
THE THAI GOVERNMENT'S RESPONSE TO HUMAN TRAFFICKING: AREAS OF STRENGTH AND SUGGESTIONS FOR IMPROVEMENT (PART I)

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Abstract

Thailand had been on the U.S. TIP Report's Tier 2 Watch List for four years in a row since 2010 and was downgraded to Tier 3 in June 2014. Thailand was downgraded to Tier 3 because it was deemed to not be making significant efforts to comply with the minimum standards required by the TVPA. Tier 3 countries are subject to economic sanctions, though the President can waive sanctions if U.S. assistance would help the country combat trafficking.

This paper highlights the strengths and areas of needed improvement for the Thai government in its response to the overwhelming problem of human trafficking. Specifically, this paper first offers suggestions for anti-trafficking organizational bodies: the Department of Special Investigations' Anti-Human Trafficking Center, the Royal Thai Police, the Ministry of Social Development and Human Security's Bureau of Anti-Trafficking in Women and Children, and Non-Government Organizations. The paper then reviews the current anti-trafficking legislation and policies and offers suggested revisions. The paper concludes with two case spotlights of a successful response by the Thai government to sex trafficking victims and to labor trafficking victims. If the Thai government implements some of these suggestions, it will put Thailand in the best position possible to be upgraded to Tier 2 in the next TIP Report.

Keywords: human trafficking, sex trafficking, labor trafficking, child victims

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Introduction

In border areas of Thailand, trafficking is woven into the region's fabric, and many play a part without consciously recognizing the harm they are causing, from parents to brokers to cab drivers to immigration officers to beauty salon owners to policemen. Part I of this paper takes this reality as a starting point and examines the government structures Thailand has created in recent years in response to Southeast Asia's overwhelming problem of trafficking. It is important to recognize at the outset that reliable data is very hard to come by, and much published research uses unreliable data, so this paper depends mostly on first-hand, eye-witness data. Though eye-witness data is by nature anecdotal, it is also the most reliable in this field. Part I offers recommendations for improvement for each government structure covered.

Parts II and III of this paper, expected for publication in June 2015, will analyze Thailand's laws and policies relating to trafficking legislation and offer recommendations. It will also highlight two recent case spotlights.

A note on terminology

This paper uses terms as they are used by the Association of Southeast Asian Nations (ASEAN) member states, which currently includes Brunei Darussalam, Cambodia, Indonesia, Laos PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam.¹

All country names are those officially used by the ASEAN. For example, Myanmar is used instead of Burma, which is still used by some pro-democracy researchers, to recognize the country's official name. Likewise Viet Nam is so spelled instead of Vietnam to conform to the spelling used in UN and ASEAN documents.

¹ The ASEAN is a geopolitical and economic organization established in Bangkok on August 8, 1967. The ASEAN is divided into three "communities": the economic community, the political-security committee, and the socio-cultural community. The ASEAN Economic Community (AEC) is scheduled to be economically integrated with a freer flow of capital by 2015. Read more at www.asean.org/communities/asean-economic-community.

The term “victim” is used instead of the more forward-looking “survivor” in keeping with how the Thai government and the rest of the ASEAN community refers to people who have been trafficked.

The term “prostitute” is used instead of the more progressive term “sex worker” to conform with Thai laws, like the Prevention and Suppression of Prostitution Act, which uses the term prostitute. The question of whether the adult sex industry is necessarily exploitative is outside the scope of this paper, but this paper assumes that the sex industry is exploitative for children.

“Children” used throughout this paper means anyone under the age of 18, unless specified otherwise, in conformity with the Convention on the Right of the Child (CRC).

I. Anti-Trafficking Organizational Bodies

Thailand’s Anti-Trafficking in Person’s Act (“Anti-TIP Act”), passed in 2008, created two committees: the Anti-Trafficking in Persons Committee (“ATP Committee”), which recommends policy,² and the Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee (“CMP Committee”), which implements policy.³ This paper focuses particularly on the role of the law enforcement, comprised of the Department

² See *Anti-TIP Act*, 2 § 16 (2008). ATP Committee members include ministers from the ministries of Defense, Foreign Affairs, Tourism and Sports, Social Development and Human Security, Interior, Justice, and Labour, and also four experts appointed by the Prime Minister who have at least seven years of experience in the human trafficking field. At least two of the experts must be from the private sector and, notably, at least one-half of all the ATP Committee members must be female.

³ See *id.* at 2 § 23. CMP members include the permanent secretaries of those ministries named above, plus permanent secretaries of the Education and Public Health ministries; the Attorney General; the Commissioner-General of the Royal Thai Police; the Director-General of the Departments of Provincial Administration and Special Investigations; the Secretary-Generals of the Anti-Money Laundering Board, the National Human Rights Commission, and the National Security Councils; and the Governor of Bangkok Metropolitan Administration. Eight experts who have a minimum of seven years of experience in the anti-trafficking field are appointed, at least four from the private sector. Again, at least one-half of all members must be female. Though the ministers and deputy secretaries are the official members of the committee, in practice, these highest-ranking officials assign their responsibilities to officers in charge of the department’s respective anti-trafficking centers to represent the ministry at meetings and conferences.

of Special Investigations and the Royal Thai Police, and also the Ministry of Social Development and Human Security, the largest governmental agency dedicated to combatting human trafficking.⁴ This paper also showcases two NGOs, the Developing Education Programme for Daughters and Communities (DEPDC) and Urban Light, which are meant to serve as examples of promising NGO work in Thailand. Both are located in Northern Thailand, near Myanmar, one of the largest origin countries for trafficking victims in Thailand.

A. The Department of Special Investigations' Anti-Human Trafficking Center

In 2002, Prime Minister Thaksin made the Department of Special Investigations (DSI) into its own department to serve as a check and balance on the RTP. Mr. Tarit Pengdith, who was working in the public prosecutor's office at the time, was appointed Director General in 2002 and has been the director ever since. Mr. Tharwit was instrumental in establishing the DSI. In addition to drafting the DSI's own law,⁵ he has pushed hard over the last decade for the government to give the DSI increasing authority so they can prosecute cases most effectively.⁶

The current Anti-Human Trafficking Center (AHTC) of the DSI began as a small section in the Bureau of Foreign Affairs and Transnational Crime to target white-collar crime. When the Anti-TIP Act was passed in 2008, the Anti-TIP Act did not attach to the DSI law because the DSI never intended to deal with human trafficking. However, as trafficking moved to the forefront of the government's agenda, the DSI began to investigate trafficking cases but did not have much legal authority to do so.⁷ While they

⁴ As mentioned in the forward, this author spent her working days with officers of the DSI and the MSDSM, so there is a special emphasis on these ministries.

