
The Role of Thai Prosecutors in Child Protection: A Case Study of Child Prostitution Victims

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Abstract

This research aimed to study Thai public prosecutors' expressed roles in protecting the rights of child prostitution victims and protecting them from sex worker. This quantitative study used a randomly selected sample of 387 public prosecutors throughout Thailand. The results showed that the public prosecutors' roles in protecting the rights of child prostitution victims are the taking of evidence the highest at 85.5%, the investigating of children the secondary at 84.7 %. Future public prosecutors' expressed roles also include protecting child victims from confronting the offenders, preventing who are not involved from attending the trial, giving advice steps and methods on the court's, preparing child victims for the giving of testimony, and suggesting claims for compensation according to the Human Trafficking Prevention and Suppression Act. In addition performed well advised civil compensation claim in criminal cases according to the Criminal Procedure Code, Section 44/1. Whilst public prosecutors not performing about responsibility given by other agencies.

Keywords

Thai prosecutors' expressed role, Child prostitution protection, Child prostitution rights and victims compensation

Introduction

Child prostitution is a severe violation of a child's rights. According to the U.S. Department of State Country Report on Human Rights Practice, In 2009 there were 60,000 children aged below 18 that became prostitution victims in Thailand. (U.S Department of state, 2010). For the past 10 years, children from Laos, Myanmar, and Cambodia have increasingly become child victims trafficking in Thailand (Emmons, 2007).

According to UNICEF, one million children enter, each year, the sex industry. Furthermore, between two and three million minors are victims of sexual exploitation for tourism purposes each year in the world. Lastly, according to figures from 2014, one third of human trafficking victims in the world are involved in sexual exploitation, the majority being girls from Thailand and Laos. In some regions, such as Pattaya, Phuket, or the North of Thailand, children, and particularly those who come from ethnic minorities, are vulnerable. Street children are the main targets of child pornography. In Pattaya, in 2015, 90% of 200 street children were victims of sexual exploitation. This exploitation involved mostly boys from the age of 12 to 17 years old (Unicef, 2015).

Several organizations have duties and roles in the protection of the rights of children from becoming prostitution victims. According to the Human Trafficking Prevention and Suppression Act B.E. 2551 (2008), the National Police Agency has to protect victims by screening them from offenders. The Ministry of Social Development and Human Security has to provide dwellings, health care, mental rehabilitation, education, and training for human trafficking victims. The court has to judge criminal and civil cases for the determination of damages of children who have become prostitution victims. The Legal Execution Department has to execute laws according to civil judgments.

Public prosecutors have to legally protect children's rights by providing criminal justice. They have to be the committee determining victims' compensation, investigating child witnesses, prosecuting offenders both in criminal and civil cases, and conduct witness testimony in court.

This paper aimed to studies public prosecutors' work, frequency role expression, the problems and solving act to role expression in child prostitution protection.

Literature Review

Victimology Theory

Most historical criminological theories have not paid much attention to victims. Studies on the victims of crime did not begin until the 1970s. In these early studies of victimology, the typology of victims included personal characteristics, psychological characteristics, the relation between group dynamics in society, the offenders and the victims, and roles of the

victims (Choobamroong,1995). Later on, there was more research on the effects and damage to the victims. These studies were conducted by surveying victims' information on issues, such as their fears of crime, their satisfaction with police officers' performance, the victims' consequences, and criminal prevention methods (Fattah, 2000).

More recently, criminologists have started to view victims as the people who are affected by the crimes, and research has begun to advocate that they should be provided with assistance from the state. On November 29 1985, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. It stated that victims should receive necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means. Victims should be informed of the availability of health and social services, and of other relevant assistance, and be readily afforded access to them. Police, justice, health, social services and other personnel involved should both receive training to be sensitized to the needs of victims, and guidelines to ensure proper and prompt aid. In providing services and assistance for the victims, attention should be given to those who have special needs, as a result of the nature of the harm inflicted, and factors on race, sex, cultural beliefs or others. The State must ensure that, within the criminal justice process, it is possible for the court to ask the offenders to make reparation. In the event that compensation is not fully available from the offender or other sources, the State should endeavor to provide financial compensation. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for received harm (United Nation,1985).

The protection of children from sexual exploitation has been an international effort for a long time. Several treaties and laws have been enacted in the past decades. One of the most important treaties is the Convention on the Rights of the Child. It is focused on the protection of children from all forms of violence, including sexual exploitation and abuse. The Committee on the Rights of the Child was established to monitor the implementation of the treaty (Pais, 2010). One of the issues it is concerned with is the growing number of youth forced into prostitution. The studies show that most of them have been brought up in poor and chaotic families (Reid & Piquero, 2016). They have often suffered from physical, emotional, or sexual abuse by their parents or other adults. They are also often accustomed to seeing their mothers or older siblings engaged in sexual activities with multiple partners, in pornography, or working as prostitutes. Many of them have run away from home to escape some form of abuse. They turn into prostitutes for survival because of no job skills and their low education. Many of these youth also use drugs or alcohol (Thio & Schwartz, 2019). Previous research has also found that the ones who enter prostitution at an earlier age seem

to be the ones who suffered the most emotional abuse (Roe-Sepowitz, 2012). Another common way children enter into prostitution is by pimped. Runaway children from small towns or rural areas are easy game for pimps. They regularly search for vulnerable children and force them into prostitution (Chesney-Lind & Shelden, 2014). Poverty is another pathway into prostitution. Children from poor countries become a target of human trafficking. For example, many young girls are sold by penniless parents to brothels in Thailand. They were tricked into coming to big cities and then forced to work. Many have been lured to marry foreigners and work as house prostitutes in other countries (Perry & Sai, 2002). The current situation regarding child prostitution is very complex and more difficult to control because of trends in prostitution which have moved the practice from the streets to the internet. There are numerous webpages and phone applications which provide escort and sex service. This technology has made prostitution less noticeable (Hagan, 2010).

General Strain Theory (GST)

A theory that explains child prostitution is General Strain Theory (GST) by Robert Agnew. He proposes three different types of strain: (1) the actual or anticipated failure to achieve positively valued goals, (2) the actual or anticipated removal of positively valued stimuli, and (3) the actual or anticipated presentation of negative stimuli (Agnew, 1992). He identified a series of factors that determine whether an adolescent will cope with strain in a delinquent or nondelinquent fashion. These factors include temperament, intelligence, interpersonal skills, self-efficacy, association with delinquent peers, and conventional social support (Conklin, 2001). These types of strains are related to criminal behaviors through the formation of negative psychosocial emotions such as anger, depression, or fear, as well as ineffective coping mechanisms (Reid & Piquero, 2016). According to GST, strain can cause certain caregivers to fail to effectively providing care and protection for their children (Agnew, 1992). The strains are linked to poor parenting. These factors include domestic violence, depression, lack of social support, and parental criminality (Agnew, Rebellon, & Thaxton, 2000). Abuse and neglect have been postulated to the involvement in criminal activities amongst children (Bender, 2010). This correlation general strain reinforces that emphasize the function of negative emotion as a stimulus for action. It is the trigger, which leads youth progression from strain to delinquency (Agnew, 1992). Amongst girls, the impact of negative emotion results in self-denigratory emotions such as depression, guilt, anxiety, and shame. Boys, on the other hand, respond to maltreatment with externalizing behaviors, such as aggression, conduct problems, and violence (Cauuffman, 2007; Grant, 2009). To escape from abusive or adverse situations, youth frequently run away from home or disengage from school and family relationships. Many of them turn to drugs and alcohol as a solution. They are more likely to associate with deviant peers (Agnew, 2002; Baron, 2003). This increased

contact with deviant peers can increase their encounters with sex traffickers who often prey on neglected and abandoned youth (Reid &, 2011). Their youthful naiveté and vulnerabilities make them more susceptible to being lured or forced into prostitution.

