



protecting children everywhere

Child Sex Tourism in Thailand

1. Background

Sex tourism in Thailand can trace its origins to the presence of American military on rest and recreation leave during the Vietnam War from 1962. Today it is part of a burgeoning sex industry that includes prostitution, pornography and human trafficking. Although local men make up the majority of the purchasers of sex, foreign tourists are a significant proportion of these.

Due to the hidden nature of child sexual abuse reliable figures are hard to compile and cases difficult to document. Available figures estimate that some 30,000 to 40,000 children under eighteen years of age, not including foreign children, are exploited as prostitutes. But, the number of Thai children in the sex industry is falling due to improvements in the economy, educational opportunities and legislation. Instead, many of the children being exploited are from neighboring border countries being trafficked into Thailand, or ethnic hill tribe children trafficked within the country from the north. This is being organised by criminal networks that operate much of the sex tourism industry and utilise pre-existing drug smuggling routes for trafficking people. According to the US State Department's Trafficking in Persons Report (2005), "widespread sex tourism in Thailand encourages trafficking for commercial sexual exploitation". The US report also notes that while the government shows some signs of preventing trafficking via law enforcement and curbing corruption, it is still failing to protect child trafficking victims. This is because the government continues to treat them as illegal immigrants and deport them instead of providing them with protection or investigating their abuse.

Since procuring children for sex is illegal in the country the transactions generally take place off-street in bars, brothels or hotel rooms. However, sex tourists have been known to approach and pick up children on the streets. Although pimps are not the norm in mediating for sex with women, they are often involved in the exploitation of children. Relatives and acquaintances also play a role in coercing or persuading children to 'help' the family economically by prostituting themselves. The main areas where sex tourism thrives, in addition to Bangkok and Patpong, are the beach resorts, especially in Phuket and Pattaya.

Thailand Legislation

Thailand is a signatory to the UN Convention on the Rights of the Child since March 27, 1992, and accepts the definition of a child as anyone not over eighteen years of age. However, under domestic law there are different ages of consent depending on the crime committed. According to Thailand's criminal law anyone raping or committing indecent acts against children under fifteen faces seven to twenty years in prison. Child prostitution is illegal under the Prostitution Prevention and Suppression Act (1996). Anyone having sex with a child between fifteen and eighteen years of age faces a fine and a prison sentence of one to three years. If the child is below the age of fifteen the prison term increases from two to six years. The lengthier sentences are reserved for the procurers, seducers and traffickers of children into prostitution who face up to twenty years in prison. Parents who allow a child to enter into prostitution also face punishment. Although the law has provisions to protect witnesses and victims in court these are not widely used. There are detailed provisions, including extra-territorial laws for punishing traffickers in the Measures in Prevention and Suppression of Trafficking in Women and Children Act (1997).

In March 2005, a Cambodian woman was convicted and sentenced to eighty-five years imprisonment for trafficking eight Cambodian girls to Thailand and Malaysia. From 1996 to 1999, there were thirty-seven cases involving sex offenders under investigation by Pattaya police. Additionally, between 1997 and 2001, newspaper reports cited the arrest of fifteen foreign tourists from Europe and America for child sex offences. Local Pattaya police say only three of these were imprisoned.

UK Legislation

While British tourists who commit sexual offences in Thailand can be prosecuted in that country, they can also be prosecuted in the UK for crimes committed while abroad. Under the UK Sexual Offences Act, 2003, article 72, persons can be prosecuted for a crime that is viewed as a criminal offence in both countries. Therefore if a tourist sexually abuses a child in Thailand, they can be tried in the UK as both countries legislate against this offence. This Act is intended to cover crimes that may be committed by the traveller against either a travelling child companion or a child living in the country, but in which the crime is not detected until returning to the UK.

Additionally, the Sexual Offences (Conspiracy and Incitement) Act, 1996, allows for the prosecution of those who conspire to commit a sexual offence outside the UK, or incite someone else to commit the offence. Therefore if one person either helps or pushes another to commit the offence, they too can be prosecuted in the UK.

2. Who are the children and aspects of vulnerability?

Children from various backgrounds are being sexually exploited in the country. While there is a general reduction in the number of Thai children in the sex industry this is not true for all. The northern hill tribe children are especially vulnerable to internal trafficking due to state policies that discriminate against them in education and citizenship and thus expose them to poverty. However, the majority of trafficked children are from Burma, Laos, China and Cambodia.

The reasons why and how children are commercially sexually exploited are manifold and include:

Poverty: A third of the population lives on less than US\$2 a day and in the agricultural northeast one in six people lives on less than US\$1 a day.

