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The Policy Recommendation for A Victim-Centered Approach in Human Trafficking Proceeding

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Abstract

This research examines the challenges, the personal factors influencing the needs, and cooperation of human trafficking victims to develop policy recommendation for victim-centered proceedings. A mixed-methods approach was employed, incorporating a literature review, quantitative research through questionnaires, and qualitative in-depth interviews. The hypothesis posits that victims with different personal factors have distinct needs. The study population includes 85 victims of human trafficking between September 2023 and February 2024, while 20 key informants comprise psychologists, social workers from governmental and non-governmental organizations (NGOs), and law enforcement officials.

The findings indicated that victims with different personal factors mostly affect significantly different needs and cooperations. There is 8 needs which are not affected by personal factors, namely, need to seek compensation, freedom in shelter, being informed of the progression of the case, the defendant being aware of the victim's suffering, being informed of the penalty of defendant, acknowledgment of legal proceedings, need for prevention of diseases or vaccinated, and need to express the opinion about the bail of the defendant. Factors that enhance victims' cooperation in legal proceedings, found in quantitative research, include: (1) assurances from officials, (2) fulfillment of such assurances, (3) access to safe housing, and (4) a sense of security during testimony. Policy recommendations emerging from this research include: 1) Enhancing Sense of Security: Establishing safe environments by encouraging private sector involvement in shelter management and support services, creating secure spaces for victim interviews, strengthening witness protection laws, and ensuring victims do not encounter defendants unless necessary; 2) Streamlining Legal Procedures: Expediting legal proceedings by implementing a one-stop service model for human trafficking cases, appointing case managers to coordinate victim assistance, involving prosecutors in formulating investigative questions, and promoting pre-trial witness testimonies; and 3) Strengthening Victim Support Systems: Introducing forensic interviewers to handle case interviews professionally, increasing the number of interpreters to accommodate victims' gender, linguistic, and national diversity, expanding the presence of psychologists and social workers, and equipping interpreters and law enforcement personnel with psychological training to mitigate victims' emotional distress.

Keywords: Human trafficking, Victims, Legal Proceedings, Victim-centered approach, Policy Recommendation, Trauma-informed care

1. Introduction

Human trafficking is a crime in which victims are grievously violated their human rights, and the number of individuals victimized by trafficking networks continues to rise each year (Bureau of Justice Statistics, 2023). The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), which supplements the United Nations Convention against Transnational Organized Crime, defines human trafficking in several ways, including enslavement or similar practices, debt bondage, and forced labor (United Nations, 2024).

The vulnerability of victims is a significant factor contributing to individuals becoming victims of human trafficking, particularly vulnerabilities arising from social factors and family institutions. Moreover, victims continue to suffer through the degradation of their human dignity, resulting in psychological and physical trauma that heightens their vulnerability, making them more at risk than victims of other crimes. Consequently, a victim-

friendly justice process can positively affect their willingness to cooperate within the justice system and minimize the psychological harm that may arise from legal proceedings (Schaffer et al, 2021).

According to the Trafficking in Persons Report from the United States covering the years 2019 to 2023, Thailand has been ranked Tier 2 regarding its handling of human trafficking situations for three consecutive years (U.S. Department of State, 2019, 2020, 2021, 2022, 2023). The reports from 2020 to 2023 have included recommendations that prioritize a victim-centered approach and emphasize the consideration of victims' psychological trauma. However, there remains a lack of clarity about the specific framework for implementing a victim-centered approach. International law, agreements, and regional cooperation only provide broad frameworks for protecting victims, such as acknowledging the psychological trauma of victims, providing accommodation, ensuring their safety, maintaining confidentiality, granting legal immunity for victims, and treating them with dignity, alongside provisions for compensation (Sigmon, 2008; Spohn, 2014; Reeves, & Dunn, 2010).

Currently, international cooperation serves as a guiding framework for legal actions in Thailand, as seen in the 2010 Anti-Human Trafficking Procedure Act, which mandates non-confrontational testimony, video-conference testimony, and pre-trial witness examinations to mitigate the psychological trauma for victims. (Thailand Trafficking in Persons Procedural Act B.E.2559, 2016). However, victims in human trafficking cases embody diverse backgrounds concerning race, religion, culture, age, gender, and socio-economic status, leading to varied needs among individuals based on personal factors. Thus, it is essential to study approaches to treating victims in human trafficking cases that cater to these differences, ensuring equitable services for all victims without excluding any specific group behind. This aligns with the principles of Gender and Social Inclusion (GESI), which account for diverse gender identities (beyond the binary of male and female), education, religion, disabilities, and age in service delivery, adhering to the notion of Justice for All (OSCE, 2021; Winrock International, 2020; IOM, 2009).

The prosecution of human trafficking still presents challenges regarding the willingness of victims to cooperate by providing information to authorities (National Institute of Justice, 2012). The lack of high-quality evidence may result in offenders escaping punishment or lead to differing judgments regarding their culpability. For instance, in cases involving victims aged 18 and older, an essential element of the offence of trafficking provided by the Thailand Prevention and Suppression of Human Trafficking Act (No.1) B.E. 2551 (2008) is that the victim's consent must be absent, meaning they may have been coerced or deceived (Human Trafficking Act, 2008). Consequently, if a victim is uncooperative or reluctant to provide comprehensive information, it could lead to a legal interpretation suggesting that the trafficking occurred with the victim's consent, consequently exonerating the defendant. Additionally, the offenses of human trafficking and forced labor, as stipulated in the Anti-Human Trafficking Act, share similarities, and the only individuals aware of the details are usually the victims. Without clear factual evidence, it becomes challenging to differentiate between the two, highlighting the necessity of obtaining information from the victims themselves. Therefore, victim testimony plays an important role in human trafficking proceedings and lack of victim cooperation may cause the failure of human trafficking prosecutions.

1.1 General Knowledge of Human Trafficking Offenses

According to the Anti-Human Trafficking Act of 2008, Section 6, human trafficking is defined as the act of procuring, providing housing, transporting, or receiving individuals, employing means of coercion, threats, or deceit with the intention of exploiting the victim for illicit gain (Human Trafficking Act, 2008). Exploitative activities include, but are not limited to, forced prostitution, other forms of sexual exploitation, forced labor, the production or distribution of pornography, forced begging, enslavement, organ trafficking, and any other forms of extortion against individuals.

