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Private Protection Centers to Assist Human Trafficking Survivors in Thailand: **OBSTACLES TO REGISTRATION AND RECOMMENDATIONS FOR MITIGATION**



USAID THAILAND COUNTER TRAFFICKING IN PERSONS

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ABBREVIATIONS

COVID-19	Coronavirus Disease '2019 novel coronavirus' or '2019-nCoV.'
CTIP	Countering Trafficking in Persons
DATIP	Division of Anti-Trafficking in Persons
FDG	Focus Group Discussions
GO	Government Organization
MDT	Multidisciplinary Teams
MSDHS	Ministry of Social Development and Human Security
NGO	Non-Governmental, Not-for-Profit / Community-Based Organization
RTG	Royal Thai Government
TIP	Trafficking in Persons
TIP Report	Annual U.S. Department of State Trafficking in Persons Report

GLOSSARY

GO Shelter	Welfare Protection Center run by the Royal Thai Government (Public Sector)
MDT	Multidisciplinary Teams in Thailand are composed of experts, including police officers; administrative staff; public prosecutors; social workers; psychologists; lawyers; provincial employment officers; provincial labor protection and welfare officers; immigration officers; interpreters from both GOs and NGOs; welfare workers; any other relevant officers as appropriate Multidisciplinary Teams
NGO Shelter	Welfare Protection Center run by an NGO (Private Sector)
Open shelter	A form of welfare protection center that has more flexible protection regulations than traditional shelters. For instance, one that allows residents to come and go freely, without a fence around the premises, or even provides separate rental accommodations for residents, instead of keeping them all under one roof.
Shelter	Welfare Protection Center (General)
Shelter for Children	Welfare Protection Center for Children
Shelter for TIP Survivors	Welfare Protection Center for survivors of human trafficking



EXECUTIVE SUMMARY

The Royal Thai Government (RTG) continues to make significant efforts to cooperate with Non-Governmental Organizations (NGOs) to counter trafficking in persons (CTIP). Since 2017, these efforts have included an initiative to allow NGOs to register shelters for TIP survivors under the Division of Anti-Trafficking in Persons (DATIP) within the Ministry of Social Development and Human Security (MSDHS).¹

This initiative represents a positive step forward in promoting cross-sector partnerships. Government Organizations (GO) can support NGO efforts by providing a legal framework, national standards, resources, and training. NGOs can support GOs by building close relationships with survivors, especially those who are unwilling or unable to report the crimes committed against them to the police. NGOs can also lend their varied specialized expertise, help find creative and alternative solutions for survivors who might otherwise feel excluded, and share international and regional best practices.

The purpose of this study was to understand why, despite the efforts and benefits, only three (3) organizations in Thailand have successfully registered privately-run protection centers for survivors of human trafficking with DATIP. The research methods included: desk research and legal analysis, in-depth interviews, and semi-structured focus group discussions (FGDs). This approach sought to: (1) study the factors affecting NGO decisions on whether to register, and (2) identify possible avenues for DATIP to promote and encourage additional registrations.

The report provides actionable recommendations, including alternative policies or initiatives to promote the welfare and protection of TIP survivors in Thailand. The research points toward the challenges faced by GOs and NGOs, and seeks to strengthen and improve counter-trafficking efforts, including addressing recommendations of the annual U.S. Department of State's Trafficking in Persons (TIP) Report.

1 Link to law in Thai: <http://law.m-society.go.th/law2016/uploads/lawfile/59daf3a00784f.pdf>

KEY FINDINGS:

The identified obstacles to registration of NGOs as Welfare Protection Centers for survivors of TIP include:

- Lack of understanding of the registration initiative
- Insufficient resources (staff, administrative, and financial)
- Challenges in engaging organizational stakeholders to support participation in the initiative
- Hesitancy to opening their shelters to what is perceived as possible interference by GOs with limited experience in caring for survivors of human trafficking

Challenges for the Government of Thailand include:

- Managing a lack of consequences for NGOs operating unregistered shelters
- A lack of effective promotion of the regulatory requirements
- Perceived complexity of the registration processes
- Limited options for alternative care to survivors, including different types of housing and support

RECOMMENDATIONS:

Provide NGOs with clear, accurate and up-to-date information on advantages and responsibilities related to registration

Create a database of government officials at the provincial level to guide NGOs as they are considering applying for registration or are initiating the process

Increase financial and in-kind support to NGOs who register under the initiative, both during and after the registration process

Collaborate with NGOs to provide alternative forms of care, including “open shelters”

Widen the eligibility for registration to include NGOs who may not be currently working in CTIP, but who have access to the resources necessary to provide services and shelter to TIP survivors

Create fast-track registration for NGOs already taking referrals of survivors of TIP

Host meetings and trainings on a quarterly basis to increase understanding of the registration process and answer questions

Share human resources and local networks between NGOs and the GOs

Open a dialogue with NGOs on offering alternatives to the shelter care model, such as supporting families to live together, daycare services, and more

Introduce and follow-up with penalties for NGOs operating shelters without proper authorization



SECTION 1: ABOUT THE RESEARCH

CONTEXT

Trafficking in Persons is a grave human rights violation and a non-traditional security threat that has continued to rise in importance globally, and in 2004 the Kingdom of Thailand made human trafficking a priority of the national agenda. Counter-trafficking legislation followed, beginning in 2008 with the Anti-Trafficking in Persons Act and the Trafficking in Persons Procedural Act of 2016. The Ministry of Social Development and Human Security (MSDHS) is the lead government agency responsible for overseeing solutions to TIP in Thailand.

In the fall of 2017, MSDHS issued regulations for the establishment of private protection centers to assist and protect survivors of human trafficking.² These regulations represent the pathway for enhanced collaboration between the government and the civil society and provide an opportunity for NGOs to play a role alongside the government in improving protection for survivors of trafficking. In prioritizing the establishment and strengthening of

Survivor Protection Centers for healing and rehabilitation, this collaboration also demonstrates the Thai government's efforts to address TIP.

When a survivor is cared for in a safe and supportive place, they will also be more likely to cooperate with the authorities in criminal proceedings. The GO-NGO cooperation results in a greater availability of resources, and more efficient legal proceedings against offenders. Continuing to support this cooperation could enhance Thailand's response to TIP and its ranking on the TIP Report.³

Since 2017, however, only three NGOs have registered as human trafficking protection centers under this initiative. Given the significant number of eligible NGOs engaged in anti-human trafficking work in Thailand, this number is low. It is thought that at least one additional CTIP NGO attempted to register as a welfare protection center for survivors of TIP, unsuccessfully, while other NGOs have not yet expressed interest or started the process. The current research represents a critical step towards strengthening the partnership between NGOs and the RTG in assisting TIP survivors. The report outlines barriers to registration; offers concrete recommendations for NGOs as well as best practices and recommendations for policy makers and government offices.

2 On September 11, 2017, MSDHS published an announcement, which became effective on October 3, 2017, on the establishment of private protection centers to assist and protect survivors of human trafficking.

