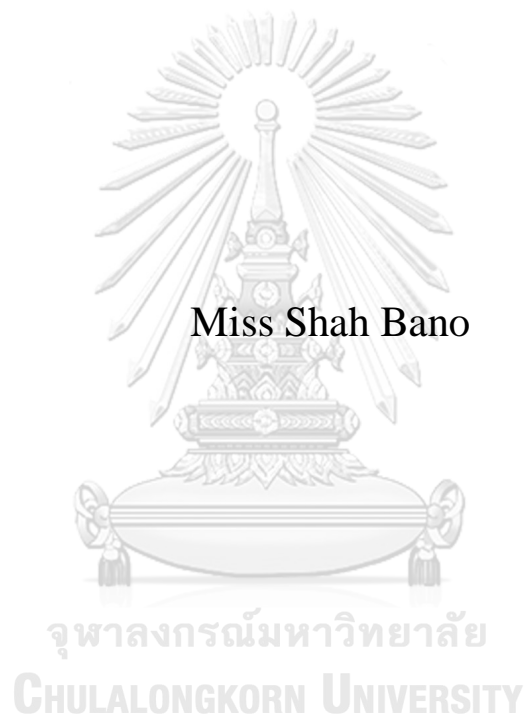


Protection against Sexual Violence in the Workplace: NGO
programs for Access to Justice for Female Migrant Workers in
Thailand



A Thesis Submitted in Partial Fulfillment of the Requirements
for the Degree of Master of Arts in International Development Studies
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ปีการศึกษา 2562
ลิขสิทธิ์ของจุฬาลงกรณ์มหาวิทยาลัย

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By Miss Shah Bano
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Thesis Advisor SORAVIS JAYANAMA

Accepted by the FACULTY OF POLITICAL SCIENCE,
Chulalongkorn University in Partial Fulfillment of the
Requirement for the Master of Arts

..... Dean of the FACULTY
OF POLITICAL
SCIENCE
(AKE TANGSUPVATTANA)

THESIS COMMITTEE

..... Chairman
(NARUEMON THABCHUMPON)
..... Thesis Advisor
(SORAVIS JAYANAMA)
..... External Examiner
(Mike Hayes)
..... External Examiner
(Michael George Hayes)

ซาห์บาโน : . (Protection against Sexual Violence in the
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สรวิศ ชัยนาม

ความรุนแรงทางเพศในสถานที่ทำงานที่เกิดขึ้นกับแรงงานต่างด้าวเพศหญิงเป็นประเด็นที่มีได้ถูกยกขึ้นพิจารณาอย่างเพียงพอเนื่องจากยังขาดข้อมูลที่เปิดเผยที่ลงรายละเอียดลงลึกกว่าที่มีอยู่ เอกสารฉบับนี้ได้ตรวจสอบบทบาทหน้าที่ขององค์กร NGOs ในเรื่องของการให้ความคุ้มครองแก่กลุ่ม FMW ผู้ที่เคยเผชิญหน้ากับความรุนแรงทางเพศในประเทศไทยและต้องการได้รับควมยุติธรรมในชั้นศาล งานวิจัยนี้เจาะลึกอย่างมีคุณภาพโดยการสัมภาษณ์กลุ่มบุคคล โดยแบ่งได้เป็นคนไทยท้องถิ่น 3 คน และชาวต่างชาติ 3 คน ที่ทำงานในองค์กร NGOs ในประเทศไทยในเรื่องของการช่วยเหลือกลุ่ม FMW กลุ่มผู้เคยเผชิญหน้ากับความรุนแรงทางเพศ เพื่อรับมือกับปัญหาด้านการปรับตัวในสังคมซึ่งกลุ่มคนเหล่านี้อาจจะโดนดูถูกจากสังคมและยังต้องดำเนินการเรียกร้องความยุติธรรมจากชั้นศาล

จุฬาลงกรณ์มหาวิทยาลัย

วิจัยนี้แสดงให้เห็นว่าถึงจะไม่มีโครงการที่มีจุดประสงค์เฉพาะเจาะจงมุ่งเน้นให้การคุ้มครองแก่ FMW เหยื่อความรุนแรงทางเพศในสถานที่ทำงานและเพื่อให้ความยุติธรรมแก่พวกเขา แต่ NGOs ก็ยังให้บริการทางด้านกฎหมายแก่ FMW ที่เข้ามาขอความช่วยเหลือ

สาขาวิชา การพัฒนาระหว่างประ
ชา เทศ
ปีการศึกษา 2562
กษา

ลายมือชื่อนิสิต
.....
ลายมือชื่อ อ.ที่ปรึกษาหลัก
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KEYWORD Sexual Violence Survivors, NGOs, Female Migrant
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SORAVIS JAYANAMA

Sexual violence in the workplace amongst female migrant worker is an under-discussed issue, due to lack of reporting, that needs to be explored in more detail. This paper examined the role of NGOs in providing protection to FMW who are survivors of sexual violence, in Thailand, who want to seek justice. This study used qualitative approach by interviewing 3 people from local NGOs and 3 people from international NGOs working in Thailand that provide services to FMW who have faced sexual violence, to deal with the culturally biased and highly patriarchal criminal justice system. The study shows that regardless of not having a specific project that focuses on providing protection to FMW who are survivors of sexual violence in the workplace with their access to justice, NGOs provide effective legal services to those FMW who visit the NGOs for help and support.

Field of Study:	International Development Studies	Student's Signature
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Chapter 1: Introduction

1.1 Introduction

Interpersonal violence, either sexual or asexual, is an important issue worldwide (Kalra & Bhugra, 2013). Violence against females takes various forms and occurs on a large scale on different levels: which involves violence within the family, at work, in government institutions, within the framework of an intimate relationship, within the diverse community or family setup or in times of war, therefore it is considered to be a deeply hurtful and violating experience for the victims (UNDP, 2017). Sexual violence is inconvenience experienced in jobs around the world that affect the quality of occupational life, threaten the wellness both the genders, sabotage gender equality and create damage to businesses and firms (IOM, 2019). There are also a large number of violent actors including both people like relatives and acquaintances as well as unknown people (Kalra & Bhugra, 2013). Physical abuse, sexual assault, rape, psychological emotional violence are different kinds of violence (Evans, 2018). These different forms of violence are gender specific as they are the are outcomes of structural discrimination between both the genders, socially generated inequalities which are constantly fluctuating over time. (Evans, 2018). That's why this study focuses specifically on sexual violence in the work environment.

Sexual Violence in the workplace is a topic that needs to be discussed in more detail and more attention should be paid on this issue, especially with the emergence and expansion of #metoo movement (Evans, 2018). According to the UNDP report, ever since the late 1970's sexual violence has continued to be subject of concern that requires wide range of attention (UNDP, 2017). Internationally, it is been explored in terms of violence against females and gender-based discrimination (McCann, 2015). The issue of sexual violence in the workplace has always existed but recently emerging #metoo movement this further highlighted this social dilemma. This movement brought an evident shift in the perspective of world. Numerous victims brought up their cases of workplace sexual violence in courts in order to seek justice,

and few of them have even been successful in bringing their offenders to justice (Evans, 2018).

Recently, it has been observed that feminization of migration is the product of globally trending migration (IOM, 2019). From the past few decades the ratio of female migrants both within and across borders has tremendously increased (IOM, 2019). As a result, nowadays human trafficking, globalization, feminization, and developed migration are interlinked topics (Mulder, Pemberton & Vingerhoets, 2020). Today women comprise 49.6 percent of global migration flows, although the share varies and could vary significantly from country to country in some cases even 70 to 80 percent (IOM, 2019). Various researchers have observed that the stigma attached to the word “victim” often creates connotations of stereotypical and submissive femininity - more specifically if the crime involves rape or other kinds of sexual violence (Mulder, Pemberton & Vingerhoets, 2020).

However, there are still so many questions that need to be answered. One of the questions is why women, to a large extent, are still hesitant to report sexual violence in the workplace, in court cases? Why the number of cases perused in court is way less than the number of cases reported? And why some groups of women are more vulnerable than others? The reason why I decided to focus on this topic is because I want to understand the impact and importance of an NGO in such issues. I want to examine whether NGOs that work on women’s issues deliver their promise of improving the lives of women or their impact is affected or restricted by government’s laws and policies. Sexual violence takes place everywhere, but the reason why I decided to focus on the workplace is because, it is a place where sexual violence is still tolerated and ignored. It is very rare to witness a sexual violence case in the workplace in court.

I have personally never been a victim of sexual violence in the workplace, but I know a lot of women, mostly my friends, who have faced sexual violence in the workplace, but didn’t do anything about it because of their financial conditions. Some of them were international students, who didn’t have a supportive family in their

home country to pay their expense, while some were single mothers, who's only source of income was their job. The reason why I decided to focus on female migrant workers in Thailand is because majority of Thailand's informal economy consist of female migrant workers. However, the issue of sexual violence in the workplace amongst female migrant workers is under researched and needs more attention. I tried to find cases of female migrant workers related to sexual violence in the workplace, but I couldn't find any cases as most of them never even reported a case of sexual violence. There is research done of the sexual and reproductive health of female migrant workers but nothing on the process regarding sexual violence in the workplace. The reason why I became interested in this topic was because this issue is not discussed much due to the lack of data and underreporting of the cases, but we cannot ignore the fact that sexual violence in the workplace, very much, exist and women have to face it on a daily basis.

1.2 Statement of problem

Thailand is not only considered a pivot for migration but also a major source and transit country for human trafficking, including men, women and children (IOM, 2019). Plenty of Thai researches have highlighted the concept of sexual Violence and how it is interpreted by Thai people (Soonthornpasuch, 2018). However, sexual Violence facing female migrant workers are highly ignored in the literature. The existing body of literature mainly laid emphasis on the sexual and reproductive health, sexually transmitted diseases and migration of women into forced prostitution (Soonthornpasuch, 2018). Although some work has been done regarding the working conditions of migrant workers. But none of it actually talked about the how to eliminate or reduce sexual violence amongst female migrant worker in the workplace.

In this paper, the discussions center on the issue of migrant working women facing sexual Violence in Thailand. Thailand has agreed and ratified to eight of the nine core international human rights treaties and is technically accountable for protecting female migrant workers working in Thailand from sexual Violence, but it doesn't and has yet to accede to the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) (Febrylini, 2014). There are

plenty of women workers outside the system who are not protected by the Labor Protection Law (Pearson & Kusakabe, 2012). Moreover, undocumented women and girl migrant workers undergo unjust and unfair conditions at workplace. They are paid lower wages as compared to their male counterparts. They are unable to access state welfare and public health services (Pearson & Kusakabe, 2012). Moreover, victims of sexual violations are unable to access justice as they fear being prosecuted on undocumented immigration and hence being deported (Febrylini, 2014).

After the political change in Thailand in 2014, scrutiny of legislation in the National Legislative Assembly has not given sufficient importance to the recommendations pertaining to women issues from woman organizations and civil society organizations and NGOs (Lansdowne & Csáky, 2011). Those NGOs that works with migrant communities rarely focus on sexual Violence and pays more attention towards the wages and working condition (Lansdowne & Csáky, 2011). Female migrant workers usually don't report any incident of sexual violence because they don't want to lose their jobs (Parkes et al., 2013). In the global south, many of the studies have been led by multilateral organizations (e.g. WHO, UNICEF) and international NGOs, committed to developing evidence-based practice and advocacy to contest sexual violence (Lansdowne & Csáky, 2011). But the continuing extensive documentation of violence in many different sites raises questions about whether the increasing knowledge base is leading to effective action or resulting in any progress in reducing levels of sexual violence. The ethical and methodological challenges of researching gender violence have been well documented (Parkes et al., 2013). Less attention has been paid however to the conceptual challenges, over for example how we define sexual violence (Parkes et al., 2013).

The main problem is not to understand the lack of reporting, but to understand why there is no progress being made to overcome the barriers that prevent female migrant workers from reporting. Based on the previous research done on sexual Violence, it is evident that female migrate workers, who do decide to go to the court, are pressurized by their employers and police to solve the dispute outside the court. Not only the victims but defenders (NGOs) of human rights face numerous

challenges. This is why it is quite challenging to collect data on this topic, as there is not much information available. This is also one of the reasons why I decided to focus on NGOs as they would have more information on this issue since they work more closely with migrant communities, than the government.

1.3 Aim of research

Sexual violence is the most common social issue and affects a great number of people within the workplace (Skowronek, 2018). Unfortunately, this phenomenon is most probably as widespread as it is hard to do research about (Skowronek, 2018). Although the terms of Thailand's Constitution, Criminal Code and Criminal Procedure Code, Domestic Violence Victim Protection Act and Labor Protection Act in no way exclude migrant women from the rights and protections they offer individuals in Thailand, the practical effect of a range of other laws and legal frameworks appears to limit their ability to benefit large groups of migrant women (Skowronek, 2018). This undermines Thailand's compliance with international law and standards and the identification of solutions is imperative (Skowronek, 2018).

This research aims to highlight the policies to protect migrant working women against sexual violence in Thailand. In this regard it will also explore the role that NGOs play in the life of female migrant workers who are survivors of sexual violence in the workplace and decided to pursue their cases in the court. The aim is to understand the barriers that NGOs face in providing protection to female migrant workers who want to report and fight their cases in court. However, the number of such women is very low, as most female migrant workers who pursue their cases, either do it on their own with no support by any NGOs or compromise outside the court.

The study further focused on how the NGOs supported the female migrant workers who reached out to them for support and provided protection to them. It will also focus on how the NGOs perceive sexual violence in the workplace and their perspective on female migrant workers who are survivors of such violence. Former studies have shown migrant women in precarious working conditions are at an

increased risk of being sexually violated (Skowronek, 2018). In this study we want to present new information about this complex and delicate topic which will lead to new conclusions and recommendations.

1.4 Research Objectives

The objective of the research thesis is as follow

1. To analyze the role of local and international NGOs in protecting sexual violence victims who are FMW that want to seek justice
2. To determine NGO's perspective on the law and policies for sexual violence against FMW
3. To understand the barriers faced by the NGOs in providing protection to FMW who faced sexual violence

1.5 Research questions

The main research question here is

- How local and international NGOs provide protection to the female migrant workers who faced sexual violence and want to seek justice, in Thailand?

Some sub questions are in order to answer the main research question. These sub questions are

- How do NGOs interpret the issue of sexual violence against FMW in Thailand?
- How NGOs are providing protection to FMW who are survivors of sexual violence survivors?
- What are the opinion and suggestions of NGOs on the government laws and policies that are in place to provide protection to FMW who are sexual violence survivors?
- What are some of the barriers that prevent NGOs from providing protection to FMW who are sexual violence survivors?

1.6 Implication/Contribution of Research

In order to reduce sexual violence against female migrant workers, it is important to strengthen and improve the multisectoral responses for women who are

victims and survivors of violence (WHO, 2013). A multisectoral approach is when the government works with NGOs, CSOs, private partners, local community members (who are affected by the issue) and academia together to come up with solutions that benefit all the beneficiaries. And since there is very little to no research done on the role NGOs in Thailand in relation to sexual violence against female migrant workers, the study will fill the gap and focus on the role that NGOs can play when helping sexual violence survivors who are seeking justice. Another impact of this study would be that NGOs that are working with FMW, will get a perspective of what NGOs in other SEA countries are doing and will learn from their experience to improve the services provided to FMW in Thailand.

