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# Developing Thailand's Comprehensive Crime Victim Assistance Model through a Comparative Perspective of the Swedish and Norwegian Systems

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## Abstract

*In the era in which crime victims' rights have gained their central role in the criminal justice system, Thailand has yet faced the most challenging task in the area of crime victim support and assistance in order to modernize and implement its domestic laws in compliance with the international standard. This research paper aims at examining the key issues of the public administration in the assistance of crime victims in Thailand, and providing a comparative perspective through the analysis of the Swedish and Norwegian practices in order to formulate a proper crime assistance model for Thailand.*

Keywords: Crime Victim Assistance, Crime Victim Fund, Compensation, Restitution.

## Introduction

The Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power (1985) is perceived as an important customary international law that has set a standard of treatment for victims of crime through a guarantee of their basic rights, namely, the right to access to justice and fair treatment, the right to restitution by an offender, the right to compensation by a state, and the right to assistance.

In recognition of such principle, and the needs to protect and promote the status of crime victims, Thailand has taken a serious commitment to ensure that their domestic laws and regulations are in compliance with the international benchmark. These basic rights, specifically the rights to access to justice, to fair treatment, and to compensation, are

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enshrined under several constitutions (Constitution of the Kingdom of Thailand B.E. 2540 and Constitution of the Kingdom of Thailand B.E. 2550) including the recent one that is in the process of promulgation. Under the direction of the supreme law of the land, a series of legislation in connection with crime victims' treatment and assistance, for instance Damages for Injured Person and Compensation for the Accused in the Criminal Case Act B.E. 2544, have been enacted giving rise to various crime victim funds, and government agencies that are in charge of providing remedies for crime victims.

Despite its efforts to secure victims' rights and proper treatment through creating a legal framework, the problem seems to lie in their implementation. These issues include a lack of collaboration among the government agencies which results in overlaps tasks with divergent policies and practices, or scattered channels of redress, due to the increased number of various agencies responsible for providing remedy, resulting in public confusion and complexity for access to assistance. This certainly is an issue of a matter in practice that can deprive victims of crime of their rights to access to justice, and effective assistance. In addition, the legislation's implementation objectives are still largely concerned with material or financial help rather than psychological aspects. This practice is based on the understanding that the lives of the people are in the government's hands. And thus, its failure to ensure individuals' security in life and property entitled those who are injured to a certain kind of compensation. Therefore, the issues raised require the government to re-assess their approach, and formulate a policy that aims towards building a more coherent, integrated system that can effectively provide victims of crime with equal access to justice and fair treatment.

This study has chosen the Swedish and Norwegian crime victim assistance systems as the key models for developing the Thai model because they are perceived by the Thai authorities to be two of the leading and most advanced comprehensive systems, as well as being highly compatible with international standards.

## **Literature Review**

This section will provide relevant fact and information employed for the analysis within the scope of the research methodology, namely (1) the administrative issues concerning the assistance of crime victims under the Thai system, and (2) the comparative perspective through an examination of the Swedish and Norwegian comprehensive models.

### ***1. The Issues of Public Administration in the Assistance of Crime Victims in Thailand***

Thailand's legal framework for victims of crime assistance can be classified into two types of objectives. The first type deals with crime prevention and suppression dealt by various government agencies such as the Royal Thai Police, Rights and Liberties Protection Department, Department of Juvenile Observation and Protection, Department of Probation, and Department of Corrections. The second type focuses on the assistance and protection aspects for crime victims of which tasks assigned under the responsibilities of several agencies such as Rights and Liberties Protection Department, the Office of Permanent Secretary of Justice, Bureau of Anti-trafficking in Women and Children, Provincial Protection and Occupational Development for men and women under the Department of Social Development and Welfare, Children and Family Shelter,

Department of Women's Affairs and Family Development, or One Stop Crisis Center (OSCC).

Within the context of crime victims' assistance and protection, functional issues arise due to the fact that these various government agencies are backed by different legislation, and each provides its own channel for redress and its own assistance program. And to make a matter more complicated, some of them provide a remedy and assistance only for specific types of crime victims, while the others do not discriminate among the crime victims.

