



Global Monitoring

Report on the
status of action against commercial
sexual exploitation of children

THAILAND



This publication has been produced with the financial assistance of the Swedish International Development Cooperation Agency (SIDA) and the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg, the Ministry of Foreign Affairs of France, Groupe Développement and ECPAT Luxembourg. The views expressed herein are solely those of ECPAT International. The support received from SIDA, the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg and the Ministry of Foreign Affairs of France does not constitute endorsement of the opinions expressed.



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères



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Design by: Manida Naebklang

Printed by: Saladaeng Printing Co.Ltd.

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Glossary of terms and acronyms

ABAC: Assumption Business Administration College

AIDS: Acquired Immune Deficiency Syndrome

ASEAN: Association of Southeast Asian Nations

CBO: Community-based organisation

CCPCRWR: Centre for the Coordination and Protection of Child and Women Rights

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

COMMIT: Coordinated Mekong Ministerial Initiative against Trafficking

CPCR: Centre for Protection of Children's Rights Foundation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

FACE: Fight against Child Exploitation

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

ICTSD: International Centre for Trade and Sustainable Development

ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
INHOPE: International Association of Internet Hotlines
IOM: International Organization for Migration
IRC: Internet Relay Chat
ISP: Internet service provider
IT: Information technology
MoU: Memorandum of Understanding
NAS: Narcotics Affairs Section
NESDB: National Economic and Social Development Board
NGO: Non-governmental organization
NPA: National Plan of Action
ONCWA: Office of the National Commission on Women's Affairs
OSCC: One-stop crisis centres
POCHT: Provincial Operation Centre on Prevention and Suppression of Human Trafficking
SAARC: South Asian Association for Regional Cooperation
STIs: Sexually transmitted infections
TAT: Tourism Authority of Thailand
UN: United Nations
UNDP: United Nations Development Programme
UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific
UNESCO: United Nations Educational, Scientific and Cultural Organisation
UNHCR: United Nations High Commissioner for Refugees
UNIAP: United Nations Inter-Agency Project
UNICEF: United Nations Children's Fund
UNICRI: United Nations Interregional Crime and Justice Research Institute
UNIFEM: United Nations Development Fund for Women
UNOHCHR: United Nations Office of the High Commissioner for Human Rights
VGCD: Volunteer Group for Child Development
WHO: World Health Organization
WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

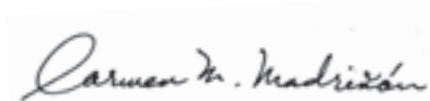
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



THAILAND

Thailand has marketed itself as a popular tourism destination in Asia, and as such, related entertainment businesses have flourished, including sex shops and shows where not only adults, but also boys and girls provide sex services. Several cities in Thailand suffer from the impacts of sexual exploitation of children in tourism, notably Bangkok, Pattaya, Chiang Mai, Chiang Rai and Phuket. Children are readily available in sex establishments and are also approached directly in the street by tourists seeking sexual contact.¹ While sex establishments and hotels are the main venues for this exploitation, a number of cases² suggest that, increasingly, tourists and foreign residents rent long-term accommodation to abuse children and produce child pornography materials more freely, as doing so in hotels and brothels would entail greater exposure and risks.³ Such materials are then widely sold or distributed through Internet facilities.⁴

While the international and Thai media may focus on Western offenders, it is clear that Asian exploiters, including Thai nationals are also responsible for the sexual abuse and exploitation of children.⁵ According to group discussions with college students who volunteer for the Centre for Girls, (a partner of the ECPAT Foundation in the North of the country), college students are being approached and sexually exploited by local adult men, i.e. wealthy men who act as a 'sugar daddy' for the girls, giving them gifts and money in exchange for sexual favours.⁶ As seen from news reports, Internet cafés can become places where local men sexually exploit children, including young boys, in exchange for playing online games for free in a private room at the back of the café.⁷ According to the Office of the Basic Education Commission, between January and September 2006, 25 cases of sexual harassment against school children were reported in a total of 175 educational districts nationwide.⁸

Thailand is a source, transit and destination country for trafficking in children and women for sexual purposes and labour, including forced begging. According to the Ministry of

Social Development and Human Security, the general trends show a decline of Thai children trafficked into the local sex businesses. Instead, they are being trafficked abroad (to Japan and Australia via Malaysia and Hong Kong). With this trend, however, is an increase in the number of foreign children trafficked to Thailand for sexual exploitation.⁹ Boys and girls from Cambodia, China (Yunnan Province), Lao PDR, Myanmar, and Vietnam,¹⁰ as well as ethnic minority groups living in northern Thailand, are trafficked to larger Thai cities for sexual exploitation. According to a recent study conducted by the Institute for Population and Social Research at Mahidol University, children from ethnic minorities such as the Karen and Akha, travel from Mae Sai to Bangkok and Pattaya to stay temporarily in houses provided by operators who cater to the demand from foreigners, many of them regular 'clients', for sex with children.¹¹

Furthermore, as in other parts of the world, Thai children are often groomed through relationships they build with strangers in chatrooms, and are then sexually abused after a face to face meeting. The January 2006 Assumption Business Administration College (ABAC) poll revealed that two per cent of Internet users in Thailand aged between 15 and 24 have met someone they talked to in chatrooms in person; 13 per cent of whom then engaged in sexual activities with such individuals.¹² Social networking websites have become popular meeting venues for Thai children and teenagers who do not seem reluctant to share their personal contact details, including photos, thereby ignoring the risk of falling prey to sexual exploiters. Some female teenagers allow their boyfriends to take photos of their naked bodies without realising the consequences, only to find out later that such images are widely available on the Internet, sometimes circulated through child pornography rings.¹³

Thailand is also widely recognised among local and foreign markets as a location where child pornography is produced and distributed. In October 2006, the Internet Watch Foundation placed Thailand 5th on the list of "Top Five Hosts" of child abuse websites. Based on reports of abuse by web users, almost 5,000 websites (3.6 per cent) can be traced to Thailand.¹⁴

According to the same ABAC poll, children as young as eleven years of age are exposed to extreme forms of pornography on the Internet.¹⁵ Pornographic images, films, texts and comics are available on the streets and online, and can easily be accessed by children. Printed brochures advertise child and adult pornography in the form of CDs and videos, which can be delivered by post randomly and openly using an order form.¹⁶ According to the 4th

quarter 2005 report on Thailand's social movement, released by the National Economic and Social Development Board (NESDB), "children in primary schools preferred to read pornographic comics while those at secondary and undergraduate levels preferred to view pornographic videos".¹⁷ The situation demands that legislation be enacted and adopted urgently in Thailand to tackle the escalating sexual exploitation of children through new technologies and the production and distribution of child pornography. Effective educational policies are also needed to address this problem.

