



EXECUTIVE SUMMARY THAILAND*



* Download full report at: http://www.ecpat.net/EI/Pdf/A4A_II/A4A2011_EAP_THAILAND_FINAL.pdf

Introduction

Rapid economic and social development over the past three decades has created increasing prosperity for Thailand's approximately 66 million people. However, this prosperity has also contributed to the breaking up of traditional family structures, spread of infectious disease such as HIV/AIDS, and urbanisation that leave many children, especially those from ethnic minority backgrounds, vulnerable to commercial sexual exploitation.

Thailand is a source, transit, and destination country for children trafficked for the purpose of sexual exploitation. Evidence suggests that the number of Thai victims of trafficking is decreasing due to better provision of social services, including extended education, for Thai citizens.¹ However, these improved opportunities are not provided for non-Thais. Statelessness and undocumented migrants continue to be a major contributor to the vulnerability of children to sex trafficking. Though Thailand has made some recent encouraging moves to expand citizenship to stateless groups (including withdrawing its reservation to Article 7 of the CRC requiring birth registration for all children), there remain large numbers of undocumented children in Thailand.

Tourism is a major source of income for Thailand, accounting for 6-7% of GDP and bringing approximately 14 million visitors per year.² Furthermore, some recent years have seen around 144 million domestic travellers within Thailand.³ A number of changes in the characteristics of child sex tourism in Thailand have been noted in the last years. Organised crime appears to be less involved in the arrangement of child sex tourism, except in the case of very young children. However, the

interface point for child sex tourism accordingly seems to be shifting to the streets rather than organised brothels.⁴ Research by Johns Hopkins University, published in 2007, found that, due to better enforcement by authorities is inducing some child sex tourists to move to neighbouring countries. Furthermore, the largest group of foreign sex tourists in Thailand may be opportunistic perpetrators or situational offenders, without a specific preference or plan to engage in sex with children but do so when presented with the opportunity. Conversely, preferential child sex tourists and paedophiles, who in earlier years viewed Thailand as a safe haven for child sexual exploitation, may be less common than in the past.⁵ Fifteen foreign child sex offenders were arrested in 2008⁶ and sixteen cases of arrests of foreign perpetrators occurred in Thailand in 2009.⁷

Whilst the exact number of children exploited through prostitution in Thailand is unknown, in 2007 the government, university researchers, and NGOs estimated that there were as many as 60,000 children involved in prostitution under age 18.⁸ The Children's Rights Protection Center in Thailand likewise states that 40 percent of those involved in prostitution in Thailand are below 18 years of age.⁹ Though most victims of child prostitution are still lured through the pressures of poverty, discrimination, and questionable legal status, there are also increasing numbers of children pushed into sexual exploitation by materialism, often not seeing themselves as involved in prostitution.¹⁰

As exemplified by a number of media reports, child sexual abuse imagery in Thailand is frequently created and distributed by child-sex tourism offenders.¹¹

National Plan of Action

Thailand's strategies and mechanisms to address the commercial sexual exploitation of children (CSEC) are heavily focussed on anti-trafficking and are contained in the *National Policy and Plan on Prevention, Suppression and Combating Domestic and Transnational Trafficking in Children and Women (2005-*

2011) (the "**Trafficking NPA**"). Consequently, other manifestations of commercial sexual exploitation of children (i.e. child pornography) receive less focus. Since 2006, there have been plans to create an NPA addressing child sex tourism; however, at the time of writing, this has not yet been achieved.

Coordination and Cooperation

There is no responsible body in Thailand comprised of relevant stakeholders such as public authorities and NGOs that coordinates the elimination of all forms of CSEC. It is likely that this is due to the absence of a NPA that addresses all manifestations of CSEC. However, there is established cooperation among government and civil society including in the area of support facilities for victims. With regard to trafficking, Thailand has established Operation Centres on the Prevention and Suppression of Human Trafficking to serve as coordinating bodies among relevant government agencies and NGOs. Similar bodies have been established to focus on transnational crime, data collection, etc. The government has also issued guidelines for the management of anti-trafficking cases and identification of victims.

National and provincial Child Protection committees have also been established according to the Child Protection Act to provide a multi-disciplinary approach to the administration of child protection cases; the government is currently considering the

adoption of a comprehensive child protection system.

