

AN ASSESSMENT OF EFFECTIVENESS IN PROSECUTION CRIMINAL JUSTICE ON THE ANTI-TRAFFICKING IN PERSONS ACT B.E. 2551^{*}

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■ ABSTRACT

This study used qualitative and quantitative research methods to evaluate the efficiency of justice departments in litigation according to the Anti-Trafficking Act B.E. 2551. This research employed documentary research, focus group meetings, and questionnaires. The quantitative sample group comprised of 100 persons selected using stratification sampling method, while the qualitative sample group comprised of 28 persons. The first focus group comprised of 30 persons and the second of focus group comprised of 35 persons which was specifically selected from justice personnel and related agencies.

The study revealed that the Anti-Trafficking Act which has been enforced for 9 years and 3 amendments. The latest amendment of B.E. 2559 and Law Enforcement on May 25th, 2016 had changed from adversarial and accusatorial system to inquisitorial system in order to make the prevention and protection of human trafficking, as well as the jurisdiction more effective, quicker and fairer. It was also found

^{*} Kittanathat Lerwongrat, et al. (2017). *An Assessment of Law Enforcement on the Anti-Trafficking in Persons Act B.E.2551*, Office of Justice Affairs.

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that people were satisfied with the officers' implementation of anti-trafficking act.

The significant recommendations of the study are as follows: (1) The government should set an anti-trafficking policy as a national agenda. (2) The government must construct the Center for the Prevention and Suppression Human Trafficking in provinces for effective prosecution. (3) The government policy formulation must adopt a 5P approach as a guideline to prevent and suppress human trafficking.

KEYWORDS: Assessment of Effectiveness, Prosecution, Criminal Justice, ACT B.E.2551

BACKGROUND AND SIGNIFANCE OF THE STUDY

With the advancement of technology, communication and transportation are more convenient, faster and more modern. But on the other hand, there is a gap that the criminal process uses new methods and means to persuade, deceive, and exploit human beings to get physical and mental damage that affect human safety and security including the loss and damage to the surrounding people, community and society, such as deceiving to work abroad,

provision and transfer across borders both legal and illegal, falsifying travel document, etc. that leads to human trafficking process. This group of crimes is often involved in a multinational movement that has become a transnational crime.¹

Thailand has borders with neighboring countries for 5,326 km. There are 80 custom stations in 31 provinces² including natural channels around the custom stations for smuggling and illegal immigration for the reasons of economic well-being and the need for a better life. Therefore, it is an opportunity that human trafficking uses the unknown and the trust of the person close to the brokerage process by soliciting deceit and lead to wrongful exploitation. As a result, Thailand is a country of origin, country of transit, and destination country where the sufferer are children, women, and men. Therefore, Thailand has set a national agenda for human trafficking since B.E.2547³ because human trafficking is a serious violation of human rights. In addition, the Anti-Trafficking in Persons Act B.E.2551⁴ has been enacted to enforce misuse of a variety of misconduct, for example, bringing a person into prostitution in the Kingdom or

¹ Saengchan Manoi 2014, *Thailand's operation for Anti-Trafficking in Persons*, Academic Articles, August 15th, 2014.

² Bandan Buadaeng, et al 2013, *Human Trafficking in Borderless world*, Division of Research Administration and The Graduate School Naresuan University.

³ Royal Thai Government, *People, Private and Public join hands in the fight against Human Trafficking*, Retrieved June 6th, 2017, from <http://www.thaigov.go.th/news/contents/details/4278>.

⁴ Anti-Human Trafficking ACT, B.E. 2551, (February 6th, 2008).

sending prostitution outside the Kingdom, forced labor or begging, or cutting the organs for commercial purposes, etc.

On 27 June B.E. 2560, the US State Department released the Trafficking in Persons (TIP) Report B.E.2560⁵ that The United States continues to provide Thailand with a Tier 2 Watch List for the second year similar to B.E. 2559 after being in Tier 3 for two consecutive years. The report mentioned that the Thai government tried to enforce the law, the amendments to the Anti-Trafficking in Persons Act in B.E.2559 has been implemented, there are strict penalties against offenders in cases of human trafficking.