Four Preconditions Model of Sexual Abuse

When examining the perpetrator of a child sex crime, Finkelhor (1984) proposed focusing on four factors. These factors focused on preconditions that create a personal and social context for expressing sexually abusive behaviors. He named this theory the four preconditions model of sexual abuse. It includes (1) the motivation to abuse sexually, (2) overcoming internal inhibitors, (3) factors predisposing to overcome external inhibitors, and (4) factors predisposing to overcome the child's resistance (Finkelhor, 1984).

The first precondition is "motivation to abuse sexually." This motivation includes emotional congruences, sexual arousal, and blockage. Emotional congruence occurs when a person can satisfy his emotional need by relating to a child in a sexual manner. Sexual arousal happens when a person is sexually gratified by sexual activities with a child. Blockage arises when other alternative forms of sexual gratification are not present, not available, or less satisfying. Additionally, the motivation to abuse a child also depends upon individual and sociological factors. The individual factors include the need for power and control, unconscious reenactment of a previous childhood trauma, and biological abnormality. Sociological explanations often happen in a male-oriented society which child pornography and erotic portrayals with children (Wallance & Roberson, 2011).

The second precondition is "overcoming internal inhibitors". A person must overcome internal controls that would prevent them from sexually abusing a child. The controls can overcome through the use of drugs, existing psychosis, inability of the offender to identify with the needs of the victim, weak criminal sanctions against offenders, and child pornography (Wallance & Roberson, 2011).

The third precondition is "factors predisposing to overcome external inhibitors." These factors are beyond the control of the perpetrator. These conditions include social situations, for example the type and amount of supervision a child receives, the lack of parental care and protection of the victim, and unusual living or sleeping arrangements. Additionally, the lack of social support for mothers, barriers to equality, and issues of the family's social networks contribute to the ability of the offender to overcome external inhibitors (Wallance & Roberson, 2011).

The fourth precondition is "factors predisposing to overcome the child's resistance." These factors address the victim's ability to resist the sexual advances. The child may be emotionally insecure, deprived, inexperienced sexually, or lacking sexual knowledge.

The victim may feel powerless, or a situation of trust exists between the offender and the victim (Wallance & Roberson, 2011).

According to the mentioned declaration principles in Victims Theory and powerless of victims in the General Strain Theory, The United States of America, Canada, Australia, and England have legislated on the right of Crime Victims, providing respect for victims' dignity, reparation to victims, assistance of victims, and analysis of the impacts on victims and the family of victims (Waller, 2005).

Regarding Thailand, the government seems to be taking measures to respect its commitments. Indeed, many of the domestic legal acts that are supposed to protect children from prostitution, like the law on the Prevention and Repression of prostitution (1996), the Criminal Code (1956), the Criminal Procedure Code (1935), the Child Protection Act (2003), and the human Trafficking Prevention and Suppression Act (2008)

Thai Laws Assisting and Protecting Sexually Abused Child Victims

Thailand has long prioritized the importance of the protection of children from becoming sexually abused victims. As for child prostitution, the Prevention and Suppression of Prostitution Act B.E. 2539 (1996) imposes more severe penalties for persons buying sex services from children than adults. The Criminal Code also does the same thing for sexually abused child victims. The offence of committing an indecent act to a minor is non-compoundable. Child Protection Laws have always been added more specifically, imposing penalties for offenders such as the Child Protection Act B.E. 2546 (2003). (Koomprapan, 2003), Domestic Violence Victim Protection Act B.E. 2550 (2007), and Human Trafficking Suppression and Prevention Act B.E. 2551 (2008). These have also determined officers, staff, and methods of rehabilitating, assisting, and treating sexually abused victims. Moreover, the victims have been allowed to participate in the justice process (Bowornsompong, 2005). There are provisions on officers, staff, and methods briefly mentioned in all of them.

Prevention and Suppression of Prostitution Act. B.E. 2539 (1996)

This act defines the term "prostitution" in section 4 as follows: "Prostitution" means acceptance of sexual intercourse, or acceptance of any other act to gratify sexual desire of another person in a promiscuous manner in return for money or any other benefit, irrespective of whether the person who accepts the act and the person who commits the act are of the same gender or not.

According to this act, although buying sex service from children under 15 in a place which is not a brothel is not an offence, it is an offence according to the Criminal Code. If public prosecutors want to seek the truth on the mentioned sex service buyers, they should

promote investigation officers to investigate the mentioned buyers to reduce the number of persons buying sex from child prostitutes. Public prosecutors can then recommend to the police whether or not they should prosecute someone soliciting sex from a child. If a child's parents connive in the prostitution of their child, the public prosecutor will, at the request of the Protection and Occupational Development Committee, apply to the Court for the revocation of parental power and for the appointment of a guardian. When the court is about to appoint a guardian under paragraph one and the court is of the opinion that no one is appropriate to be the guardian, the court may appoint as guardian the Director of the Primary Admittance Centre or the Director of the Protection and Occupational Development Centre in the territorial jurisdiction of which the child is subjected. The provisions of the Civil and Commercial Code relating to the appointment of guardian will apply *mutatis mutandis* to the appointment of guardian under this section.

As for the provincial level, the provincial public prosecutors or the representatives will be the Protection and Occupational Development Committee with authority as follows: They have to coordinate between the government sector and the private sector in respect of information, resources, and operation on the provincial prostitution prevention and suppression. They have to promote and support operations regarding prostitution prevention and suppression of the government sector and the private sector in the areas of the province. They have to consider and recommend the Protection and Occupational Development Committee to improve or issue regulations and orders involving the provincial prostitution prevention and suppression.

Section 33 of the law determines protection of child prostitutes. When the offenders under sections 5 or 6 are not over 18 and it does not appear that the offenders are alleged to have committed or are subject to criminal proceedings for any other offence punishable with imprisonment, or are sentenced to imprisonment, investigation officers will, if the offence has been settled by a fine, notify the Department of Public Welfare for the purpose of committing such persons to care in the Primary Admittance Centre of competent territorial jurisdiction. If the Court, having considered behavior, wisdom, education, training, health, psychological state, occupation and environment of child prostitutes, is of the opinion that punishment is inappropriate and should be replaced by commission of the offender to protection and occupational development. The Department of Public Welfare will admit the offenders for the purpose of committing such persons to care in a Primary Admittance Centre of competent territorial jurisdiction within fifteen days from the date of the judgment.

People have to be protected and develop their careers in the Protection and Occupational Development Centre according to the regulations determined by the Protection and Occupational Development Committee not over two years from the date the Protection and Occupational Development Centre receives offenders.

The Human Trafficking Prevention and Suppression Act B.E. 2551 (2008)

Penalty for the human trafficking offence of child prostitution is as follows: The offenders trafficking persons aged over 15 but not over 18 will be punished with 6 - 12 years imprisonment and fine of 100,000 – 200,000 baht and the offenders trafficking persons aged not over 15 will be punished with 8 – 15 years imprisonment and fine of 160,000 – 300,000 baht. According to section 22, the Attorney-General will be Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee.