Recent cases, such as the arrest in 2006 of John Karr, while he was working in Thailand illegally as a teacher,¹⁸ have highlighted the vulnerability of school children to sexual exploitation due to the absence of mechanisms to protect children in educational institutions. Foreigners who visit Thailand with the intention of sexually exploiting children take advantage of the Thai policy of visa on arrival. They can easily find employment as a language teacher, which gives them easy access to children. At the time of writing this report, mechanisms to resolve this problem were being studied by the Government.

Thailand adopted the *Stockholm Declaration and Agenda for Action* in 1996. It reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Strategies and mechanisms to address the commercial sexual exploitation of children (CSEC) have now become part of the *National Plan and Policy on Prevention and Resolution of Domestic and Cross Border Trafficking in Children and Women (2002-2007)*. Consequently, other manifestations of commercial sexual exploitation of children (i.e. child pornography) receive less focus, although currently problems related to child sex tourism are being tackled through the development of the *Thailand National Roadmap towards Anti-Human Trafficking and Child Prostitution Caused by Tourism*.

As far back as 1996, Thailand adopted the *National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children*. This Plan was created by the Sub-Committee of the Office of the National Commission on Women's Affairs (ONCWA) with the full cooperation of Thai civil society and international organisations. Its major success was the creation of five new areas of legislation to combat commercial sexual exploitation of children:

- *The 1996 Prevention and Suppression of Prostitution Act*
- *The 1997 Prevention and Suppression of Trafficking in Women and Children Act*
- *The 1977 Penal Code Amendment Act (No. 14)*
- *The 1999 Criminal Procedure Amendment Act*
- *The 1999 Money Laundering Control Act*

By 1999, the Thai Government was placing more emphasis on the broader question of trafficking in women and children rather than focusing on the specific one of the commercial sexual exploitation of children. This can be seen in the number of new laws concerning trafficking that were created. Nevertheless, in that same year the National Youth Bureau was given responsibility for combating the commercial sexual exploitation of children and young persons.¹⁹ Thus, currently there is no national plan of action specifically for CSEC, only for trafficking (including for the sexual exploitation of children).

The *National Plan and Policy on Prevention and Resolution of Domestic and Cross Border Trafficking in Children and Women (2002–2007)*²⁰ thus succeeded the 1996 Plan.²¹ With a budget of 500 million Thai Baht, the new Plan features short, medium and long-term targets related to prevention; assistance and protection; prosecution and suppression; repatriation and reintegration; setting up information, monitoring and evaluation systems; and developing mechanisms for transnational cooperation. Interestingly, a number of measures focus on reducing the demand for sex services from children.²² One good example to illustrate this is the Tourism Authority of Thailand's (TAT) recommitment to uphold that Thailand will not be promoted as a sex tourism destination. TAT thus monitors tourism operators in Thailand and abroad to ensure the policy is complied with. In addition, TAT launched a campaign to deter tourists from visiting Thailand for any kind of sexual purposes.²³

The Ministry of Social Development and Human Security is responsible for overseeing implementation of the Plan through the National Sub-Committee to Combat Trafficking in Children and Women, established in 1994.²⁴ The design of the current NPA is promising because it actively involves all stakeholders (local non-governmental organizations (NGOs), government ministries and international organisations), supports cooperation with neighbouring countries to develop a regional response, and focuses on the major aspects of trafficking (prevention, advocacy, legal reform, care and protection, and reintegration). On the other hand, implementation so far appears to be weak. Law enforcement, especially at the local level, must be monitored to guard against corruption and ensure that proper punishment is administered.

To foster coordinated implementation of the Plan, the Cabinet Resolution of June 2005 approved the establishment of a Provincial Operation Centre on Prevention and Suppression of Human Trafficking (POCHT) to work collaboratively with relevant governmental agencies, NGOs and communities at provincial, national and international levels.²⁵ The Operation Centre is the Thai Government's structural organisation; a "blueprint" for delegating tasks among its branches to combat trafficking. The Provincial Committee is chaired by the Provincial Governor or a Deputy Provincial Governor. It oversees the Centre's operations under the Ministry of Social Development and Human Security, which serves as the National Committee/Centre. The ambassador or consul-general of the Ministry of Foreign Affairs heads the International Committee.²⁶ Each level then collaborates with relevant organisations to execute its duties.

Recognising that child sex tourism is happening on a large scale in the country, in mid-2006, the Ministry of Tourism and Sports, in close collaboration with the Ministry of Social Development and Human Security, local and international NGOs, began drafting the *Thailand National Roadmap towards Anti-Human Trafficking and Child Prostitution Caused by Tourism*. A National Committee to coordinate action and prevent the commercial sexual exploitation of children in tourism is currently being established. Its members comprise representatives from relevant ministries, the Tourism Police, United Nations (UN) agencies and NGOs. Currently the draft plan is based on five key strategies: development of legal mechanisms and measures, awareness raising campaigns for the general public, capacity building of tourism personnel, establishment of a reporting hotline, and strengthening of regional and international cooperation.²⁷

In September 2004, concerned about the wide distribution of child pornography over the Internet, the Ministry of Culture and the Ministry of Foreign Affairs initiated discussions with a view to developing a national policy and strategy to tackle the sexual exploitation of children through new technologies. However, this urgently needed policy has not yet materialised.²⁸

COORDINATION AND COOPERATION

Local and National Level

Thailand currently does not have a national plan of action for ending all forms of commercial

sexual exploitation of children. The Thai Government has instead placed trafficking in general as a priority on their agenda, but must now concentrate on other forms of CSEC and work to revive and improve the 1996 *Plan for the Prevention and Eradication of the Commercial Sexual Exploitation of Children*.