The results of the efforts to prevent and suppress human trafficking in Thailand appeared in the statistic of lawsuits in B.E.2559. 333 cases of human trafficking were investigated (compared to 317 lawsuits in B.E. 2558). Litigation against 301 traffickers (compared to 242 lawsuits in B.E.2558) and convicted 268 traffickers (compared to 241 traffickers in B.E. 2558). The property was attached from those who involved in human trafficking for 9 law suits, total value 784 million baht and 45 state officers involved in human trafficking were arrested. Furthermore, the opportunities for work

can be expanded as well as finding job for 196 sufferers. From the statistic that was increased in B.E.2558, shows the current efforts to tackle human trafficking of current government. In B.E.2560, the government allocated a budget of 3,208 million baht for the management and solving the problems of human trafficking.⁶

Although Thailand has implemented 3 amendments to the law relating to human trafficking or to improve law enforcement agencies involved in human trafficking in the justice process by establishing the Office of Trafficking in the Attorney General's Office and established the Human Trafficking Division in the Criminal Court, however, the seriousness and continuity of the study and enforcement of the law still continues to impede the efforts to suppress trafficking in persons out of Thai society.

Hence, the researchers recognize the importance of the results of the justice process under the Anti-Trafficking in Persons Act B.E. 2551 of law enforcement agencies dealing with human trafficking. Therefore, it deems appropriate to conduct a study to evaluate the effectiveness of the prosecution of the justice process agencies under the Anti-Trafficking in Persons Act B.E.2551.

⁵ *Trafficking In Persons Report 2017*, Retrieved June 27th, 2017, from <http://thai.bangkok.usembassy.gov/tip2017>

⁶ *Royal Thai Government, People, Private and Public join hands in the fight against Human Trafficking*. Retrieved June 6th, 2017, from <http://www.thaigov.go.th/news/contents/details/4278>.

RESEARCH OBJECTIVES

To evaluate the effectiveness of the litigation process of the agencies of justice process according to the Anti-Trafficking in Persons Act B.E. 2551.

EXPECTED ADVANTAGES

1. To acknowledge the effectiveness of the litigation process of the agencies of justice process according to the Anti-Trafficking in Persons Act B.E.2551 whether the operation was performed effectively or not and how, which will lead to a more efficient and most beneficial of improving the work of justice agencies in relation to human trafficking.

2. To use the information received in the relevant agencies to improve the practice to be appropriate, consistent and responsive to the goals of effective performance and systematic implementation to international standards.

3. To publish the research results to benefit the people and society.

CONCEPTUAL FRAMEWORK

System Theory⁷ has been adopted as a conceptual framework to describe the assessment results of the effectiveness of justice agencies' litigation under the Anti-Trafficking in Persons Act B.E. 2551

which covers three main components namely: **1) Input** - the number of litigation statistics including the budget used in legal proceedings **2) Output** - people's satisfaction towards the operation of the officials which is carried out correctly, completely and rapidly **3) Impact** - problems and obstacles in the operations of the agencies of justice process and **4) Feed Back** - the assessment results of criminal trafficking process to be more effective.

SCOPE OF THE STUDY

1. Research Content The assessment of the effectiveness of the agencies of justice process under the Anti-Trafficking in Persons Act B.E. 2551 in 6 important issues will be emphasized.

(1) People's satisfaction

(2) The proceedings of the judicial authorities are correct and complete in accordance with the law (absolutely accurate) including the problems and obstacles in the operation.

(3) Law enforcement is applied fairly, thoroughly and equally to achieve the intent.

(4) Statistics of legal proceedings

(5) Time to complete the legal process. (Promptitude)

(6) Cost-effectiveness, details of legal proceedings cost, calculate the entire process

⁷ Michale I. Harrison, *Diagnosing Organization-Methods, Models and Processes*, Nicole F. Broomfield, *The Hijacking of Human Trafficking Legislation during its Creation*, (Public Policy Study: USA., 1987).

of completing the case at least one case and at least one agency.

2. Quantitative research is the population of this study includes the personnel in the judicial process dealing with human trafficking for at least 1 year are 100 persons. The populations of **Judge of the Criminal Court** are 10 persons, **Prosecutor (Department of Anti-Human Trafficking office of the Attorney Central)** are 10 persons, **Police Officers of Anti-Trafficking in Persons Division** are 20 persons, the officials from the **Anti-Money Laundering Office** are 20 persons, the officials from the **Ministry of Social Development and Human Security** are 10 persons and the officials of **Anti-Human Trafficking Center (Department of Special Investigation)** are 10 persons.