3 <https://www.state.gov/reports/2021-trafficking-in-persons-report/thailand/>

OBJECTIVES OF THE RESEARCH

To identify factors influencing NGO decisions on whether to register as a *human trafficking survivor protection center*

To explore stakeholder attitudes toward the registration initiative and related regulations

To provide practical recommendation for DATIP to expand the number of successful registrations of private protection centers, as well as share best practices for relevant GOs

To outline steps that NGOs are to take when seeking to register under the DATIP certification process

METHODOLOGY

The study used the following qualitative methods to collect information:

1. Desk research of Thai laws and MSDHS regulations related to the registration of private human-trafficking survivor protection centers, registration of other shelters, and registration of anti-human trafficking organizations.
2. Focus group discussions with organizations working in counter-human trafficking in Chiang Mai (12 participants), Pattaya (12 participants), and Chonburi (12 participants). Each discussion lasted one full working day (8hours). The centers provide legal advice for children, the homeless, migrant populations, members of LGBTQ+ community, sex workers, and the disabled.
3. Semi-structured interviews with 24 experts from relevant GOs and NGOs (11 participants from northern Thailand, seven participants from the central region, four participants from the eastern region, and one participant from the southern). The following groups of stakeholders were interviewed: government officials working with survivors of trafficking, officers of the State Protection Center for Survivors of Trafficking in Persons, staff of an NGO shelter for survivors of TIP, and NGO staff working on the prevention and suppression of human trafficking. By line of work, nine participants were government officials working on the prevention and suppression of human trafficking, seven participants were officers of the governmental Welfare Protection Center for Survivors of Trafficking in Persons, two participants were staff of private Welfare Protection Center for Survivors of Trafficking in Persons, and four participants were NGO staff working for the prevention of human trafficking.

DATA ANALYSIS PROCESS

Qualitative data obtained from the interviews and FGDs were analyzed by synthesizing common themes. This was done by organizing data into categories by study question and presenting the information in line with the research objectives.

Participants had most experience working with survivors of sex trafficking, followed by labor trafficking, forced begging, child labor, pornography production, as well as other forms of TIP such as forced marriage or selling children.

LIMITATIONS

Due to the relatively small sample size, the responses given by the respondents may contain biases, and the results of the study may not reflect the views of all organizations in Thailand working on the prevention and suppression of human trafficking. In addition, the scope of this study was limited to the opinions of NGO and GO staff, and therefore does not reflect the direct experience of the survivors.



SECTION 2: HOW DO DIFFERENT REGISTRATION PROCESSES COMPARE?

As of mid-2021, registration as a CTIP NGO was a prerequisite for registration as an NGO-run Welfare Protection Center for survivors of TIP. The number of organizations registered as CTIP NGOs (63), is currently smaller than the number of NGO-run shelters (119) serving other vulnerable populations (including welfare protection centers and development and rehabilitation centers). The requirements for becoming a CTIP NGO are less stringent than the requirements for registration as an NGO-run shelter, whether for TIP survivors or other populations. CTIP organizations across Thailand may carry out a range of activities, from prevention campaigns, to outreach work, to referrals that do not necessitate housing or hosting survivors for lengthy periods of time.

Several existing registration processes overlap with the 2017 regulation, creating some confusion and hesitancy amongst NGOs. There remain many unregistered TIP and non-TIP shelters in Thailand, with little incentive to register, and few consequences for operating in this way. In addition to 119 registered shelters in Thailand, there are hundreds of unregistered shelters across the country. This is significant for two reasons: first, because these shelters may have the space and capacity to accommodate survivors and, second, because their existence is evidence of a lack of motivation to register. The unregistered NGO shelters, due to their unregulated nature, also present a risk of inadequate support. If compliance with the registration process and higher standards were enforced, NGOs would have a wider network of NGO partners, and greater access to their resources.

NGO-run shelters that are not specific to TIP, already have many of the required qualifications for DATIP registration. It appears that it may be easier for NGOs already operating shelters to gain TIP survivor-specific knowledge and skills, compared to the organizational and financial gap that the CTIP NGOs would need to fill to become a shelter.

The 2017 law on registering shelters led to overlap in the requirements for registration, with three distinct processes:

- The 2003 Registration of an Orphanage or Shelter under the Child Protection Act (Registration as a Shelter)
- The 2009 Registration Process of Non-Governmental Organization with Objectives to Prevent and Suppress Human Trafficking (registration as a CTIP NGO)
- The 2017 Regulation governing Establishment of Private Welfare Protection Centers for Assistance and Protection for Survivors of Human Trafficking (Registration as an NGO-run shelter for survivors of TIP)

The 2017 regulation built on the previous processes and aimed to:

- Expand survivor access to services;
- Increase flexibility for NGOs to assist both survivors of human trafficking and other vulnerable groups
- Improve referrals and facilitate repatriation and assistance
- Increase the credibility of NGOs through formal recognition of their services

The following table summarizes the differences between the three types of regulations. Column A lists the requirements for NGOs working in CTIP generally; column B lists the requirements for NGO-run shelters for TIP survivors; and column C lists the requirements for NGOs who run other shelters and but want to assist TIP survivors.

I	A. CTIP NGOs	B. NGO-run shelters for survivors of TIP	C. Other NGO-run shelters
Law or Regulation	2009 Anti-TIP Act for registration of NGOs to assist and protect TIP survivors	2017 Regulation on Private Welfare Protection Centers for the Assistance and Protection for Survivors of Human trafficking	2003 framework for Registration of an Orphanage or Shelter under the Child Protection Act
Evidence Required for Application	<ul style="list-style-type: none"> • National ID Card • Certificate of Registration of the Foundation/Association • Articles of Association of the NGO • List of members of the Board of Directors or the management team of the organization • Plan of projects to be carried out • Overall period of operation of no less than one year 	<ul style="list-style-type: none"> • Certificate of Registration of NGO for Assistance and Protection for survivors of human trafficking • Place of establishment (if the building is owned by other person, a written consent of the owner) • Interior layout of the building with details on the use of each room • Organizational Chart • Project Proposal (work plan, and budget) 	<ul style="list-style-type: none"> • Proof of ownership of the premises (land and building). If the premises are owned by another person, a written consent of the owner. • Location map of the shelter, welfare protection center or development and rehabilitation center • Interior layout of the building to be used for place of establishment • Draft regulations of the center
Applicant qualifications	Director of the NGO shall not be a person who has dubious conduct, has declared bankruptcy, or has ever been imprisoned by a court's judgment, except in the case of negligence or petty offence.	<ul style="list-style-type: none"> • The director or leader must be no less than 25 years old • Must have at least a bachelor's degree or higher • Must possess knowledge, understanding and experience related to the prevention and correction of human trafficking problems • Must neither have history of dubious conduct nor has committed an offence related to human trafficking • Must not have declared bankruptcy • Must be competent and able to carry out their duties • Must not have been imprisoned by a court's final judgment, except in the case of negligence or petty offence • Must be in good health, not addicted to narcotics, and not have a serious communicable disease. A medical certificate issued within the last 6 months is required 	<ul style="list-style-type: none"> • Must be no less than 20 years old and have completed compulsory education • Must not have a history of dubious conduct or immoral behavior, nor have committed an offence against a minor or violated a child's rights • Must not have been imprisoned • Must not have a serious communicable disease and not be a person of unsound mind, mental infirmity, or drug addiction • Must be competent and able to carry out their duties