In Section 29, in case of necessity for the benefit of fact clarification in relation to human trafficking and the security protection of a person, where there is a reasonable ground to believe that he is a trafficked victim, the competent official may temporarily take such person into his custody which will not be over twenty-four hours. The custody of such person must be reported to the Commissioner General of the Royal Thai Police, the Director General of the Department of Special Investigation, the Director General of the Department of Social Development and Welfare or the Provincial Governor, as the case may be, without delay.

In case of necessity for the custody of any person suspicious to be a victim, to any extent longer than that provided in paragraph one, the competent official will file a petition to the Court asking for a permission order. The Court will grant permission for a period of not more than 7 days and may impose any condition upon such permission.

Victims must be placed in an appropriate place which will not be a detention cell or prison, in accordance with the regulations prescribed by the Minister. The performance of the duties under this Section will take into account all human rights principles seriously.

As for human trafficking prosecution in section 33, in case of necessity for the benefit of prevention and suppression of human trafficking, before entering a charge in the court, the public prosecutors, by themselves or by receiving a request from an investigation officers, may bring the victim or a witness to the Court and file a petition specifying all the facts alleged to have been committed and the necessary cause why the testimony must be taken promptly.

After the victim or the witness informs the public prosecutor about his intention to make a statement in the court, the public prosecutor will immediately file a petition to the court.

After receiving the petition under paragraph one or two, the court will immediately take the testimony of witness. During the testimony, if an interested person in the case files a petition to the court citing a reason or necessity to cross-examine or appoint a counsel for cross-examination, the court may grant permission to do so when deemed appropriate and section 237 bis paragraph three and four of the Criminal Procedure Code will apply *mutatis mutandis*.

The Ministry of Social Development and human Security will consider assistance a human trafficking victim with regarding food, shelter, medical treatment, physical and mental rehabilitation, education the country of origin or domicile. The right to receive protection, whether it be prior to, during or after the assistance providing, including the timeframe in delivering assistance of each stage, will be informed to the victim. In this regard the opinion of the victim is to be sought.

As for provision of assistance under paragraph one, the victim may be placed in the care of a Primary Admittance Center provided by the law on prevention and suppression of prostitution, or a Primary Admittance Center provided by the law on child protection, or other government or private welfare centers. As for the children who are human trafficking victims, according to Human Trafficking Prevention and Suppression Act 2008, the competent officials have to inform the children about their rights to compensation.

In section 35 the public prosecutor, to the extent as informed by the Permanent Secretary for Social Development and Human Security or any person designated by him, shall, on behalf of the trafficked person, claim for compensation thereof. The claim for compensation may be brought by the Public Prosecutor either with the criminal prosecution or by way of motion filed at any time during the trial of the criminal case in the Court of the First Instance. The judgment in the part of the claim for compensation shall be given as one part of the judgment in the criminal case. In cases where the court orders to compensation. Director-General of the Legal Execution Department shall be bound to execute the judgment of such.

If the prevention and suppression of human trafficking is imperative, prior to entering a charge in the court, the public prosecutor, by himself or by receiving a request from investigation officers, may bring the victim or a witness to the court and file a petition specifying all the facts alleged to have been committed and the necessary cause why the testimony must be taken promptly. After the victim or the witness informs the public prosecutor about his intention to make a statement in the court, the public prosecutor will immediately file a petition to the court.

Section 36, the competent official will provide protection for the victim under his care regardless of where such person stays, whether it be prior to, during or after the proceeding. In so doing, the safety of the family members of the victim will also be taken into account. In case the victim will make a statement or testify as a witness in the offense of human trafficking under this act, the victim, as a witness, will be under the protection according to the law on the protection of a witness in a criminal case.

Public prosecutors may be talk to child victim rights compensation from offenders and state.

The Criminal Code B.E. 2499 (1956)

As for child prostitution, persons buying sex from child prostitutes will be punished according to Criminal Code as follows: according to section 277 paragraph one, persons committing the mentioned offence without consent of children aged not over 15 will be punished with 5 – 20 years imprisonment and fine of 100,000 – 400,000 baht. According to Section 277 paragraph two, persons committing the mentioned offence with consent of children aged not over 13 will be punished with 7-20 years imprisonment and fine of 140,000 – 400,000 baht or life imprisonment.

Persons taking children to be prostitutes will be punished according to Criminal Code as follows: According to section 282 paragraph two, persons committing the mentioned offence with consent of children aged over 15 but not over 18 years will be punished with 1 – 10 years imprisonment and fine of 20,000 – 200,000 baht. According to Section 282 paragraph three, persons committing the mentioned offence with consent of children aged not over 15 will be punished with 5-20 years imprisonment and fine of 100,000 – 400,000 baht.

According to section 283 paragraph two, persons committing the mentioned offence using deceitful means or act of violence without consent of children aged over 15 but not over 18 will be punished with 7 – 20 years and fine of 140,000 – 400,000 baht. According to Section 283 paragraph three, persons committing the mentioned offence using deceitful means or act of violence without consent of children aged not over 15 will be punished with 10 – 20 years and fine of 200,000 – 400,000 baht, imprisonment or execution.

According to section 283 bis paragraph one, persons taking away a minor over 15 but not over 18 years for indecent act will be punished with imprisonment not exceeding 5 years and fine not exceeding 100,000 baht or both. In paragraph two, persons taking away a minor not over 15 years for indecent act will be punished with imprisonment not exceeding 7 years and a fine not exceeding 140,000 baht or both.

According to Section 318, persons committing take the child away from the parent without consent of children aged over 15 but not over 18 will be punished with 2 – 10 years imprisonment and fine of 40,000 – 200,000 baht. According to Section 319, persons committing the offence with consent of children will be punished with 2 – 10 years imprisonment or fine of 40,000 – 200,000 baht or both. According to Section 317, persons committing the offence despite consent of children aged not over 15 will be punished with 3 – 15 years imprisonment and fine of 60,000-300,000 baht.

This act, the public prosecutors must check all case behavior, all charge when they join the investigation or trial. and prepare evidence for the court.

The Criminal Procedure Code B.E. 2478 (1935)

The laws mentioned determine civil claims applicable to criminal cases; section 44/1 states that sexually abused victims are entitled to claim for damages from offenders without any costs. The petition can be filed before during or prior to the taking of the testimony of a witness. Also state that child victims or witnesses must be protected when they report a crime, make a statement during the investigation process, or testify at the trial. Public prosecutors must tell trafficking victims about their right, how access to rights and how long each process takes.

Office of Provincial Public Prosecution on Civil Rights Protection Legal Aid is an agency that helps child victims in civil lawsuits. Volunteer lawyers under discretion by a provincial prosecutor protecting rights bring victims to clam damages from offenders without lawyer fee.

Child Protection Act B.E. 2546 (2003)

In section 14 designate the Attorney General as the National Child Protection Committee. This committee' authority concerning child protection policies and budgets.

In addition, this law designate the Bangkok Metropolis Child Protection Committee and the Provincial Child Protection Committee, They have authority and duties as follows:

1) To submit their views to the committee regarding policies, plans, budgets and measures in social welfare, welfare protection and behavioral promotion of the child in accordance with this act;

2) To give advice, make recommendations and coordinate with government agencies and the private sector whose work involves education, social welfare, welfare protection and behavioral promotion of the child, as well as to have the authority to inspect any nurseries, primary admittance centers, welfare centers, welfare protection centers, development and rehabilitation centers, observation centers, or places related to social welfare, welfare protection and behavioral promotion of the child, both public and private in the Bangkok Metropolis or other provinces, as the case may be.

