

## **Cooperation Problems of Criminal Justice Organizations in Addressing Human Trafficking Problems**

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### **Abstract**

Thailand has been closely monitored in the issue of human trafficking by the United Nations. Additionally, Thailand has been ranked in Tier 2, indicating that Thai government has struggled to address human trafficking problems. However, this operation has not yet followed the minimum standards of the Trafficking Victims Protection Act (TVPA). Therefore, it is beneficial to study the roles of criminal justice organizations in coping with human trafficking issues, especially cooperation problems of relevant organizations as the main priority. This study is expected to identify effective practice guidelines in solving cooperation problems to upgrade human trafficking problem management to international standards and promote Thailand to be listed in Tier 1 group.

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### **1. Introduction**

Human trafficking is a transnational crime problem. It also violates victims' human rights, substantially damaging their physical and psychological well-being. Human trafficking also poses a danger to ordinary people, the community, and society, which cannot be evaluated in terms of monetary value. In regards to human trafficking in 2014, Thailand was downgraded from the Tier 2 watch list to the Tier 3 watch list, which consists of a group of countries with the worst human trafficking situation. (Annual Report on human trafficking situation in 2014). [1] The Thai government has been making efforts to improve human trafficking. On 30 June 2016. Thailand was moved back to the Tier 2 watch-list group. (Annual Report on human trafficking situation in 2016)[2] This shows that the Thai government was putting significant efforts into eliminating human trafficking during this period even though its operation did not meet the minimum requirements set forth in the Trafficking Victims Protection Act (TVPA). Thailand's placement in Tier 2 indicates that there are still serious issues with human trafficking in the nation despite this development. Therefore, every agency needs to increase efforts and efficiency while being ready to cooperate with the civil sector to suppress human trafficking in Thailand.

Until 2018, Thailand had escalated to the Tier 2 group (not Tier 2 watch list), a group of countries

that try to address and investigate human trafficking problems seriously. However, Thailand still showed many mistakes in organization management and justice system, particularly regarding legal aspects and law enforcement. To increase the efficiency and effectiveness in tackling human trafficking in Thailand, increased cooperation, support, and participation between different organizations are needed. However, criminal justice organizations still lack cooperation in addressing the human trafficking problem; it is complicated to solve this problem successfully despite the efficiency of law enforcement. As a result, researchers developed their interest in researching and examining the functions played by criminal justice institutions in combating the problem of human trafficking. This research also focuses on studying obstacles to cooperation within and among organizations. Guidelines to solve the problem of human trafficking in terms of cooperation among organizations and increasing management efficiency are provided.

### **2. Literature Review**

The Provision of Section 6 of Anti-Human Trafficking Act, B.E. 2551 (2008) as amended by the Anti-Trafficking in Persons Act (No.3) B.E. 2560 (2017) states as follows:

Section 6. Whoever does any of the following acts:

(1) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use

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of force, abduction, fraud, deception, abuse of power, illegal exertion of influence over others on account of their physical, psychological, educational or any kind of vulnerability, threat to take the abusive legal action against others, or of the giving money or benefits to achieve the consent of a person having control over another person in allowing the offender to exploit the person under his or her control; or

(2) procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving a child;

If such act is committed for the purpose of exploitation, the person who does so is guilty of trafficking in persons.

The exploitation under paragraph one shall mean the exploitation of the prostitution of others, the production or distribution of pornographic materials, the exploitation of other forms of sexual acts, slavery or practices similar to slavery, begging, removal of organs for commercial purposes, forced labour or services, or any other similar forcible extortion, regardless of such person's consent. [3]

A review of legal and legislative frameworks in several nations regarding human trafficking revealed two factors to be taken into account:

Part 1: Structure and operation of the legislation.

Part 2: Identifying the potential to achieve goals, such as spreading of vital information about how laws and regulations should be used in cases of human trafficking to generate shared accountability of the judicial system, coordination and effective communication at domestic and international levels. [4]

The effectiveness of Part 2 is deemed crucial for the elimination and prevention of human trafficking because human trafficking problem is a worldwide issue which requires everyone to plan altogether in order to create operations in relation to its prevention and eradication, such as cooperation and coordination among relevant agencies, assistance to victims, lawsuits, evidence-finding inquiries, and fund collection from various organizations, so human trafficking can be effectively prevented.