(1) In-depth Interview is 28 persons who operated the work involved with the Anti-Trafficking in Persons Act B.E. 2551 for a period of not less than three years, from the sample of government organizations and civil society organizations including **Police Officers of Anti-Trafficking in Persons Division and Metropolitan Police Division** are 4 persons, the officer of **Department of Anti - Human Trafficking office of the Attorney Central** are 2 persons, **Judge of the Criminal Court (Human Trafficking Division)** are 2 persons, the officer of **Department of Special Investigation (Anti-Human**

Trafficking Center) are 2 persons, the officer of **Ministry of Social Development and Human Security (Anti-Trafficking Division)** are 2 persons, the officer of **Department of Consular Affairs (Ministry of Foreign Affairs)** are 2 persons, the officer of **Anti-Money Laundering Office (AMLO)** are 2 persons, the officer of **Central Employment Registration and Worker Protection Division** is 1 person and **Department of Labour Protection and Welfare (Ministry of Labour)** is 1 person, the officer of **Department Of Provincial Administration** is 1 person, **Executives of international organizations dealing with Human Trafficking** are 2 persons, **Academics Officers** are 2 persons, **practitioners in NGOs** are 2 persons and **the public in society** are 2 persons.

(2) Focus group the 1st focus group consisted of 30 persons who are the experts from the **Anti-Trafficking in Persons Division (Royal Thai Police)** are 3 persons., **Office of the Attorney General** are 2 persons, the **Court of Justice** are 2 persons, the **Institute for Justice Research and Development (Justice Affairs)** is 1 person, **Anti-Human Trafficking Center DSI** is 1 person, **Department of Correction** is 1 person, **Department of Consular Affairs (Ministry of Foreign Affairs)** is 1 person, **Department of Employment** is 1 person and **Department of Labour Protection and Welfare (Ministry of**

Labour) is 1 person, Anti-Money Laundering Office are 2 persons, the Ministry of Social Development and Human Security are 2 persons, the National Human Rights Commission of Thailand is 1 person, Non – Government Organizations (NGOs) are 5 persons, International Organizations is 1 person, Academic Officers are 4 persons and the public in society is 1 person.

And the 2nd focus group consisted of 35 persons who are the experts from the Court of Justice is 1 person, Office of the Attorney General is 1 person, the Police Officers of Anti-Trafficking in Persons Division and Metropolitan Police Division are 6 persons, the Office of Justice Affairs (Ministry of Justice) are 6 persons, the Anti-Human Trafficking Center DSI are 5 persons, Department of Labour Protection and Welfare (Ministry of Labour) are 2 persons, the Anti-Money Laundering Office (AMLO) is 1 person, the Ministry of Social Development and Human Security are 4 persons, the National Human Rights Commission of Thailand is 1 person, Department of Provincial Administration is 1 person. Non – Government Organizations (NGOs) is 1 person, International Organizations are 2 persons, who have experience of at least 1 year and has knowledge and expertise on the Anti-Trafficking in Persons Act B.E. 2551, Academic Officers and Students are 5 persons.

■ METHODOLOGY

1. **Quantitative Research** was conducted by Purposive Sampling from the sample which consisted of 100 officials working in the agencies of justice process under the Anti-Trafficking in Persons Act B.E 2551 by using the questionnaires that have been tested for quality of content in terms of validity and reliability as the tools for data collection from the sample.

2. **Qualitative Research** was conducted by the in-depth interview method using purposive sampling who are key informants from Government Organizations and Civil Society Organizations on the prevention and suppression of human trafficking as the tool for data collection. Additionally, a total of 30 experts from justice process, civil society, NGOs and general public were brainstormed in the *first Focus Group meeting* for questionnaires and interview creation to assess the effectiveness of the judicial process under the Anti-Trafficking in Persons Act B.E 2551.

The second Focus Group meeting was organized with the participation of 35 experts in total from justice process, civil society, NGOs and general public to brainstorm about recommendations, research improvement towards the effectiveness of litigation. Incidentally, the sample populations of the 1st and 2nd focus group were not unique.

■ RESEARCH RESULT

The results of the study on the effectiveness of the judicial process under the Anti-Trafficking in Persons Act B.E.2551 revealed the results of the analysis of the following six main issues as follows.

