become trafficked persons because TIP is a lucrative crime, allowing perpetrators to get away with

impunity by hiring good lawyers.

Moral support is also very important. Na said that in the beginning she felt all alone. Without someone to listen, counsel, give moral support and accompany her to court, she would have lost heart and given up long ago. But important as they are, supports now provided by NGOs like FFW may come to an end if they fail to secure funding. Therefore, government agencies must play the central role in providing assistances to trafficked persons.

Although a responsible agency and the Anti-TIP Fund have been set up with the duty to provide assistance to trafficked persons according to the Anti-TIP Act 2008, there is a major barrier in the Anti-TIP Fund's eligibility condition that a trafficked person must press charges at the Anti-Human Trafficking Division of the Royal Thai Police and the police must confirm the trafficked person as such.

As a result, if the police lack clear understanding of the issues involved, trafficked persons will be deprived of their rights to access the Anti-TIP Fund. Police officers should be trained to improve their understanding of the relevant issues and processes and eliminate negative attitudes toward trafficked persons, so that trafficked persons can benefit from the law and other sources of assistances.

The eligibility condition also means that access to the Anti-TIP Fund is closed to many trafficked persons who do not wish

to press charges. There are various reasons for this. They may be fearful of the traffickers or do not want their family to know about their experience, so that they can live a relatively normal life with their family. Some may have no faith in the lengthy justice process and doubt that it will dispense justice to trafficked persons with no money.

Combating transnational TIP also requires international collaboration to arrest traffickers who escape to other countries. Recently Kloy learned that Rose flew back to meet with her children in Cambodia, just across the border from Sa Kaew Province in Eastern Thailand. Sometimes she also met them in Lao PDR without being arrested. Although the court handed down a verdict against Rose in 2009, she continued to evade arrest.

Another key player in the prosecution is the lawyers who represent the perpetrators. Na said that while the trafficker in her case hired a high-profile lawyer who lived in a multi-million baht house, she could not afford the lawyer fees in addition to travel costs and other expenses. Trafficked persons often have no other choice than relying on volunteer lawyers or those provided by NGOs.

In addition to organizations like FACE and IOM which provide some supports, FFW plays an important role in assisting trafficked persons in relation to the justice process, accommodation, food and accompaniment to the court.

Assistances from government agencies, on the other hand, are still limited and inefficient. Some of the MSDHS's officers in charge of picking up trafficked persons at the airport use offensive language toward trafficked persons.

Restrictive conditions for assistance also make life difficult for trafficked persons, such as the condition that assistance can only be provided for travel on third-class trains; the reimbursement of travel expenses can be requested up to two times only (despite the long justice process which can last more than five years); the provision of food expenses is limited to only 150 baht per trip (which last two or three days), etc. In Kloy's case, she was treated with disdain by an officer who said that she had made too many requests for assistance. Dao and Nan also faced problems with uncooperative officers when they tried to obtain documents or follow up on their requests by telephone. Many trafficked persons lose their hearts, patience and the initial good will toward these government agencies, because of unfair restrictions and lack of sensitivity among the staff.

Another aspect of assistance needed is psychological rehabilitation. Having gone through the worst experience in their lives, trafficked persons need help in order to become well again. Some trafficked persons are now receiving counseling and psychiatric rehabilitation with FFW's support.