However, Thailand hasn't been able to completely eradicate the problem of human trafficking, either, as there are still issues with coordination among corporates that are responsible for the prevention and eradication of this crime. The problems that were noticeable were that:

1. The cooperation system in the judgment proceedings is still unclear; lacking cooperation and consistency;

2. When departmental meetings are held, most participants sent by authorized committees for coordination work do not have the power to decide or give orders within the departments. Therefore, they are incapable of supervising for the purpose of efficient practice;

3. Mistrust among judicial organizations leads to

the lack of information exchange;

4. Overall work development in the mission of the judgment proceedings has unclear direction due to a lack of a system to develop strategies and policies in the same direction;

5. There is a lack of a central agency which is responsible for budget allocation to the judgment proceedings, and for follow-up, facilitation, and evaluation of the work performance of subsidiary systems. (Office of Justice Affairs, 2016). [5]

The notion of interorganizational connections that emphasizes environmental management was discussed by Hodge and Anthony. Six categories of cooperation are established: 1) Vertical Integration 2) Horizontal Integration 3) Coalition 4) Interlocking Directorates 5) Reciprocity and 6) Social Interlocking. However, a lack of mutual trust hinders decision-making, limits resources, and causes internal conflicts. They are all obstacles for coordination improvement. Additionally, if the organization's employees lack motivation, misinterpret the material, do not comprehend the organization's goals or do not understand the nature of some sorts of labor, this can naturally become noncooperation as well. [6]

Consequently, the achievement of work coordination or cooperation of the judicial organization, pursuant to mutual objectives, needs to make use of tools for human trafficking prevention and eradication with efficiency and effectiveness. In addition, the officers involved in a judicial organization must have mutual understanding and be honest. The officers must also jointly set plans and targets together with mutual acceptance and good understanding of the administrators towards the context of their organization.

### 3. Methods

This research is a qualitative study using in-depth interviews with the entrepreneurs responsible for setting focus group discussions, including data from studying related research work and documents. The target group in this research was the personnel in criminal justice organizations involved in tackling human trafficking, personnel from civil society and Non-Profit Organizations (NGOs), and the authorities from international organizations. The author depends on a purposive sampling of respondents with at least two years of experience in tackling human trafficking (namely, protecting, suppressing, investigating, inquiring, or helping law enforcement officials to combat human trafficking, etc.) and who are experts in human trafficking management. Moreover, other twenty samples were the victims who were divided into groups for in-depth interviews. In this manner, this research could obtain complete information. A group of samples (selected experts from in-depth interviews and experts dealing with human trafficking

issues) in two subsidiary meetings comprised 45 participants.

In-depth interviews and questionnaires utilized during focus group discussion is the research's primary data collection method. Qualitative data analysis was undertaken by using content analysis. Additionally, to analyze the data, triangulation was utilized to examine data by taking into account the data obtained from different methods, which were (1) in-depth interviews, (2) documentary research, and (3) focus group to show the validity of the information and the subsequent results.

#### 4. Results and Discussion

According to data analysis, research results in accordance with research objectives are as follows:

Objective 1 is to study and analyze the system of the justice process and the roles of criminal justice organizations involved in the management of tackling human trafficking. The study discovered that criminal justice organization has many limitations as to the legal dimension and law enforcement dimension. It was also discovered that Thailand's government agencies still lack coordination, necessary power to resolve issues involving multiple departments and agencies, and take too long to implement regulations that, in the end, still cannot address issues in a timely manner.

The organizational structure of judicial bodies is separated, and it is still lacking a central agency to take responsibility in terms of academics and administration. There is also a lack of officers who take responsibility for the policy and a lack of systematic planning of work, financial, and human plans. If there is a central agency or organization for controlling juridical organizations to work jointly in both practice and policy, human trafficking problems will drastically decrease.

In terms of organizational management, it has been found that all five departments (The Royal Thai Police, the Office of the Attorney General, the Court of Justice, the Department of Special Investigation, and the Ministry of Social Development and Human Security) have a closed-system management style with formal organizational characteristics. In contrast, they can cope with human trafficking problems requiring promptness. Depending on the official form (formal administration), the operation will be delayed because of the complicated chain of command. As a result, it is essential to include informal groups to be able to improve the efficiency of the operations.

