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A “NEW LIFE” FOR TRAFFICKED VICTIMS  
THROUGH PROTECTION AND OCCUPATIONAL DEVELOPMENT?  
A Case Study of Baan Kredtrakarn, Thailand

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*To My Dad*

## **Abstract**

This thesis looked into the protection and occupational development process under the Thai government shelter and the extent to which it has assisted and supported the victims of human trafficking, both Thai and non-Thai, in psychosocial rehabilitation, therapy, and vocational training and development. I used the capability theory and empowerment approach as a framework of analysis to assess qualitatively the findings from in-depth interviews during my fieldwork from 8<sup>th</sup> October to 8<sup>th</sup> November 2007 in Thailand, with various governmental, non-governmental and international organisations working on human trafficking issues. I analysed how the service built up the capabilities of women and girls ravaged from exploitation, and empowered them for a 'new life'. The protection process focused on welfare protection and occupational therapy for victims to develop their self-confidence and stand on their feet rather than training for a livelihood. It however served as a platform for women and girls to decide their next course of action - Thai women and girls were able to enrol in further education and training, and non-Thais before repatriation learnt some basic occupational skills. However, effectiveness of the service was constrained by such internal factors as lack of human resources at the shelter as well as external factors as weak follow-up from origin countries.

Keywords: Thai government shelters, victims of human trafficking, protection and occupational development, capability and empowerment

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## Abbreviations

BATWC	Bureau of Anti-Trafficking in Women and Children
COMMIT	Coordination Mekong Ministerial Initiative against Trafficking
DSDW	Department of Social Development and Welfare
GAATW	Global Alliance Against Trafficking in Women
GMS	Greater Mekong Sub-region
GO	Governmental Organisation
IDC	Immigration Detention Centre
ILO	International Labour Organisation
IO	International Organisation
IOM	International Organization for Migration
JICA	Japan International Cooperation Agency
MFA	Ministry of Foreign Affairs (Sweden)
MOU	Memorandum of Understanding
MSDHS	Ministry of Social Development and Human Security
NGO	Non-governmental Organisation
TIP	Trafficking in Persons
UN	United Nations
UNIAP	UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region

## 1. Introduction

Women in much of the world lose out by being women. Their human powers of choice and sociability are frequently thwarted by societies in which they must live as the adjuncts and servants of the ends of others, and in which their sociability is deformed by fear and hierarchy. But they are bearers of human capabilities, basic powers of choice that make a moral claim for opportunities to be realised and to flourish.

Martha C. Nussbaum, *Women and Human Development*, 2000

Trafficking in human beings, especially women and girls, is definitely not a new phenomenon either in Thailand or neighbouring developing countries in the Greater Mekong Sub-Region (GMS). Estimates, by the International Organisation for Migration in 2004, of the number of persons trafficked annually “from and within the GMS range from 200,000 to 450,000” (Huguet and Ramangkura 2007: 1). Several factors lead people to be trafficked, namely poverty, lack of opportunity, weaknesses of the law, social and cultural structures in different countries among others. The Swedish Government’s report on Poverty and Trafficking in Human Beings, in 2003, defined it as a “complex problem rooted in poverty, marginalisation and ideas about the subordination of women and children as well as in inadequate protection of human rights” (MFA 2003: 5). The high priority over the issue among the GMS governmental organisations is evident through the establishment of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) in 2004 for increased, sustainable and effective system of cross-border collaboration against human trafficking. Moreover, bilateral and domestic Memorandum of Understanding (MOU), in addressing different aspects of trafficking, from prevention to legislation, protection, rehabilitation and reintegration, provides a common platform for cooperation among governmental, non-governmental and international agencies. Thailand has, since 2004, initiated a National Policy and Plan on Prevention, Suppression, and Combating Domestic and Transnational Trafficking in Women and Children.

While much scholarship has focused on combating human trafficking and its mechanism, in this research, I am motivated by what is being done to cater to trafficked victims, especially those under the Thai Government, in terms of providing

protection and support to women and girls victims of trafficking, both Thai and non-Thai, by looking at the services and processes at government shelters.

### **1.1 Purpose and Research Questions**

The aim of this thesis is to study how victims of human trafficking are treated under the Thai Government's initiative which provides protection and assistance to trafficked victims at their Protection and Occupational Development Centre. More specifically, it seeks to know to what extent this service is beneficial to those women and girls who will be reintegrated into society, but also, how it ensures that they will not be trapped in the circle of human trafficking again.

The focus is on Kredtrakarn Protection and Occupational Development Centre (commonly known as Baan Kredtrakarn), the longest and most developed governmental shelter under the supervision of the Bureau of Anti-Trafficking in Women and Children (BATWC) at the Department of Social Development and Welfare (DSDW), Ministry of Social Development and Human Security (MSDHS), that assists victims of human trafficking in psychosocial rehabilitation, medical treatment and repatriation<sup>1</sup>. This, I believe, is very important because as a human being, these women and girls have a right to serious and responsible care, be supported and protected, in addition to the need for recovery and rehabilitation from the trauma of being trafficked and exploited. Moreover, building up their human capability and empowering them in order to reintegrate into the society is also crucial for a 'new life'.

To problematise the above-mentioned aim and analyse to what extent this service helps trafficked victims recover both physically and mentally, reintegrate into society, and find their livelihood after undergoing the protection and occupational development, I wish to concentrate on the following research questions:

1. To what extent has this service been practical in providing protection and assistance towards trafficked victims?
2. How does this service help women and girls with a future livelihood?
3. What can be developed further?

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<sup>1</sup> [www.kredtrakarnhome.com/Eng/story.htm](http://www.kredtrakarnhome.com/Eng/story.htm) 19/09/2007



## 1.2 Methods and Empirical Material

With an academic foundation in business administration, administrative work experience in a development-oriented donor agency and with only some recent interest in the social sciences, my predisposition in this research is to better understand the services, protection process and vocational training for trafficked victims which have been implemented at the government shelters in Thailand. As such, a case study research design fits well in this project as it allows me to conduct “an empirical inquiry that investigates a contemporary phenomenon within its real-life context” (Yin 2003: 13). Using this strategy, I chose Baan Kredtrakarn as my case study so I can answer “when ‘how’ or ‘why’ questions are being posed” (Ibid: 1) and because it is the government’s most developed protection and occupational development centre and has been designated to be a main shelter for providing care and protection services as well as vocational training to all victims of human trafficking, Thai, non-Thai and unidentified nationalities. It also functions as a source of knowledge and information exchange, for similar services’ provision centres dealing with the care, protection and recovery for victims of human trafficking, by networking with concerned government agencies, non-governmental and international organisations as per MOU among these agencies<sup>2</sup>. Thus, Baan Kredtrakarn provides the best platform to study the services towards victims.

My primary material consists of a combination of analysis and interpretation of documents (procured from the government agencies, NGOs, international agencies and institutes), and interviews conducted with the different organisations who work in close collaboration with Baan Kredtrakarn in order to give me a holistic view on the issue. Semi-structured interviews were scheduled and it proved advantageous because it allowed for flexibility and openness. The research is qualitative in nature as the interpretation of the documents and information gathered on Baan Kredtrakarn served to highlight the general experiences found in the case and revealed the qualitative aspects of the social phenomenon. Furthermore, interviews are generally interpretivist in orientation: they help to generate concrete descriptions and allow for multiple explanations to a single phenomenon, thus, are “a central aspect of qualitative research methodology” (Bevan 1999: 15) and is “one of the most important sources of

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<sup>2</sup> Baan Kredtrakarn’s Brochures

case study information” (Yin 2003: 89). For secondary sources, I referred to scholarly material to substantiate my thoughts and findings.

### **1.3 Delimitations**

This study focuses on the welfare protection and occupational development service to victims of human trafficking provided under the Kredtrakarn Protection and Occupational Development Centre, and hence will leave out the debate on the processes and forms of human trafficking as well as the legal aspect of it, but instead will focus on the aftermath of trafficking, i.e. the victims.