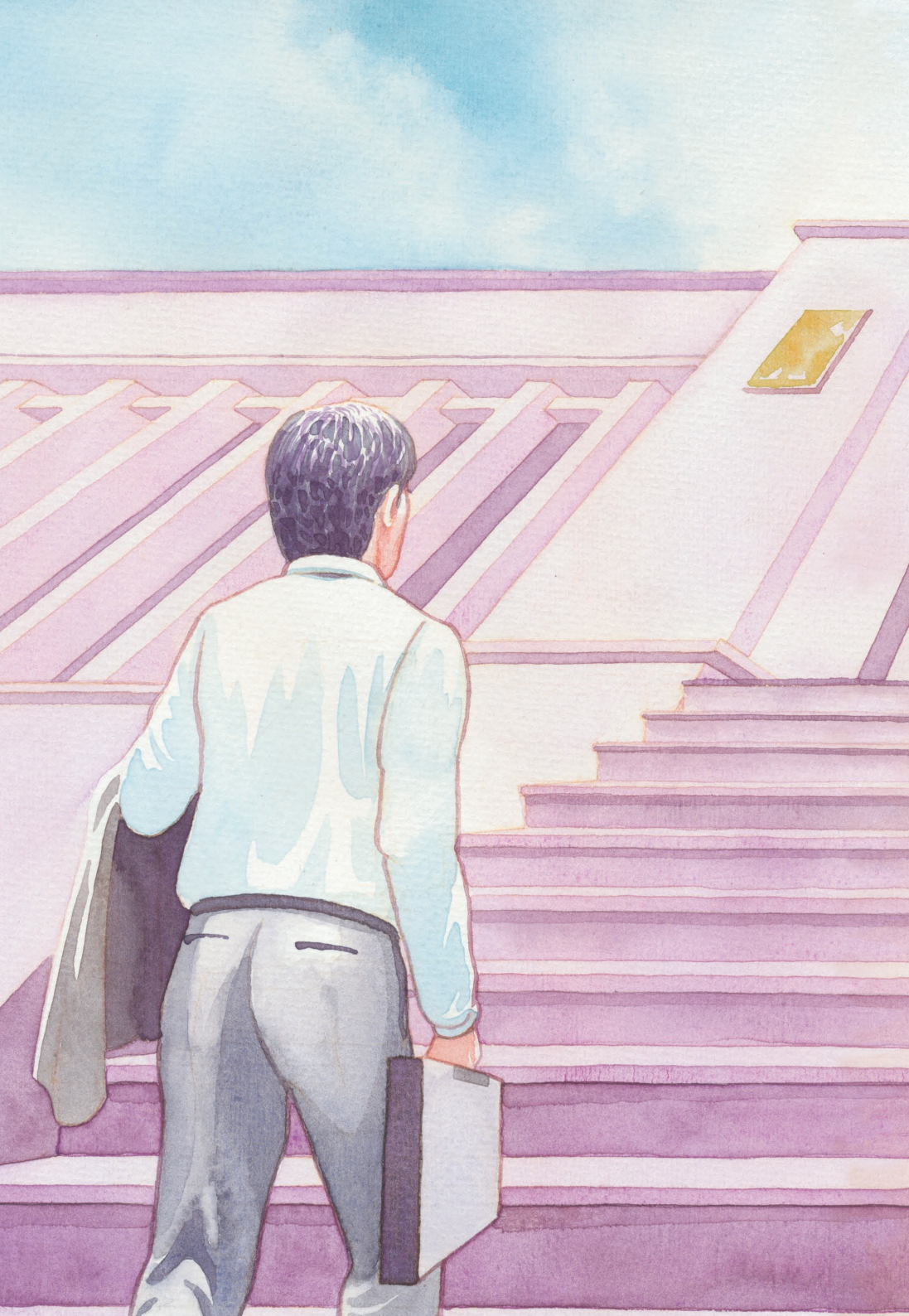
Similarly, physical health is also important and must be effectively rehabilitated. Kloy had a serious problem in her uterus and needed to see a doctor regularly. But the problem is that she could not use the government-issued universal health scheme “Gold Card<sup>3</sup>” for the condition. The MSDHS, on its part, would only pay 2,000 baht per doctor visit, limited to only a few visits.

The overall picture is that government agencies are still far from providing comprehensive assistance and bringing justice to trafficked persons. As a result, some NGOs are working to fill these gaps, although it should be the government’s work. Despite the laws and policies in place, law enforcement must be improved, loopholes must be closed and corruptions at all levels must be eliminated. No matter how impressive a law may look on paper, it has no benefits whatsoever to society and cannot effectively combat TIP problem as long as it cannot be effectively enforced.

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<sup>3</sup> Gold card is a health insurance card issued by the National Health Security Office of the Ministry of Public Health, Thailand, for every Thai citizen who is not covered by other public or private health insurance schemes. In principle, the card holder can receive any approved medical care at the cost of 30 baht. However, the card holder needs to receive medical care at the designated hospital and in his/ her home province only.