The main contribution of this research will be to fill the gap in the literature regarding the role that NGOs play in Thailand to help female migrant workers, who are sexual violence survivors, in seeking justice. It will help local and international NGOs, who are working towards eliminating violence against women in Thailand, to realize their impact on the society. The research will also contribute towards the creation of projects that specifically focuses on providing protection to FMW who are seeking justice by highlighting the importance of addressing this issue in the paper.

Since the paper only focuses on 6 NGOs, further research in this area can be conducted by doing in-depth interviews with other local and international NGOs, that are working with migrants, to get a better sense of the kind of works these NGOs are doing and the impact of the work done by these NGOs. Another area in which this research can be further developed is to take a deeper look into the local NGOs in Thailand on how they perceive the issue of sexual violence amongst FMW and does their personal opinions impact their work with FMW. The paper slightly touches on this topic, but further research can be conducted in this area as well.

1.7 Definitions of terms

1.7.1 Sexual Violence in the workplace

The word “rape”, sexual violence, sexual abuse and sexual assault are widely taken as synonyms which can be used interchangeably (U. a. U. UN Women, 2017).

Nevertheless, these words have different connotations as well as implications mainly depending upon the context of locations and situations (UN Women, 2017).

According to the Convention of the International Labor Organization (Violence and Harassment Convention, 2019), article 1, “violence and harassment in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment” (ILO, 2019). However, the social and medical definitions vary from the legal description or definition of different kinds of sexual violence (WHO, 2013). Moreover, the definitions can vary from country to country, and even within a same country it can have different implications (WHO, 2013).

Article 10 of the ILO Convention, 2019, also mentioned the types of enforcement that should be done by the State to deal with cases of violence and harassment (ILO, 2019). According to the convention, the State should “ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management, and ensure that labour inspectorates and other relevant authorities are empowered to deal with violence and harassment in the world of work” (ILO, 2019). The convention used the term “violence and harassment” together, but in Thai national law, the punishment for rape, which is severe form of sexual violence, is different from harassment, which is less severe form of sexual violence (Siam Legal, 2019). For this paper, the term sexual violence would include both, sexual harassment and rape, at the workplace. However, it will use the definition and sanctions provided by Thai national law for the analysis of the findings.

1.7.2 Sexual Harassment

The Commission of Equal Employment Opportunity (EEOC) has explained sexual harassment as “uninvited sexual attention, asking for sexual favors and making hostile and disrespectful working space, which obstructs the performance and

progress of the employees” (U.S. EEOC, 2011). According to this particular definition, the notion of sexual harassment can be further categorized into three sub concepts i.e. gender violence, unwanted or uninvited sexual advances and undesired sexual behaviors (coercing sex) and gestures (Keplinger, Johnson, Kirk, & Barnes, 2019). Sexual harassment is different from rape because it includes threatened or actual physical force, intimidation, use of arms or weapons or pressure and it may also comprise of deliberately touching victim’s private parts i.e. anus, breasts, groin, voyeurism, exhibitionism, unwanted exposure to pornographic content and public display of pictures that were taken for personal context or when the victim is unaware of it (Gong, Kamboj, & Curran, 2019). Some of this behavior is very common in workplaces, especially in workplaces where men hold majority of the power in the organizations (Gong, Kamboj & Curran, 2019).

It is important to define sexual harassment because it is often confused with sexual violence. Sexual harassment is a part of sexual violence, but what sets this apart from sexual violence, is the way it is interpreted in the national law (Abel, 2017). According to Thai Labor Protection Act, “An employer, a chief, a supervisor, or a work inspector shall be prohibited from committing sexual abuse, harassment or nuisance against an employee” (ILO, 2019) However, the LPA only protect workers in the formal sector (ILO, 2019). And since sexual harassment is not as severe as rape, it is hard to prove its occurrence in the court and the penalties for cases of sexual harassment are less severe than cases of rape (Abel, 2017). This is why the paper focused on sexual violence, which includes sexual assault, sexual harassment and rape, rather than just focusing on sexual harassment.

1.7.3 Female Migrant Workers

Nowadays, women are seen frequently migrating alone to enhance financial status by getting more education or a job. According to the “1949 Migration for Employment Convention”, point 97, the term “migrant for employment or job” means an individual who move from one country to another country in order to get a job on his/her own abilities (ILO, 2019).

Female migrant workers usually leave their home behind to get work inside or outside their country. (Fleury, 2016). If they move within their own country, they are called as internal migrant employees and if they move to the other country for job, they are called foreign migrant (ILO, 2019). For the purpose of this paper, we will focus on foreign female migrant workers (FFMW) that are working in Thailand and have faced sexual violence.

1.7.4 Domestic Workers

ILO Convention's point 189 states that a domestic employee or worker is "an individual who works in domestic setting within service relationship" (ILO, 2012). A domestic employee can be a full timer or part timer at works at employer's residence (ILO, 2012). They can reside inside the house of the one who has given them jobs, if they are working full-time and are termed as (live-in house help) or they can live in their own residence (live out), if they are working part-time (ILO, 2012). A domestic house help can be working in a country of which they are not nationals (ILO, 2012). Majority of domestic workers in Thailand are FFMW, are they are the most vulnerable group amongst FFMW because they have very less to no connection or interaction with other FFMW or any NGOs (ILO, 2012).

1.7.5 Sex Workers

Sex workers are those individuals who offer sexual services in exchange of goods or money (WHO, 2013). According to WHO, sex workers are men, women and transgendered individuals who accept goods or money and provide sexual services, and who explicitly term those acts or activities as money generating option even if they don't take sex work as their profession (WHO, 2013). FFMW who works as sex workers face the most difficulty when filing the case against sexual violence because of the nature of their job (ILO, 2019).

1.7.6 Access to Justice

The term access to justice refers to "the victims' ability to claim their rights (Nasri & Tannous, 2014). The fundamental principles of access to justice includes the "right to restitution, access to effective judicial means of recourse and the right to

effective and adequate compensation” (Crawshaw & Holmström, 2018). However, it is important to understand what “justice” means to victims/survivors of sexual violence (Crawshaw & Holmström, 2018). For some people, justice means putting their perpetrators in jail, while for some justice means to get their honor and respect back in the society (Crawshaw & Holmström, 2018). According to the Universal Declaration of Human Rights, Article 8 and 10, “an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law and everyone should have the right to a public hearing by an independent tribunal” (Nasri & Tannous, 2014).

1.8 Methodology

1.8.1 Interview Method

In contrast to natural conversation, qualitative interview technique, was used as it is comprised of quite precise and well-defined questions. In order to analyze the data obtained via this method, the researchers have to design and align the research framework and data collection methods accordingly (Roulston & Choi, 2018). Considering the current COVID situation all of the interviews were conducted online via skype. Research questions were emailed to the spokespersons of all the NGOs selected for this study. One of the organizations also requested the questions in Burmese language. During the course of interview a comfortable environment was created for the interviewees. Participants were free to ask and give any recommendations and had the right to discontinue. Consent of recording the interview was taken before hand. Total of 16 NGOs were contacted out of which only six responded. The low response rate is attributed to recent pandemic episode since most of the NGOs were dealing with COVID situation and had no time for interviews.

1.8.2 Interview Questions

The participants were interviewed using semi structured question and responses were recorded carefully. The interview guide consists of following question:

1. What is the structure of the organization?
2. What kind of protection services do you provide to female migrant workers?

3. How do you perceive the issue of sexual violence in the workplace, in general?
4. What is your perspective of the sexual violence survivors that approach your organization?
5. How many cases of sexual violence have you worked with so far?
6. How many of them were female migrant workers?
7. How many of them were successful and how many were not?
8. How do the survivors find out about your organization?
9. Do you go to all the court proceedings with the survivor?
10. Do you reach out to the survivors or do they reach out to you?
11. What policies do you think the government should improve or change to help the survivors get the necessary protection?
12. What is your opinion on the current government policies that are in place to provide protection to sexual violence survivors, especially female migrant workers?
13. Do you perform any self-assessment to improve your services or perspective on sexual violence survivors?
14. Do you think female migrant workers can easily access the justice system?
15. How can the access to justice be improved by collaborating with other NGOs?

1.8.3 Participants

Representative of different NGOs were reached out in order to seek information about their policies, efforts and programs they conducted nationwide in order to address and control the issue of sexual violence among female migrants at workplace. NGOs that were contacted at first place were OHCHR, Human Rights and Development Foundation (HRDF), International Justice Mission (IJM), IOM, UN Women, ILO, LPN, MAP Foundation, Women and men progressive movement foundation, IFRC - Right of Migrants in Action, Raks Thai Foundation (STAR Program), Mekong Migration Network, Foundation For Women, Association of Human Rights and Women's Rights in Development (AWARD), Migration Working Group, and Alliance Anti Traffic Thailand. Out of these only 6 NGOs responded since most of them were occupied handling the pandemic situation and had not time to conduct interviews.

Table 1: The profile of participants that gave the interview

Sr. No	Name of NGO	Name of Interviewee
1.	ILO	Valentina Volpe
2.	UN Women	Melissa Alvarado
3.	IOM	Aleksandra Lasota
4.	Raks Thai Foundation (RTF)	Sunwanee Dolah
5.	Map Foundation	Estelle Cohenny
6.	Human Rights and Development Foundation (HRDF)	Preeda Tongchumnum

1.8.4 Limitations in Data Collection

The main limitation in data collection was the low number of interviews and lack of research done on the role of NGOs amongst migrant communities. Out of 25, only 6 organization agreed to the interview, and the data provided during the interview was not enough to form a solid analysis. Therefore, the paper used various secondary resources to fill the gaps from the interviews. Some of those secondary literature includes annual reports shared on the interviewed organizations websites, peer reviewed journals, surveys and assessment done by international NGOs, and newspaper articles.

1.9 Organization of Thesis

The thesis is divided into 6 chapters. The chapters are divided into 2 sections. Section one, which includes chapters 1, 2, and 3 provides an introduction to the thesis and literature review which includes the overview of sexual violence in the workplace, role of international NGOs and Thai laws and policies pertaining to female migrant workers. Section two, which includes chapters 4, 5 and 6, focused on the field research that I conducted, such as detailed work done by the selected NGOs, analysis based on the interviews and the literature review and conclusion.

Chapter 2: Background

Since the last decade of 20th century, immigration has gained great importance, and migrant workers currently share a significant portion of the economy (Gallotti & Branch, 2015). According to IOM migration report (2019), the number of migrants in Thailand is estimated at 4.9 million, which shows that approx. 10% of Thailand's labor force consists of migrant workers (IOM, 2019). Amongst that, FMW compose the majority of workers in several sectors such as domestic work, entertainment, seafood processing, electronics manufacturing, and garment manufacturing (IOM, 2019).

Since Thailand economy is growing along with its ageing population, the requirement for migrant workers is increasing for the social and economic development, which is why it is important to prioritize safe and fair migration through development of policies (IOM, 2019). The social and economic development potential of labor migration – including contributions to gender equality – in both countries of origin and countries of destination is tremendous, and growing (IOM, 2019). However, as the number of migrant women increased, the number of abuse and exploitation has also risen and FMW frequently experience gender-based inequalities, exploitation, and sometimes violence during the migration process, which compound the prejudice and discrimination (Garver, 2017).

2.1 Sexual Violence in the workplace

Participation of women in economic domain is very critical for its economic stability and empowerment (Kabeer, 2012). Nonetheless workplace issues like sexual violence during work are very discouraging. Though this issue is an old age, it recently caught attention in the Pacific and Asia and got recognition as a human rights and dignity violation, which sabotage the equality of opportunities and behavior among both genders (Kalra & Bhugra, 2013). Since women involvement is a growing trend in employment department, it is important to address the issue of sexual Violence in order to corroborate healthy and safe environment at work (Kabeer,

2012). Sexual Violence at work is now considered the most appalling kind of violence against females and gaining interest globally in new economy where most of the work force comprised mainly of young female workers with insufficient formal education and have no or little recent experience (Garver, 2017). Bigger projects and other forms of field work which requires flexibility also gives women a tough time in fighting against such abuse. Furthermore, young females are the victims of industrial patriarchy that leads to typical cultural discrimination (Kabeer, 2012).

Sexual violence leaves unfavorable and undesirable impact on the society as whole. In work settings it affects employees as well as the employers. However, for employees it brings more devastating consequences not only while facing violence but also during the course of seeking justice (Kalra & Bhugra, 2013). Many victims choose to bear physical and psychological sexual abuse due to non-supportive environment that makes them believe that taking action against their perpetrators will bring along more drastic consequences. Another reason why many women choose to stay quiet is the fear of being stigmatized or fear of losing their jobs (Kabeer, 2012). Furthermore, keeping aside all above consequences if the victim still decides to battle legally, they end up facing serious threats that bring added mental toll to the aggrieved (Kabeer, 2012). Sexual violence in some cases also leads to mental trauma, unwanted pregnancies and sexually transmitted diseases like HIV/AIDS etc. (Garver, 2017).

2.2 Theories of sexual violence amongst female migrant workers

The concept of violence against women is complicated and multifaceted, in order to develop a better understanding, theorists are trying to unravel it using several theoretical approaches for years (Banda, 2015). One effective theoretical and empirical approach to explore the phenomenon of sexual violence is to understand it using an opportunity perspective, and a large number of studies on this issue line up with certain features of this perspective (Bacchi, 2018). The main feature of opportunity approach is that vulnerability of target is determined by its level of exposure and propinquity to motivated perpetrator, presence or absence of guardian and how enchanting and suitable a target is (Bacchi, 2018). Another idea that is

related to the concept of target suitability is that of target consistency and compatibility (Banda, 2015). These characteristics further elevate the level of risk - and they are not directly associated with target's lifestyle rather connected to the demands, incentives, and actions of the violator (Banda, 2015).

2.2.1 Macro-structural level

In the last two decades, the interest towards globalization theories has mushroomed. However, in regard to violence and abuse towards women theoretical framework is yet to be systematically incorporated (Brahmbhatt & Sheth, 2013). Globalization is believed to be multi-dimensional as well as multi-directional and the social reforms at global level influence all kinds of societies (Brahmbhatt & Sheth, 2013). Moreover, the concept of globalization tends to be quite gender-specific, including "conflicting work on sex, race, and labor related bodies: gender-specific family connections; and organizations, ideas and identities based on feminine and masculine beliefs" (Acharya, 2010).

There is a plethora of existing researches that address intricate and conflicting impacts of globalization on women, that specifically covers labor, sexuality, state, security, family and finance related domains (Acharya, 2010). Researchers have also highlighted the gender-specific aspect of the market in global economics and politics (Evans, 2018). However, Padilla, Hirsch, Munoz-Laboy, Sember, and Parker (2007) are of view that there exists a gap in existing body of literature in regard to exploring the links between globalization's macro-structural aspects and the irrational experiences and local meanings of actors in various cultures (Brahmbhatt & Sheth, 2013). Moreover, there is a need to explore and interpret the impacts of socially and culturally related elements of globalization on violence and abuse against women. (WHO, 2013).

The issues like sex work, labor rights, trafficking and immigration have been a matter of concern for more than two decades now (Evans, 2018). Women belonging to developing countries, amidst extreme financial crises and poverty find it reasonable to take extreme steps and expose themselves to illegal migration channels and risky

partners (Evans, 2018). In contrast to this the probability of being a victim to trafficking is low for men and they are not as vulnerable as women. The masculinity directed notion disapproves the likelihood that men can be weak enough to fall prey to trafficking (Williamson, 2017).