Since these agencies share the common goal of ensuring adequate assistance and welfare for the criminally injured, several studies have shown that with their tasks end up overlapping one another have created a major obstacle in achieving effective guarantee of protecting crime victims' rights to justice and fair treatment. For instance, the Office of Permanent Secretary of Justice is in charge of Justice Fund which is designed to provide a legal aid for the public and the accused as well as victims of human rights violations pursuant to Justice Fund Act B.E. 2558, while Damages for Injured Person and Compensation for the Accused in the Criminal Case Act B.E. 2544 also endows authorities to Rights and Liberties Protection Department to provide material assistance to all victims of crime who are injured as a result of a violation of a Penal Code by another person (as amended B.E. 2559), and the injured defendants in criminal cases. At the same time, Ministry of Social Development and Human Security acting pursuant to Anti-Human Trafficking Act B.E. 2551 also provides assistance to human tracking victims through Anti-Human Trafficking Fund. In addition, some of the agencies such as Bureau of Anti-trafficking in Women and Children, or Department of Social Development and Welfare have their own assistance and treatment programs that seem to be disconnected from each other and the rest of the system. Another example is the challenge faced by Children and Family Shelter due to the difficulty of gaining sufficient cooperation, and a lack of collaboration from other organizations and the concerned professions to provide assistance and care for crime victims (Sasipat Yodpetch, 2552). This disintegrated style of operation give rise to the problem of effective access to assistance and protection for crime victims (Tantawan Kaewsom, 2553; Suneerat Kuanweerayakun, 2553; Pisamai Jaiarn, 2543).

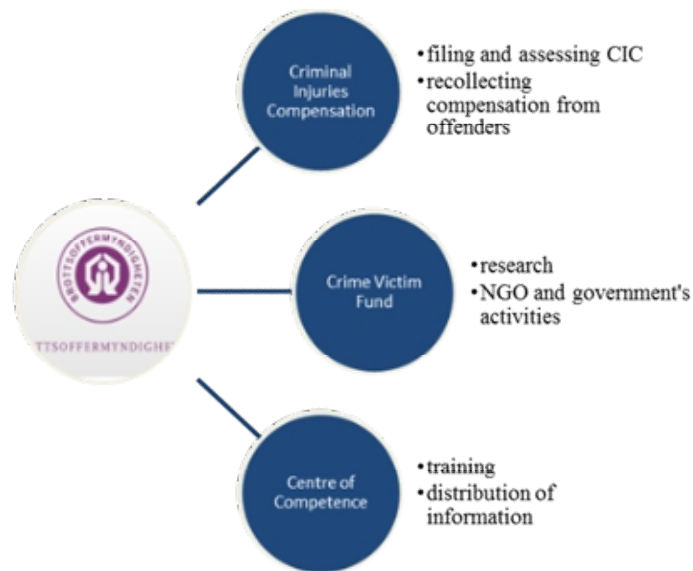
## ***II. Swedish Model***

The Swedish crime victim assistance regime is renowned as one of the leading models. The success of the system is based not only on its comprehensive design, but is attributable to other important factors. Considered as one of the wealthiest nations with a GDP of 448.2 billion US dollars, Sweden's economy is driven primarily by services sector (Sweden.se, 2016). It is also one of the top 5 countries out of 175 countries, which is ranked as the least corruptive in Transparency International's 2014 Corruption Perceptions Index (Economic Freedom, 2016). With higher individual and corporate tax rates together with low corruption practices, the country has been able to adopt and maintain a social welfare system efficiently upon which economic and social well-beings of the people depend. The core values of this social welfare model focusing on people's access to equal opportunity, fair distribution of income, and public accountability have also contributed to a well-functioning victim of crime assistance system.

The emergence of the Swedish crime victim assistance system happened during the period of feminist movement under which public awareness shifted to women and children as the subjects of violent crimes. Unlike Thailand, the Swedish system is supported by a few primary legislation which aims at providing remedies for a certain types of crime victims, namely the vulnerable groups, to optimize the efficiency of the system by pulling public resources in limited areas of concern.

The Swedish crime victim assistance system, although has a leading agency called “Crime Victim Compensation and Support Authority” or “Brottsoffermyndigheten” in Swedish, consists of other public and private organizations acting in collaboration with the agency in providing assistance to victims of crimes. Within the organization, the Crime Victim Compensation and Support Authority working under the authority of the Ministry of Justice has three areas of responsibilities, namely (1) assessing and providing criminal injuries compensation, (2) administering Crime Victim Fund which is designated for supporting research and non-governmental organization’s activities, and (3) administrating Centre of Competence to provide capacity building and training as well as dissemination of information and researches for the public (Crime Victim Compensation and Support Authority, 2016).