Baan Kredtrakarn admits three target groups namely women and girls victims of human trafficking; women and girls who suffer from social problems; and girls under 18 years of age who are under the protection according to the Prevention and Suppression of Prostitution Act B.E 2539 (1996) and women over 18 years who consent to receive protection from the Centre<sup>3</sup>. I am fully aware that there are also boys trafficked but this study will only focus on women and girls, both Thai and non-Thai, who are victims of trafficking.

This study does not include the voices of the victims of trafficking who undergo the current Protection and Occupational Development as access to them needs to be developed over time through trust-building, and the time-limitation of the fieldwork did not allow such possibility. Also, questioning the victims who were traumatised from bad experiences, especially from sexual abuse, might cause added stress and depression for them.

### **1.4 Outline of the Thesis**

In chapter two, I will present the analytical framework; the definition of trafficking and a brief overview of the human trafficking situation in Thailand followed by the capability theory and empowerment approach to human development as applied to analyse the service at Baan Kredtrakarn. Chapter three highlights the methodological disposition and fieldwork for this thesis. A summary of the background, target group, services and activities, and the protection procedure at Kredtrakarn Protection and

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<sup>3</sup> [www.kredtrakarnhome.com/Eng/story.htm](http://www.kredtrakarnhome.com/Eng/story.htm) 19/09/2007

Occupational Development Centre is then outlined in chapter four. In the next chapter, I present the empirical findings of the study with the most important information from interviews conducted during fieldwork in Thailand from 8<sup>th</sup> October to 8<sup>th</sup> November, 2007. Analysis is done in chapter six based on the research questions and finally, chapter seven summarises the research and concludes the paper, with suggestion for further research.

## **2. Analytical Framework**

In this chapter, I will present the definition of human trafficking which Thailand has adopted in order to facilitate the operational understandings and functioning of all concerned parties in the fight against human trafficking. A brief overview of the trafficking situation in Thailand is also presented, followed by Sen's and Nussbaum's capability theory and Kabeer's empowerment approach to analyse how Baan Kredtrakarn's service builds up the capabilities of women and girls ravaged from exploitation and empower them to make choices in their lives.

### **2.1 Human Trafficking**

There are “competing definitions of trafficking: little consensus or agreement among researchers, policy makers, and activists about the scope of the problem; and scant evidence or substantiation about actual trafficking practices” (Kempadoo 2005: vii). Likewise, there is no such precise definition of human trafficking in Thailand, therefore hampering law enforcement against traffickers, ‘mistreating’ victims (illegal migrants *versus* trafficked victims), preventing effective coordination and harmonisation of operations due to the use of different definitions, etc. To operationally align the interests of all concerned parties involved in work on trafficking issues and have more effective implementation measures, in 2001, Thailand signed the United Nations (UN) Convention on Transnational Organised Crime and its Protocol: Supplementary Protocol, to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Supplementary Protocol to Prevent, Suppress and Punish the Smuggling of Migrants by Land, Sea and Air (Chutikul and Marshall 2004: 8). In 2004, the Thai government announced that tackling the problem of human trafficking will be “a national agenda”<sup>4</sup>. Moreover,

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<sup>4</sup> Baan Kredtrakarn's Brochures

national policies and operation measures, in cooperation with governmental, non-governmental and international organisations, to stop the problem of human trafficking were also initiated through a “six-year plan on National Policy and Plan on Prevention, Suppression and Combating Domestic and Transnational Trafficking in Women and Children” (JICA 2007: 17).

Thus, Thailand has adopted the definition of human trafficking as per the UN Protocol which reads:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Protocol also states that the consent of a victim of trafficking in person to the intended exploitation shall be irrelevant where any of the means set forth above have been used. Moreover, the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in the definition. Lastly, “Child” shall mean any person under eighteen years of age (United Nations 2000: 2; Roygaow 2006: 28-31). In this thesis, trafficked victims are in accordance with the definition of Human Trafficking, as per the UN Protocol.

### **2.1.1 Overview of Human Trafficking Situation in Thailand**

Trafficking in human beings is a national, regional, and global problem, but also a “multi-sectoral issue and a serious violation of human rights” (UNIAP 2006: 8). For example, women and girls are known to be trafficked into prostitution, sexual exploitation, as domestic servants, mail-order brides, etc. Cheap labour in construction-site and factories is another motive for trafficking people. “The current moment of globalisation is witnessing an extraordinary movement of people, legitimate and illegitimate, across national and international borders” (Kapur 2005: 25). There are many factors that have led women and girls to be trafficked and it can be observed that the effects of globalisation lead people to migrate for better

opportunities in the developed cities or countries. For instance, on account of Thailand's economic well-being, openness and link to the outside world, and infrastructure, the country is a major destination, transit and sending country for trafficking in human beings – “as an economic hub in the GMS, the country is an ideal market for traffickers and a popular destination for a number of people from other neighbouring GMS countries” (UNIAP 2006: 10). Thailand's geographic set-up is such that it shares a long border with its neighbouring countries namely Cambodia, Burma/Myanmar and Laos and being the most developed country in the Greater Mekong Sub-region, it attracts irregular migrants from the neighbours, including China and Vietnam. Thailand's transit status is when women and girls from the region are channelled to other countries through Thailand. As a source, Thai women and girls have been documented to be trafficked in Asia such as Japan and Malaysia, and to other parts of the world including Europe, North America, Australia and South Africa. The main reasons include Thai women and girls having economic problems; relatives, friends or people in the community who have been in foreign countries before; those who used to work in entertainment industries; those from break up-families, and also within the broader migration process (Chutikul and Marshall 2004: 5-6; MFA 2003: 12; Piper 2005: 204-205, Baan Kredtrakarn's brochures).

A UNIAP Pilot Project 2006 on Human Trafficking in Thailand rightly sums up the above and, finds that:

“based on the review of selected reports, migrants from other neighbouring GMS countries are trafficked into Thailand's various sectors, such as the commercial sex industry, domestic work, fishing industry, agriculture, sweatshops and construction. Some of them initially migrate to make money because they feel pressured by their family to financially support their households while others are approached by traffickers and lured into forced labour. As is the same in the commercial sex industry, they are in debt bondage, confined and forced to work, and experience physical and sometimes sexual abuse by their employers.” (UNIAP 2006: 8)

## **2.2 Capability Theory and Empowerment Approach**

To explore the service and process of protection and assistance implemented at Baan Kredtrakarn for victims of human trafficking, and attempt to answer the research questions of this study, I will use the capability theory and empowerment approach as a framework of analysis. Capability Theory was coined by Amartya Sen and Martha Nussbaum and in their definitions, capability refers to “the substantive freedoms he or

she enjoys to lead the kind of life he or she has reason to value” (Sen 1999: 87) and “what people are actually able to do and to be” (Nussbaum 2000: 5) respectively. Writing from a feminist point of view, Nussbaum (2000) argues that capabilities “should be pursued for each and every person, treating each as an end and none as a mere tool of the ends of others” (Ibid). Empowerment, Kabeer advocates, is “about change, it refers to the expansion in people’s ability to make strategic life choices in a context where this ability was previously denied to them” (Kabeer 1999: 437). Taken together, these concepts relate to one another and can be used to understand how trafficked victims have developed their potential from the protection and assistance process at Baan Kredtrakarn.

“The trafficking in persons is rooted in unequal power relations between rich and poor and between men and women”(Skrobanek et al. 1997: 99). The complex socio-economic phenomenon of human trafficking and factor-driven causes behind women and girls trafficked for various purposes, has poverty and gender inequality as seemingly two main factors – “traffickers exploit persons who are trapped in conditions of poverty and subordinated by conditions, practices or beliefs, such as gender discrimination, gender violence” (GAATW 1999: 2). From a capability approach point of view, poverty and gender inequality can then be understood as capability-deprivation such that “women in developing nations suffer from acute capability failure” (Nussbaum 2000: 6). Sen (1999) argued that human development “requires the removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation” (Sen 1999: 3).