Table: To shows the number and percentage of opinions on the judicial efficiency of the agencies of justice process under the Anti-Trafficking in Persons Act B.E.2551 in terms of operational efficiency.

Performance efficacy	Performance level		
	mean	S.D.	interpretation
(1) People's satisfaction with human trafficking implementation of the justice process.	3.59	0.818	much
(2) The proceedings of the judicial authorities are correct and complete in accordance with the law including the problems and obstacles in the operation.	3.43	0.756	moderate
(3) Law enforcement on human trafficking is applied fairly, thoroughly and equally to check that law achieved the intent.	3.38	0.930	moderate
(4) Statistics of Legal proceedings according to the lawsuit of human trafficking or problems need to be resolved was reduced	3.34	0.844	moderate
(5) Time to complete the legal process is suitable according to the international standard	3.30	0.859	moderate
(6) The execution of justice from the arresting stage until judge a case is worthwhile and cost effectiveness	3.27	0.886	moderate
Total	3.38	0.644	moderate

From Table, to shows the number and percentage of opinions on the judicial efficiency of the agencies of justice process under the Anti-Trafficking in Persons Act B.E.2551 in terms of operational efficiency. It was found that the officials performed absolutely corrected as required by law,

The aspect of law enforcement is applied fairly, thoroughly and equally to achieve the intent, And the aspect of time to complete legal process is suitable as per international standard, The aspect of the Statistics of Legal proceedings according to the lawsuit of human trafficking or problems that needs

to be resolved is reduced. And the aspect about the execution of justice from the arresting stage until judging the case was value and cost effectiveness. In overall, the average score was moderate.

The results showed that, in some cases, people are satisfied with human trafficking practice of the judicial authorities at a high level.

The result of a conclusion to quantitative data analysis, it was found that the sample from the agencies of justice process under the Anti-Trafficking in Persons Act B.E 2551 on the effectiveness of the litigation of the 6 above-mentioned cases are consistent with the qualitative data obtained from the In-depth interview and the Focus group as follows:

1) People's satisfaction, it was found that most of the sample group have the opinions or views related to the prevention and suppression of human trafficking that, in some cases, people are satisfied with the human trafficking practice of the justice system due to the judicial review of human trafficking cases by conducting a hearing, making the prosecution system is quick to prosecute. The offender has been convicted and the victim is assisted by relevant authorities. For example, the arrest of human trafficking case, Natalie Massage Parlor. A large number of assets were attached and all media

pay attention and follow the prosecution of Natalie Massage Parlor's human trafficking because this is a case in which a state official committed a crime of human trafficking and used the power to exploit or property from a victim or a group of trafficked persons. Additionally, officials detained 9 people involved in trafficking, total value 784 million baht in B.E. 2559.⁸ Besides, the government is promoting the role of the people and the society more apparently and provides the opportunities for people to involve in driving the process of preventing and resolving of human trafficking. Campaigns through radio, television, billboards and distribution to raise public awareness of the dangers of human trafficking were conducted.

2) Action of the official of justice process, it was found that the proceedings of various judicial authorities are correct and complete in accordance with the law as prescribed under the Anti-Trafficking in Persons Act B.E.2551 including the problems and obstacles in the operation. The government has announced the prevention and suppression on human trafficking as the National Agenda on April 3, B.E. 2558 and assigned all relevant agencies to expeditiously prosecute the offender in the human trafficking case particularly, the prosecution of state officials involved in human trafficking

⁸ U.S. Embassy & Consulate in Thailand, *Trafficking in Persons Report 2017, Thailand Country Report.*, Retrieved June 27th, 2017, from <http://th.usembassy.gov/th/our-relationship-th/official-report-th>.

by integrating the cooperation between the agencies of justice process and all related agencies. The activities of the justice and related agencies are based on 5P policy, namely: (1) Policy, (2) Prosecution, (3) Protection, (4) Prevention and (5) Partnership.⁹