## 4. Recommendations



Many Thais still believe that “working abroad” is the path to riches and a better future. They see someone from the same village sending a lot of money home to improve her family’s condition, and form the impression that everyone who “works abroad” is lucky and will become rich. But they rarely know the real stories of trafficked persons – many of whom are not as lucky as those in this book to escape, and are subjected to physical abuses, sometimes beaten to death or falling seriously ill due to bad living conditions. Providing the public with the knowledge on how to “work abroad” safely and legally is therefore essential. This will help prevent many from becoming trafficked persons and equip them with knowledge on what to do in the case that they become one.

Oa has a warning to those who want to work abroad. *“Many think that it’s a wonderful thing. Everyone says your life will improve. You may not know about forced prostitution. You may think you will be using only labor. But when you become a trafficked person, nobody will believe that you did not know beforehand.”* Therefore, everyone must verify that the work offered to them really exists and is being offered through a legal recruitment channel, even when recruited by someone known or trusted. It is important to be fully informed before making a decision.

At present, the government and NGOs are conducting campaigns to raise public awareness on TIP. For example, FFW in collaboration with LOL make visits to communities to educate their members about TIP. A LOL group member, Kloy, also uses her experience to educate schoolchildren. Although she felt she was not well-served by the justice system, Kloy is determined to share her experience to prevent others from suffering the same fate.

According to the Mirror Foundation, a Thai NGO, the Thai government reported that between 2010 and early 2011, it has reached more than 3,101,010 at-risk people with its TIP awareness-raising campaigns. In addition, the Thai government also raised awareness on labor rights and TIP among approximately 2,101,010 employees. In 2011, MSDHS organized public forums throughout the country to reaffirm

Thailand's anti-TIP mission and raise TIP awareness among target groups, as well as set up collaborative agreements for the surveillance and prevention of TIP. All these projects are a good indication of the Thai government's recognition of the TIP problem.

However, TIP prevention cannot be achieved with awareness campaigns alone. It must be accompanied by suppression of TIP criminal organizations by severe punishment. Otherwise, TIP will never be eliminated from Thai society. The government must continually improve its works to suppress TIP and assist trafficked persons, because TIP criminal organizations continue to evolve new tactics to evade law enforcement. The battle against TIP is challenging and must rely on multi-sector collaboration.

According to the 2011 TIP report by the Mirror Foundation's Anti-Trafficking in Persons Center, one serious problem is the involvement or facilitation by Thai law enforcement officers in TIP. The report detailed two cases under prosecution in which four police officers – including a police colonel – were accused of involvement in TIP. The case was pending court decision at the time of publication. The author of the report stated that corruption was widespread among law enforcement officers, creating a TIP-conducive environment. In the same year, there were several allegations of corruption cases related to TIP,

forced prostitution and forced labor. A reliable source indicated that police officers were offering protection to brothels and other sex outlets, as well as exploitative seafood factories and sweat shops. The problem does not limit itself only to local police force. National-level police officers are also known to provide protection to TIP perpetrators in the areas they are stationed.

As former trafficked persons who have undergone the struggle for justice, we would like to make the following recommendations:

## **Capacity building for relevant officials**

Without organizational support, seeking compensation through a civil lawsuit is a complex and burdensome procedure for trafficked persons – most of whom are not aware of their own rights to compensation. Although the Anti-TIP Act 2008 requires the public prosecutor to demand compensation for trafficked persons at the same time as prosecution of the criminal case, support is still needed to assist and follow up the process on behalf of the trafficked persons. Therefore, it is necessary (and a challenge) to educate government officials and NGO staff on TIP and relevant mechanisms in providing protection to trafficked persons especially regarding their rights.



## International collaboration

International collaboration is the key to provide assistances to victim of transnational TIP because the actual exploitation happens in destination countries. In many cases, trafficked persons also press charges against perpetrators in destination countries, but there is no cross-border collaboration to send evidence to the trafficked person's home country. In Fon's case, the Thai court dismissed the case because of lack of solid evidence since there was no coordination to obtain evidence from Bahrain, where she initially pressed charges.

The Thai government must carry out proactive measures to build cooperation with other countries in order to extradite TIP fugitives and bring them justice. Otherwise, justice will remain only on paper.