Typical stories often quoted in academic literature relate to poor, uneducated women and girls from the countryside tricked into better paying jobs in bigger cities or richer countries, or the concept of the patriarchal family and dutiful daughter. Anthropologist Lindberg Falk observed that “daughters fulfil the traditional expectations of womanhood by being dutiful and lifelong caretakers of their parents” (Lindberg Falk 2000: 53). Kabeer (2000) also points out that women and girls are constrained by the “norms, beliefs, customs and values through which societies differentiate between women and men” (cited in Mosedale 2005: 244). Such social and cultural norms, systems and structures, gender identities, lack of education and opportunities deny women and girls the ability to make their own choices. Women

and girls are disempowered because the inability to meet their basic needs (support the family, human security etc.) does not leave them with much option than to look out for opportunities, thereby in this process they become more vulnerable to being trafficked. In Kabeer's words, "women's disempowerment is largely a matter of poverty" (Kabeer 1999: 439) while some activists and theorists argue that "women would never develop unless they are empowered to challenge patriarchy and global inequality" (Parpart 2002: 339).

As a philosophical underpinning, Amartya Sen said that the capability approach can be used "in rather distinct ways" (Sen 1999: 81). Research fellow Ingrid Robeyns cited in her work that this normative framework can be used in development studies, welfare economics, political philosophy, social policy, academia, etc. She suggested,

"it could be used to evaluate several aspects of people's well-being, such as inequality, poverty, the well being of an individual or the average well-being of the members of a group /.../ or as a framework within which to design and evaluate policies, ranging from welfare state design in affluent societies, to development policies by governments and non-governmental organisations in developing countries" (Robeyns 2005: 94).

The protection process at Baan Kredtrakarn for trafficked victims includes services and activities geared towards recovery, psychosocial rehabilitation, and reintegration. Does such a process allow women and girls to take control of their lives, "perceive themselves as *able* and *entitled* to make decisions" (Parpart 2002: 339)? Are they empowered, given the "notion of empowerment that it is inescapably bound up with the condition of disempowerment" (Kabeer 1999: 437)?

The extent to which the services are of practical assistance to trafficked victims, how it helps them with a future livelihood, and what can be developed further will be analysed in chapter 6 using capability theory and concepts of empowerment. The next chapter, in the meantime, will present the methodology and five-week fieldwork which was carried out in Thailand.

### **3. Methodological Disposition and Fieldwork**

Using the case study research design, the project employs two main methods to emphasise the qualitative aspects of capability and empowerment, namely in-depth interviews and archival data analysis. Key informants were interviewed while primary

and secondary data were utilised to complement the interviews. Baan Kredtrakarn was the subject of the case study and besides collecting official materials from Baan Kredtrakarn, interviews were arranged with the subject and its close partners. The actual fieldwork was conducted from 8<sup>th</sup> October to 8<sup>th</sup> November 2007, with logistics preparations starting 1<sup>st</sup> October. For a holistic view on the issue, I considered it essential to contact the different organisations who work in close collaboration with Baan Kredtrakarn. Therefore, I scheduled to meet and discuss with representatives from governmental organisations, local and international NGOs and international organisations based in Bangkok, in addition to a shelter in Chiangrai province recently designated to be seventh government shelter in December 2006. The latter was not initially on my agenda because I only got to know of this newly opened shelter from my first visit to Baan Kredtrakarn.

All interviews were semi-structured, in that they allowed the inclusion of respondents' views, additional questions and the many different reflections and interpretations of how to understand the current set-up under Protection and Occupational Development. Open questions enabled a better insight into the dynamics of the subject being studied, such as 'what are your thoughts on the service under the Protection and Occupational Development Centre', 'how helpful it is for trafficked victims', 'the strengths and limitations', etc. I used the 'snowballing' technique where interviewees referred relevant people I could get in touch with. In total, I conducted nine interviews – with three governmental departments (fictitious name of GOa, GOb, and GOc), three NGOs (NGOa, NGOb, and NGOc), two international organisations (IOa and IOb), and an experienced consultant on human trafficking issues. Discussion on issues related to human trafficking, especially given the interdependency of the various organisations that work closely with one another, meant that anonymity of the respondents needed to be ensured and thus fictitious names of organisations are mentioned with which interviews were conducted. This is to protect the identity of the respondents and also along with the ethical obligations of the researcher. Upon request for academic purposes, the list of organisations could be furnished.

Interviews were conducted in Thai at the respective offices, except the one with the consultant which took place at a cosy coffee-shop in Bangkok. I used a tape recorder with the permission of the respondents but did not take explicit notes during



interviews as the latter process tended to break the flow of the conversation. Interviews with the different organisations have given me a clearer picture from a multidimensional point of view on what I set out to explore. However, I needed to ensure an objective role as a researcher in order to better understand the politics and processes behind the work of governmental organisations and NGOs, for instance, understanding the flexibility level, decision-making ability, responsibility areas, responsiveness and procedures, among others. The information obtained from interviews will form the crux of this paper to better understand the service towards trafficked victims and not as criticisms of one party against another. Due to time-limitation and the time-consuming element of transcribing, I have focused on the most important parts of the interviews with the key respondents.

### **3.1 Methodological Problem**

From inception of the thesis topic to study the ‘programme’ at the Protection and Occupational Development Centre, I assumed that there was indeed a programme geared towards protecting and occupationally developing the trafficked victims such that after such participation, the residents are equipped with the skills for a future livelihood. This was based on the definition of Protection and Occupational Development, as per the Prevention and Suppression of Prostitution Act B.E 2539 (1996), in which it meant “psychological rehabilitation, therapy, vocational training and development as well as development of quality of life” (Section 4). I later realised that there was not a programme per se, or it was not called as such, but rather there is an existing Protection Process and service in place that aims to protect and rehabilitate victims as the main priority, thus causing some confusion among respondents at times when I referred to the ‘programme’ during interviews. After careful analysis and reflection during the thesis writing phase, my initial thought on the ‘programme’ was found to be a misinterpretation of the main aim of the Protection and Occupational Development, and hence, will be referred to as a service or process in this thesis.

Interview with Baan Kredtrakarn was done after having met all Baan Kredtrakarn’s counterparts, hence assuming the existence of the ‘programme’. It is believed that there is a possibility that this misperception could have been clarified had the interview with Baan Kredtrakarn taken place first (this was not possible due to the

need to wait for authorisation from the relevant authorities). Nevertheless, while answers to some questions needed truncation, the existing Protection Process at Baan Kredtrakarn helped shed much light on the research questions.

#### 4. Kredtrakarn Protection and Occupational Development Centre

There are seven main protection shelters throughout Thailand which are under the supervision of the Bureau of Anti-Trafficking in Women and Children, DSDW, MSDHS and which have been authorized to accommodate and be the custody of Thai and non-Thai victims of human trafficking. They are:

- 1) Baan Kredtrakarn, Nonthaburi Province (for women and girls)
- 2) Baan Nari Sawat, Nakhon Ratchasima Province (for women and girls)
- 3) Baan Song Khwae, Phitsanulok Province (for women and girls)
- 4) Baan Sri Surat, Surat-Thani Province (for women and girls)
- 5) Chiang Mai Home for Boys, Chiang Mai Province (for boys)
- 6) Pakkred Reception Home for Boys, Nonthaburi Province (for boys)
- 7) Chiangrai Shelter for Children and Families, Chiang Rai Province

Since 1999, Baan Kredtrakarn has been assigned by the DSDW to assist victims of trafficking in psychosocial rehabilitation, medical treatment and repatriation to their home in GMS. The below table, obtained from the IOM (2007) report<sup>5</sup>, shows the number of foreign trafficked victims in the Thai government shelters in the year 2006, with the highest number in Baan Kredtrakarn (Huguet and Ramangkura 2007: 30-31).