Objective 2 is to study and analyze the problems and obstacles impacting cooperation between criminal justice organizations involved in tackling human trafficking. According to the research findings, there were many problems regarding the cooperation that can be divided into three phases; pre-legal proceedings, legal proceedings, and post-legal proceedings, as shown in Tables 1, 2, and 3 below.

These problems are deeply rooted, especially regarding the efficiency of the officers in taking legal action against the wrongdoers and the delays in justice proceedings, which leads to the saying."Justice Delayed is Justice Denied". [7] The issues that cause problems in cooperation between criminal justice organizations involved in tackling human trafficking are as follows.

(1) The government's policy aims to eradicate human trafficking and move away from the Tier 2 Watch List, thus encouraging the government to target eliminating human trafficking crime very quickly by depending on statistics for arresting and sentencing those wrongdoers. However, they seem to have focused more on statistics and quantity than quality. Therefore, the administration of justice is unable to proceed in addition to putting pressure on the officers involved in handling human trafficking cases and fear penalties from supervisors if human trafficking is allowed to occur in responsible areas. Meanwhile, targets are set at the policy level on the number of arrests of offenders in human trafficking cases that lead to unfair actions such as entrapment to come by the appropriate quantity of the case as targeted. The officers handling human trafficking cases cannot respond to the policy, and they eventually end up asking to leave, causing the lack of skilled officers. Consequently, policy decisions regarding human trafficking should come from joint meetings and discussions between the officers handling human trafficking cases and policymakers. There should be a focus on quality rather than quantity so that the officers involved are willing to share information. This makes the prevention and suppression of human trafficking more effective.

(2) Government employee's corruption is a serious issue that hinders collaboration in human trafficking prevention and eradication, making it not as effective as it should be. To make things worse, some officers give assistance to the wrongdoers. Therefore, the government should be more aware of this problem and try to fix the root causes, which are police officers, government agencies, and government policies so as to raise good conscience as responsible government officers in conjunction with giving moral support to the officers as well as providing them with rewards, especially compensation to allow those good officers sustain their lives with pride.

(3) Concerning the processes within organizations, the procedures are complicated and negligent of organization mechanism to support the operation. The policy is difficult to be achieved in case of lacking the leader to work continually. Another vital factor is determining easy and simple working methods and avoiding work overlapping. The team leader should be aware of both budgetary constraints and the potential of their team members. In addition, when a policy produces positive outcomes, the leaders should continue to use it. Even if new leaders are appointed, sound

**Table 1.** Problems and obstacles impacting cooperation between criminal justice organizations tackling human trafficking during pre-legal proceedings.

Agencies	Problems in cooperation
Police and attorney	(1) Issues in feeding data into a database system. (2) Efficiency issues when briefing and questioning the police officers
Police and Ministry of Social Development and Social Security	Efficiency issues with case file creation and conducting police officer investigations
Police and Department of Special Investigation	Victim protection issues and challenges in victim rescue
Police and the court	Efficiency issues with case filing and police officer investigations
Attorney and the court	Courts often refuse to fill in information in human trafficking directories shared by other judicial agencies.

**Table 2.** Problems and obstacles impacting cooperation between criminal justice organizations tackling human trafficking during legal proceedings.

Agencies	Problems in cooperation
Police and attorney	(1) Problems of delays in prosecuting the offenders of the inquiry official (2) Problem of arresting the accused to be sent to the prosecution process
Police and Ministry of Social Development and Social Security	Problems of delayed works by the inquiry official
Police and Department of Special Investigation and Ministry of Social Development and Social Security	Problems with the funding request procedure for money to be used to combat and prevent human trafficking
Attorney and the court	Problems of judges in Thailand lack experience in inquisitorial system because Thailand uses a predominantly accusatorial system.

**Table 3.** Problems and obstacles impacting cooperation between criminal justice organizations tackling human trafficking after legal proceedings.

Agencies	Problems in cooperation
Attorney and the court	Delays through waiting for a copy of the judgment
The agencies related to suppressing human trafficking and the Ministry of Social Development and Social Security	Problems in legal execution after the judgment

policies must still be carried out if success is to be truly achieved.

(4) The efficiency of the officers, who get involved with human trafficking prevention and suppression, needs to cooperate and operate efficiently. Staff in criminal justice organizations must work with collaboration and coordination systematically. It is improper to let each department take its own responsibility separately. Instead, they have to coordinate with other organizations, such as the Ministry of Labor, Ministry of Foreign Affair, and private Non-Governmental Organizations (NGO).