3) To determine guidelines regarding social welfare, welfare protection and behavioral promotion of the child in the Bangkok Metropolis or other provinces, as the case may be.

4) To raise and management funds for the purpose of social welfare, welfare protection and behavioral promotion of the child in the Bangkok Metropolis or other provinces. 5) To examine or summon persons concerned to give statements in case of child abuse.

6) To request persons concerned to produce any documents or related evidence or give statements for consideration in the performance of duties according to this act.

7) To monitor, evaluate and inspect the implementation of activities relating to child assistance and behavioral promotion in the Bangkok Metropolis and other provinces, as the case may be, and report the findings to the committee.

8) To carry out other acts as assigned by the committee.

Any act for the best interests of the child or discrimination against children will be considered according to the guidelines stipulated in ministerial regulations. Social welfare will be done according to the regulations prescribed by the Permanent Secretary. And in any case, the implementation of social welfare in some categories has to receive consent of the parents. The mentioned consent has to be done in writing prescribed by the Permanent Secretary. Or the consent needs to be verbally made in front of at least two witnesses. If the parents do not give consent without appropriate reasons, the Permanent Secretary or governors, as the case may be, have authority to send the child to receive social welfare according to the mentioned methods. The Permanent Secretary or governors have to listen to the report and opinions social work and medical experts.

A child is entitled to receive welfare protection in the following cases:

- 1) They are maltreated.
- 2) They are at risk of wrong doing.
- 3) They are in this condition must receive welfare protection

Welfare protections includes sending a child to a Primary Admittance Center, development and rehabilitation center, or any other place no longer than seven days. If it is necessary and appropriate to the interests of the child, the competent official or public prosecutor may request the court under Section 5 so as to extend such period, but the aggregate period will be no longer than 30 days.

The Office of the Attorney General has now established a Child Rights protection prosecutor Center to protect child victims in all provinces.

Damages for the Injured Persons and Compensation and the Expenses Injured Persons and the Accused in Criminal Case Act. B.E. 2544 (2001)

According to Criminal Law, sexual offence in Sections 276 – 287 is provided at the end of damages for the Injured. Injured persons have to file a petition to receive compensation (e.g. money, property or other benefits in order to be compensate for the damages caused by, or due to, a criminal offence committed by others (a definition according to Section 3, Paragraph 3). In section 5, any request of any entitlement to right or benefit under this act will not affect any right or benefit of the injured person according to other law. The committee was established to consider damages for the injured persons and the compensation and the expenses to the accused and approve damages, compensation or the expenses according to this act. In Section 18, damages for the injured person consist of the

expenses for medical treatment, the expenses for physical and mental rehabilitation, the compensation for the death of the injured person, the compensation for the lost earning during the period the injured person is unable to work as usual, and other compensation as the committee think fit.

In practice, the injured person in the offence has to file the petition to receive the mentioned compensation within a year after the offence. The injured person is unable to use the right after the mentioned period.

This act, Protecting Rights Provincial Prosecutors is a Criminal Damages Committee. They participate in the consideration of damages for child victims.

Witness Protection Act. B.E. 2546 (2003)

In Section 6, if the witness may not be safe in criminal investigation, public prosecutors provide protection for the witness as necessary. Child victims' right request witness protection as per general measures for safety of witness including provision of safe accommodation and concealment of data which may identify witness..

Roles of Thai public prosecutors in protecting of child victims of prostitution

The Public Prosecutors Organization is an independent organization under the constitutional law. According to Public Prosecution Organ and Public Prosecutors Act B.E. 2553 (2010), Section 23, Office of the Attorney General it has authority and duties about child protection as follows:

- To assist the public in legal activities, in the protection of their rights and liberties and in the access to legal knowledge.
- To organize the training for development of the public prosecution officers.
- To contact and cooperate with foreign organizations or agencies on the activities falling within the authority of a public prosecutor or the Office of the Attorney General.
- To undertake the activities concerning the civil or administrative execution on behalf of the government or state agency, when a public prosecutor accepts to take charge of such execution.
- To exercise other authority given to the public prosecutor or Office of the Attorney General by the laws.

Implementation Steps in The Criminal Justice Process and Child Protection are as Follows:

1. Investigate when finding child prostitution.
2. Plan assistance.
3. Arrest, identify victims from the proceeding, and protect them.

4. Assist victims by providing shelter, occupational training, medical treatment, welfare protection. This step should be consistent with the ministerial regulations 2006 issued according to Child Protection Act B.E. 2546 (2003) providing that police officers or public prosecutors or the court have to determine appropriateness of welfare protection which is currently done by the Ministry of Social Development and Welfare and the committee in various laws.

5. Investigate child testimony.

6. If the offence is committed with some incidents occurring outside the Kingdom, public prosecutors in the Special Public Prosecutor Office, Investigation Division should join the investigation.

7. As for the offence on human trafficking, public prosecutors have to be the committee to determine damages for victims if victims want offenders to make restitution for damages.

8. If victims have to be sent to their domiciles or it is difficult to take a testimony of a witness, public prosecutors and the Criminal Case Office have to file a petition to the court to take a testimony of the witness before prosecution. If victims are not advised to use the right of restitution according to the Criminal Procedure Code, victims are unable to use this right because they have to file a petition according to Criminal Procedure Code, Section 44/1 before taking a testimony of a witness.

9. Taking testimony in the court. Public prosecutors will take a witness testimony by asking questions through psychologists or social workers.

10. Public prosecutors will inform judgment results to the victims when the final case.

Various laws determine public prosecutors' roles and authority. If people jointly investigating have knowledge of the law, they are able to give child victims advice on their rights and immediately protect them.

If it appears that parents are allowing their child to prostitute under their care, Protection and Occupational Development Committee will request public prosecutors to file the petition to the court to withdraw parental control of those persons and appoint guardians. The provisions of Civil and Commercial Code will be used *mutatis mutandis* (Circulars, Academic Office, Office of The Attorney General, 1997).

Roles of Public Prosecutors in Child Protection and Assistance During the Court Trial.

- public prosecutors may submit a request for use of child' recording in investigation instead of child testifying again at court if repeat it impacts the victims' mind.

- Public prosecutors have to prepare victim witnesses by informing them about various steps and reviewing the fact of the offence.

- Public prosecutors have to inform about use of the right according to Criminal Procedure Code, Section 44/1 and the right according to Human Trafficking Law again.
- Public prosecutors have to review if the compensation is claimed according to Human Trafficking Law or the victims do not have lawyers. Public prosecutors may ask victims to give testimony on damages claimed according to Criminal Procedure Code 44/1.
- Public prosecutors have to report judgment results when the case is final.