⁵ The Special Case Investigation Act, B.E. 2547 (2004), amended by the Special Cse investigation Act (No. 2), B.E. 2551 (2008).

⁶ Interview with Khun Paisith.

⁷ Interview with Khun Kannika Suksomnil (Pi-Kae), Department of Special Investigations, Anti-Human Trafficking Center. P'Kae has worked at the DSI since 2004. Before working at the DSI, she worked for a private company. She chose to leave the private sector and become a civil servant so that she could serve her people and her government. Additionally, in Thailand, the public sector is more secure, better paid, and more highly respected than the private sector.

could begin a case investigation, they then had to hand the case off to the Royal Thai Police to finish the work, which caused friction between the two groups - the RTP thought the DSI was giving them more work when the RTP already had plenty.⁸ Fortunately, in December of 2012, the Cabinet approved that the Anti-TIP Act also falls within the DSI's responsibility.⁹

As fighting trafficking moved to the forefront of Thailand's agenda, the DSI restructured, and the anti-trafficking section was upgraded to center-level status with more authority in April 2011.¹⁰ Since 2011, fighting trafficking has continued to be a priority for the Thai government. Consequently, the AHTC is in the process of becoming a bureau, on the same level as the Bureau of Foreign Affairs under which it originated. As the DSI's work against trafficking has been very substantial, in 2014, the Bureau of Civil Servants approved an upgrade of the AHTC to bureau-level status within the DSI.¹¹

The AHTC is divided into three divisions. Currently, officer-in-charge Khun Paisith assigns cases by rotation so that all three divisions gain experience working on all types of trafficking cases.¹² In the future, the AHTC might divide based on region or by a certain type of trafficking case. For now, though, the rotation by case structure works well as officers are trained on all aspects of human trafficking work.¹³

Recommendations

1. *National Database*: The most needed area of improvement is a national database that would contain the human trafficking statistics from all of the various agencies.¹⁴ Dr.

⁸ *Id.*

⁹ The document is only available at the DSI in Thai.

¹⁰ Interview with Khun Paisith.

¹¹ *Id.* While the AHTC was approved to be upgraded to bureau-level status, the process has been delayed because of a change in government officials following the 2014 coup. The AHTC is still expected to be upgraded in 2015.

¹² *Id.*

¹³ *Id.*

¹⁴ Khun Saowalak Yolao (Pi-Thiep), Police Lieutenant Colonel and special case officer at the anti-human trafficking center, DSI, first shared this idea with the author.

Saisuree Chutikul,¹⁵ chair of the MSDHS's national subcommittee on combatting trafficking in women and children, is trying to establish such an agency. Right now, each NGO and government agency maintains their own statistics so sharing data is difficult without one centralized agency. To find out how many investigations, arrests, and convictions have been made, one must cull data from many sources so it is difficult to know where improvements have been made and where they are needed.¹⁶ Indeed, Thai government officials have expressed confusion about how the United States gathers accurate data for its annual TIP report.

2. *Differing perspectives from the legal and social sides:* A tougher problem to solve is that law enforcement and social workers approach the trafficking issue from different perspectives and with different end goals. For example, an NGO might want to send a victim back to his country as soon as possible, whereas the police might like the victim to remain in the country as long as necessary to gather testimony against trafficker.¹⁷ Additionally, a social worker might want to identify a person as a trafficking victim, whereas a policeman might think the person should be identified as an illegal smuggler, migrant, or prostitute.¹⁸ And, a social worker might tell a policeman where she believes trafficking is occurring, but without appropriate evidence, the policeman cannot obtain a search warrant from the court.¹⁹ At least one DSI investigator expressed the sentiment that while NGOs, unburdened by government bureaucracy, can work more quickly, they also do not have the legal power to conduct a search or arrest offenders.²⁰ Despite the different goals of any social welfare and legal team, the cooperation among Thailand's law enforcement and social welfare agencies and NGOs is strong. In this author's experience,

¹⁵ Dr. Saisuree Chutikul was Cabinet Minister from 1991-92 and Senator from 1996-2000, and has accomplished a wide range of reforms for women, such as increasing paid maternity leave from forty-five to ninety days, enabling children born of Thai mothers and foreign fathers to automatically gain Thai citizenship, and adding articles to the Labour Protection Law to prohibit sexual harassment of women.

¹⁶ Interview with Khun Paisith.

¹⁷ Interview with Khun Saowalak.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

NGO representatives were always present with victims when law enforcement was, and there was good rapport between the two groups. All of the DSI officials interviewed by the author believed that cooperation among the government, the private sector, and the NGOs was strong, though recognizing that each group has a different priority at the table.

In rural areas outside of main cities, law enforcement officers and social workers may not work as well together since these “front-line” officers lack an adequate understanding of human trafficking. Despite the fact that the Office of the Attorney General has been giving workshops for eight years, many front-line officers still place trafficking victims in one of the more traditional criminal categories of illegal immigrant, smuggler, or prostitute, and not in the more newly recognized crime of trafficking.²¹

3. *Cooperation with Neighboring Countries*: The DSI’s cooperation with neighboring countries is improving. In November of 2012, the DSI signed a bilateral agreement with the Myanmar Police Force.²² The DSI is in discussions with the Cambodia Police Force regarding a bilateral agreement. The DSI sent the MPF MOU to Cambodia as a model to review,²³ and Cambodia expressed approval of the MOU.²⁴ The DSI would also like to sign an MOU with the Laotian Police Force. DSI officials reported that the Laotian police seem willing, but because of the slower pace of the Laotian government the two countries are not yet in any formal discussions.²⁵

4. *Thai Government bureaucracy*: The DSI has gained more authority, indicated by the fact that the Anti-TIP Act now attaches to their law. And, significantly, the Office of Civil Service Commission has approved for the DSI to be upgraded to bureau-level status in 2014 although the change has not yet happened following the 2014 government coup. The DSI is still hindered by government bureaucracy. For example, before beginning an

²¹ Interviews with Khun Paisith and Khun Pravit, office of the attorney general.

²² *See Terms of Reference: Bilateral Meetings between Myanmar Police Force and Thailand Department of Special Investigation on Cross-border Human Trafficking*, Nay Pyi Taw, Myanmar (Nov. 6, 2012); *see also 7th DSI-MPF Bilateral Task Force Meeting*, Nay Pyi Taw, Myanmar (Nov. 6, 2012).

²³ Interview with Khun Paisith.