The National Sub-Committee to Combat Trafficking in Women and Children was established in 1994. At that time, it was based under the National Commission on Women's Affairs, Office of the Prime Minister. The Sub-Committee has since changed its name to the National Sub-Committee to Combat Trafficking in Children and Women, and is operating under the Office for the Protection of Children, the Elderly and the Disadvantaged, the Ministry of Social Development and Human Security. Comprising a wide range of representatives from governmental agencies, NGOs and international NGOs, this Sub-Committee has been instrumental in drafting the *Prevention and Suppression of Human Trafficking Act*, which also contained provisions to curb the production and distribution of pornographic materials. Since its establishment, the Sub-Committee has focused its work on prevention measures, such as income-generating activities, awareness raising campaigns at community level, and advocating for compulsory education for children aged six to nine years. The Sub-Committee also promoted the development of a number of key domestic Memorandums of Understanding (MoUs) which “set clear guidelines on operational coordination and action among agencies responsible for assisting both Thai and foreign women and children who fall victim to human trafficking [in relation to] fact finding, prosecution, rehabilitation, repatriation and reintegration”.²⁹ The regional MoUs also identify the roles of the Provincial Operation Center on Prevention and Suppression of Human Trafficking, which include the setting up of a multi-disciplinary team at provincial level and, if appropriate, at district level for dealing with trafficking cases and supporting the victims. Another achievement is the establishment of the *Kredtrakarn* Protection and Occupational Development Centre (commonly known as *Baan Kredtrakarn*), designated to provide shelter and welfare support and assistance to women and girl victims of trafficking. Finally, the Sub-Committee developed 56 indicators on prevention, suppression and handling of cases of trafficking in children and women, used to monitor implementation of the *National Plan and Policy on Prevention and Resolution of Domestic and Cross Border Trafficking in Children and Women*.³⁰

The Sub-Committee works closely with the National Committee on Prevention and Suppression of Human Trafficking.³¹ The National Committee also comprises representatives of government organisations, NGOs and international organisations,³² and has promoted the development of a centralised database on prosecutions related to human

trafficking, including trafficking in children for sexual purposes.

Supporting local partnerships to fight CSEC in the North

The ECPAT Foundation, based in Chiang Rai, Thailand is a network member of the ECPAT Global Network. It works at policy and community levels, focusing on preventive measures to eliminate child prostitution, child pornography, and trafficking in children for sexual purposes in Thailand (especially in the North). It participated in the development of a Memorandum of Understanding in 2003 on common guidelines and practices for relevant private organisations in their dealings with child and woman victims of human trafficking among nine provinces in the North. The ECPAT Foundation is also a key member of the multi-disciplinary team that deals with cases of child victims of trafficking and sexual exploitation in the North of the country.

Through collaboration with specific partners (in Chiang Rai province: Baan Huay Krai School; the Volunteer Group for Child Development (VGCD); the Centre for Girls; and the YMCA Bangkok Foundation in Phayao province) and wider key stakeholders, the ECPAT Foundation promotes the participation of children and young people in combating trafficking and sexual exploitation through community radio programmes. Other activities include the establishment of children's councils in shelters, young people's community watchdog groups in communities, and young people-led research on issues related to the commercial sexual exploitation of children, etc. Its programmes also focus on building the capacity of its partners and local organisations to protect children from commercial sexual exploitation, including trafficking in children, child sex tourism, and child pornography. The ECPAT Foundation and its partners also collaborate with other ECPAT members and organisations at national and regional level to build collaboration to fight against the commercial sexual exploitation of children on as many fronts as possible.

Regional and International Level

Cooperation to combat trafficking in children and women has been significantly strengthened in the last few years through a number of MoUs signed with neighbouring countries. Thailand is also cooperating with several destination countries - such as Australia, Germany, Japan, and the United Kingdom - in repatriation and reintegration programmes, including psychosocial assistance, for Thai victims of trafficking.³³

The National Sub-Committee to Combat Trafficking in Children and Women has been instrumental in developing bilateral and sub-regional MoUs between Thailand and

Cambodia³⁴, and between Thailand and Lao PDR³⁵, and among six countries in the Greater Mekong Sub-Region.

In October 2004, through a regional initiative called the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), Cambodia, China, Laos PDR, Myanmar, Thailand, and Vietnam signed the MoU on *Cooperation against Trafficking in Persons in the Greater Mekong Sub-region*. A plan of action was then developed to guide implementation of the various proposed measures. Regional cooperation on extraterritorial provisions to combat child sex tourism involving foreign nationals has been strengthened, as well as cooperation with the tourism sector with a view to preventing and combating human trafficking, especially in children and women. A survey to identify best practices in tourism that can have an impact against human trafficking has been conducted, as well as regional training sessions targeting government and law enforcement agencies. A Task Force on Trafficking in Women and Children, comprising governmental organisations, NGOs and international organisations coordinated by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region regional office, was set up to facilitate the implementation of this initiative.³⁶ Furthermore, a regional campaign to fight child trafficking in Southeast Asia, named Asia against Child Trafficking (Asia ACTs) was launched in 2001, aiming to raise awareness and empower communities to protect children from trafficking. Local NGOs from the region, including a number of local Thai organisations also participate in this on-going campaign.

Thailand signed bilateral MoUs with Cambodia in May 2003 and with Lao PDR in July 2005, focusing on the repatriation and rehabilitation of trafficking victims, and on training to increase prosecution rates. Similar MoUs are expected to be signed with China, Japan, Myanmar and Vietnam. In this connection, temporary shelters and transit centres run by the State in Cambodia, Lao PDR and Vietnam have been created to receive trafficking victims returned from Thailand.³⁷ Finally, Thailand and the Yunnan province of China have set up focal points for coordinating action against transnational organised crime, including human trafficking. Thailand's focal point is established within the Royal Thai Police, while the counterpart in China is based within the International Cooperation Division, Yunnan Provincial Public Security Department.³⁸

As previously mentioned briefly, the Tourism Authority of Thailand, under the Ministry of Tourism and Sports, is working with different international representatives from governments of child sex tourism-sending countries, UN agencies (World Trade Organization (WTO) and the United Nations Children's Fund (UNICEF)), international

NGOs (including ECPAT International) and international private businesses, to strengthen its efforts to combat the commercial sexual exploitation of children in tourism. Efforts have been made to change Thailand's image to that of a family destination by educating tour operators around the world about the Thai Government's stance against child sex tourism, promoting extraterritorial legislation, and training tourist police. Lastly, TAT adopted the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.³⁹

The ASEAN Regional Education Campaign to Combat Child Sex Tourism

Thailand has participated in the Association of Southeast Asian Nation's (ASEAN) 'Regional Education Campaign to Combat Child Sex Tourism', run since 2006 with full support from the ASEAN Secretariat. The campaign was initiated by Child Wise, the ECPAT group in Australia, and is partly supported by the Australian Government through AusAID.⁴⁰ A variety of awareness raising materials have been distributed in the ASEAN member countries, targeting both tourists and tourism establishments, and a hotline for reporting suspicious cases was set up in every participating country.