3) Law enforcement is applied fairly, thoroughly and equally, it was found that after the amendment to the Anti-Trafficking in Persons Act B.E. 2551 and the Anti-Trafficking in Persons Act (No. 3), B.E. 2560¹⁰, which came into force on January 28, B.E. 2560, this amendment addresses the need to increase the efficiency of screening victims of trafficking and increase the intensity of the law enforcement including other laws related to labor force enforcement in the fisheries and seafood sectors by adding civil and criminal penalties to offenders in human trafficking cases. It is allowed to order closed business with forced labor and provides protection to those who experience trafficking and provides information to government officials. Furthermore, the Amendment to the Anti-Money Laundering Act, B.E. 2558,¹¹ authorized the Anti-Money Laundering Office to attach the property from a court order while investigating human trafficking case and transfer some of the property that was attached to the victims

as compensation. Additionally, to provide fairness to the victims as stated in the Anti-Trafficking in Persons Act, B.E. 2551, Section 41 prescribed the case forbidding the investigator to prosecute the victims for entering or leaving the Kingdom without the permission of the immigration law, false allegations against the authorities, passport falsifying, offenses under the law governing the prevention and suppression of prostitution and the entering into prostitution for prostitution, or an offense committed by an alien without a permit under the law governing the work of an alien, permit the victim or witness as foreign individual to be able to stay in Thailand for up to 2 years and can renew the work permit after the case comes to an end. These above mentioned will be operated on the basis of human rights principles focus on non-discrimination by maximizing the benefits of the children and by giving priority mainly to the victims. The government has set up a shelter for victims of human trafficking. They will be sent to 9 protected areas operated by the Ministry of Social Development and Human Security to provide consultation, legal assistance. Medicine care, replacement of damages and appropriate financial support 300 baht per day to encourage work during

⁹ Ministry of Social Development and Human Security, *National Policy Strategies and Measures to Prevent And Suppress Trafficking in Persons 2017-2021 C.E.*, No.2, (July, 2017).

¹⁰ *Act on the Prevention and Suppression of Trafficking in Persons*, No.3, B.E.2560, (January 27th, 2017).

¹¹ *Money Laundering Control ACT*, No.5, B.E.2558, (October 8th, 2015).

protection and to encourage the victims to cooperate in litigation.

4) Statistics of Legal proceedings -

Governments and agencies involved in the prevention and suppression of human trafficking had persistently and continuously prosecuted the offenders of human trafficking. Moreover, law and practice have been amended to seriously punish those who commit offenses and substantially provides the authority of the judicial process and the agencies involved in the prosecution of persons committing crimes against human trafficking. As a result, the number of lawsuits related to human trafficking has increased. In B.E. 2559, 333 lawsuits of human trafficking were arrested by the government (compared to 317 cases in B.E. 2558), 301 human traffickers were prosecuted (compare with 242 cases in B.E.2558), and sentenced 268 human trafficked persons (compare to 241 cases in B.E. 2558), 45 government officials involving in human trafficking were arrested.¹² The above-mentioned demonstrates current government's endeavor to tackle human trafficking problems including the result of the cooperation between judicial authorities and the agencies involved in resolving and exterminating human trafficking problem.

5) Time to complete legal process

(promptitude), it was found that the agencies of justice process (polices, prosecutors, and courts) takes legal steps and timeframes to comply with international standards. In B.E. 2558, the government had established the Human Trafficking Department in the Criminal Court and the Bureau of Human Trafficking in the Office of the Attorney General. In addition, judicial review has been conducted by the Inquisitorial System to ensure effective prevention and suppression of human trafficking and related cases are considered rapidly and fairly, so the Human Trafficking Act was enacted and effective in B.E. 2559,¹³ which defined the definition of "human trafficking", a case that is charged with offenses under the law on the prevention and suppression of trafficking whether or not they are charged with other offenses but does not include cases that fall under The Central Criminal Court for Corruption and Misconduct Cases under the law governing the establishment of The Central Criminal Court for Corruption and Misconduct Cases, the case under the jurisdiction of the Juvenile and Family Court under the Juvenile Court and juvenile justice law. Temporary release orders will require sufficiently measures to prevent escape and potential hazards.

¹² Ministry of Foreign Affairs of the Kingdom of Thailand, *The operation of Prevent and Suppress Trafficking in Persons.*, Retrieved February 11th, 2017, from <http://www.mfa.go.th/main/th/news3/6885/75734>.