²⁴ *Id.*

²⁵ *Id.*

investigation, the DSI must write to the Director-General for permission.²⁶ If a case is urgent, the DSI may request help from the local RTP police.²⁷

The DSI has some power to circumvent government bureaucracy. For example, whenever the DSI investigates a case that it then wants prosecuted, it requests that the case be expedited so that the victims only need to remain in government shelters for as short a time as possible.²⁸ Instead of staying in shelters for six to nine months, the victims usually only have to stay for two to three months to testify. According to DSI officers, the court always grants their request.²⁹

5. *More resources allocated to the AHTC*: The AHTC should be granted more resources so that it can run trafficking cases most effectively. The AHTC often has to turn down cases because they do not have capacity to take them on. The DSI should hire more staff and have a larger budget. The DSI is also the government organization in the best position to investigate, prosecute, and convict officials engaged in trafficking-related corruption.³⁰

B. The Royal Thai Police

The DSI originated as an off-shoot of the Royal Thai Police (RTP) and has only recently come under its own authority. Consequently, confusion continues over the two agencies' roles. As mentioned in the preceding section, the DSI was not given authority to implement the Anti-TIP Act's provisions until almost three years after the Act passed review. From January 2008 until the end of 2010, the DSI could only begin an investigation; it then had to hand the evidence off to the RTP to finish the case. As recently as 2012, the U.S. TIP Report recommended that the DSI's and the RTP's roles in combatting human trafficking be made clearer.³¹

²⁶ Interview with Khun Kannika.

²⁷ *Id.*

²⁸ Interview with DSI special investigator (professional level).

²⁹ *Id.*

³⁰ See United States TIP Reports, 2012, 2013, available at <http://www.state.gov/j/tip/rls/tiprpt/index.htm>.

³¹ See *U.S. Trafficking in Persons Report*, Thailand, 339 (2012).

In response, the DSI and RTP signed an MOU on May 2, 2013 to clarify the scopes of the two organizations.³² At the heart of the MOU is an agreement that the RTP prosecutes “ordinary” trafficking cases while the DSI prosecutes “special” trafficking cases. This division is because the DSI, as a smaller organization, has more highly trained officers and typically a larger budget per officer.³³ If one agency begins an investigation but discovers the case falls more appropriately into the other agency’s scope, there is now a procedure to send the case over to the other agency. An examples of an ordinary case is a transaction within borders where a mother has sold her daughter into prostitution.³⁴ An example of a special case is a cross-border transaction where several brokers are involved.³⁵ The DSI Law specifies five types of criminal cases that are considered special cases:³⁶

- (a) *[one] that requires special inquiry, investigation and special collection of evidence*
- (b) *[one] which has or might have a serious effect upon public order and moral, national security, international relations or the country’s economy or finance*
- (c) *[one] which is a serious transnational crime or committed by an organized criminal group*
- (d) *[one] in which [an] influential person [is] a principal, instigator or supporter*
- (e) *[one] in which [an] Administrative Official or Senior Police Officer, who is neither the Special Case Inquiry Official nor the Special Case Officer, is the suspect as there is reasonable evidence of crime committed . . .*³⁷

It is still too early to evaluate the success of the MOU between the two agencies, but DSI and RTP officers are confident that it will help clarify the agency’s roles.

Additionally, the MOU also meant increased cooperation and communication between the two agencies. Developing personal relationships between the head of the DSI and the RTP and their officers is most important in Thailand.³⁸ Though the DSI is designed to handle more complex cases, all of the DSI investigators interviewed expressed the need

³² Interview with Khun Kannika.

³³ Interview with Khun Paisith. DSI officers receive extra compensation for holding the case investigation title, as do their RTP counterparts.

³⁴ *Id.*

³⁵ *Id.*

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³⁷ The Special Case Investigation Act, B.E. 2547 (2004), Amended by B.E. 2551 (2008), § 21(1).

³⁸ Interview with Khun Paisith.

for the RTP. Whereas the RTP has 200,000 staff and many local offices, the DSI has 1,200 staff and nine regional offices. The DSI thinks of itself like the United States FBI – smaller and more specialized, but in need of assistance from the wider police forces.³⁹

Customs and Immigration Office of the RTP

The customs and immigration office is a segment of the RTP. On the road from the city of Chiang Rai to the city of Mae Sai in the northwest Chiang Rai province, the customs office has three major checkpoints: one 30km from the border, one 10km from the border, and one at the border. There are also three customs houses in Chiang Rai. The biggest one is in Mae Sai on the Myanmar border, and the other two are in Chiang Saen and Chiang Khong on the Lao border.⁴⁰ The author visited the customs office in Mae Sai and interviewed the senior inspector assigned to trafficking cases. As part of the Border Cooperation on Anti-Trafficking in Persons (BCATIP), he serves on a multi-disciplinary team composed of a social worker, a psychologist, an attorney, and a policeman, who interact with the a multidisciplinary team from the Myanmar side to repatriate trafficking victims.⁴¹ BCATIP was launched in 2012 under an MOU Plan of Action between Myanmar and Thailand. The first BCATIP office was opened at the Mae Sai (Northern Thailand) – Tachileik (Eastern Myanmar) border crossing in March 2012; the second was opened at the Ranong (Southern Thailand) – Kawthoung (Southern Myanmar) border crossing in August 2012; and the third at the Mae Sot (Northwestern Thailand) – Myawaddy (Southeastern Myanmar) border crossing is under construction.⁴² The BCATIP multidisciplinary teams meet every three months. These meetings foster information change, develop relationships between the officers, and improve process.

³⁹ *Id.*

⁴⁰ Interview with Khun Kongrit, Senior Customs and Inspection Officer, Subdivision level, Royal Thai Police.

⁴¹ Interview with Inspector of Investigations of Chiang Rai, Immigration Bureau, Royal Thai Police.

⁴² The Republic of the Union of Myanmar, Ministry of Home Affairs, Central Body for Suppression of Trafficking in Persons, accessed 19 July 2013, available at <http://myanmarhumantrafficking.gov.mm/content/bcatip-offices-opened-kawthoung-and-ranong>.

A person coming from inner Myanmar to the Tachileik border city must pass through seven to ten checkpoints, and to continue through Mae Sai to inner Thailand, must pass through the two checkpoints 10km and 30km after the border crossing.⁴³ While some checkpoints are necessary, one major criticism is that more checkpoints mean more bribes to corrupt police officers. At each checkpoint, the police officer is supposed to check the age and gender of the travelers. If anyone is under 13, she or he must be accompanied by a parent and is not let in without appropriate documentation.⁴⁴ Anyone aged 13 to 18 without a parent is supposed to be questioned more to discern whether he or she might be a trafficking victim.⁴⁵ For these teenagers who are let through, Myanmar police mark their passport or temporary border pass for the Thai officers to see that he or she is an approved child.⁴⁶ Finally, Thai officers require photo ID proving that the teenagers are Myanmar citizens. The immigration officer interviewed stressed that the customs department takes the entry of children very seriously, but problems arise because passports and border passes are easily changed to read a fake name and age.