**Diagram 1. Crime Victim Compensation and Support Authority Structure**



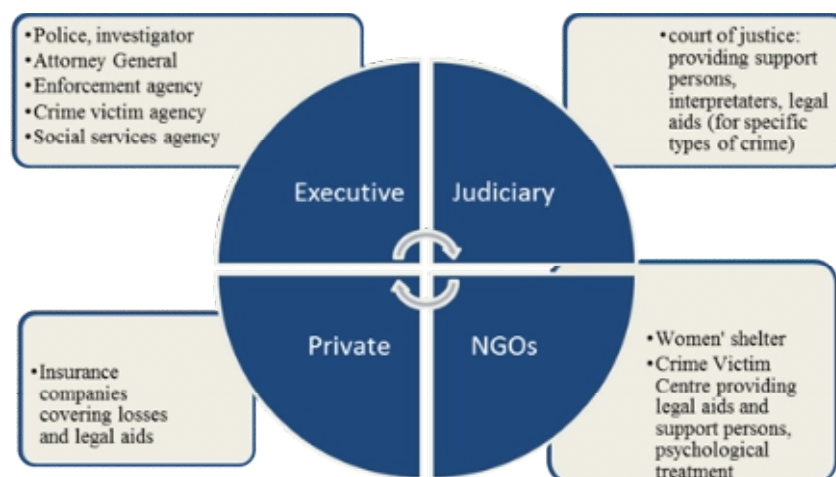
Although Sweden is considered as one of the wealthiest states with generous social services and public welfares, the government still tries to manage and preserves its resources in the area of crime victim compensation by assigning responsibility to those who are directly accountable for losses and damages. This practice is also adopted in accordance with the Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power of 1985 of which one of the guideline principles is for a state to ensure and secure restitution by an offender to the victim. According to the Swedish system, property collected from the offender will serve two purposes, firstly as restitution to the

victim (Criminal Injuries Compensation), and secondly as a penalty to help support crime victim related activities (Crime Victim Fund) (Information to Crime Victims, 2015).

The Swedish model has established a single integrated channel with clear rules for filing for criminal injuries compensation and seeking assistance by victims. The procedure for filing a claim and securing assistance can be roughly described as follows;

- (1) The victim must first attempt to collect damages from the offender by filing a police report stating his or her wish to be restituted. The statement will be attached along with prosecution documents by the Attorney General.
- (2) After the court renders a judgement against the offender, a copy of its decision will be forwarded to a local enforcement agency where the offender resides, which will act for the victim in collecting damages from the offender.
- (3) In the event that no offender can be located or is unknown, the government must check if the victim is covered or protected under any insurance policy against losses, damages or physical injuries, which can limit the amount of compensation entitled to the victim.
- (4) The victim must fill out an information form within two years from the date of injury or the conclusion of the criminal proceeding. However, in the case of children or youths, the filing can be up until when they turn 21 years of age due to their special circumstances.
- (5) Once the victim files a compensation request form, he or she will receive a formal notification from the agency, and will be directed to other channels of assistance such as legal aids, support persons or psychological help provided by government and non-governmental bodies.
- (6) The victim can also request within the crime victim agency to review their decision for the compensation assessment through the director of the Criminal Injuries Compensation Department, the director-general of the Criminal Injuries Compensation and Support Authority, and the Board of Criminal Injuries Compensation (Mannelqvist, 2010).

**Diagram 2. Integrated Support and Assistance System**



In conclusion, the Swedish crime victim assistance model is perceived to be one of the highest standards, which is aligned with the Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power of 1985. The effective implementation of its system helps foster the victims' rights, especially those of the vulnerable groups, of access to justice and fair treatment, and to full comprehensive assistance, while maintaining a practical approach of curbing the state's budget and responsibility, notwithstanding its ample resources.