<p>Location, Environmental and Building Requirements</p>	<p>The physical location of the organization is in the geographic area where the application is submitted, and the period of operation is at least one year.</p>	<p>Location, environment and building requirements of the private welfare protection center shall include:</p> <ul style="list-style-type: none"> • Bedroom • Activity room • Dining room • Toilet • Other rooms as appropriate 	<ul style="list-style-type: none"> • The building shall be situated in a safe and sanitary area not close to entertainment venues, areas with pollution levels exceeding the legal limit, or dangerous zones, such as areas for transferring gas, oil, chemicals, or poisonous substances, unless appropriate safety measures are put in place. There shall also be a fence or a barrier separating the building from surrounding areas, and the property shall have at least two entrances and exits. If there is only one gate, its width shall not be less than six meters. There shall be a suitable area for children to rest and play outside the building. • The building shall not have more than four stories. There shall be entrance/exit which can be easily accessed in case of emergencies. The width of the building entrance/exit shall not be less than 80 cm. Sufficient lightning is required. • There shall be sufficient air circulation and an air purifier or an air ventilation system. • If the center is for both boys and girls, there shall be separate bedrooms and toilets.
<p>Officers</p>	<p>Must have personnel or volunteers to operate the organization, or consultants who possess knowledge related to the protection, suppression, or correction of human trafficking problems.</p>	<p>Must have social workers or social work practitioners; caretakers; security guards; medical personnel, physical and mental rehabilitation personnel; instructors for professional training and other fields as appropriate.</p>	<ul style="list-style-type: none"> • Must have a welfare guardian; social worker; psychologist; legal officer; a childcare worker • If the Welfare Protection Center cannot provide a psychologist or legal officer, the Welfare Protection Center shall cooperate with another organization which has the required personnel and have their personnel perform these functions in the Welfare Protection Center. However, the Welfare Protection Center is required to provide their own psychologist and legal officer within two years from the date of registration as a Welfare Protection Center

Services / Assistance	<ul style="list-style-type: none"> The organization shall carry out activities related to the prevention and suppression of human trafficking for a consecutive period of not less than one year before the date of submission of application Must have clear plans, projects and activities related to the prevention, suppression, and correction of human trafficking problems 	<ul style="list-style-type: none"> Assist while considering the best interests of the survivor, maintaining the survivor's confidentiality (except in particular cases when the authorities can access the information) Deliver assistance to the survivor and other related persons free of charge Inform the survivor of the rights available to him/her during and after the provision of assistance When claiming compensation, the center shall inform DATIP to carry out the process <p>For Survivors who are Foreign Nationals</p> <ul style="list-style-type: none"> Inform DATIP and request permission for the survivor to stay temporarily in Thailand If safe and appropriate, contact DATIP to request issuance of a work permit if the survivor is permitted to stay in Thailand. Use the private welfare protection center as a temporary welfare protection center Inform DATIP to arrange repatriation of a survivor to his/her home country <p>For Survivors who are Thai Nationals</p> <ul style="list-style-type: none"> Inform DATIP before survivor return to home community to make sure s/he has access to assistance 	<ul style="list-style-type: none"> Host children who need physical or mental rehabilitation Investigate and observe children and their families to determine guidelines for the development and rehabilitation of each child Supervise and care for children staying at the welfare protection center Arrange for education, instruction, and occupational training for children staying at the center Correct behavior, treat and rehabilitate the physical and mental conditions of the children staying at the center Monitor and follow up with advice, recommendations, and assistance for children who have been discharged
Duration of License	No license required	Two years from the date of issuance	One year from the date of issuance
Number of Registered Centers/ Organizations	63 organizations nationwide	Three centers nationwide	119 centers (including welfare centers, welfare protection centers, development and rehabilitation centers, shelters)



CASE STUDY: Registered Private Welfare Protection Centers for TIP Survivors

All three organizations that registered as TIP shelters did not face difficulties related to human resources and shelter space. However, they encountered some bureaucratic obstacles, including delays due to complex formalities.

At the time of registration, the regulations did not permit shelters for survivors of TIP to allow visitors. Interviewees explained that it took 2-3 years for the RTG to study the feasibility of running protection facilities in this way, including reviewing similar protection centers in other countries. At last, the NGOs were informed that they could carry out the registration and the operation of the protection facility that allows visits.

Despite the update, many study participants believed that the original restrictions still applied, creating a misunderstanding that may be a significant factor preventing NGO-run shelters from seeking registration under DATIP.

One registered shelter shared how the survivors are placed to them at the provincial level:

- Multi-disciplinary team (MDT) invites the registered NGO to attend their meetings
- Whenever there is a confirmed TIP case, the MDT (including the NGO) decide on survivor placement based on the capacities of existing GO and NGO shelters, their gender, language, and other considerations
- The survivor is referred to the identified GO or NGO



SECTION 3: WHY HAVE SO FEW NGOS REGISTERED?

NGOs perceive significant obstacles to registration, some of which are misperceptions that can be addressed, while others are more complex and would require significant effort. Following the analysis of study participants' responses, the obstacles to registration can be broken down into two main categories:

LOGISTICAL AND FINANCIAL OBSTACLES

- Bureaucratic obstacles or obstacles in organizational management
- Lack of understanding of the process and benefits
- Lack of financial, administrative, and operational resources

CONCERNS ABOUT SURVIVOR CARE AND MODELS OF CARE

- Continued friction between government approach and survivor-centered care
- Confusion around the rights and obligations of survivors
- Misperceptions about government interference or involvement in day-to-day affairs
- A desire for alternative care models
- Responding to the TIP report concerns

3.1 Logistical and Financial Obstacles

BUREAUCRATIC BURDENS

Some NGOs who have already registered both as shelters for children under the Child Protection Act (2003) and as CTIP NGOs with the objective to prevent and suppress human trafficking (see Annex A for further detail), can already receive referrals of survivors into their care. They stated that additional regulations were unnecessary. As noted in Article 4 of the Regulations on Providing Assistance to Survivors of TIP, from the Commission of Human Trafficking Offenses (2009), the RTG

is already able to refer cases to these establishments. It is, therefore, perceived by the NGOs as an extra bureaucratic formality to apply for TIP survivor welfare protection center registration, adding to their workload without changing their day-to-day operations.

“ For the registration process, the documents need to be processed by someone who has knowledge in this area. Otherwise, you’ll find it difficult. Sometimes you do it until you get discouraged. So, we keep working like this [without registration as a welfare protection facility]. We’ve tried so many times: when you go the first time, this document is missing, then you try again, and they tell you you’re missing something else. In the end, we gave up.”

LACKING UNDERSTANDING OF THE REGISTRATION PROCESS AND BENEFITS

Based on the focus group discussions, there is a general lack of understanding of the regulations governing registration and most NGOs do not have information on the registration process or have outdated information. This can be further broken down as follows:

Lack of understanding of the advantages of registration

NGOs reported that since there was no information available on the advantages and disadvantages of registration, they could only estimate what the working conditions under the regulations would be. NGOs were concerned that registering might create more work for them and lessen the control they have over services. They do not yet understand how registration would impact them.

Reporting requirements are also a concern, as raised by several interviewees. Staff member fear additional reporting on a quarterly or semi-annual schedule that would include financial and operational reports in addition to the reports already developed for funders or partners.