1.2 Concept of Victimology

Hentig (1948) defined a victim as an individual who, by virtue of certain characteristics or behaviors, is subject to harm or injury caused by an offender. However, a victim may not be a passive recipient of victimization but also could play an active role in the process, either through their own actions, vulnerabilities, or social circumstances that make them more susceptible to being targeted. There are five groups of individuals who are more likely to become victims due to specific vulnerabilities (Hentig, 1948), including children, who are

dependent and unable to defend themselves; women, who are often more exposed to gender-based violence; the elderly, who face physical weakness and social isolation; individuals with mental health issues, who may be seen as incapable of self-protection; and immigrants, who are vulnerable due to language barriers, cultural differences, and limited social support. In addition, victims of human trafficking are often more vulnerable due to their socioeconomic status, including factors such as poverty, family-related issues, and limited access to education (SaweangPeuch, 2015). Compared to victims of other crimes, such as domestic violence, victims of human trafficking tend to experience heightened vulnerability. This is because they are frequently exploited by organized criminal networks, face language barriers, and are often isolated in unfamiliar environments. In contrast, victims of domestic violence typically contend with a single perpetrator, often within a known or familiar setting (Clawson et al., 2003).

1.3 Theories of Power in The Judicial Process

Victims in criminal justice are considered marginalized persons (Mbazira, & Mubangizi, 2014) because the theory of punishment in criminal law comes from the perspective of putting the perpetrator at the center. Ben-Shahar, and Harel (1996) found that criminal law gives more attention to the actions and intentions of the perpetrator rather than the behavior and intention of the victim that might lead their victimization. The victim holds a crucial role in the trial process as a witness (McGrath, 2014), with both their testimony during the trial and the pre-trial witness examination being important areas of consideration. The victim's emotions and feelings are not considered legal facts, limiting their opportunity to express themselves in the legal process, which focuses on the offense itself. In human trafficking cases, the state holds power over the victim, using it to control their testimony and pursue justice, while prioritizing legal frameworks and goals over the victim's central role.

1.4 Concept of Psychological Trauma and Causes of Psychological Trauma

Psychological trauma refers to an event that induces intense feelings of fear, horror, or terror, experienced or perceived as occurring without the individual's control. This form of trauma exerts a profound negative impact on an individual's life and can result in long-term effects, manifesting either immediately or persisting over an extended period, ranging from days to years (Lonsway, & Archambault, 2016). Psychological trauma can be categorized into primary harm, which results directly from the crime, and secondary harm, which stems from the judicial process. The primary harm involves the immediate emotional and psychological impact caused by the criminal act, such as anxiety and distress, while secondary harm arises from the legal proceedings, where victims may experience further trauma due to factors like cross-examination, trial delays, or inadequate support, intensifying their psychological distress (Ellison, & Munro, 2017). It is essential to consider the consequences of psychological trauma, as it can severely affect a victim's ability to participate in the legal process, impairing memory, reducing the reliability of their testimony, and increasing the risk of misinterpretation.

1.5 Concept of Victims' Needs in Human Trafficking Cases

The response to human trafficking is framed around three core principles: prevention, protection, and prosecution, collectively referred to as the 3Ps (Goodey, 2008). These principles are supported by various agencies, including the Department of Special Investigation, Department of Administrative Affairs, the Attorney General's Office, the Office of the Court of Justice, the Ministry of Foreign Affairs, and the Ministry of Labor, each playing a pivotal role in addressing human trafficking through prevention efforts, victim protection, and legal proceedings. Victim support is essential and can be categorized into three key areas: service needs (such as access to compensation, appropriate court treatment, and case progress updates), expressive needs (providing victims an opportunity to voice their emotional and psychological impact, such as through Victim Impact Statements), and participatory or decision-making needs, allowing victims to influence aspects like bail and sentencing (Bottoms, & Roberts, 2010). Victims of human trafficking are particularly vulnerable to mental health conditions, including post-traumatic stress disorder, anxiety, and depression, necessitating a systemic response through tailored and sustained psychological support services (Altun et al., 2017). Especially children and adolescents, victims of human trafficking have specific medical needs as well as a deep understanding and empathy from professionals, to effectively support their recovery and well-being (Greenbaum et al., 2023). Thus, integrating victim experiences and perspectives into the legal process is crucial for improving victim satisfaction and enhancing the overall effectiveness and fairness of justice proceedings.

1.6 The Concept of Victim-Centered Approach

A victim-centered approach in the criminal justice process aims to reduce re-traumatization by prioritizing the needs and well-being of victims. This approach emphasizes providing victims with legal counsel, empowering them to participate actively in the justice process, and ensuring they have the opportunity to see perpetrators prosecuted (Mason, & Lodrick, 2013). Victim-centeredness focuses on offering support to victims regardless of their willingness to cooperate with authorities, ensuring that assistance is provided unconditionally (Goodey, 2008). It also gives more attention to listening to and responding to the victim's voice through measures such as remote testimony, restricted cross-examination, appropriate treatment for both the victim and the accused, emotional and lifestyle support for the victim, remedies for damages, and the opportunity for the victim to communicate with the accused (Lacey, & Pickard, 2019). The fundamental goal is to minimize the trauma caused by the justice system by offering appropriate legal advice and services, while empowering victims to make informed decisions about their involvement (Hamzani, 2019).

2. Objectives

This paper has the following objectives:

- 1) To examine the challenges faced by victims in the process of human trafficking prosecutions in Thailand.
- 2) To explore and analyze the relationship between independent variables, such as the personal factors of victims, and dependent variables, such as victims' needs in human trafficking cases, as well as the factors influencing victims' cooperation during the legal proceedings.
- 3) To propose policy recommendations concerning victim-centered approaches in the prosecution of human trafficking cases.

3. Materials and Methods

3.1 Research Methodology

This research employed a mixed-method approach and holistic data triangulation, integrating both quantitative and qualitative data collection techniques to gain a comprehensive exploration of the research problem by leveraging the strengths of each approach (Turner et al., 2017). Victims of human trafficking are across Thailand. There are 8 government shelters under the Ministry of Human Security and Social Welfare covering Central – Nonthaburi and Pathumthani, Eastern-North – Nakhon Ratchasima, North – Chaingrai and Pisanulok, South – Songkla, Surathani and Ranong – and 3 registered non-government shelters which are Rafa International Shelter (Chiang Mai), Zoe Shelter (Chiang Mai) and Nightlight Bangkok Shelter. Furthermore, there are victims who are not staying in either type of shelter. Therefore, employing quantitative research by using questionnaires can reach more victims across Thailand.