Several problems arise that make this process ineffective. First, fake passports and border passes are easily and frequently made. Second, persons with temporary border passes – passes issued for only seven days and allow the person to travel only within the Mae Sai district – often disappear deeper into the country. If and when they return to the checkpoint, Thai officers are not sure who they are and how long they have been away. Additionally, most Myanmar people do not have any surnames, but only first names, which makes tracking people tougher. Three Myanmar citizens might go by “Arwin 1,” “Arwin 2,” “Arwin 3” in school, and all three would only have “Arwin” listed on their documents, making it close to impossible for Thai officers to track them properly.⁴⁷ Fortunately, the Thai government is scheduled to implement a fingerprinting system soon. Each migrant

⁴³ Interview with Inspector of Investigations of Chiang Rai, Immigration Bureau, Royal Thai Police.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*; confirmed by Khun Julie, Myanmar woman of the Shan ethnic group and interpreter and officer for the Thai customs and immigration house in Mae Sai.

worker's fingerprints would be documented, making tracking of illegal migrants much easier and more reliable.⁴⁸

Most trafficking victims moving through the Mae Sai border are girls who are being moved further into the country, to Bangkok, Pattaya, and other urban areas.⁴⁹ Men and boys coming through the Mae Sai border do not make up many of the trafficking victims.⁵⁰ Most of the men come through the checkpoint to work in Thailand's construction industry, where they can earn 300 baht/day for seven days with temporary border passes and return home to their families before getting a new temporary border pass.⁵¹ A major source of male trafficking is the fishing industry, but these trafficked men and boys usually come through the more convenient southern Ranong-Kawthoung checkpoint rather than the Mae Sai-Tchileik checkpoint.⁵²

Many of the trafficking victims do not enter through the Mae Sai-Tchileik checkpoint but instead, cross the river. The river is narrow, shallow, and 40 kilometers in length, lending itself to easy crossing as the Thai checkpoint covers only 1 kilometer.



The Ruak River provides for easy illegal border crossing between Tchileik, Myanmar and Mae Sai, Thailand.

After the border crossing, trafficking victims might be taken a different route than the main highway with the two checkpoints exist.⁵³ More commonly, however, the brokers are able

⁴⁸ Interview with Inspector of Investigations, Chiang Rai.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

to get the trafficking victims through the checkpoints because the brokers have relationships with the policeman. Also, not every vehicle that comes through the checkpoints is stopped and checked.

Recommendations

1. *Front-line officer training*: The government's priorities have shifted to put human trafficking towards the front of its agenda, thanks in part to the U.S. annual TIP Report which has added pressure to Thailand's efforts to combat trafficking. Impeding Thailand's upgrade to Tier 2 is the reality that regional and local officers do not understand the degrading crime of trafficking. Even senior regional officers consider trafficking to be a "new" crime and admit that their officers do not understand the difference between trafficking and illegal migration. The MSDHS is holding workshops for officers, village leaders, teachers, doctors, attorneys, and anyone else interested in learning more about efforts to combat trafficking. However, at one recent well-done workshop, attendance was very low for the vast number of policemen in the area.

2. *Fingerprint database*: The government should be commended for realizing the need for fingerprinting at the border checkpoints. The fingerprint database should be put in effect as soon as possible. All information should be shared with the in-progress national database, discussed above under "DSI – Recommendations – National Database."

3. *Passport and Border Pass Scanning*: As part of the fingerprinting efforts, the Thai government should also consider installing professional scanning devices at every land-crossing border checkpoint. Each passport or border pass should have a hologram that can be quickly scanned by a machine, instantly alerting officers to fake or forged documents. This would help prevent children from entering with false documents saying they are over 18.

4. *Community Awareness*: The Mae Sai district is rich from drug and trafficking money. The Thai government should begin a more effective campaign in this district to spread the message that Thailand does not support these industries. Clear yet graphic advertisements, like the one below, should be placed around the district and region.



Advertisement warning against trafficking on the friendship bridge from Tchileik, Myanmar to Mae Sai, Thailand

This advertisement was placed on the Myanmar side of the border checkpoint, and is written in both Burmese and Thai languages. While this advertisement is targeted at a potential victim, its disturbing image may also have an effect on those who perpetuate the trafficking web. Similar advertisements should be placed around Thailand and particularly in the Mae Sai district and other border regions.

Additionally, the MSDHS and the appropriate NGOs should continue to hold workshops and simple informational meetings in local villages. These meetings could involve a one hour lecture followed by a dinner at the main village building and be open to all community members. These meetings could foster rapport with village leaders, some of whom may be supporters and benefit from the trafficking trade.

C. The Ministry of Social Development and Human Security’s Bureau of Anti-Trafficking in Women and Children

The Ministry of Social Development and Human Security’s (MSDHS) Bureau of Anti-Trafficking in Women and Children (BATWC) is devoted to fighting trafficking. The Bureau level is the highest one under the MSDHS; by contrast, the DSI’s AHTC, described above, hopes to attain bureau status within the Ministry of Justice in the coming year. The BATWC is Thailand’s largest government body devoted to anti-trafficking work. Each of the MSDHS’s office in every one of Thailand’s seventy-six provinces has a BATWC that

operates a short-term shelter for family and children in need, including trafficking victims. Trafficking victims stay at the short-term shelters for up to three months, and then are moved to one of the nine long-term government shelters dedicated to trafficking victims unless a court orders them to remain in the short-term shelter.⁵⁴ At a long-term shelter, trafficking survivors can learn occupational training, like how to sew or style hair. Both the short-term and long-term shelters are closed, meaning that victims cannot leave on their own. If they are children, parents can come visit and take them out of the shelter on a case-by-case basis.⁵⁵

There are four long-term shelters dedicated to men, over 18, who are trafficking survivors: Chiang Rai (North), Patumthani (Central West), Ranong (South), Songkhla (farther South). There are five dedicated to for women and girls who are trafficking survivors: Baan Songkwai (Phitsanulok province, North), Baan Narisawad (Nakon Ratchasima province, Central East), Baan Srisurat (Surat Thani province, South), Baan Phumvet (Patumthani province, Central), and Baan Kred (Nonthaburi province, Central). Boy trafficking survivors are sent to one of nine homes for boys scattered throughout Thailand. These homes are not only for trafficking survivors, but also for orphans or other boys with social problems.⁵⁶ Reportedly, there are not any shelters exclusively dedicated to boy trafficking survivors because the number of boy victims is not as high as the number of girl victims.⁵⁷ However, this statistic might be misleading and could indicate a lack of awareness of boy victims of labor trafficking.