### ***III. Norwegian Model***

Norway is another country that shares a pattern of a strong economic structure with Sweden. With a GDP of 345.2 billion US dollars and ranked within the top 5 out of 175 nations with least corruption (Economic Freedom, 2016), Norway has successfully managed government income to spend over social welfares of the people. Like its Nordic neighbor, Norway has an integrated crime victim assistance system. Under the Norwegian Model, only one central authority (Norwegian Criminal Injuries Compensation Authority – KfV) is designated to assess and decide upon the victim's compensation, whereas 14 local agencies (RKK) locating across the country merely acting as an administrator and facilitator for a claim filing. However, the decision of the central authority (KfV) is subject to a review of the upper bodies.

The Norwegian crime victim compensation system is divided into two stages, which are the primary level, and the upper level. The KfV and its local agencies (RKK) are considered the primary agencies in charge of accepting and assessing claims as well as providing legal advice and mental support for victims of crime. And in the event that crime victims are not satisfied with the KfV's decisions, they have a legal right to request for a re-examination by the KfV, and further appeal such decisions to the upper body called the Norwegian Civil Affairs Authority (SRF) and the Compensation Board for Victims of Violent Crime (Holm, 2016).

The basic structure of the Norwegian crime victim's support and assistance consists of three different parts which act together in the promotion of crime victims' welfares. These are (1) local agencies (RKK), (2) Norwegian Criminal Injuries Compensation Authority (KfV), and (3) the Norwegian Civil Affairs Authority (SRF).

The local agencies (RKK) were founded in 1996 developed from the collaboration between Ministry of Justice and Ministry of Public Health to provide primary care and assistance for crime victims. The local staff works on a voluntary basis, and usually consisted of retired government officials who have a service mindset, and wish to remain connected to the public. Since 2006 RKK has been integrated as part of the KfV as a strategic plan to help centralize the crime victim's support and assistance standard so that to local agencies are subject to the same guideline principle and policy. These local agencies also work in concert with other non-profit organizations such as Crisis Centers and Shelters, Rape centers (Holm, 2016).

The Norwegian Criminal Injuries Compensation Authority (KfV) was founded in 2003 with a primary objective to improve and reform the crime victim assistance system by providing claim filing access to the victims through several channels, including the organization's website, and a postal service to ensure everyone equal access of assistance and fair treatment. It has a sole discretion in assessing and evaluating victims'

compensation claims to help reduce discrepancy in terms of decisions if they were to be made by different local agencies (Holm, 2016).

The Norwegian Civil Affairs Authority (SRF) was founded in 2004 which was a year after the KfV had been established. In general, it has broad authorities concerning civil affairs. However, within the realm of the assistance of crime victims, this government body serves as an administrator for an appeal for a compensation claim (Holm, 2016).

The Norwegian crime support and assistance system is found upon a slightly different philosophy from the Swedish model. That is to say when victims suffer losses and personal integrity from violent crimes, it is the primary responsibility of the state to compensate the victims due to several reasons. Among these are the facts that many victims are not willing to confront the offender in the court to make a claim for their restitution, despite their legal right to do so, or the availability of other sources of compensation such as social security, insurance are inadequate to cover losses suffered by the victims. However, this is not to say that the Swedish model does not fully compensate their victims. But in the provision of victim compensation, the Swedish government takes into account other sources of reparation received by the victims to help evaluate how much more it can further contribute to fully cover the victims' losses and injuries.

In terms of restitution by offenders, both countries' models adhere to the principle that offenders should be responsible for their own actions, and should make fair restitution to the victims or their families. While the Swedish model establishes a local enforcement agency to help the victims collect damages from the offender, the Norwegian law (Article 15 of Compensation for Victims of Violent Crime Act) gives the state a right of recourse to collect monies from the offender responsible for causing losses or damages to the victim for which the state has already made an indemnity payment. This provision is enforced by the Norwegian National Collection Agency (NCA). Under both models, the states' right of recourse can only be effected by a court of justice's decision.

In conclusion, The Swedish and Norwegian models share a principle of having an integrated system with a centralized authority in deciding on a claim relating to material assistance for crime victims, while having satellite networks operated under governmental and non-governmental bodies to help assist crime victims in other areas such as mental support or legal advice to enable a comprehensive assistance system. This single, consolidated channel with one clear set of rules has provided crime victims with effective guarantee of their rights to equal access to justice, fair treatment, assistance and compensation by the state. Both countries' crime victim assistance system are supported by a few leading legislation such as the Swedish Social Services Act and the Norwegian Compensation for Victims of Violent Crime Regulations.