Quantitative research (survey research) aims to examine the challenges and factors that affect the needs and cooperation of victims. The data were collected from 85 individuals who were victims of human trafficking and residing in Thailand during the period from September 2023 to February 2024. According to the statistics of the Ministry of Human Security and Social Welfare, approximately 138 victims were reported during this period. While the research aimed to include all victims, some were repatriated to their home countries, and others requested to return home. As a result, the research only included victims who remained in shelters or who continued to stay in contact with caregivers after returning home. Additionally, four individuals declined to participate; therefore, the final sample consisted of 85 participants.

Due to the limitation of research on victims' needs in Thailand, this research employed documentary research to examine the challenges, needs of victims and how these affect their cooperation. Moreover, to find out the model of a victim-centered approach, international laws and practices were reviewed. Thus, information about the needs of victims gathered from reviewing international material might reflect a different context from Thailand. Therefore, this research employs in-depth interviews to collect information from practitioners' perspectives and apply data triangulation to examine the similarities or differences in the needs and challenges from the literature review and the survey.

The in-depth interview aims to examine the perspective of practitioners on the victim-centered approach, needs, and challenges while victims join the legal proceedings. The key informants were divided into two groups:

victim caregivers (psychologists and social workers), and law enforcement agencies, totaling 20 people. They consist of people from the following departments:

- Law Enforcement Groups: 1) Royal Thai Police Agency (4 people)
2) Department of Special Investigation (1 person)
3) Office of the Attorney General (2 people)
4) Office of the Court of Justice (3 people)

- Victim Caregivers Groups: 1) Ministry of Social Development and Human Security (6 people)
2) Non-profit organizations (NGOs) (4 people)

Meanwhile, the selection of key informants was considered based on the following criteria:

- 1) They must have at least 3 years' field experience in the work against human trafficking.
- 2) They must represent a variety of areas of human trafficking operations, both at the headquarters and in provincial areas across Thailand.

3.2 Conceptual Framework

Presenting a conceptual framework is a critical step in articulating the theoretical foundation of research. Figure 1 provides the details of the conceptual framework of this research.

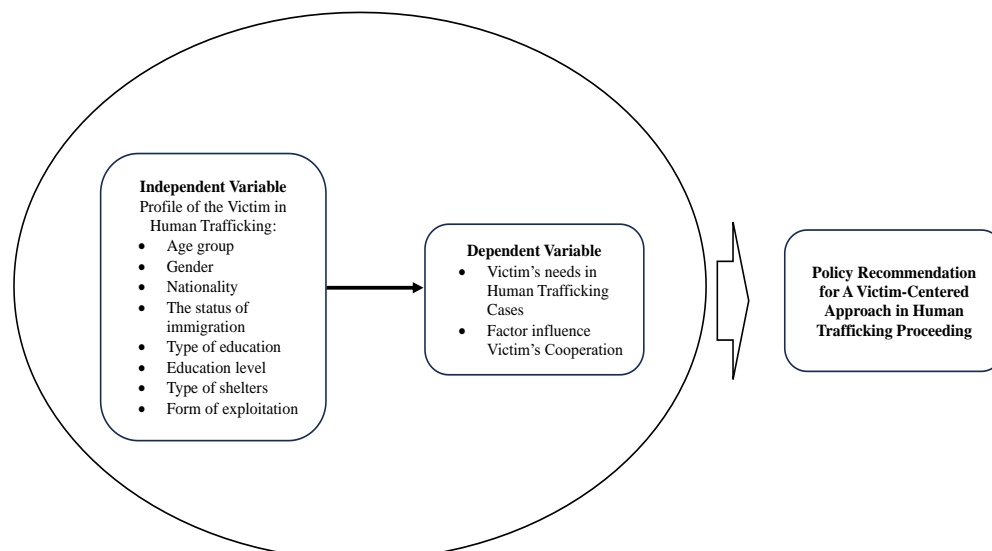


Figure 1 Conceptual Framework
Source: Developed by the researcher

3.3 Quantitative Research

This research examines the hypothesis that the individual factors of each victim affect their needs and the factors that influence their cooperation in prosecution. Therefore, the victim-centered approach should respond to each victim differently (IOM, 2009).

This research separates the personal data of victims into 6 groups, namely age, gender, immigration status, education, level of education, type of shelter, and type of exploitation. All personal data of victims are the independent variables, while the needs and cooperation of victims are dependent variables. The quantitative research tests the hypothesis that the victim's personal factors are related to the victim's needs and the factors that affect their cooperation in litigation, as shown below:

$$H_0: m_1 = m_2 = m_3$$

Different personal factors do not affect the needs and cooperation of victims.

$$H_1: m_1 \neq m_2 \neq m_3$$

Different personal factors affect the needs and cooperation of victims.

3.3.1 Questionnaire Development

The research tool employed in this research was questionnaires which were created from a literature review, including the needs of victims, the factors that enhance victims' cooperation, and the recommendation of both international, regional, and national frameworks for victim-centered approaches and trauma-informed care.

The structure of the questionnaire is divided into five sections: Part 1 – the questionnaire requires basic (anonymous) information about the victims, including age, gender, nationality, immigration status, type of education, level of education, type of shelter, and form of exploitation. In each criterion, the questionnaire was designed to collect a variety of personal data of victims covering all perspectives as follows:

- 1) First, the age range is divided into 18 years and above, 12 – 17 years old, and 6 – 11 years old. According to, the definition criteria of the definition “child” provided by the Prevention and Suppression of Thailand Prevention and Suppression of Human Trafficking Act (No.1) B.E. 2551 (2008) and the 4 periods of age groups of child development criteria according to the Ministry of Social Development and Human Security (Department of Children and Youth Thailand, 2022), which affects the physical and mental needs of children differently. Therefore, the questionnaire was designed for such groups of ages to examine whether the needs and cooperation of victims are affected by age or not.
- 2) Second, the gender includes all gender such as male, female, and others such as LGBTQI+ (Boukli, & Renz, 2019).
- 3) Third, nationality is divided into Thai nationality and other nationalities.
- 4) Fourth, the status of immigration is divided into four groups based on the review of Thai court decisions which are: 1) legal immigration and staying in Thailand for the period specified by law; 2) Legal immigration but overstaying in Thailand beyond the period prescribed by law; 3) Immigration does not pass through immigration; and 4) Unsure about the immigration status.
- 5) Fifth, the type of education consists of three groups which are 1) formal education 2) informal education, and 3) non-education.
- 6) Sixth, the level of education is divided into 6 groups which are: 1) Ph.D.; 2) master's degree; 3) Bachelor's degrees; 4) Secondary Education/Vocational Education; 5) Primary; and 6) Kindergarten.
- 7) Seventh, the type of shelters, it is found that there are 3 registered NGO shelters for human trafficking victims and 8 government shelters throughout Thailand. Furthermore, some Thai victims stay at their home while in the process. Therefore, the types of shelters are divided into types which are government shelters, registered NGO shelters, and non-shelter. The type of shelter is based on the Ministry of Human Development and Social Welfare practice in the protect victims of human trafficking.
- 8) Lastly, the forms of exploitation as stipulated in Emergency Decree Amending the Anti-Human Trafficking Act, B.E. 2551, (2008) & Emergency Decree Amending the Anti- Human Trafficking Act, B.E. 2551, (2019) Section 6 means the exploitation of prostitution, the production or distribution of pornographic materials, the exploitation of other forms of sexual acts, slavery or practices similar to slavery, exploitation of begging , removal of organs for commercial purposes, forced labour or services under section 6/1, or any other similar forcible extortion regardless of such person's consent.