Table 1 Public prosecutors working together with multidisciplinary in each activity

Multidisciplinary And duty by law or service	Police	public prosecutors	Ministry of justice	Ministry of Social Development and Human Security	Other agency	Court
investigation of external cases	/ (assignment From Attorney General in criminal procedure code section 20)	/ (assignment From Attorney General in criminal procedure code section 20)	/ (issue a license and pay expense to psychology or social worker)	/ (psychology or social worker who ask questions child victims)	/ (psychology or social worker who ask questions child victims)	-
investigation of child cases	/ (criminal procedure code section 133 bis)	/ (criminal procedure code section 133 bis)	/ (issue a license and pay expense to psychology or social worker)	/ (psychology or social worker who ask questions child victims)	/ (psychology or social worker who ask questions child victims)	
Participation in the taking of evidence in court	-	/ (criminal procedure code section 172 ter)	/ (issue a license and pay expense to psychology or social worker)	/ (psychology or social worker who ask questions child victims)	/ (psychology or social worker who ask questions child victims)	/ (criminal procedure code section 172 ter) ask question by themselves)

Table 1 Public prosecutors working together with multidisciplinary in each activity (continued)

Multidisciplinary And duty by law or service	Police	public prosecutors	Ministry of justice	Ministry of Social Development and Human Security	Other agency	Court
Giving advice according to Human Trafficking Act	/ Process and damages	/ Process and damages	-	/	/ (Ministry of labour - wage for other work)	-
Giving advice according to Criminal Procedure Code, Section 44/1	-	/ (service by Office of Provincial Public Prosecution on Civil Rights Protection” Legal Aid)	-	-	-	/
Giving advice according to The Expenses to injured Person and Accused in Criminal Case Act	/ (Victim Compensation committee)	/ (Victim Compensation committee)	/ (Victim Compensation committee)	/ (Victim Compensation committee)	/ Lawyer or Other office (Victim Compensation committee)	-

Table 1 Public prosecutors working together with multidisciplinary in each activity (continued)

Multidisciplinary And duty by law or service	Police	public prosecutors	Ministry of justice	Ministry of Social Development and Human Security	Other agency	Court
Giving advice on the Human Trafficking Fund	/ (notify the child Victims right)	/ (notify the child Victims right)	-	/ (supervise the Human Trafficking Fund)	-	-
Helping determine a new guardian in case an old guardian takes children to be prostitutes	/ Working together in child protection committee	/ Working together in child protection committee	/	/ Working together in child protection committee	/ Working together in child protection committee	
Giving advice on rights and the methods of protecting children's rights in witness protection	/ Witness Protection act Section 6	/ Witness Protection Act Section 6	-	-	-	/ Witness Protection Act Section 6

The Researches on Roles of Public Prosecutors in Protection of Victims' Rights and Children's Rights.

Rordkruth' results "Protection of the Rights of the Child Victims of Sexual Offence Investigated by Investigation Officers and Public Prosecutors" as follow:

207 people of the sample group had considerable knowledge and understanding on child sexual abuse (75.5%). 67 people of the sample groups had some knowledge and understanding of child sexual abuse (24.5%).

83.5% of the sample groups agreed that child victims or witnesses of a sexual offence case should be investigated by female investigation officers.

75.5% of the sample group agreed that public prosecutors should order female investigation officers to take child victims or witnesses of sexual offence to be questioned by public prosecutors.

78.5% of the sample group agreed that if psychologists or social workers were ordered to assist investigation officers or public prosecutors to investigate child victims or witnesses of sexual offence case, the investigation would be most accurate.

71.2% of the sample groups agreed that as investigation officers and public prosecutors do not have enough expertise on child psychology.

77.4% of the sample groups agreed that child victims or witnesses in a sex offence case should be investigated in the One Stop Service Center.

84.7% of the sample groups agreed that the Royal Thai Police and Office of The Attorney-General should establish a specific agency to enable investigation officers and public prosecutors to efficiently protect children.

91.5% of the sample groups agreed that the government should directly protect child victims of sex crimes by using Protection Law. (Rordkruth, 2000)

According the report "The Study of Children Protection Under Multidisciplinary Operation in accordance with the 20th Criminal Procedure Code Amendment Act B.E. 2542 (1999), there was the study during 1999 – 2006 results were as follows:

- Children were increasingly protected.
- The multidisciplinary teams increasingly developed knowledge and child assistance coordinate
- Eliciting information from children was becoming easier because children had less fear and anxiety in the justice process.

Wiseshkosin' Thesis entitled "Multidisciplinary Work Development Guidelines of Competent Officials according to Child Protection Act B.E. 2546", found that competent officials informally multidisciplinary' role. Doctors, nurses, and social workers coordinated making a referral of children maltreated or inappropriately raised by a family. As for coordination to refer the information on children to the agency providing children with care,

the multidisciplinary team attended the meeting if there was determination of child protection guidelines without the family's consent. The sample groups moderately faced working problems and obstacles. They most considerably faced the problems of policy and administration. Due to no provincial central agency, operation was inefficient. Some provincial child protection committee members still lacked knowledge and understanding on multidisciplinary work for child protection. There was also an operation budget problem. As for the problem of coordination, coordination guidelines regarding child protection were not clearly determined. As some professions did not attend the multidisciplinary meeting. (Wiseshkosin, 2008)

As for the thesis on "Characteristics of Operation and Problems and Obstacles of Competent Officials to Operation with the Multidisciplinary Team according to Child Protection Act. B.E. 2546: Case Study of Workers of Family and Children Shelter throughout the country" Pornnithidonwat found that the sample groups interviewed, asked, and carried out medical checkup by 4.22. They visited children's home by 4.47. They observed by 4.48. They made a referral to the agency by 4.13. They attended the meeting with related multidisciplinary teams by 3.89. And they analyzed and evaluated problems and determined assistance by 3.98.

Competent officials slightly faced the operation problems and obstacles. Obstacle mean of agency policy was 2.49. Obstacle mean of different work skills was 2.97. Obstacle mean of different work experience was 3.40. Mean of roles expected by other people was 3.93. Obstacle mean of determined roles was 4.23.

As for the thesis on "The Satisfaction of Child Protection Competent Officials according to Child Protection Act. B.E. 2546 with Operation of Multidisciplinary Team" (Krajibthong, 2009), the research results showed that most of competent officials whose work involving child protection were females aged 31-40. They most considerably graduated with bachelor degree on social work and they continued their study in the master degree on social work. Most of competent officials were considerably satisfied with the operation on child protection by 4.21. Their efficiency of child protection was high by 4.20. They were considerably satisfied with their colleagues performing duties according to Child Protection Act by 4.16. They were slightly satisfied with remunerations by 2.06. (Krajibthong, 2009)

Plainoi showed that the sample groups thought that they faced the problems and obstacles to knowledge and understanding by 3.44. Investigation officers did not have enough expertise on child psychology by 3.63. The issue on transparent, honest, quick, equal, and ethic operation had the mean of 4.11. The sample groups thought that children protection should be done by social workers and psychologists rather than investigation officers by 3.88. The sample groups thought that continuous training caused clear determination of the duty of child protection. The sample groups thought that investigation

officers should be competent officials according to Child Protection Act B.E. 2546. As for the thesis on “Problems and Obstacles of Investigation Officers of Metropolitan Police Bureau to Operation in accordance with Child Protection Act. B.E. 2546” (Plainoi, 2005)

As for the thesis on “Problems and Obstacles to the Implementation of Child Protection Act B.E. 2546” Trongtruk’ research results showed that the sample groups thought that the provincial child protection committee did not clearly determine implementation policy or plan related to children in the responsible areas. The mentioned committee did not follow up children assistance in the province. People still lacked knowledge on child welfare protection in accordance with Child Protection Act B.E. 2546. The sample group thought that everybody should be aware to jointly protect children. Child Protection Committee should have more knowledge and understanding of operation of each profession. (Trongtruk, 2005)