Organization	Cambodia	Myanmar	Lao PDR	China	Vietnam	Other	Total
Baan Kredtrakarn	39	145	191	0	3	0	378
Baan Sri Surat	3	22	35	2	3	1	66
Baan Nari Sawat	0	5	88	0	0	0	93
Baan Songkhwae	0	11	2	0	0	0	13
Pakkred Reception Home	59	12	16	0	1	0	88
Chiang Mai Home	0	6	0	0	0	0	6
<b>Total</b>	<b>101</b>	<b>201</b>	<b>332</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>644</b>

Source: BATWC, 1 January – 31 December 2006

By: Thanaporn

Note: A seventh centre, in Chiang Rai, will also begin receiving foreign trafficking victims in 2007

<sup>5</sup> The Long Road Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region

The information below, extracted from the documents obtained from Baan Kredtrakarn during fieldwork, provides an overview on the background, target groups, services and activities, and protection procedures.

#### **4.1 Background Information**

Kredtrakarn Protection and Occupational Development Centre, called Baan Kredtrakarn in short, was formerly established on 2<sup>nd</sup> July 1960 under the Department of Public Welfare, in conformity with the Suppression of Prostitution Act B.E. 2503 (1960). The law was amended in 1996 to provide greater protection for women below 18 years of age by emphasising more on recovery and occupational development services. The Centre was subsequently renamed the Kredtrakarn Protection and Occupational Development Centre according to the Prevention and Suppression of Prostitution Act B.E. 2539 (1996) that was effective on 21 December 1996, repealing the Suppression of Prostitution Act B.E. 2503 (1960). The Centre also functions as the Assistance and Welfare Protection Centre for Women, providing protection services to women who suffer from all kinds of social problems such as sexual abuse, misbehaviour, family problems, etc.

In addition, Baan Kredtrakarn also provides protection for women and girls who are victims of human trafficking according to the Measures in Prevention and Suppression of Trafficking in Women and Children Act B.E. 2540 (1997). The Centre extended protection coverage to victims of human trafficking in various forms as forced labour, forced or exploited prostitution or forced begging, both Thai and non-Thai persons. The Centre was designated to be a focal point of protection for foreign women and girls who were victims of human trafficking.

#### **4.2 Target Group**

- 1) Girls under 18 years of age who are under protection according to the Prevention and Suppression of Prostitutions Act B.E. 2539 (1996), and women, over 18 years of age, who consent to receive protection from the Centre
- 2) Women and girls, both Thai and non-Thai, who are victims of human trafficking
- 3) Women and girls who suffer from all kinds of social problems

### 4.3 Services and Activities for all target groups

As a state-run shelter, Baan Kredtrakarn caters social services as follows:

- Accommodation and food
- Medical Care – in-house clinic with nurse on duty 24 hours. In cases of serious illnesses, patients are referred to a hospital for further treatment
- Counselling – case records are kept for analysis of personal and family problems, IQ testing as well as individual and group counselling services by psychologists and social workers
- Psychosocial Recovery – to improve mental well-being and personality of the residents, reduce tension, strengthen self-esteem, self-confidence and responsibilities towards themselves, others and society. It also includes promotion of moral and religious values and ethics as well as social activities to increase residents' social skills
- Education – For Thais, non-formal education is provided in accordance with the curricula prescribed by the Ministry of Education. After completion, the residents sit for tests to be awarded certificates which they can use to access education outside the Centre for continued formal education or additional vocational training according to their own interests. For foreign residents, the Centre facilitates and encourages residents' participation in arranging peer-to-peer education.
- Life Skills Education – Trainings are provided to help residents acquire necessary life skills that enable them to cope with problems arising in daily life such as skill of living with one another, problem-solving, etc.
- Vocational Training – these courses rather emphasise on rehabilitation purpose, and include dress-making, hair-dressing, weaving, wicker work, handicraft, cooking, batik painting and traditional Thai massage.
- Reintegration Preparation Assistance – activities of psychosocial recovery services in complement with preparation before repatriation and reintegration,
- Family Assistance – to local residents' families during and after their stay at the Centre. Social workers conduct home visits and coordinate with concerned agencies to provide continued after care service as livelihood support and small-scale investment funds.

#### **4.4 Protection Procedure**

- Enrolment – available twenty-four hours. Cases can be referred by government, non-governmental organizations or guardians.
- Orientation and Reception – New residents are given orientation on the Centre and informed of available services upon arrival.
- Interview – Caretakers conduct interviews and provide counselling services. In the case of a foreign victim, the Centre will provide a translator to participate in the interview, to identify problems and facts. The caretakers assess physical and psychosocial conditions of the victims and gather information to be used in the case conferences with concerned agencies to develop a plan of after-care assistance.
- Medical care – In a case of illness, the Centre prepares medical records of the residents for referral purposes in providing continued treatment.
- Legal assistance – In cases of abuse, exploitation and where legal action is being taken against traffickers or any person involved in the trafficking process, the Centre assists the residents by familiarising them with the legal process. Social workers, psychologists or caretakers are assigned to accompany them to police stations or courts to gain their confidence and to convince them of a safe environment, so they can be ready to participate in investigations of legal proceedings.
- Data Gathering – The Centre makes available case records for family follow-up or referral to concerned agencies to conduct family tracing and assess family and community readiness for reintegration.
- Repatriation and reintegration – For Thais, the social workers or caretakers will accompany them home to ensure safe repatriation and to cooperate with local agencies for continued assistance. For foreigners, the Centre will cooperate with government, non-governmental and international organisations to conduct repatriation to their home countries or safe places based on principles of safe repatriation and continued assistance by local agencies responsible for reintegration and follow-up in source countries. In this regard, the Centre coordinates with the Immigration Bureau and embassies to arrange for travel and identification documents before repatriation.

- Monitoring and Follow up – The Centre collaborates with local agencies in conducting periodical monitoring and providing continuing assistance on quarterly basis, three months, six months and twelve months.

Together with the above background information, the data gathered from visits, interviews and observations were analysed as per the research parameters of this study and the results are presented in the following chapter.

## **5. Empirical Findings**

The following empirical findings were obtained from interviews with various government, non-government and international organisations during a fieldwork conducted in Thailand from 8<sup>th</sup> October to 8<sup>th</sup> November, 2007. Guaranteeing complete anonymity to respondents was very important and also in line with ethical considerations. Therefore, no specific mention is made to name of the respondents and the organisations they work for. Instead, the position and date of interviews will be provided as well as fictitious names of the organisations. The findings presented below reflect the combined views of the different respondents. I have merely categorised and presented these findings under different topics of importance to this research study such as the Protection and Occupational Development service, Systems, Laws and Agreements, Repatriation and Follow-up, Victims, Victim Identification, and Other Processes. The analysis of these findings and answers to the research questions will be presented in chapter six.

### **5.1 Protection and Occupational Development**

The social worker from NGOa emphasised that Baan Kredtrakarn, as the main government shelter, has the authority as legal custodian of the victims while they are there, as opposed to other organisations or agencies<sup>6</sup>. Interviews with the directors from GOa and GOc revealed that the service and assistance to provide protection, recovery and rehabilitation to victims of human trafficking include occupational therapy as a means to involve participants in different activities to help them recover, develop their self-confidence and self-esteem, and to stand on their own feet rather

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<sup>6</sup> Interview on 15<sup>th</sup> October 2007, see schedule of interviews in Appendix 1.

than vocational training to find a livelihood. The expectations are for the residents to feel relaxed, reduce stress level and build trust (comforting hand) so that they can provide useful information for family tracing and assessment, as well as prosecution. Thus, it is not expected that the women and girls will find a job after living at Baan Kredtrakarn, though it is rewarding to see if the skills learnt at the Centre can be put to good and practical use. It is believed that victims not in a proper state of mind cannot really take in anything, and if left to do nothing, the tendency for them is to think incoherently. Thus, therapy is to keep them occupied; handicraft, weaving, treading among others allow victims to be concentrated and composed; even though they might not be able to find a job, they at least have developed a skill. This can use the certificate after participation to apply to the Skill Development Centre or Vocational Training Centre to further develop themselves, and for eventual job placement<sup>7</sup>.