Undertaking this model can be a challenging task for Thailand in an attempt to reform its current crime victim assistance system, given a wide range of government authorities and agencies that deal with different types of crime victims. This issue will be addressed in the next section.

## Methodology

The primary objectives of this study are to examine problems and obstacles about the system of crime victim assistance in Thailand, and to explore legal and policy frameworks through a comparative perspective, specifically those of Sweden and Norway, in order to

analyze and propose an appropriate policy plan for Thailand for more effective implementation of the system of crime victim assistance.

### ***I. Data Collection***

This study is based on a qualitative research which gathered both primary and secondary data pursuant to the following procedure;

- through the examination of relevant documents such as international legal instruments, national legislation, researches, or government annual reports;
- through undertaking a field trip to interview government officials and visit relevant government agencies in Sweden and Norway, namely Crime Victim Compensation and Support Authority (Brottsoffermyndigheten, Umea, Sweden), Norwegian Criminal Injuries Compensation Authority (Kontoret for voldsoffererstatning, Vardo, Norway), The Norwegian Civil Affairs Authority (Oslo), and Compensation Board for Victims of Violent Crime (Oslo).
- through arranging a focus group consisting of 15 concerning experts, scholars and government officials in the area of crime victim assistance in Thailand;
- through conducting a public hearing in the finalization of the report.

### ***II. Data analysis***

The study uses content analysis based on the review of government documents, researches, relevant laws and regulations, interviews and comments which primarily answer three basic questions namely (1) what the issues of public administration in the assistance of crime victims are, (2) what Swedish and Norwegian crime victim assistance models are, and (3) what a proper model of crime victims assistance for Thailand should be taken into account its social, political and economic contexts.

### ***III. Research Area***

The designated areas of study are determined by the locations of the concerned government agencies in Thailand, Sweden and Norway.

### ***Research Outcome***

Thailand's efforts to lift up its national standard in the area of crime victims support and assistance, in accordance with the international norm guided by the Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power (1985), have proven to be just a partial success. This is due to the fact that the government places an emphasis mainly on the right to compensation by state, while the other three basic rights, namely, the right to access to justice and fair treatment, the right to restitution by an offender, and the right to assistance have not been fully realized in the implementation of crime victims assistance system. In the absence of especially effective guarantee of the right to justice and fair treatment, which has been undermined by its disintegrated and complex system, the victims' right to be compensated by the state will inevitably be cut short. Despite a wide range of possible ways to secure compensation and assistance through various available government agencies, cases in the past showed a low rate of claim filing by victims due to their limited knowledge about their rights and the channels to seek assistance.



In this respect, this research found that adopting an integrated crime victim support system can be a desirable option for Thailand to enhance its efficiency in the assistance for victims of crime, and the management of state resources. This option will require some major changes in terms of organizational structure, policy and principle (the right of recourse and crime victim fund).

In terms of a structural change, the main primary crime victim assistance agency must be designated in order to serve an entrance for all types of crime victims which should be subject to the same rule and procedure. This structural change might already be facilitated by the recent amendment of the Damages for Injured Person and Compensation for the Accused in the Criminal Case Act B.E. 2544 in 2016, which now provides compensation to all types of victims who suffer physical or mental injuries, or death through acts that are in violation of Thailand's Penal Code. The expansion of the victims' types under such a law can either be a starting point for a reform towards centralizing crime victim support and assistance system, or a disastrous result that will further complicate the tasks that have already been overlapped in a spaghetti bowl among the existing responsible government agencies, and further deprive the public's right of access to justice and assistance.

To undertake a structural change, the issue of a centralized authority must be addressed. Pursuant to the Damages for Injured Person and Compensation for the Accused in the Criminal Case Act B.E. 2544, the law gives authority to the Rights and Liberties Protection Department, with the Office of Financial Assistance to the Victim and the Defendant in a Criminal Case (OFA) acting as its secretary, to be in charge of administrating victims' compensation. Under such a circumstance, the department should serve as a sole primary authority to receive and process crime victim compensation while acting in collaboration with other government or non-governmental agencies to better facilitate the victims in case of further needs such as mental support or a rehabilitation program currently provided by the Department of Social Development and Welfare. A successful collaboration among government agencies will require that officials and staff understand the big picture of the assistance system by becoming aware of one another's roles and responsibilities, and comprehending the entire internal routes of assistance. The relevant government agencies responsible for crime victim assistance should be divided into two stages, namely (1) an "Entry Level" consisting of those in charge of the stage before filing a claim, and (2) an "Intermediate Level" consisting of those in charge of the stage after a claim has been admitted, which can be summarized according to Table 1.