At the international level, Thailand has been active in regional cooperation to address anti-trafficking in persons, in particular through initiatives under the Coordinated Mekong Ministerial Initiative against Trafficking ("COMMIT")¹² supported by United Nations Inter-Agency Project against Human Trafficking (UNIAP) as well as through the entry into bilateral cooperation agreements with neighbouring countries.

Though there have been a few isolated meetings addressing international and regional coordination with regard to other manifestations of CSEC (especially in preparation for the World Congress III against Sexual Exploitation of Children and Adolescents¹³ in late 2008 and the ASEAN 'Regional Education Campaign to Combat Child Sex Tourism), these efforts have not yet translated into any sustained initiatives. There is, however, increasing cooperation between Thai and foreign law enforcement to investigate these crimes effectively.¹⁴

Prevention

In terms of long term prevention, in 2000 Thailand enacted a law providing that all children must undergo nine years of compulsory education.¹⁵ The government has made efforts to improve the delivery of education to vulnerable groups.¹⁶

The government has also supported several awareness raising campaigns on human trafficking, though with limited attention focused specifically on the issue of child trafficking.¹⁷

Several prominent companies in Thailand have signed on to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, and ECPAT has conducted trainings for relevant staff on methods of monitoring and awareness raising.

Also in the realm of prevention of exploitation online, the Thai Hotline (www.thaihotline.org) was founded in 2009 to serve as a vehicle for reporting exploitative content on the internet.¹⁸ The Ministry of Information and Communication has also undertaken initiatives to monitor Internet safety following the Computer Control Act of 2007.¹⁹

Protection

Thailand has ratified the principal international treaties relating to child rights such as the CRC, the OPSC and the Convention on the Worst Forms of Child Labour. However, it has not ratified the Trafficking Protocol. At the regional level, Thailand has signed but not ratified the ASEAN Declaration against Trafficking in Persons, Particularly in Women and Children.

Thailand has fairly strong laws addressing child prostitution and trafficking in children for sexual purposes. The main gap in Thai law is in the area of child pornography, where there is very little protection available. There remain significant concerns about the lack of law enforcement in Thailand surrounding some crimes of commercial sexual exploitation of children.

Prostitution of children and child sex tourism

Despite the broad scope of the 1996 Prevention and Suppression of Prostitution Act, it is not expressly stated that all children under the age of 18 years will not be treated as offenders. While Thai laws on child prostitution are fairly comprehensive, it is reported that child prostitution is still widespread²⁰ and law enforcement remains weak. Section 282 of the Thai Penal Code criminalizes luring, procuring, or trafficking persons for the purpose of sexual gratification and specifies heightened penalties for children under 18 years old, with up to 20 years imprisonment for children under 15. The 1997 Thai Penal Code Amendment Act clarifies that consent of the victim is no defence for children under 18. This amendment

also adds offences committed under these Sections to the narrow list of crimes that can be prosecuted extraterritorially under Thai law, regardless of the location where the offence is committed or the nationality of the offender.²¹

Trafficking in Children for Sexual Purposes

The Anti-Trafficking in Persons Act B.E. 2551, which took effect in 2008, is a positive attempt to harmonise domestic law with the international standards set by the Trafficking Protocol, even though Thailand has yet to ratify this protocol. In addition to criminalising all forms of involvement with the trafficking of minors, the Act provides a comprehensive framework regarding assistance and protection of safety of victims of trafficking. The statute also specifies that victims of trafficking will not be prosecuted under anti-prostitution or immigration laws unless there is special permission from the Minister of Justice.²²

Child Pornography / child abuse images

Unfortunately, there is no definition of child pornography and no prohibition and punishment for those who disseminate, offer, or possess child pornography. Thailand does, however, have a general obscenity law that regulates any obscene material contained in printed matter, photographs, films, or audio or video tapes.²³ Additionally, Section 4 of the 2008 Anti-trafficking in Persons Act 2551 defines “exploitation” to include the “production or dissemination of pornographic

materials” but it does not covers other acts related to child pornography (distribution, importing, exporting, offering, selling or mere possessing). The Child Protection Act (2003) also prohibits threatening, inducing, or in any way encouraging or even allowing a child to “behave in a pornographic manner”, whether for the purpose of financial gain or any other.²⁴ The Computer Crime Act B.E. 2550 (2007) includes a provision aimed at preventing and suppressing the use of a computer system to disseminate computer data that contains pornographic materials and criminalises any person committing such an act. The applicability of these various provisions to child pornography and the various issues are left open to the interpretation of particular officials in particular cases which rarely leads to an efficient, consistent, and comprehensive law enforcement regime.