The provincial MSDHS offices work together with the local police to rescue human trafficking victims. An officer from the MSDHS might serve as an investigator, entering typical trafficking scenes such as a brothel or massage parlor as a regular tourist.⁵⁸ If he

⁵⁴ Interview with Khun Waralack Wongka, social worker for MSDHS, Chiang Mai shelter for Children and Families. She has worked for fourteen years at Chiang Mai shelter, which is one of Thailand's seventy-six short-term shelters.

⁵⁵ For example, if the parents are not threats to their children. *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ This scenario was taken from the real life work of Khun Attit Sermma, who has been a Social Development Officer, Chiang Mai, MSDHS for two years and has rescued 20-30 women. He was a tour guide for three years before he realized that his real calling

notices someone involved in prostitution who looks under 18, he reports back to his police team. When the team has gathered enough evidence, they raid the establishment. After the raid, all of the victims go to either a police safe house, if the trafficker has not been arrested, or to the shelter itself, if the trafficker has been arrested and is being held in the police station, to be interviewed by a social worker or psychologist. Police are not present at the interview.⁵⁹

The social worker first asks for the girl's ID card to find out her age. If the girl does not have an ID card, which many do not as many are either Burmese migrants or "stateless" people (usually meaning they are from a hill tribe), the social worker takes the girl to the hospital where they assess her age using a bone scan.⁶⁰ If the girl is under eighteen, she will be taken to the short-term shelter, regardless of whether or not she wants to continue working in prostitution because she is a victim by law: she cannot legally consent to commercial sex. If the woman is over eighteen, the social worker will ask her if she wants help. If she says yes, then she will also be taken to the short-term shelter and (likely) identified as a trafficking victim.⁶¹ If the woman says that she does not need help and wants to continue working as a prostitute, she will be brought to the police station and charged a fine of 1,000 Baht (about \$33).⁶²

One consistent problem in this process concerns the girls who are "forced victims" by law. These girls may wish to keep earning money in prostitution, but they are considered victims under Thai law and are not allowed to work in the sex industry.⁶³ Many of the girls who come through the Chiang Mai shelter are from poor families, often from the Myanmar or the Thai hill tribes. Many are stateless (meaning neither Myanmar nor Thailand

was to social work. Both of his parents are social workers, providing occupational training and an education to hill tribe families in the Chiang Rai region.

⁵⁹ *Id.*

⁶⁰ The author is not certain of how accurately bone scans determine age.

⁶¹ Interview with Khun Waralack. It is not clear whether there are more steps to her being identified as a "victim," but generally, if she says she was not a willing prostitute, she will be identified as a victim and taken to a shelter.

⁶² See Prevention and Suppression of Prostitution Act, § 5. Note that this fine is not particularly heavy for voluntary sex workers as they earn around 500 Baht per day.

⁶³ See Criminal Code, B.E. 2499 (1956) §§ 73-76.

recognizes them as citizens) and do not have the right to work in most industries.⁶⁴ Prostitution, as an illegal profession, is not as closely regulated as other legal industries. These girls (and boys) might initially come to Chiang Mai to work in restaurants, but they soon discover that they can either work in restaurants and earn 50 Baht per day or work in a “Karaoke bar” (i.e. brothel) and earn 500 Baht per day.⁶⁵ The choice for most girls is an easy one, and many are not happy when the MSDHS “rescues” them and brings them to a government shelter. Also, the girls do not usually understand that the social workers are separate from the police. With time, however, the majority of girls become more comfortable with the social workers and grateful to be at the shelter. A few, however, maintain contacts on the outside and, despite the fact that the shelters are guarded, run away from the shelter and back to their lives as sex workers.⁶⁶

In addition to assisting in victim identification, prosecution of traffickers, and caring for victims once they reach the shelters, the MSDHS also operates a nationwide hotline, 1300. The “one-stop crisis centers” (OSCC) were at the top of the former prime minister’s agenda, and the hotline was established to target four needs – human trafficking, child labor,

⁶⁴ Thailand officially recognizes ten hill tribes: Akha, Hmong, H’tin, Karen, Khmu, Lahu, Lisu, Lua, Mien, and Mlabri. These officially recognized groups are referred to as “*chao khao*,” meaning mountain people, and their population number is close to 1 million. There are several other groups that live in Thailand which are not recognized, such as the Tai Lue, Tai Khuen, Tai Yong, Kachin, and Shan. About 500,000 of these people have become documented citizens and the rest remain stateless. The stateless do not have many legal rights, like the right to vote, run for office, or own land. Regarding education, stateless hill tribe children are allowed to go to school, but until a recent change in 2013 they could not receive an official diploma, and so were barred from seeking any higher education. Even now that hill tribe children could theoretically receive a diploma, many have trouble staying in school because of fees and general discrimination. See Asia-Pacific Human Rights Information Center, “Network of Indigenous Peoples in Thailand,” FOCUS December 2010, Volume 62, available at <http://www.hurights.or.jp/archives/focus/section2/2010/12/indigenous-peoples-of-thailand.html>; see also Shadow Report on Eliminating Racial Discrimination: Thailand, CERD Committee meeting, Geneva, Switzerland (Aug. 9-10, 2012).

⁶⁵ These numbers are meant to be illustrative, not exact.

⁶⁶ Interview with Khun Waralack.

unwanted teenage pregnancy, and violence to children, women, elderly, and the disabled.⁶⁷ Anyone who has questions, wants advice, or wants to make a report regarding any of these groups can call the hotline, send in a request from a mobile phone, or go to the website at www.osccthailand.go.th.

However, one significant problem that prevents the OSCC's website and 1300 hotline from being effective is that they operate only in Thai, and most of the trafficked persons in Thailand are not Thai and do not speak proficient Thai. If a non-Thai speaker calls in to the hotline, they are supposed to be able to leave a message and be called back when an interpreter is available.⁶⁸ In practice, however, non-Thai speakers are often hung-up on and do not receive a call back.⁶⁹ Another problem with the 1300 hotline is that it serves any social welfare service in the country, from teen pregnancy to social security for seniors, so is geared towards the Thai population generally and not specifically towards trafficked persons.⁷⁰

This author visited the Chiang Mai shelter, which is known to be a particularly well-established shelter and a role model for the other regional shelters. The NGO Traficord, now called FOCUS, helped the Chiang Mai shelter implement multidisciplinary teams, which have been effective in responding to hotline calls. In Chiang Mai, at least two shelter staff members and one driver are on-call 24/7 to manage the hotline. Last year, the Chiang Mai shelter received 2,600 calls.⁷¹ Approximately 70% were people wanting information or advice, and approximately 30% were victims asking for help.⁷² Of the victims needing help, 85% were children engaged in prostitution 18 and under, and 15% were beggars. The Chiang Mai shelter's hotline has never received a child labor trafficking case, but it has received eight cases of boys from Thai hill tribes who were forced into serving as male

⁶⁷ Interview with Khun Mingkwan Weerachart, Director of Shelter for Children and Families, Chiang Mai, MSDHS.