In addition, during the intermediate level, the non-profit organizations, by cooperating with the Rights and Liberties Protection Department, can play an important role in providing victims with a support person, a legal advice or a mental support program as an additional component to strengthen the role of the government.

The issue of a disintegrated system is also reflected in the area of claim assessment that is worth reconsidering. The amended Damages for Injured Person and Compensation for the Accused in the Criminal Case Act B.E. 2544 has recently allowed the Compensation Assessment Committee to delegate its power to regional subcommittees in 14 different regions to fasten the process for the victims (Article 14/1). In the absence of a specific guideline, especially for the type of compensation for losses or damages other than medical treatment costs, funeral expenses or loss of income, how much compensation the victim will be entitled to is left up to the discretion of each subcommittee (Article 18). The issue of discrepancy in terms of discretionary powers of 14 different regional subcommittees

may arise. This problem, once again, can undermine the principle of equal access and fair treatment to the victims.

**Table 1. A Summary of Relevant Agencies in Charge of Crime Victim Support and Assistance**

<b>Entry Level Agencies</b>	<b>Responsibilities</b>
Local municipalities	<ul style="list-style-type: none"> <li>- help public gain access to assistance</li> <li>- provide information</li> </ul>
Local police (under Royal Thai Police)	<ul style="list-style-type: none"> <li>- inform the victims' right to compensation and assistance</li> <li>- inform the victims of the status of their cases throughout the investigation proceeding</li> <li>- provide a compensation form and contact information of the agency</li> </ul>
Attorney General	<ul style="list-style-type: none"> <li>- prosecuting an offender</li> <li>- filing a claim on behalf of the victim to be restituted by the offender</li> </ul>
Court of Justice	<ul style="list-style-type: none"> <li>- rendering judgment</li> <li>- assessing the amount of restitution</li> </ul>
Rights and Liberties Protection Department	<ul style="list-style-type: none"> <li>- receiving and processing a compensation claim for the victims</li> <li>- collaborating with other organizations or agencies when victims require further needs</li> <li>- checking for insurance coverage</li> <li>- establishing a central database for easy access to all crime victim funds and social security</li> </ul>
<b>Intermediate Level Agency</b>	<b>Responsibilities</b>
Department of Social Development and Welfare	<ul style="list-style-type: none"> <li>- providing rehabilitation and career training programs for men and women who were victims of human trafficking</li> <li>- providing shelter (Children and Family Shelter) for victims of human trafficking</li> <li>- providing mental support for victims of domestic and violent crimes</li> </ul>
Department of Mental Health	<ul style="list-style-type: none"> <li>- providing mental healing programs</li> <li>- providing consultation</li> </ul>
Department of Corrections	<ul style="list-style-type: none"> <li>- informing the victim of the prisoner's status</li> <li>- providing rehabilitation program for offenders to prevent future crime commitment</li> <li>- taking preventive measures against re-victimization</li> </ul>

In terms of a policy change, the government should direct its policy towards enhancing (1) internal integration among the relevant government agencies as summarized in Table 1, and (2) external integration between the government and non-government actors such as private companies and non-profit organizations to help build a strong network in the area of crime victim support and assistance. Within the internal integration, as mentioned, a centralized unit for processing claim is required together with effective collaboration among the agencies to accommodate the victims' further needs for non-material assistance. For the external integration, the government should promote insurance companies' roles in providing broader coverage for victims with taxes' incentives, or support the principle of corporate social responsibilities (CSR) of companies in the area of crime victim assistance and protection as well as sponsoring non-profit organizations' activities and researches. The latter part brings us the issue of funding and government resources.