Child protection units

While there are no law enforcement agencies in Thailand dealing solely with the sexual exploitation of children, there is specialisation with regard to human trafficking. Following the enforcement of the Anti-Trafficking in Persons Act B.E. 2551 (2008), the Royal Police of Thailand has established a special police unit named the ‘Anti-Human Trafficking Division’ (AHTD) to deal with crimes related to human trafficking, including child trafficking. The Department of Special Investigations (DSI), part of the Ministry of Justice, also investigates crimes of trafficking, although its’ particular focus is on high-profile cases or those with a clear transnational organised crime dimension.²⁵ Thai law allows for the protection of witnesses, victims, and offenders under the age of 18. Where the judge consents, procedures exist which allow children to testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or social worker.²⁶

While significant progress has been made, particular efforts are still needed to improve identification of child victims and nationwide

implementation of ‘best-interest of the child’ procedures and child-friendly legal process, including child witness protection to ensure that all trafficking cases are investigated and perpetrators are charged and punished.²⁷

Support services for children

In 2009, there were reported a total of 138 reception centres throughout Thailand, provided by both the government and NGO sectors, for adult and child victims of abuse, exploitation, violence and human trafficking.²⁸ As for the long term shelters, the Bureau of Anti-Trafficking in Women and Children under the MSDHS has established 8 welfare protection and occupational development centres across each region in the country that also accommodate Thai and foreign victims of trafficking.²⁹ However, many of these centres have limited care services that do not differentiate the needs of adults and children nor between different types of social problems the victims are experiencing. Illegal migrant children reportedly avoid the shelters for fear of arrest and deportation.³⁰

There are government agencies and law enforcement agencies as well as NGOs operating 24-hour free hotlines, which also accept reports related to human trafficking, including child sex trafficking. For example, the 1191 hotline operated by the Anti-Human Trafficking Division (AHTD) under the Royal Thai Police and the 1300 hotline operated by the Ministry of Social Development and Human Security (MSDHS).³⁰

Thai law specifies that all foreign victims of trafficking (including child victims) may be allowed to stay temporarily in Thailand for medical, rehabilitation or legal reasons.³² However, there appears to be a lack of information on the extent to which these provisions are applied with some sources suggesting that children may be held against their will in government shelters for unreasonably long periods of time.³³

The Thai government has engaged children and youth in the development of its National Strategic Plan to Prevent and Eliminate Violence against Children, which began in 2008 and is expected to be presented for public hearings in 2011.

Additionally, Thai children have the opportunity to participate in various national and regional events such as the annual “Child

Rights Forum” as well as the Mekong Youth Forum.³⁴ In Thailand, ECPAT’s Global Youth Partnership Project for Child Survivors and Youth at Risk of Commercial Sexual Exploitation (YPP) has been active since 2009 and focuses on building partnerships with local groups, conducting leadership trainings and capacity building, and peer-to-peer approaches to CSEC prevention.

Priority Actions Required

National Plans and Policies

It is necessary to urgently develop (with the participation of all relevant stakeholders, including children) a comprehensive National Plan and policy addressing all forms of CSEC.

Coordination and Cooperation

Thailand ought to create a body in charge of coordinating the anti-CSEC activities carried out by state agencies, NGOs and the private sector at the national and international levels to ensure policy standards are met throughout the country. Thailand must strengthen systems for data collection and research in relation to all forms of CSEC (including local demand for sex with children). Thailand must sustain efforts to ensure compliance amongst relevant officials with the Bilateral Agreements on trafficking.

Prevention

Research and awareness raising campaigns relating to CSEC issues ought to be strengthened to expand knowledge and a sense of responsibility to all members of society to monitor and report on the welfare of all children and to reduce the sense of tolerance or hopelessness among some communities to the demand for sexual services from children. To ensure prosecution of foreign child sex offenders, Thailand should establish a child sex offender registry in order to share such information with other countries based on

bilateral agreements to prevent and monitor child sex offenders entering the territory.

The government should conduct targeted community and law enforcement education about the ways in which traditional practices of some communities can lead to the sexual exploitation of children (e.g. child marriages) and ensure that all children are issued birth certificates.