⁶⁸ Interview with former World Vision staff member.

⁶⁹ Interview with former UNIAP staff member.

⁷⁰ *Id.*

⁷¹ Interview with Khun Weerachart.

⁷² *Id.*

prostitutes.⁷³ If the hotline caller is a potential victim in need of help, the MSDHS contacts off-duty staff members to manage the hotline and sends the on-duty team to find the person and bring him or her back to the shelter.⁷⁴

Recommendations

1. *Interpreters for the OSCC*: The OSCC's hotline and website are only available in Thai and most trafficked persons are not proficient in Thai. The hotline should be staffed with on-call interpreters 24/7, particularly interpreters who speak the neighboring countries' languages (Myanmar, Laos, Cambodia, Viet Nam). A caller should be transferred to an interpreter if needed when he or she first calls in, as opposed to the caller being called back by an interpreter, because a trafficked person may likely not be in the position to answer a returned call. Without available interpretation, the OSCC will continue to be ineffective.

The United States Trafficking Information and Referral Hotline, a program of the non-profit NGO the Polaris project, can serve as a model. The hotline employs a private interpretation service which has translators available for up to 180 languages. If a non-English caller calls in, the hotline staff member can quickly assess whether they need an interpreter and transfers the caller to the private interpreter service to determine which language is needed.⁷⁵

⁷³ *Id.* For more information on this smaller group of male prostitutes, see the NGO Urban Light at http://www.urban-light.org/about_us and detailed below under "D. NGOs".

⁷⁴ One example of the hotline working effectively occurred in July 2013 when the hotline received a call from a thirty-three year old mother from Myanmar who had been trafficked, along with her two-year and one-year old children, to work as beggars. She had originally come willingly, since her trafficker, who was a woman from her home village, told the mother that she would rent her baby for three months in exchange for money. However, as soon as she arrived, the trafficker beat the mother and her children. After only a couple of weeks, the mother contacted the local NGO Traficord, for help. Traficord called the MSDHS hotline, and the mother and her children were immediately brought Chiang Mai's short term shelter. At the end of July, they were moved to the long-term shelter in Baan Songkwai, Phitsanulok province, and be repatriated as soon as possible.

⁷⁵ See more on this United States trafficking hotline at <http://www.polarisproject.org/what-we-do/national-human-trafficking-hotline/the-nhtrc/overview>.

2. *Separate hotline for trafficked victims*: The Thai government should consider creating a separate hotline for trafficked victims which has on-call translators. The current hotline serves all social welfare needs in Thailand, from teen pregnancy to domestic abuse to social security, and targets Thai nationals. Since trafficking concerns mostly individuals who are not Thai or may not speak proficient Thai, like members of Thailand's hill tribes, a separate hotline should be created to address solely trafficking. This hotline could be staffed with interpreters and the regular 1300 hotline could remain only Thai speaking for now.⁷⁶

3. *Provincial office resources*: The Chiang Mai shelter in particular has all the resources it needs: enough staff to manage and respond to hotline calls, psychologists, social workers, translators, drivers, local NGOs, GOs, and police to help process cases.⁷⁷ These resources are thanks in large part to the consistent work of NGOs in Chiang Mai, like Trafcord, which have pushed to effectively integrate multidisciplinary teams into the shelter. However, many other regional shelters lack these same resources so the victim response is much less effective. Other provincial offices should be staffed to the same degree that the Chiang Mai shelter is staffed.

4. *Staff attorneys*: While the MSDHS has many social workers and psychologists, they do not have any attorneys attached to the provincial offices. Shelters must coordinate with outside NGOs to get a lawyer. Adding on staff attorneys would increase the BATWC's effectiveness. A staff attorney could inform the victim of his or her rights and child-specific rights if appropriate when the victim is first interviewed. An attorney could also supervise witness testimony and be an advocate for the victim in legal proceedings.

5. *Law enforcement agency in charge of coordinating the government's response*: In China, Cambodia, Laos, Myanmar, and Viet Nam, the police department is in charge of

⁷⁶ A laudable future goal would be to have the country's social welfare hotline have interpretation services available so that those who need help and do not speak Thai can still access the hotline's resources. The United States' hotlines can serve as a role model; for a list, see http://www.vachss.com/help_text/hotlines.html. For now, however, the Thai government should focus on having interpretation available for trafficked persons, since they comprise arguably the largest population in need who do not speak Thai.

⁷⁷ Interview with Khun Mingkwan.

coordinating their government's anti-trafficking cases, policies, and activities. Thailand is the only country in the GMS that does not have its police force as the coordinating agency for the anti-trafficking response. Instead, the MSDHS, which is comprised primarily of staff members with backgrounds in social work, is in charge of coordinating the nation's response to trafficking. This causes internal bureaucracy since information on trafficked persons and their traffickers would normally be handled confidentially by law enforcement.⁷⁸ This structure also causes external bureaucracy when the law enforcement in other GMS countries are forced to work through Thailand's MSDHS and when Thai law enforcement has difficulty running cases efficiently with source country police forces because of the MSDHS's intervention.⁷⁹ The bureaucratic friction in Thailand can be juxtaposed to the relative smoothness of cross-border policy and case coordination between the Myanmar and Chinese or the Vietnamese and Chinese police forces.⁸⁰ The MSDHS's role as main coordinating agency causes friction both within the Thai government and between the Thai government and other GMS countries' governments.

As has been proposed several times over the last decade, instead of keeping the MSDHS as the main coordinating body, Thailand should consider making a law enforcement arm the anti-trafficking coordinating agency. This agency could be the DSI, if given more resources, or the RTP, if it were able to address its documented issues with corruption and complicity in the human trafficking web. Such a change would allow the MSDHS to focus on its expertise, which is victim care, and allow the law enforcement agencies to focus on their expertise, which is investigating crimes, coordinating with neighboring countries' police to advance cross-border cases, and building strong cases for the prosecution and conviction of traffickers.

A change like this would require substantial organizational restructuring but may be necessary as Thailand is a key player to an effective anti-trafficking response in Southeast Asia.

⁷⁸ Interview with former UNIAP staff member.

⁷⁹ *Id.*

⁸⁰ *Id.*

D. NGOs

Thailand has hundreds of NGOs doing important work. Government officers generally reported great rapport with NGOs, but mentioned that NGOs often do not appreciate the steps that the government officers are obligated to go through when investigating a trafficking case. NGOs reported good rapport with some government officers more than others, and expressed frustration with the local police's lack of response to and interest in trafficking cases.⁸¹ NGOs reported that the DSI and RTP officers from Bangkok and from RTP's Region 5 department, which has authority over the entire Chiang Mai and Chiang Rai region, were generally much more helpful, dedicated, and responsive than the local RTP.⁸²

Only two of the hundreds of NGOs operating in Thailand are highlighted below. Both are based in Northern Thailand, which generates a large part of the human trafficking supply. Victims come mostly from Thailand's hill tribes and from Myanmar and Laos, by official land checkpoints at one of four friendship bridges - three connect to Myanmar and one connects to Laos - and by unofficial river crossings.