For the best understanding of the population, the questionnaire uses common terminology rather than legal terminology. Therefore, it provides choices that are more specific in detail of exploitation based on the review of human trafficking cases that occurred in Thailand in the investigation such as sexual exploitation, pornography production, forced begging, fishery, housework, farm work, gardening, fruit picking, factory work or animal husbandry. Other forms of forced labor, such as deception to work as scammer a call center, are also included.

Part 2 of the questionnaire examines the challenges encountered by victims in the justice process, while Part 3 explores the victims' needs in the justice process, consisting of 34 items. In this section, the respondents are allowed to rate their needs on a Likert scale, with 5 points indicating the highest level of need and 1 point indicating no need.

Furthermore, the questionnaire aims to explore the format of the interview room which makes victims sense of safe to reveal the information. The survey was conducted mainly by surveying the proportions of the room and the color of the room. The choice is based on the model of the soft room in the Child Advocacy Center, the recent child interrogation room in the prosecutor's office, and the interrogation room in the police station.

Part 4 assesses victims' satisfaction with the experience of victims in the judicial process using a Likert scale, where 5 points indicate the highest level of satisfaction, and 1 point indicates the lowest. Part 5 evaluates victims' cooperation in the justice process, aiming to identify factors that enhance cooperation, with a scoring system where 5 points represent the most effective factors and 1 point the least effective. Finally, Part 6 provides text boxes for the victim to express any additional needs or challenges that were not covered in the previous sections, allowing them to freely share and express their needs and challenges.

3.3.2 Development of Questionnaire Data, Content Validity and Reliability Test

The questions in this questionnaire, designed to investigate the challenges and needs of victims in human trafficking cases, were formulated based on a thorough review of existing literature. The review focused on how these challenges and needs vary across different forms of illicit exploitation, as well as on victims' satisfaction with the Thai justice process.

According to the research ethics, this research takes trauma-informed care into account. Thus the questions were examined by counselors and experts who have experience working with victims, such as social workers, to check whether the questionnaire was comprehensive and whether the questions were safe for the victims. In order to prevent victims from being traumatized when conducting the questionnaire (Fohring, 2020), content validity was checked by individuals with knowledge and expertise in psychology and victim care, including a female doctor Krittiaya Rittruecha, a psychiatrist at Princess Chulabhorn College of Medical Sciences, Ms. Phusa Phusrivilas, a licensed social worker, and Miss Deneen Kelly, a trauma-informed care specialist and therapist. These experts assessed the safety of the questions to ensure they would not affect the psyche of the participants and that the questions were comprehensive for exploring the problems and needs of the victims.

This questionnaire was included in the quality inspection process and tested with a small sample of 30 people to analyze the reliability by calculating the internal coherence of the precision value (Internal Consistency) using Cronbach's Alpha Coefficient (Viechtbauer et al., 2015). The second section of questions, the victim's needs, was equal to 0.868, and Part 5, the victim's cooperation, was equal to 0.798, not less than 0.70. In addition, the results of the Item-Objective Congruence Index (IOC) were more than 0.50 and were considered reliable and usable (Turner et al., 2002).

3.3.3 Quantitative Data Collection

In accordance with research ethics, participants in this study were informed of their right to withdraw at any stage of the research process, ensuring that participation was entirely voluntary. Data collection was conducted through an online questionnaire via QR code scanning. Before starting the questionnaire, the participants were allowed to decline their participation in the research. For the population under the protection of the Ministry of Social Development and Human Security or the Non-Government Organization, the data collection is granted permission of the head of the Ministry by making a letter to clarify the research objectives and request permission to collect data. The permission letter will consist of information and research information in case of doubts about the research.

3.3.4 Data Processing and Analysis

All data obtained from quantitative data collection were fully verified by the researcher and analyzed using descriptive statistics such as frequency, percentage, mean, and standard deviation. The prevalence of behavior and the relationship between variables, such as the relationship between the two variables, were analyzed using ANOVA (variance analysis), LSD, and cross-tabulation tests.

3.4 Qualitative Research

This research employed in-depth interviews using semi-structured questions. This research qualifies those who have worked in human trafficking cases and have experience in prosecuting or caring for victims more than three years. Therefore, this data collection applied Snowball Sampling for the key informants. Furthermore,

the selection of key informants aimed for geographic diversity, including those working in Bangkok, Chai Nat, Chiang Mai, Chiang Rai, Chonburi, Nonthaburi, Phuket and Khon Kaen.

The semi-structured questions were used for both law enforcement groups and victim caregiver groups. The interview was divided into 2 parts: Part 1: General information, position, and experience working in the field of anti-trafficking and types of victims who have worked with. This part aims to explore the general information of the key informants. Part 2: Questions about the opinion or attitude of the informant on the victim-centered approach and its limitations for recent prosecution. Moreover, exploring the needs and factors that enhance the cooperation of victims. This section was developed through the results of quantitative research collected from victims themselves. The semi-structured questions were reviewed by the supervisor.

3.4.1 Qualitative Data Collection

After selecting the key informants by employing snowball sampling, the researcher explained the objectives of this research and asked for permission and consent to participate. A letter of approval from the head of the agency was submitted if needed. The permission letter contained information related to the research and information that the researcher can contact in case of questions or doubts about the research. The key informants were informed that they could deny participating in any stage of research and the data was collected anonymously. Before conducting the interview, the key informants were informed about the details of the research project, including confidentiality and emphasizing the rights of the informant, such as consent to provide information, and withdrawal from the research at any time if he or she feels uncomfortable.