Protection

Thailand must ratify the Trafficking Protocol and accelerate implementation of the ASEAN Declaration against Trafficking of Women and Children. It is imperative to enact legislation defining child pornography and prohibiting its production, dissemination, sale and possession and punish knowingly accessing and viewing child pornography. Thailand must enact adequate legislation to prevent and punish the grooming of children for sexual purposes.

It is necessary to work to reduce corruption amongst the police forces in order that the existing laws addressing CSEC (Penal Code; Anti-Trafficking in Persons Act 2008; Prevention and Suppression of Prostitution Act 1996) are effectively enforced. Systems must be put in place to ensure that child friendly procedures are followed by the judiciary. It must be ensured that services (including shelter care) for victims are adequate, regularly monitored and are available in all required areas and meet all the necessary support needs. The government must put in place effective systems

to ensure that child victims of CSEC are able to safely and sustainably reintegrate back into society to lead meaningful lives. Repatriation procedures should be speedy and ensure that foreign victims are housed in rehabilitative environments with an adequate standard of living.

The Thai government should adopt and implement the Ministry of Justice and Senate Sub-committee recommendations on improving coordination and sharing of information in the administration of justice for suspected child sex tourism offenders (including monitoring of those on bail).

Child Participation

Thailand must place emphasis on child and youth participation in the development of new action plans and in the approval of new laws. Officials should be sensitised towards the benefits and approaches of child and youth participation in policy making in order that child contributions are used in a meaningful way.

Endnotes

- ¹ Karen Emmons, *Child Protection in Thailand*, 1 February 2007, Ministry of Tourism and Sports. Accessed on 9 November 2009 from the Tourism's Authority of Thailand's News Room: : <http://www.tatnews.org/emagazine/3281.asp>
- ² The Irrawaddy, "Thailand's Economy Growing, Tourism 'Picking Up,'" 6 August. Accessed 10 May 2011 from: http://www.irrawaddy.org/article.php?art_id=19147
- ³ Child Wise, *Travelling Child-Sex Offenders in South East Asia: A Regional Review - 2007/2008*, pp. 23 -24. Accessed on 3 May 2010 from: http://childwise.net/downloads/ASEAN_Report_2007_2008.pdf
- ⁴ The Protection Project, *International Child Sex Tourism. Scope of the Problem and comparative Case Studies*, John Hopkins University, 2007, p. 158. Accessed on 13 July from: <http://www.ecpat.nl/images/13/166.pdf>
- ⁵ The Protection Project, *International Child Sex Tourism. Scope of the Problem and comparative Case Studies*, John Hopkins University, 2007, p. 158. Accessed on 13 July from: <http://www.ecpat.nl/images/13/166.pdf>
- ⁶ Data collected by the ECPAT Programme against child sex tourism.
- ⁷ ECPAT International, *The use of information and communication technologies in connection with cases of child sex tourism in East and South-East Asia*, March 2010, p. 50. Accessed on 3 May 2010 from: http://ecpatinternational.net/EI/Publications/Journals/ECPAT%20Journal_Mar2010_FINAL.pdf
- ⁸ U Department of State, *2009 Country Reports on Human Rights Practices - Thailand*, 11 March 2010. Accessed on 3 May 2010 from: <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136010.htm>
- ⁹ The Protection Project, *International Child Sex Tourism. Scope of the Problem and comparative Case Studies*, John Hopkins University, 2007, p. 158. Accessed on 13 July from: <http://www.ecpat.nl/images/13/166.pdf>
- ¹⁰ The Protection Project, *International Child Sex Tourism. Scope of the Problem and comparative Case Studies*, John Hopkins University, 2007, p. 158. Accessed on 13 July from: <http://www.ecpat.nl/images/13/166.pdf>
- ¹¹ Asia Times, Sparrow William, "Pedophiles get tech-savvy", 26 July 2008. Accessed on 6 May 2010 from: http://www.atimes.com/atimes/Southeast_Asia/JG26Ae01.html
- ¹² COMMIT, 2nd Sub Regional Plan of Action, 2008-2010, Year 1 2008 Annual Report. Accessed on 18 November 2009 from: http://www.no-trafficking.org/reports_docs/commit/annual_report_email_sized.pdf
- ¹³ ECPAT International, East Asia and the Pacific Regional Preparatory Meeting for the World Congress III against Sexual Exploitation of Children and Adolescents, 2008. Accessed on 6 May 2010 from: <http://www.ecpat.net/WorldCongressIII/index.php>
- ¹⁴ ECPAT International, *The use of information and communication technologies in connection with cases of child sex tourism in East and South-East Asia*, March 2010, pp.31 - 32. Accessed on 3 May 2010 from: <http://ecpatinternational.net/EI/Publications/>