It is the patriarchal conception of sexuality and growing globalization that gives rise to demands of trafficking. Trafficking along with prostitution occurs not only within country but also across borders (Williamson, 2017). For instance, modern slaves whether they are Albanian women sold in Italy for prostitution, children working in agricultural sector in India as bondage and forced laborers or Burmese female migrants working in brothels in Thailand, are all found to be victims of brutality and abuse, forced labor, along with getting little or low pay for their services (Williamson, 2017). A large number of scholars have attempted to broaden the horizon for definition of slavery in order to include in it the issues like forced domination and oppression (Williamson, 2017).

The concepts like migration, smuggling, trafficking, and slavery are so coinciding that it creates trouble for academics as well as activists (Spires, 2016). In many cases, the women's employment conditions do not align with the terms and conditions offered and promised to her at the time of hiring (Spires, 2016). Events associated with migration phenomenon are quite complex; sometimes, migrants accept servitude in the country of destination in order to achieve financial and economic benefits, this highlights the difficulties associated with applying these labels (Spires, 2016).

2.2.2 Organization level

Numerous theoretical models have been presented to explain the emergence of sexual violence. The categorization of these theoretical explanations depends on the level of emphasis laid on the concepts of power differential and power drive (Meyer et al., 2016). One category of theoretical models argues that power of perpetrator of violence is the main determinant which directs the sexual violence behaviors (Meyer et al., 2016). This category includes numerous distinguishing models, for example the

organizational model postulates that sexual harassment stems from our society's established organizational structure, which aids and supports the notion that higher authoritative position in an organization should be held by men, who later misuse their power and authoritative position to seek sexual benefits (Lopes, Nyman, & McFerran, 2016). Thus, it can be said that men exploit the prevailing organizational and their authority to fulfill their sexual desires (Lopes, Nyman & McFerran, 2016). Infact, the existing body of literature also highlights that women who opt for non-traditional and blue-collar jobs (which offer less administrative power) face more sexual violence as compared to the women who opt for other occupational jobs (Lopes, Nyman & McFerran, 2016).

The offenders of sexual violence gain power and control over the target by adopting several practices, like oppression, abduction, isolation, menacing, manipulation, coercion, and sexual abuse (Meyer et al., 2016). The act may not be necessarily a source of sexual gratification for the perpetrator, but the meaning assigned to power for men overthrows the sexual desires in these acts. (Kalra & Bhugra, 2013). In organizational setup, the most significant legal example is when a male boss extends an indecent sexual proposal or an unwanted sexual advance towards a female employee; who refuses to comply with his demands; later, the boss shows retaliation by withholding an employment reward (Kalra & Bhugra, 2013). These are the most commonly occurring cases of sexual violence, and in most cases, courts ended up granting relief (Abel, 2017). If the supervisor avoids the past event once the employee refused the sexual proposal and treats the women fairly, the legal situation is unclear that there is a cognizable claim (Abel, 2017). The legal position is also less clear if the employee agrees and accepts the sexual demand but later, the supervisor/boss denies returning the favor as promised (*quid pro quo*) (Abel, 2017). Similarly, the cases of work environment also present different problems, because mostly the offender is colleague rather than a boss; the argument is if it is the responsibility of the employer to address and prevent such behaviors or not? (Abel, 2017).

The high vulnerability of female migrant workers can be attributed to the fact that most of them are hired for the lower posts in the organizational hierarchy (Henry

& Adam, 2018). A large number of them are working for positions like entertainers, nurses, domestic help, and factor employees (Henry & Adams, 2018). Among all the domestic workers are most vulnerable as they work in private houses, this restricts the inspection and intervention by authorities to a certain extent (Mahanta & Gupta, 2019). Among all the major problems include violence such as sexual Violence, rape, non-payment or underpayment of wages, verbal/physical abuse, and so on (Henry & Adam, 2018). Because of these growing problems, many international organizations started addressing the issue of female migration (U. a. U. UN Women, 2017). For example, the Conference of UN Population in Cairo, UN conference on women in Beijing, General Assembly and several other international meetings and conferences have been actively addressing the issues that migrant women have to face (UN Women, 2017). The General Assembly of UN approved 1994 resolution on violence against the migrant workers and the resolution was also taken up by the UN delegation on the Status of Women and the delegation on Human Rights, which persuade and encourage other member States to adopt and effectively implement the measure to safeguard the rights of migrant women workers (UN Women, 2017). However, despite the fact that a lot of attention is given to the problems, there is lack of systematic research to comprehend and explain the proper pattern and mechanism of international migration of females (Henry & Adam, 2018). Most of the researches that were carried out have compiled descriptive cases without proper and systematic comparisons or gave theoretical assumption without giving any empirical evidence (Henry & Adam, 2018).

2.2.3 Socio-Cultural level

The cultural norms, values, stereotypes, and beliefs of the society one is born and grows in are the major factors that shape one's personality throughout life (Gong, Kamboj & Curran, 2019). Culture assign meanings and definitions to behaviors in order to determine normal behaviors as well as deviation from normalcy (Gong, Kamboj & Curran, 2019). Cultural belief and values play a significant role in shaping the perception as well as processing of norms regarding sexual violence of its individuals (Gong, Kamboj & Curran, 2019). In order to explore the cultural factors of sexual violence, one can take help from observation and literature that covers the

interpersonal violence and sexual behaviors (Kalra & Bhugra, 2013). The existing body of literature illustrates that rate of sexual violence in a society is high when the cultural norms of society allow the oppression of women with the belief that women are inferior to their male counterparts (Kalra & Bhugra, 2013).

The meaning and connotations assigned to the term's manhood/womanhood differ in sociocultural context, depending on the meaning associated to masculinity in regard to experiences of power and superiority (Schild, 2019). Paternalistic cultural postulates that men are protectors of women against any harmful situation, hence implying that women lack the capability to protect and defend themselves (Kalra & Bhugra, 2013). The cultures that encourage male gender and reinforce the associated masculine behaviors, increase the likelihood of enhanced real or perceived power to men that makes them believe that they have additional rights. (Schild, 2019). If a female refuse to have a sexual intercourse, men in the male dominating society assume that it is a head-on threat to their manhood, which triggers a male identity crisis that is ultimately resolved through violent and abusive sexual acts (Roulston & Choi, 2018). Studies suggest that the abuses who try to resist the abuser or attempt to flee from the abuse are quite likely to face more brutality (Roulston & Choi, 2018).

Anyway, organizational level can't clarify this phenomenon alone. A research by Fain and Anderton (1987) examine sexual violence and inappropriate behavior information of government representatives in the United States and tested relations of power differentials, status of minorities, and diffuse master status with different types of sexual harassment (Rossen, 2018). The results from the investigation indicated that differences in power and status of minorities were insufficient to clarify the variety of sexual violence and the fundamental control variable for sexual violence were diffuse master status qualities that brought women to the workplace (Rossen, 2018). The sociocultural model states that sexual violence is essentially a result of standards, values, generalizations, fantasies, and general important desires and convictions that win in Western culture, which for the most part portray male predominance over women (Kalra & Bhugra, 2013).

In this manner, sexual violence can be seen as an immediate consequence of social desires and social powers that are conveyed through the media instructions, educational system, and additionally in the form of norms and values in the working environment (Rossen, 2018). Subsequently, sexual violence practices are just inescapable outcomes of these cultural conditions, and they are not at all normal or remarkable to the workplace environment but rather typical for social interactions between the sexes in general (contrary to the organizational model, as referenced prior) (Nasri, & Tannous, 2014). Additionally, as per this model, the preservation of male dominance is seen as a basic requirement, but this isn't really identified with organizational structure or formal force base (Nasri, & Tannous, 2014). This model states that social power, which might be an aftereffect of gender isolation intentions do an incomplete job in predicting sexual violence (Nasri, & Tannous, 2014).

Socio-cultural viewpoint and common point of view of feminist are similar in number of aspects, and it also explains the phenomenon of sexual violence as a demonstration of male dominance to overrule women and stresses on females as a subordinate and even the ownership of them (Rossen, 2018). The concept of sexual violence is used to express the ongoing battle between two genders in which men enjoy the perk of superiority occupationally, socially, educationally and on familial level to exploit females to fulfill their desires for power and dominance as well to keep their financial superiority (Nasri, & Tannous, 2014). The feminist perspective advocates that various forms of power either social or physical are the major underlined causes for sexual violence (Nasri, & Tannous, 2014).

The socio-psychological theory postulates that sexual harassment originates from some particular situational factors (e.g., social stereotypes) along with cognitive processing of an individual for example how one interprets, perceives, judge, process memories or attribute meaning and personality factors (i.e., individual differences dispositions) (Debowska, Boduszek, & Willmott, 2018). In an attempt to anticipate sexually inappropriate actions of men, the personal dimension of the model postulates that perpetrator cognitively associates power with the idea of sexuality (Debowska, Boduszek & Willmott, 2018). Although this theory is not a universal explanation for

all types of sexual violence as a multidimensional phenomenon, this model attempts to explain that power tend to be one's personal need that drives violent sexual behaviors to a certain extent (Debowska, Boduszek & Willmott, 2018).

2.3 Sexual Violence against female migrant workers as a violation

At workplace violence against females is considered a violation of human rights with affects them without keeping in to account their age, pay, social circle or location (Allen & Walter, 2018). It doesn't only limit their social and economic potential instead it also affects their mental and physical stability which results into job loss, less promotions and absent mindedness (Allen & Walter, 2018). According to the UN women report, one out of three females dealt with sexual or physical assault at some instance in their life (UN Women, 2017). Hence sexual violence is deemed as the most common form of violence against females.

2.3.1 Violence against Women

UN Women found that violence against women and girls is one of the most widespread human rights violations, including physical, psychological, sexual, and economic abuse, and that crosses the boundaries of age, cultural norms, geography and financial status (UN Women, 2017). Violence against females and young girls has far-reaching outcome and devastates families and societies. According to a study of World Bank, rape is amongst the top ten most common risk factors for girls and females belong to age group and domestic violence and rape are the most toxic and dangerous even more than cancer, incidents, diseases (UN Women, 2017).

Most of the survivors of sexual violence are females and to raise awareness of the negative effect of sexual violence, there are ongoing efforts across the world to talk about it openly and break silence about this issue, along with taking active steps in order to address it properly (Gotzmann, 2018). Number of sufferers of sexual assault keep up with the consequences of psychological and physical impacts of sexual assault because reporting or talking about it can be dangerous, specifically in the situations that does not offer any support morally or practically (Skowronek, 2018). Most of the times sufferers are shy and ashamed that they might be stigmatized

as women of loose character and hence decide to remain silent about it (Skowronek, 2018). Sexual violence is sometimes identified as innocuous teasing and an expression of appreciation from men towards women, which denies the fact that teasing is a behavior that is consensually mutual act between the two parties, but violence is not (Allen & Walter, 2018).

Violence based on gender is the violence that is thrown at an individual with respect to one's sex, with females making the maximum of the victims. It is indiscriminating, racial, ethnically based, economical, and religiously and culturally divided (Debowska, Boduszek & Willmott, 2018). Gender based violence is occurring throughout the culture, in the society and inside houses, within community and in government organizations such as security organizations, jails, health care centers (Debowska, Boduszek & Willmott, 2018). Sexual violence is an issue corresponding to gender and human rights and above all it hinders the women to work in a healthy and secure environment (Debowska, Boduszek & Willmott, 2018).

2.3.2 Violation of Women's Rights

Gender roles and stereotyping is one of the many reasons that women employments options are very limited in many countries (Purwanti & Prabowo, 2018). The gender role expectations about men and women and the responsibilities that drain them with disproportionate expectations for housework and unpaid care (Purwanti & Prabowo, 2018). The UN Conference about women in 1995 presented communities of the world with the opportunity to support, reaffirm, and strengthens rights of women as a fundamental part of international paradigm of human rights (U. N. UN Women, 2012). This Conference aimed to renew the momentum and vision gained at the former UN conferences regarding women rights (UN Women, 2012).

This increase awareness among masses regarding issues that reoccur and emphasize on clear strategy to implement the objectives of the conference (McWilliams & Ni Aolain, 2016). As we observed that there are instruments internationally recognized and are existed to legally safeguard women rights, there was not any internal framework given by UN to particularly monitor discrimination

against females and to deal with such kind of situations (McWilliams & Ni Aolain, 2016). The Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW") was originated because the promotion and safeguarding women rights seems fragmentary, as UN was unable to eradicate discrimination in juridical and comprehensive way (McWilliams & Ni Aolain, 2016).

Convention on the elimination of all forms of discrimination against women (CEDAW)

CEDAW, is among many other related treaties on human rights but it has a significant place in bringing the females to advocate for concerns regarding human rights (UN Women, 2015). This was adopted in 1979 and from then it's considered as 'international bill of women's human rights. Convention's Article 3 provide positive avowal to the code of equality, urging states to make all possible measures, like making laws, to make sure the advancement and development of women (UN Women, 2015). The aim is to ensure women the basic rights to exercise and enjoy human rights that has been laid and the freedom that is equal with the men (U. N. UN Women, 2015).

CEDAW explains that its compulsory for states to properly address discriminatory laws, and also emphasize to take necessary measures to eradicate discrimination against females whether the perpetrator is a person or discrimination is done by any institute or enterprise (UN Women, 2015). However, when a policy is being developed regarding the elimination of discrimination against females it's imperative for a state to engage private sector (UN Women, 2015). This includes any business organizations and enlist their participation in adopting preventive and other measures that fulfill the aim of convention (UN Women, 2015). According to Article 4, states can invoke special temporary measures (also called as 'equal opportunity measures') to enhance de facto equality between men and women (UN Women, 2015). These measures taken are not termed as discriminatory according to convention, as long as these measures are discontinued after achieving the goal of equal treatment and opportunity for genders (UN Women, 2015).

Article 14 particularly addresses discrimination done in rural contexts and say that women should have equal opportunity of employment or self-employment (UN Women, 2015). They can get help through different self-help organizations or groups (UN Women, 2015). It's seen that approximately half of the migrant's worker in the world are women and majority of the female's workers are only allowed to do female dominated occupations, such as work in garment industry, domestic work, where they have to work under risky condition. (Purwanti & Prabowo, 2018). In these works, women are generally excluded from the labor's laws (Purwanti & Prabowo, 2018). The females have to face discrimination and often have to endure several other human right abuses, like violence and forced labor (Purwanti & Prabowo, 2018).

ILO Convention

ILO Convention No. 190, "Eliminating Violence and Harassment in the World of Work" is the first international convention that focuses on violence and harassment in the workplace. It was globally adopted in 2019 and was ratified by Thailand in 2019 as well (ILO, 2020). The convention will play a huge role in eliminating violence and harassment from the workplace as it protects workers who are not protected by Thai National Law (ILO, 2020). It will also protect illegal and undocumented workers as well, especially the minority groups who are more vulnerable to violence (ILO, 2020). Since the convention is very recent and not much awareness is raised about it in the migrant community, it is being violated, as majority of the workers are not aware of it (ILO, 2020).

Also there are two main ILO conventions involve specific laws execution to reinforce equality, including the Equal Remuneration Convention (No. 100), which talks about equal wages for work, and Discrimination Act number 111, which states that individuals can't be prejudiced in their work and against their profession based on gender, belief, and race (Ruggie, 2011). Additionally, numerous other conventions also talks about the reproductive roles of females and their capability to take part in work, such as, Family Responsibilities Convention (No. 156), the Workers With Family Responsibilities Recommendation (No. 165), the Maternity Protection Conventions (Nos. 103 and 183), and the Maternity Protection Recommendation No.

191, that should encourage women to work and protect them from workplace violence (Ruggie, 2011). All these conventions are being violated as well because they are not being implemented properly, due to the loopholes in national laws of Thailand (Nobert, 2018).