The ECPAT International Secretariat is based in Bangkok, Thailand. From its early origins as a campaign aimed at ending child prostitution in Asian tourism, an organisation and global network soon developed which now spans 84 non-governmental organizations and groups in 77 countries worldwide. Over the last decade and a half, the Kingdom of Thailand has facilitated the work of ECPAT International through the formal registration of the organisation in the country, the issuance of visas and work permits for international staff and the participation and support of government officials at ECPAT International events in the country.

Thailand hosts the 2nd ECPAT International Assembly

In September 2002, the 2nd ECPAT International Assembly was organised in Bangkok, Thailand with 137 representatives of ECPAT member organisations from 64 countries around the world, as well as 78 delegates from UN agencies, academia, the private sector, and government and non-governmental organisations. The event was formally opened by H.E. Korn Dabbaransi, Deputy Prime Minister of Thailand at that time. In his opening address, His Excellency noted that trafficking in children for sexual purposes and child pornography are "significant problems in many countries that need cooperation among governmental bodies, inter-governmental organisations and NGOs working in this area at regional and international level". One of the key outcomes of the Assembly was the articulation of plans for collaboration on regional and global activities to eliminate CSEC and the development of plans for their implementation by the ECPAT network in the countries.

PREVENTION

The extension of compulsory education from 6 to 9 years old and the provision of free education for all children up to 12 years old (measures introduced in 2002 by the Thai Government primarily aimed at preventing children from falling prey to commercial sexual exploitation⁴¹) have proved very successful as a prevention strategy against CSEC. Nevertheless, Government statistics indicate that more incentives are needed to ensure higher school attendance rates by children.⁴² Such efforts must target particularly vulnerable groups such as abused and neglected children, street children, children from dysfunctional families, children living in poverty, children from ethnic minority communities, migrant and trafficked children, and children affected by HIV/AIDS and emergency situations (such as those affected by the 2004 tsunami and the current civil unrest in the Southern provinces). While it is evident that large numbers of children are still exploited in sex businesses around the country - particularly in Chiang Mai, Phuket, Pattaya and Bangkok - to date there is no clear strategy to deal with the demand for sex with children, although this is a key element of the *National Plan and Policy on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women*. Moreover, there is an urgent need by the Thai Government to focus on all forms of commercial sexual exploitation of children and not just trafficking.

The Ministry of Social Development and Human Security conducted a sensitisation programme on CSEC and trafficking, targeting girls and women in schools and communities countrywide - reportedly reaching around 50,000 girls and women annually. Publications, leaflets, brochures and posters were distributed, some of them containing information on relevant legislation.⁴³

The Ministry of Tourism and Sports and the Tourism Authority of Thailand have also sought to increase their involvement in preventing child sex tourism, notably by reporting travel agencies that facilitate child sex tourism to the authorities for prosecution.⁴⁴ With strong backing from the Ministry of Tourism and Sports, ECPAT International, Child Wise (the ECPAT network member in Australia) and the international hotel chain *Accor Asia* have worked together to implement the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. Child Wise conducted numerous training sessions for provincial tourism authorities and members of the private tourism sector, on how to handle and repudiate child sex tourism in tourism venues. Knowledge of the issue has been enhanced and the attitude within the industry that child sex tourism cannot be tolerated is well-anchored. Moreover, around 6,000 employees from *Accor* hotels have received training on how to deal with suspected and actual cases of child sex tourism, while guests are informed about the hotel's policy with regards to child protection. Tour operators have also received training on how to prevent child sex tourism.

In August 2005, under Microsoft's five-year 'Partners in Learning' programme, Microsoft Thailand in partnership with the Ministry of Education launched a free online community www.pil.in.th, designed "to promote knowledge sharing among teachers and provide a crucial e-learning resource" on ICT skills that can be transferred to their students. The programme aims to train 20,000 teachers. With this programme, the Thai Government is promoting safe Internet use for teachers and students. Together with Microsoft, they distributed a cartoon book that teaches the general public and children about the dangers of the Internet, such as pornographic websites.⁴⁵

In 2006, under the Office of the Prime Minister, the 24-hour hotline *111*, the website thaicybercop.com, and the radio station FM 105 (between 3 and 5pm) were set up to encourage the public to report incidences of pornographic materials. The Obscene and Pornographic Materials Elimination Centre was also set up to take a leading role in arresting and prosecuting those involved in the trade. The Centre liaises with Internet service providers (ISPs) and serves to ensure that pornographic materials are removed from the Web.⁴⁶

Efforts against online sexual exploitation still insufficient

Between 2004 and 2005, the Ministry of Culture and the Ministry of Information and Communication Technology jointly developed software called 'Web-Guard' to block access by children to inappropriate websites. Twenty-thousand CDs containing the software have been delivered to schools nationwide. However, registration numbers indicate that only 300 individual computers have actually registered to use the software, which suggests that awareness raising efforts against the sexual exploitation of children through new technologies remain inefficient. A reporting tool named *SWING* was also created during the same period for the public to report suspicious websites that may be harmful to children.⁴⁷

While there are various local NGOs working with adults in prostitution in Thailand that may also offer services to children involved in prostitution, they may not always operate from a child rights or child protection perspective.

PROTECTION

The Government of the Kingdom of Thailand signed and ratified the *Convention on the Rights of the Child (CRC)* in March 1992, with reservations about three articles: Article

7, on birth registration; Article 22, on children seeking refugee status; and Article 29, on education. Thailand's reservation regarding these Articles is that their application would be subject to national laws, regulations and prevailing practices in Thailand; in 1997, Thailand withdrew its reservation to Article 29.

In January 2006, the Government of the Kingdom of Thailand acceded to the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*.⁴⁸ Thailand has signed but not yet ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.⁴⁹ ILO Convention No. 182 was ratified in 2001. In 2004, Thailand signed the *ASEAN Declaration against Trafficking in Women and Children*.

Legislation

Over the past years Thailand has devoted serious efforts to designing legislative measures and policies to combat the sexual exploitation of children. Thailand has also taken measures to bring its national laws into conformity with the CRC. However, in spite of the existence of numerous laws, including laws on the prostitution of children and child trafficking, the high level of CSEC crimes in the country, including child prostitution, child trafficking, child sex tourism and child pornography raises pressing questions about the effective enforcement of these laws.