3.4.2 Qualitative Data Analysis

Qualitative data analysis was conducted using data obtained from in-depth interviews. The researcher coded the data, searched for meaning and distinguished data elements, including linking and finding correlations among the data. This will lead to explaining and answering research questions. The researcher analyzed Data Triangulation to evaluate the results. Data from different sources such as areas of operation in Thailand such as North, South, Bangkok, and East, different types of agencies, namely the government agencies and non-government agencies, and the data from quantitative research were compared.

3.4.3 Applying for Permission for Research Ethics

This research was authorized by the Human Research Ethics Committee, Rangsit University. Declaration of Helsinki, the Belmont Report CIOMA Guideline, and the International Conference on Harmonization in Good Clinic Practice or ME – GCP. Research Project ID RSU – ERB 2022 / 089. 0905.

4. Results

4.1 Challenges Faced by Victims in Human Trafficking Cases

4.1.1 Lengthy Criminal Justice Process

Delays in legal proceedings discourage victim cooperation, impair memory retention, and hinder victims' ability to provide testimony. The key informants indicated that social welfare services take 6 – 8 months, but legal processes take much longer, contributing to victim frustration and psychological distress. Meanwhile, 68% of victims indicated that faster legal proceedings would increase their willingness to cooperate.

4.1.2 Repetitive Interrogation and Legal Procedures

The research shows that 61.2% of victims were questioned 3 – 5 times, while 23.5% were questioned more than five times, and some were interrogated up to 10 times. Only 15.3% underwent 1 – 2 rounds of questioning. Victims often face repeated questioning on the same topics from different agencies and officers, as legal procedures involve multiple steps with different personnel.

Furthermore, 67.1% of victims felt guilty if they were unable to provide the requested information. Key informants agreed that multiple interrogations result from rigid legal procedures that do not prioritize victim-centered approaches. Minimizing repetitive questioning significantly enhances victim cooperation (61% strongly agree, while 48.2% do not want to recount their story repeatedly).

4.1.3 Safety Concerns and Facing the Perpetrator

Most victims feel safe when they are in legal proceedings. Only 5.9% of victims reported feeling unsafe, with 80% citing internal fears, primarily for their family's safety (76.5%) and concerns about their physical location (20%). Many victims refuse to testify in court due to fear of the offender's influence. Additionally, 86% of victims strongly agreed that feeling safe while cooperating with authorities enhances their willingness to participate and 80% believe that access to secure housing improves their ability to cooperate.

4.1.4 Foreign Victims' Fear of Authorities

Many foreign victims fear uniformed officers, including security guards. This might link to the need of decriminalization of victims. According to Thai law, the decriminalization of victims is provided in Article 41 of the Anti-Human Trafficking Act B.E. 2551 which decriminalizes only 4 offences which is the offence of entering, leaving, or residing in the Kingdom without permission under the law on immigration, the offence of giving false information to the official, the offence of forging or using a forged travel document under the Penal Code, the offences under the law on prevention and suppression of prostitution, particularly on contacting, persuading, introducing, soliciting or pestering a person for the purpose of prostitution and assembling together in the place of prostitution for the purpose of prostitution, or the offence of being an alien working without permission under the law on working of alien. However, other offences which victims might commit during victimhood must be taken in legal proceedings. For example, the scammer involved in a call center scam may be charged with fraud offence.

4.1.5 Trust and Accountability of Officials

When officials keep their promises, victim cooperation increases significantly. If officials fail to fulfill their commitments, it erodes victims' trust and reduces their willingness to cooperate, creating challenges for caseworkers. However, the investigator might face the obstacle in the legal process, and they may find a way to get cooperation from victims such as the promise to help, food, or any privileges (e.g., smoking during investigation, promises of repatriation). The caregivers emphasize that when the police promise the victim to go back home, it creates difficulty for the caregivers, as the legal process is not finished and the victim cannot be repatriated. The cause of victims' cooperation should be considered, for example, the long process of legal proceedings and the repetition of questioning which might be caused by many reasons, the protocol of agencies, and lack of cooperation between agencies.

4.1.6 Lack of Awareness of Victimhood

Some victims do not perceive themselves as exploited or harmed, leading to lower cooperation levels.

4.1.7 Flaws in Government Anti-Trafficking Policies

Splitting case files artificially inflates case statistics but can result in multiple interrogations for victims. Arresting sex workers who refer clients to fellow workers leads to misidentification of victims (i.e., "pseudo-victims").

4.1.8 Language Barriers

Limited interpreter availability for some languages delays legal proceedings and hinders victim protection. Many victims do not have the option to choose the gender of their interpreter. Beyond gender, some victims strongly prefer interpreters of their own nationality for greater comfort and trust.

4.1.9 Prejudices and Misconceptions Among Officials

Some officials hold stereotypical views of victims, leading to selective assistance and biased treatment. In child pornography cases, victims are still required to verify explicit images and are repeatedly questioned whenever new offenders are arrested, causing unnecessary psychological trauma. Moreover, some court decisions still have the perspective of idealistic victim or perfect victim or even applied the perspective of reasonable person to a victim of human trafficking which experience trauma during the trafficking. For example, a key informant stated that in a child pornography production case, the victim smiled and was surrounded by sex toys. It seems

like they were willingly to do the porn. Some officers have a negative perspective on them and do not believe their information.

4.2 Victims' Needs and Cooperation in Human Trafficking Cases

The study found that the most needs of victims in human trafficking prosecution include:

- 1) Financial compensation – 88.5%, the highest proportion.
- 2) The right to choose whether to return home or stay in a shelter – 86.6%.
- 3) Ensuring that perpetrators understand the harm they caused – 85.2%.
- 4) Knowing the offender's sentence – 85.2%.
- 5) Being informed of their legal rights – 84.7%.
- 6) Understanding the legal process – 84.5%.

To answer the research question and hypothesis, the research shows that different personal factors influence victims' needs and cooperation levels, except for these ten specific needs which are not affected by the personal factors, namely financial causation, freedom in shelter, understanding officers, being informed of the case progress, defendant's awareness of the victim's suffering, being informed of the penalty of defendant, acknowledgment of legal proceedings, need of prevention of diseases or vaccination, and the right to express the opinion about the defendant's bail. Furthermore, these needs are ranked by victims from high to very high across all victim groups. Thus, it can be interpreted that all victims need these four needs at the same level with no statistically significant differences. Therefore, all victims should be provided with the legal counselor, a chance for the victim to express their impact of the crime, support of claiming financial compensation, information about their legal rights, explanation of the legal procedures and penalties, and a chance to express their opinion about the bail of the defendant. Moreover, promoting officers' understanding of victim perspectives through the application of trauma-informed care is essential.