Chapter 3: NGOs and Thai legal Systems

Sexual violence is a significant public health and social issue around the world. As indicated by the National Violence Against Women Review (NVAWS), 1 out of 6 ladies and 1 of every 33 men have been the casualty of an endeavored or completed assault in the course of their life (Tjaden & Thoennes, 2015). The drawn-out negative results frequently connected with sexual brutality requires the powerful counteraction programs to be created, expanded and adopted by countries across the world (Tjaden & Thoennes, 2015). The paper will look at various projects and programs, done by NGOs working in South East Asia, with the migrant communities. Most NGOs that work with migrants are located in Thailand, Malaysia and Singapore they are considered the immigration hub because most migrant comes to these three countries (Testaverde, Moroz, Hollweg, & Schmillen, 2017). However, NGOs are also located in the country of origin, such as Indonesia, Philippines, and Viet Nam to assist their citizens in their country of destination (Testaverde et al., 2017).

3.1 Lessons from NGOs in South East Asia that works with Migrant Workers

NGOs in South East Asia (SEA) have played a very critical role in improving the life of migrant workers (Bacchi, 2018). They have helped migrants, in all fields, to understand and recognize their rights, through their campaigns and provide them protection through various projects, some of which were specifically focused on women (Bacchi, 2018). There are a lot of similarities between the NGOs in South East Asia that are working with migrants and the reason why this paper is focusing on those NGOs is because NGOs in Thailand can either learn from them or collaborate with them to improve the policies related to migrants in Thailand, especially those working in the informal sector. Even though there is a recent debate on the credibility of the NGOs and their staff after the Oxfam scandal surfaces in 2018, it would be unfair to overlook the work that has been done by the NGOs for years (Bacchi, 2018).

NGOs working on migrant rights and labor unions, collectively form a network of labor activism (NOLA) in Asia, to advocate on the issue of migrant worker rights and “decent work” at the local and global level (Piper, Rosewarne, &

Withers, 2017). The creation of NOLA is the main cause for the formation of global migrant rights movement in Asia (Piper, Rosewarne & Withers, 2017). The global migrant rights movement talks about the rights of non-citizen workers and fair treatment for migrant workers and has given rise to a large number of groups claiming their rights (Piper, Rosewarne & Withers, 2017). Another network of NGOs and CBOs in Asia that focuses on migrants is “Coordination of Action Research on AIDS and Mobility (CARAM) Asia (Sok, 2019). The network is “involved in action research, advocacy, coalition building and capacity building with the aim of creating and enabling environment to empower migrants and their communities to reduce all vulnerabilities” (Sok, 2019). These are examples of a collective effort of NGOs in SEA. There are also NGOs working together, in each SEA country to promote and improve the rights of migrant workers, especially women.

NGOs in Singapore have been working really hard to influence the national policies to promote and protect domestic workers’ rights, since they are the most vulnerable group amongst migrant workers because they usually work in private spaces, with limited interactions with outside world (Yeoh, Goh, & Wee, 2020). The advocacy effort done by NGOs to protect domestic workers can be seen through policy changes that provide better labor rights to domestic migrant workers (Yeoh, Goh & Wee, 2020). In Singapore, NGOs play a mediating role between the FMW and the State or the employer to help them negotiate (Lester, 2020). NGOs such as Humanitarian Organization For Migration Economics (HOME) and Transient Workers Count Too (TWC2), in Singapore, are advocacy organizations, that shaped public opinions through their campaigns that bring forward the rights issue of domestic workers in front of the public and also influenced policy agenda, by ensuring the inclusion of domestic workers rights in the policy (Lester, 2020). Since Singapore has a very strict legislation, it is hard for local NGOs to create even small policy changes and advocate for issues that are taboo in the society (Lester, 2020). However, these two NGOs worked with transnational NGOs, such as UN Women, to bring significant changes in Singapore’s legislation regarding domestic migrant workers, by enforcing pressure on Singapore from the international level (Lester, 2020).

Another lesson that NGOs in SEA has taught us is that when NGOs and labor or trade union work together, they can be more impactful (Lopes et al., 2016). NGOs in Indonesia are not very powerful, individually, because of low number of staff, lack of funding and resources (Dewi & Yazid, 2017). Therefore, they form relationships with other NGOs, labor unions and trade unions to overcome their limitations (Dewi & Yazid, 2017). In Indonesia, two NGOs, “Solidaritas Perempuan and Migrant Care” worked together, to ease the problems faced by Indonesia FMW, in the country of origin and destination, during the migration process at the national and international level (Yazid & Natania, 2017). However, due to the lack of funding and human resources, the two NGOs have to collaborate and coordinate with labor union and labor networks in both, country of origin and destination (Yazid & Natania, 2017). With the combine effort, the NGOs were able to provide a wide range of activities to FMW, such as empowering them by raising awareness about their rights as migrants, advocating for better policies for FMW and handling their legal cases (Yazid & Natania, 2017).

NGOs in SEA, not only focuses on migrants’ rights in terms of labor rights, but also give importance their rights related to their health and wellbeing, especially their sexual and reproductive health rights (SRHR). In Malaysia, the SRHR of migrants doesn’t focus on protecting the migrants, in fact they prevent the migrants from having a negative impact on the local people (Lasimbang, Tong, & Low, 2016). In Malaysia, FMW are faced various human rights violation and one of them includes not getting married or pregnant, otherwise they will get deported, according to the Malaysian Law (Lasimbang, Tong, Low, 2016). NGOs in Malaysia, such as Health Equality Initiative and Mercy Malaysia, focused on holding the government responsible for its flawed migration policies related to healthcare that doesn’t benefit the migrants, especially FMW in regard to their SRHR (Miles, Lewis, Teng, & Yasin, 2019). These NGOs also provide health services, such as health clinic and medical services to undocumented workers in Malaysia, because they are the most vulnerable as they don’t have any medical insurance (Miles, Lewis, Teng, & Yasin, 2019). This shows that if NGOs in Thailand, work together, with other NGOs, who are working

on the same issue, and labor union, they can further improve the lives of migrant communities in Thailand.

NGOs also work with potential migrant workers, while they are in their country of origin and also protect migrant workers who are employed overseas (Rahayu, 2018). NGOs, in country of origin, “focuses on policy advocacy and servicing to strengthen legal protection for migrants” and often work with other NGOs in country of destination, which focuses on the same issues and provide similar services (Ford, 2019). In Indonesia, NGOs such as Solidaritas Perempuan and Centre for Indonesian Migrant Workers, focuses on strengthening the rights of migrants by helping them study the regulations of the destination country, conducting socializing events to learn from migrants who have returned back to Indonesia, and understanding their rights and rules in case they experience any problem (Rahayu, 2018). Indonesian migrant workers, especially FMW, receive very low wages because they work in the informal sector, and sometimes they don’t even receive any wages because of issues, such as violence and fraud (Wijayanti & Windiani, 2017). And since they didn’t receive much support in their country of destinations, Solidaritas Perempuan and Centre for Indonesian Migrant Workers, works with migrants, pre-departure, during placement and after placement, to help them prevent any cases of violence or fraud while they are working in their destination country (Wijayanti & Windiani, 2017).

Solidaritas Perempuan and Centre for Indonesian Migrant Workers, works together on an initiative called the “Migrant Workers Village Program” where they work with migrants, living in the villages, who wants to move to a different country for employment and educate them about their rights. The program provides migrant services, such as “services of documents, provision of migration information, provision of database, and complaint mechanism” and has been expanded to 18 villages in Central and East Java, with the help and support of Migrant Care (Rahayu, 2018).

Similar to Indonesia, NGOs in Philippines provides the same services are provided to Overseas Filipino Workers (OFWs) to promote their rights and provide them welfare (Yu & Alcid, 2017). NGOs such as Batis Center for Women and Kunlungan Centre Foundation, provide services such as legal assistance, education on migrants and women rights and case management to OFWs, especially women (Yu & Alcid, 2017). Most NGOs in Philippines, working on migrant issues, are part of Migrant Forum in Asia (MFA), “which is the first regional network of NGOs and trade unions of migrant workers, founded and based in Philippines, to work for the promotion of the rights and welfare of migrant workers in Asia” (Yu & Alcid, 2017). This is also another way to provide protection to migrant workers by NGOs in their country of origin, to fill the gaps that are not filled by the NGOs in the country of destination.

3.2 Laws related to Labor Rights and Sexual Violence in Thailand

Sexual violence in the workplace amongst FMW continued to prevail in Thailand but unfortunately it never been a matter of concern until very recently (UN Women, 2017). This could be because gender inequality at workplace is deeply rooted in Thai society (Jithitikulchai, 2018). As a result, women’s authority in occupational hierarchy has always been denied in regard to Thailand’s cultural norms (Jithitikulchai, 2018). Thailand along with seven other countries was a part of consultative meeting for eliminating violence against women, where it agreed on the development of national report in order to assist in the enactment of prevention of violence throughout the country (WHO, 2013). Thai government has endorsed different treaties which includes the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1966), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) (U. a. U. UN Women, 2017). Based on the ratification of those conventions, all women in Thailand should be protected from violence, by the laws and conventions largely ignores the migrant community (Ather, 2013). Therefore, paper will look at some of the laws that are in place regarding sexual violence (rape, sexual harassment, and sexual assault), and workers’ rights.

3.2.1 Labor Laws

The main act that used as a framework for labor law in Thailand is known as “Labour Protection Act, B.E. 2541 (1998)” (ILO, 2019). The act has been amended 7 times by 2019 and the latest act is known as “Labour Protection Act (no 7), B.E. 2562 (2019) (ILO, 2019). Sexual violence is acknowledged in Article 16 of the Labor Protection Act, which says that “An employer, a chief, a supervisor, or a work inspector shall be prohibited from committing sexual abuse, harassment or nuisance against an employee” (ILO, 2019). There is also a separate section for women, section 38 – 43, that talk about women safety and security at the workplace, but it only talks about the working hours and working condition based on the health of women (ILO, 2019). The act also talks about the legal procedure that will take place, if the employer didn’t pay his employee according to the agreement, in section 123 – 125 (ILO, 2019). However, the legal procedure for other violation, such as sexual violence in the workplace wasn’t mentioned (Banda, 2015).

Since majority of FMW have issues related to wages, this act would be very beneficial to them. However, the law only protects worker who are in formal sector and largely ignores the migrant community, especially those who are in informal sector (such as domestic workers and sex workers) and/or works illegally (Banda, 2015). Also, the act stresses on providing security to female workers, workers below age 18 and pregnant women working in unsafe job conditions, but security here means safe and non-hazardous workplace, not security from violence (Kongtip et al., 2015).

Another act that was ratified by the Thai government was the Labor Relations Act B.E. 2518 (1975), that helped in the creation of policies regarding the development of union of workers and employs, labor association, mutual negotiation and conflict resolution, according to ILO international standards (ILO, 2019). The act explains the procedures to form a “Labor Relations Committee”, “Employee Committee” and “Labor Unions” to solve employee’s issues at work (ILO, 2019). This act is important for employees because according to section 86 of this act, “A

Labor Union may be established only by the virtue of this act”, which means that this is the only act that mentioned the creation of labor union (ILO, 2019). The employees who can create a labor union must be Thai national according to section 88 of this act, but section 95 doesn’t specify the condition of Thai nationality for the employees who wants to join the labor union (ILO, 2019). However, the act only protects employees working in the formal sector.

The criminal justice system, in many countries including Thailand, discriminates against the migrants in terms of making arrest, doing search, and sentencing (IOM, 2019). Irregular migrants, who face any sort of injustice, such as violence in the workplace, lower than agreed wages, etc. cannot go to the court as they will get criminalized because of their immigration status. According to the “Immigration Act, B.E. 2522 (1979), section 12, “immigrants who invade Thai borders without legal documentations or lack work permits will to be deported” (Siam Legal, 2019). However, migrants with legal status, are not protected from violence as well in the justice system (IOM, 2019). They face violence from criminal justice practitioners, such as police officers, lawyers and often judges, not only because of the lack of skills and knowledge to accommodate migrant workers’ need, but also because of xenophobia that exist in most society (IOM, 2019). Since the local people of the country thinks that migrants are taking their jobs, they don’t respect the migrants very much and the criminal justice system is not immune from this effect (IOM, 2019). This is also why majority of Thai laws and policies doesn’t able to migrant workers.

3.2.2 Criminal Law, regarding Sexual Violence

The issue of workplace sexual violence has recently become a matter of concern in Thailand as Thai government has adopted the policy to promote positive workplace environment and eliminate workplace sexual violence in order to raise the level of foreign investment (Meyer et al., 2016). Initially, the Penal Code, B.E. 2499, did not address sexual violence in any form and only mention the sanction regarding sex trafficking (ILO, 2019). However, in 2003, The Penal code was amended, and new sections were added (ILO, 2014). According to section 276, “Whoever has

sexual intercourse with a woman, who is not wife, against her will, by threatening by any means whatever, by doing any act of violence, by taking advantage of the woman being in the condition of inability to resist, or by causing the woman to mistake him for the other person, shall be punished with imprisonment of four to twenty years and fined of eight thousand to forty thousand Baht” and if the offense is committed using a gun or explosive, the punishment is “imprisonment of fifteen to twenty years and fined of thirty thousand to forty thousand Baht, or imprisonment for life” (ILO, 2014).

This punishment is specifically for rape as it is the most extreme form of sexual violence while the punishment for less extreme acts of sexual violence, which fall under the category of assault and unacceptable behaviors is fine of less than twenty thousand Baht and imprisonment for less than 10 years or both (Soonthornpasuch, 2018). The punishment for sexual harassment, according to 278 of Penal Code, “Whoever, committing an indecent act to the person out of fifteen years of age by threatening with any means, by doing any act of violence, by taking advantage of that person to be in the condition of inability to resist, or by causing that person to mistake him for the other person, shall be imprisoned not out of ten years or fined not out of twenty thousand Baht, or both” (ILO, 2014). However, the punishment for both rape and sexual harassment also depends on the condition of the victim (ILO, 2014). If the victim is dead as a result of the crime, the offender will be punished with death, in case of rape, or imprisoned for life, in case of sexual assault or harassment (ILO, 2014).

The latest amended was made to the Penal code in 2016, but there is no recent change has been made to the offence related to sexual violence, such as the clarification of what “indecent act” could entail (Soonthornpasuch, 2018). However, the amendments in the Penal Code regarding other form of sexual violence, such as sexual harassment, has led to the changes in the LPA, which initially, protected workers only from rape as sexual violence, but later included protection from sexual harassment as well (Arora, 2017).

Chapter 4: Findings

In order to understand the role of NGOs in providing protection to FMW who are survivors of sexual violence, I interviewed 6 different NGOs, 3 local and 3 international, to get an overview of their work, in relation to migrant workers. I also used other sources, such as publication, organization's websites and social media to collect more information about the projects that were previously done by these NGOs to improve the lives of FMW and their access to criminal justice system.

4.1 MAP Foundation

Migrant Assistance Programme (MAP) foundation is an NGO that was created in 1996 to empower the Burmese migrant community, living and working in Thailand (MAP, 2018). The organization, located in Chang Mai, is a registered NGO under Thai law and is known as "Foundation for the Health and Knowledge of Ethnic Labour" in Thai, since the purpose of its creation for providing primary healthcare and health education to migrant communities (Cohenny, 2020). MAP foundation is working towards a better future for Burmese migrants by focusing their projects on increasing awareness about the situation of migrant workers in the destination country, decrease the discrimination against migrant workers and empower the migrant workers to improve their living and working condition (Cohenny, 2020).