The research's conclusions about operational efficiency show that there are several problems with operational efficiency at police officer level. The most frequent problems are the making of case files and investigation from the police officers, delayed arrest of offenders, and delayed legal proceedings. In addition, the relevant officials often fail to cooperate and com-

municate with each other, thus making them unaware of different problems.

Due to the aforementioned issues, this is in accordance with the research conducted by Anne Gallagher and Paul Holmes, who found out that the legal system must share responsibility for human trafficking prevention in order to successfully combat human trafficking. Effective information exchange, coordination, and internal and international communication must occur. In accordance with Hodge and Anthony's theories, a lack of mutual trust in partnerships among organizations, limited resources, delayed decision, and internal disagreements are invariably a barrier to collaboration fostering.

**Objective 3** is to suggest guidelines for developing and solving cooperation problems and obstacles between criminal justice organizations involved with tackling human trafficking.

Due to the results of this study, the following guide-

lines are suggested to help different organizations in dealing with their cooperation issues:

(1) The integration of departmental collaboration, including policies to resolve the issue of late submissions among departments, cooperative integration strategies, and assistance request from other agencies that are engaged with the pursuit of arrest warrants;

(2) Developing practitioner expertise to enable practitioners to be competent and expert in encouraging the coordination of trade and the discovery of new strategies for human trafficking prevention and combat;

(3) Increasing officers' training and knowledge to help them reach their full potential. The coordination follows the same path with the same set of knowledge;

(4) Cooperation between the government authorities and the victims or sufferers is necessary for successful human trafficking protection and suppression, and this requires adapting and changing the attitude of engaged officers;

(5) Managing personnel and locations for victim classification can be efficient when it consists of knowledgeable personnel and experts in victim classification. Nonetheless, the place for victim classification cannot be operated by only one agency, but it is necessary for many involved organizations to cooperate and understand how to classify the victims;

(6) Enhancing the judicial process of recording testimony by using audio and visual recordings is necessary. This process made it possible to interrogate witnesses in cases involving a large number of victims or witnesses in no time and the testimony is accurate and highly accurate;

(7) Improving and promoting compensation and expenditure that exists during a legal proceeding will help those human trafficking victims get assistance as to necessary expenditures supported by "The funds for protecting and suppressing human trafficking". Regarding "essential expenses," such as transportation costs that are pertinent to the fact and victim or witness' income, the government's support is, nevertheless, insufficient. Therefore, through the Ministry of Social Development and Human Security's cooperation, improvement of support compensation and of the costs incurred during litigation will be implemented;

(8) Providing proper treatment to the sufferers both, during, and after legal proceedings relies on cooperation between any agencies involved to build an effective program by relying on the experience of Non-Profit Governmental Organization (NGO) which succeeds in addressing and recovering the victims taking part in this program. When the case comes to an end, the government agencies have to help figure out how to treat the victims by providing them with compensation in accordance with the judgment;

(9) Regarding the development of the process of searching for evidence in a human trafficking case, it is necessary to rely on the supervision and assistance

provided by the Ministry of Social Development and Social Security to provide information, because they are intimate with the human trafficking victims. Additionally, it is necessary to receive cooperation from the attorney and the court so that the police officers can use special devices, such as, eavesdropping device, and request for a financial path review for evidence investigation and acceptance as a spy.

## 5. Conclusion and Recommendation

According to research results, there are some recommendations as follows:

### (1) Policy Recommendations

(1.1) It is necessary to raise awareness of entrepreneurs who are hiring and risk groups, such as women and children, so that they can be aware of human trafficking perpetrators. Moreover, it is vital to warn those human trafficking wrongdoers they will receive the maximum punishment with quick legal proceedings to make them see that the benefits from this illegal act are not worth the severe punishment.

(1.2) It is highly recommended to build cooperation in the public sector. People in their area must help each other to monitor human trafficking offenses and report clues to the authorities. Besides, the government should send police officers to patrol the target areas on a regular basis and maintain a good relationship with people to ensure that they can get full assistance and protection.

(1.3) It is better to appoint officers with expertise in solving human trafficking issues to perform with other frontline officers, such as local police officers, officers from the Minister of Labour, and immigration officers.