The first NGO, the DEPDC, is highlighted because the author spent several days staying with staff members. Their work serves as an illustration of the Northern region's immediate issues and needs. The second NGO, Urban Light, is a recently started NGO which targets an underserved population of young male prostitutes. This NGO is highlighted to bring attention to this largely ignored target group.

1. Development and Education Program for Daughters and Communities (DEPDC)⁸³

The DEPDC gives vulnerable children and women from the surrounding hill tribes, located in both the Mae Sae district in Chiang Rai province and nearby Myanmar, safe housing, education, and occupational training in an effort to stem the tide of human trafficking.

⁸¹ Expressed in interviews with staff members at DEPDC, Urban Light, and International Justice Mission (IJM).

⁸² Interview with legal fellows at IJM's office in Chiang Mai.

⁸³ Read more about their work at <http://depdcblog.wordpress.com/about-us/target-group/>.

The DEPDC was founded in 1995 in Mae Sae, the northernmost district in Thailand, by Khun Sompop Jantraka⁸⁴ and his wife, Khun Dusadree Jantraka.⁸⁵ At the start of his career, Khun Sompop worked as a tour guide for PhD students in need of a translator and guide to help with their research. In the 1970s, when little research had been done on Thailand's burgeoning sex industry, he was hired to help a Japanese PhD student research the sex workers and traveled to hot spot areas like Bangkok, Pataya, and Phuket. In speaking with the women, he realized that most of them were from the Mae Sai district, the northernmost part of Chiang Rai province.⁸⁶ Many of the women told him that while it was too late to help them, he could help their families by educating the next generation so that their children would not also be lured into the sex trade. Khun Sompop eventually founded the DEPDC.

In 1995, the Thai government recognized DEPDC's work, giving the DEPDC a higher profile by enabling them to become part of a larger network of well-established NGOs.⁸⁷ Since then, Khun Sompop has traveled the globe, participating in Bill and Hillary Clinton's Clinton Global Initiative twice and receiving recognitions from donor countries. This year, he was chosen as one of three World's Children's Prize Laureates for 2013 and traveled to Stockholm, Sweden in October to receive the prize from H.M. Queen Silvia.⁸⁸

Mae Sai is not as poor a district as one might expect. In fact, it is a wealthy city because of its plentiful trafficking networks. The DEPDC's Half Day School is located at

⁸⁴ Khun Sompop was born into a poor family in Surat Thani province in southern Thailand. One of seven children of a single mother, he did not have much in life until one woman from Boston, whom he fondly calls "Nana," arrived in his village under the Peace Corps and changed his life. She befriended him, taught him English, and showed him how to help his community. By her example, she showed him how one person can change the world.

⁸⁵ Khun Dusadee (P'Maenom) is from Son Kra province, also in southern Thailand. She moved with her husband to Northern Thailand to help in one of Thailand's most vulnerable to trafficking areas. She is currently the Regional Director of MSDHS for Chiang Rai, and also serves at the DEPDC's "swimming home" site, the Mekong Regional Indigenous Child Rights Home, which is also her own home.

⁸⁶ Interview with Khun Sompop.

⁸⁷ Development and Education Programme for Daughters and Communities, 2006-2008, accessed 18 July 2013, <http://www.depdc.org/eng/aboutus/history.html>.

⁸⁸ *Id.* The other two 2013 laureates were James Kofi Annan and Kimmie Weeks.

the end of a street of several rich homes which one suspects have profited from the trafficking trade. Drug and trafficking lords run some of the nearby villages and are antagonistic to the DEPDC's work because they profit from the village children's exploitation. For safety reasons, the DEPDC has an innocuous name and is a center-based NGO instead of a community-based NGO.⁸⁹ While the DEPDC's sites like the Half Day School are safe and secure, it is often not safe for the staff members to travel into the nearby villages to teach and present their anti-trafficking workshops.

The DEPDC's work is constantly changing as the needs of the communities it serves are changing, but currently the DEPDC has four sites. Its headquarters are located in Mae Sae city, and is home to the Half Day School. The Half Day School provides free education to the children from surrounding villages, which includes the Akha and Lisu hill tribes, the ethnic minority groups of the Shan and Tailue people, and any other children who are at risk of trafficking.⁹⁰ The children from Myanmar cross the border every day and are picked up in a bus, along with the Thai children, which brings them to the school. They have English and Thai classes, arts classes, sports classes, and life skills classes. The principle behind the school is similar to a Montessori or Waldorf education style: each child is encouraged to do what she or he wants, without division between work and play.⁹¹ If a child wants to leave the classroom, the child may politely tell the teacher that she is leaving, and take responsibility to learn from a friend what he or she missed.⁹² Autonomy and responsibility are encouraged. As many of the children come from broken homes, the main goal of the school is to provide the children a safe, happy, stable environment. Khun

⁸⁹ A community-based model focuses on long term change because it requires changing cultural and social norms, whereas a center-based model can make shorter term change because it removes the youngest generation from their home villages. Though the current tide of development is towards community-based rather than center-based giving, DEPDC would not likely be able to continue their same work on a community-based model. Interview with Hana Livingston, former international volunteer coordinator at the DEPDC.

⁹⁰ The hill tribe groups are technically from the mountains, and the ethnic minority groups are technically from lower elevations, but in reality these divisions are interchangeable.

⁹¹ Interview with Khun Sompop.

⁹² *Id.*

Sompop and his team at the DEPDC seek to change each child from the inside out and infuse their core with dignity.⁹³

The school is not presently an officially registered Thai school, so the children can only graduate with DEPDC diplomas and must go on to a two year accreditation program to gain a diploma recognized by Thailand. However, the Thai government recently passed a new law declaring that NGOs could be officially registered Thai schools,⁹⁴ so the DEPDC is beginning the process of becoming a government-sponsored school.⁹⁵

The second site of the DEPDC is Mekong Regional Indigenous Child Rights Home (MRICRH), located at Khun Sompop and Khun Dusadree's home between Chiang Rai and Mae Sai. The MRICRH, more familiarly known as "the Swimming Home" because of its hydrotherapy practice, is a shelter for anyone in need of a safe home. The Swimming Home has a competition sized, 50 meter length pool. Khun Sompop, a swimmer himself, first discovered that water could heal the mind and the body when trying to help a girl who had suffered sexual trauma and was displaying suicidal behavior.⁹⁶ When Khun Sompop took her to the local pool, she finally relaxed in the water. He learned more about hydrotherapy, researched pool construction, and built his own 50 meter pool over a seven year period. His children, who are both national champion swimmers, obtained Thai coaching certificates and coach the MRICRH children and local village children every afternoon. Not only does swimming well improve their own self-image, but it also improves their image among their peers. The MRICRH swimming team has traveled to several regional competitions and has also hosted a competition for the district's swim clubs. Khun Sompop and his family have seen many children heal, grow, and thrive thanks to the water.