*“I wish that the efficiency of relevant agencies will improve. Once the court makes a decision, there seems to be justice – only on paper.”*

*“How can we ensure that trafficked persons receive compensation?*

*My problems with my family and my community have become worse. They don't care that I won the case because the agent is still out there and has not taken any responsibility.”*

## Compensation for trafficked persons

In the case that the perpetrators remain at large, there should be measures to seize their assets, as well as use parts of their collaterals and bail guarantee to pay out to trafficked persons as compensations and remedy.

## More timely justice process

The long justice process severely affects the reintegration of trafficked persons into their community. Na's case has already taken 11 years, and is still pending in the Supreme Court of Thailand. Kloy and Nokyoong's case has entered its seventh year, and even though the Court of First Instance, Thailand, has decided that Rose was guilty, she has jumped bail while appealing the case.

*"I want the justice process to be shortened.  
Even five years would still be a great improvement.  
The longer it takes, the more stressful it is for  
trafficked persons."*

## Coordinating body and special task force

As in the drug trade, both domestic and international criminal organizations are involved in TIP. Suppression, therefore, is a serious challenge. At present, there are many relevant



agencies with specialized TIP units and experts such as BATWC under the Department of Social Development and Welfare of MSDHS, the National Operation Center on Prevention and Suppression of Human Trafficking (NOCHT) of MSDHS, the Center Against International Human Trafficking (CAHT) of The Office of Attorney General, and the Anti-Human Trafficking Division of the Royal Thai Police. However, all of these agencies lack coordination and information sharing, as well as linkage with agencies in charge of related issues such as labor and migration.

Solving TIP problems effectively will require cooperation from all sectors in society. The public must have relevant knowledge and the right attitude about working abroad in order to protect themselves and family members from TIP. Government officials must dedicate themselves to their duties and have a thorough understanding of relevant laws in order to effectively provide help to trafficked persons and prosecute perpetrators. Society should empathize with trafficked persons and allow them an opportunity to start a new life without insulting or stigmatizing them because of their past.

## **Those seeking foreign employment...**

1. Should know that there are five legal ways to work abroad:

- 1.1 Recruitment by authorized employment agencies for works with employers abroad
- 1.2 Recruitment by the Department of Employment, the Ministry of Labor (MoL), Thailand
- 1.3 Self-travel employment
- 1.4 Foreign work offered by local employers
- 1.5 Foreign internships offered by local employers
2. Must carefully study all documents and contracts. Read the employment contract carefully before signing. Keep the contract with you and give a photocopy to a trustworthy person.
3. Should pay travel expenses through bank transfers. Keep the bank slips or receipts as evidence. Do not pay before the date of travel is confirmed.
4. Should apply for a passport and visa by yourself. Be suspicious if told that a passport will be obtained for you as the Passport Division of the Department of Consular Affairs, the Ministry of Foreign Affairs, Thailand, requires applicants' fingerprints to be scanned in person. Some countries may allow others to apply for a visa on your behalf. However, it is preferable to apply by yourself in order to verify all the information on the supporting documents.
5. Should gather information about the destination country, including important telephone numbers for police stations,

Thai Embassy, IOM, Overseas Thai Labor Assistance Center, Thai associations or groups, Thai temples, etc.

6. Should visit the Department of Employment or its provincial offices before departure for orientation and picking up brochures with useful information.
7. Should choose among works offered through the Department of Employment of MoL. Find out as much information as possible about the work's location and conditions before making a decision. If recruited otherwise, check with the Department of Employment whether the company and work being offered actually exist. The Department can quickly verify the information with its electronic database.

## **Trafficked persons in a foreign country...**

Should collect as much evidence as possible. When rescued, contact IOM, the Royal Thai Embassy, the police or relatives in Thailand to coordinate with agencies listed in the Appendix 3. Keep all documents issued by the destination country including police records, travel documents, or any information about the perpetrators. If possible, request photocopies to bring back to Thailand, as evidence will be difficult to obtain once in Thailand. If one is already in police custody or embassy protection, ignore threats or persuasions to return to the same workplace.

## **Trafficked persons who would like to press charges...**

Should contact organizations which provide legal aid in the destination country. These organizations have the legal knowledge and experiences in providing assistances to trafficked persons and can give legal advices. Before making a decision, study all the information about the justice process and decide if you are prepared to cope with the amount of time and money involved, as well as the fact that the result may not be as expected. This does not mean that trafficked persons have no chance to win a case and compensation. Also study your rights to other assistances, such as professional seed funds for starting a new life.