(1.4) The government should ask for contributions from any capitalist groups both domestically and internationally so that they can contribute money to help the victims, together with increasing the number of volunteer groups, supporting sanctuaries, and helping to recover those victims, and also buttressing the work of the officers because criminal justice procedures are expensive.

(1.5) The government should organize a system for developing strategies and policies in the same direction. There is a clear and comprehensive overall policy and guiding strategy covering the mission of the justice system.

(1.6) It is important to set up central agencies to take responsibility for the budget allocation for criminal justice procedures, together with following up, monitoring, investigating, and facilitating evaluations on work performance of subsidiary systems in the criminal justice process in accordance with the strategic and budget plans.

(1.7) It is important to establish a central agency as the center for information technology of criminal justice procedures involving human trafficking preven-

tion and suppression to support the operation and missions of any department with efficiency.

(1.8) The government should place more importance on giving compensation to human trafficking victims while amending the law to confiscate from those human trafficking wrongdoers after that this compensation must be returned to the funds for compensating for the damages caused by human trafficking, rather than falling into state property so as to take legal execution according to judgment. Accordingly, those sufferers can ask for monetary compensation from this fund.

(1.9) There should be a periodic and consistent review of work performance after the agencies concerning with human trafficking prevention and suppression conform to the systems and working methods. Additionally, there needs to be a measurement of how well criminal justice organizations are doing their jobs so that the society can see that criminal justice practices are compatible with all systems. Therefore, this indicator can show the efficiency of the police officers with reliable statistics so as to capture excluding scapegoats. Meanwhile, the efficiency of the attorney is to reduce dismissal by the court because of the strong evidence. The effectiveness of a court is a thorough and fair trial.

## (2) General Suggestions

(2.1) The officers in criminal justice organizations involved with preventing human trafficking should receive training in human trafficking cases by focusing on administrative management practices in accordance with the legal conceptual framework, together with realizing their roles, taking responsibility, and focusing on mutual cooperation.

(2.2) It is essential to adjust the attitudes of the officers involved with human trafficking protection and suppression to reduce the damage caused to the victims, especially in the case of illegal prostitution. However, government officers mostly use biased attitudes that make operations lacking injustice, such as using improper words, discriminating, and assuming that these women volunteered to become involved in prostitution. Hence, understanding the feelings of the sufferers would help the officers to perform their work more efficiently while the sufferers can have positive attitudes towards the officers, being ready to give their cooperation. If this condition is met, other countries could see that Thailand gives high respect to the pride and dignity of humans.

(2.3) It is crucial to set up projects that are accessible to the victims, the sufferers or the witnesses of human trafficking with special care. Alternative measures need to be set out for proving the evidence by focusing on protecting witness identification, privacy, and dignity i.e., taking evidence by videoing confidentially and concealing the witness. However, taking evidence must be fastened with legal consultants who require nothing in return. As for the minor witness, there

must be extra measures to ensure privacy, safety, and life betterment.

(2.4) In human trafficking cases, most of the offenders are highly influential, and it is difficult to find evidence; hence, acquiring the evidence through informal channels needs to depend on intimacy or extra measures in order to get evidence. Indeed, it is vital to listen to unofficial evidence in human trafficking cases, especially, when that evidence is of importance for the cases being able to result in punishment for the wrongdoers.

(2.5) When coordinating with private or public organizations, the officers of criminal justice procedures involved in tackling human trafficking must be really careful because it has high risk for safety of officers, victims, and witnesses. When the government officials need to contact the public sector directly, the coordinators need to explain the issue comprehensively, so that the public sector can be informed about what happens, and can then give good advice.

(2.6) Cooperation in criminal justice processes needs to rely on cooperation between both internal and external organizations. Similarly, administrators should build cooperation within their organization and make it stronger before initiating external cooperation by encouraging the administrators in the criminal justice process to cooperate with each other in order to operate in the same direction.

(2.7) Managing organization working style and operations of organizations would help work performance to move forward in the right direction while being able to promote mutual cooperation with other organizations, thus resulting in a smooth operation. After that, personnel should be developed together with building moral support, subsequently contributing to their work performance and eliminating internal conflicts so that organizations can increase efficiency with the ability to work jointly with other organizations with high efficiency as well.

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## 7. Conflict of Interest

No conflict of interest

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