Prostitution of Children

Under Thai law, the prostitution of children meets the definition contained in the *Optional Protocol* - i.e. sexual intercourse or sexual acts with a child under 18 years of age for remuneration. Through the impetus and work of the National Commission on Women's Affairs, Thailand became the first country in the region to pass laws that impose greater penalties on abusers than on procurers of children for commercial sex. However, the actual enforcement of those laws is of great concern. In addition, Thai law differentiates between children who are 15 years of age and younger and children over 15 and under 18. Increased penalties are provided for offences against children 15 years of age and younger. Thai law should be strengthened to provide the same penalties for all cases of exploitation committed against all children under 18 years of age.

Thailand's primary law to protect children against prostitution is the *Prevention and Suppression of Prostitution Act*. Under this law, prostitution is defined as sexual intercourse or any other act to gratify the sexual desire of another person in return for money or any other benefit, regardless of the gender of the people involved.⁵⁰ While the law prohibits sexual intercourse or sexual acts in a "prostitution establishment" with a person under 18 years of age, regardless of consent,⁵¹ it also prohibits public soliciting,⁵² advertising,⁵³ or associating with another person in such an establishment."⁵⁴ The *Prevention and Suppression of Prostitution Act* therefore has broad application and needs to be amended to ensure it exempts all children under the age of 18. In practice, child victims and also child offenders are dealt with by the Department of Juvenile and Family Litigation, and generally subject to the provisions of the *Act on the Establishment of Juvenile and Family Courts*. Within this framework, children are normally not subject to imprisonment.⁵⁵

A person who commits the offence of sexual intercourse or sexual acts in a prostitution establishment with a child of 15 years old or younger, may be punished with two to six years' imprisonment and fined 40,000 to 120,000 Thai Baht (US\$ 1,000 to US\$ 3,000); if the child is over 15 and under 18 years old, the offender may be punished with one to three years' imprisonment and fined 20,000 to 60,000 Thai Baht (US\$ 500 to US\$ 1,500).⁵⁶

This law also makes it illegal to procure, seduce, or take away any person for purposes of prostitution, even if done with the person's consent. As discussed in the section on extraterritorial legislation, the acts constituting the offence may take place in or outside the Kingdom of Thailand. Violators who commit offences against a child 15 years old or younger may be punished with ten to twenty years' imprisonment and a fine of 200,000 to 400,000 Thai Baht (US\$ 5,000 to US\$ 10,000). Violators who commit offences against children over 15 and under 18 years old may be punished with five to fifteen years' imprisonment and fined 100,000 to 300,000 Thai Baht (US\$ 2,500 to US\$ 7,500).⁵⁷ This provision also increases penalties by one third if the offence is committed with fraud, deceit, threats, violence or coercion. A person who supports another person to bring about prostitution knowing that the person was procured, seduced or taken away for purposes of prostitution, is subject to the same penalties as if s/he had committed the offence him/herself.⁵⁸

Thai law also punishes the parents of prostituted children. If the parent of a child knows or connives to have a child under 18 years old procured, seduced or taken away for purposes of prostitution, the parent may be punished with four to ten years' imprisonment and fined 80,000 to 400,000 Thai Baht (US\$ 2,000 to US\$ 10,000).⁵⁹ If a parent connives in the prostitution of a child under 18 years old in violation of the provisions related to soliciting,

associating or advertising, the public prosecutor may apply to the Court to revoke the parents' rights and ask for a guardian to take the parents' place.⁶⁰

The *Prevention and Suppression of Prostitution Act* further penalises those who own, supervise or manage a prostitution business or prostitution establishment. Under this provision, an owner, supervisor or manager of a prostitution business or establishment that involves children 15 years old or younger may be punished with ten to twenty years' imprisonment and fined between 200,000 and 400,000 Thai Baht (US\$ 5,000 to US\$ 10,000). Where the prostitution business or establishment involves children over 15 and under 18 years old, the owner, supervisor or manager may be punished with five to fifteen years' imprisonment and fined between 100,000 and 300,000 Thai Baht (US\$ 2,500 to US\$ 7,500).⁶¹ The law also prohibits detaining, confining, causing bodily harm or threatening to commit violence in order to compel a person to engage in prostitution. Violators may be punished with ten to twenty years' imprisonment and fined between 200,000 and 400,000 Thai Baht (US\$5,000 and US\$10,000). If the offence results in grievous bodily harm to the victim, the punishment may be life imprisonment or, if the offence results in death, the punishment may be death or life imprisonment. If the offender is an administrator, a police officer, or other Government official, punishment may be between fifteen and twenty years' imprisonment and a fine between 300,000 and 400,000 Thai Baht (US\$ 7,500 to US\$ 10,000).⁶²

Finally, the Act establishes a series of national and provincial committees tasked with developing and coordinating activities designed to prevent and suppress prostitution, as well as providing occupational training and development for prostituted persons.⁶³

In addition to the *Prevention and Suppression of Prostitution Act*, Thai criminal law contains several provisions related to sexual offences. Thailand's rape law prohibits sexual intercourse with a girl of 15 years old or younger, with or without her consent. Violators who commit this offence against a girl under 13 years old may be punished with seven to twenty years' imprisonment and fined between 14,000 and 40,000 Thai Baht (US\$350 and US\$1,000), or life imprisonment. Violators who commit this offence against a girl 15 years old or younger may be punished with four to twenty years' imprisonment and fined between 8,000 and 14,000 Thai Baht (US\$200 and US\$350).⁶⁴

Thailand also has a law prohibiting indecent acts, which makes it illegal to procure, seduce or take away a man or woman to gratify a person's sexual desire. Violators who commit this offence against a child 15 years old or younger may be punished with five to twenty years'

imprisonment and fined between 10,000 and 40,000 Thai Baht (US\$250 and US\$1,000), while offences against children over 15 and under 18 years old may be punished with three to fifteen years' imprisonment and fined between 6,000 and 30,000 Thai Baht (US\$150 and US\$750).⁶⁵ Procuring or seducing a person through deceit, threats, violence or coercion is subject to increased penalties. Violators who commit this offence against a child 15 years old or younger may be fined between 20,000 and 40,000 Thai Baht (US\$500 and US\$1000), imprisoned for ten to twenty years, or for life, or may be sentenced to death. Offences committed against a child over 15 and under 18 years old may be punished with seven to twenty years' imprisonment or fined between 14,000 and 40,000 Thai Baht (US\$380 and US\$1100).⁶⁶

Thai law further increases penalties for the offences of rape and indecent acts by one-third where the offender has a close relationship with the child, such as a parent, teacher, or guardian, among others.⁶⁷

Trafficking in Children for Sexual Purposes

Thai law has many provisions that conform to international standards against child trafficking. Acts that constitute trafficking under Thai law include most of the acts outlined in the *Trafficking Protocol*, except transferring or harbouring a trafficked person. Thai law goes further than the *Trafficking Protocol* by punishing the trafficking in children under 15 years old even if there is no exploitative purpose. The law would be even stronger if this provision were extended to all children under 18 years old.