Several interviewees<sup>8</sup> stated that the protection and occupational development was a good initiative but needed to develop further, for example, ensuring that the provision of such skills are in line with market demands or studies from the origin countries so that it can be more sustainable, and for the Thai government to really give something and see the good results. Also, all the steps involved in the process might not suit everyone who enters the Centre (all the target groups follow the same activities and services). A 'One-Size-Fits-All' Package for all *versus* individual needs?<sup>9</sup> In addition, the social worker from NGOa also mentioned that the average age of victims at Kredtrakarn is about 14 -15 years and the concern is how to empower such young girls. Vocational training might not be suitable programme for this age group. Providing small scale investment fund, for instance, how can this group think of future investment?<sup>10</sup>

Most of the interviewees agreed that due to Baan Kredtrakarn accommodating more than 300 cases, the proportion of existing staff to the number of cases is not balanced - one social worker taking care of one nationality. The personnel find little time to

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<sup>7</sup> Interviews on 1<sup>st</sup> and 8<sup>th</sup> November 2007

<sup>8</sup> The consultant on human trafficking issues together with the social worker from NGOa, the project assistant from IOa, the officer from IOb and the programme manager from NGOc

<sup>9</sup> Interviews on 9<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup> and 25<sup>th</sup> October 2007

<sup>10</sup> Interview on 15<sup>th</sup> October 2007

upgrade their knowledge and skills that might help them perform better, and it gets difficult to really work systematically. Everybody works very hard but their potential needs to be developed from time to time as working with people can be very stressful. Also, employment of new staff needs to be part of long-term planning and structure, follow certain procedures, etc. In addition, there is the limitation of translators, and difficulty to communicate effectively due to different languages, for instance with the Burmese girls from the different ethnic minorities. When working with foreigners and wishing to provide some kind of rehabilitation programme, one needs to consider where do the victims come from, their background, society, culture, customs, tradition, etc. Certain processes or treatments such as mental recovery require specialists, and attending to individual cases is near to impossible. The question is how to manage quality issue under human resource limitation? Sometimes, in the case of NGOs referring cases to Baan Kredtrakarn, they will also assist in interviewing the victims, legal assistance, organising of activities, etc to ease the workload<sup>11</sup>.

The director from GOc elaborated that the key indicators for Baan Kredtrakarn are the ability of the victims to strengthen their self-esteem, have some life skills as a basic principle to learn more, be stable and reintegrate into society, go back to school, find a decent occupation, and not return as a victim. Baan Kredtrakarn tries to do follow-up with locals every three, six or nine months by visiting, calling, or sending letters, but with foreigners, it has to rely on actors in the origin countries<sup>12</sup>. The ‘comments box’ at Baan Kredtrakarn provides intakes the opportunity to address directly to the Director their personal comments, requirements, etc, a remark mentioned by the director of GOa<sup>13</sup>.

In sum, most interviewees believe that the programme is sufficient but in terms of effectiveness, all the components of the service need to be looked at such that areas for improvements can be identified. For instance, Baan Kredtrakarn’s services help build victims up, strengthen their capability but it is difficult to measure or evaluate the service due to lack of information and feedback from origin countries.

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<sup>11</sup> Interviews on 15<sup>th</sup>, 18<sup>th</sup>, 22<sup>nd</sup>, 25<sup>th</sup> October and 1<sup>st</sup>, 6<sup>th</sup> November 2007

<sup>12</sup> Interview on 8<sup>th</sup> November 2007

<sup>13</sup> Interview on 1<sup>st</sup> November 2007



## 5.2 Systems, Laws and Agreements

The following main legislations, as confirmed by the director of GOa, the social development officer from GOc, and the officer from IOB, are in force in Thailand to assist and protect women and girl victims of trafficking, namely: The Prevention and Suppression of Prostitution Act B.E. 2539 (1996); Measures in Prevention and Suppression of Trafficking in Women and Children Act B.E. 2540 (1997); Criminal Procedure Code Amendment Act (No. 20), B.E. 2542 (1999); and the Child Protection Act B.E. 2546 (2003). In addition, the programme manager from NGOc mentioned the above legislations do not include provisions for men<sup>14</sup>.

Several interviewees<sup>15</sup> talked about Thailand having adopted a multi-disciplinary system of protection and care for trafficked victims in which all the relevant parties are involved through collaborative efforts as laid out in several domestic, bilateral and COMMIT MOUs in order to streamline the work and operation at the national level. Under the framework of MOUs, all victims now need to receive the service and assistance from the government shelters. For example, any organisation or police that identifies a victim at the Immigration Detention Centre (IDC) or around Bangkok will refer the case to Baan Kredtrakarn as the latter has a very high security system. Thailand uses the UN Protocol on the definition of Human Trafficking and has interpreted it in order to standardise operational procedures for all concerned parties. Currently, the 'Guideline Principles for the protection of victims of trafficking in the Greater Mekong Sub-region' is being drafted by international organisations<sup>16</sup>.

## 5.3 Repatriation and Follow-Up

Prior to bilateral and COMMIT MOUs, the director of GOa asserted that, repatriation was coordinated with NGOs in origin countries but nowadays under the MOUs, repatriation is done through government-to-government channel for security reasons. Origin country then collaborates with NGOs there to assist in repatriation, ease and fasten the process. Furthermore, the Thai Government will not repatriate victims until

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<sup>14</sup> Interviews on 1<sup>st</sup>, 8<sup>th</sup> November and 22<sup>nd</sup>, 25<sup>th</sup> October 2007

<sup>15</sup> The consultant, the director from NGOb, the officer from IOB, the director from GOa and the social development officer from GOc

<sup>16</sup> Interviews on 9<sup>th</sup>, 18<sup>th</sup>, 22<sup>nd</sup> October and 1<sup>st</sup>, 8<sup>th</sup> November 2007

it is confident to do so based on the victims' conditions, family assessment and tracing reports, prosecution, etc,<sup>17</sup> confirming the same remark made by the consultant on 9<sup>th</sup> October on ensuring safe repatriation of victims. The social worker at NGOa gave an example of a problem of repatriation to Burma/Myanmar when sometimes the government does not accept that these victims are their citizens due to ethnic minority for example, thus narrowing the channel through which repatriation can be done<sup>18</sup>.

Another important issue stressed by the consultant, the project assistant from IOa, the director of GOa and the social development officer from GOc was that after repatriation to the GMS countries, the duty lies in the jurisdiction of the origin country to take care of its citizens, with follow up, job placement, etc. Thailand cannot intervene. The follow-up process is very difficult and weak because various factors, depending on how the origin countries would cooperate after victims are repatriated, affect Thai policy. In Cambodia, follow up in six months or a year is still not possible because the nation is poor. There is political instability and insecurity in Burma/Myanmar. Laos, for instance, is also a very poor country and does not have enough budgets planned for personnel to travel and visit the returnees living in remote areas and report back to the Thai government. The Lao system in monitoring and follow up is a lot behind that of Thailand, thus not much can be expected. Since such follow-up reports are very decisive, not having them hinders the evaluation of the effectiveness of the current process. Even though bilateral MOUs are in place, in practicality, the framework is not fully followed due to many factors and stakeholders involved. Therefore, for more effective functioning, more coordination and cooperation among all the different organisations will help tackle the issue, such as third-party support (technical, financial, etc) from NGOs and international organisations supplementing government-to-government arrangements<sup>19</sup>.

During the interview on the 9<sup>th</sup> October, the consultant also pointed out that if the origin country does not have the mechanism and procedures in place to provide assistance to the victims (compared to Thailand for example which is much more developed and has better systems and facilities than neighbouring countries), the

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<sup>17</sup> Interview on 1<sup>st</sup> November 2007

<sup>18</sup> Interview on 15<sup>th</sup> October 2007

<sup>19</sup> Interviews on 9<sup>th</sup>, 15<sup>th</sup> October and 1<sup>st</sup>, 8<sup>th</sup> November 2007

COMMIT MOU will try to work towards establishing such comparable systems in lesser developed member countries to facilitate standardised and effective transition of victims. NGOs in origin countries also help with the follow-up sometimes but not yet systematically.