MAP foundation has four main projects and various activities takes place under each program to ensure that the effectiveness of these programs. The four main projects include, 1) labor rights for all, 2) rights for all, 3) community health empowerment and 4) MAP multi-media (MAP, 2020). MAP foundation also publishes flyers, booklets and brochures on different topics, such as labor rights, health, migrant policy, women's rights, etc. in Burmese language so they can educate Burmese migrant communities about those issues and keep them updated with the changes in the laws that impact them (Cohenny, 2020). MAP Foundation also have a YouTube channel, that shares useful information, provided during different conference on migrant rights, with migrant communities, that they otherwise wouldn't be able to access (Cohenny, 2020).

MAP foundation also has its own radio station, which is the only radio station in Thailand that broadcast in Burmese and Shan language, it can be accessed online via their Facebook page and their radio website (MAP Radio, 2020). The radio provides a space where migrant workers voices and opinions can be heard, and it also encourage public participation and civic engagement (MAP Radio, 2020). MAP Radio also have programs that disseminates accurate information on migrant and labour rights and other issues that aim to improve migrants' quality of life in Thailand (MAP Radio, 2020). Even though MAP foundation has various projects and programs, their main focus is on the four main programs and their activities, and the majority of the funding from MAP foundation goes to those four projects (Cohenny, 2020).

The goal of the first project, “Labor Rights for All” is to ensure that migrant workers receive the same labor rights protection as Thai workers, without any discrimination (MAP Annual Report, 2018). The goal of second project, “Rights for All” is to provide knowledge and capacity to migrant women and children, on their rights, health care, legal services and education (MAP Annual Report, 2018). The goal of the third project, “Community Health Empowerment” is to that all migrants, regardless of their employment and documentation status, should receive health care and treatment for HIV/AIDS, TB and other infectious diseases, without any discrimination (MAP Annual Report, 2018). The goal of last project, “MAP multi-media” is to provide up to date and accurate information to migrant workers regarding their rights, in their own language, through different media platforms (MAP Annual Report, 2018). MAP radio centre, publication centre and their YouTube channel, are all part of MAP multi-media project (Cohenny, 2020). For the purpose of this paper, we will focus on “Labor Right for All” and “Rights for All” projects.

Map foundation mainly works in Chang Mai and Mae Sot, and benefits migrant workers in only those areas (Cohenny, 2020). In 2018, MAP foundation reached out to approximately 845 migrant workers, out of which 57% were women, and provided them with up to date information regarding labor rights and changes in migrant policies (MAP Annual Report, 2018). MAP foundation has a very innovative

way of providing legal assistance to migrant workers (Cohenny, 2020). They select community leaders, from within the migrant communities, while they conduct outreach activities, and provide them training to become paralegal volunteers (Cohenny, 2020). In 2018, MAP provided legal counselling to approximately 1369 migrants, and majority of them, almost 60%, were initially assisted by paralegal volunteers who received training from MAP (MAP Annual Report, 2018). The increase in number of paralegals is bridging the gap to access information regarding the services provided to migrant workers in regards to their rights and more migrant workers are now filing their cases in court or at least reporting their complaints to the Labor Protection Office, without any fear or hesitation (Cohenny, 2020).

MAP foundation's "Right for All" project focuses on migrant women and children and one of their activities include "Migrant Women's Empowerment" under which they support 12 "Women Exchange (WE)" groups (MAP Annual Report, 2018). The first group was created in 1999 in Chiang Mai and by 2018, they have expanded in 18 areas across Thailand and have reached out to approximately 2000 migrant women (MAP Annual Report, 2018). The purpose of this group is to provide a "women-only" space, where migrant women can discuss different issues regarding violence, wages, migration policies, SRHR, and financial literacy, and also seek advice, support and information regarding the assistance available in their communities for migrant women (MAP, 2017). So far, WE groups have "held 10 leadership trainings to support the growth of its 50 women leaders, mentored 6 young women from the migrant community, hosted 16 regional gatherings for migrant and refugee women, facilitated 2 cross-border networking trips, and supported hundreds of monthly WE gatherings and individuals across Thailand and Myanmar" (MAP, 2017).

During my interview with Cohenny, I asked her about the effectiveness of the WE group, especially on survivors of violence and she said that to tackle the issue of violence in their communities, 10 out of 12 WE groups have established their own "Stop Violence Against Women" activities, where leaders from the WE group assist migrant women, who are survivors of domestic and sexual violence, with their cases,

in Chiang Mai area (Cohenny, 2020). Cohenny told me that WE leaders provide services such as translation, transportation and accompaniment to and from hospital and police station, counselling services, and information regarding their rights and community resources available to them (Cohenny, 2020). In 2017, WE leaders provided direct assistance to 5 domestic cases and 1 rape case, out of which 2 were undocumented workers (WE Annual Report, 2017). However, Cohenny told me that there is no specific project that focuses on the issue sexual violence in the workplace, since majority of the cases of violence are domestic violence cases and the majority of the issues in the workplace are related to lower wages or poor working conditions (Cohenny, 2020).

The interview conducted with Cohenny show two prominent points about MAP foundation. One is that the focus of MAP is on the rights of labor and most of their programs are focused on empowering the migrant community so they can fight for their own rights. Another point is that it is most concerned about Burmese migrant workers. MAP foundation plays an important role amongst the Burmese migrant communities as it fills the gap of a labor union by doing the work that a labor union would otherwise have done for the migrant community.

4.2 Raks Thai Foundation

Raks Thai Foundation (RTF) is an NGO that was established in 1997 as an extension of Care International Thailand (RTF, 2018). Since it is a successor of Care International, the standards and policies implemented in the organization are based on international standards rather than national standards, which are usually followed in most local NGOs in Thailand (Dolah, 2020). The purpose of this organization is to promote strong communities by strengthening the capacity of poor and disadvantaged communities, and to create development activities that provide sustainable solutions to the root causes of the problems faced by those communities (RTF, 2018). RTF currently works in five main areas of development which includes 1) health care and prevention of HIV/AIDS, 2) education, 3) community enterprise and promotion of business, 4) environmental sustainability and natural resource management, and 5) assistance and rehabilitation for victims of natural disaster (RTF, 2018). RTF works in 23 different

areas in Thailand to implement their different projects in those five main areas of development (RTF, 2018).

I interviewed Sunwanee Dolah, who worked as a program officer under the Program Quality Department and was in charge of migrant women empowerment program (Dolah, 2020). She works with the program team on Raks Thai's programs related to migrant workers from Myanmar, Laos and Cambodia that are working in Thailand as undocumented and documented workers (Dolah, 2020). The range of programs, that RTF does amongst migrant community, include health (HIV, TB prevention and care), anti-trafficking in human, fighting worst forms of child labor (children of migrant parents) and children's learning centers (Dolah, 2020). In addition, RTF works with multiple partners that may be government (central and provincial levels), international organizations (such ILO), civil society organizations, academia, employers, and migrants themselves (Dolah, 2020).

RTF works with migrant workers in 9 provinces, and even though they have offices in each province, their head office is in Bangkok. However, their biggest site, where they work with migrants, is Samut Sakhon province. The main project that RTF works on, amongst migrant communities, for the last 15 years, is the health project, as it gets the most funding, by global funds (Dolah, 2020). By 2016, RTF has supported 400,000 at-risk migrant factory workers, through education on HIV/AIDS prevention, voluntary counselling and testing, and treatment of sexually transmitted infections – condom use more than doubled (43% to 90%) among migrant workers and HIV prevalence among migrant workers dropped from 6% to 2% in target factories (RTF, 2018).

Dolah told me that RTF's first labor right project, was in 2018, when the foundation received funding from ILO to do a project on labor rights. The project was called "Ship to Shore Rights" and it was only a 1-year project, which ended in November 2019. RTF is also an implementing partner of Safe and Fair program, which is a Spotlight initiative, funded by UN Women and ILO (Dolah, 2020). Spotlight initiative is a global, multi-year partnership between EU and UN to eliminate all forms

of violence against women and girls around the world (UN Women, 2019). This is a 3-year project, started in July 2019 and will end in June 2021, and the funding to RTF is provided by ILO to educate migrant women, since it is one of the areas of development that RTF is already working on (Dolah, 2020).

Under the project, RTF developed a Thai language curriculum for migrant workers, since majority of them don't speak Thai, to empower the migrants, so they can get higher paying jobs and build networks (Dolah, 2020). It will also empower women migrants, in case they experience violence, to report it to the police and communicate with doctors, since the frontline workers only speaks Thai (Dolah, 2020). RTF also does various events and campaign to talk about gender equality in the workplace, which is one of the underlying causes of violence in the workplace (Dolah, 2020). Their recent campaign "Walk in her shoes 2019", which is part of their "Walk in her shoes" project, raised awareness about gender equality and all the proceeds from the campaign went to help migrant women that RTF was working with (Dolah, 2020).

RTF doesn't have a project that especially focuses on sexual violence in the workplace amongst migrant workers, however, the staff at RTF offices do provide support and guidance to FMW who wants to report their cases of violence or issues related to wages, to the police (Dolah, 2020). The staff, that works under the "Rights" section, have the knowledge and training to provide initial support to those women who want legal assistance (Dolah, 2020). One of the representatives from RTF, accompany the woman to the "Labor and Welfare Department" to fill out the complaint form and report the case, and translate all the necessary information to the FMW (Dolah, 2020). After that, if the case goes to court, RTF then works with other organizations such as Lawyers Council of Thailand or SR Law, to arrange a professional lawyer for the case, since they don't have the lawyer license to provide legal aid (Dolah, 2020). Majority of the women, however, only report a case when the violence is severe, such as rape (Dolah, 2020).

The interview conducted with Dolah shows that the main focus of RTF is on the health project amongst the migrant community, since it is part of Care International,

which also heavily focuses on health issues amongst the vulnerable communities. However, an important point to note is that RTF has recently started to focus on labor rights issues amongst migrant communities, similar to MAP, but since their project only started in 2018, their impact is very small on the migrant community as compared to MAP. However, unlike MAP, RTF not only works with Burmese migrants, but also support migrants from all neighbouring countries.

4.3 Human Rights and Development Foundation

The Human Rights and Development Foundation is an NGO that was established in 2000 by human rights academics and a human rights lawyer. The purpose of the organization is to promote, protect and strengthen the human rights of migrant workers and their families in Thailand (HRDF, 2020). HRDF works on various projects, such as “Access to Justice and Legal Protection Project” and does different campaigns to promote migrant workers’ rights (HRDF, 2020). The four main objectives of HRDF, with regards to migrant workers, are “to improve migrant workers’ rights through legal mechanism, to enable migrants to have a better understanding of their own rights, to prevent migrant workers and their families from falling victims to labor exploitation and to educate Thai society about the importance of migrant labor in Thailand” (HRDF, 2020)

HRDF not exclusively work with migrant workers, but also assist Thai workers as well (Tongchumnum, 2020). However, HRDF has a specific program for migrants called the “Migrant Justice Program (MJP)” (Tongchumnum, 2020). In order to provide legal assistance to migrant workers, HRDF has set a Labor Law Clinic (LLC) in Mae Sot to promote, protect and increase the standards of labor rights in Mae Sot and the nearby areas (Tongchumnum, 2020). The clinic, along with providing legal aid to migrant workers, also provide them information regarding labor laws and their rights (Tongchumnum, 2020).

The clinic was created as part “HRDF Legal Aid” project, which was started to provide legal consultancy to workers, facilitate capacity building amongst other NGOs working on labor rights, and advocate for reforms in labor laws and policies

(Tongchumnum, 2020). The staff at the clinic receive complaints from the migrant workers and provide basic consultation services to assist these workers to access local level justice protection mechanism and claim their legal rights in the courtroom (Tongchumnum, 2020). HRDF's LLC have few cases of violence, where the domestic migrant workers, were physically and mentally abused by the employer, and the HRDF not only rescued the workers from the employer but helped them with their treatment and provided them legal assistance, through which they get compensated for their injuries (Tongchumnum, 2020).

As part of the “Migrant Justice Program” project, HRDF also published a paralegal training guide on promoting migrant workers’ rights to equality before the law and access to justice, in Thai and Burmese language, that is often used by NGOs working in Thailand on labor and migrant rights (Tongchumnum, 2020). The training guide is used as a practical tool “to promote the awareness of migrant workers with respect to their basic workers’ rights, international labor standards, their rights under the Thai laws, and the procedures for access to legal justice” (HRDF, 2020).

Another project that HRDF works on is migrant safety in the workplace and the project is called “Making Migrant Safety at Work Matter” (Tongchumnum, 2020). The project focuses on reducing workplace injuries and deaths amongst the Burmese migrant communities by controlling workplace hazards through training and educational workshops in the workplace (Tongchumnum, 2020). The project also focused on capacity building of migrant workers, regarding occupational health and safety, so they can protect themselves at the workplace (Tongchumnum, 2020).

HRDF also provide capacity building training to members of migrant workers community regarding legal aid (Tongchumnum, 2020). The training prepares the paralegal aid volunteers that provide legal advice and consultation to migrant workers in their communities (Tongchumnum, 2020). However, these types of trainings are only provided in Chiang Mai, by HRDF's MJP office and in Mae Sot, by HRDF's LLC office (Tongchumnum, 2020). HRDF has also set up a “Migrant Learning and Development Center (MLDC)”, located in Chiang Mai, where they teach Thai,

English and Tai Yai or Shan language migrants and their children (Tongchumnum, 2020). The timings of the center were 6 pm – 8:30 pm, so migrants can join after work (Tongchumnum, 2020). HRDF is also a supporting member of “Migrant Worker Rights Network (MWRN)”, which is a network formed by migrant workers, to provide assistance and advice to migrant workers, regarding the challenges faced by them, in their communities (Tongchumnum, 2020). However, HRDF doesn’t have a project that specifically focuses on sexual violence in the workplace, as there are very few, if any, cases of sexual violence, amongst the migrant communities, that are being report to HRDF.

The interview conducted with Tongchumnum shows three prominent points regarding the HRDF. One is that the organization focuses on advocating human and labor rights, for both, migrant workers and local Thai workers. Second, HRDF, have created specific project for migrant workers, under which they developed a labor law clinic to better assist migrants in Mae Sot. And third, HRDF is the only organization that has established a legal assistance clinic for migrants, which is something that MAP and RTF has not done yet as they cannot afford to hire a professional lawyers to work in their organization, due to lack for funding.

4.4 International Labor Organization (ILO)

ILO is a UN agency, was created in 1919, “to promote decent work agenda that is based on four pillars, 1) right to work, 2) decent employment opportunities, 3) social protection and 4) social dialogue” (ILO, 2019). Thailand became the founding member of ILO in 1919 and the ILO Regional Office for the Asia and the Pacific is located in Thailand (ILO, 2019). ILO has also developed Thailand’s first Decent Work Country Programme (DWCP), from 2019-2021, which covers “three priority areas: 1) promoting and enabling environment for the growth of decent and productive employment, 2) strengthen labor protection, especially for vulnerable workers, and 3) strengthen labor market governance in line with international labor standards” (ILO, 2019). ILO is a very impactful organization, especially for labor rights, as it works closely with Ministry of Labor and other ministries of Royal Thai Government, along with CSOs, NGOs, and academia.