According to the Thai Government's responses to the UN Violence Study questionnaire, Thai laws on trafficking are contained in the *Penal Code* as well as in a separate law, *Measures in Prevention and Suppression of Trafficking in Women and Children*. The *Trafficking Law* prohibits procuring, buying, selling, bringing, sending, receiving, detaining or taking away a woman, or a male or female child, regardless of consent, for purposes of prostitution, committing indecent acts, or the sexual gratification of other persons. Preparing, conspiring, attempting or complicity to commit any of the prohibited acts is equally punished under the law. Trafficking of a child under 15 years of age to gain an illegal benefit may be punished with up to seven years' imprisonment; no exploitative purpose for trafficking is required. Penalties are also increased when an offence is committed with deceit, violence or coercion. Generally, offenders may be punished with one to twenty years' imprisonment;

if the trafficked person suffers serious physical harm or dies, the offender may be sentenced to life imprisonment.⁶⁸

While these provisions generally comply with international standards, weak law enforcement and implementation of anti-trafficking measures in Thailand give cause for serious concern. In its concluding observations on Thailand's second periodic CRC report, the Committee on the Rights on the Child encouraged Thailand to continue to harmonise its law in line with the CRC to ensure full and effective implementation of its national legislation. The Committee also recommended the dissemination of the law to legislators and law enforcement officials, and awareness raising activities to better protect the rights of the child. It was further recommended that appropriate investigation and prosecution of all trafficking cases and protection of child victims of trafficking from being criminalised be ensured.⁶⁹

At the time of writing this report, Parliament was in the process of considering a new draft law on trafficking which broadens the scope of current trafficking offences, enhances protection for victims of cross-border trafficking and increases punishment of offenders. However, there was no information available on the date that this new law is expected to come into force.

Child Pornography

Thai law does not meet international standards for child pornography. It is unclear whether the obscene materials covered by Thailand's obscenity law include child pornographic images. The law does not include digital or electronic images, which are the fastest and easiest ways being used now to create and transmit child pornographic images.

Thailand has a general obscenity law that prohibits producing, possessing, bringing, sending, or causing to be brought into or sent out of Thailand, or circulating by any means, for purposes of trade, public distribution or exhibition, any obscene material contained in printed matter, photographs, films, or audio or video tapes.⁷⁰ This law also prohibits trading in or participating in the trade of, hiring out, or publicly distributing or exhibiting, obscene materials,⁷¹ or assisting in circulating or trading obscene material by informing others of the availability of the obscene material.⁷² Violators may be punished with up to three years' imprisonment, a fine of up to 6,000 Thai Baht (US\$150), or both.⁷³

Extraterritorial Legislation

According to the Thai Government's response to the UN Violence Study questionnaire, Thailand exercises extraterritorial jurisdiction over offences related to the commercial sexual exploitation of children.⁷⁴

Thailand's *Prevention and Suppression of Prostitution Act 1996* makes it an offence to procure, seduce or take away any person for purposes of prostitution, even if the acts that constitute the offence are committed outside Thailand. Violators who commit offences against a child 15 years old or younger may be punished with ten to twenty years' imprisonment and fined between 200,000 and 400,000 Thai Baht (US\$5,000 and US\$10,000). Violators who commit offences against children over 15 and under 18 years old may be punished with five to fifteen years' imprisonment and fined between 100,000 and 300,000 Thai Baht (US\$2,500 and US\$7,500).⁷⁵

The *Penal Code* also contains provisions establishing extraterritorial jurisdiction for a number of sexual offences.⁷⁶ Thai law also includes an *Act on Mutual Assistance in Criminal Matters*⁷⁷ applying to requests for assistance addressed to or from Thailand. Finally, Thailand entered into extradition treaties with ten countries including Belgium, Cambodia, Indonesia and the United Kingdom.

Child Protection Units

Thai law contains some procedures to assist child witnesses during legal proceedings. Child witnesses to criminal acts, including child offenders, must be questioned in an environment that allows the child to avoid confronting his or her offender. The child may request a psychologist, social worker, or other person to be present during questioning. A video or audio recording of the child's testimony may be used in Court. The law also contains additional provisions regarding pre-trial investigation procedures for child witnesses.⁷⁸

Overall, the Committee on the Rights of the Child expressed concern that respect for the views of the child may not be fully taken into account in Court processes involving children and recommended that Thailand improve child-sensitive court procedures.⁷⁹

Networking to promote a multi-disciplinary approach

A multi-disciplinary approach has long been adopted by relevant governmental and non-governmental organizations as an effective tool for collaboration in addressing human trafficking cases, including trafficking in children for sexual purposes. In 2003, the multi-disciplinary approach was institutionally formalised by the *Child Protection Act 2003*, which mandated the establishment of a National Child Protection Committee and Provincial Child Protection Committees using the concept of the multi-disciplinary team approach. The National Committee is chaired by the Minister of Social Development and Human Security. Its members comprise the Permanent Secretaries to the Ministry of the Interior, the Ministry of Justice, and the Ministry of Education; the Attorney General, the Chief of the Royal Thai Police, the Director-General of the Department of Provincial Administration and the Department of Mental Health; the Chief Judge of the Central Juvenile and Family Court, the Director of the Office of Welfare Promotion and Protection and Empowerment of Vulnerable Groups, and distinguished members appointed by the Minister who are experts in the fields of social welfare, teaching, psychology, law and medicine. Two additional persons will be appointed at both Committee levels from those who have a child welfare background; one third of the distinguished members must be women⁸⁰.