¹³ *Procedures for Human Trafficking Cases ACT, B.E.2559, (May 24th, 2016).*

In case of a court order, if electronic devices or other devices can be used to detect or limit the travel of a temporarily released person, the court shall have the authority to determine the officer or person who shall be responsible for the execution of the order. If the accused or defendant escapes during a prosecution or during the court's hearing, the duration of the accused or defendant's escape shall not be counted as part of the age of the offender. And when the verdict is finally to punish the defendant, in the Preliminary Examination, Criminal trial, or review the case, in case of force majeure incident, the witness cannot testify in the court when the requesting party or the court deems appropriate., the court may authorize the witness to testify at another court or at a government office or other place in the country or abroad and provides audio and video conferencing in a conferencing manner. Such testimony shall be deemed to be the testimony of the witness in the courtroom. The length of the proceedings is from the investigating officer to the court. Police officers have a 48-hour period plus 84 days,¹⁴ approximately 86 days, and the prosecutor has to send the cases 12 days to the court. According to the court notice, a statement in 6 months or within 1 year

must be made, unless the case requires a period of verification more than 1-2 years.

6) The execution of justice from the arresting stage until judge a case is worthwhile and cost effectiveness: From the arrest of all trafficking that were conducted in terms of efficiency and cost-effectiveness, most of the sample agreed that the judicial process, from the arrest to the court, was worthwhile and cost-effective in moderate level. But only Rohingya case has benefit by law enforcement more than cost-effective. Rohingya case is rapidly expanding and turnover to several billion baht per year for Rohingya Trafficking and Organized crime.¹⁵

The assessment of prosecution in Rohingya case from conceptual of Economic Analysis of Law. It was found that cost in the Criminal Justice process, namely: Inquiry Official, Prosecutor, Court of first Instance, the Court of Appeal, the Supreme Court and the post Judgment is Department of Correction by legal proceeding cost and calculate the entire process of completing the case of agency.¹⁶ The measured by the benefits derived was 13,052.78 times of costs incurred by Rohingya case. And arrest of the offender were 103 persons for Section 7, Section 9, Section 10 and Section 11 on the

¹⁴ ACT Amending the Criminal Procedure Code, National Council for peace and order, No.115/2014, (July 2nd, 2017).

¹⁵ Surapong Kongchanthuk, Committee on Human Rights and Refugee, Lawyer Council, quoted in, Ekachai Chanthong, Rohingya News topic analysis, (post today Online, 2558), Retrieved July 6th, 2017, from <http://www.posttoday.com/analysis/report/3631997>.

¹⁶ Thailand development Research Institute, Economic Analysis of Criminal Laws, TDRI Journal, No.104 (June, 2557):13.

Anti-Trafficking in Persons Act B.E.2551.¹⁷ And for Section 3, Section 6 and Section 7 on The Prevention and Suppression of Trafficking in Persons. (No.3) Act B.E.2560.¹⁸ The Judge of the Criminal Court have punishment sentence 2 times, for Local Politicians and Government Official are commitment. And total value 4,400, 250 million baht of compensation for Rohingya case's victims.¹⁹

Calculating value and breakeven costs need to be studied in two perspectives: the value of the government sector and the public sector. This can be measured by the benefits derived from trafficking litigation in numerical estimation. The criteria for considering the enforcement of this Act are in line with the Regulatory Impact Assessment (RIA) of the Organization for Economic Co-operation and Development (OECD).²⁰ Damage value (the proceeds of the trafficking offenses or the damage caused by the offense of a trafficked person) to the costs incurred by human trafficking under this Act (the costs of judicial process, which are both direct and indirect budgets for the arrest of the offender, prosecution, until the court sentenced). From the in-depth interviews, most of the judicial authorities and related

agencies commented that the figures from the estimation are just a minimum estimation that happened. Numerical estimates are not sufficient to analyze the value, but other factors should be taken into account when analyzing the value of litigation, such as the arrest of the offender for legal punishment, the protection and remedies, including the rehabilitation of victims of human trafficking as well as considering that when the law is enforced, how effective is the litigation because the case of human trafficking is a case that affects human dignity that cannot be counted.

■ CONCLUSION AND DISCUSSION

The results of the study was found that the effectiveness of the litigation of the agencies of justice process under the Anti-Trafficking in Persons Act B.E. 2551 with regard to the officials' performance is correct and comply with legal requirements. The law of human trafficking is applied fairly and equally. Duration of legal proceedings is suitable and meet international standard. The proceedings from the arresting to trial are worthwhile and cost effective. Although

¹⁷ Anti-Human Trafficking ACT, B.E. 2551, (February 6th, 2008): 30-32.