**Diagram 3. Thailand's Proposed Integrated Model**



In terms of a principle change, Thailand's current system has been focusing on the victims' right to compensation by the state rather than the offender. In the implementation of crime victims support and assistance system, the government should bear in mind the efficiency by taking into consideration two core principles, which are optimizing its limited use of resources and budget as well as making the responsible pay to repair the damages, which can help restore justice and ease up the healing process for the victims. This principle, unfortunately, has not been sufficiently upheld within the Thai system, despite its stipulation in the Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power (1985). Although Justice Fund Act B.E. 2558 permits the state to collect penalty fees from the offenders as part of the contribution to the fund, the applicable rate to the offender is deemed minimal, and the fund is designed to be used for limited purposes such as legal aids and education.

The Swedish and Norwegian models place an emphasis on the notion of restitution, despite their wealthy resources. Their rationales certainly go beyond states' capacity to make amends for the victims, but most important of all to uphold the notion of justice by realizing that it should not entirely be the taxpayers' responsibilities to pay for losses and

damages. Nevertheless, this principle does not invite the state to deny its own social responsibility since it still has to ensure that crime victims receive adequate support and assistance, rather the notion encourages the offender to take greater responsibility for the harm he or she caused to the victims. Given its limited resources and the principle of fairness, Thailand should reconsider its policy position to uphold the right of recourse of the state and the right of restitution of the victim in the process of crime victim assistance.

## **Recommendations**

Assessing from the Swedish and Norwegian models, an expert meeting, and a public hearing, it can be concluded that a comprehensive crime victim support and assistance system for Thailand should consist of two components, namely (1) building an integrated system to create a strong network among relevant agencies whether governmental or non-governmental, and (2) establishing a crime victim fund in order to support crime victim related activities and provide material assistance for victims. This proposal rests upon the efficiency principle which takes into account the government's limited resources and personnel that require an optimized use, while in compliance with customary international law in the area of victims' rights protection. Building an integrated, comprehensive system will help guarantee the victims' right of access to justice and fair treatment, compensation and assistance, whereas establishing a crime victim fund in which crime surcharge and compensation can be collected from an offender can help promote the victim's right of restitution by an offender.

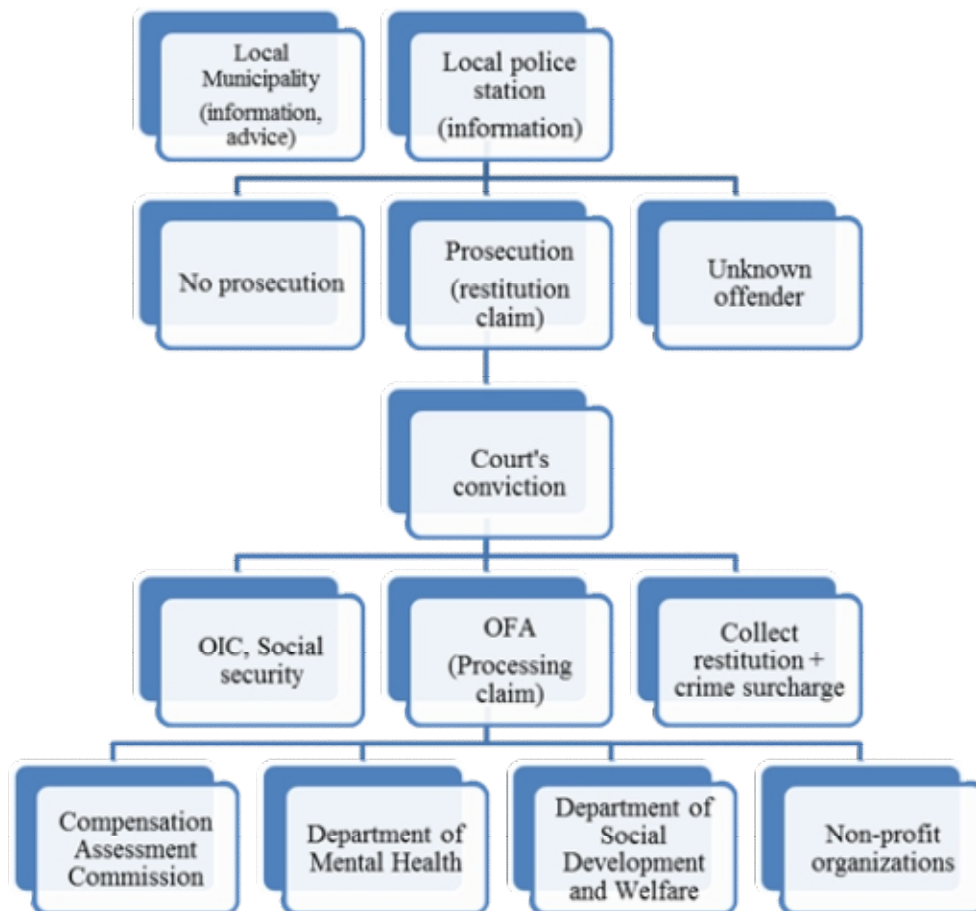
### ***I. Building an integrated, comprehensive system***