Bowornsomphong’ thesis on “Protection of Child Victims in the Criminal Justice Process and the Best Interests of the Child”, showed that inefficient protection of child victims in the Thai criminal justice process was not consistent with the principle of the best interests of the child victims. The Thai society did not prepare readiness of child victims before entering the justice process. Treatment of children was not consistent with this principle because treatment of children was determined and controlled by adults. Children were prohibited from participation in making decision on the criminal justice process. Although the law promoted children to be aware of their human rights, the criminal justice process gave importance to punishment of offenders rather than determination of child assistance guidelines. There was no rehabilitation or assistance for children after the criminal justice process. The criminal justice process still gave more importance to the economy. The researcher thought that the law protected parental control of parents rather than children. For example, as for the sexual offence against persons aged over 15 with victims’ consent, it was not the offence of victims. Victims’ parents, therefore, claimed compensation on the sexual offence. If the claim was unsuccessfully done, offenders would be prosecuted. If the claim was successfully done, offenders would not be prosecuted. Seeking the truth in the justice process was, therefore, inaccurate. Intercourse with consent would be changed to intercourse without consent. Children were not allowed to mention the impacts of sexual abuse offence (Bowornsomphong, 2005)

The report from an academic seminar entitled “New Legal Measure: Tangible Protection of Child Victims of Sex Crimes” organized by the Criminal Law Institute, Office of The Attorney-General on 13th January 1998 could be concluded as follows:

- The definition of rape should include male children.
- The penalty should be increased for persons using children under 18 to produce child pornography and disseminating child pornography. Competent officials should take legal action against persons possessing the mentioned pornography whether children were

forced or willing to do it. As children under 18 are not sufficiently matured, they do not know whether their actions are appropriate.

- Investigation of children in the sexual case should be done in the specific place with suitable atmosphere such as hospitals, social welfare centers, places of private organizations assisting child victims or specific rooms of the police station.

- Public prosecutors were able to bring child' recording in investigation to the court when unable to take child victims to testify. The judge would not give the importance to the written testimony because they did not see gesture of child victims while giving testimony. As investigation officers wrote the testimony in brief, the messages might not be complete.

- Children should be protected whether or not anyone punished in the offence. According to medical conclusion, child victims should be quickly rehabilitated, if children are sexually abused and mentally rehabilitated before adolescence, their trauma and depression will recover more than 80%. If they are rehabilitated after adolescence, their trauma and depression will recover by 10-20%. If they are not rehabilitated before 25 years old, it is impossible for them to recover from the mentioned symptoms. The criminal law should have provisions on coordination with other laws to assist child victims such as the Civil Law and Social Work Law.

- There should be a law to control news reports on child rape offence. There should be measures to control enforcement of the mentioned law.

- Doctors examining child victims were sexually abused and maltreated in various forms should report the mentioned incidents to police officers to bring about taking legal action against offenders.

- Police officers should increase the number of female investigation officers and Criminal Procedure Code Amendment Act should clearly state that investigation officers inquiring about child victims should be female.

- Operations should be done by three professions consisting of a social worker, lawyer, and medical personnel who are able to evaluate children and their family as follows:

- 1) Children can be returned to their family under the condition that they will receive good care. Social workers are sent to work at a child victims' family like a family member.

- 2) Children are temporarily separated from their family.

- 3) Children are permanently separated from family.

- As for taking the testimony of witnesses before prosecution, if offenders are under custody, they should be taken to court on the date the testimony of the witness is taken. Offenders should be informed about consideration for use of the right of cross-examination.

- Victims should be informed that they are able to exercise their rights according to the Criminal Procedure Code, Section 44/1 before giving their testimony .

Roles of Public Prosecutors in Child Protection and Assistance in Consideration of Prosecutor Order and Prosecution Draft.

- If child victims must testify again affect the child victims mind. Public prosecutors should be able to file a petition to the court by child victims' recording in the investigation. As for the file receipt, public prosecutors have to examine whether there is a child victims' recording in the investigation process. If there is no child victims' recording in the investigation officers should provide a reason.

- Whether victims and offenders are informed about their right and protection according to the law.

- Whether an offensive behavior is reported and the accusation is complete.

- Whether public prosecutors have enough evidence to sue offenders.

- Whether public prosecutors have to sur damage from offender according to Human Trafficking Law.

Research Methodology

This quantitative study examined the roles of Thai public prosecutors in protection of children's rights: Case Study of Children Becoming Prostitution Victims and prosecutors' work problems and obstacles for use of the research results to develop prosecutors' work on protection of the rights of children becoming prostitution victims. It asks the public prosecutors by random.

Target populations

The researcher collected data from 387 public prosecutors based on the information of people eligible for selection of public prosecutor committee for the year 2014. The sample groups were selected by random sampling according to the sampling size formula of Taro Yamane (1967) as follows:

Sample group number = number of the second-level public prosecutors to senior public prosecutors

$$\begin{aligned} & 1 + \text{number of the public prosecutors} && (\text{Error of } 0.05\%)^2 \\ & = 3172 \\ & 1 + 3172 / (0.05)^2 \end{aligned}$$

The minimum research population = 355 people

Out of the 500 questionnaires sent by the researcher, 387 questionnaires were returned from various offices of public prosecutors as follows:

Table 2 The sample groups of public prosecutors

Areas	Number	Percentage
Office in Bangkok	77	19.9
Office in the north	89	23.0
Office in the central region	51	13.5
Office in the northeast	72	18.7
Office in the east	20	5.2
Office in the west	19	4.9
Office in the south	59	15.4

The researcher collected data where 387 of the 3172 people ranged from second-level public prosecutors to senior public prosecutors (i.e. those people eligible for selection of public prosecutor committee for the year 2014).

The research designed a questionnaire, the information on work experience and roles expressing the level of public prosecutors, public prosecutors' problems in the expression of the roles, the public prosecutors' methods of solving the problems, to the expression of the roles in protection of the rights of children becoming prostitution victims.

The scale in this study values from 1 to 5 points (Disagree or Never expressing the roles = 0, Least agree or Least expressing the roles = 1, Slightly agree or Slightly expressing the roles = 2, Moderately agree or Moderately expressing the roles = 3, Considerably agree or Considerably expressing the roles = 4, and Most considerably agree or Most considerably expressing the roles = 5).

Results

Part 1: Public prosecutors' working experience in child prostitution trials

Data on the working experience in protecting the rights of children becoming prostitution victims were analyzed with the statistics of frequency and percentage as follows (Table 1):

1. Participation in investigation of external cases
2. Participation in investigation of child cases
3. Participation in the taking of evidence in advance
4. Participation in the taking of evidence in court
5. Giving advice according to Human Trafficking Act
6. Giving advice according to Criminal Procedure Code, Section 44/1
7. Giving advice according to The Expenses to injured Person and Accused in Criminal Case Act
8. Giving advice on the Human Trafficking Fund

9. Helping determine a new guardian in case an old guardian takes children to be prostitutes

10. Giving advice on rights and the methods of protecting children's rights in witness protection

Table 2 Frequency, percentage and order of participation of the sample groups on the working experience in protecting children's rights in each aforementioned aspect