Ethnic hill tribe children: There are approximately 800,000 to 900,000 hill tribe people living in the border region of northern Thailand. They suffer from disproportionate levels of poverty in relation to the general population and most of them lack citizenship cards. This means that they do not have access to health care or primary school, which limits their further education or employment opportunities. This discrimination makes the children and women especially vulnerable to trafficking and other forms of sexual abuse.

Trafficked children: Many children are trafficked into or within the country through criminal networks, acquaintances, former trafficking victims and border police and immigration officials who transport them to brothels across Thailand. Because foreign children are unable to speak the Thai language and are often considered illegal immigrants, they are particularly vulnerable to physical abuse and exploitation. Some of these children have been lured into the country with promises of jobs as waitresses or domestic helpers but end up working as prostitutes.

Sense of duty: According to traditional customs the first duty of a girl is to support her family in any way she can. Due to this sense of duty and to pay off family debts, many girls have been forced into prostitution and some have even 'married' their abusers.

Wealthy tourists: The sex tourism industry hinges on the profits made by wealthy tourists and children seeking to escape poverty are often lured into sexual activity. Street children are easily picked up by sex tourists and abused in hotels. Relatives are also known to pressure or coerce young girls into sex with tourists in private homes or hotels.

Foreign child sex offenders: Reportedly, some foreign sex offenders residing in Thailand have taken up professions with access to children or are involved in trafficking children and organising sex tours for other

foreigners. In one known case a British man set up a school for children and sexually abused them for a number of years before his arrest. Increasingly, news reports indicate that paedophiles of various nationalities are travelling to Thailand and easily finding children to abuse because of advances in technology, such as the Internet, web and digital cameras.

3. Who are the abusers?

Male sex tourists from Europe and North America as well as men from neighbouring countries fuel the child sex industry. However, local men are also involved. But, it is the economic power of foreign tourists that makes the sex industry so lucrative for organised criminal gangs and a source of support for individual women or children in the sex industry. These men include both the opportunistic and the paedophile sex tourists who are to be found mainly around the well know beach resorts, such as Pattaya and in Bangkok. There are unconfirmed reports about foreign paedophiles living in Thailand who traffic and continually rotate children around the country's tourist destinations so as to avoid detection by the police. There are also cases of foreign paedophiles setting up residence in the country and abusing children either in their own residences or at places of work allowing access to children.

According to research British men who frequent prostitutes and who may sexually abuse children in Thailand can be characterised within three different categories. These have been identified as the 'Macho Lads', 'Mr. Average' and the 'Cosmopolitan Men'. Macho Lads are in their early twenties who travel in groups and seek sex with many girls or women and congregate around the resort of Pattaya. 'Mr. Average' is generally older, on a second or third trip to Thailand and seeks a longer-term relationship with a prostitute. 'Cosmopolitan Men', well-read and traveled, fail to see any similarity between themselves and other male sex tourists. What all these men have in common is their denial of the exploitative nature of their activities. They frequently rationalize their behavior as benefiting the women or child prostitutes and the local economy. But, overwhelmingly they are attracted to Thailand because sexual services are cheaper than in many other countries and the availability and choice is immense.

4. How is the tourism industry involved and what can it do?

According to the Tourism Authority of Thailand (TAT) there were twelve million tourists in 2004. Tourism is a major foreign currency earner for Thailand, accounting for six percent of its gross domestic product (GDP). Sex tourism is an integral part of this.

However, the government is trying to reverse the image of Thailand as a haven for sex tourists and paedophiles. In 1996, it identified the trafficking of children for sexual purposes as a priority issue and framed a national policy and action plan to prevent it. In 1999, together with NGOs and intergovernmental organisations, the government came up with a "Memorandum of Understanding on Common Guidelines of Practices for Agencies Concerned with Cases Where Women and Children are Victims of Human Trafficking". This is meant to aid police officers in filing charges against those suspected of trafficking offences and protecting victims. More recently, child protection officers have been monitoring offences against minors in Pattaya, and carrying out awareness-raising campaigns to encourage people to report abuses to a new hotline number. However, arrests and prosecutions of offenders remain low despite all these and previous measures. In addition, hill tribe children remain excluded from many of the prevention programmes and victim services.

The government is also working with the tourism industry, nongovernmental and international organisations to provide young people with skills and employment opportunities to widen their options. The TAT works with tourist police in detecting and prosecuting sex tourism operators found guilty of organising sex tours. UNICEF has teamed up with eighteen hotels to provide job training in hotel work for young people from poor rural families.