In 2011, ILO's Convention 189 (C189) on Decent Work for Domestic Worker was approved and ratified by 17 governments, including Thailand, which was a huge accomplishment to recognize the rights of domestic workers, as majority of them are migrants and the most vulnerable groups amongst workers (ILO, 2015). In 2015, ILO, along with International Domestic Workers Federation (IDWF), launched a campaign, called "My Fair Home", where employers of domestic workers were invited to ratify and implement C189 in their own homes and make it safe for domestic workers, especially migrants (ILO, 2015).

ILO has another program called "TRIANGLE in ASEAN", which is a 10-year program from 2015 to 2025, that was created to promote fair migration, through delivery of technical assistance and support to government, social partners and NGOs (ILO, 2018). "TRIANGLE in ASEAN" delivers services to migrant workers and their communities through a network of Migrant Worker Resources Centers (MRCs), which are usually located in country of origin and destination (ILO, 2018). In destination countries, MRCs offer legal aid to migrant workers, when their rights are being abused at the workplace and connect them with local authorities, who then assist the migrants. MRCs in Thailand are located in Chiang Mai, Mae Sot and Bangkok (ILO, 2018). TRIANGLE in ASEAN, along with UN Women and IOM, also support Asian Forum on Migrant Labor (AFML), that develop recommendations for the better implementation of "ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ILO, 2019).

ILO conducts research on different topics and issues related to migration, to raise awareness about the types of issues that migrant face in their country of origin and destination, develop recommendations based on the problems and also offer solution, in forms of creating different projects to overcome the issues (Volpe, 2020). The most significant programme related to FMW is the "Safe and Fair Programme: Realizing women migrant workers' rights and opportunities in the ASEAN region" (ILO, 2019), under which various reports are created and activities are organized (Volpe, 2020). Safe and Fair programme is a 5-year project (2018-2022), which is

part of the “EU-UN Spotlight initiative to eliminate violence against women and girls” but is largely implemented by UN Women and ILO, to ensure that migration is safe and fair for all women in ASEAN (ILO, 2018). For this paper, we will only look at Safe and Fair programme in Thailand.

ILO developed a lot of different reports and conducted several meetings regarding FMW in 2019, as part of their Safe and Fair programme (Volpe, 2020). One of the reports that was developed by ILO in 2019, was “Changing Attitudes and Behavior Towards Women Migrant Workers in ASEAN” (ILO, 2019) in which ILO outline how communication can be used as an effective tool for changing attitudes and behaviours towards FMW, and explores some tools and approaches used to enhance communication for behavioural change (Volpe, 2019). Since majority of FMW workers in the informal sector, that is largely ignored in terms of rights protection, ILO developed another report, as part of Safe and Fair programme, “Extension of social protection to workers in informal employment in the ASEAN region” (ILO, 2019), which outlines the challenges and opportunities for extending social protection in informal sector, while providing recommendation on how to modify the regional and national policy (Volpe, 2019).

ILO also conducted research in the field amongst FMW to understand the problems that they face and find solutions that works for them (Volpe, 2019). One of the studies conducted by ILO in the field, “Mobile women and mobile phones: Women migrant workers’ use of information and communication technologies in ASEAN” (ILO, 2019), shows that majority of FMW use their phone for social networking and accessing information, which can provide opportunities to government and NGOs, to easily connect with FMW and provide them access to information on safe migration and access to services (Volpe, 2020).

ILO, as part of Safe and Fair programme, also conducted a regional meeting, “Regional Planning Meeting for Promoting ASEAN Women Migrant Workers’ Rights through Organizing” (ILO, 2019) to guarantee FMW the right of organizing and collectively bargaining, i.e. to either form a union or join a union, which can be

an effective solution to prevent exploitation of FMW in their country of destination (Volpe, 2020). The meeting explains the legal barriers, such as migrant workers in Thailand cannot establish their own union, and structural barriers, such as limited access to unions and services due to physical barriers, faced by FMW, and provided technical assistance to organizations that are assisting FMW on how to organize and collectively bargain (ILO, 2019).

Since ILO doesn't have a service provider license, they cannot work directly with FMW, however they work with NGOs, that provide direct assistance to FMW in the country, and provide them funding and technical training to better assist FMW (Volpe, 2020). Also, ILO doesn't have a project that specifically focused on sexual violence in the workplace amongst FMW, however, they have provided technical training to more than 1200 service providers on violence (Volpe, 2020). ILO focuses on the labor rights, fair recruitment, better access to services and skill building aspect of the Safe and Fair programme and UN Women focuses on the violence aspect of the project, which is why most of the work done by ILO doesn't mention the issue of violence amongst migrants (Volpe, 2020).

The interview conducted with Volpe show that ILO doesn't have a country specific project because it is an international organization that focuses on the regional or global issues. Therefore, the projects and programme created by ILO are mostly regional programs, such as TRIANGLE in ASEAN, and Safe and Fair Migration program in ASEAN, which focuses on the issues faced by migrant workers during the whole migration process, rather than country specific projects. However, the projects are implemented in each country by ILO offices set up in those countries, such as ILO Thailand, so the projects can be modified to fit the rules and regulations of the country.

4.5 UN Women

UN Women is a “UN entity dedicated to gender equality and the empowerment of women by supporting UN Member States as they set global standards for achieving gender equality, and works with governments and civil

society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls” (UN Women, 2020). UN Women’s significant achievement was approval of agreements such as the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was ratified by Thailand in 1985. Since then, UN Women in Thailand is working “in partnership with the Government of Thailand and civil society partners to realize national goals and international commitments on gender equality and the empowerment of women” (U. N. UN Women, 2020).

UN Women in Thailand has worked with national partners, such as Office of Women’s Affairs and Family Development, to promote relevant legislation and its implementation (UN Women, 2020). Some of the activities conducted by UN Women, in collaboration with the government, include “supporting implementation of the Domestic Violence Act, development of the National Action Plan on Ending Violence Against Women and Domestic Violence, working with young people, notably high school students and police cadets, as change agents to end violence against women” (UN Women, 2020). UN Women in Thailand also works with the “National Human Rights Commission and National Law Reform Commission to build capacity judges and legal personnel on CEDAW and women’s human rights, which improved the gender-sensitivity in the handling of cases” (Alvarado, 2020). This has resulted in significant changes towards a more female-friendly judicial process in the Thonburi Criminal Court, which now acts as a model court (Alvarado, 2020).

In 2017, UN Women did a first comparative study, “Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam” that explains why so many rape survivors fail to get justice (UN Women, 2017). The report acts as a “crucial step in challenging and changing long-standing practices such as prolonged court proceedings that impose additional trauma on survivors and adopt new gender-sensitive guidelines for rape trials, in line with the study’s recommendations” (UN Women, 2017). In 2018, UN Women conducted another study, “Study on The Impact of Protective Policies for Myanmar Migrant

Domestic Workers in Thailand And Singapore”, that focuses on the issues and risks faced by domestic migrant workers at each stage of migration (UN Women, 2018). The study identified national and international legal policy framework related to domestic migrant workers and provided recommendations to government regarding FMW rights (UN Women, 2018). In 2019, UN Women conducted another study on “Public attitudes towards migrant workers in Japan, Malaysia, Singapore, and Thailand” as part of Safe and Fair programme, which talks about FMW issues, “including attitudes to ending violence against women migrant workers; to decent work in women-dominant occupations of domestic work and sex work; to social protection including maternity leave; and to non-discrimination (UN Women, 2020).

UN Women also support various events that are organized either by government or NGOs, such as “Social Power Exhibition against Sexual Assault” which was an exhibition that showcase the clothing of survivors of sexual violence and challenged the notion that women’s appearance and behaviour are to blame when they are assaulted (UN Women, 2018). The exhibition was part of the #DontTellMeHowToDress campaign led by supermodel and actress Cindy Sirinya Bishop and supported by UN Women, in response to a newspaper article that told women to dress modestly for the famous Songkran festival to prevent sexual harassment (UN Women, 2018).

UN Women focuses on eliminating workplace violence through their program, especially the Safe and Fair programme, that is the first program of its type that focuses on FMW and eliminating violence in the workplace amongst them (Alvarado, 2020). UN Women also plays a key role in fulling one of the main objectives of Safe and Fair programme, which is “make FMW less vulnerable to violence and trafficking and ensure that they benefit from the coordinated responsive quality services” offered by the government and NGOs (Alvarado, 2020). Lack of access to services and lack of the ability to deal with survivor of violence is one of the main issues that is addressed by UN Women, through their programme, to ensure all survivors are treated with dignity regardless of nationality and migration status (Alvarado, 2020).

The programme also addresses the stigma and discriminatory behaviour among front-line service delivery professionals, such as doctors and police officers, through gender training and awareness, to help them realize and understand that FMW have equal rights to access the services (Alvarado, 2020).

UN Women is also not a service provider like ILO, so they don't have a project that works directly with FMW on the issue of sexual violence in the workplace and access to justice, however, it works with various NGOs in Thailand to provide them gender sensitive training and educate them about sexual violence in the workplace, so the NGOs can better assist FMW who need any legal aid (Alvarado, 2020). UN Women also publish different reports that provide recommendations to governments and NGOs on how to work with migrant workers and provide them human and women rights, while also providing funding to local NGOs to work on projects that focuses on eliminating workplace violence amongst FMW (Alvarado, 2020).

The interview with Alvarado shows that UN Women also focuses on regional projects, similar to ILO and most of the projects related to migrants are usually done in collaboration with ILO and IOM, especially the creation of reports on various migration topics. However, unlike ILO, the UN Women solely focuses on FMW, the violence faced by FMW and the solutions to eliminate or at least reduce the root causes of violence. The Safe and Fair Migration was also initiated by UN Women, in collaborating with EU, to eliminate workplace violence amongst FMW.

4.6 International Organization for Migration (IOM)

IOM is an intergovernmental organization in the field of migration that was established in 1951 (IOM, 2019). It is related to UN but is solely focused on the issue of migration (IOM, 2020). The main purpose of IOM is to ensure that the all stages of migration takes place in a humane and orderly manner that benefit the migrants and the society, by providing services to the government and migrants (IOM, 2019). Thailand joined IOM as a member state in 1986, after which the Royal Thai Government cooperated with IOM to provide services to different aspects of

migration, such as “labour migration, migration health, counter trafficking, emergency and post crisis, institution building, border management, security and law enforcement” (IOM, 2020). “IOM in Thailand has a main office in central Bangkok and nine other project offices in the Bangkok Metropolitan Area, Chiang Mai, Mae Hong Son, Mae Sariang, Mae Sot, Phang Nga and Ranong” (IOM, 2019).

IOM is working with other NGOs, UN agencies and Ministry of labor to enhance the lives of labor migrants in Thailand by “Implementing programmes that improve migrants’ access to basic social services and assistance while fostering cooperation and common understanding of migrant issues among all stakeholders involved in migration management in Thailand” (IOM, 2019). One of IOM programmes is the “Asia Regional Migration Program”, which is a 1-year program, October 2019 – September 2020, that focuses on strengthening the capacities and resources of government to “manage complex migration flows in the region and to support migrants in vulnerable situations, through enhanced structures, policies, processes, safe and legal migration pathways, and effective partnerships at the national, sub-regional, and regional levels” (IOM, 2019). IOM also works with employers in the private sectors to promote fair labour and ethical recruitment by addressing the vulnerabilities that migrants face, such as poor working conditions, abuse and exploitation, through the development of guidelines and reports that “assist private sector actors in enhancing procurement policies and reinforce the ‘employer pays’ business model” (Lasota, 2020).

IOM plays an important role in providing information and advice to its stakeholders, i.e. governments, through their research on migration issues, to better understand migration issues in order to improve their migration management, at the national, regional and global level (Lasota, 2020). In Thailand, research has been done on identifying the gaps in policy frameworks that impact migrants and based on the research, IOM assisted the Royal Thai Government in the design and delivery of evidence-based policy linking migration and development (Lasota, 2020).

IOM works directly with migrants and provide them “labour market, demand-oriented professional and life-skills to enhance their access to improved employment opportunities and conditions, both in Thailand and upon return to countries of origin” (IOM, 2019). It also provide assistance to vulnerable migrants, who have experienced violence, exploitation or abuse through their comprehensive protective and assistance services and aims to prevent violence against migrants and violations of their rights by identifying and assisting vulnerable migrants and learning about the factors that contribute to their vulnerability to address those issues (Lasota, 2020). IOM mostly workers with victims of trafficking and women who have faced violence during that process. IOM also “places priority on protection and prevention, training frontline officials on identification of victims of trafficking, conducting safe migration outreach in migrant communities, preparing victims of trafficking for trials as witnesses and providing them with reintegration assistance” (IOM, 2019).

IOM recently developed an interactive, migrant-friendly online training application, Quizrr, on June 15th, 2020 as part of their PROMISE programme, which provides pre-employment and on-the-job app-based learning to migrant workers, to overcome the issue of accessibility to information regarding labor rights (Lasota, 2020). The training is one hour long interactive training that “contains short films designed to help migrants to easily gain and retain information about their rights and responsibilities, occupational safety and health and workplace dialogue” (IOM, 2019). However, IOM doesn’t have a project that focus specifically on sexual violence in the workplace amongst FMW, as most of their programmes related to violence against FMW only includes migrants who are victims of trafficking (Lasota, 2020). Also, IOM programmes focus on improving government policies and capacity building of front-line workers to better assist the victims of trafficking, who has also faced violence (Lasota, 2020)

The interview conducted with Lasota shows that IOM solely focuses on the issue of migration, just like ILO focuses on labors and UN Women focuses on FMW. Similar to ILO and UN Women, IOM also have regional programs to deal with the issues face by migrants during migration. However, unlike ILO and UN Women, it

also has country specific projects due to which it can work directly with migrant workers, such as the creation of MigApp and Quizrr. This is something that sets IOM apart from ILO and UN Women.

4.7 Similarities and Differences between the 6 NGOs

There are a lot of similarities and differences between the work done by these 6 local and international NGOs. Local NGOs work on similar projects, such as MAP Foundation and RTF work on health projects, amongst migrants, mainly in Chiang Mai and Mae Sot, and RTF and HRDF work on education programs, such as teaching Thai language to migrants and their children. However, MAP Foundation and RTF have more things in common, compare to HRDF, as their main funders are the same because of their similar projects. RTF and MAP work with ILO, IOM and UN Women to advocate for policy change, which is what NGOs, such as HOME and TWC2 in Singapore and Mercy Malaysia in Malaysia have done, as they don't have the power to create changes at the national level, alone. RTF and MAP also work with ILO and UN Women with the implementation of their Safe and Fair Migration program. While HRDF works a lot with other local organizations as it doesn't solely rely on international funders and gets funding from local Thai organizations and the government. All three local NGOs are also associated with trade and labor unions as well to be more impactful and raise awareness amongst the migrant communities regarding their rights, while also encouraging social and policy changes, similar to what NGOs, such as Solidaritas Perempuan and Migrant Care in Indonesia are doing.

The main difference between local and international NGOs is that local NGOs work directly with FMW, while INGOs don't work directly with FMW, except for IOM. Instead, they work directly with local NGOs to empower and educate them through trainings and workshops to better assist FMW. INGOs also provide funding to local NGOs to carry out projects on issues that INGOs think FMW are facing, based on the surveys and assessment done by local NGOs amongst the migrant communities. Another difference between local and international NGOs is that all three local NGOs mainly work with Burmese migrant workers and the resources available in those organizations are also translated only in Burmese and Thai

language. While international NGOs focuses on all migrants and the resources created and provided by INGOs are usually translated in other languages as well so migrants from Cambodia, Laos and Viet Nam can also benefit from them as well. IOM, ILO and UN Women works with various local NGOs who work with the migrant communities to implement their programs, efficiently and effectively.