“ As to the fund to support registered organizations and victims, the government has not clearly announced whether it is available, how it is allocated and funded. Will we have an additional boss, such as the MSDHS, governor, and reporting requirements on weekly / monthly / yearly basis?”

Misconceptions about possibility of on-site visits

Many NGOs hold the misconception that registration will lead to the prohibition of site visits or in-person visits to the shelter or otherwise control of who can and cannot access the site. Since these NGOs require sponsors to inspect/assess their work, including having people come to visit to donate items or to participate in activities with children, this is viewed as a barrier to acquiring adequate funding to continue their operations. Some participants reported their fear that the increased safety measures needed to protect survivors of TIP would result in strict limitations on permission for sponsors or potential funders to visit.⁴

Misconceptions around land ownership requirement

Though most participating in the study NGOs understood that rented land can be used, a minority still believe that land ownership is a prerequisite to registration.⁵ According to government regulations, NGOs must hold ownership of the land and property (house / building), or “if it belongs to another person or entity, such as a foundation, it [they] must consent to use the facilities as a protected center.” Even if the land and building is in the foundation’s name, the NGO must modify the documents of the organization to use the facility as a shelter. For some NGOs (especially for very large foundations), the bureaucratic and financial demands of obtaining signed consent can be a serious disincentive.

LACK OF FINANCIAL, STAFF, OPERATIONAL AND ADMINISTRATIVE RESOURCES

There is no assistance to support operational costs of preparing for registration and adapting staffing patterns, facilities and for staff time spent on the application process. Even if an NGO has the resources to register (initial staff time and travel costs to provincial or national capital to meet with government officials), in the medium to long term, there are no clear funding pathways – so taking on the extra workload is an increased risk to the NGO. With so many NGOs relying on financial support from external organizations and individual donors, without additional income or ability to fundraise, the registration is not viewed as an attractive alternative.

The shelter certification regulations have set forth that the following positions must be in the organizational structure prior to registration: social welfare staff, survivor rights officer, security guard, psychologist, vocational educational trainer, legal officer, and interpreter. As a pre-requisite, this is a significant investment and burden on the part of an organization seeking registration. While

4 NGOs who have already registered have not experienced such issues. It is possible for donors and potential donors to visit, as well as family and friends, if deemed safe by shelter staff.

5 Regulation on the Establishment of Private Shelter for Assist and Protect Victim of Human Trafficking, article 5: “NGOs requesting the establishment of a private protection center must meet the following requirements: (2). have a location, building to establish a protection center. In the case where the place or building is owned by another person, there must be a letter showing the consent of the owner of the premises or building and building plans within the premises <http://law.m-society.go.th/law2016/uploads/lawfile/59daf3a00784f.pdf>



in theory these organizations have access to the state Anti-TIP fund at the national level, limitations and specific criteria have meant that in practice, the fund has no direct part in the preparation of premises under the shelter certification process. The ATIP fund can be used under five categories only: 1) assist TIP survivors, 2) protect safety of survivors, 3) assist survivors with reintegration, 4) for protection and suppression of TIP, and 5) for anti-TIP fund administration. None of these categories include preparation for registration.

NGOs lack space, especially when serving more than one type of client

Many NGOs who work in the CTIP sector serve a wide range of clients, including victims of domestic violence, orphans, homeless children and adults, drug addicts, and chronically ill patients. Despite being well equipped to provide services, many organizations cannot separate survivors of human trafficking from the rest of the service users as required by the regulation (See Annex A). Also, there may not be adequate funding to cover operational costs or arranging the building to meet the set standards.

There is a lack of adequate alternatives to accommodate other service users who also deserve protection. NGOs

cannot discriminate against these individuals and guarantee protection for survivors of TIP if it means turning others away.

Lack of capacity as CTIP NGOs provide various services, not only protection

CTIP NGOs perform a wide variety of tasks covering the areas of prevention, protection, prosecution, and partnership, as well as campaigning and advocacy work. Many of these organizations operate from rented spaces and carry out their activities by travelling to different locations. These organizations do not have the necessary budget, number of specialized staff, land, or space, or expertise to operate a shelter.

The registration criteria appear to be inconsistent with the limited resources available to most NGOs. As one interviewee said,

“ Director and staff did not want to register. What do you get if you register? We’d have greater burden, more oversight. Just having a stamp from the government, but don’t (not) have anything to eat.”

3.2 Concerns about models of care

CONTINUED FRICTION BETWEEN GOVERNMENT REQUIREMENTS AND SURVIVOR-CENTERED CARE

NGO staff noted that government organizations must adhere to strict protocols which may not always be consistent with flexible, survivor-centered care that allows for connections with family members, partners, or friends. Being bound by strict regulations, such as needing to come and go at a certain time or respect a curfew, may make a survivor wary of the assistance.

Also, since the only registered NGOs were already shelters for wider populations, interested organizations are concerned that if they register, they must work with diverse groups of service recipients (for instance children or abused women), which may put some vulnerable populations at risk because of inappropriate mixing.

CONFUSION AROUND THE RIGHTS AND OBLIGATIONS OF HOSTED SURVIVORS

There remains significant misunderstanding whether survivors who do not wish to testify in criminal cases can access shelter services. FGD participants noted that although the laws around protection are clear, a survivor's awareness of the law can vary drastically. The extent to which a survivor understands the protections and support available to them depends on various factors, including the level of knowledge of the official who briefs them.

The perception of obligatory participation in criminal proceedings is a significant deterrent for survivors, and in turn, for the NGOs who seek to support them. Since these NGOs seek to provide trauma-informed care, they discourage pushing a survivor to go to court unwillingly and prioritize prevention of re-traumatization. In some cases, survivor may receive little to no information regarding their rights to protection and support. There is also confusion around the interrogation process, and timeline of the survivor identification process. If these processes and rights are not made clear to the survivor, the survivor may misunderstand, thinking that they are a witness in the case in addition to being the injured party.⁶ Addressing the obstacles and challenges outlined above would clarify misconceptions and have a positive impact on the well-being of survivors.

CONCERN ABOUT GOVERNMENT INVOLVEMENT IN DAY-TO-DAY AFFAIRS

Apprehension around government interference

Participants expressed concerns that the registration requirements might infringe their autonomy in decision-making, or that this new form of partnership may hinder or slow down their work.

Several NGO staff shared that they had experienced off-putting interactions with government officials in their work. Participants spoke of government officials inspecting their organizations' work in a hostile manner. Some NGO workers said they felt threatened by the attitude of government officials. Some NGO staff feel concerned about the potential outcome of working more closely together in protection. These NGOs fear that registration would lead to increased government control, rather than cooperation.

Fear of excessive or inappropriate caseloads

NGOs fear that they might not be able to cope with the additional workloads. A participating NGO explained that they had previously received referrals from a GO and had no choice but to take on new clients, even in instances when the organization was not equipped to do so safely (e.g., in the case of clients with chronic illnesses, who were not survivors of TIP, and whose needs fell outside the NGO's scope of work).

Several organizations mentioned that they worried about being unable to reject referrals from the government:

“It is thought that being independent and unregistered will give more freedom to choice in client intake than the registered organizations have. But if registered as human trafficking shelter, if the government send children under the age of 18, who need special care, our staff can't refuse to accept them (and) there will be a problem in caring for the victim.”