#### 5.4 Victims

Talking about victims, all six interviewees<sup>20</sup> had the same view that better economic situation in Thailand attracts foreigners (Thailand seen as a destination country for neighbouring GMS countries) whilst Thais are lured to other more developed countries like Japan, Germany (Thailand seen as a sending country to Asia and Europe). Previously, Thais from the north and northeast of Thailand were trafficked to Bangkok into the sex industry but nowadays the trend is changing – Thais are being trafficked overseas. Thus, the supply from neighbouring, economically-difficult countries fills the space left by Thais for local needs. Another factor pulling people into Thailand is the demand for cheaper labour, wherein migrants are vulnerable to exploitation when met with traffickers. Some people might know that they are going to work in the sex or other industries but are not aware of problems such as debt-bondage, abuse and forced to work overtime, etc, thus falling under the definition of human trafficking. From a human rights approach, no one has the right to violate the right of another, thus protection of such rights is essential<sup>21</sup>.

Victims are generally poor, uneducated, from break-up families, and who leave home without knowing anything. Due to the effects of globalisation (e.g influence of Thai media on Laos) and better economic conditions elsewhere, people aspire to a better / materialistic life only to find themselves vulnerable and exploited. These were the remarks from the consultant, project assistant from IOa and director from NGO<sup>22</sup>.

On the biggest reason for people leaving their home, the consultant and the director from GOa mentioned *poverty*, with other intervening factors, such as the role in the family, lack of opportunities back home, etc. A case in example is Burma/Myanmar's

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<sup>20</sup> The consultant, project assistant from IOa, the director from NGO<sup>b</sup>, the officer from IO<sup>b</sup>, the director from GOa and social development officer from GO<sup>c</sup>

<sup>21</sup> Interviews on 9<sup>th</sup>, 15<sup>th</sup>, 18<sup>th</sup>, 22<sup>nd</sup> October and 1<sup>st</sup>, 8<sup>th</sup> November 2007

<sup>22</sup> Interviews on 9<sup>th</sup>, 15<sup>th</sup> and 18<sup>th</sup> October 2007

socio-economic situation, war, and the discrimination of skin colour and races, wherein many minorities not recognised by the government is pushing for the poverty of the nation and national insecurity that forces people out<sup>23</sup>.

The social worker from NGOa, interviewed on the 15<sup>th</sup> October, added that gender discrimination still exists in the GMS, where boys have more choices than girls – if parents have to support schooling, they prefer to send boys rather than girls to school. Also, males play the main role in the family and adults take care of farming. Girls who stay at home have almost nothing to do as they cannot help in agriculture and farming due to lack of strength. Girls thus represent some kind of surplus labour, feel like being a burden on the family and also obliged to pay back to their parents. Seeing neighbours leave the village, they tend to follow and decide to go find something to do elsewhere. The social worker also gave an example of a case of a Laotian girl, who came to Thailand twice and was admitted to the shelter, but the last time when found at the IDC, she brought her friends along – thus, she transformed into a trafficker.

### **5.5 Victim Identification**

Providing assistance is an obstacle because of the problem of coordination among officers involved. The interviewees<sup>24</sup> remarked that if government officers such as the police fully understood the issue of human trafficking and its definition, there would not be a need for NGOs to work at the Victim Identification Unit at IDC to screen victims. The Police has authority to identify victims of human trafficking but when the police rescue or encounter foreigners with no identification documents, the latter are assumed to be illegal migrants and sent to the IDC for deportation. If they were not identified as trafficked victims, they would have been deported without any assistance. Similar occurrences happen with children: sometimes police did not coordinate with organisations or NGOs in screening victims or fully understood different cases. First and foremost, persons under eighteen years of age have a right to be protected, as per the Child Protection Act, whether they are victims of trafficking or not. If the children are victims of trafficking, police has no authority to detain them but to coordinate and refer them to Baan Kredtrakarn for cases in and around

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<sup>23</sup> Interviews on 9<sup>th</sup> October and 1<sup>st</sup> November 2007

<sup>24</sup> The social worker from NGOa, the director from NGOb, the officer from IOb, the director from GOa and the social development officer from GOc

Bangkok. The role of the NGO that works at the IDC is to help the police to identify who is a victim of human trafficking among high number of women and girl foreigners who are arrested or rescued in Thailand, irrespective of the purposes they came to Thailand for, otherwise there is a high risk that all these foreigners will be just deported as illegal migrants. In order to screen for such victims, it needs to do the basic interview by asking a number of standard questions as per a check-list. After identification, the information is sent to the police and the police will coordinate with BATWC and the case is referred to Baan Kredtrakarn. Oftentimes the NGO will follow the case to Baan Kredtrakarn and provide legal and other assistance by coordinating with social workers there. If there is prosecution or trial, the NGO assists to prepare the victim as witness by employing lawyers at its own expense. According to MOUs, all victims have to be helped and protected, and they are made aware of their rights and options<sup>25</sup>.

One of the problems faced in victim identification, as identified by the director of GOa, interviewed on the 1<sup>st</sup> November, was that the brothel owners train the girls to say to the police when arrested that they are 19 or 20 years old, that they come by themselves, that they have good working and living conditions, that they get properly paid etc, such that the police will just send them to the IDC for deportation. Thus, they will not fall under the category of human trafficking. The programme manager from NGOc, on the 25<sup>th</sup> October, added to the above comment that due the fear of being institutionalised for a period of time, some victims do not want to be identified as victims of human trafficking.

## **5.6 Other Processes**

The project assistant of IOa mentioned on the 15<sup>th</sup> October that one of the international organisations provides capacity building such as training police officers at immigration in interviewing and screening victims; establishing check-list as a first step to properly screen victims from illegal migrants and thus provide protection and assistance rather than deportation; also training on psychosocial rehabilitation such as individual and group counselling.

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<sup>25</sup> Interviews on 15<sup>th</sup>, 18<sup>th</sup>, 22<sup>nd</sup> and 1<sup>st</sup>, 8<sup>th</sup> November 2007

Duration of stay varies at Baan Kredtrakarn, as per the director of GOa, interviewed on the 1<sup>st</sup> November, depends on:

1. The mental and physical condition of the victims;
2. The prosecution process: especially if it is a criminal prosecution, it is longer
3. Family assessment and tracing: Social workers are in charge of fact finding, and if information received are not enough and unclear, it is difficult to find the family, for instance, the unclear description of location, causing further delay in the process.

In terms of legal assistance to the victims, and under the Criminal Procedure Code, the director added that the victims will be investigated once using audio and video tape and with all relevant professionals present at the same time such as the police, social workers, prosecutors, psychologists etc. This is to prevent any mental disturbance to the girl by asking pertinent questions about her bad experience only once. Last but not least, blood test, with the girl's consent, is recommended at Baan Kredtrakarn as there are so many victims and if some have infections, prevention and cure can be done faster. As of the 1<sup>st</sup> November 2007, there were five cases of HIV-infected victims. Thai victims with visible symptoms but who can still take care of themselves are referred to Mercy Centre in Bangkok and Camillian Social Centre in Rayong; foreigners to the Agape Home in Chiangmai.

## **6. Analysis**

Many practitioners believe that the scope and magnitude of the problem of trafficking is increasing and GMS is no exception (Marshall and Thatun 2005: 43). Government, non-government and international organisations have been working on local, national and regional levels on different issues related to this grave problem such as enforcing laws to punish traffickers, combating trafficking, implementing prevention measures, among others. It is highly remarkable that Thailand has this trafficking problem as one of its priority areas through organising its first national conference on combating trafficking in persons in May 2004 in Chiang Rai Province. The purpose, as cited by Kampon Klawtanonk, Chief Inspector-General from the Prime Minister's Office, was to "discuss strategies to deal with prevention, protection, prosecution, repatriation and reintegration, all of which should improve the situation of children and women especially in Thailand" (Chutikul and Marshall 2004: 3). The Government also

announced its commitment to combating trafficking as a national agenda in the same year, in addition to signing the COMMIT MOU on Cooperation against Trafficking in Persons in the GMS in October 2004. Baan Kredtrakarn became the central information exchange between practitioners in Thailand and the region<sup>26</sup>.