4.8 Key Findings

I will conclude this chapter by mentioning some of the key findings based on the information collected from the interviews and other sources related to the NGOs. One of the main finding was that, out of 6 NGOs, no NGO has a direct project that focuses on the issue of sexual violence in the workplace amongst FMW. Another main finding was that all 3 local NGOs, in some capacity, directly assist FMW, who are sexual violence survivors, with legal aid. And organizations that doesn't have any legal assistance training to provide legal aid, works with other organizations to arrange a professional lawyer to help those FMW. Another key finding is that majority of local NGOs that are assisting migrants are located in Mae Sot and Chiang Mai and mainly work with Burmese workers.

Also, most local organizations, since they have the service provider license, have project that empower the FMW in the migrant communities to become leaders and help their fellow FMW, in providing initial legal assistance, through capacity building and training workshops. While, international NGOs, since they cannot provide direct services to FMW, focuses on changing the governmental policies and programmes that are in place, in such a way, that they benefit the migrant communities and include them in their national, regional and global policies, to ensure equal rights and protection. Most projects, whether done by local or international NGOs, focus on similar issues, such as migrant workers' rights, occupational health and safety issues, legal promotion and protection of FMW rights and women's rights.

Chapter 5: Analysis

This chapter will focus on analyzing the data collected and the literature review, to provide answer to the main research question. The chapter will answer the sub questions based on the analysis of NGOs, such as how they understand the issue

of sexual violence amongst FMW, what they think about the existing law, how the policies can be further improved and the challenges that they face to provide assistance to FMW, who are survivors of sexual violence and wants to seek justice.

5.1 NGOs interpretation of sexual violence in the workplace

People in different NGOs in Thailand have different opinions about the issue of sexual violence in the workplace amongst FMW depending on the gender training provided to the staff, their own personal believe about FMW and how the NGO deals with the issue within their organization (Spires, 2016). The change in the workplace policies, such as setting up a complaint department, will ensure that decision-making power isn't hold by few people in the organization, will encourage people in the organization to register a complaint against anyone, without the fear of losing job and it will also encourage NGOs to implement the same policies amongst the migrant workplace. The gender training will help in providing greater gender sensitivity amongst the staff and will change their own personal biases FMW, which will make NGOs pay more attention to forms of sexual violence in the workplace. All these things shaped how a person looks at the issue of sexual violence and also the survivors of this crime. To understand how the NGOs, interpret the issue of sexual violence, the paper will look at how the NGOs, (mainly local, as they work directly with FMW) deal with this issue within their own organization and how they interpretation this issue in the society, especially amongst FMW.

Most local NGOs in Thailand doesn't even have any policies or procedure in place, within their own organization to prevent sexual violence. Amongst the local organizations that I interviewed, only Raks Thai Foundation has recently launched a policy campaign called "Protection Against Sexual Exploitation and Abuse (PSEA)" which they started implementing in their own organization in September 2019 (Dolah, 2020). The representative from RTF told me that they have launched such campaign because they are linked with Care International, and thus they have international standards and protocols that they have to follow (Dolah, 2020). However, most local NGOs are not part of international organizations and thus their policies are not every up to date (Dolah, 2020). RTF are also developing internal policy to prevent sexual

violence within the organization, known as safeguarding policies (Dolah, 2020). However, since the policies provided by Care is according to the international standard, the organization have to modify the policies according to their own standard (Dolah, 2020). Since RTF have internal policies, guidelines and training to deal with the issue of sexual violence in the workplace, they deal with the survivors of sexual violence without any judgement (Dolah, 2020).

I interviewed two more local organizations, MAP foundation and HRDF, but their organizations don't have proper policies on preventing sexual violence in the workplace (Cohenny 2020; Tongchumnum, 2020). MAP foundation and HRDF representatives told me that they are working on developing a policy to prevent sexual exploitation within the workplace for their own organization that will be launched and implemented soon, but no detailed information was provided (Cohenny 2020; Tongchumnum, 2020). MAP foundation and HRDF are also working on creating and implementing policies within their organization to stop sexual violence within their own organization, which is why their interaction with FMW, who have faced sexual violence, is non-judgemental and biased free. However, most local NGOs in Thailand don't have any internal policies or gender training that can change their mindset regarding migrants and sexual violence, they often blame the women for being the victim of sexual violence.

The way sexual violence in the workplace is perceived by most people in Thailand, including the people that works with the NGOs, is very problematic as most of the time, non-physical sexual violence, such as flirting, making sexist comment, starrng, and teasing, in the workplace is not even considered sexual violence, unless it is extreme, such as rape (Dolah, 2020). During my interviews, I asked the representatives of local organizations, since they are the once who directly deals with FMW, about how the perceive those survivors and their answers vary depending on whether they have had any gender training regarding this issue or not (Cohenny, 2020). The staff member of organizations that have received gender training on how to deal with survivors who have faced sexual violence, treats the survivor with more love and care, without judging them (Dolah, 2020). For example, since Raks Thai

Foundation is part of Care International, they have received gender training, so they don't judge the FMW, who are survivors of sexual violence (Dolah, 2020).

However, if the organization that is dealing with survivors of sexual violence hasn't receive any kind of gender training, then they are very likely to judge the survivors, question their character and hold them responsible for the violence (Cohenny, 2020). However, this kind of behavior is very common amongst front-line providers, such as doctors or police officers, rather than NGO workers (Lopes, Nyman, & McFerran, 2016). One of the interviewees told me that when sexual violence survivors goes to the police station to report the crime, the police ask them very inappropriate questions, such as "what were you wearing? Did you provoke your perpetrator? etc." (Cohenny, 2020). All the questions are targeted towards the survivor rather than the perpetrator and instead of the perpetrator proving himself innocent, the police expect the women to prove that she is telling the truth (Cohenny, 2020). Therefore, it is essential to change the perspective of the society as a whole on how they perceive survivors of sexual violence, through gender training and raising awareness about why sexual violence is not the fault of the victim or the survivor

International NGOs can play a vital role in training and educating the local NGOs on how to perceive and resolve the issue of sexual violence in workplace in their communities and within their own organizations, as they have more experience and knowledge. The policies and procedure to deal with sexual violence in the workplace amongst international NGOs, such as UN, ILO and IOM become very strict after the Oxfam scandal arises in 2018 (Crack, 2018). International NGOs started to adopt stronger safeguarding policies, to prevention the issue of sexual violence within the workplace by ensuring that the policies and procedures of the organization regarding all forms of sexual violence are implemented all across the organisations (Crack, 2018). International organizations also established a "zero tolerance policy" towards sexual violence and provided full protection to the survivors of sexual violence, and also to the witnesses of violence, to reduce the barriers for reporting the case (Nobert, 2018). UN Women and ILO also published a handbook in 2019 to address workplace violence and harassment against women,

which can be used by Thai NGOs to learn about the good practices and modify them according to their own standards and context (UN Women, 2019).

International NGOs provides training to local NGOs, to establish safeguarding policies, gender training, clearer definitions on different types of sexual violence in the workplace and how to use the existing resources to create new policies and procedure in their own organizations (Volpe, 2020). The gender training provided by international NGOs focuses on changing the perception of the staff, that works directly with FMW (Volpe, 2020).

5.2 Protection provided to FMW by NGOs

Sexual violence in the workplace that is faced by FMW is still an important gap that needs to be filled. It is only very recently that this issue is gradually gaining more attention, as the violence against FMW is increasing due to increase in number of FMW in Thailand. Local and international NGOs provides different types of services to FMW, including, healthcare, childcare, education, and legal assistance to labor rights and women rights. Local NGOs such as NGOs, RTF and MAP foundation, and international NGOs, such as UN Women and ILO appear to pay most attention to sexual violence in the workplace that FMW are facing, since their new projects focuses solely on migrant issues.

Local NGOs provides the most support to FMW as they have the service provided licenses, which the international NGOs don't have (Lasota, 2020). RTF projects are focused on health since they get a lot of funding for health project, even though it is not the main issue for migrants (Dolah, 2020). However, they have developed a new program under Safe and Fair, to assist migrants with legal services (Dolah, 2020). Since they don't have any lawyers, they have partnered with other organizations, such as SR Law, and Foundation for a Just Society (FJS), to provide lawyers for those female migrants who cannot afford to do lawyers (Dolah, 2020). However, they do provide legal advice and help the female migrant workers in filling the case at the welfare and labor protection department (Dolah, 2020). RTF also provides Rights Based training to migrants and the number of violence cases are

reported more in areas where they have done the rights project compare to areas where they didn't conduct the training (Dolah, 2020). Therefore, the foundation is also focusing on expanding their rights project in all the provinces where they have offices (Dolah, 2020). RTF didn't have a project that focus specifically on the issue of sexual violence because most of the cases of migrant workers that come to RTF for assistance is focused on wage issues, which is one of the greatest concerns for migrants, even FMW. Also, since the organization is a successor of Care International, their main focus in Thailand is on health. Therefore, they didn't create a specific project to assist FMW who are survivors of sexual violence, but they do assist any case of violence, if it did get reported to the organization, to the best of their abilities.

MAP foundation has two main projects called "Labor Rights for All" and "Rights for All" that focuses on women empowerment and access to rights (Cohenny, 2020). In their "Labor Rights for All" program, they first recruit leaders from the community and selected participants from the group receive in-depth training to become paralegals (Cohenny, 2020). Those paralegals then train new leaders and helps migrants in their communities with legal assistance, such as filing a complaint, and going to the court with them (Cohenny, 2020). The representative didn't have a clear estimate of how many cases were regarding sexual violence, but she told me that majority of the cases were related to wage issues, which is the reason why the organization didn't have a specific project focusing on sexual violence amongst FMW (Cohenny, 2020). Map Foundation, however, provides legal assistance and increased awareness for migrant right, along with providing education to FMW children and health care in needs of crisis, under their "Rights for All" project (Cohenny, 2020). However, MAP foundation only works with Burmese community and all their resources are only translated in Burmese language. Map foundation also initiated and support "Women Exchange (WE) group" which is a women's only group for migrants to share and discuss all kinds of problems and help each other by provided direct support or suggestions (Cohenny, 2020). This group is the closest thing migrant workers have to a union, as it promotes leadership, networking, mentorship and legal assistance, but it manly works in Chiang Mai area (Cohenny, 2020).

HRDF projects mainly focused on victims and survivors of forced labor and trafficking (Tongchumnum, 2020). However, they have recently started assisting FMW who have faced sexual violence and wants legal support (Tongchumnum, 2020). The foundation will work with other CSOs that are working with migrant communities to provide the required support to them, through field visits and workshops (Tongchumnum, 2020). The interviewee told me that HRDF recently started a new project in 2019, which is a two-year project that will focus on promoting and protecting the legal rights of migrant workers (Tongchumnum, 2020). This new project also focused on survivor of violence, especially FMW, to provide them legal representation, which otherwise wouldn't be afforded by migrants as it is very expensive (Tongchumnum, 2020). The foundation will not only monitor the case but will also coordinate and collaborate with other government agencies to ensure the prevention of workplace violence and exploitation (Tongchumnum, 2020).

The organization also advocate for reforms in labor laws and policies, in a way that benefits the migrant workers (Tongchumnum, 2020). The organization has set up Mae Sot Labor Law Clinic in Tak province, where they not only assist the migrant workers with access to justice, but also coordinate and cooperate with the government agencies to promote and protect the human rights of labor, to increase the standard of migrant workers and to provide legal aid to migrant workers (Tongchumnum, 2020). The interviewee told me that HRDF has provided attorneys to various sexual violence cases of FMW and have a very high success rate of their cases, where the perpetrator was punished for their crimes (Tongchumnum, 2020).

I also interviewed three international NGOs, UN Women, ILO and IOM, but since they don't provide direct support to FMW, they were not fully aware of the problems that FMW face when they filled their case and go to the court. They mostly rely on the surveys and the data collected from different CSOs, and migrant networks to understand the problems faced by FMW. UN Women, in partnership with Eu, and support from ILO, started the Safe and Fair Migration project, where UN Women specifically focuses on eliminating sexual violence in the workplace amongst FMW

(Alvarado, 2020). UN Women also conducted a rapid assessment in March 2020, with 40 CSOs that were working with domestic workers, in order to collect information regarding violence amongst migrant community, out of which 6 were working with migrant workers who are survivors of violence (Alvarado, 2020). Based on the data collected, UN Women, along with IOM and ILO, worked with 4 local migration networks (Lasota, 2020). The survey shows that there is an increase in violence, especially sexual violence because the services provided by CSOs has been disrupted due to COVID-19, and most services are provided remotely, or a temporary shut down until the situation gets better (Alvarado, 2020).

All three organizations are working with CSOs and government to provide technical training, which includes workshops on eliminating workplace violence, and financial support. Most of the projects of Map Foundation, HRDF and Raks Thai Foundation, that focuses on sexual violence amongst FMW are funded by these three organization (Lasota, 2020). UN Women, along with ILO and IOM, has provided gender training and localize the protocol and standards of labor rights and women rights to more than 1200 service providers (Alvarado, 2020).

In 2019, IOM, UN Women and ILO collaboratively created a toolkit to reduce violence in the workplace (Lasota, 2020). The toolkit was introduced via national and regional training. One of the training sessions took place in Bangkok (Lasota, 2020). The purpose of the toolkit is to improve coordination amongst various organizations, in order to provide better legal services (Lasota, 2020). These three organizations collectively created a service package, which can be used by various CSOs to provide better services to migrant communities (Lasota, 2020). Even though, international organizations don't provide shelter, legal counselling and child support to FMW, they are funding the organizations that does provide those services (Alvarado, 2020). And not just that, they also provide constant guidance on improving the policies and procedures, that meets the international standard of ILO, to ensure that access to justice is accessible for migrants, especially women who have faced violence (Volpe, 2020).

5.3 NGOs suggestions on the government laws, policies and procedure related to FMW and their access to justice in Thailand

NGOs, based on their experience with providing direct support to FMW in their access to justice, provided suggestions that point to the impediments that migrant workers face with seeking access to justice ranging from basic stuffs like the lack of interpreters and official complaint forms in the migrants' languages to bigger and more intractable problems like corruption and the lack of transparency on the part of government officials. NGOs also provided suggestions to make few changes in the labor law that can ease the access to justice system by migrant workers. It seems that the system is rigged against workers in general and female migrant workers in particular.

The process to access justice in Thailand is very effective, according to the local NGOs that work with FMW and sexual violence survivors (Tongchumnum, 2020). However, FMW have to face extra barriers before their case is presented in the court to the judge (Tongchumnum, 2020). One of the interviewees told me the procedure to file the case. She said that when a woman, who has faced sexual violence or any other issue, she comes to our office and we explain her the procedure and consequences of filing the case (Dolah, 2020). The person first needs to go to the welfare and labor protection department, where the labor inspector will ask all kind of questions from the woman, in Thai and ask her to fill the form, which is in Thai language as well (Dolah, 2020). It is essential to have a translator at this point since most migrant workers doesn't speak Thai and are unable to fill the form, which is where the NGO representative steps in as they have basic legal aid training to fill the form and act as a translator (Dolah, 2020).

Representatives from RTF and MAP foundation suggested that government should hire translator, in their welfare and labor department, so migrant workers should have to depend on the NGOs, or NGO workers to assist them with something as basic as filling a complaint form (Dolah, 2020; Cohenny, 2020). And the complaint form should also be available in different languages, so the migrants can fill that out

themselves (Dolah, 2020; Cohenny, 2020). However, since nothing is being changed on the government end, the NGOs started to teach Thai language curriculum to migrants so they can become self-sufficient in doing the basic task, such as filling the complaint form (Dolah, 2020; Tongchumnum, 2020).