Technical barriers to providing trauma informed care

NGO staff spoke of instances in which government agencies' guidelines were not conducive to collaboration with NGOs. This included the need to report survivor's information to various officials or different interlocutors throughout the management of a case. The absence of an organized system or centralized database to safely share case information can lead to the re-traumatization of survivors as they tell their story repeatedly for each new officer who needs to know the details.

⁶ Several survivors have chosen to leave the shelters, evading the staff, and leaving without notice. Since this research did not involve survivors directly, it is not possible to be completely sure of their motivation. Some FGD participants posited that in some cases “perhaps the survivor has their own fears because there have been cases where the survivor is also an offender. So, they might be afraid that if they go to court they will be arrested.”

“ Government process to send the case to the protection center to have a safe place to live, is sometimes very cumbersome, to have letters and documents. And when we call hotline 1300 the agent is not the same agent, we must repeat the story several times. Sometimes it makes the survivor feel that she has been raped over and over again. I talked to the director of the MSDHS, why the officers can't have central data recorded and then the next person who comes to receive the case to read it. No need to come back and ask the survivor again every time. When the person goes to the protection center, she has to tell the same story again. When the police arrived, she had to give the same story again. This is the pain of the survivor and the case manager. No data is collected and transmitted at all? In some cases, victim caregivers, who were dismayed by the way government protection center work, had to bring survivors back to private shelter. Nowadays, the survivor is better with the skill of the private sector [NGO] because they are more sensitive.”

A DESIRE FOR ALTERNATIVE MODELS OF CARE

NGOs working in the CTIP sector in Thailand are increasingly interested in “open shelters” or other forms of flexible assistance. There are important reasons to consider alternative protection and support services for survivors of human trafficking, while assessing the risk for the survivor and those around them and balancing it with the survivor’s right to freedom.

The friction between government institutionalized assistance approach and survivor-centered care will need to be addressed before the pace of registrations increases. NGO staff noted that the government organizations may not always be able to provide survivor-centered care and the connections with family members, partners, or friends.

“ We do not want to operate a traditional shelter because we do not want these survivors to become dependent on us forever. We want to help them on their recovery journey, support them, help keep them safe, and ultimately guide them on their path towards fully independent living.”

The NGOs from the focus group discussion confirmed that if they moved forward with the process, they would request registration as an “open-shelter,” which would make it easier for survivors to move freely in and out of the shelter, or even for survivors to live in rented accommodation, supporting a more independent lifestyle.⁷

RESPONDING TO THE TIP REPORT

The government officers interviewed in the study emphasized that the access to protection and services is not linked to the survivor’s willingness to take part in the prosecution process. However, research revealed that in practice this is not always the case. This is in line with the findings of the last two US Department of State’s TIP Reports (2020, 2021) which recommended that Thailand should “not make survivors’ formal identification and access to services dependent on their willingness to testify in court.” However, perceptions remain on the part of both survivors and NGO staff that government pressures survivors to testify in court.

Addressing the obstacles and challenges outlined above would have a positive impact on the well-being of survivors, expand identification and create a more positive view of the DATIP initiative by NGOs who may be weighing up the pros and cons of registration.



7 Participants also echoed the results of the Chab Dai (2018) Butterfly Longitudinal Study, which followed the lives of 128 child and adult survivors of human trafficking in Cambodia. The research revealed that, in many cases, individuals who have previously received care in a shelter or orphanage end up at higher risk of TIP or being re-trafficked.

SECTION 4: BENEFITS TO REGISTRATION

Both governmental and nongovernmental organizations can benefit from registration, including through:

- Case information and caseload sharing (see textbox for the survivor referral process)
- Cooperation between the government and NGOs in multi-sector initiatives (including meetings, seminars, sharing updates, or survivor assistance). Once a shelter is registered, it will be included in official information sharing and become part of an assistance system
- Ensuring that NGOs are trained on topics such as the prevention and suppression of human trafficking
- NGOs' greater access to government-led coordination with relevant agencies, both domestic and international, which can improve survivor assistance and accelerate repatriation and reintegration:
 - Swifter referral of TIP survivors, GOs' increased confidence in referring TIP survivors to NGO facilities
 - Higher quality services for survivors, as the registered organizations will increase and reinforce staff size, amount of space available, per the RTG's regulations
 - Registered NGOs may benefit from more respect and recognition for their work from government agencies, NGOs, and international organizations; they can use this credibility to obtain funding
 - Higher quality services for survivors, since NGOs must maintain clear and stated high standards (in terms of staff, training) to adhere to the RTG's regulations.
 - Ability to network and fundraise on the part of NGOs. NGOs who are registered, have obtained an "official" status, and may benefit from more recognition of their work in protecting survivors of human trafficking; they can then use this credibility to access funding. However, interviewees noted that "most donors probably don't care what kind of registration we have, whether we register as a shelter for children or a shelter for survivors of TIP.... We do not receive state funding to offer survivor services; the funds comes from abroad."

Once an organization has registered, the referral process is conducted by MDTs as follows:

- Relevant MDT invites the registered NGO to attend their meetings
- Whenever there is a confirmed TIP case, the MDT (including the NGO) decides on a placement for the survivor
- The decision on where to place the survivor is informed by the current capacity of the shelters (GO and NGO), and factors such as gender, language, religion
- The survivor is referred to the GO or NGO for assistance

SECTION 5: RECOMMENDATIONS

These practical and actionable guidelines are a summary of the recommendations on how to address and overcome factors that discourage the registration of NGOs as Welfare Protection Centers for Survivors of Trafficking. These guidelines can be used to motivate NGOs to apply and encourage the collaboration between GOs and NGOs.

5.1 Promote cross-sector cooperation

Leverage training sessions as opportunities for building relationships

GOs and NGOs should emphasize building good relationships between their officers and organizations. NGO workers may lack trust toward and biases against working with government officials. To ensure smooth coordination between the sectors, government agencies could focus on providing support to NGOs, simplifying requests and administrative tasks, and building capacity of local NGO shelters. Working together in participatory workshops and informal gatherings, rather than formal meetings, will foster connections between NGO and GO staff and better understanding of each other's roles. The RTG could fund these workshops and invite NGOs to co-facilitate.

Collaborate with NGOs to provide trauma-informed care

The RTG could work towards the creation, testing and use of a shared database to record survivor case information, so that they do not have to be re-interviewed and potentially retraumatized when referred for support to NGOs. This would also build trust with NGOs and can accelerate the justice processes, from survivor identification to providing assistance, to prosecution.

To avoid re-traumatization, information from hotlines operated by NGOs could be used to collect information and report TIP cases, reducing the need for survivors to repeat their story several times. (See an example in Annex B). During the interviews, some NGOs stated they would accept a shared database, and most would prefer that the RTG accept the NGO assessments and intake forms to avoid re-traumatization and delay treatment.

The RTG could seek out partnerships to test assistance models other than long-term shelter stays. This is in line with international good practices that have been moving away from institutionalization. This could include increasing efforts towards relocation (either within Thailand, to a new shelter, or the country of origin), witness protection, short-term foster care, rented apartments to keep families of survivors together, and independent living arrangements for survivors who may require financial, medical, or mental health support but are not considered to be at risk, and therefore should not be institutionalized for lengthy periods.