Aspect	Never (%)	1-5 (%)	6-10 (%)	>10 (%)	No answer (%)	Order of Participation (%)
1	300 (77.5)	47 (12.1)	15 (3.9)	24 (6.2)	1 (0.3)	7 (22.2)
2	58 (15)	76 (19.6)	40 (10.3)	212 (54.8)	1 (0.3)	2 (84.7)
3	145 (37.5)	145 (37.5)	45 (11.6)	51 (13.2)	1 (0.3)	5 (62.3)
4	55 (14.2)	85 (22.0)	41 (10.6)	204 (52.7)	1 (0.3)	1 (85.3)
5	162 (41.9)	120 (31.0)	30 (7.8)	72 (18.6)	3 (0.8)	6 (57.4)
6	87 (22.5)	106 (27.4)	31 (8)	163 (42.1)	0 (0)	3 (77.4)
7	120 (31.0)	104 (26.9)	44 (11.4)	119 (30.7)	0 (0)	4 (69.0)
8	308 (79.6)	52 (13.4)	12 (3.1)	13 (3.4)	1 (0.3)	8 (19.9)
9	349 (90.2)	27 (7)	4 (1)	6 (1.6)	1 (0.3)	9 (9.6)
10	350 (90.4)	27 (7)	4 (1)	6 (1.6)	0 (0)	10 (9.6)

Part 2: Public prosecutors' problems of expressing the role in protecting the rights of children becoming prostitution victims

The results of analyzing different levels of public prosecutors' problems of protecting the rights of children becoming prostitution victims according to the Scheffe test. Problems and obstacles that the sample prosecutors agreed with the questionnaire can be divided into 4 levels according to the levels of agreement as follows:

Table 3 Level 1: The public prosecutors agree with the least.

	Problems	Score
1.	Multidisciplinary team's inconsistent operation on investigation of children cause inefficient investigation.	2.2274
2.	Public prosecutors participating in the investigation do not have knowledge on the rights of children according to every law.	2.2274
3.	Public prosecutors do not know prosecution steps, the prosecution period, and prosecution results.	2.5762

Table 4 Level 2: The public prosecutors agree with only a little.

	Problems	Score
1.	Multidisciplinary teams do not express the role because they do not analyze those questions that will affect the children's mind and they do not evaluate the status of the witnesses before investigation.	2.8010
2.	Children investigation methods do not stipulate that public prosecutors have to protect children's rights according to the law	2.8088
3.	As investigation officers cannot sufficiently report detailed information on the case, the issues regarding the investigation or methods for protecting children's mental condition cannot be determined in advance.	2.8295

Table 5 Level 3: The public prosecutors agreed moderately.

	Problems	Score
1.	Public prosecutors do not know how to give advice on living, education, and occupational training.	2.9432
2.	Public prosecutors do not know practices and related agencies according to every law.	3.0543
3.	Public prosecutors never collected to find solution to the problems. They face the problem and find new method of coordinating with other agencies	3.1421

Table 6 Level 4: The public prosecutors agree with the most.

	Problems	Score
1.	Public prosecutors never collected to find solution to the problems. They face the problem and find new method expressing the role in protecting children's rights.	3.1525

Part 3: Public prosecutors' methods of solving the problems of expressing the role in protecting the rights of children becoming prostitution victims

Problems and obstacles to solutions that the sample prosecutors agreed with the methods suggested from the questionnaires are divided into 2 groups according to the levels of agreement as follows:

Table 7 Level 1: The prosecutors highly agreed with.

	The methods of solving the problems	Score
1.	Public prosecutors agree that before child witnesses are investigated, a multidisciplinary team should consult about investigation methods after evaluating case circumstances and witness conditions.	3.5375
2.	Public prosecutors agree that they should jointly work with why children become prostitution	3.6848
3.	Public prosecutors agree that investigation officers have to sufficiently report detailed information on the case so that investigation issues or methods for protection of children's mental condition can be determined in advance.	3.7106
4.	Public prosecutors agree that they should jointly life advice to children	3.7183
5.	Public prosecutors agree that children investigating methods should stipulate that they have to protect children's rights according to related law.	3.7623

Table 8 Level 2: The prosecutors agreed with the most.

	The methods of solving the problems	Score
1.	Public prosecutors agree that multidisciplinary teams have to express their roles as specified by the law. For example, psychologists or social workers have to listen to children's testimony It beware If the questions hurt them again.	3.8140
2.	Public prosecutors agree that they have to have knowledge on the rights of children according to the law when they are taking part in an investigation.	3.8243
3.	Public prosecutors agree that if they have many solutions they must to solve the problems of expressing the roles in protecting the rights of children in the investigation and court	3.8346
4.	Public prosecutors agree that if they have many solutions they must to solve the problems of expressing the roles in protecting the rights of children when coordinate with other agencies	3.8549
5.	Public prosecutors agree that they can a good expressing the roles if they know on practices for access to the rights of children all law.	3.8630

Discussion

Part 1: Public prosecutors' working experience with child prostitutes

According to the findings of part 1, the experience of the public prosecutors' expressed roles of child prostitution protection cases found that most prosecutors' spend their time taking evidence in court, in accordance with the Criminal Procedure Code, Section 226, number of people at 85.5% Public prosecutors' expressed roles in participation in the investigation of a child witness, under the Criminal Procedure Code, Section 133 bis, number of people at 84.7%. The third most common activity was for them to report a victim's rights to claim compensation from the offender, under the Code of Procedure Criminal Code, Section 44/1, at 77.5%. As for their roles in giving advice on the rights of the injured person to receive compensation from the State, under the Act on Compensation of the Victim and the Compensation and Expenses to the Accused in Criminal Cases B.E. 2546, it was at 69%. The role in taking evidence of the witnesses before the prosecution was at 62.2%; these two

are determined by the criminal proceedings and procedures and the Circular of the Attorney General's office. According to the Prevention and Suppression of Human Trafficking Act, it is the role of the police and prosecutors to notify the rights of child victims, and then proceed with the consideration of civil damages, along with the Ministry of Social Development. As for the role in giving advice according to the Human Trafficking Act, it was approximately 57.4%. The role in investigations of offenses outside the country was at 22.2%.

Public prosecutors' activities were in the child protection duties that other agencies were less involved as follows: giving advice on the Anti-Human Trafficking Fund (19.9%), followed by assisting in determining new guardians for the child victims, in case of the existed guardians victimizing the child as prostitutes (9.6%), which is the responsibility of the Ministry of Social Development and Human Security; giving advice on rights and methods of protecting children's rights on witness protection (9.6%), which is the Royal Thai Police's responsibility.

This thesis is consistent to the report of complete research results of the project "The Study of Children Protection Under Multidisciplinary Operation in accordance with the 20th Criminal Procedure Code Amendment Act B.E. 2542 (1999) Children were increasingly protected because children had less fear and anxiety in the justice process and they give more useful information. Public prosecutors must to be the main about law in multidisciplinary.

This result is consistent as the thesis on "Protection of the Rights of the Child Victims of Sexual Offence Investigated by Investigation Officers and Public Prosecutors" (Rordkruth, 2000), 78.5% of the sample group agreed that if psychologists or social workers were ordered to assist investigation officers or public prosecutors to investigate child victims or witnesses of sexual offence case, the investigation would be most accurate.

Part 2: Problems of the public prosecutors' expressed roles in protecting the rights of children becoming prostitution victims

From the findings of Part 2, the level of problems affecting the prosecutors' expressed roles can be divided into 4 groups:

Level 1 is the level that the prosecutors viewed that they had the least problems in their expressed roles. They were the main tasks which the prosecutors performed regularly and viewed the problems in the performance with other agencies as insignificant; including the Interdisciplinary Team's inconsistent operation on the investigation of children that caused inefficient investigations. However, the prosecutors neither have a problem with the ignorance of all the laws relating to child protection nor an issue with the procedures, duration, and prosecution result.