According to the law, after the form is filled, the labor inspector should reach out to the employer to validate the claim and also interview other employees in the workplace to find out if the same incident has taken place with another employee as well (Dolah, 2020). If so, then all those cases need to be compiled together and the employer should get a court order (Dolah, 2020). And if the employer doesn't resolve the issue, or in case of missing wages, doesn't pay the employee, then the case will go to the court (Dolah, 2020). However, this mostly doesn't happen as the labor inspectors are usually corrupt and have direct financial relationship with the employers (Dolah, 2020).

Since the employer's name is written on the form that was filled out by the FMW, the labor inspector reaches out to the employer and make a financial deal with him, rather than ask him to resolve the issue (Dolah, 2020). The employer usually pays the desired amount requested by the labor inspector, who helps the employer in settling the case outside the court and never receive the court order (Tongchumnum, 2020). This is reason why the reporting of sexual violence in the workplace cases amongst FMW are very low and the success stories of such cases is very rare (Tongchumnum, 2020). The Thai government doesn't have a policy that held those workers accountable and to eradicate corruption, which is something they should focus on, to increase the reporting of sexual violence cases (Cohenny, 2020; Tongchumnum, 2020).

According to Volpe, from ILO, the government needs to improve its labor law and include punishment and legal procedure for the violation of sexual violence in the workplace against female migrant workers, which is currently missing from the labor laws in Thailand (Volpe, 2020). The labor law should extent its protection to labors working in all sectors, not just in the formal sector, and should also include migrant

workers as well, when talking about protection of female workers (Tongchumnum, 2020; Volpe, 2020). Volpe also suggested to amend the section 88 of Labor Relations Act B.E. 2518, which only allows Thai nationals to create a labor union (Volpe, 2020). Any worker, regardless of their nationality, should be able to form a labor union, in Thailand, and if this law gets passed, migrant workers can form their own union, which can have a very positive impact on migrant workers in Thailand (Volpe, 2020). Lack of migrant labor union is one of the main issues of migrants, as most NGOs doesn't provide services and information in different migrant languages (Cohenny, 2020; Dolah, 2020).

Some of the other suggestions provided by these NGOs to the government includes, strict measures taken by the government to guarantee the rights of FMW (Alvarado, 2020), launch of campaigns to increase awareness regarding sexual violence in the workplace (Volpe, 2020), especially amongst FMW and educate individuals about its negative impact on the society as a whole (Volpe, 2020; Lasota, 2020; Alvarado, 2020). The government and the private sector should come up with clear and standardized definition of sexual violence through consensus and establish special committees similar to labor union to better assess laws and policies (Volpe, 2020; Lasota, 2020; Alvarado, 2020). Thai government should also allocate specific sum of share in the budget to local NGOs that are assisting FMW to tackle the issue of sexual violence and provide training to women to scrutinize disturbing factors at workplace for women (Tongchumnum, 2020; Cohenny, 2020; Dolay, 2020).

5.4 Barriers faced by NGOs when assisting FMW

Based on the interview conducted and the secondary research done on the role of NGOs, I found out that NGOs in Thailand face a lot of internal and external barriers when providing assistance to FMW. NGOs struggle with the issues of funding and lack of governmental support, along with several other barriers, lack of

staff and human resource, inability to expand to other areas with large number of migrants, lack of ability to provide support in different migrant languages, and low number of partners to collaborate with to solve migrant issues. This section will shed light on few of the barriers that local and international NGOs face in providing protection to FMW with their access to justice.

5.4.1 Lack of Funding for Sexual Violence Project

Most NGOs depends on funding for their projects (Alvarado, 2020). Most projects of the NGOs that works with migrant communities focus on health (reproductive and sexual health) and labor rights, as they mainly receive funding for those project (Dolah, 2020). Most international organizations don't support project that are focusing on sexual violence amongst migrant communities, because the surveys done by those international organizations shows that sexual violence is not a pressing issue for migrant communities (Volpe, 2020). Most migrants, whether male or female, complaint about not receiving their wages after doing work for weeks or months, while other complaint about receiving lower wages than what was originally promised to them (Cohenny, 2020). The reported cases of sexual violence amongst migrant is very low due to various reasons, such as corruption done by government officials, lack of awareness amongst migrant communities about their rights, fear of losing job and deportation, which is why most of the funding goes to the project that focuses on labor rights in terms of fair wages and better working conditions rather than sexual violence (Dolah, 2020). However, if the number of cases being reported in improve, by reducing the impediments to access justice and by ensuring greater gender sensitivity amongst local NGOs and frontline workers have especially pertaining to sexual violence faced by FMW, then the funding for sexual violence protection project will also increase.

The legal procedures to provide legal support to the sexual violence survivors, especially when they are undocumented migrant workers, is very expensive and the local NGOs doesn't have much money to spend on these expenses, as they are struggling to sustain themselves (Cohenny, 2020). If a local organization wants to work specifically on providing protection to sexual violence survivors amongst, they

would either have to sneak in their concerns about sexual violence through empowerment projects or create more awareness amongst migrant communities regarding their rights through campaigns to increase the reporting rate, otherwise they would struggle a lot to sustain their own organization, because the funding available for that category is very low (Cohenny, 2020). Most NGOs that do work on this issue, use funding from other projects, such as health and empowerment projects, which keeps their organization running (Dolah, 2020).

The representative of Raks Thai Foundation told me that even though they were aware of sexual violence on women in the migrant communities, due to their health project being done with migrants, they weren't able to start a new project that focus on violence against women, until the Safe and Fair program (funded by UN Women and ILO) was initiated (Dolah, 2020). This project provides funding to a lot of other NGOs to create projects that focus specifically on women who are victim of violence (Dolah, 2020). This is one of the biggest barriers that has delayed the process of eliminating workplace violence, especially amongst migrant communities and was being overlooked for so long, until recently (Dolah, 2020).

5.4.2 Lack of Governmental Support

The government do have policies and laws that are in place to not prevent workplace violence, but the policies are not very flexible for migrant workers (Lasota, 2020). For example, one of the laws says that if you leave a job, you have 30 days to find a new job, or else your work visa will be expired, and you would be considered illegal (Dolah, 2020). This would be fine in a normal circumstance, but in the case of sexual violence, where a FMW has left the job because she has filed a case against her employer, 30 days are not enough as she wouldn't get hired by another employer because they will be hesitant to hire someone who has already filed a case in court (Tongchumnum, 2020). This is just one example of how the government is not very supportive of workers and give more power to the employers. The laws that are in place are very strict for any worker who wants to access the justice system.

Another issue is the corrupt government officials, such as policeman and labor inspectors, who are usually the first point of contact for migrant workers (Dolah, 2020). A representative from an NGO can take the FMW to welfare office and help her filled out the form, but they cannot force the labor inspector to do their jobs (Dolah, 2020). In the same way, a representative of an NGO can go to the police station and report the crime, but it is the duty of the police officer to investigate the case, ensure that if the crime has taken place, the perpetrator gets the court order and if the perpetrator doesn't comply with the court order, the case must be taken to the court (Cohenny, 2020).

Lastly, the government doesn't provide enough funding to the local NGOs that are working with migrant communities on the issue of sexual violence (Cohenny, 2020; Dolah, 2020). Most of the NGOs have to rely on big organizations, donation from big companies that have a CSR project, or grants from international NGOs to carry out projects that focus on violence amongst migrant community (Alvarado, 2020). If the government makes flexible laws for migrants that support them in the justice procedure rather than make it harder for them to pursue justice, provide gender training to the police officer and give funding to local NGOs that work directly with the migrant workers, we can reduce sexual violence to a greater extend.

5.4.3 Lesson learn from other NGOs in SEA to overcome those barriers

Funding is one of the main barriers for NGOs to focus their attention on the issue of sexual violence and create projects that are solely focused on eliminating sexual violence from the workplace and provide legal assistance to survivor of sexual violence. However, the local NGOs that work in Thailand can join global networks, such as NOLA and CARAM, that focuses on solving the issues of migrants specially women. In chapter 3, we saw how different NGOs in SEA are part of NOLA and CARAM to create projects that are solely focused on migrants, especially FMW. Local NGOs from Thailand should be joining those networks, in large numbers, to receive funding that can be used towards projects focused on FMW and eliminating sexual violence from the workplace, while increasing the reporting rate. Local NGOs, that work with migrants, should also establish relationship with labor unions, to overcome any

limitation that they face, in terms of funding and human resources, to provide better assistance to migrants, like in Indonesia. The NGOs in Thailand, both local and international, face a lot of barrier by the government in form of laws and policies that are place, which doesn't assist migrants but rather ignore them, as seen in chapter 3. However, local NGOs can work with international NGOs, to put pressure on the Thai government to improve its laws and policies, in such a way that it benefits the migrants, especially FMW, similar to what local NGOs in Singapore did, and influence the policy agenda.

5.5 Hypothesis and Findings

The paper has few hypotheses regarding the issue of sexual violence amongst FMW and role of NGOs in their access to justice. One of the hypotheses was that the NGOs wouldn't have a specific project that focuses on providing protection to FMW, who are survivors of sexual violence with their access to justice, because this is not considered a pressing issue, by both, FMW and NGOs. The research partly approves this hypothesis by showing that NGOs, that were interviewed, didn't have a direct project to provide protection to FMW in their access to justice. However, they do provide legal assistance and awareness regarding women's rights, as part of their other projects, that were created to provide a better quality of life, without any violence or violation of their rights, for FMW. And the reason for not having a specific project to provide protection to FMW, who are survivors of sexual violence, is not because NGOs don't considered it a pressing issue, but because they don't have enough funding to create such projects as majority of the funding either goes towards health project or occupational workplace safety and rights based project related to wages.

Another hypothesis was that the International NGOs work directly with migrant workers and provide them protection and support through their different programs. However, the research disapproves this point and shows that INGOs only provide technical training and funding to local NGOs, since they don't have a service provider license to directly assist migrant workers. INGOs relay heavily on the local NGOs to provide protection to FMW and also to collect data from the field regarding FMW and the issues that they face in their communities. Another important finding was that local

and international NGOs also work together to create policy changes and advocate for policies that benefits the migrants more than the employers, which is similar to what local NGOs in Singapore does, since they don't have enough power to enforce policy changes at the national level.

The last hypothesis was that the staff in local NGOs would believe in stereotypes associated with FMW, who are survivors of sexual violence, such as if a FMW is sexually assaulted she might have done something wrong or she might have provoked the employer or co-worker, and will not assist them properly because of their personal bias, as most of the staff working in local NGOs are Thai. However, the research, based on the NGOs interviewed, disapproves this hypothesis by showing that NGOs that work on the issue of sexual violence usually have taken some sort of gender training, which equipped them to deal with the survivors of sexual violence, without any judgement or personal biases. Therefore, they perform their duties without stereotyping the FMW and assist them as much as possible, even hire a lawyer for them with organization's own money. The role of NGOs in Thailand, in this paper is shown to be very effective and positive for FMW, which is similar to the role of NGOs in other SEA countries, such as Singapore, Indonesia, Malaysia and Philippines, as seen in chapter 3. The effectiveness of NGOs in policy change and providing direct support to migrants, not just FMW, as shown in chapter 3, is very similar to the effectiveness of NGOs, local and international, in Thailand. NGOs are constantly improving themselves to provide better services to migrants, while also increasing their collaboration with other NGOs and networks in the SEA region.

Chapter 6: Conclusion

This research ventured to provide an extensive review of sexual violence against FMW in Thailand, their access of justice and the role that NGOs play in providing protection to those FMW. In this research gender and rights-based perspectives were used in order to understand if already existing laws and policies, execution of programs about sexual violence and educating people about sexuality can resolve issues of sexual violence, social security and rights of FMW in Thailand. The issue of workplace sexual violence is comparatively high whereas reporting about

it is relatively low. There are number of factors such as losing job, fear of being stigmatized and fear of deportation that can act as a barrier while reporting sexual violence cases and makes it difficult for FMW to seek justice. Therefore, FMW who are living away from their homes and are only breadwinners, refuse to take legal actions against their offenders in order to save their job. Consequently, sexual violence goes unattended which results into more and more victims falling prey to theses culprits. However, because of the continuous inflow of FMW into Thailand, the issue of sexual violence in the workplace faced by female FMW cannot be kept out of sight and out of mind for long.

Local and international NGOs provides different types of protection to FMW in their access to justice. Some of the services provided by these NGOs include, translating the complaint form, hiring a professional lawyer, providing rights-based training so FMW can understand their rights, teaching Thai language so they can become self-sufficient, provide training to FMW to become paralegal volunteers within their own communities and also providing childcare. There are, however, some gaps in the services provided, to better assist FMW, who are seeking justice. For example, all of the local NGOs I interviewed, doesn't provide any shelter to FMW and none of them assist FMW with finding a new job as well. But these gaps can only be filled when the lack of funding issue will be resolved.

NGOs, especially international, focus heavily on changing the laws and policies that are in place regarding sexual violence in the workplace amongst FMW, rather than providing direct protection services to FMW, as they don't have the service provider license. They are focus on empowering the local NGOs in Thailand by providing them funding and technical training, including workshops and seminars, to increase their knowledge and understanding about the issue, while also sharing the resources develop by these international NGOs regarding the issue of sexual violence and access to justice system. Local NGOs in Thailand, however, needs to collaborate more, with each other and with different labor unions and labor network in the region, to increase their impact and approach. So far, the local NGOs that I interviewed, work mainly with Burmese migrant communities in Chiang Mai and Mao Sot, while the number of workers that

comes from Cambodia, Laos and Viet Nam are in great numbers as well, and should get equal support.

NGOs, in order to provide better protection to FMW and ease their access to justice, should focus on changing the mindset and mentality of people in Thailand regarding migrants and their importance towards the Thai economy. Thai people think very negatively about migrant workers and hold different stereotypes against migrants, which is why when a migrant, especially female migrant, tries to access the criminal justice system, they have to face a lot of discrimination by criminal justice officials, especially labor officers and police officers. This is something that the NGOs, especially international NGOs, in Thailand focus on, by providing training to front line workers, so they can perform their jobs with any personal bias, and migrants can get the justice that they deserve.

Lately Thai government made some constructive positive legislative amendments towards addressing and acknowledging the rights of female migrant workers. However, workplaces in Thailand still need to implement gender equality practically in their organization, more specifically in public sectors. Abusive working conditions such as gossips, indecent jokes, inappropriate comments, insult, sexual abuse and harassment leads FMW to opt for jobs with less employment benefits as well as social and financial security at the cost of more favorable opportunity. In short, considering all the above-mentioned issues and barriers, the possible solution to eradicate sexual violence at workplace amongst FMW, is to teach and train FMW to take legal steps instead of zipping lips and explaining them that if they are a victim/survivor of sexual violence, it's not their fault. Legal measure and authoritative support are the most significant aspect to reduce sexual harassment in workplace. Additionally, Thai government should alleviate strict immigration policies for illegal immigrants to ease access towards justice. Otherwise the sexual abuse and violence may continue to affect Thai society.



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CHULALONGKORN UNIVERSITY

VITA

NAME Shah Bano
DATE OF BIRTH 13 June 1995
PLACE OF BIRTH Pakistan
INSTITUTIONS ATTENDED Humber College - Toronto, Canada
HOME ADDRESS 2085 Islington Ave, Toronto, ON. M9P3R1