## **Thai government officials and agencies...**

Must understand that not all women who seek foreign employment voluntarily signed up for sex work and must not blame trafficked persons for having been careless. Eliminating negative attitudes will ensure better services and justice for trafficked persons. Thai government officials must be regularly updated on TIP situations and trained on how to provide assistance to trafficked persons without violating their rights or aggravating their trauma.

According to the Section 133 of the Code of Criminal Procedures, “In cases of sex-related offense, questioning of a female trafficked person must be conducted by female

police officers, unless the trafficked person consents or due to other appropriate reasons. The consent or reason must be recorded, and the trafficked person can request to have any other person present during the questioning.” However, there are still few female officers in the police force, making the compliance with the Section difficult in reality. Therefore, the Royal Thai Police must implement a measure to address this gap to ensure compliance with the law.

## Appendix 1

# Live Our Lives (LOL)



## Background

Everyone wants opportunities for better jobs with higher wages – especially for women whose career options are limited in Thailand due to low education. Therefore, they desire to seek overseas employment hoping that they will earn money to buy houses, cars and other necessities for their families – especially for their children – as well as to pay off their debts. But not all will be met with the success they hoped 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 a large amount of debt.

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 who 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 assistances because they are afraid of being found out and then being 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 they owe.

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 the 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, the Women's News Center disseminated information to prevent Thai women who sought foreign employment from falling victim to fraud 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. This meeting provided a judgment-free environment for the returnees to talk about their experiences. There, 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 set up their own group called "Live Our Lives" with the aim of providing moral support to each other, as well as informing and helping 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 Lives' mission to spread their voices."*



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

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 returnees' network to give advices to Thai women seeking foreign employment, 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 the 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 newsletters as a communication channel among LOL members.

## Forming a network to assist recent returnees' reintegration

Recognizing the potential of LOL members in reaching out to the target group and effectively providing assistance to trafficked persons, FFW further strengthened LOL's capacity under the "Activities to develop victim centered social reintegration model for the empowerment of trafficked persons (April 2010 – March 2012)". Funded by Japan International Cooperation Agency (JICA) and supported by BATWC, the activities aimed to support LOL's roles in assisting recent returnees with reintegration.

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

- ✓ providing assistance to victims of labor exploitation
- ✓ providing assistance to victims of sexual exploitation
- ✓ providing information on how to prepare for employment abroad
- ✓ training LOL members on counseling skills and the Anti-TIP Act 2008
- ✓ visiting recent returnees and LOL members who missed group meetings

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- ✓ providing professional seed funds and vocational training
- ✓ disseminating labor-related information to prevent TIP, in collaboration with government agencies, namely the Homes 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 LOL members.

Six years have passed since the first day that the 13 of us met for the 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. We can be reached at...



**Live Our Lives**

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

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

## Appendix 2



LOL members came together to work against human trafficking by organizing Safe Migration Campaign for at-risk communities. In the campaign, LOL members shared their experiences of working abroad as TIP victims and disseminated preventive information. The campaign was co-organized by the Home for Children and Families of Pisanulok province in Thailand (January 2012).



Community women participated in a street campaign on anti-TIP in Srisaket province, northeastern Thailand (August 2011). LOL Members in northeastern Thailand organized this campaign with the Srisaket Provincial Office of Social Development and Human Security.



*LOL members shared ideas with high school students in Pisanulok province, Thailand. In the picture, the students discussed the migration situation in the community (January 2012).*



*LOL arranged a Safe Migration Seminar for high school students in Pisanulok province (January 2012)*





*LOL members practiced their drama skills with Gabfai Community Theatre Group. In the picture, the members were actively performing mime (September 2011).*



*LOL members made use of their drama skills to illustrate the story of human trafficking to convey warning messages to the audience. In the picture, the members performed the story of a school girl who got acquainted with a foreigner through an on-line chat service and was lured into trafficking abroad.*



*LOL provides a space for its members to meet and support each other. Although we live miles apart, our hearts are always together as LOL is the second home for us all.*



*We all share the same spirit and feelings. We have been through many kinds of experience in our lives. But here is where we can cry and laugh freely. No one is to judge our lives except ourselves. In the picture, we, LOL members, met up to replenish our energy and move forward together (July 2011).*