Level 2 is where the prosecutors viewed that they had little problem in expressing roles including, working with a multidisciplinary team in order to protect children during an

investigation, preparing and providing basic information before the investigation, and using questions in ways that protect the children from being psychologically affected.

The multidisciplinary team has neither any role in analyzing or selecting the questions for the children, nor in evaluating the condition of the witness before investigation. Investigating methods do not stipulate that public prosecutors protect children's rights according to related laws, and investigation officers cannot sufficiently report detailed information on the cases. Thus, the issues on investigation or methods for protecting children's mental condition cannot be determined in advance.

Level 3 is the level that the prosecutors agreed moderately. It is the protection of children, not during the trials, but with other agencies and methods in the procedure, according to other relevant laws as follows: public prosecutors do not know how to give advice on living, education, and occupational training; public prosecutors do not know practices and related agencies according to every law and public prosecutors have never collected the problems to find solution to the problems so they face the problem of coordinating with other agencies.

Level 4 is where the prosecutor viewed that the problems in the expressed roles were high including the confrontation with the work-related problems of protecting children's rights. As a result, there is no data collected as a guideline, so the prosecutors face the problems of expressing the role in protecting children's rights.

Part 3: Public prosecutors' methods of solving the problems of expressing the role in protecting the rights of children becoming prostitution victims

The sample expressed opinions on the solutions to the problem of child protection roles is divided into two group: the highest and high.

Public prosecutors were believe their expressing the role in protecting the rights of children by learn more about how to access the funds of the prevention and suppression of human trafficking for the child victims of prostitution, result score is 3.863, according to the Child Protection Act 2003. Public prosecutors agree that public prosecutors jointly working with children becoming prostitution victims should be disseminated about the knowledge on practices for access to the rights of children becoming prostitution victims such as the Anti-Human Trafficking Fund, Child Welfare Protection, and claiming compensation from offenders according to the Human Trafficking Act B.E. 2551. The problems should be collected to find solutions to the problems and enable public prosecutors participating in investigation and public prosecutors prosecuting in court in order to coordinate with other agencies when they face the problem of expressing the role in protecting the rights of children. The problems should be collected to find solutions to the problems and enable those public prosecutors participating in investigations and those prosecuting in court to solve the problems of expressing the roles in protecting the rights of children. Public

prosecutors participating in investigations must have knowledge of the rights of children according to the law and that the multidisciplinary team has to express their roles as specified by law. For example, psychologists or social workers need to listen to whether the questions of children's testimonies affect the children's minds.

Public prosecutors very agree that children investigation methods should stipulate that public prosecutors are required to protect children's rights according to related laws; jointly working with children becoming prostitution victims should disseminate knowledge on practices for access to the rights of children becoming prostitution victims such as the Anti-Human Trafficking Fund, Child Welfare Protection, and claiming compensation from offenders according to the Human Trafficking Act B.E. 2551. Investigators need to sufficiently report detailed information on the case so that investigation issues or methods for protection of children's mental condition can be determined in advance. The joint working with children becoming prostitution victims should disseminate knowledge on prosecution steps, prosecution period, and prosecution results and before child witnesses are investigated, and the multidisciplinary team should consult about investigation methods after evaluating case circumstances and the condition of the witness.

Roles of public prosecutors in protection of child victims of prostitution in various steps which should be consistent with various laws and conventions

1) Roles of public prosecutors in child protection and assistance during an investigation.

- Various laws determine public prosecutors' roles and authority. If people jointly investigating have knowledge of all laws, they are able to give child victims advice on their rights and immediately protect child victims.

- If it appears that the parents of prostitutes connive in prostitution of persons under their care, the Protection and Occupational Development Committee will request public prosecutors to file the petition to the court to withdraw parental control and appoint guardians instead. The provisions of Civil and Commercial Code will be used *mutatis mutandis*. (Circulars, Academic Office, Office of The Attorney General 0018 / 1st May 1997)

- As for the children who are victim of human trafficking, victims according to the Human Trafficking Prevention and Suppression Act B.E. 2551, the competent officials have to inform the children about their right to compensation.

- The victims of a sexual case are able to file a petition to receive compensation from the Rights and Liberties Protection Department, Ministry of Justice within a year from the date of the committed offence.

- The victims are able to file the petition on civil and criminal prosecution to the Criminal Court before giving a witness testimony or before the court's judgment in case the witness does not give a testimony.
- The victims are able to know steps and period of taking proceedings.
- Protection of children's rights according to the investigation law.
- Investigation has to bring about complete fact public prosecutors are able to draft the prosecution).
- Giving investigation officers advice on compilation of evidence.
- Giving the children and family advice on social work, law, and their right

2) Roles of public prosecutors in child protection and assistance in taking a witness testimony in advance

As for taking the testimony of a witness before prosecution, public prosecutors have to quickly do this work with psychologists/social workers or the accused's lawyers. However, the problems which have to be considered are as follows:

- Whether there are complete facts consisting of offenders, offence behavior, date and time of the offence, evidence in the case file, and reasons to ask for taking the testimony of witness before prosecution.

Conclusion

The findings showed that the prosecutors mostly viewed that they do well in protecting the rights of child victims of prostitution. On the contrary, they don't know well about extra authority. This is perhaps due to the fact that other agencies were already in charge.

However, in the working strategy of the Office of the Attorney General in providing justice to the people, public prosecutors should perform their roles in protecting the rights of child victims of prostitution more than what they are required by laws. Legal knowledge related to child protection is useful for the prosecutors, such as how to protect the welfare of the child according to the Child Protection Act 2003, how to access funds established under the Anti-Trafficking in Persons Acts, and how to provide professional trainings for former prostitution victims. Public prosecutors can in providing the child victims the best protection by any law or in collaboration with other agencies to protect them beyond their trial.

Recommendations

The results reveal that the prosecutors performed well in authority. But they had little knowledge or understanding of the roles of other agencies. It is a good due to work together in a multidisciplinary team. They are protection all the rights of child prostitution victims cooperate perfectly. When the public prosecutors have to collaborate with

prosecutors or officers from other agencies, they still work independently, and cannot see beyond their own perspectives and roles as defined. As a result, there are no connecting points, which are necessary to achieve goals of protecting the rights of child victims. For example, when finishing the work on a trial, a prosecutor may not have further information about whether a child victim receives assistance entitled by law, whether related to the case or not.

Therefore, if the prosecutors were equipped about all child victims rights. They to be able to participate more actively in protecting the victims of prostitution both in court and in other social aspects as well. The children would therefore be protected to the highest standard as intended by the laws.

The Office of the Attorney General requires that all prosecutors have a duty to protect the rights of children who are victims of prostitution in all aspects, in collaboration with other agencies, whether that concerns knowledge about relevant laws, or the exchange of knowledge concerning the nature of the work of each agency for the purpose of referring children to the most appropriate protection. This can be carried through using the following method:

1. The exchange of knowledge and understanding of the work of each agency in relation to the protection of the rights of child victims of prostitution;
2. The practice to work in each agency related to the protection of the rights of child victims of prostitution;
3. The study of work procedures in each agency relating to the protection of the rights of children who are prostitution victims; and
4. Collaborative agreements between agencies in passing on the overall child protection related to the rights of child victims of prostitution.

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