¹⁸ ACT On the Prevention and Suppression of Trafficking in Persons, (No.3), B.E.2560, (January 27th, 2017):19-21.

¹⁹ Thairath Online, The sentence of Judge of the Criminal Court, Retrieved August 30th, 2017, from <http://www.thairath.co.th/content/1010255>.

²⁰ Somkiat Tangkitvanich. et al. Economic Analysis of Criminal Laws, Thailand development Research Institute-TDRI, Retrieved July 29th, 2014, from <http://tdri.or.th/2014/07/wb104>.

the number of human trafficking statistics is increasing, results of the study entirely indicates the efforts of the Thai government and relevant agencies in all sectors to prevent and suppress trafficking in persons. It also shows the effectiveness of law enforcement by judicial authorities and relevant agencies, as a result, in some cases, people are satisfied with the performance of the justice process and relevant agencies. Additionally, the problems of trafficking in persons are acknowledged.

Based on the results of the study, the assessment of the effectiveness of judicial

process under the Anti-Trafficking in Persons Act B.E. 2551 is related to the System Theory concept which is important to the linkage of the operation of justice system and all related agencies involved with the prevention and suppression in human trafficking in defining clear authority and responsibilities. Rules and regulations are set as the tools and methods for the officials of justice process and related agencies to carry out criminal human trafficking cases of Thailand to be more effective.

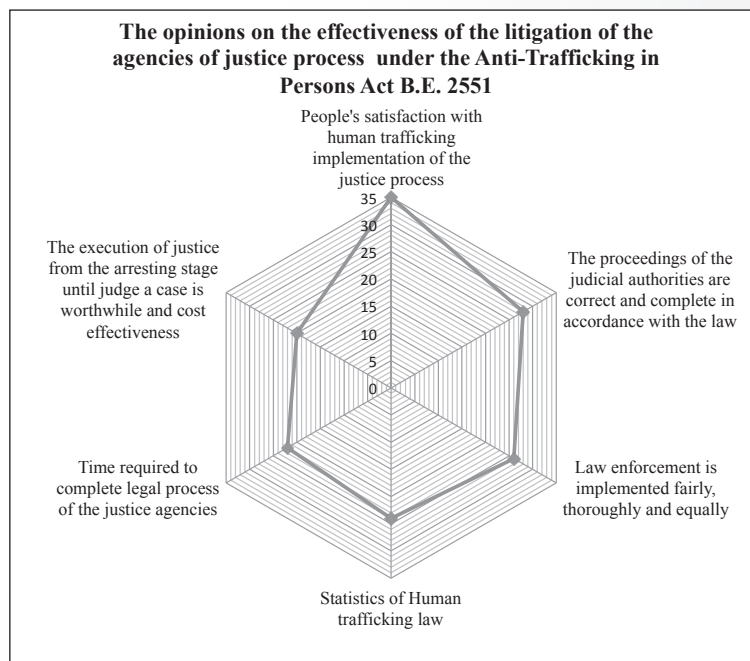


Diagram: To shows the average of the opinions on the effectiveness of the litigation of the agencies of justice process under the Anti-Trafficking in Persons Act B.E. 2551 in terms of the performance.

■ SUGGESTIONS

1. The government must support the implementation of all levels of action plans in line with the policy to increase the effectiveness of the prevention and suppression of human trafficking and promote preventive measures, litigations, victim protection, policy mechanism development, management development and push forward the action seriously and continuously. Strictly litigation with human traffickers and transnational organized crimes, related groups, including traffickers and government officials who are involved in all types of human trafficking.

2. Knowledge, skills, capabilities and potentials should be supported by the government to the staff in the agencies of justice process and all relevant agencies. In addition to that, the public, civil society, including network organizations should be promoted to engage and move the process of justice in order to solve, prevent, and suppress human trafficking in Thailand to be more effective.

3. Government should promote the development of operational efficiency in accordance with 5Ps strategy of the Ministry of Social Development and Human Security as a tool and guideline for the implementation of the justice and all relevant agencies to be

in the same direction with the vision "Public Unite, Thailand without Trafficking in Persons."

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