## Appendix 3

### Thai government and nongovernmental agencies which provide assistance to Thai trafficked persons and non-Thai persons trafficked into Thailand

#### Rights of trafficked persons

In case you have never heard about Trafficking in Person (TIP), TIP is equal to modern-day slavery and a serious violation of fundamental rights. If you have been deceived into sex work 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 a trafficked person. As such, you have the right to various forms of assistance from government agencies and NGOs listed in the following pages. You also have the rights to receive safe and confidential services, to be treated with justice according to the law, to get compensation 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**

Bureau of Anti-Trafficking in Women and Children (BATWC), Department of Social Development and Welfare (DSDW), MSDHS Tel. +66-2-659-6161 ~ 9

Anti-Human Trafficking Division, The Royal Thai Police	Tel. 1191 (domestic calls only)
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Rights and Liberties Protection Department, Ministry of Justice	Tel. +66-2-141-2900, 141-2905 ~ 14
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Labor Hotline	Tel. 1506 (domestic calls only)
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Welfare and Labor Protection Department, Ministry of Labour	Tel. +66-2-245-4310 ~ 2, 245-4314
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Office of Financial Assistance for the Injured Person and the Accused in Criminal Cases, Ministry of Justice	Tel. +66-2-141- 2838 ~ 62
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## Thai NGOs offering counseling and legal support

Foundation For Women	Tel. +66-2-433-5149
Friends of Women Foundation	Tel. +66-2-513-1001
Lawyers' Council	Tel. +66-2-629-1430 ext. 111 or 148
The Fight Against Child Exploitation Foundation (FACE)	Tel. +66-2-509-5782
Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD)	Tel. +66-53-112643~4

## (2) Psychological rehabilitation

It is normal to be unable to speak about the horrible experience that you have gone through in other countries. You often keep it to yourself. Therefore, you are worried, tense, having low self-esteem, paranoid, insomniac, despaired, depressed, suffering headaches, stressed, or even suicidal. If left untreated, these feelings will cause emotional turmoil, depression and severe health issues.

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 advice in confidentiality.

## Thai NGOs providing phone counseling

**Hotline Foundation** (Mon-Sat 8.30-18.00)

Tel. +66-2-276-2950~1, 277-7699, 277-8811

**Friends of Woman Foundation** (Mon-Fri 9.00- 17.00)

Tel. +66-2-513-1001

**Foundation For Women** (Mon-Fri 9.00- 17.00)

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

**Live Our Lives** (through Foundation For Women)

Tel. +66-2-435-1246

**Self- Empowerment Program of Migrant Women (SEPOM)**

Tel. +66-53-756411 (24 hrs)

**Kanitnaree Center/ Emergency shelter**

Tel. +66-2-929-2222 (24 hrs)

## (3) Thai organizations providing assistances to trafficked persons

### Thai government agencies

**Bureau of Anti-Trafficking in Women and Children (BATWC),  
MSDHS**

Tel. +66-2-659-6161~9

1034 Krung Kasem Road, Pomprab District,  
Bangkok 10100

This main coordinating government agency provides protection

and assistance to trafficked victims to fulfill their basic rights and needs, such as shelter, vocational training and education, and safe return to domicile.

**Anti-Human Trafficking Division, The Royal Thai Police**

**Tel. 1191 (domestic calls only),**

**+66-2-511-0731, 511-0724**

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, the private sector and 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. +66-2-141-2900, 141 2905 ~ 14**

Chalerm Phrakiat Compound,

Ratburi Direkrit Building A, 120 Moo 3,

Chaengwattana Rd, Laksi, Bangkok 10210

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

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

**Tel. +66-2-245-4310 ~ 2, 245-4314**

Mitmaitree Rd, Din Daeng,  
Bangkok 10400



Mediates labor disputes between employers and employees, and provides 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.

## Thai NGOs

### Lawyers' Council

**Tel. +66-2-629-1430 ext. 111 or 148**

7/89 Bldg. 10, Ratchadamnoen Klang Rd,  
Phra Nakorn District,  
Bangkok 10200

A professional organization which provides legal counseling and volunteer lawyers 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. +66-2-509-5782**

PO Box 178, Klong Chan, 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. +66-2-412-1196, 412-0739**

979 Soi Wat Deedua, Charansanitwong 12,  
Ta Phra, Bangkok Yai, Bangkok 10600

An NGO which 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. +66-2-513-1001**

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

An NGO which provides counseling and assistance to women deceived into prostitution.