Factors Influencing Differences in Victims' Needs: In this part, data is analyzed by using One-way ANOVA and LSD to find the factors which can affect the needs of victims, the result is as follows:

- 1) Age: Victims aged 18 and older are more likely to request gender-specific officers, interpreters, and psychologists, where victims aged 6 to 11 do not prioritize choosing the gender of officials.
- 2) Gender: Male victims are more likely to request to choose the gender of officers and interpreters and prefer the officer who have empathy on them, where female victims have a greater need for psychologists and gender-appropriate shelters with more freedom in shelter.
- 3) Nationality: Non-Thai victims strongly prefer interpreters of the same nationality and place higher importance on expressing their experiences, receiving legal immunity, obtaining an apology from the offender, and access to healthcare professionals. All victim groups highly prioritize safe housing.
- 4) Immigration Status: Victims who are uncertain about their immigration status have the greatest need for interpreters of the same nationality.
- 5) Education: Victims who have attended formal education most strongly prefer to choose the gender of officers and interpreters.
- 6) Level of Education: Victims with a bachelor's degree have the highest demand for education or vocational training. Victims with bachelor's, master's, or associate degrees prioritize safe and independent housing the most.
- 7) Type of Exploitation: Victims of pornographic exploitation have the greatest need for understanding officers, interpreters of the same nationality, information about their rights, and gender-specific officials compare to other type of victims. Victims of forced labor in factories highly value having their statements impact the court's decision.
- 8) Housing: Victims in both state and private shelters prioritize choosing the gender of their assigned officials more than those staying in their own homes. Victims in private shelters prefer interpreters of the same nationality. Victims in state shelters strongly prefer not to encounter the offender again and do not want an apology from the offender. Victims staying in their own homes have a higher demand for healthcare professionals and access to medical services. Victims in private shelters have the least need for psychologists but the highest demand for gender-appropriate shelters.

4.3 Factors Affecting Victim Cooperation

Gender-specific officials and psychologists' impact female victims' willingness to cooperate more than male victims. Keeping promises, allowing victims to speak when ready, ensuring safety during legal proceedings, and confirming that their testimony will contribute to prosecution significantly influence victims who have attended formal education. Access to safe housing impacts cooperation levels, particularly for victims who entered Thailand legally and remain in the country within the permitted time frame. Gender-specific psychologists are particularly important for victims outside the formal education system.

5. Discussion

5.1 Problem of Human Trafficking Proceedings

5.1.1 The Length of Prosecution

One of the most pressing issues in human trafficking cases is the prolonged legal process, which leaves victims in a state of indefinite waiting which causes the sense of powerless of victims (Janeja, & Bandak, 2018). Research findings indicate that victims' primary concerns include understanding the progress of their case, being informed about legal procedures, and receiving updates on the perpetrator's sentencing. Both quantitative studies and in-depth interviews consistently highlight these concerns, with victim support workers providing similar insights. This underscores a fundamental issue: the imbalance of power between the state and individuals within the justice system (Foucault, 1982).

Since human trafficking is classified as a crime against the state, the state is the party in legal proceeding, thereby centralizing decision-making power within government institutions. According to Thai Criminal Procedure Law Articles 30 and 44/1, victims have the right to co-plaintiff as public prosecutor in the criminal case and also have the right to be a plaintiff in private cases. However, the criminal case must be led by government law enforcement which is framed by the law. As a result, victims often feel powerless and excluded from the legal process, exacerbating their sense of disempowerment.

The lengthy judicial proceedings can be attributed to several factors, including repeated questioning of victims, which extends the duration of legal proceedings due to legal formalities, fragmented coordination among agencies, and the involvement of multiple institutions. Victims often undergo multiple rounds of interrogation, which leads to emotional distress, frustration, and psychological trauma—in some cases, resulting in pseudo-psychiatric disorders. This repetitive questioning can diminish the quality of victim testimony (Shaw III, & McClure, 1996), as prolonged exposure to interrogation induces fatigue, stress, and re-traumatization. Additionally, psychological trauma affects memory, leading to inconsistencies in testimony and, at times, false statements due to trauma-induced memory distortion (Lonsway, & Archambault, 2016). Research indicates that traumatic reactions can impair victims' ability to recall and sequence events accurately (Lindholm et al., 2015).

For child victims, repeated questioning raises an additional concern: the Suggestibility of Children—a psychological phenomenon where repeated interrogation influences children to alter their responses in an attempt to please interviewers. This further undermines the credibility of their testimony (Ceci, & Friedman, 2000). To sum up, the prolonged process causes false memories of victims, a sense of powerlessness, boredom and stress during the process. As a result, this can cause the failure of the victims' cooperation.

5.1.2 The Repetitive Interrogation and the Role of Recorded Testimonies

Studies found that victims prefer verbal testimony over written statements. The audio-visual recording is an effective alternative to mitigate repetitive questioning. The recording of victim testimonies serves several critical purposes:

- 1) Reduces redundant questioning, thus minimizing distress and expediting legal proceedings.
- 2) Functions as primary evidence, capturing firsthand accounts closer to the time of the incident, which enhances accuracy and reliability.
- 3) Aligns with legal standards set by the European Court of Human Rights (2019), which recognizes audio-visual testimony as substantial evidence, particularly when the witness is unable to testify in court.
- 4) Addresses the issue of victims who are unable to write due to educational background, foreign nationality, or lack of recognition of their own victimization.

- 5) The recorded testimony will be useful in case the victim does not want to present in court or the victim testimony in the court differently from the investigation stage.

However, while recorded testimony presents significant advantages, certain victim groups, especially those subjected to sexual exploitation through pornography may be apprehensive about video recording. Careful ethical considerations must be taken into account to ensure victims feel secure and respected throughout the process.

5.1.3 Victim Safety and its Impact on Cooperation

Another critical issue is victims' concerns for their own safety and that of their families. Victims' sense of security, including access to safe housing and protection during legal cooperation, directly influences their willingness to participate in the justice process.

The desire to avoid face-to-face encounters with the perpetrator significantly affects victim cooperation. Victims residing in government-run shelters express a stronger preference for avoiding the defendant compared to those in alternative housing arrangements.

Ensuring victims feel safe during legal proceedings is crucial, as fear of retaliation or intimidation deters them from testifying. Ultimately, addressing these systemic challenges—streamlining legal procedures, minimizing re-traumatization, enhancing victim participation, and strengthening safety measures—will lead to a more victim-centered and effective justice process.