The Japan International Cooperation Agency Regional Support Office for Asia organised a seminar in March 2007 in Bangkok on the Roles of Shelter for women and children, in the context of Trafficking in Persons (TIP) in the GMS, and found that:

From the perspective of improving social delivery services and women's empowerment /.../ a lot has been already done to deal with TIP in the region /.../ at the macro policy as well as grassroots levels. Many government agencies and NGOs have been dedicated to tackle TIP issues as well /.../ however, we found that the social support system of victims, especially women and children, have not been sufficient for them to be well protected, re-integrated and fully empowered" (JICA 2007: i)

From the point of view of assistance provided by Baan Kredtrakarn in terms of protection to, rehabilitation and repatriation of victims, the following analysis is crafted based on the research questions of the study and the findings of the fieldwork.

### **6.1 To what extent has this service been practical in providing protection and assistance towards trafficked victims?**

With regards to victims of human trafficking, the UNIAP advocates that "all aspects of physical, psychological and emotional health must be addressed in order to rebuild their lives" (UNIAP 2006: 9). Under the Prevention and Suppression of Prostitution Act B.E. 2539 (1996), "protection and occupational development means psychological rehabilitation, therapy, vocational training and development as well as development of the quality of life" (Section 4), and Baan Kredtrakarn's main objective is first and foremost to help trafficked victims recover mentally and physically in a safe, highly secure environment due to the protection issue involved and also the security of trafficked victims against traffickers. Baan Kredtrakarn adopts a multi-disciplinary team approach in which the social workers and officials from different sections at Baan Kredtrakarn maintain a case file that monitors the progress of victims as well as interact with other professionals (doctors, lawyers, police, labour

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<sup>26</sup> Baan Kredtrakarn's Brochures

office, etc) in supporting the build-up of trafficked victims. In terms of strengthening the capability of trafficked victims, their service is very hands-on with standard operating procedures including medical care, counselling services, psychosocial recovery programmes, recreational services, and social activities conducted over 1-2 months that assist victims improve their mental, physical and social well-being. Thus, one main theme in the capability approach, functionings, defined as “the various things a person may value doing or being” (Sen 1999: 75) has been achieved. Victims enjoy the functionings of a healthy body and mind, being safe and calm, having friends, etc. These states make up part of victims’ well-being. An Australian Youth Ambassador for Development, Lucy Abbott, who worked at Baan Kredtrakarn during her twelve-month assignment, appropriately described how “fragile, shy and damaged girls blossom into bundles of enthusiasm and smiles. In the shelter, many found stability, friendship and nurturing for the first time in a long time” (Focus May 2004: 11).

Capabilities, another central term in capability approach, are the “alternative combinations of functionings that are feasible for [people] to achieve” (Sen 1999: 75). With many capabilities, a person may enjoy many possibilities, for instance, a rebuilt self-esteem and self-confidence allow victims to be more open and able. They thus can assist the authorities in providing information for prosecution of traffickers as well as family tracing. In addition, they are also in a better position to decide which vocational training they would like to join after the orientation period. For Sen (1999), “the perspective of human capability focuses on the ability of people to live the lives they have reason to value and to enhance their real choices they have” (Sen 1999: 293). ‘Reconditioned’ victims have, in a way, been empowered through the process of change (a proposition by Kabeer 1999) as they have a renewed sense of being and are able to make some decisions, albeit minor ones such as the choice of training. Their earlier state of disempowerment was when they were trafficked and exploited, and un-free to determine their own destiny, “imprisoned on the margin of subsistence with no education and no skills” (Thirlwall 2002: 43). Baan Kredtrakarn henceforth facilitates to empower the women and girls through the process of psychosocial rehabilitation, enhancing their *beings* and *doings*.



Building up their capability and empowering them in order to reintegrate into the society is also crucial for a 'new life' but another aspect of empowerment is that it "cannot be bestowed by a third party. Rather those who would be empowered must claim it" (Mosedale 2005: 244). Thus the women and girls must be a part of it. Baan Kredtrakarn as a third party cannot directly impose on women and girls but rather provides them with the necessary influence to participate fully in the activities, in a safe and caring environment to subsequently change victims' attitude because change should come from within, with the self-realisation of the importance of the activities for their future lives. While Baan Kredtrakarn "may be able to create conditions favourable to empowerment they cannot make it happen" (Ibid) unless there is participation and involvement. The latter would be enhanced if the women and girls were made more aware of the benefits of the activities in their own languages and thus would be more interested and participative.

But the extent to which Baan Kredtrakarn is able to do so is somewhat constrained by the lack of human resources to handle the increased number of cases, as well as lack of translators. In a 2007 study commissioned by IOM, it was found that obstacles to victim support were "in each of the GMS countries, the shortage of specially trained social workers /.../ also insufficient interpreters or shelter staff and social workers who can communicate well with victims" (Huguet and Ramangkura 2007: 42). All interviewees also identified lack of personnel as a main issue, thus as a method of development, "there is also a need for more and better knowledge of effective ways of supporting individual victims and contribute to their rehabilitation. We must listen to the victims themselves" (MFA 2003: 47). Providing individual assistance at Baan Kredtrakarn catering to individual needs is still a very distant possibility.

## **6.2 How does this service help women and girls with a future livelihood?**

From the empirical findings, Baan Kredtrakarn, since inception, was intended mainly as a protection centre, hence the vocational training takes the form of occupational therapy to assist victims to be able to concentrate on an occupation and in mental development, develop their self-confidence, and stand on their own feet rather than training for a livelihood. Thus, it does not directly help with a livelihood but serves as a platform where women and girls progress from their initial situation upon arrival at

Baan Kredtrakarn, internalise some basic skills, and become able and in a better position to decide their next course of action. For instance, Thai residents are provided with non-formal education in addition to vocational training such that after completion of their course and exam, they are rewarded with a certificate which they can use to apply for further formal and non-formal education or enrol into Vocational Training Centre to further develop their potential and job prospects. Non-Thais, while waiting for the process of family tracing and assessment, repatriation, and/or prosecution process against traffickers, undergo only the vocational training at Baan Kredtrakarn. Such training offers them some foundational skills in such trades as weaving, handicrafts, cooking, among others, yielding additional sense of satisfaction and confidence in self, thereby increasing women's and girls' right to self-determination but no guaranteed employment as the latter would be best handled by government and non-government agencies in origin countries.

In an IOM (2007) report, the authors recommended that “the COMMIT process should arrange for thorough review of such training programmes, particularly to determine the extent to which those trained use the skills learned to find employment /.../ the range of vocational training should be expanded beyond such low-income skills as weaving, sewing or hairdressing to include some of the basic skills needed to be a cashier, clerk or secretary” (Huguet and Ramangkura 2007: 51). A cashier, clerk or secretary – is this feasible? This remark deserves further scrutiny, I reckon, because I wonder whether is it possible for Baan Kredtrakarn to offer anything else other than the existing vocational training given the background of the women and girls before trafficking and what they have been through.

From the fieldwork, I also found that other lessons such as English language courses are conducted by a volunteer and an NGO, and computer courses are provided by HOPE Worldwide, an international charity. However, the latter is limited to those who are literate as one needs some basic knowledge for computer courses.

Finding a livelihood for women and girls who have been through Kredtrakarn Protection and Occupational Development Centre, I think, also depends on a number of other factors such as the socio-economic state of the economy, demand for certain occupations, institutional factors, among others. The latter conditions, if suitable, will

combine with people's internal capabilities, for the State and public to action on combined capabilities. Nussbaum (2000) defines combined capabilities as "internal capabilities combined with suitable external conditions for the exercise of the function" (Nussbaum 2000: 84). For instance, ILO Mekong Sub-Regional Project to combat trafficking in children and women 2003-2008 suggests that "alternative income generation projects and micro-finance initiatives also work to build a sense of community – and empowerment at home"<sup>27</sup>. In addition, since empowerment denotes a process of change, and Kabeer also stresses the "interdependence of individual and structural change in processes of empowerment" (Kabeer 1999: 461), it thus represents an ongoing course of action that consists of a number of steps that need to be coordinated among the multilateral stakeholders including local, regional and international, and adjusted overtime.