The types of registrations could be expanded to include drop-in and temporary services. This recommendation is in line with the study conducted by Hacker D., Levine-Fraiman, Y., & Halili, I (2015) which states that The Welfare Protection Centers for Survivors of Trafficking should be opened as a day-center service for those who are not willing to stay overnight.

The RTG could also partner with NGOs to respond to the changing nature of TIP, and to provide support services for survivors who have been trafficked online, for example. These services should be in line with the needs of that individual (for instance, the need to remove pictures of the survivor from the internet).

Providing different models of care will be beneficial to all parties:

- Survivors enjoy more freedom of choice and better chances of successful reintegration
- NGOs can make use of their diverse skill sets to adapt to the various needs of survivors, and
- The RTG can reduce its workload, while adhering to international standards and best practices

Suggested Action: Collaborate with NGOs to provide alternative forms of care and encourage NGOs to operate "open shelters"

Grant NGOs increased autonomy

The RTG could consider granting NGOs the administrative authority under the government's supervision to ensure Thai laws and international minimum standards are followed. This would mean that shelters would be responsible, and could be held to account, if these minimum standards are not upheld. This recommendation is in accordance with Hacker's study in 2015, which speaks of the success of a similar model in Israel when shelters for survivors of human trafficking are operated by NGOs under the government supervision (see Annex B for a Case Study).

Suggested Action: Engage in in-depth conversations with lead NGOs on survivor-centered care and how these principles can be merged into administrative processes.

5.2 Build better understanding of the registration process

Address misunderstandings and out of date information through a targeted information campaign

Government offices could publicize information about registration as The Welfare Protection Centers for Survivors of Trafficking for NGOs. Several misconceptions could be corrected through a clear communication campaign, including that protection and shelter services are contingent on survivor willingness to testify in a criminal case and that land ownership is a prerequisite for registration.

The campaign could also explain current entitlements and rights of survivors, particularly their right to receive protection from shelters for survivors of TIP, as well as information on legal proceedings. Such information could be disseminated through online and other channels to ensure that it reaches the intended audience of CTIP and NGOs with the potential and capacity to register.

Suggested Action: Deliver clear, updated, and easy to understand information on the advantages and limitations of registration, and clarify what support is available when registering.

Seek and implement training

Following the communication campaign, the government could provide regular training to increase NGOs' understanding of how registration under DATIP can be obtained and how it can improve the services for the survivors.

Suggested Action: Host meetings and trainings on a quarterly basis to increase understanding of the registration process and answer arising questions.

5.3 Reduce bureaucratic and organizational management challenges

Implement clear guidelines, and dedicate trained officers to assist the registration process

Specific GO officers could be assigned to assist with the registration process. To minimize the administrative burden and time required for NGO staff to pursue registration, the officers could provide accurate information, including comprehensive checklists of what documents are required under which circumstances.

Suggested Action: Create a database of government officials at the provincial level for NGOs to contact to begin the registration process.

Make exceptions for larger NGO chapters to prepare documents on behalf of the organization

Larger NGOs should be able to find local representatives who can be granted the power to prepare documents on behalf of the organization for provincial or regional shelter registration. For example, if an organization like the Red Cross has a main office in Bangkok and regional sub-offices, it should be able to appoint either an individual or a sub-office to register locally – avoiding the need to centralize everything.

Utilize existing laws to continue to provide support and protection to survivors of TIP

As one informant suggested “There are currently many shelters, including public, private, and even police-operated short-stay homes, providing accommodation to survivors of TIP. These are not registered, but they are working together already - and working well. So, I would like to see **a policy to add allows unregistered NGOs [NGOs not yet registered under the DATIP initiative] to work on human trafficking cases as well, that is, both general infringement cases and human trafficking cases as well.**”

Suggested Action: Consider establishing an official referral process with existing NGO networks without registration.

5.4 Increase and diversify resources for NGOs to assist registration

RTG could consider offering financial or in-kind support for operational costs, building maintenance, and management (for instance, covering a portion of the NGOs’ costs in alignment with the percentage of the capacity that NGOs are expected to reserve for survivors of TIP).

Suggested Action: Provide financial and/or in-kind support to NGOs.

To ensure availability of qualified staff to work in TIP survivor assistance, RTG could offer incentives and fast-track training programs for students in exchange for employment contracts in GO or NGO-run welfare protection centers. Similar models have been proven effective in increasing the workforce of understaffed occupations in some regions.

Suggested Action: Offer incentives to bolster numbers of qualified staff to assist TIP survivors.

Since the current registration prerequisites are unattainable for many organizations, RTG could consider allowing NGOs to establish and operate Welfare Protection Centers for TIP Survivors on government land and in unused government buildings. This would be a significant incentive for registration and put otherwise vacant properties to good use.

Suggested Action: Leverage unused land and premises owned by the RTG.

To expand the pool of eligible organizations that can assist TIP survivors, RTG could allow NGOs who already serve vulnerable groups (unaccompanied and separated children, victims of domestic violence, labor abuse or other crimes, people with disabilities) to make modifications so that they can also assist TIP survivors. Modifications could include separate service areas and protocols, and new referral processes.

Suggested Action: Allow NGOs who already have other clients.

5.5 Increase the pool of organizations who can legally provide protection to survivors of TIP

For NGOs that are already registered both as shelters under the Child Protection Act (2003) and as CTIP organizations under the Anti Trafficking Act (2008), RTG could simplify the process of obtaining certification as Private Welfare Protection Center for TIP survivors and provide them with a license without additional administrative burdens. Some of these NGOs are already taking referrals and assisting TIP victims.

Suggested Action: Fast-track registration for NGOs that are already registered under two other regulations and that take referrals of survivors of TIP

It may also be advisable to offer exceptions to the registration criteria for organizations that are not registered as CTIP NGOs but that have certification under the Child Protection Act (2003) to operate as shelters for survivors of TIP. This could be coupled with additional training for shelter staff, to ensure that the staff are prepared to work with TIP survivors.

Suggested Action: Allow registered shelters for children to assist TIP survivors following specialized training

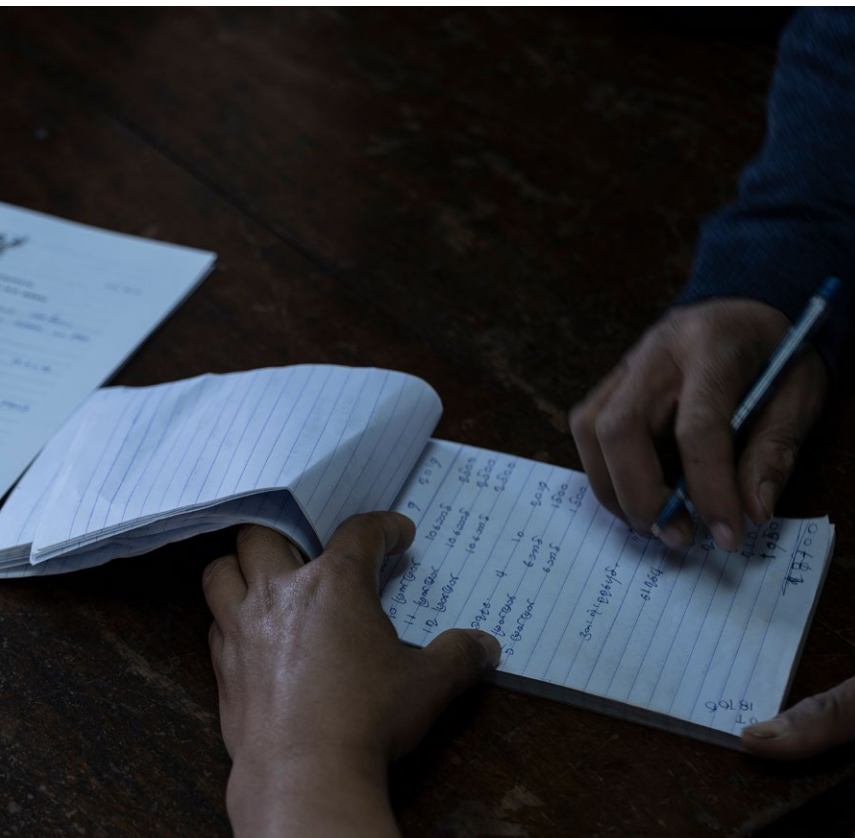
Ensuring that existing laws are enforced would create a push factor for unregistered shelters to comply with the law. Not only will this provide a wider pool of organizations for MSDHS to cooperate with, but it will also ensure that standards of care are upheld.