5.1.4 Challenges in Communication

Research indicates that 45.9% of human trafficking victims are of foreign nationality, many of whom speak regional dialects or foreign languages. The lack of Thai language proficiency among victims, combined with insufficient linguistic diversity among interpreters, presents significant challenges in the justice process.

One critical issue is that law enforcement officers often do not understand the language spoken by victims, which not only hinders communication but also compromises victim safety. In cases where perpetrators speak the same language as the victim, victims may be intimidated or threatened without the authorities realizing it, undermining the effectiveness of protection measures.

Additionally, interpreters themselves may have personal ties to the accused, creating a conflict of interest that could further jeopardize victim safety and case integrity. The limited availability of interpreters, particularly for less common languages, prolongs legal proceedings as translations must often pass through multiple languages (e.g., from a regional dialect to English, then to Thai, and back again). This process is not only time-consuming but also prone to inaccuracies.

Another major concern is the frequent rotation of interpreters, which disrupts case continuity. When interpreters change midway through a case, they may lack full context of the victim's experience, leading to inconsistencies in testimony and misinterpretation of key facts.

Furthermore, interpreters are often the primary point of contact for victims, playing a crucial role in psychological support. A skilled interpreter does more than just translate words; they convey emotions and nuances that are critical in accurately representing the victim's experience. A failure to provide comprehensive, precise translations may lead to victims' experiences being oversimplified or misunderstood, affecting case outcomes.

5.1.5 Victims' Lack of Cooperation Due to Unawareness of Exploitation

A significant challenge in prosecuting human trafficking cases is that victims often do not perceive themselves as victims, leading to non-cooperation with legal proceedings. This occurs for several reasons:

- 1) **Perceived Debt of Gratitude to Perpetrators**
Many victims feel indebted to traffickers who provided them with employment, financial support, or shelter. Some traffickers foster familial, friendly, or even romantic relationships with victims, making them reluctant to view these individuals as exploiters. Victims often internalize blame, believing their suffering results from personal shortcomings rather than exploitation.
- 2) **Blurred Lines Between Criminality and Victimhood**

In prostitution-related cases, victims may have previously collaborated with each other in referring clients, only to later find that one is designated as a trafficker while the other is classified as a victim upon arrest. This legal categorization is often driven more by policy objectives and statistical targets than by genuine human trafficking suppression. As a result, victims do not perceive themselves as having been wronged and refuse to cooperate with the authorities.

3) **Intervention Before Victims Recognize Exploitation**

Some victims are rescued before they have been fully subjected to exploitation, such as during transit to trafficking destinations. Because they have not yet experienced direct harm, they fail to recognize themselves as victims and may provide inaccurate or misleading statements. This lack of victim awareness has broader implications, particularly in impact statements and compensation claims. Victims who do not perceive themselves as harmed may struggle to articulate the psychological and economic impact of their experiences, ultimately weakening their legal claims and reducing their access to justice.

5.2 Summary

To enhance victim cooperation, authorities must respond to these victims' challenges, which are repetitive questioning, lengthy legal processes, safety concerns, interpreter availability, trust in officials, and misconceptions about victimhood. A victim-centered legal framework is essential for ensuring justice while minimizing the re-traumatization of victims. To enhance the cooperation of victims, the priority needs must be taken into account. Thus, the government have to ensure the victims' right to claim financial compensation and be informed of their legal rights, including the right to choose whether to return home or stay in the shelter, and be informed of the legal proceeding steps. Moreover, the victims should be informed of the result of the case, such as the punishment of the defendant, and have the opportunity in legal proceedings to express their impact of the crime.

6. Conclusion

6.1 Policy Recommendations

A victim-centered justice system seeks to empower victims by addressing their specific needs, reducing re-traumatization, and mitigating the power imbalance between the state and individuals. One of the key barriers to achieving true victim-centered justice is the imbalance of power between victims and state authorities, which often manifests in procedural delays and a lack of agency for victims in legal proceedings.

To enhance victim participation and minimize their sense of powerlessness, the justice system should:

- 1) Establish clear procedural timelines to prevent unnecessary delays and ensure victims are not left waiting indefinitely.
- 2) Provide transparent communication by informing victims of each stage in the legal process.

Enable victim participation in decision-making where appropriate, such as allowing them to choose the gender of interpreters, psychologists, and other relevant personnel while this may seem like a minor consideration. Moreover, to reduce the powerless sense of victims, they should be informed of their legal rights, including the right to choose whether to return home or stay in the shelter, the result of the case, such as the punishment of the defendant, and have the opportunity to express their feelings and the impact of the crime.

6.2 Practical Recommendations

6.2.1 Coordination

Efforts should be made to enhance collaboration and teamwork among investigators, prosecutors, and psychologists or social workers. Establishing a Case Manager role should be prioritized to facilitate formal coordination, ensuring that victim testimonies are conducted jointly by prosecutors and investigators prior to the official interrogation. Additionally, case meetings should be held to ensure comprehensive investigations, minimize repetitive questioning, and streamline communication between government officials and victims regarding case progress and legal procedures.

Moreover, witness interviews should be conducted in a trauma-informed environment by either improving existing facilities to be more suitable for victim interviews or utilizing alternative, well-equipped

locations, such as those provided by non-profit organizations. Confidentiality and case sensitivity must be strictly upheld in all circumstances.

6.2.2 Psychological Awareness and Trauma-Informed Training for Personnel

Investigators should receive specialized training in forensic interviewing techniques to enhance their ability to conduct initial victim interviews sensitively and effectively. Given their legal expertise and interrogation skills, they should also be encouraged to pursue additional education in psychology or social work, or alternatively, law enforcement agencies should consider recruiting officers with academic backgrounds in these fields.

Furthermore, child forensic interviewers should be integrated into the investigation process. These professionals, drawn from trained psychologists or social workers, should possess specialized skills in interviewing children and be required to participate in multidisciplinary child investigation procedures as mandated by Section 133 bis of the Criminal Procedure Code.

Additionally, the inclusion of psychological and cultural expert witnesses in court proceedings should be encouraged in cases where victims exhibit mental vulnerability or come from culturally sensitive backgrounds. This would allow the judiciary to evaluate evidence with greater consideration for victims' psychological and cultural contexts, which may differ significantly from general societal norms.

6.2.3 Victim-Centered Services Based on Individual Needs

Medical care should be expanded to support victims residing outside state-run shelters. Interpreters from victims' countries of origin should be utilized, particularly for those unaware of their immigration status, as they may require more assistance than other groups. Victims aged 18 and older should be given the option to select the gender of the personnel involved in their case, ensuring their comfort and dignity. Victims of pornographic exploitation require personnel with a deeper understanding of their trauma, as well as increased emotional support compared to other victim groups.