Furthermore, the community-based organisation, Development and Education Programme for Daughters and Communities,⁸¹ initiated 'Mae Sai Child Protection and Rights', a network of NGOs, government and community organisations, in the Mae Sai district. The network notifies the authorities of CSEC and child abuse; undertakes rescue, counselling and case follow-up; coordinates information campaigns; undertakes baseline data collection and maintains up-to-date information regarding children's rights; documents best practices and lessons learned through the project. The Mae Sai district was the first district with a network of this kind in Thailand.⁸²

Mandated by the *Child Protection Act 2003*, one of the roles of the National Committee on Child Protection is to advise the Minister regarding the issuance of ministerial regulations to implement the Act; monitor the implementation of the Act; advise, recommend, coordinate with government agencies and the private sector in related fields; monitor and evaluate the implementation of provincial child protection committees; issue regulations on measures that enable child safety protectors to carry out their duties and to inspect welfare centres, nurseries, children's homes, etc. The Provincial Committee is chaired by the Governor, and the members are appointed and selected in the same way as those for the National Committee. The Provincial Committee takes on similar roles to those of the National Committee but focuses on matters at provincial level⁸³.

The Act also states that a competent official, social worker or a willing and suitable person can be appointed as a Child's Safety Protector to carry out welfare assistance, safety protection, and guidance and counseling of the children in accordance with the Act or other laws. The appointment can be made by submitting a request to the Permanent Secretary or the Provincial Governor. The Child's Safety Protector has the authority and duty to visit, advise, and recommend or caution a child under supervision and the guardian of the child on matters of child care and discipline, and to report and make recommendations on the living conditions of the child and the child's guardian to the Permanent Secretary, Provincial Governor, and other relevant professionals and agencies⁸⁴.

In 1999, the Thai Government adopted a policy to eliminate violence against children and women. In 2002, as part of the implementation of this policy under the Ministry of Public Health, one-stop crisis centres (OSCC) were established as a pilot project in twenty selected provincial and community hospitals around the country. The Centres provide medical services for abused children and women, including those who have suffered sexual abuse, and work with relevant professionals using a multi-disciplinary approach when dealing with cases of sexual and physical abuse of children and women. An interview room with video camera is provided within the Centre for interviewing victims or taking statements from victims as part of the prosecution process. Counselling services with qualified psychologists are also available.

Training is organised for staff to increase their understanding of problems related to the abuse of children and women and on providing appropriate services to meet the needs of victims. A procedure for staff to protect victims if the case attracts media interest is also established. The OSCC of Chum Porn Hospital, in Chum Porn – a Southern province - collaborated with NGOs to train local communities on how to cope with problems related to the abuse of children and women and their role as a community watchdog in protecting children and women from such abuses. The OSCC of Pra-Cha-Nu-Kroa Hospital in Chiang Rai province also established a helpline within the Centre to provide counselling to children and women who experience violence, or who are victims of trafficking for sexual purposes, or involved in prostitution. According to statistics for the sexual abuse or sexual exploitation cases that the hospital received, in 2005, 53 cases involved children below 15 years old, 22 cases concerned children who were between 15 and 18 years old, and another 22 cases involved individuals above 18 years old.⁸⁵

Support Services for Children

Six government shelters located in each region of the country provide services for Thai, non-Thai, and unidentified nationality child and women victims of trafficking (including those who were trafficked for sexual purposes), in conformity with the 1997 Act concerning *Measures in the Prevention and Suppression of Trafficking in Women and Children*. The shelters are run under the Department of Social Development and Welfare under the Ministry of Social Development and Human Security. Services provided include accommodation, food, medical care and counselling. A psychosocial recovery programme, non-formal education, recreational services and social activities, life skills education, and vocational training are available. The shelters also work in collaboration with relevant governmental and non-governmental agencies to assist in prosecution processes and to prepare victims for repatriation and reintegration.⁸⁶

To deal with issues in the north of the country, collaboration between government and non-governmental agencies resulted in the Centre for the Coordination and Protection of Child and Women Rights (CCPCRWR) being established in 1998, in Chiang Mai. The Centre provides assistance and services using a multi-disciplinary approach to children up to the age of 18, including children involved in prostitution, and victims of trafficking and women who are victims of violence.⁸⁷

These government shelters have some child protection mechanisms in place according to the Thailand *Child Protection Act 2003*, for example, guidelines and procedures for

receiving visitors; and standards for management of information to maintain confidentiality and protect children. However, these procedures have not been formalized for application at national level. Practices in the shelter largely depend on the staff's common sense and their own interpretations of the national policy.

In addition to the government shelters, there are other rehabilitation or juvenile centres, as well as NGO-run shelters in regions across Thailand. These types of shelters have similar functions to the ones run by the Ministry except that they have no authority to repatriate or exempt victims from being prosecuted for illegal entry. Compared to Government-regulated institutions, their care and protection standards may not be as strong because implementation of national policy tends to be weaker, although in some cases they may provide high levels of care. Moreover, individual staff have different levels of awareness and understanding about what abuse means, or what constitutes good practices in care and protection. The use of unvetted volunteers and staff in some schemes may place children at additional risk.

However, there is still a need to provide increased levels of support services and where necessary appropriate alternative care for children who have not been trafficked, yet who may well be in situations where they are vulnerable to abuse and sexual exploitation. Examples of this would include street children, children selling flowers and other small items in cities and tourist areas and children living in home conditions where there are high levels of violence or neglect.

Training Law Enforcement Personnel

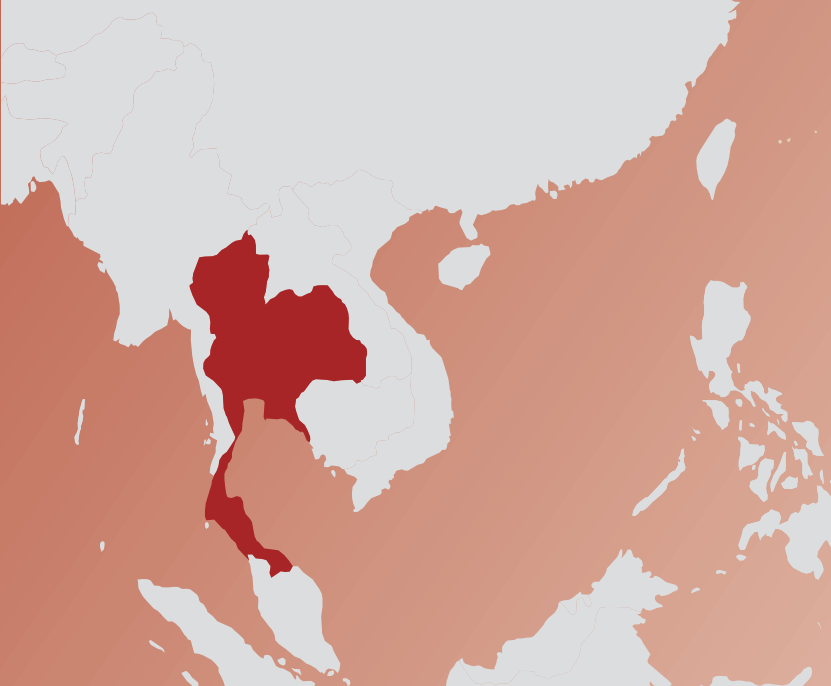
The Royal Thai Police have been systematically trained to be more aware of new government policies regarding the humane treatment of victims of trafficking, in particular as a result

of a series of MoUs between government agencies and between the Government and domestic NGOs.⁸⁸ The Royal Thai Police needs additional training, especially in dealing with other forms of commercial sexual exploitation of children. The Thai Government's emphasis on trafficking alone neglects a large number of children that have been exploited through other forms of CSEC. It must reconsider its action and recreate a national plan of action against commercial sexual exploitation of children.