⁹³ Interview with Khun Sompop.

⁹⁴ See Ministry of Foreign Affairs, Right to Education for Migrants, refugees, and asylum seekers, last updated 2011, available at <http://www.mfa.go.th/humanrights/implementation-of-un-resolutions/72-right-to-education-for-migrants-refugees-and-asylum-seekers->. It is not clear at the time of this writing whether Thailand has successfully passed the draft legislation.

⁹⁵ Interview with Hana Livingston and email with Julie Mesaros, International Volunteer Coordinators, DEPDC.

⁹⁶ Interview with Khun Sompop.



Swimming class at The Swimming Home, Mekong Region Indigenous Child Rights Home, Maechan

The DEPDC has a third site called Ban Klang Naa, “house in the field,” which consists of a piece of land in an Akha village. Two NGO workers, who worked for the United Nations Food and Agriculture Organization for several years, are in the process of teaching the Akha villagers how to farm organically.⁹⁷



Having fun while planting cabbage at the Agricultural Farm

The DEPDC also has a fourth site called the Mekong Child Rights Protection Center (MCRPC) in Chiang Khong, near the Laotian border. The Center gives an education to girls and, since 1998, to boys, as NGOs have recognized the need to incorporate boys and men into their educational training programs.⁹⁸ MCRPC is also a home for 17-20 teenage girls, who either do not have families or whose families cannot provide a safe home.

⁹⁷ Interview with Laslo and Simon, DEPDC staff members.

⁹⁸ DEPDC blog, accessed 6 July 2013, available at <http://depdcblog.wordpress.com/projects/daughters-education-programme/>. After decades of focus on girls and women, NGOs globally have recognized that educating and caring for women meant

2. Urban Light

Urban Light,⁹⁹ founded in 2009, is the only known organization in Thailand targeting boys in the sex industry who serve male homosexual desires. Most of the boys come from the hill tribes in northern Thailand and Myanmar and have been forced into the red light district, some following older sisters, to send money to back to their families. Though much research still needs to be done for this target group, there are many more boys serving in Chiang Mai's red light district than previously thought.¹⁰⁰ Research has not yet been done for other urban centers like Bangkok.¹⁰¹

Urban Light runs the Urban Light Youth Center, which is open Monday through Friday, with staff reachable by phone on nights and weekends, for boys aged 14-24. The goal of the center is to provide a place of refuge for the boys to seek out on their own. Urban Light does not travel to the boys' homes as they want the boys to come and go voluntarily. Anywhere from five to twenty-five boys visit the Youth Center daily, where they receive education, health services, housing, and emergency care. Last year, Urban Light helped seven boys successfully exit the sex industry and seek other forms of employment like hotel service and merchandise sales. Additionally, during the summer of 2012, Urban Light started a safe housing program for boys who are trying to exit the industry.¹⁰²

Recommendations

1. *Funding in Thailand:* Funding is the most immediate issue as many big-name donors pulled their funding out of Thailand altogether when Thailand was declared to no

building a table with only one leg. The other half of the population – men – needed to be incorporated into the programming as well.

⁹⁹ Read more about their work at http://www.urban-light.org/about_us.

¹⁰⁰ Interview with Gabriella Grahek, volunteer for Urban Light, Chiang Mai.

¹⁰¹ *Id.*

¹⁰² *Id.* As drug and alcohol abuse is rampant among teenage boys who have been forced into male prostitution, the housing project has a strict no drugs or alcohol policy. If a boy is caught with either, he may be required to leave temporarily.

longer be a developing country.¹⁰³ However, big and small name donors must recognize that the preventative work of the NGOs in Thailand is essential to stemming the tide of trafficking. They should continue to prioritize funding for vulnerable border regions in Thailand like the Mae Sai district in Chiang Rai province.

2. *Central vs. Community Development*: NGO development is trending away from a center-based system, where those in need leave their homes to receive aid at a center, and towards community-based systems, where aid workers provide aid directly in the needy communities. The shift towards community-based systems has arisen over the last decade when people whose lives had improved at center-based NGOs returned home to their communities, only to find their communities the same as when they left them. An advantage of a community-based system is that the entire community can receive aid, be it a language class, a human trafficking awareness workshop, or a food bank.

While a community-based model has its advantages, one disadvantage is that it requires changing an entire community's cultural and social norms which is a very slow process. In addition, center-based aid is still necessary for the vulnerable who are not safe in their communities. In fact, organizations like DEPDC adopted a center-based model precisely because their children needed a stable, safe place free from violence to develop healthily. Despite the recent trend towards community-based NGOs, funding should continue to be balanced between both models as both have their advantages and disadvantages.

Conclusion

Since the data was collected for the above recommendations, Thailand has been downgraded to Tier 3 on the 2014 TIP Report. However, the above recommendations will still help Thailand recover from its Tier 3 ranking for the next TIP Report. In sum, the DSI

¹⁰³ The World Bank classifies countries in one of four income categories each year: low income, lower-middle income, higher-middle income, or high income. This is the single most important metric for donors. Thailand was upgraded from a lower-middle income economy to a higher-middle income economy in 2011, which speaks well for Thailand's development but not so much for its NGOs in need of funding. *See World Bank, Thailand*, available at <http://www.worldbank.org/en/country/thailand/overview>.

should be given more authority and their bureau-level status should be completed; the RTP and the DSI should continue to share information through a national database; the RTP should continue training its front-line officers; the RTP or the DSI should be named the main coordinating agency for the anti-trafficking efforts instead of the MSDHS; the MSDHS should continue to improve resources at all of its trafficking shelters, and consider adding attorneys to the staff members; the MSDHS should create a separate hotline for trafficking victims, and/or provide thorough interpretation services for the 1300 hotline and OSCC website; global donors should continue to fund Thailand's NGOs and recognize the strengths of a center-based organization. If these recommendations for Thailand's organizational bodies are implemented, they will increase the chance of success for Thailand in the 2015 TIP Report.

Part II and III of this paper are expected to be published in June 2015. Part II analyzes Thailand's current laws and policies relating to trafficking and offers suggestions for revision. Part III highlights the Thai government's recent successful responses to a sex trafficking case and to a labor trafficking case.