6.3 Ensuring Secure Housing and Psychological Safety During Legal Proceedings

It is imperative to enhance victims' sense of safety throughout the justice process, both for themselves and their families. A victim's perception of security directly influences their willingness to cooperate with the legal system. Although the Witness Protection Act B.E. 2546 (2003) provides a legal framework for victim protection, its implementation remains limited in practice.

To strengthen victim and witness protection, it is essential to increase funding and enhance enforcement of this legislation. Additionally, fostering collaboration between governmental agencies and non-profit organizations could facilitate the provision of secure yet independent housing options for victims.

6.4 Preventing Victim-Defendant Encounters in Court Premises

The judiciary should strictly enforce the 2013 Supreme Court Regulation on Criminal Witness Examination, which prohibits direct confrontation between witnesses and defendants. This enforcement must be carefully balanced to uphold both the victim's psychological well-being and the defendant's right to confrontation and cross-examination.

Courts should take proactive measures to prevent encounters between victims and defendants before, during, and after testimony by implementing:

- 1) Separate pathways or staggered scheduling for victims and defendants when entering and exiting court premises.
- 2) Designated waiting areas for victims before and after testifying to ensure physical and psychological security.
- 3) Private waiting rooms for victims in cases involving physical and psychological abuse, ensuring they do not share common spaces with the defendant while awaiting trial proceedings.

By implementing these measures, the judicial system can foster a safer, more victim-sensitive environment while maintaining the integrity of due process.

6.5 Investigation Phase

To enhance efficiency and victim-centered care, a One-Stop Service model should be developed by expanding the existing Child and Women Protection Centers (One Stop Crisis Committees). These centers should evolve beyond their current role as referral and coordination hubs to provide comprehensive support to victims, including psychological assessments, medical examinations, and forensic interviews.

While hospitals house the necessary personnel for medical and psychological evaluations, their primary function as healthcare providers poses challenges, such as victims having to stay among general patients. An alternative would be to establish standalone facilities, modeled after Child Advocacy Centers, where victims receive integrated medical, forensic, and rehabilitative services in a dedicated environment, ensuring safety, privacy, and victim-centered care. A key challenge in this model would be coordinating medical staff, investigators, and psychologists within an independent facility.

Additionally, there should be mandatory psychological assessments for victims before they enter the legal process. This would inform service provision and ensure that the justice process prioritizes the victim's well-being. To reduce repetitive questioning, all initial interviews with vulnerable victims should be audio- and video-recorded, extending beyond child victims as currently required under Section 133 bis of the Criminal Procedure Code. These recordings could also serve as evidence for compensation claims and replace in-court testimonies, minimizing victims' distress from recounting traumatic experiences multiple times.

The establishment of forensic interviewers in Thailand should be prioritized to ensure comprehensive and trauma-informed questioning, reducing psychological harm to victims. Furthermore, funding should be allocated to create victim-friendly interview rooms, incorporating warm colors and engaging decor to foster a more comfortable and reassuring environment. Research by Sangtongdee, and Srichareon (2022) highlights that in child interview rooms, blue tones, and sticker decorations enhance engagement (Lanongkan, & Inkarojrit, 2020). Finally, prosecutors should be involved in complex investigations - not only in cross-border cases - to define key legal issues early on, reducing the need for multiple victim interviews.

6.6 Prosecutorial Phase

To streamline proceedings, prosecutors participating in investigations should either be assigned as the case prosecutor or ensure systematic handover of information to prevent redundant questioning. A Case Manager should be introduced to help victims navigate the court system, ensuring they are familiar with trial procedures and reducing courtroom anxiety. To further minimize victims' court appearances, audiovisual recordings should replace live testimony where possible, in line with European Court of Human Rights (2019) precedents. This approach is especially relevant when victims cannot or do not wish to testify in court and have already provided sufficient recorded testimony.

However, defendants should still retain the right to cross-examine evidence. This could be achieved through non-confrontational questioning methods, such as judicial or expert review of cross-examination topics before questioning, remote or proxy cross-examination through psychologists, and forensic interviewers conducting pre-trial cross-examinations. Additionally, victims should have the option of pre-trial testimony before formal charges, allowing them to decide whether to return home or remain in protective shelters.

To maintain continuity in interpretation, the same interpreter should be assigned from the investigation through trial. Moreover, interpreters should receive trauma-informed training and be encouraged to use non-formal, victim-sensitive language to enhance communication. To facilitate victims' reintegration into normal life as swiftly as possible, the justice system should aim to minimize their burden by enhancing the efficiency of evidence collection and instilling confidence among practitioners in victim-centered protection measures.

For instance, in cases related to online pornography, legislation should permit exceptions where victims are not required to testify in court, as seen in the legal framework of the Philippines. This approach reduces courtroom appearances and repetitive questioning, thereby sparing victims from unnecessary psychological distress. In these cases, the primary legal issue revolves around determining whether the material qualifies as pornographic content, rather than requiring victims to testify about their identity in the material. However, in practice, many professionals remain hesitant to exempt victims from court appearances due to concerns about potential legal repercussions.

Furthermore, statistical data collection should be expanded to include victims' sexual orientation and disability status to ensure comprehensive and inclusive service provision. A pilot initiative by the National

Statistical Office could lead this effort by transitioning from the traditional binary gender classification (male/female) to a dual-layered approach retaining birth-assigned sex as primary data while separately recording gender identity and sexual orientation. This would allow for tailored victim support services that reflect diverse needs.

6.7 Enhancing Victim Participation in Legal Proceedings

To promote victims' active involvement in their cases, the justice system should:

- 1) Increase the number of language interpreters while ensuring they receive training in trauma-informed care and basic psychology to facilitate sensitive communication with victims.
- 2) Recruit interpreters, officers, psychologists, and social workers with diverse gender identities, allowing victims to select the gender of personnel working with them, thus fostering a more comfortable and supportive environment.

6.7 Addressing Budgetary Constraints and Enhancing Government Support

The role of NGOs in victim assistance, such as shelters and interview facilities for human trafficking cases, should be strengthened. Policy adjustments should allow victim interviews to be conducted outside government premises, such as in Child Advocacy Centers operated by NGOs. Welfare benefits should be expanded to include victims residing in private homes, ensuring they receive comparable levels of care and support to those in state-run or NGO-operated shelters. Case statistical indicators should be revised to focus not merely on case volume but on the impact on victims, ensuring a justice system that prioritizes victim welfare over quantitative metrics.

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