### **Foundation For Women**

**Tel. +66-2-433-5149, 435-1246**

295 Charansanitwong 62,  
Soi Wat Paorohit, Bangkok Noi,  
Bangkok 10700

An NGO which provides assistances to trafficked women and children through coordination with government agencies and other NGOs 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. +66-2-433-5149, 435-1246**

Temporary address: 295 Charansanitwong 62,  
Soi Wat Paorohit, Bangkok Noi,  
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.



### **Self- Empowerment Program of Migrant Women (SEPOM)**

**Tel. +66-53-150255**

129 Moo 3, Rimkok, Muang District, Chiangrai 57000

A group of women who returned from working in Japan, which provides rehabilitation and capacity building for migrant women returning from Japan for their resettlement in their community. It also assists Japanese-Thai children in trouble.

### **Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD)**

**Tel. +66-53-112643~4**

Chiangmai City Hall, 5<sup>th</sup> floor,  
Chotana Road, Muang District,  
Chiangmai 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, Chiangmai, Chiangrai, Phayao, Lampoon, Lampang, Prae, Nan and Tak.

### **Anti-Trafficking in Persons Center, The Mirror Foundation**

**Tel. +66-2-941-4194~5 ext. 104**

Address: 8/12 Soi Wipawadee 44,  
Wipawadee - Rungsit Road,  
Ladyao Jatujak Bangkok 10900

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The center is involved in accepting incident reports, coordinating to support trafficked victims, reflecting factual information of human trafficking issues, gathering information about human trafficking, and pushing the issue of trafficking at the policy level.

## Appendix 4

### Printing Media of Live Our Lives and Foundation For Women



#### **1. Trafficking in Persons, Concept, Machinery and Challenge**

**Published year: 2006 (in Thai)**

**Page: 120    Price: 150 baht**

The book focuses on the debate about trafficking in persons and prostitution, the connection between migration, trafficking in persons and migrant worker smuggling, the mechanism to stop trafficking in persons including the lessons learned from the work of the Foundation For Women, its operation and challenges.



#### **2. Translated book: Human Right in Practice: A Guide to Assist Trafficked Woman and Children (by GATTW)**

**Published year: 2000 (in Thai)**

**Page: 148    Price: 250 baht**

The book consists of many issues such as the concept of trafficking in persons, trafficking in women and human rights violations, access to target group, investigation and emergency support, law and prosecution procedure, operation in shelters, health issue, return to domicile (repatriation and social reintegration), new life building, research and data record, prevention and campaign on information distribution and campaign for changing, working with children and women who work on commercial sex.



### **3. Thai Worker to Europe**

**Published year: 2010 (in Thai)**

**Page: 114**

This book concisely provides information for Thai persons who wish to seek employment in Europe, especially for women. The book covers cautionary stories, tricks employed by traffickers, working conditions, wages and lives of Thai migrant workers in Europe.



### **4. Shattered Dreams**

**Published year: 2009 (in Thai, English and Japanese)**

**Page: 99**

The book is the collection of stories of three Thai women who endured ordeals as trafficked victims abroad. They were tricked and forced into the jobs that they had never imagined to do in their lives – prostitution. With determination of not giving up and surrendering to fate, three of them escaped and decided to prosecute the traffickers to pursue justice.

### **5. Shattered Dreams in Bahrain (CD)**

**Recorded year: 2011 (in Thai)**

**Length: 15 minutes**

The VCD recorded the experience of Thai woman who was trafficked to Bahrain and faced unexpected problems. However, she survived and has begun a new life again.

## Appendix 5

# 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 Burmese 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 Burmese, 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 Burmese, 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

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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 FFW through monetary donations.  
Donations could be made by 'Cheque' or 'Money order'  
payable to "Foundation For Women"  
P.O. 47 Bangkoknoi, Bangkok 10700, or  
by bank transfer to the saving account of 'Foundation For Women'  
no. 038-2-18085-2 Kasikorn Bank, Sathon Branch.

Please send fax to FFW no. +66-2-434-6774 if you transfer money.  
FFW will send you a receipt.