With support from the United States, the Women and Children Protection Unit of the Royal Thai Police Department received training to 1) enhance the police force's understanding of trafficking in person laws and criminal procedures; 2) promote a human rights approach to protection for victims; and 3) support increased arrests and prosecutions of traffickers. Case follow-up for Thai women trafficked abroad was included in the training.⁸⁹ Also, through support from the Narcotics Affairs Section (NAS), the Office of the Attorney General organised nine training sessions for public prosecutors on human trafficking and their roles in the multi-disciplinary team approach.

To minimise the possibility of revictimising victims of human trafficking in rescue, prosecution, rehabilitation and reintegration processes, a multi-disciplinary approach is being promoted among governmental and non-governmental agencies dealing with human trafficking cases, including those of child victims of trafficking for sexual purposes. Trainings on various occasions using this approach have been organised for relevant governmental agencies, including law enforcement agencies. In mid-2002, a number of local NGOs: Fight against Child Exploitation (FACE); Centre for the Protection of Children's Rights Foundation (CPCR), TRAFCORD, and the Asia Foundation, organised training in the form of a workshop for the first time in order to maximise the understanding of participants and facilitate their initial stage of networking.

In 2006, a training curriculum based on a multi-disciplinary approach to combat human trafficking for practitioners was developed through collaboration between CPCR and FACE, with technical support from ECPAT International, (financial support came from the United Nations Interregional Crime and Justice Research Institute (UNICRI)). The development process of this training curriculum received great support and collaboration from the Ministry of Social Development and Human Security, the Children and Women Protection Centre of the Royal Thai Police, the Crime Suppression Division of the Royal Thai Police, and the Office of the Attorney General.⁹⁰ Furthermore, the Hotline Foundation provided training to police hotline counsellors in Thailand on assisting trafficking victims. Similar training was conducted for police hotline operators from Cambodia and Lao PDR.⁹¹



PRIORITY ACTIONS REQUIRED

- A comprehensive national plan of action to tackle all forms of commercial sexual exploitation of children must be developed as a matter of urgency.
- To reduce demand for sex services from children, clear preventive measures and monitoring mechanisms are needed through awareness raising to encourage greater public mobilisation and stricter law enforcement.
- Thailand must harmonise national laws to comply with international legislation that specifically defines and prohibits the creation, possession and distribution of child pornographic images in visual, audio, electronic or digital media in accordance with the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*.
- As a matter of priority, action must be taken to prevent the sexual exploitation of children through new technologies. Enhanced collaboration is needed among relevant government agencies (i.e. the Ministry of Culture, the Ministry of Information and Communication Technologies and the Ministry of Education), key stakeholders in the private and NGO sector, as well as with children and young people. The former Government's programme 'One Laptop per Child',⁹² which is part of the Thai Education Reform effort, must incorporate curricula and training for teachers and children on measures for protection from exploitation via information communication technology.
- The Ministry of Education must urgently develop employment guidelines and procedures for use by educational institutions which include background and reference checks to protect children from sexual abuse and exploitation by

employees in schools and other institutions. Currently, it is easy for individuals (local and foreign) intent on exploiting children to seek employment in Thai educational institutions, particularly language schools, as these do not have proper systems in place for background and reference checks.⁹³

- ✎ The Government should take urgent action to ensure effective application and enforcement of the relevant legislation for protection of children from commercial sexual exploitation.
- ✎ Thailand must ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* and accelerate implementation of the *ASEAN Declaration against Trafficking of Women and Children*.
- ✎ The *Prevention and Suppression of Prostitution Act* should be amended to exempt children from the application of provisions that could penalise children due to its broad nature.
- ✎ The Thai Government must step up efforts to involve local tourism authorities in the fight against child sex tourism and continue efforts to build awareness in tourism venues.
- ✎ Greater collaboration among Thai and foreign law enforcement of all tourist sending countries is required to ensure prosecution of foreign child sex offenders. Thailand requires the establishment of 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 country.
- ✎ There is an urgent need to research new modalities employed by child sexual exploiters who are using private residences to perpetrate these crimes, in order to develop strategies to engage property managers, brokers, and others in communities/ neighbourhoods in counteraction against sexual exploitation of children.
- ✎ Awareness raising among the increasing number of Thai nationals traveling to other countries in the region and throughout the world is needed to ensure their participation in protecting children everywhere.

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Further note: the signed MOUs are:

- *MoU on Common Guidelines and Practices for Government Agencies Concerned with Cases of Trafficking in Women and Children*, 2nd issue, B.E. 2546 (2003) [the 1st issue was signed in B.E. 2542 (1999)]
- *MoU on the Procedural Cooperation between Government and Non-Government Agencies Working with Cases of Trafficking in Women and Children* B.E.2546 (2003)
- *MoU on the Operational Guidelines of Non-Governmental Agencies Concerned with Cases of Trafficking*

in Women and Children B.E.2546 (2003)

- *MoU on Common Guidelines and Practices for Agencies Concerned with Cases of Trafficking in Women and Children among the Nine Northern Provinces* B.E. 2546 (2003)
 - *MoU on Cooperation in Educating Female Youth for Prevention of Luring in Women and Children* B.E.2548 (2005)
 - *MoU on Common Guidelines and Practices for Agencies Concerned with Suppression and Prevention of Human Trafficking among the Nineteen Northeastern Provinces* B.E.2549 (2006)
 - *MoU on Common Guidelines and Practices for Agencies Concerned with Cases of Human Trafficking among Eight Eastern Provinces* B.E. 2549 (2006)
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