Suggested Action: Apply penalties for NGOs operating shelters without registration

SECTION 6: CONCLUSION

The RTG's efforts to coordinate and cooperate with NGOs in combating human trafficking is a commendable step towards the provision of more survivor-centered care. However, significant challenges continue to deter NGOs from registering their shelters under DATIP.

Practical and actionable solutions, as listed above, can address the needs of NGOs while serving the purposes of GOs, and, most importantly, provide survivor-centered and trauma-informed care for TIP survivors. In addition to the above recommendations, the researchers recommend that the GO develop a process to cooperate with existing shelter networks before adding registration as a key requirement for continued work on human trafficking cases. This will help develop greater trust and collaboration between NGOs and GOs.



6.1 SUMMARY OF CHALLENGES AND BARRIERS, AND PROPOSED SOLUTIONS TO SUPPORT AND ENCOURAGE REGISTRATION

CHALLENGES	PROPOSED SOLUTIONS
Lack of understanding of the advantages of registration, policy regarding site visits, requirements around land ownership, rights of the survivor, prosecution process as it relates to the survivor	Address the misconceptions of NGOs and survivors through online and offline communication campaign and training workshops
Concern about government control	Leverage trainings sessions as opportunities for building relationships
Fear of unmanageable or inappropriate caseloads	Grant NGOs more autonomy over case management
Technical barriers to providing trauma-informed care	Collaborate with NGOs for effective sharing of case information
Bureaucratic or organizational management obstacles	Assist in addressing the challenges through financial and in-kind support
Difficulty in obtaining documents depending on who has been granted authority	Make exceptions to allow regional staff from larger NGOs to prepare documents on behalf of the organization
Lack of consistency in GO handling of the registration process	Implement clear guidelines, and assign work to trained officers with low turnover
Ovelapping registration processes	Simplify regulations to expand the pool of organizations to provide support and protection to survivors of TIP
A desire for alternatives	Collaborate with NGOs to provide “open shelters” and other forms of alternative care. Expand the types of registrations to include drop-in services (unless already under CTIP registration).
Need for “open shelters” or alternative forms of independent living	Encourage NGOs to operate “open shelters”
Need for increased freedom balanced with safety concerns	Collaborate with NGOs to provide alternative forms of care
Need to adapt to new groups of survivors (for example in cases of online exploitation)	Assess the needs of individual survivors according to their circumstances
NGOs lack the resources to hire staff	Provide financial support to NGOs and offer incentives to bolster numbers of qualified staff
NGOs lack the resources to acquire enough land	Make use of land owned by the RTG which would otherwise remain unused
NGOs need to cater to other groups of service users, besides survivors of TIP CTIP	Suggest modifications for the NGOs who already serve other clients
	Increase the pool of organizations who can legally provide protection to survivors of TIP
NGOs lack the capacity or intent to register	Create fast-track registration for NGOs already taking referrals of survivors of TIP
	Recognize the potential of (non-CTIP related) shelters, allow them to register following CTIP training

ANNEXES

Annex A: Successful registration

The research team interviewed staff from two NGOs that have registered under the 2017 Regulations on the Establishment of Private Protection Centers for the Assistance and Protection of survivors of human trafficking.



“We do it because it is the right thing to do” Staff from one of the three (3) NGO-run Shelters for Survivors of TIP registered under DATIP.

The interviewees revealed the following key factors motivating their registration:

1. Increased Options for Survivors.

Having more protection centers creates more choice for the survivors, and this was a driving push factor for registration. The organizations recognized that registration ultimately benefits the survivors they serve.

2. Higher Operational Standards.

Both NGOs shared the belief that registering as an NGO-run shelter for survivors of TIP holds their organization to higher standards. The regulations help ensure that the organization works under the relevant laws, with more reliable operations. These NGOs also reported increased opportunities to access information and training from the GOs, such as training on the topic of prevention and suppression of human trafficking, and training of multidisciplinary teams (MDTs) in CTIP work.

3. Increased GO Collaboration.

Both NGOs shared similar stories; before registration, they were working with the provincial multidisciplinary team (MDT), and local GOs would occasionally refer survivors to their organizations. Registration has led to more frequent referrals.

4. Provision of Holistic Survivor Care.

The NGOs believed that through registration as a shelter, their organization could help RTG in adapting to the diversity of the TIP survivor needs, leading to more flexibility. Interviewees mentioned that because they were smaller entities, with less bureaucracy, and less complex hierarchy when compared to GOs, they were able to adjust more easily to survivors' situation. As one interviewee said, *“as NGOs... We are smaller. It's different from the work of GOs because they must take care of a lot of people. Everything must be set up, right? It has to run according to a schedule; everyone has to eat the same food... But the private sector [NGOs] can help a lot. It's necessary. It's important to the mental health [of the survivor]. Some survivors have special requirements.”* Ultimately, registration is a way to give NGOs the opportunity to provide flexible, holistic, and appropriate care for survivors.

5. Increased Speed and Flexibility in Services.

The NGOs reported that they received feedback from survivors about the complicated and lengthy processes in the GO-run shelters. Noting that, *“GOs are bound by strict processes, and decision making must be according to the official responsibilities of the officers, sometimes involving many levels of authority and departments of the RTG. The process from identification to prosecution can take anywhere from 6 months to 2 years.”* The registered NGOs want to assist by providing an alternative system that can be much faster and more flexible.

These The registration steps can be summarized as follows:

1. One NGO met with the local provincial branch of MSDHS to request permission to operate without an additional, separate facility as specified in the regulations. The NGO was approved; it was decided that the organization did not need to acquire additional premises for the purpose of protecting this additional group of users provided there was a clear separation of zones and a safety system, including the allocation of officers between two parts of the shelter.
2. The NGOs prepared the required documents for registration. One of the organizations mentioned receiving help from GOs with completing the forms.
3. The NGOs submitted all the documents to the Provincial SDHS office. The approval process took around two months. Prior to the registration approval, an MSDHS officer came to visit and inspect the facility to ensure that the NGO was ready and prepared to comply with the regulations.
4. Once approved, the NGOs received the license that must be renewed every two years through a relatively simple process that requires fewer documents than the initial registration process. The two interviewed NGOs were able to receive or continue to receive referrals of survivors of human trafficking immediately per the Regulations on Providing Assistance to Survivors of TIP⁸

Annex B: Case Study – Cross-sector collaboration in Israel

Israel reached significant achievements in combatting human trafficking. The National Anti-Trafficking Unit works to coordinate the actions of different actors both within the government, and between the state and NGOs. Israel is recognized globally as a leader in this field, ranking tier 1 in the US State Department's trafficking in persons report for nine consecutive years.