- Journals/ECPAT%20Journal_Mar2010_FINAL.pdf
- 15 UNICEF, 'Plus 5' review of the 2002 Special Session on Children and World Fit for Children Plan of Action, Thailand. Accessed on 7 November 2009 from: http://www.unicef.org/worldfitforchildren/files/Thailand_WFFC5_Report.pdf
- 16 UNICEF, *Plus 5' review of the 2002 Special Session on Children and World Fit for Children Plan of Action, Thailand*. Accessed on 7 November 2009 from: http://www.unicef.org/worldfitforchildren/files/Thailand_WFFC5_Report.pdf
- 17 COMMIT, 2nd Sub Regional Plan of Action, 2008-2010, Year 1 2008 Annual Report. Accessed on 18 November 2009 from: http://www.no-trafficking.org/reports_docs/commit/annual_report_email_sized.pdf
- 18 Thai Hotline, FAQs. Accessed on 7 May 2010 from: http://www.thaihotline.org/faq.php?Default_lang=en
- 19 Royal Thai Embassy – Washington D.C., Thailand. Measures in preventing and combating child pornography, June 2009. Accessed on 6 May 2010 from: <http://www.thaiembdc.org/L-News/061909.pdf>
- 20 Committee on the Rights of the Child, "Consideration of Reports submitted by States Parties under Article 44 of the Convention, Second Periodic Report – Concluding observations Thailand", 31 May 2005. Accessed on 11 November 2009 from: [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c2d5cae31ffc2e0bc125715e0048a8cd/\\$FILE/G0640936.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c2d5cae31ffc2e0bc125715e0048a8cd/$FILE/G0640936.pdf)
- 21 The Penal Code Amendment Act (NO. 14) B.E. 2540 (1997). Accessed on 14 June 2011 from: <http://www.baliprocess.net/Files/Legislation/Q-Z/ThailandPenalCode.pdf>
- 22 The Anti-Trafficking in Persons Act, B.E 2551 (2008) Articles 33 and 41
- 23 Penal Code, section 287(1).
- 24 Child Protection Act B.E. 2546 (2003), Article 26(9).
- 25 ASEAN, *ASEAN Responses to Trafficking in Persons, 2006*, p. 64.
- 26 US Department of State, 2008 Human Rights Report: Thailand. 2008, 2009. Accessed on 7 November 2009 from: <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119058.htm>
- 27 Committee on the Rights of the Child (CRC), "Consideration of Reports submitted by States Parties under Article 44 of the Convention Concluding Observations, Thailand", 17 March 2006, CRC/C/THA/CO/2. Accessed on 14 July 2010 from: <http://www.unhcr.org/refworld/docid/45377ed00.html>
- 28 *Commercial Sexual Exploitation of Children – The Situation in Thailand 2009* Presentation by the Anti-Human Trafficking Division of the Royal Thai Police given at the 8th Conference of Investigators on the Commercial Sexual Exploitation of Children in South East Asia, Tokyo, 25-26 November 2009.
- 29 Bureau of Anti-Trafficking in Women and Children, Ministry of Social Development and Human Security, *protect [victims of] human trafficking, eliminate human traders* leaflet, distributed in events organised by the Ministry of Social Development and Human Security to promote the Anti-Trafficking Act 2008, in 2010
- 30 U.S. Department of State, *2008 Human Rights Report Thailand*. Accessed on 14 July 2010 from: <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119058.htm>
- 31 UNIAP (SIREN: Strategic Information Response Network), *Mekong Region Country Datasheets Human Trafficking 2010*, September 2010, p.28. Accessed on 3 June 2011, from: http://www.no-trafficking.org/reports_docs/siren/uniap_2010ht_datasheets.pdf
- 32 The Anti-Trafficking in Persons Act B.E 2551 (2008), Article 37
- 33 UNICEF EAPRO, *Child Trafficking in East and South-East Asia: Reversing the Trend*, Thailand, August 2009, p. 66. Accessed on 5 May 2010 from: http://www.unicef.gr/pdfs/Unicef_Trafficking_Report_Aug09.pdf
- 34 HumanTrafficking.org, Events - Mekong Youth Forum on Human Trafficking. Accessed on 12 November 2009 from: <http://www.humantrafficking.org/events/212>