Building an integrated system has several advantages in terms of improving public access to effective assistance and support, and cultivating public understanding in making use of the system, which are the fundamental objectives of the project. The proposed procedure for an integrated system should take into account the roles of various actors to help build a system with a strong network, which should be as follows;

- (1) A crime victim can seek help and information from a local municipality.
- (2) A crime victim must report to a local police station, and must be informed of his or her right to receive assistance and compensation as a victim. In this process, a crime victim will express his or her intent to be restituted by the offender. A police will undertake an investigation to secure evidence and locate the offender.
- (3) When there is sufficient evidence to prosecute, the attorney general will file a claim in the court of justice on behalf of the victim. The offender will be responsible for restitution to the victim, and a penalty fee (crime surcharge) to be contributed to a crime victim fund.
- (4) In the event that the offender is unknown, the victim can fill out a form available at local police stations, local municipalities, the Rights and Liberties Protection Department or its website. The victim will receive a written notification of receipt from the agency.
- (5) The Office of Financial Assistance to the Victim and the Defendant in a Criminal Case (OFA) acting as a secretary of the Rights and Liberties Protection Department will coordinate with other organizations such as Office of Insurance Commission (OIC), Office of Social Security to secure further information about the status of the victim's assistance.

(6) The Office of Financial Assistance to the Victim and the Defendant in a Criminal Case will forward a claim to the Compensation Assessment Committee to assess the compensation, and contact other departments or non-governmental organizations that can provide additional assistance such as a group therapy, a mental support program.

**Diagram 4. An Integrated Procedural Model**



## ***II. Establishing a Crime Victim Fund***

The primary objective of establishing a crime victim fund for all types of crime victims are to help relieve public burden from providing support for damages caused by the responsible others. This rationale does not simply rest on the notion of restorative justice, but also efficiency because there is a limited advantage for counting on the state's resource. Through the establishment of a crime victim fund in a sustainable way will enable crime victims to rely less on the allocation of the state's annual budget which can be uncertain due to the country's financial situation.

To create the sustainability of the fund, there are 3 phases that can be taken into account. The first phase which serves as an infancy period will require greater support from the government to help build up its foundation. The primary sources of income will be from the government's budget, public donation, and offenders in the form of restitution and crime surcharge (penalty). The second phase will leave out the

government's budget, and will only depend on public donations and offenders' damages collection. Offenders will have direct responsibility towards their victims in providing restitution, and will be subject to a crime surcharge to be contributed to the crime victim fund. Thus, in the event that a victim cannot collect restitution from an offender, he or she can still be compensated from the crime victim fund. And the final phase, which is considered the most efficient phase in which the fund is self-sustaining (sufficient money), will only require offenders to furnish their restitutions and pay crime surcharge into the crime victim fund. Victims can directly be compensated and benefited from the fund without collecting restitutions directly from the offenders.

**Diagram 5. Crime Victim Fund Model**



Despite their desirable outcomes, building an integrated procedural model and setting up a crime surcharge scheme will not be implemented without facing certain challenges. This includes the fact that a centralized database system must be put in place to link up data information of all relevant government agencies to ensure the coordination among them and the efficiency in the transfer of crime victims to the proper responsible authorities without having overlapping tasks. Moreover, the idea of crime surcharge is considered novel in Thailand, and has been regarded as hard to achieve due to a lack of its enforcement agency to collect damages from the offenders. But the country's current lack of readiness does not mean that this initiative should not be promoted and materialized in the future if it can help save the country's valuable resources and prevent crime commitment in the long run.

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