Baan Kredtrakarn, through its psychosocial rehabilitation and vocational training, has helped the women and girls with the first step. It is very important that the latter are able to realise their potential in the next step, i.e reintegrate into society and find a livelihood, but this requires other parties' involvement as development and change does not happen overnight. For instance, upon repatriation, with proper reintegration programmes at home such as livelihood and social programmes, women and girls with the ability to make some choices, can get fully involved, help educate others and empower the community by sharing their experiences and creating greater awareness of the dangers of human trafficking – an example of combined capabilities. Hence, this might help with reducing the incidence of women and girls being re-trafficked.

### **6.3 What can be developed further?**

In line with the capability and empowerment approaches, as well as based on the empirical findings and fieldwork experience, I believe that there are rooms to improve and develop in providing protection and assistance towards the victims of human trafficking. Sen's and Nussbaum's capability theory and Kabeer's empowerment approach are normative frameworks and "because we are concerned with a value-based approach, the ultimate test of any intervention is the increase in the actual

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<sup>27</sup> [www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/projectoverview2006-2008.pdf](http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/projectoverview2006-2008.pdf) 28/12/2007

functionings that a person is able to achieve” (Johnstone 2007: 78), i.e. what the women and girls are able to be or do after going through the protection and occupational development at Baan Kredtrakarn. The current service at Baan Kredtrakarn for trafficked victims cannot be presently evaluated in terms of effectiveness because of the many factors that need to be taken into account, among which the weak follow-up process with non-Thais that is beyond its reach, thus hindering such evaluation. “Governments and NGOs recognise that consistent, high quality data collection, mapping gap areas and quality research are the essential basis for effective policies and programs”<sup>28</sup>. A forthcoming initiative that will possibly be very useful is the “Drafting of Regional Guidelines on Victim Protection”<sup>29</sup> to be discussed at the December 2007 COMMIT Senior Officials Meeting in Beijing, that aims to enhance the protection service to the victims of human trafficking to reach regional standards. It is likely that, at such a macro space-policy level, it might take considerable time before the guidelines are implemented and adhered to in the GMS.

At a more micro space-practical level in the meantime however, from the empirical findings, what I ascertain for the short and medium term is that the immediate gap that is within the control of Baan Kredtrakarn and can be actioned upon is the issue about lack of human resources and interpreters, constraints identified and brought up by all interviewees. With the current composition of staff, there is only so much that Baan Kredtrakarn can do at the moment. One suggestion to fill this gap is to look into ways and means, through governmental, non-governmental and international channels, to increase the number of qualified and trained social workers and interpreters, attempt to monitor the change as well as examine the results after a period of time. This would indicate the extent to which access to more resources increases capacity, hence the resulting effect on functionings and capabilities of women and girls. However, effecting change has to be thought of and planned as a systematic process to ensure that it is sustainable. Ad-hoc measures to ease workload or for convenience does not increase capability because “capability reflects systematic rather than accidental access to wellbeing, and therefore wellbeing is more likely to be sustainable and robust across time and context” (Johnstone 2007: 76), thereby taking a more victim-

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<sup>28</sup> [www.humantrafficking.org/updates/357](http://www.humantrafficking.org/updates/357) 28/12/2007

<sup>29</sup> [www.no-trafficking.org](http://www.no-trafficking.org) 26/12/2007

centred approach and working towards increased responsiveness to victims and a better quality of service.

The follow up process from origin countries is another critical step in the process but since it is beyond the Thai Government's intervention, it requires more urgent and effective regional mechanisms that can institutionalise and enforce critical minimum standards. Therefore, at a policy level, the COMMIT MOU could further strengthen the capabilities of the GMS countries, i.e., empower the GMS countries to, among other measures to tackle issues of human trafficking, properly conduct the follow-up process, to gain better from bilateral and multilateral cooperation. As an ongoing process, empowerment entails making decisions on matters that are important, and unless member countries realise the urgency and accord the same priority to combating trafficking, as Thailand has done putting it on its national agenda, conceptual and operational measures will not be impactful as 'several regional initiatives and numerous local and national programs have yet to show strong signs of impacting on the problem' (Marshall and Thatun 2005: 43).

## **7. Conclusion and Future Research**

This study started by me wondering 'To what extent do trafficked victims achieve a *new life* through protection and occupational development in Thai government shelters'. My point of departure was Kredtrakarn Protection and Occupational Development Centre which is the main and most developed government shelter and focus point for protection services for trafficked victims in Thailand. In doing so, my research questions pertained to what extent protection and occupational development, defined as "psychological rehabilitation, therapy, vocational training and development as well as development of quality of life"<sup>30</sup> have assisted in empowering the victims of human trafficking to re-shape their mental and physical being from trauma, to build-up their self-esteem/confidence and self-determination so they are capable to reintegrate into society, and to help with a future livelihood.

Five weeks of fieldwork was conducted in Thailand, mainly around Bangkok, and subsequently capability theory and empowerment approach was used as an analytical

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<sup>30</sup> The Prevention and Suppression of Prostitution Act B.E. 2539 (1996) Section 4

framework to answer the research questions, because “capability represents the most accurate space in which to investigate and advance diverse kinds of well-being” (Alkire 2005: 4). From the analysis of empirical findings, the protection and occupational development represents a first step for capability expansion for both Thais and non-Thais, providing them with psychosocial rehabilitation and basic skills as a foundation to building up their human capacity, for *being* and *doing*. Siriporn Skrobanek (from Foundation for Women) who has nearly twenty years of experience working on human trafficking issues concluded in her article titled “Human Trafficking: From Vertical to Horizontal Journey” that “empowering women and community might be an answer to prevent trafficking of women and children”<sup>31</sup>. When women and girls are empowered through the protection and occupational development, they will have a reconditioned self, be equipped with some life-skills, and also greater awareness on human trafficking, that altogether work to reduce the likelihood of them being re-trafficked.

Since the main objective of Baan Kredtrakarn is to provide protection and assistance services rather than occupational development, it does not help with ensuring a livelihood for women and girl victims of human trafficking under its care. However, in terms of educational and vocational development, Thais can use this elementary skill to further their livelihood prospects by either attending formal or non-formal school or vocational training centre, while non-Thais when repatriated will hopefully be able to apply the skills learnt for living in their home country depending on the reintegration programmes there. The follow-up process from origin countries is very weak and requires concerted efforts by all concerned parties in the GMS in order to facilitate the evaluation of the effectiveness of the current protection and assistance services, and therefore initiate improvements. While concrete and ongoing initiatives such as the COMMIT MOU at the regional level are a boost towards the fight against human trafficking, besides commitments at the policy level, practical and operational responses from all member countries in the GMS need to be initiated and implemented in order to assess the effectiveness of any such rehabilitation and reintegration programmes. In the short term however, the shortage of trained personnel and interpreters identified as a main actionable issue, if rectified, could

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<sup>31</sup> [www.womenthai.org/eng/trafficking.html](http://www.womenthai.org/eng/trafficking.html) 17/07/2007

enable Baan Kredtrakarn to provide more victim-centred services and promote capabilities which the victims, who will enjoy them, value and attach a high priority to.

The above study has used the capability and empowerment concepts as a tool to understand the service offered at Baan Kredtrakarn towards trafficked victims, and how it empowers women and girls to develop their capability and have alternative choices for their lives. Further research could look into how such concepts could be effectively measured and applied at different stages of the service such as protection, rehabilitation, reintegration and prevention from re-trafficking, to provide good justifications for social policy recommendations.

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## **Appendix 1 Schedule of interviews**

October 9, 2007	Consultant on human trafficking issue
October 15, 2007	Social Worker from NGOa Project assistant from IOa
October 18, 2007	Director from NGOb
October 22, 2007	Officer from IOb
October 25, 2007	Programme Manager from NGOc
November 1, 2007	Director from GOa
November 6, 2007	Head of GOb
November 8, 2007	Director from GOc Social Development Officer from GOc