This success can be attributed to sustained cooperation between state and non-governmental organizations. The staff at the shelters maintains ongoing and productive contacts with the relevant government ministries and with Israeli NGOs (Hotline for Migrant workers, 2012). Israel has established several shelters for people trafficked into the country from across the world. The government is providing full state funding and supervision to the non-profit association responsible for managing the shelters. As demonstrated in the 2020 TIP Report, in 2019, the government forfeiture fund received 56 applications requesting compensation. The fund allocated 420,510 Israeli shekels (\$121,750) to 44 applicants for the provision of protection services and funding for NGOs. This fund was allocated for the provision of various protection services, including housing, counseling, and vocational training for survivors, monetary compensation ordered by courts, and funding for NGOs.”

In addition, ‘The government of Israel continues to operate a 24-hour hotline to assist foreign workers in Israel. In 2019, the hotline received 3,467 calls. The hotline had 13 interpreters in nine languages.’

Relevance: The Israeli government has had success with their practice of granting more authority to NGOs and promoting cross-sector collaboration by using 24-hour hotlines. These examples support this research project's recommendation to grant more control to NGOs involved in cases concerning trafficking in persons, as well as the recommendation to provide a centralized database.

8 Chapter 1, General Provisions, Article 4 “In this Regulation, ‘Protection Center’ means a first place of admission under the law on prevention and suppression of [human trafficking] or a shelter under the law on child protection or other government or private welfare institutions registered as non-governmental organizations for the prevention and suppression of human trafficking under the Ministry of Social Development and Human Security

Annex C: Case Study – Child-friendly resources for survivors of TIP in Cambodia

“HAGAR, in partnership with UNICEF, launched an extensive suite of resources that include tools, resources and training for lawyers and other professionals in Cambodia to better protect traumatized children in the Cambodian criminal justice system. With the primary objective of upholding the best interests and rights of the child, the goal is to improve the experience of child survivors and create a child-friendly justice system in Cambodia (Hagar, 2016).

“The resources are targeted at helping the child understand what to expect, how to prepare for the court session, and the rights they have while in court – such as going to the washroom, requesting the judiciary officer to repeat their question, or simply saying that they do not understand what is being asked of them. The court environment can be extremely frightening for children. They often struggle to understand the court process and cope with the stress of providing evidence” (Hagar, 2016).

The resources include:

- Booklets to help children understand the court process
- Materials to help lawyers develop a Court Preparation Program
- Booklet for caregivers to understand the court process
- Checklist of steps to prepare the child for court proceedings
- Video for child witnesses to understand what to expect in court

Relevance: the research team recommends that the RTG use the example of child-friendly materials created for Hagar Cambodia, and create similar resources (child friendly, easy to access multimedia communications materials) to address the misunderstandings revealed through this research project.

Annex D: Welfare protection for TIP survivors in Thailand

Feedback from FGDs revealed that in some cases, clients are referred to NGOs that are not registered as CTIP NGOs. This happened in cases where the registered shelters for survivors of TIP could not meet the needs of the individual child. Non-CTIP NGOs might receive cases of children with special educational and physical needs, or children who spoke only foreign languages.

Who is entitled to shelter care?

According to the principles of the Criminal Procedure Code (1996) and Act 33 of the Anti-Trafficking Act (2008) survivors are entitled to protection and support from shelters regardless of their willingness or unwillingness to cooperate in the prosecution of the offender.

Who can choose to receive support and protection from a shelter?

In the case of a child or children, some survivors may wish to return to their families. This, however, may or may not be possible, and depends on a risk assessment and whether their families are prepared and willing to take them back.

MDT officers noted that in cases with child survivors, officials have the authority to assign the survivor to a shelter if they have any reason to believe that this is a necessary step for the protection of the child. This rule applies regardless of the child's nationality. As for adult survivors, if they do not wish to receive protection in a shelter, then they have the right to refuse it, whilst maintaining the right to prosecute the perpetrators.

In the case of an individual with irregular legal status, if that person is found to be a human trafficking survivor, the charge of illegally entering the country will be exempt. The survivor will be entitled to receive welfare protection just as a Thai national and legal migrant worker. This is also true for stateless persons.

Exceptions

If the survivors are foreign nationals without documentation, and they do not wish to enter the protection facility, then they will be repatriated to their country of origin.

Anecdotally, members of the research team heard of cases where survivors had either been refused care or had wrongly believed that shelter protection and services would depend on their willingness to face the offender in court. During the

research study, there were no examples of this from the interviews or FGDs, however, this could be due to the limitations of the research sample size. The point was raised several times in the TIP Report 2020. It is worth noting that any future campaigns to promote the regulation initiative would benefit from correcting this misunderstanding, to ensure that all survivors are aware of their rights.

Where will survivors be placed?

The RTG prioritizes identifying survivors and vulnerable people and taking swift action to remove these people away from potential perpetrators (traffickers) and into a safe location.

During and after the survivor identification process, survivors may be provided protection and support, either on a short- or long-term basis.

The survivors may be placed at one of the following locations:

- One of the nine GO-run shelters for survivors of TIP in the country
- A Provincial Home for Children and Families under the Department of Children and Youth Affairs
- One of the three NGO-run shelters for survivors of TIP in the country

Existing Welfare Protection Centers for survivors of human trafficking (Public and Private Sector)

At the time of writing, there were nine GO-run shelters for survivors of TIP under DATIP and MSDHS (i.e., GO-run shelters). This included four centers for women, four centers for men, and one center for boys under the age of 15.

As these nine GO-run shelters are not enough to aid survivors across Thailand's 77 provinces, Provincial Homes for Children and Family (one in each province) are being used to provide temporary protection for individuals who are presumed survivors of human trafficking. Under the Section 29 of Anti Trafficking Act (2008), these homes can be used for temporary respite in cases where the incident of human trafficking has occurred in a province which lacks a shelter for survivors of TIP, or as necessity dictates. This is to ensure that the survivor is well-protected while the identification is taking place. At present, the law only allows 24 hours of protection of this kind. If there is a need to extend the duration, the investigator can file a petition to the court to extend the protection for another seven days. If, however, if at any point, it appears that the person is not the survivor of the case, the protection will no longer be provided.

In addition, Article 4 of the Regulations on Providing Assistance to Survivors of TIP, from the Commission of Human Trafficking Offenses (2009) states that if the RTG and MDT involved in the case deems it appropriate, they can refer cases of survivors of human trafficking to NGO shelters, providing those shelters are also registered as CTIP NGOs.

This finding is significant, as it demonstrates that it is legal for NGOs that are already operating shelters to receive referrals of survivors of TIP if they are also already registered as CTIP NGOs.



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